

MEMORANDUM 2026-31

Civil Discovery Improvements: Background and Update on Stakeholder Outreach

This Memorandum¹ provides a brief background on the Civil Discovery Act to give context on informal discovery conferences (IDCs). It will then discuss the history of the bill that temporarily codified IDCs, Chapter 189 of the Statutes of 2017 (AB 383, Chau),² and will provide a status update on stakeholder outreach.

CIVIL DISCOVERY ACT

The Civil Discovery Act (Act)³ governs the process of acquiring the information necessary to resolve a matter between parties to a pending civil action or a civil special proceeding in California.⁴ The Act was created by the Judicial Council Joint Commission on Discovery in 1986 to consolidate and improve prior discovery practices, including provisions to better deter discovery abuses.⁵

The Act was intended to be self-executing;⁶ that is, performed by the parties themselves without judicial involvement.⁷ “Discovery procedures [contained in the Act] are based on the theory that a lawsuit should be a search for the truth, and not a game to be fought and won mainly by strategic moves and surprise tactics.”⁸ In general:

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).

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 posted after the meeting and/or without staff analysis.

² 2017 Cal. Stat. ch. 189 (AB 383, Chau); AB 383 was sponsored by the Conference of California Bar Associations and had no listed opposition.

³ Code Civ. Proc. §§ 2016.010-2036.050.

⁴ *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 777. A civil special proceeding is a statutory remedy separate from a civil action. *People v. Superior Court (Laff)* (2001) 25 Cal.4th 703, 723. Some examples of civil special proceedings include eminent domain (government taking land) and unlawful detainer (eviction).

⁵ *Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1287, fn. 8 (The Joint Commission’s “goal was to rewrite the law on discovery, with an emphasis on clarification and simplification.”); Hogan, *The Sanction Provision of the New California Civil Discovery Act, Section 2023: Will it Make a Difference or is it just another “Paper Tiger”?* (1988) 15 Pepperdine L.Rev. 401 (“The Act was the culmination of a three-year effort by a joint commission appointed by both the state bar and judicial council.”).

⁶ *Clement*, 177 Cal.App.4th at 1281.

⁷ *Id.*

⁸ 2 Witkin, Cal. Evidence (6th ed. 2026) Discovery § 1; *Chronicle Pub. Co. v. Superior Court of the City and County of San Francisco* (1960) 54 Cal.2d 548, 561 (“[O]ne of the principal purposes of discovery” was to do away “with the sporting theory of litigation—namely, surprise at the trial.”).

California's discovery rules are liberally construed in favor of disclosure to achieve the following policy goals:

- (1) To give greater assistance to the parties in ascertaining the truth and in checking and preventing perjury;
- (2) To provide an effective means of detecting and exposing false, fraudulent and sham claims and defenses;
- (3) To make available, in a simple, convenient and inexpensive way, facts that otherwise could not be proved except with great difficulty;
- (4) To educate the parties in advance of trial as to the real value of their claims and defenses, thereby encouraging settlements;
- (5) To expedite litigation;
- (6) To safeguard against surprise;
- (7) To prevent delay;
- (8) To simplify and narrow the issues; and
- (9) To expedite and facilitate both preparation and trial.⁹

The Act has multiple tools for a lawyer to use to gather information before trial. For example, a lawyer can take a deposition (by asking questions orally or in writing);¹⁰ serve interrogatories (either custom written or standardized form questions);¹¹ request documents or other tangible evidence through inspection demands;¹² or serve requests for admission to determine which facts, if any, are undisputed.¹³ In practice, however, discovery is notorious for being long and contentious because parties frequently disagree about what information must be shared.¹⁴ One party may believe a discovery request is relevant and necessary to prove its claims or defenses, while another party may object that the request is overly broad, that it seeks information subject to the attorney-client privilege, is irrelevant, or would be unduly burdensome to respond to.¹⁵ When the parties cannot resolve these disagreements themselves, they may ask the court to intervene through a discovery motion.

