INTRODUCTION

We are pleased to publish the second edition of the *Discovery Deskbook for Construction Disputes*. In some respects, little has changed since the 2006 first edition. There have been no dramatic changes in the Federal Rules of Civil Procedure governing discovery. Skills for deposing fact and expert witnesses have not been revolutionized.

The dispute resolution landscape continues to evolve, however, because of changes in the construction industry. Technology advances, refined delivery methods, and more complex projects increase the potential for disputes in the nature and quantity of discoverable information. Not surprisingly, the cost of legal and professional services has also climbed. These factors make wise and efficient discovery all the more necessary.

As in 2006, the number of construction disputes going to trial remains small. Reductions in arbitrations are also reported. Effective discovery, therefore, is critical to well-informed decisions to settle disputes. Varied approaches to discovery in arbitration, both within the United States and internationally, also underscore the importance of arbitral forum selection as a means to encourage or limit discovery. Hence the reason for the Deskbook’s second edition.

This book also includes valuable “Practice Pointers” contributed by the authors. Their insights will benefit all readers regardless of age or experience. The editors express their appreciation to the authors, the Forum’s Governing Committee, Publications Committee, and Publications staff for making the second edition possible.

The Editors
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