

MEMORANDUM 2026-41

**Civil Discovery Improvements: Analysis of Stakeholder Outreach and Proposed
Next Steps**

This Memorandum¹ presents the results of the staff's stakeholder outreach regarding Chapter 189 of the Statutes of 2017 (AB 383, Chau),² and whether stakeholders think similar legislation regarding informal discovery conferences (IDCs) should be reenacted, with or without changes.

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

RESULTS OF STAKEHOLDER OUTREACH

The staff prepared and distributed a survey³ for stakeholders to assess the advantages and disadvantages of IDCs authorized by AB 383 and any IDCs that followed. The staff received 166 responses from attorneys (83% of respondents), judicial officers (15%), and court staff/administrators (1%).⁴ The 166 survey responses reflected practice in at least 40 separately identifiable California county court jurisdictions, in addition to some respondents' broader statewide or multi-county practices.⁵

The staff also conducted numerous interviews, both of survey respondents and other interested parties.

This memorandum presents general statewide findings based on individual responses to the survey and interviews with staff, then analyzes feedback provided in the aggregate from Fresno and Los Angeles County Superior Courts' leadership and/or judicial officers.

To assist with the context of the survey results below, AB 383 contained the following provisions:

- (1) The court or either party may request an IDC if a meet and confer does not resolve a discovery dispute.
- (2) The requesting party is required to file a meet and confer declaration (a requirement under current law) stating the facts to resolve the issue.
- (3) If the court does not grant, deny or schedule the IDC request within 10 calendar days, the request is deemed denied.
- (4) If the court grants an IDC, it may toll the deadline for filing a discovery motion or make any other appropriate discovery order.
- (5) If an IDC is not held within 30 days of the court granting the request, the request is deemed denied and any tolling period shall continue to apply.
- (6) The outcome of an IDC does not stop either party from filing a discovery motion or impact the outcome of a discovery motion.
- (7) An IDC does not stop the parties from otherwise agreeing to extending discovery deadlines, pursuant to current law.

General Research Findings

To understand the continued prevalence of IDCs, the survey asked whether courts at which respondents preside or practice continued using IDCs after AB 383 sunsetted in January 2023. 108 respondents—approximately two-thirds of the total respondents—reported that their court continued using some form of IDC after AB 383 sunsetted. The

³ Memorandum [2026-23](#), EX 2-3.

⁴ EX 1-14. The Commission staff removed identifying information from the responses.

⁵ Not all survey respondents answered all questions, so the totals for each category response may be less than 166.

responses included both major metropolitan courts and smaller county courts, which suggests that post-sunset IDC practice was not confined to the largest jurisdictions.⁶ Generally, post-sunset IDCs followed the structure of AB 383 and courts used them under their inherent power to manage their cases.⁷ However, multiple practitioners, judges, and a law professor expressed that IDCs should be governed by statute, both to make clear judges have the authority to conduct them and to standardize practices.⁸

To better understand the utility of IDCs to courts, the survey asked whether IDCs conserve judicial resources overall. 23 of the 24 judicial officers who responded said IDCs conserved judicial resources,⁹ and only one said they did not.¹⁰ For example, an Orange County Superior Court judge described IDCs as resulting in a “HUGE conservation of resources since most disputes are resolved in mere minutes as opposed to full hearings on the merits.”¹¹ Attorneys were much more divided—of the 85 who responded to this question, 49¹² thought they did conserve judicial resources, 20¹³ thought they did not, and 16¹⁴ were unsure. Some attorneys who felt IDCs did not conserve judicial resources expressed that courts seemed to waste time during the IDC because they would not rule or indicate how they would rule if there was a motion, ultimately necessitating filing a motion to resolve the issue.¹⁵

Next, the survey approached a different angle of resource management by inquiring whether IDCs are more cost-effective than traditional motion practice.¹⁶ Again, judicial

⁶ EX 1-14.

⁷ 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.”).

⁸ Staff’s Meeting with Professor David Levine, July 6, 2026; Staff’s Meeting with the Honorable Alison Mackenzie, July 7, 2026; Staff’s Meeting with the Honorable Carolyn Kuhl, July 2, 2026; Staff’s Meeting with the Carolyn Shining, Esq., July 23, 2026; Staff’s Meeting with the Jordanna Thigpen, Esq., June 23, 2026.