Discovery Motions and Meet and Confer Obligations

A discovery motion is a request for the court to resolve a dispute about the discovery

⁹ [Assembly Committee on Judiciary Analysis](#) of AB 383 (Mar. 14, 2017) p. 2 (quoting *Greyhound Corp. v. Superior Court* (1961) 56 Cal.2d 355, 376).

¹⁰ Code Civ. Proc. §§ [2025.010-2025.620](#) (oral deposition inside California), [2026.010-2027.010](#) (oral deposition outside California), [2028.010-2028.080](#) (deposition by written questions).

¹¹ Code Civ. Proc. §§ [2030.010-2030.410](#) (written interrogatories), [2033.710-2033.740](#) (form interrogatories).

¹² Code Civ. Proc. §§ [2031.010-2031.060](#) (inspection demands).

¹³ Code Civ. Proc. §§ [2033.010-2033.420](#) (requests for admission).

¹⁴ See Houston, [Judge Lawrence Riff has an ambitious aim to tame discovery abuses](#) (May 11, 2026) Daily Journal (civil discovery “has become . . . bloated, combative, expensive and often untethered from the merits of the case.”).

¹⁵ See, e.g., Judicial Branch of California – California Courts Self-Help Guide, [Common Objections to Discovery Requests](#).

process.¹⁶ Either party may file a discovery motion, seeking a judicial order compelling the disputed information.¹⁷ The party who files the motion is required to provide points and authorities in support of their argument, and the responding party is then required to fully respond to each claim.¹⁸ A responding party may file a motion seeking a protective order when it believes a discovery request is improper, burdensome, oppressive, or seeks protected information.¹⁹ These motions are often accompanied by extensive exhibits and require significant time to compile, argue, and resolve.

Before filing a discovery motion, however, the law generally requires a party to “meet and confer” with the other party²⁰ to make a reasonable and good faith attempt to resolve the issues informally before involving the court.²¹ The Act requires parties to state facts in a declaration showing they made “a reasonable and good faith attempt” to resolve the discovery dispute.²² Courts have held that this “reasonable and good faith” effort requires more than mere “bickering” between opposing counsel.²³ It should instead involve a meaningful exchange of the merits of their respective positions, including the factual and legal support for their arguments, much like counsel would present while briefing their motions.²⁴

Unsurprisingly, the meet and confer process does not always resolve discovery disputes.²⁵

Sanctions

The Act authorizes sanctions in connection with particular discovery motions,²⁶ as well as more general provisions for misuse of the discovery process.²⁷ If a court determines a party misused the discovery process, or unsuccessfully asserts that another party has done

¹⁶ Discovery, Black’s Law Dict. (12th ed. 2024) (“discovery” is “[t]he pretrial phase of a lawsuit during which depositions, interrogatories, and other forms of discovery are conducted.”). Motion, Black’s Law Dict. (12th ed. 2024) (“Motion” is “[a] written or oral application requesting a court to make a specified ruling or order.”).

¹⁷ See, e.g., Code Civ. Proc. §§ [2030.310](#), [2031.310](#), [2033.290](#).

¹⁸ [Senate Committee on Judiciary Analysis](#) of AB 383 (June 20, 2017) p. 4.

¹⁹ See Code Civ. Proc. § [2031.060](#).

²⁰ See, e.g., Code Civ. Proc. §§ [2016.040](#), [2031.310](#)(b)(2) (inspection demands), [2033.290](#)(b)(1) (requests for admission), [2030.300](#)(b)(1) (interrogatories), [2025.480](#)(b) (depositions). There are exceptions to general meet and confer requirement; such as, for example, when a party fails at all to respond. See, e.g., C.C.P. §§ [2031.300](#) (inspection demands), [2030.290](#) (interrogatories), [2033.280](#) (requests for admission).

²¹ Code Civ. Proc. § [2016.040](#)(a).

²² Code Civ. Proc. § [2016.040](#).

²³ *Townsend v. Superior Court*, 61 Cal.App.4th 1431, 1439.

²⁴ *Id.* at 1435 (citation omitted).

²⁵ See, e.g., [Assembly Committee on Judiciary Analysis](#) of AB 383 (Mar. 14, 2017) p. 3 (quoting *Townsend*, 61 Cal.App.4th at 1436).

