

## **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?