⁹ Respondents 1, 121, 126, 127, 128, 129, 130, 131, 133, 134, 135, 136, 138, 139, 140, 158, 159, 160, 161, 162, 163, 164, 165.

¹⁰ Respondent 125.

¹¹ Respondent 164.

¹² Respondents 2, 4, 5, 6, 8, 10, 14, 16, 18, 20, 29, 30, 44, 47, 48, 56, 59, 61, 67, 69, 71, 72, 76, 81, 83, 85, 88, 89, 96, 98, 99, 100, 102, 105, 106, 108, 113, 117, 120, 123, 132, 142, 143, 145, 146, 148, 151, 153, 154.

¹³ Respondents 7, 11, 25, 32, 35, 39, 45, 51, 53, 57, 62, 65, 77, 82, 92, 93, 95, 97, 112, 116.

¹⁴ Respondents 15, 21, 33, 40, 42, 49, 52, 54, 55, 70, 75, 78, 109, 110, 124, 150.

¹⁵ Respondent 12 (“[T]hey would not rule or many times tell us how they were inclined to rule, so motions were necessary.”); Respondent 25 (“The court can’t issue orders, and often is equivocal about their thoughts on the issues at the IDC.”).

¹⁶ Traditional motion practice involves a party filing a motion, which sometimes must be accompanied by a lengthy statement that restates the discovery request, the response or objection, the factual or legal reasons the response is disputed, and any other information necessary to understand the dispute. Cal. Rules of Court, rule [3.1345](#). The opposing party must then file an opposition brief explaining their disagreement, and the moving party may also file a reply brief. Code Civ. Proc. § [1005](#). The court may then issue a tentative ruling before the hearing, depending on its procedures, and may conduct a hearing on the motion before issuing its ruling and any order. Cal. Rules of Court,

officers overwhelmingly viewed IDCs as more cost-effective, while attorneys were more divided. Of the 17 judicial officers who answered, 16¹⁷ said yes and one¹⁸ was not sure. Of the 136 attorneys who answered, 91¹⁹ said that IDCs were more cost effective, 26²⁰ said IDCs were not, 14²¹ saw no difference, and five²² were not sure. (The survey did not ask attorneys whether they represent plaintiffs or defendants.) Several attorney respondents²³ and interviewees described defendants using IDCs to delay discovery, which would make IDCs seem like an added step for plaintiffs and less of a cost for defendants. Attorneys who saw IDCs as cost-effective indicated this was due to judges indicating how they would rule if a subsequent discovery motion was filed.²⁴ In contrast, a few respondents believed IDCs were less cost-effective than traditional motion practice when certain topics were at issue, such as claims that documents are subject to attorney-client privilege which require in camera²⁵ review and that they “led to increased attorney[s]’ fees and costs [and] increased judicial involvement in the case that leads nowhere.”²⁶ Thus, IDCs can be more cost-effective than traditional motion practice in certain circumstances.

The survey also asked how IDCs are initiated, whether by the court or requested by the parties. (AB 383 allowed either a court to order an IDC or for a party to request the IDC.) The staff treated an IDC as court-ordered whenever a local rule, department rule, or order required a party to request an IDC before filing a discovery motion. Under that approach, of the 137 respondents, 65 (47.4%) reported that IDCs were mostly court-ordered, 63 (46%) reported that they were mostly litigant-requested, and nine (6.6%) reported a roughly even mix.

For those courts that mandate IDCs, the survey asked whether IDCs occur before or after a party files a discovery motion. (AB 383 did not address this directly, but did state having an IDC does not bar a party from filing a subsequent motion.) Relative to court and

rules [3.1304](#), [3.1308](#).

¹⁷ Respondents 1, 121, 126, 130, 131, 133, 136, 139, 140, 158, 159, 160, 161, 163, 164, 165.

¹⁸ Respondent 127.

¹⁹ Respondents 4, 5, 6, 10, 14, 16, 18, 20, 22, 23, 25, 26, 30, 31, 34, 37, 44, 47, 48, 54, 56, 58, 59, 64, 66, 67, 72, 73, 74, 76, 80, 83, 84, 85, 86, 88, 89, 90, 94, 99, 100, 102, 106, 111, 115, 117, 119, 120, 122, 123, 132, 141, 143, 144, 146, 148, 149, 152, 153, 156, 157, 2, 8, 9, 13, 17, 21, 24, 29, 42, 45, 46, 49, 50, 52, 69, 75, 81, 96, 97, 98, 101, 104, 109, 113, 118, 145, 150, 151, 154, 155.