²⁶ See, e.g., Code Civ. Proc. §§ [2030.300](#), [2031.310](#), [2033.290](#).

²⁷ Code Civ. Proc. §§ [2023.010](#)-[2023.040](#).

so, the Act generally requires the court to impose a monetary sanction unless “it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.”²⁸ The Act also provides courts with a range of additional sanctions for discovery violations, reflecting an incremental approach to addressing discovery misconduct based on the level of severity of the offense.²⁹

Some examples of sanctionable conduct include trying to obtain evidence that is outside the scope of discovery without substantial justification, despite the other side objecting; making unmeritorious objections to discovery; being evasive in responses to discovery; and making or opposing a motion unsuccessfully and without substantial justification.³⁰ Failing to meet and confer is also a ground for the court to impose sanctions.³¹

Despite the statutory mandate, however, trial courts do not always award sanctions.³²

AB 383 BACKGROUND

In an effort to conserve judicial resources, some courts began holding IDCs so that judges could help resolve discovery disputes before or after a motion was filed.³³ Recognizing that the existing discovery motion practice was not working effectively for courts or litigants, stakeholders worked together to develop AB 383³⁴ in 2017, which built upon these practices. AB 383 amended the Act³⁵ to authorize a court to conduct an IDC upon a party’s request or on the court’s own motion to resolve disputed discovery matters.

As enacted, AB 383 provided:

(a) If an informal resolution is not reached by the parties, as described in Section 2016.040 [meet and confer], the court may conduct an informal discovery conference upon request by a party or on the court’s own motion for the purpose of discussing discovery matters in dispute between the parties.

(b) If a party requests an informal discovery conference, the party shall file a declaration described in Section 2016.040 with the court. Any party may file a

²⁸ Code Civ. Proc. § [2023.030](#)(a). The monetary sanction consists of “the reasonable expenses, including attorney’s fees, incurred by anyone as a result of” the sanctionable conduct. *Id.*

²⁹ For example, the court may impose issue sanctions (Code Civ. Proc. § [2023.030](#)(b)), evidence sanctions (Code Civ. Proc. § [2023.030](#)(c)), terminating sanctions (Code Civ. Proc. § [2023.030](#)(d)), and contempt sanctions (Code Civ. Proc. § [2023.030](#)(e)).

³⁰ Code Civ. Proc. § [2023.010](#).

³¹ *Id.*

³² See, e.g. *Damak v. Superior Court of Orange County* (July 8, 2026) 2026 WL 1971200, at *1.

³³ [Assembly Committee on Judiciary Analysis](#) of AB 383 (Mar. 14, 2017) p. 3. The staff has identified the following counties with informal discovery conference procedures: Alameda, Fresno, Los Angeles, Orange, Placer, Riverside, Sacramento, San Bernadino, San Mateo, and Santa Cruz Superior Courts.

If a discovery motion is already filed, IDCs help by avoiding the need for an opposition brief, a reply brief, and a hearing on the motion.

³⁴ [2017 Cal. Stat. ch. 189](#) (AB 383, Chau).

³⁵ Code Civ. Proc. §§ [2016.010-2036.050](#).

response to a declaration filed pursuant to this subdivision. If a court is in session and does not grant, deny, or schedule the party's request within 10 calendar days after the initial request, the request shall be deemed denied.

(c) (1) If a court grants or orders an informal discovery conference, the court may schedule and hold the conference no later than 30 calendar days after the court granted the request or issued its order, and before the discovery cut-off date.

(2) If an informal discovery conference is granted or ordered, the court may toll the deadline for filing a discovery motion or make any other appropriate discovery order.

(d) If an informal discovery conference is not held within 30 calendar days from the date the court granted the request, the request for an informal discovery conference shall be deemed denied, and any tolling period previously ordered by the court shall continue to apply to that action.

(e) The outcome of an informal discovery conference does not bar a party from filing a discovery motion or prejudice the disposition of a discovery motion.

(f) This section does not prevent the parties from stipulating to the timing of discovery proceedings as described in Section 2024.060.

