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The discovery process is vitally important to the civil court system as it allows the litigants on both sides of the case in dispute to assess their strengths and weaknesses and then make a determination after conducting a cost/benefit analysis whether to pursue the matter further in courtroom. "The Federal Rules of Civil Procedure provide that parties may discover anything that is relevant and unprivileged. ...By the close of discovery, assuming discovery is conducted ethically, diligently, and thoroughly, each party possesses exhaustive amounts of information obtained from the other. A civil attorney then has the opportunity to analyze, distinguish, and dismantle the legal and factual theories advanced by the opposing party (Larson, 2017)." By requiring both parties in a dispute to turn over evidence they intend to use in a trial to the opposing side, it often time forces one or both of the litigants to resolve the matter without further court intervention, thus freeing up the public court system to address other matters that may be more beneficial to society as a whole. The discovery process can act as a preview of what would occur in the trial. Discovery is often expensive and extremely time-consuming for all parties involved, which benefits the court system by disposing of these cases before they ever go to trial by encouraging both sides to come to an agreement. "Across all case type categories, the highest litigation costs are incurred during discovery and trial (Kauffman, 2013)."

Although a wide-reaching and thorough discovery process might be an efficient way for the courts to dispose of cases in the civil courtroom, in criminal cases the discovery process does not always have the same effects. Prosecutors are required to turn over all non-protected evidence that might be used against a defendant during trial, but "a criminal defendant has no equivalent duty because of the right against self-incrimination. Additionally, in jurisdictions that require limited forms of pretrial disclosures or court-ordered depositions, requesting evidence in possession of a defendant may be useless; any evidence in the defendant’s possession that tends to support a finding of guilt is protected by the constitutional right against self-incrimination (Larson, 2017)." While this may help the courts dispose of some criminal cases since the defense will have more information than the prosecution, it will not help in the majority of criminal complaints because discovery is so lopsided that the prosecution does not have the same opportunity to assess whether the case they are litigating is worth bringing to trial which can result in more criminal cases using the court's resources.

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peer 2

There was a time when documents were few, discoverywas limited & cases were tried quickly.Now in this day & age judicial discovery & efficiency is important, without it cases may not be process.

Discovery for example: can delay a case, consume a litigants resources, & in the end be useless. Lawyers can be so involved in the discovery details that they forget about the main issue or aspect of the case.

Judges see discovery as an important aspect of litigation.The Judges goal is to see that each party obtains discovery without undue cost, & that neither parties are overwhelmed by discovery, & the process takes place with reasonable speed,& is conducted in a professional manner.

Judges prefer to resolve disputes informally & then decide discovery motions promptly. Not all discovery disputes can be handled without motions, but by being accessible the court may prevent problems.

The purpose is to provide efficiency, & the focus is the litigation process to curtail discovery cost. The scope of discovery requested in litigation helps to alleviate the high cost & burden associated with controlling discovery & ensuring efficiency in litigation.

Parties may claim or obtain, any non privileged matters that are from any parties that claims or defense, including the existence, description, nature, custody, condition, & location of documents that identify discoverable matters & factors of the cost of discovery in litigation.

When the high cost in litigation creates a barrier for many to get their case to Federal court. This should help the attorneys on either side to weigh the cost & discovery requested. The importance of discovery is to resolve issues, whether or not the burden or expense outweighs its benefit, within the time frame to speed up the litigation process.

The new ninety day time limit provides more efficiency in the litigation process to implicate change & efficiency to reduce the burden of high litigation cost.

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