²⁰ Respondents 3, 7, 11, 12, 19, 27, 32, 35, 36, 39, 51, 53, 60, 62, 65, 77, 82, 91, 93, 103, 107, 110, 112, 114, 116, 142.

²¹ Respondents 15, 28, 33, 40, 55, 57, 61, 70, 78, 87, 92, 95, 105, 124.

²² Respondents 38, 41, 63, 71, 147.

²³ Respondents 19, 26, 33, 51, 62, 65, 70, 71, 88, 105, 107, 112, 116.

²⁴ Respondents 49, 67, 99, 106. Respondent 3 found IDCs more costly and urged judges to state how they would likely rule.

²⁵ In camera means in the judge’s private chambers. In camera, Black’s Law Dict. (12th ed. 2024).

²⁶ Respondent 50, Respondent 11.

attorney resource conservation, a successful IDC occurring before a motion is filed would save parties' time and expense in preparing the papers, and the court's time in reviewing them. Responses suggest that most IDCs occurred before that investment was complete, though a significant minority did not. Of the 20 judicial officers who answered, eight²⁷ said most or all IDCs occurred after a motion was filed, seven²⁸ said some did, and five²⁹ said none (because the IDC was a prerequisite to filing). Of the 92 attorneys who responded, 27³⁰ said most or all IDCs followed a filed motion, five³¹ said about half, 23³² said some, and 37³³ said none. Even where IDCs followed a filed motion, they rarely followed a full briefing (*i.e.*, the motion, the opposition, and the reply briefs). Of the 17 judicial officers who responded, three³⁴ said most or all IDCs occurred after full briefing, four³⁵ responded less than 50 percent, and 10³⁶ said few or none. Of the 49 attorneys who reported at least some after-filing IDCs, 17³⁷ said most or all were after full briefing, eight³⁸ said about half or sometimes, and 24³⁹ said a few or none.

To gauge the overall effectiveness of IDCs, the survey asked how often IDCs fully resolved the discovery dispute without requiring a subsequent motion. 21⁴⁰ of the 24 judicial officers said IDCs resolved the dispute most of the time. Two⁴¹ said sometimes and one⁴² said never. Among the 129 attorneys who answered, 73⁴³ said most of the time, 16⁴⁴ said sometimes, and 40⁴⁵ said rarely or never. The attorneys in the last group generally said an IDC added a step without avoiding the motion because the judge's views were not

²⁷ Respondents 129, 134, 135, 138, 159, 163, 164, 165.

²⁸ Respondents 126, 127, 128, 130, 139, 140, 161.

²⁹ Respondents 125, 133, 136, 158, 160.

³⁰ Respondents 9, 10, 14, 19, 21, 25, 34, 51, 55, 58, 60, 63, 71, 75, 77, 82, 87, 91, 93, 94, 105, 108, 110, 114, 116, 124, 151.

³¹ Respondents 13, 23, 43, 103, 117.

³² Respondents 3, 11, 17, 27, 28, 33, 36, 44, 45, 50, 52, 53, 80, 88, 89, 90, 92, 104, 107, 115, 132, 145, 148.

³³ Respondents 2, 4, 5, 6, 8, 18, 24, 26, 29, 31, 32, 35, 37, 40, 54, 72, 73, 76, 81, 97, 99, 101, 102, 106, 109, 111, 112, 118, 119, 141, 142, 143, 146, 149, 150, 152, 157.

³⁴ Respondents 129, 135, 159.

³⁵ Respondents 126, 138, 140, 161.

³⁶ Respondents 1, 125, 127, 128, 133, 139, 158, 160, 163, 164.

³⁷ Respondents 9, 14, 27, 33, 43, 55, 63, 77, 87, 93, 105, 107, 110, 117, 124, 145, 151.

³⁸ Respondents 10, 19, 21, 23, 82, 90, 103, 116.

³⁹ Respondents 3, 11, 13, 17, 25, 28, 34, 36, 44, 45, 50, 52, 58, 60, 71, 75, 80, 89, 91, 92, 108, 112, 115, 148.

