

MEMORANDUM 2026-23

Civil Discovery Improvements (Status Report)

At its March 20, 2026, meeting, the Commission¹ considered Memorandum [2026-15](#),² which reactivated the portion of the study on Civil Discovery Improvements relating to informal discovery conferences. The Commission agreed with the staff’s proposed next steps for the study, namely to conduct broad stakeholder outreach to collect information about experiences with Chapter 189 of the Statutes of 2017 (AB 383, Chau)³ from litigants and courts.⁴ The purpose of this outreach is to determine whether AB 383 should be reenacted, with or without changes. This Memorandum provides a status update on outreach for this study.

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Since the March meeting, the staff has compiled a list of the individuals and groups it intends to contact. A spreadsheet containing those stakeholders is attached for the Commission’s review and comments.⁵ In addition, the staff has prepared proposed questions for stakeholder outreach, also attached.⁶ The questions are designed to determine whether the goals of the legislation were met, whether any improvements could be made based on litigants’ and courts’ experiences, and whether courts have continued to use informal discovery conferences despite the legislation’s sunset. The staff is also working on a survey based on these questions; however, the success of the survey will depend on whether stakeholder organizations are willing to distribute the surveys to their members.

¹ Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission’s staff.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

² Memorandum [2026-15](#).

³ [2017 Cal. Stat. ch. 189](#) (AB 383, Chau); AB 383 was sponsored by the California Conference of Bar Associations and had no known opposition.

⁴ Memorandum [2026-16](#), pp. 4-5.

⁵ EX 1.

⁶ EX 2.

Does the Commission have any additional individuals or groups it suggests the staff contact or any comments or suggestions on the proposed questions?

On April 29, 2026, the staff sent a letter⁷ to the Chairs and Vice Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary with a description of the scope of work of this study, as required by Section 250(c) of the Commission’s Handbook of Practices and Procedures and the Commission’s Biennial Resolution of Authority.⁸

Respectfully submitted,

Amy Seilliere
Staff Counsel

⁷ EX 4.

⁸ California Law Revision Commission, *Handbook of Practices and Procedures* § 250(c) (“When commencing a new study that is part of the Calendar of Topics authorized by concurrent resolution, the Executive Director shall submit a detailed description of the scope of work to the Chairs and Vice Chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary, and any other policy committee that has jurisdiction over the subject matter of the study.”). This section is based on the requirement in the Commission’s Biennial Resolution of Authority to notify the policy committees ([2024 Cal.Stat. ch. 138](#) (ACR 169, Kalra)), which provides:

Resolved, That before commencing work on any project within the calendar of topics the Legislature has authorized or directed the commission to study, the commission shall submit a detailed description of the scope of work to the chairs and vice chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary, and any other policy committee that has jurisdiction over the subject matter of the study, and if during the course of the project there is a major change to the scope of work, submit a description of the change;