(g) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2023, deletes or extends that date.

According to the bill's author, former Commissioner and Assemblymember Chau:

Informal Discovery Conferences (IDCs) are cost-effective and efficient ways for the judge in a case to quickly look at a controversy during the discovery process, and try to resolve disputes without the filing of massive motions, which drain court resources and client funds.

IDCs are used in some California courts, and have been incredibly effective and cost-efficient. However, there is no clear statutory authority for courts to establish—or judges to use—these programs, raising some questions as to their validity—and, more importantly, discouraging other courts from establishing such programs.

AB 383 will provide that clear statutory authority and help improve court efficiency by making IDCs an available tool for judges and parties to use in resolving disputes and moving a case forward, rather than relying solely on motions to compel, as an action of first choice.³⁶

The Senate Judiciary Committee Analysis stated:

The core principle of the California Discovery Act is that discovery be “essentially self-executing” and generally operated without judicial involvement. (*Clement v. Alegre* (2009) 177 Cal.App.4th 1277, 1291.) Granting courts the discretion to conduct informal, brief discovery conferences in the hopes of obviating resort to motions to compel, which can often be drawn-out disputes, is consistent with the legislative scheme governing discovery in California and

³⁶ [Senate Committee on Judiciary Analysis](#) of AB 383 (June 20, 2017) p. 3.

further the goal of limiting judicial involvement. These informal conferences would be an intermediate step between the “self-executing” process that is envisioned and the more tedious participation of the court in the minutiae of the discovery process that results from discovery motions.³⁷

The Senate Judiciary Committee analysis also noted that some courts were already using IDCs; for example, it noted that IDCs in Los Angeles Superior Court usually take about 30 minutes and in nearly every case that time investment “resolves the dispute and spares the court (and counsel) the significant time and expense involved in litigating discovery motions.”³⁸ Moreover, the Assembly Judiciary Committee analysis stated that “the *possibility* of an informal discovery conference forces attorneys to take the meet and confer requirement more seriously, and ‘invest more time meaningfully meeting and conferring, knowing that a judge will expect them to explain why they are at an impasse and the nature and extent of their efforts to resolve the dispute.’”³⁹ AB 383 passed with no “no” votes and with no listed opposition, establishing IDCs in statute until January 1, 2023.

In 2023, SB 554 (Cortese) was introduced to extend the sunset date.⁴⁰ However, the bill was later amended to instead relate to restraining orders, and AB 383’s sunset date was never extended. Nonetheless, some courts continue to hold IDCs under their inherent authority to manage their courtrooms.⁴¹

SURVEY UPDATE

Since the Commission's last meeting, the staff has distributed the IDC survey to individuals and groups listed in the prior memorandum⁴² and is receiving responses. The Judicial Council of California graciously sent the survey to the superior courts in each of California’s 58 counties, and the California Lawyers Association and the Consumer Attorneys of California have also offered the survey to their members. To date, the staff

³⁷ *Id.* at p. 4.

³⁸ *Id.* at p. 5, quoting Los Angeles County Superior Court’s website. See also, [Informal Discovery Conferences in California Courts](#), Daily Journal (January 27, 2025) (arguing that judges have the authority to hold IDCs despite AB 383’s sunset).

³⁹ [Assembly Committee on Judiciary Analysis](#) of AB 383 (Mar. 14, 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*, 39 L.A. Lawyer 18, 20 (Oct. 2016) (emphasis in bill analysis).

⁴⁰ [SB 554](#) (Cortese, 2023).

⁴¹ See Code Civ. Proc. § [187](#) (“When jurisdiction is, by the Constitution or this Code, or by any other statute, conferred on a Court or judicial officer, all the means necessary to carry it into effect are also given; and in the exercise of this jurisdiction, if the course of proceeding be not specifically pointed out by this Code or the statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this Code.”) The staff has identified the following counties that have some form of IDC procedures: Alameda, Fresno, Los Angeles, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Cruz, and Ventura.