⁴⁰ Respondents 1, 121, 126, 127, 128, 129, 130, 131, 133, 134, 135, 136, 138, 139, 140, 159, 160, 161, 163, 164, 165.

⁴¹ Respondents 158, 162.

⁴² Respondent 125.

⁴³ Respondents 2, 4, 5, 6, 8, 9, 10, 14, 18, 20, 22, 23, 26, 29, 30, 31, 33, 37, 43, 44, 46, 47, 48, 50, 52, 54, 56, 59, 61, 66, 67, 69, 71, 72, 74, 75, 76, 81, 83, 84, 85, 86, 88, 89, 90, 94, 98, 99, 100, 102, 106, 108, 110, 111, 114, 115, 119, 120, 122, 123, 124, 132, 141, 143, 144, 145, 148, 149, 150, 152, 153, 154, 157.

⁴⁴ Respondents 13, 25, 39, 40, 42, 45, 49, 73, 78, 80, 92, 105, 113, 117, 118, 151.

⁴⁵ Respondents 3, 7, 11, 12, 15, 16, 17, 19, 21, 24, 27, 28, 32, 35, 36, 51, 53, 55, 58, 60, 62, 65, 70, 77, 82, 87, 91, 93, 95, 97, 101, 103, 104, 107, 109, 112, 116, 142, 146, 155.

binding.⁴⁶ These responses suggest that IDCs often resolved discovery disputes without requiring a subsequent motion, potentially conserving resources for courts and parties. But when an IDC did not resolve the dispute and a motion followed, the IDC could add a step rather than reduce the burden of discovery litigation.

The survey then asked about time savings with IDCs compared to discovery motions. Time savings was the most consistently cited benefit of IDCs, with most respondents reporting that IDCs took less time, on average, than discovery motions. Overall, 79 of the 109 respondents who answered this question (72%) said IDCs took less time. Again, judicial officers were more likely to report time savings than attorney respondents. Of the 24 judicial officers, 22 said IDCs took less time.⁴⁷ The other two⁴⁸ judicial officers said IDCs took more time. Of the 85 attorneys who answered, 57⁴⁹ said IDCs took less time. Another 11⁵⁰ attorneys said the time was about the same and 17 said IDCs took more time.⁵¹

The survey next addressed whether the availability of IDCs affected how attorneys meet and confer to try to resolve disputes themselves. Current law requires attorneys to meet and confer—try to resolve the issues with opposing counsel without court involvement—prior to filing a discovery motion.⁵² IDCs under AB 383 required parties to meet and confer before an IDC and use the meet and confer declaration in support of the IDC to follow.⁵³ Of the 162 respondents who answered the question, 100 (62%) said the availability of IDCs affected how attorneys met and conferred, and 62 said it did not. Judicial officers were more likely than attorneys to report an effect. Of the 24 judicial officers, 18⁵⁴ (75%) said yes. Of the 138 attorneys who answered, 82⁵⁵ (59%) said yes.

Some observed that attorneys became more concise and focused during meet and confers because they knew they would ultimately have to state their positions to the judge

⁴⁶ Respondents 19, 32, 35, 53, 55, 82, 104, 107, 155.

⁴⁷ Respondents 1, 121, 126, 127, 128, 129, 131, 133, 135, 136, 138, 139, 140, 159, 161, 163, 164, 165 responded “much less time.” Respondents 125, 130, 134, 158 responded “somewhat less time.”

⁴⁸ Respondents 160, 162.

⁴⁹ Respondents 2, 4, 5, 6, 8, 14, 16, 18, 20, 25, 44, 47, 48, 49, 54, 56, 67, 72, 76, 85, 88, 89, 99, 100, 102, 105, 106, 108, 110, 113, 117, 120, 123, 132, 143, 146, 148, 153 responded “much less time.” Respondents 10, 15, 29, 32, 33, 52, 53, 59, 61, 69, 77, 78, 81, 83, 97, 109, 145, 150, 151 responded “somewhat less time.”

⁵⁰ Respondents 21, 30, 40, 45, 71, 92, 96, 98, 116, 124, 154.

⁵¹ Respondents 7, 11, 35, 39, 42, 51, 55, 57, 62, 65, 70, 75, 82, 93, 95, 112, 142.

