

PUBLICATIONS

Amended Expert Discovery Rules One Year Later: Has Anything Changed?

January 18, 2012

Amendments to Federal Rule of Civil Procedure 26, effective as of Dec. 1, 2010, promised to dramatically restrict the discoverability of materials related to work performed by a party's testifying experts. An express purpose of the amended Rule 26 was to "alter the outcome in cases that ... require[d] disclosure of all attorney-expert communications and draft reports." Fed. R. Civ. P. 26 advisory committee's note, 2010 amendment. Accordingly, with limited exceptions, amended Rule 26 grants work product protection to draft reports prepared by testifying experts, as well as to communications between a party's attorney and a testifying expert. But one year after the amended Rule 26 took effect, has the landscape of expert discovery truly changed?

Related People



**William
Gussman**

Partner
New York

Practices

**COMPLEX COMMERCIAL LITIGATION
LITIGATION**

Attachments

[!\[\]\(de95854c7ee024cfadc48187bbb781b2_img.jpg\) Download Article](#)