⁴² Memorandum [2026-23](#), EX 1.

has received 156 survey responses, as well as additional written feedback. The staff anticipates additional survey responses from members of organizations represented by California Advocates⁴³ and the California Employment Lawyers Association.⁴⁴ After concluding collecting data from the survey, staff will conduct a comprehensive review, identify trends and areas of consensus or disagreement, and synthesize the findings for the Commission.

In addition to individual survey responses from judges on the Los Angeles County Superior Court, the staff was also provided a report prepared by the court for the Commission that provides a comprehensive overview of the court's prior and current IDC program.⁴⁵ The report includes empirical data on IDCs from 2018 through 2026 and offers valuable insight into the implementation and operation of AB 383 in California's largest trial court.⁴⁶ The staff will incorporate the report's findings into its broader analysis of stakeholder feedback.

Many of the survey respondents indicated willingness to discuss IDCs further, and to date, the staff has completed 18 interviews with judges, practicing attorneys representing both plaintiffs and defendants, law professors, and an economist to gather detailed perspectives regarding the implementation and effectiveness of AB 383.⁴⁷ These interviews have provided additional insight into how the statute operates in practice and have helped identify recurring policy issues for the Commission's consideration.

Common themes that have emerged from these interviews include:

- Whether parties should be required to request an IDC before filing a discovery motion;
- Whether tolling of applicable discovery deadlines should be automatic or remain discretionary;
- Whether the statute should expressly permit courts to consider a party's decision to proceed with motion practice that is inconsistent with guidance provided by the court during an IDC;

⁴³ California Advocates is a contract advocacy firm with nearly 70 clients, including the California Judge's Association, California Defense Counsel, and the California Creditors Bar Association. California Advocates, [Our Firm](#); California Secretary of State Cal-Access, Lobbying Activity 2025-2026, [California Advocates](#).

⁴⁴ California Employment Lawyers Association is a statewide organization with over 1,300 attorneys who mainly represent employees in individual employment cases and class actions. California Employment Lawyers Association, [Mission](#).

⁴⁵ Los Angeles Superior Court continues to use informal discovery conferences despite the sunset of AB 383. See, e.g., Los Angeles Superior Court, [LACIV 094](#), Informal Discovery Conference (Apr. 2026).

⁴⁶ EX 1.

⁴⁷ Among others, staff interviewed various judges, including Honorable Carolyn B. Kuhl of the Los Angeles Superior Court, the Honorable Holly J. Fujie (Ret.) formerly of the Los Angeles Superior Court, the Honorable Stephen Kaus (Ret.) formerly of the Alameda Superior Court; attorneys Jordanna Thigpen, Madison Miller; and professors, including Professor Simona Grossi of Loyola School of Law and Professor David Levine of UCSF School of Law; and economist Eric Helland of the RAND Institute for Civil Justice.

- Whether the statute should require parties to submit a joint statement summarizing the dispute prior to an IDC; and
- Whether the statute should provide a mechanism to memorialize the outcome of an IDC to minimize subsequent disputes, such as expressly authorizing the court to enter orders during IDCs or encouraging courts to have parties submit stipulations and orders reflecting the outcome of an IDC.

The staff will continue to evaluate these issues through additional stakeholder interviews, analysis of the survey responses, and review of available empirical data. The staff will also research similar procedures in other jurisdictions, as well as other relevant policy and academic literature, to provide context on potential approaches and their effectiveness. The staff will present its analysis and preliminary recommendations to the Commission at an upcoming meeting.

Does the Commission have any questions or comments about the work completed to date? Does the Commission have suggestions for additional research?

Respectfully submitted,

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Informal Discovery Conferences in the Superior Court of Los Angeles County

Report for the California Law Revision Commission

Executive Summary

This report provides a comprehensive overview of the Informal Discovery Conference (IDC) process in the Superior Court of Los Angeles County, including leadership feedback and empirical data from 2018–2026. The findings demonstrate that IDCs are an effective tool for resolving discovery disputes efficiently, conserving judicial resources, and facilitating meaningful engagement between counsel. The process is generally well-regarded, with rare delays and substantial benefits compared to formal motion practice.

Background of Request

The California Law Revision Commission (CLRC) is conducting a study on informal discovery conferences and requested feedback from those who have participated in informal discovery conferences in the Superior Court of Los Angeles County.