⁵² Code Civ. Proc. §§ [2031.310](#) (inspection demands), [2033.290](#) (requests for admission), [2030.090](#) (interrogatories), [2016.040](#) (requirements for meet and confer declaration).

⁵³ [2017 Cal. Stat. ch. 189](#) (AB 383, Chau).

⁵⁴ Respondents 1, 126, 127, 128, 130, 133, 134, 136, 138, 139, 140, 158, 159, 160, 161, 162, 163, 164.

⁵⁵ Respondents 4, 6, 8, 11, 13, 14, 18, 20, 21, 22, 23, 24, 26, 27, 30, 31, 33, 37, 39, 46, 47, 50, 52, 54, 59, 61, 63, 66, 67, 69, 71, 72, 73, 74, 75, 76, 78, 80, 81, 83, 85, 86, 87, 88, 89, 90, 94, 96, 98, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 113, 117, 118, 119, 120, 122, 123, 124, 132, 141, 143, 144, 146, 147, 148, 149, 150, 151, 152, 153, 156, 157.

during an IDC.⁵⁶ In contrast, others believed that the prospect of an IDC, especially a mandatory IDC, reduced the incentive to resolve disputes through meet and confer discussions because there was less reason to spend time trying to resolve the dispute themselves.⁵⁷

To that end, the survey also addressed the extent to which it makes a difference for the same judge presiding over the underlying case also to preside over the IDC. The responses suggest that the same judge does make a difference. Of the 23 judicial officers who responded to this question, 15⁵⁸ thought it does make a difference and 4⁵⁹ thought it made little or no difference, and 4⁶⁰ were unsure. Of the 70 attorneys who responded to this question, 48⁶¹ thought it does make a difference, 12⁶² thought it did not make a difference, seven⁶³ were unsure, and three⁶⁴ gave mixed or qualified answers. As one judge put it, “You have to be able to say, ‘This is how I would rule on a [motion] on this.’ Otherwise, the lawyer thinks ‘Well, maybe the trial judge would rule differently, so I will take my chances with filing.’”⁶⁵ In contrast, one judge responded that they had conducted IDCs both as the judge presiding over the underlying case and as an outside judge, and while they had more success resolving disputes during an IDC when they also presided over the underlying case (about 95% success rate), they still had good success rates in resolving a dispute during an IDC as an outside judge (roughly 70-80%).⁶⁶

Finally, the survey asked respondents what changes they would make to improve the IDC process. One common theme was tolling the motion deadline, with most of those respondents preferring an automatic tolling of the deadline.⁶⁷ This differs from AB 383, under which courts were permitted, but not required, to toll the deadline, and tolling did not occur automatically.⁶⁸ One respondent said that in the court where they practiced, they were required to request an IDC before filing a discovery motion and, if the other side did not agree to extend the deadline, they would have to file the motion anyway.⁶⁹ Mandatory

⁵⁶ Respondents 30, 50, 89, 122, 132, 138, 149, 150, 152.

⁵⁷ Respondents 13, 51, 53, 58, 74.

⁵⁸ Respondents 1, 126, 128, 129, 131, 133, 134, 138, 139, 140, 158, 160, 161, 163, 165.

⁵⁹ Respondents 127, 135, 136, 164.

⁶⁰ Respondents 121, 130, 159, 162.

⁶¹ Respondents 4, 7, 8, 10, 11, 14, 15, 16, 18, 29, 30, 33, 40, 42, 44, 47, 48, 49, 51, 52, 55, 56, 61, 62, 67, 69, 71, 72, 75, 76, 77, 85, 88, 89, 93, 97, 102, 105, 106, 109, 113, 117, 123, 132, 146, 148, 151, 153.

⁶² Respondents 5, 35, 59, 65, 81, 82, 100, 110, 112, 116, 143, 145.

⁶³ Respondents 20, 25, 78, 96, 98, 108, 150.

⁶⁴ Respondents 124, 142, 154.

⁶⁵ Respondent 1.

⁶⁶ Respondent 163.

⁶⁷ Respondents 18, 89, 94, 113, 126, 158.

⁶⁸ Code Civ. Proc. § [2016.080\(c\)\(2\)](#) [repealed].

⁶⁹ Respondent 42.

automatic tolling would address these scenarios.

