



# HON. RICHARD E. BEST

Commissioner, San Francisco Superior Court  
(Retired)

## BIOGRAPHY

Discovery Referee by court appointment. The Hon. Richard E. Best presided over discovery and other law and motion matters in San Francisco Superior Court from 1974 to March 2003. On March 15, 2003, Commissioner Best announced his retirement from the San Francisco Superior Court after 29 years of service. He served in various assignments, but is most commonly associated with law and motion hearings involving civil discovery. He continues to promote the use of proven technology and professional conduct to attain more efficient, effective, and economic discovery and to devote some time as a private discovery referee.

## EDUCATION

1968 LL.B, Columbia University, School of Law  
1965 A.B. in Economics, Indiana University - College of Arts & Sciences

## PROFESSIONAL EXPERIENCE

1968 New York State Bar, Retired  
1971 California State Bar

Discovery Referee by court appointment

San Francisco Superior Court, 1974 – 2003

Discovery and other Law & Motion matters heard since 1974

Member, Civil & Small Claims Advisory Committee to California Judicial Council  
Chair, Discovery Subcommittee, 2000, 2001

Proposed, drafted, and worked to enact legislation on civil procedure and evidence including legislation for use of technology in civil litigation and discovery, Code of Civil Procedure §§2017(e) & 2025(h) enacted in 2001 and effective 2002

Proposed, drafted, and worked for adoption of California Rules of Court and legislation on civil procedure and evidence including Rules 335, 341, E.C. §915, CCP §2026

Formed lawyers committee on employment law form interrogatories, which led to adoption by the Judicial Counsel of form interrogatories for employment law litigation

Formed lawyers committee to evaluate need for special rules and discovery relating to electronic data and documents

Contributor to continuing legal publications on civil procedure, probate, and conservatorships published by Continuing Education of the Bar, The Rutter Group, Nolo Press, BNA, CJER, Tech Journal, Pike & Fischer, California Center for Judicial Education and Research; Contributing Editor, Civil Procedure Before Trial, The Rutter Group; Advisory Board, Digital Discovery & e-Evidence, Pike & Fischer, Inc.

## **RECENT PUBLICATIONS**

“Taming the Discovery Monster” California Litigation: The Journal of the Litigation Section, State Bar of California, November 2005

“E-Discovery Basics” California Litigation: The Journal of the Litigation Section, State Bar of California, August 2005

“How, When & Why to Use a Discovery Referee”, Pike & Fischer, Digital Discovery & e-Evidence, Vol. 5, No. 1, January 2005

"The Need for Electronic Discovery Rules." Modern Practice, Findlaw (2002).

California E-Discovery Legislation: Digital Discovery & e-Evidence. Pike & Fischer, Inc. (2002).

"New Authority for Implementing Technology in Discovery: Tech Guide for California Courts." Vol.3, No.3, California Judicial Education & Research (Winter, 2002).

"Discovery Of Electronic Data & Documents." Selected Civil Law Topics (CJER 2001).

"Discovery Case Outline." Discovery Planning: Strategies, Tools & Tactics, (CEB 2001).

"A Web Site for Every Court." Tech Guide for California Courts. Vol.2, No.1(CJER,2000).

"Discovery of Electronic Data & Documents." Discovery & Admissibility of Electronic Evidence (CEB 1999).

## **2005 CONTINUING LEGAL EDUCATION**

Electronic Discovery Guidance for Corporate Counsel  
Ethical Issue in Electronic Discovery  
San Francisco, December 16, 2005  
Practicing Law Institute

Annual Electronic Discovery & Records Management Seminar  
December 8-9, 2005  
San Francisco

Basic Electronic Discovery  
SF Bar Association, Litigation Section  
November 11, 2005  
San Francisco

Taking Effective Depositions  
June 7, 2005; 9:00-4:30  
with Mary Alexander, Frank Pitre, David McClean, Neill McCarthy  
Crown Plaza, San Francisco  
Lorman Education Services

How, When and Why to Use a Discovery Referee  
with Craig Ball  
May 4, 2005  
webcast on Discovery Resources, Fios Inc.

Judicial Perspectives on Electronic Discover  
With Hon. David J. Waxee, Federal District Court, Kansas; Kenneth J. Withers, Federal Judicial  
Center  
April 28, 2005  
Kroll Ontrack Online Seminar

Electronic Discovery & Digital Evidence Institute  
State Bar of Texas, Litigation Section  
Hotel Derek, April 6, 2005  
Houston, Texas

Glasser Legal Works Legal Technology Show  
March 17 & 18  
Hyatt  
San Francisco

Electronic Discovery in California: Legal Strategies & Best Pictures  
January 27, 2005  
sponsored by the Lorman Education Services  
San Francisco

June 25 2002  
Richard Best, Mary Alexander, Frank Pitre, Jack Slobodin  
San Francisco  
Lorman Education Services

Association of Defense Counsel  
Reno, Nev.  
May 16, 2003

Legalworks Seminars  
Strategies & Best Practices of Cost Effective Electronic Discovery [Tuesday]  
Multimedia Depositions, Remote Arguments [Wednesday]  
Demystifying Electronic Discovery, Effective Records Management & Risk Control [Wed.  
Breakfast Workshop]  
April 22-23, 2003

