

RESOLUTION 08-06-2016 (As Amended)

DIGEST

Discovery: Informal Conferences

Adds Code of Civil Procedure section 2016.080 to enable trial courts to enact local rules requiring informal discovery conferences prior to filing motions to compel.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to add Code of Civil Procedure section 2016.080 to read as follows:

- 1 §2016.080.
- 2 Each superior court judge may require by order or local rule of court, preliminary consultation with the
- 3 court or an informal discovery conference, before, at the time of filing, or after filing a discovery motion.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Women Lawyers Association of Los Angeles

STATEMENT OF REASONS

The Problem: Some trial courts have either required or offered to have the parties come before the Court/Judge for an Informal Discovery Conference before filing a motion to compel further responses to written discovery. The Informal Discovery Conferences are a great way for the judge to get a quick look at the controversy and try to resolve it without the hundreds or thousands of pages of a separate statement, exhibits, etc. They work in the vast majority of the cases and resolve the matter without anyone filing a motion to compel thus saving the courts and the parties a lot of time, money etc. However, there is no statutory authority to allow a court to require an Informal Discovery Conference.

The Solution: This resolution would not require that all jurisdictions have Informal Discovery Conferences, it would just give the Superior Courts authority to require them and authority to pass Local Rules relating to them and the procedures governing them.

IMPACT STATEMENT

This proposed resolution does not affect any other law, statute or rule.

CURRENT OR PRIOR RELATED LEGISLATION

Not known.

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**RESOLUTIONS COMMITTEE RECOMMENDATION
APPROVE IN PRINCIPLE**

History:

No similar resolutions found.

Reasons:

This resolution adds Code of Civil Procedure section 2016.080 to enable trial courts to enact local rules requiring informal discovery conferences prior to filing motions to compel. This resolution should be approved in principle because it furthers a worthy objective in allowing courts to adopt local rules that require informal discovery conferences prior to the filing of motions to compel further responses to written discovery which often eliminates the need for the motion to compel.

This procedure may lead to a more efficient resolution of discovery disputes by reducing the expense and delay associated with formal discovery motions. In jurisdictions that conduct informal discovery conferences the courts and parties report that the conference often resolves the issues eliminating the need to file motion to compel saving the parties time and money, and conserves judicial resources. This resolution would enable courts to require litigants to participate in informal discovery conferences and create procedures regarding the manner in which the conferences are conducted, without mandating that all courts or jurisdictions employ this procedure when not appropriate based upon local practices and resources.