Other respondents advocated for prompt scheduling of IDCs—one respondent suggested adding “[m]ore clerical support and more research attorney support to get them on the calendar faster.”⁷⁰ Four respondents⁷¹ suggested judges should indicate during IDCs how they would rule on any motion, which would presumably help dissuade parties from filing that motion, and 16⁷² additional respondents described such indications as helpful. Many respondents suggested either making IDCs mandatory, optional (like under AB 383) or eliminating them altogether.⁷³ Of the 15⁷⁴ respondents who suggested eliminating IDCs altogether, some expressed frustration about IDCs being used “by defense to delay producing discovery and face zero consequences” that they lead to “discovery games, withholding information, and increased attorney’s fees and costs on both sides,” and that they “allow one side (typically the defendant) the opportunity to delay discovery for months.”⁷⁵

Fresno County Superior Court

In 2006, after Fresno County Superior Court lost a number of judicial staff attorneys and its law and motion calendars “balloon[ed]”—with parties waiting months for a hearing and “15 or more discovery motions on calendar per week for 4 judges”—the court adopted a local rule requiring parties to request an IDC prior to filing a motion to compel further discovery responses.⁷⁶ As a result, the frequency of discovery motions dropped from over 15 per week to “a few a month,” with IDCs resolving the underlying dispute “at least 95% of the time.”⁷⁷ When AB 383 was enacted, Fresno County Superior Court reported that its provisions “largely mirrored” its existing local rule.⁷⁸

⁷⁰ Respondent 69. AB 383 required courts to hold IDCs within 30 calendar days after granting a request for one. Code Civ. Proc. § [2016.080\(c\)\(1\)](#) [repealed].

⁷¹ Respondents 3 (“Encourage Judges presiding over IDCs to state how they will likely rule on Motions to Compel over the issues rather than merely encouraging the parties to work it out.”), 25, 71 (“Have the judge give an actual proposed ruling. Don’t mealy-mouth it or be ambivalent because then it’s just a waste of everyone’s time.”), 155.

⁷² Respondents 1, 17, 42, 43, 44, 49, 54, 67, 69, 85, 99, 106, 120, 140, 160, 161.

⁷³ Respondent 83 (“I would make it mandatory in all civil cases.”), Respondent 149 (IDCs “should be mandatory upon demand of any party”), Respondent 51 (“Ban judges from requiring IDCs,” because judges say they’ll deny a motion without one), Respondent 151 (IDCs should be optional because a party acting in bad faith “can skirt the requirements.”), Respondent 116 (IDC requirements are a “non-legislative barrier created by judiciary to have access to code-given rights.”), Respondent 28 (“Remove IDC requirements. They are a waste of time and we end up having to file a motion anyway”). The staff notes that it likely remains within the court’s inherent authority to hold IDCs whether or not memorialized in statute.

⁷⁴ Respondents 7, 11, 12, 19, 32, 39, 53, 60, 65, 70, 91, 93, 95, 107, 116.

⁷⁵ Respondents 107, 11, 19.

⁷⁶ EX 16. This document contains Fresno County Superior Court’s responses to the staff’s questions for stakeholders regarding AB 383, in narrative rather than survey form.

⁷⁷ EX 16.

⁷⁸ EX 18.

During fiscal year 2024-25, the Fresno County Superior Court reported 24,022 total civil filings, ranking Fresno tenth out of California’s 58 counties in total civil filings.⁷⁹ Its IDC practice therefore serves as a useful example from one of the higher-volume civil jurisdictions in California.

Fresno’s rule⁸⁰ answers several of the open questions that the survey attempted to address regarding any proposed legislation. First, IDCs are mandatory under the local rule. Subject to limited exceptions, a party must request an IDC to resolve a discovery dispute prior to filing a motion. The court will either deny the request and allow the party to file the motion or the IDC takes place. If the IDC does not resolve the dispute, then the court allows the party to file the motion.⁸¹ This is different from AB 383, under which IDCs were permissive, and not mandatory, and AB 383 did not specify whether an IDC had to occur before or after filing a motion.⁸²