Stakeholder Group	Primary Contact Name	Contact Role/Title	Notes
California Defense Bar <i>California Advocates</i>	Cliff Costa Mike Belote	Gov't Affairs Advocate Gov't Affairs Advocate	
California Judges Association <i>California Advocates</i>	Cliff Costa Mike Belote	Gov't Affairs Advocate Gov't Affairs Advocate	
Consumer Attorneys of California	Saveena Takhar Nancy Peverini	Senior Legislative Counsel Legislative Director	
California Lawyers Association <i>California Advocates</i>	Saul Bercovitch Cliff Costa Mike Belote	Chief Governmental Affairs Officer Gov't Affairs Advocate Gov't Affairs Advocate	
Conference of California Bar Associations (CCBA) <i>Conference of California Bar Associations</i>	Ujvala Singh Ryan Dean John Short	Chair, CCBA Treasurer, CCBA Secretary, CCBA	
<i>California Advocates</i>	Cliff Costa Mike Belote	Gov't Affairs Advocate Gov't Affairs Advocate	
Civil Justice Association of California (CJAC) American Board of Trial Advocates	Annalee Augustine Brian W. Wilson Sarah N. Wahlert	Senior Leg. Advocate and Counsel Executive Director Associate Executive Director	
Judicial Council - Office of Governmental Affairs County Courts (with IDC Processes)	Heather Resetarits	Gov't Affairs Contact	
<i>Alameda County</i>			Local Rule 3.31: https://www.alameda.courts.ca.gov/system/files/local-rules/03-title-3-20260101.pdf
<i>Fresno County</i> <i>Los Angeles County</i>	Alexander Hall	Community Strategist	Local Rule 2.1.17: https://www.fresno.courts.ca.gov/system/files/local-rules/january-2026-master-printing-document.pdf
<i>Riverside County</i> <i>Sacramento County</i>			https://www.riverside.courts.ca.gov/system/files?file=basic-idc-and-sysc-guidelines-covid19-closures.pdf https://www.saccourt.ca.gov/civil/complex-civil-cases.aspx#idcs https://sanbernardino.courts.ca.gov/system/files/civil/s26discoveryconferenceorder.pdf
<i>San Bernardino</i>			Local Rule 2.1.10: https://www.sdcourt.ca.gov/sites/default/files/sdcourt/generalinformation/localrulesofcourt/division_ii_-_civil_2026.pdf
<i>San Diego</i>			Required in Judge Ross's courtroom: https://sf.courts.ca.gov/system/files/news/department-613-court-procedures-effective-october-27-2025.pdf Required in Judge Schulman's courtroom: https://sf.courts.ca.gov/system/files/general/dept-304-court-procedures.pdf
<i>San Francisco</i> <i>San Mateo</i>			Local Rule 3.700: https://sanmateo.courts.ca.gov/system/files/local-rules/localrules.pdf
<i>Santa Cruz</i>			Local Rule 2.4.04: https://www.santacruz.courts.ca.gov/system/files/local-rules/santa-cruz-superior-court-local-rules-court-january-1-2026.pdf Local Rule 2.04.1 (apparently still in effect despite referring to former CCP Section 2016.080): https://www.tuolumne.courts.ca.gov/system/files/local-rules/local-rules-effective-january-3-2023.pdf
<i>Tuolumne</i> <i>Ventura</i>			Local Rule 8.10: https://ventura.courts.ca.gov/system/files/general/ventura_county_rules_of_court.pdf
Law School Professors (Civil Discovery)	Simona Grossi (Loyola Law School) Scott Dodson (UC Law SF) David Levine (UC Law SF)	Loyola Law School Professor of Law & Theodore A. Bruinsma Fellow UC Law SF Horace O. Coil Chair in Litigation, Geoffrey C. Hazard Jr. Distinguished Professor of Law, and Director of the Center for Litigation and the Courts UC Law SF The Honorable Raymond L. Sullivan Professor of Law	
Miscellaneous individuals with articles on AB 383	Katherine Gallo, Esq. Hon. Holly J. Fujie (ret.) Hon. Stuart M. Rice (ret.) Eric Helland, Ph.D. Minjae Yun, Ph.D.	Discovery Referee ADR mediator; former judge, LA Superior Court JAMS mediator; former judge, LA Superior Court Adjunct Economist, wrote article on The Impact of Informal Discovery Conferences in LA courts Assistant Director of the Lowe Institute of Political Economy	https://www.resolvingdiscoverydisputes.com/meet-and-confer-if-meet-and-confer-fails-ask-for-help/ ("As a Discovery Referee, I found the process helpful and incorporated it into many of my discovery orders.") https://www.advocatemagazine.com/images/issues/2018/07-july/reprints/Fujie_article.pdf https://www.dailyjournal.com/mcle/1594-informal-discovery-conferences-in-california-courts https://www.rand.org/pubs/research_briefs/RBA3253-1.html https://www.rand.org/pubs/research_briefs/RBA3253-1.html

Study J-507—Civil Discovery Improvements
Proposed Questions for Stakeholders

I. *Whether the legislative goals were met*

a. Questions for all stakeholders:

1. In approximately how many cases did you request an informal discovery conference (“IDC”) under AB 383?
2. In approximately how many cases did courts order IDCs sua sponte?¹
3. In instances in which courts ordered IDCs sua sponte after a motion had already been filed, did the parties fully brief the motion before the IDC took place?
4. How often were IDCs successful in resolving the dispute without subsequent motion practice?
5. How often did courts deny an IDC request?
6. How often did courts grant an IDC request but then fail to hold the IDC within 30 days, resulting in the request being deemed denied under former Code of Civil Procedure Section 2016.080(d) (2017 Cal. Stat. ch. 189 (AB 383, Chau))?
7. Did the availability of IDCs affect attorneys’ approach to their meet and confer obligations?
 - a) For example, the Assembly Committee on Judiciary’s analysis cited an article from the Los Angeles Lawyer² which raised the concern that attorneys would rely on IDC judges to resolve their disputes instead of trying to resolve the dispute themselves. Did this happen in practice?
 - b) Did the possibility of court involvement through IDCs cause litigants to take the meet and confer requirement more seriously and attempt to resolve the issues informally?

b. Questions for judges:

9. How did the time to prepare for and conduct an IDC compare to the time to prepare for, hear, and decide a discovery motion?
10. Did the use of IDCs conserve judicial resources overall? Why or why not?
11. Were you the same judge presiding over the case at issue or just the IDC? To what extent do you think this makes a difference?

c. Questions for litigants:

12. Did you find IDCs to be more cost effective than traditional motion practice?

¹ “Sua sponte” means “on [the court’s] own motion.” [Black’s Law Dict.](#) (12th ed. 2024).

² [Assembly Committee on Judiciary Analysis](#) of AB 383 (Mar. 10, 2017), p. 5 (quoting Jessner et al., *Streamlining Discovery: Judges Find that Informal Discovery Conferences Often Facilitate Discovery Disputes and May Resolve the Entire Case* (Oct. 2016) 39 Los Angeles Lawyer 18, 20).