AB 383 (Chau) authorized a court to conduct an informal discovery conference between the parties to a civil action, either at the request of a party or on the court’s own motion, to address discovery disputes. That statute sunsetted in January 2023, and the Legislature has asked the CLRC to evaluate whether it should be reenacted, with or without changes.

The CLRC is seeking input from the Judicial Council of California, the California Judges Association, and other stakeholders to understand their experiences with informal discovery conferences.

1. Civil Bench Leadership Feedback

Scheduling Delays

- **Delays in Scheduling IDCs:**

Most courts that utilize IDCs recognize the importance of setting the conference as early as

possible. IDCs are typically scheduled much sooner than formal motions on the same dispute, making meaningful delay rare.

Impact on Meet and Confer Obligations

- **Attorney Engagement:**

Although attorneys are required to engage in a meaningful meet and confer on their own, many do not or are unable to do so, often because they lack experience or a clear understanding of the process. As a result, the IDC is frequently the first time counsel meaningfully engage in a substantive discussion of their discovery dispute. Judges view the IDC as a moderated meet and confer.

Preparation Time

- **Efficiency:**

Preparing for an IDC requires significantly less time than preparing for a formal discovery motion, and it is estimated to take roughly twenty percent of the time needed to prepare for a motion.

Judicial Resource Conservation

- **Resource Savings:**

Most IDCs resolve issues quickly, saving substantial time for research attorneys and judges compared to motion practice.

Process Improvements

- **Recommendations:**

Parties should appear in person for IDCs, except where good cause is shown.

Mandatory IDCs

- **Discretion Preferred:**

Leadership does not support mandatory IDCs. Judicial discretion is essential. Not all disputes benefit from an IDC, for example, privilege disputes.

Timing and Deadlines

- **Delay Concerns:**

Discovery disputes need to be resolved quickly because they slow the forward progress of

the case. An automatic extension of the forty-five-day rule could be counterproductive, and the certainty of the forty-five-day rule has value. Changing it would introduce uncertainty into the overall discovery framework. New legislation should state that it is the Court’s expectation that the responding party will agree to a reasonable extension of the forty-five day deadline to permit the IDC to occur, and that the Court may, for good cause shown, impose monetary sanctions on a party that refuses such an extension in bad faith.

Post-Sunset Practice

- **Continued Use:**

Departments are permitted to conduct IDCs at their discretion. Most provide individualized courtroom information sheets, but there is no local rule governing the process.

2. Empirical Data on IDC Usage

IDC Documents Filed

- **2018–2023:**
19,153 IDC documents filed.
- **2024–2026 (post-sunset):**
7,442 IDC documents filed.
- **Total (2018–2026):**
26,595 IDC documents filed

Breakdown by Document Type

Document Type	2018–2023	2024–2026
Informal Discovery Conference	8,553	4,879
IDC Form for Personal Injury Courts	9,976	2,043
IDC Report – Complex	477	430
Request for IDC – Complex	147	90

IDC Scheduling and Outcomes

Granted Requests

Period	Total Granted	Held <30 Days	Held >30 Days	Not Held
2018–2023	488	207	110	171
2024–2026	312	137	68	107

Requests with Missing Status

Period	Total	Held <30 Days	Held >30 Days	Not Held
2018–2023	18,658	8,142	2,883	7,633
2024–2026	7,112	3,151	1,254	2,707

Denied Requests

Period	Total Denied
2018–2023	7
2024–2026	18
Total	25

3. Recommendations

- Any potential legislation should encourage reasonable extensions of the 45-day deadline for motions to permit IDCs, with courts empowered to sanction bad-faith refusals.
- Judicial discretion should be preserved, as not all disputes are suitable for IDCs.

4. Conclusion

The Superior Court of Los Angeles County’s experience with Informal Discovery Conferences demonstrates their value in expediting dispute resolution, conserving resources, and fostering meaningful engagement. The process is flexible, efficient, and continues to be used effectively even after the sunset of AB 383. The empirical data and leadership feedback support continued use and refinement of the IDC process.