Second, Fresno’s rule features a structured briefing requirement under which a party must request an IDC by filing an approved form that includes a brief summary of the dispute and a description of the meet and confer efforts. The other party’s opposition is mandatory and due within five court days of service.⁸³ Unlike Fresno’s rule, AB 383 did not describe what any briefing requesting IDCs should contain, but just required the requesting party to file a meet and confer declaration already required before filing a discovery motion, which must “state facts showing a reasonable and good faith attempt, either in person, by telephone, or by videoconference, to informally resolve each issue presented by the motion.”⁸⁴ While AB 383 allowed any party to file a “response” to that declaration, unlike Fresno’s rule, it did not provide a separate deadline for that response.⁸⁵

Like AB 383, Fresno’s rule also provides a firm deadline by which a request will be deemed denied.⁸⁶ Under Fresno’s rule, if the court fails to rule on the request within 15 court days after the opposition’s response deadline, the request is deemed denied and the requesting party may file the motion.⁸⁷ In contrast, AB 383 required the court to rule within 10 days.⁸⁸

⁷⁹ Judicial Council of Cal., [2026 Court Statistics Report: Statewide Caseload Trends, tbl. 4a, “Total Civil Filings, by County and Case Type,”](#) Fiscal Year 2024-25 (2026).

⁸⁰ Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17.

⁸¹ *Id.* at rule 2.1.17(A).

⁸² Code Civ. Proc. § [2016.080\(a\)](#) [repealed].

⁸³ Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17(C), (E).

⁸⁴ Code Civ. Proc. §§ [2016.080\(a\)](#) [repealed]; [2016.040](#).

⁸⁵ *Id.*

⁸⁶ Code Civ. Proc. § [2016.080\(b\)](#) [repealed]; Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17.

⁸⁷ Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17(F).

⁸⁸ *Compare* Code Civ. Proc. § [2016.080\(b\)](#) [repealed] (allows the court ten calendar days before a request will be deemed denied), *with* Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17 (allows the court fifteen court days before a

Fresno’s rule also provides for mandatory automatic tolling of associated deadlines, unlike AB 383, which deemed tolling permissive.⁸⁹ Under Fresno’s rule, the applicable deadline is tolled for the number of days between the filing of the request and the court’s subsequent order, with that order specifying the additional number of days the deadline is tolled to allow for any further discovery ordered at the IDC. If the court does not issue an order within 15 court days after the opposition deadline, the deadline is extended by 15 days for personal service or 20 days for service by mail, but only if there was still time remaining on the party’s 45-day deadline when they filed the IDC request.⁹⁰

Fresno also has IDCs conducted by the judge assigned to the case.⁹¹ AB 383, on the other hand, was vague about whether the judge assigned to the case had to conduct the IDC.⁹²

Finally, Fresno’s rule features a consequence for a party’s non-participation in the IDC process. A party’s refusal to participate in good faith with an IDC request, including by failing to file a timely opposition, is grounds for the court to order adverse to the non-participating party or counsel.⁹³ This is in contrast to AB 383, which expressly provided that “[t]he outcome of an informal discovery conference does not . . . prejudice the disposition of a discovery motion.”⁹⁴ Fresno’s model could provide a solution to many respondents’ concern that IDCs were not effective because they lacked enforceable “teeth.”⁹⁵

Los Angeles County Superior Court

Similar to Fresno, Los Angeles conducted IDCs before AB 383 was enacted. Unlike Fresno, which created a local rule, IDCs in Los Angeles were held more informally—pursuant to an agreement between the parties or at a judge’s direction.⁹⁶ Following AB 383’s sunset, some departments continue to hold IDCs at their own discretion; most publish IDC procedures on their individual courtroom information sheet. However, the court has not adopted a uniform local rule governing the practice.

request will be deemed denied).

⁸⁹ Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17(G).

⁹⁰ *Id.* at rule 2.1.17(G).

⁹¹ EX 2.

⁹² Code Civ. Proc. § [2016.080](#)(e) [repealed].

⁹³ Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17(I).

⁹⁴ Code Civ. Proc. § [2016.080](#)(e) [repealed].

⁹⁵ Nathan Batterman, a San Diego plaintiffs’ attorney, felt IDCs were not worthwhile because the judge would give no indication of how they would rule on a future motion, rendering the IDC just like a meet and confer call with the judge present. Madison Miller, a San Diego plaintiffs’ attorney, also expressed a problem with IDCs that many defendants have realized very few judges will “drop the hammer on them.”

⁹⁶ Email between Judge Holly Fujie (ret.) and Commission Staff, Oct. 10, 2026.

