



SUPREME COURT OF GEORGIA

Atlanta

October 12, 2016

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

The Council of Superior Court Judges has requested that the Court approve a new Uniform Superior Court Rule 6.8, which would essentially mirror the recently amended Federal Rule of Civil Procedure 37 (e) on the subject of what remedies a trial court can impose when a party fails to preserve electronically stored information in civil discovery. Recognizing that this issue has been the topic of vigorous debate in the State Bar of Georgia and legislative process for the past several years, the Court solicited comments from all interested persons and entities on both (1) the merits of proposed Rule 6.8 and (2) the propriety of this subject being regulated by uniform court rule rather than by statute and/or decisional law. Numerous comments were received, many of which were extensive. Having reviewed the comments and carefully considered the questions presented, the Court declines to approve proposed Rule 6.8 at this time. The Court may reconsider this decision if the circumstances materially change.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Thiase A. Barnes, Clerk