

*The Sedona Conference  
Commentary on Proportionality  
in Electronic Discovery  
(May 2017)*

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Achieving proportionality in civil discovery is critically important to securing the “just, speedy, and inexpensive resolution of civil disputes” as mandated by Federal Rule of Civil Procedure 1. This is the third iteration of *The Sedona Conference Commentary on Proportionality in Electronic Discovery*, a project started in 2010 by The Sedona Conference Working Group on Electronic Document Retention & Production (WG1), revised in 2013, and now updated to reflect the significant and evolving emphasis on proportionality under the 2015 amendments to the Federal Rules of Civil Procedure. This *Commentary* delineates reasonable guidance on the application of proportionality standards that should enable common sense discovery practices and further the objective of the rules.

This *Commentary* presents six practical Principles of Proportionality:

- Principle 1** The burdens and costs of preserving relevant electronically stored information should be weighed against the potential value and uniqueness of the information when determining the appropriate scope of preservation.
- Principle 2** Discovery should focus on the needs of the case and generally be obtained from the most convenient, least burdensome, and least expensive sources.
- Principle 3** Undue burden, expense, or delay resulting from a party’s action or inaction should be weighed against that party.
- Principle 4** The application of proportionality should be based on information rather than speculation.
- Principle 5** Nonmonetary factors should be considered in the proportionality analysis.
- Principle 6** Technologies to reduce cost and burden should be considered in the proportionality analysis.

The full text of *The Sedona Conference Commentary on Proportionality in Electronic Discovery* is available free for individual download from  
The Sedona Conference website at  
[https://thesedonaconference.org/publication/Commentary\\_on\\_Proportionality\\_in\\_Electronic\\_Discovery](https://thesedonaconference.org/publication/Commentary_on_Proportionality_in_Electronic_Discovery).

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