Panel 1: Judicial and Rulemaking Perspectives on Cooperation

Judge Lee H. Rosenthal

I. Challenges for a Judge
   a. Recognizing when parties fail to live up to the current set of expectations governing cooperation.
      i. This in turn requires identifying what those expectations look like in specific cases
   b. What practical and useful options are available to improve the parties’ approach?

II. How to Improve Cooperation on a Larger Scale – Competing Options
   a. Should the Federal Rules of Civil Procedure be amended to require cooperation?
   b. Are there other institutional reforms that would work better?