

Quick Chart Highlighting Significant Civil Discovery Reform Changes

TOPIC	OLD RULE	NEW RULE
Scope of Discovery	Broad language under which parties are entitled to “obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action ... and "appears reasonably calculated to lead to the discovery of admissible evidence.”	Limitation that discovery be “proportional to the needs of the case, taking into account all pertinent factors, including whether the burden or expense of the proposed discovery outweighs its likely benefit, the complexity of the case, the importance of the issues at stake in the action, the amount in controversy, and the parties’ resources and access to relevant information.”
Initial Disclosures	None required.	Parties in most cases must file initial disclosures, including factual basis of claims and defenses, legal theories, names of people with discoverable information, electronically stored information (ESI), computation of damages, copies of insurance agreements, and anticipated subject areas of expert testimony. MCR 2.302(A)(1). Additional requirements for no-fault and personal injury cases. MCR 2.302(A)(2), (3). Filing parties must serve disclosures 14 days after answer filed; answering parties must serve initial disclosures 14 days after opposing party’s disclosures are due or 28 days after answer filed, whichever is later. MCR 2.302(A)(5).
Discovery Plan	No specific rule.	Upon court order or written request of a party, “parties must confer among themselves and prepare a proposed discovery plan.” MCR 2.401(C)(1).
Depositions	No time limits.	Individual depositions limited to one day of seven hours. MCR 2.306(A)(3).
Interrogatories	No numerical limits.	Limited to 20 (35 in domestic relations cases). MCR 2.309(A)(2), 3.201(C).
ESI Conference and ESI Discovery Plan	No specific rule.	Judge has discretion to order the parties to hold an ESI conference when “a case is reasonably likely to include the discovery of ESI.” MCR 2.401(J)(1). Within 14 days after the ESI conference, the parties must file an ESI discovery plan and a statement about any contested issues. The plaintiff is responsible for submitting the plan to the court unless the parties agree otherwise. MCR 2.401(J)(2).
ESI Competence	No specific requirements for attorneys.	Attorneys participating in an ESI conference “must be sufficiently versed in matters relating to their clients’ technological systems to competently address ESI issues[.]”



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