

# Contracting Out Discovery Dispute Resolution

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Special Masters are often appointed by courts in complex litigation to oversee discovery and resolve discovery disputes between litigants. Yes, they are an added expense, but their ability to quickly and efficiently resolve disputes among the many parties is minimal compared to the litigation stakes. But with more discovery disputes arising in non-complex matters and congestion growing in local courts, a trend is increasing to use special masters and mediators to resolve discovery disputes. This is particularly true in light of the recent budget cuts to several courts in California.

One [expert](#), argues that discovery has become more prone to disputes and that the solution is e-discovery mediation done by a neutral. Shifting the process out of the courts, which are financially constrained and backlogged, has the benefit of decreasing the time needed to resolve these issues, reducing the time cases are in litigation, and reducing overall litigation costs. This helps both sides, unless of course one side is using discovery and its attendant costs as a litigation technique to gain the upper hand or force a settlement.

Perhaps most important in the current environment, mediating discovery disputes related to electronically stored information and other matters will help to alleviate the growing financial burden on the court system in light of recent reductions in court funding, something we've written about previously [here](#) and [here](#).

Contracting out discovery dispute resolution is an idea whose time has come, a trend that is likely to increase.

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