II. *Whether any improvements could be made based on the experience with AB 383*

a. Questions for all stakeholders:

13. What changes, if any, would improve the IDC process?
14. While AB 383 provided the option for litigants or judges to conduct IDCs, it did not mandate them. Do you think mandatory IDCs would be more successful in streamlining access to discovery?
15. We identified a potential timing issue with AB 383: although the statute permits courts to toll discovery deadlines; it does not require them to do so. Because court had 10 days to grant a request for an IDC and, if granted, an additional 30 days to hold the IDC, a litigant risked missing the 45-day deadline to file a motion to compel if the court declined to toll that deadline.³

Thus, in practice, if a litigant wanted to avoid risking the expiration of their motion deadline, the framework could require that litigant to request an IDC within just five days of receiving a verified response. This is much earlier than would normally make sense because a litigant likely would not have had time to review the responses or engage in any meaningful meet and confer about any defects with them.

- a. Did you encounter this issue in practice? If so, how did you address it?
- b. Do you have any proposed solutions to address this issue? (*i.e.*, mandatory tolling or modification of deadlines for courts to grant and hold IDCs)

III. *Whether courts have continued to use the informal discovery conference process even after the sunset of AB 383*

a. Questions for judges:

16. Has your court continued to use this IDC process despite the sunset of AB 383 on January 1, 2023? If so, how is that process structured? Is there a local rule of court or other document regarding the process? (If in writing, please provide a copy)

b. Questions for litigants:

17. Do the courts where you practice still use the IDC process despite the sunset of AB 383 on January 1, 2023? If so, how is that process structured? (If in writing, please provide a copy)

³ 2017 Cal. Stat. ch. 189 (AB 383, Chau); Code Civ. Proc. §§ 2030.300(c) (interrogatories), 2031.310(c) (inspection demands), 2033.290(c) (requests for admission)).



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CALIFORNIA LAW REVISION COMMISSION

April 29, 2026

The Honorable Ash Kalra
Chair of the Assembly Committee on Judiciary
The Honorable Alexandra M. Macedo
Vice Chair of the Assembly Committee on Judiciary

The Honorable Thomas Umberg
Chair of the Senate Committee on Judiciary
The Honorable Roger Niello
Vice Chair of the Senate Committee on Judiciary

1021 O Street
Sacramento, CA 95814

Subject: Scope of Work for Civil Discovery Improvements Study

Dear Chairs Kalra and Umberg and Vice Chairs Macedo and Niello:

The California Law Revision Commission approved reactivating a study on [Civil Discovery Improvements](#). This letter describes the Commission's work plan pursuant to the Commission's [resolution of authority](#), which requires the Commission to "submit a detailed description of the scope of work to the chairs and vice chairs of the Assembly Committee on Judiciary and the Senate Committee on Judiciary."

Assembly Member Chau, a member of the Commission at the time, authored [AB 383](#) (Chapter 189 of the Statutes of 2017) which added Code of Civil Procedure Section 2016.080 to the Discovery Act and authorized courts to conduct informal discovery conferences upon a party's request or the court's own motion after meet and confer efforts among parties failed. The purpose of AB 383 was to provide a more efficient and cost-effective mechanism for resolving discovery disputes without the time and expense of cumbersome motions. AB 383 sunset by its own terms on January 1, 2023.

This study will evaluate AB 383's impact and recommend whether its

provisions should be reinstated, with or without changes. As part of the study, staff will conduct broad stakeholder outreach to assess the experiences of courts and litigants with AB 383. Outreach will include the California Defense Counsel, the California Judges Association, the Consumer Attorneys of California, the California Lawyers Association, the Conference of California Bar Associations, the Civil Justice Association of California, the American Board of Trial Advocates, the Judicial Council, the State Bar of California, county courts, and law school professors specializing in civil discovery. This outreach will focus on three main inquiries: whether (1) the goals of the legislation were met; (2) any improvements could be made based on that experience; and (3) courts have continued to use the informal discovery conference process after AB 383's sunset.

Moreover, the study may revisit an issue identified in [Memorandum 2017-26](#): which party carries the burden of seeking a court order when a party notices a deposition and another party contests the deposition going forward. As staff explained in that memorandum, possible approaches to that issue include leaving the law as is; developing a set of presumptions to provide guidance on resolving conflicts over deposition scheduling; or implementing narrower procedural reforms.

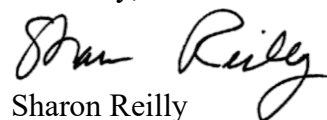
Based on this background and anticipated stakeholder outreach, the study is likely to present two key decision points:

1. Whether and how to reinstate AB 383: The Commission will need to determine whether the provisions enacted by AB 383 should be reinstated following their sunset. Options may include reinstating the statute as originally enacted, reinstating it with modifications based on stakeholder experience, or declining to reinstate it.
2. Clarification on Deposition Disputes: To the extent any reinstatement of AB 383 fails to address this, the Commission may also need to evaluate which party bears the burden of seeking a court order when a noticed deposition is contested. Possible approaches may include maintaining the law as is, developing presumptions to help guide resolving conflicts with deposition scheduling, or adopting more narrow reforms.

Resolution of these issues will guide the scope and direction of any recommendation to the Legislature.

If you have any questions about the study or suggestions for our work plan, please contact Amy Seilliere, California Law Revision Commission Attorney, at aseilliere@clrc.ca.gov.

Sincerely,



Sharon Reilly
Executive Director