Getting Technology Right: 6th Annual Technology Answer Show  
San Francisco Hilton Hotel  
Glasser Legal Works  
Litigation Section  
San Francisco Bar Association  
April 10, 2003; 12:00 Noon Luncheon  
Commissioner Everett A. Hewlett Jr., William Lee and Richard Best  
Civil Discovery in San Francisco

CLE Discovery Program  
April 3, 2003, 5:00PM  
HANCOCK, ROTHERT & BUNSHOFT  
4 Embarcadero Center 3rd Floor  
San Francisco, California

Effective Use of Technology in the Litigation Practice  
March 21, 2003  
Grand Hyatt San Francisco  
San Francisco, California

Electronic Evidence Discovery  
March 7, 2003  
School of Law, University of Missouri, Kansas City  
Kansas City, Missouri

## **2002 CONTINUING LEGAL EDUCATION**

Electronic Discovery  
December 5, 2002  
Association of Defense Counsel Annual Meeting  
San Francisco, California

Sixth Annual Electronic Discovery & Records Management Seminar  
December 5, 2002  
Glasser Legal Works  
San Francisco, California

Discovery of Electronic Data & Documents  
Assigned Judges Continuing Education  
October 18, 2002  
California Center for Judicial Education and Research  
San Mateo, California

Effective Use Of Technology In Litigation  
Keynote Address, Panelist on Ethics Issues  
September 26-27,2002  
Seattle, Washington

Taking Effective Depositions  
June 2002  
Richard Best, Mary Alexander, Frank Pitre, Jack Slobodin  
Lorman Education Services  
San Francisco, California

Fundamentals Of Pretrial Practice  
Continuing Education of the Bar  
April 19 & 20; 12 hours  
CEB Program  
San Francisco, California

BNA Litigation Forum--Electronic Discovery: Best Practices and Evolving Law  
Moderator Of Panel On Privilege Issues  
April 4 & 5, 2002  
San Francisco, California

Essentials of Electronic Discovery  
Moderator Of 5 Panels  
March 2002  
Continuing Education of the Bar  
Los Angeles, San Diego, San Francisco, Sacramento, Orange County

San Francisco Discovery Practice  
Barristers Club - San Francisco Bar  
February 2002  
San Francisco, California

Electronic Discovery: Tips Tactics and Technology  
Keynote: "Making E-Discovery Work: Rules, Referees and Reason"  
February 5, 2002  
Ontrack  
Los Angeles, California

## **2001 CONTINUING LEGAL EDUCATION**

Fifth Annual Electronic Discovery & Records Management Seminar  
2001  
Glasser Legal Works  
San Francisco, California

Retired Judges: Electronic Discovery  
November 2  
California Center for Judicial Education and Research  
San Diego, California

Latest Deposition Techniques  
October 19; November 14, 2001  
San Francisco Bar Association

Electronic Discovery and Other Prickly Discovery Issues  
CELA Annual Conference  
October 27, 2001  
California Employment Lawyers Association  
San Francisco, California

BNA Litigation Forum--Electronic Discovery: Best Practices and Evolving Law  
October 15 & 16  
BNA; PIKE & FISHER  
San Francisco, California

Continuing Judicial Studies Program  
Electronic Discovery  
August 5  
California Center for Judicial Education and Research  
San Diego, California

Discovery: Strategies & Tactics For Success  
July 2001  
Continuing Education of the Bar  
San Francisco, Sacramento

Taking Effective Depositions  
June 2001  
Richard Best, Mary Alexander, Frank Pitre, Jack Slobodin  
Lorman Education Services  
San Francisco, California

5th Annual Technology Answer Show  
April 24 & 25, 2001  
Glasser Legal Works  
San Francisco, California

Electronic Discovery  
Civil Law and Procedure Institute  
January 27, 2001  
California Center for Judicial Education and Research  
Monterey, California

## **1999 CONTINUING LEGAL EDUCATION**

Fundamentals Of Pretrial Practice  
12-Hour Ceb Program  
November 5 & 6, 1999  
San Francisco, California

Strategic Tips For Successfully Propounding & Opposing Written Discovery  
CEB Moderator  
July 10 & 24, 1999  
Sacramento, San Francisco

Taking Effective Depositions  
June 25, 1999  
Richard Best, Mary Alexander, Raoul Kennedy, Frank Pitre, Jack Slobodin  
Lorman Education Services  
San Francisco, California

Discovery & Admissibility Of Electronic Evidence  
CEB Moderator  
May 7-8, 15 & 21-22, 1999  
San Diego, San Francisco, Century City, Anaheim, Sacramento

Computer Discovery & Electronic Data Retention Risk Control  
March 26, 1999  
Glasser Legal Works  
San Francisco, California

Discovery: Strategies & Tactics For Success  
Moderator  
March 3 & 27, 1999  
Arne Wercheck, Arthur J. Casey, Richard Best  
San Francisco & Sacramento

Queen's Bench ABC's of Law  
September 15, 1998  
Everet A. Hewlett, Barbara Lawless & Richard Best  
San Francisco Courthouse  
San Francisco, California