During fiscal year 2024-25, the Los Angeles County Superior Court reported 309,615 total civil filings, ranking Los Angeles the number one court in terms of civil filings.⁹⁷ IDC information from Los Angeles County Superior Court is therefore a helpful example from the highest-volume jurisdiction in California.

As explained in the previous Memorandum,⁹⁸ Los Angeles County Superior Court civil bench leadership prepared a report about informal discovery conferences for the Commission. The report reflects data from Los Angeles County Superior Court from 2018-2026⁹⁹ and provides useful information on how IDCs function in California’s largest trial court.

Overall, Los Angeles County Superior Court supports IDCs. They report that IDCs are a time savings compared to motion practice because they are typically scheduled well before a formal motion could be heard, and “most IDCs resolve issues quickly.”¹⁰⁰ Approximately 60% of IDCs are held within 30 days of the date the court granted the request, the timeline specified by AB 383.¹⁰¹

In addition, court leadership estimated that the judge preparation time for IDCs is roughly 20% of the time required to prepare for a formal discovery motion. This suggests that one of the goals of IDC legislation—reducing the judicial resources needed for discovery disputes—has been achieved.

Los Angeles County Superior Court leadership does not support making IDCs mandatory, however, instead considering it essential for judges to have discretion to decide whether to grant an IDC request. They also believe tolling deadlines should remain permissive, though they would like authority to impose certain sanctions if parties behave unreasonably.¹⁰²

STAFF RECOMMENDATIONS

This section presents staff recommendations to the threshold questions relating to AB 383’s reenactment.¹⁰³

Should Legislation Reauthorize IDCs, Given That Courts Continue Holding IDCs

⁹⁷ Judicial Council of Cal., [2026 Court Statistics Report: Statewide Caseload Trends, tbl. 4a, “Total Civil Filings, by County and Case Type,”](#) Fiscal Year 2024-25 (2026).

⁹⁸ Memorandum [2026-31](#), EX 1-4.

⁹⁹ *Id.* at EX 1.

¹⁰⁰ *Id.* at EX 2.

¹⁰¹ *Id.* at EX 1-2. Code Civ. Proc. §§ [2016.080\(d\)](#) [repealed].

¹⁰² *Id.* at EX 2-3.

¹⁰³ These questions resulted from interviews with survey respondents, as noted in Memorandum [2026-31](#), pp. 7-8.

Despite the Sunset of AB 383?

As stated above, the respondents indicated that most courts kept doing some sort of IDC procedure despite the sunset of AB 383, which begs the question of whether new legislation would be helpful if courts can rely on their inherent authority to manage their courtrooms in continuing to hold IDCs.¹⁰⁴ As explained above, the survey respondents practice in at least 40 separately identifiable California county court jurisdictions and approximately two-thirds of the total respondents reported that their court continued using some form of IDC after AB 383 sunsetted.

Even if courts sometimes rely on their inherent authority to hold IDCs, many of the judicial officers the staff spoke to would welcome having IDC authority codified to create clear boundaries to IDCs and make explicit the court's authority to order IDCs. The staff's stakeholder outreach suggests there is support for enacting some sort of legislation on IDCs.

Should an IDC Request Be Required Before Filing a Discovery Motion or Remain Optional, per AB 383?

The staff believes its research indicates that IDCs tend to resolve disputes that would otherwise proceed to motion practice, so it would further the goal of time savings to require a party to request an IDC prior to filing a motion for discovery. To preserve judicial independence, the judge may decide whether to hold one.

Fresno uses this model,¹⁰⁵ but Los Angeles County Superior Court does not, preferring judicial discretion throughout the process.¹⁰⁶ Calaveras County Superior Court, a small court serving a rural county with a population of approximately 45,000,¹⁰⁷ expressed concern that mandating judges to hold IDCs might overextend judicial resources. Making it mandatory to request an IDC but leaving it to the court's discretion whether to hold one also takes into account this concern and the reality of limited judicial resources. However, this approach is meaningful only if parties have a reasonable opportunity to obtain an IDC when warranted. In courts where judicial resources are so limited that IDCs are rarely or never held, requiring a request could impose an additional procedural burden without a

¹⁰⁴ 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.”).

¹⁰⁵ Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17(A), (F).

¹⁰⁶ Memorandum [2026-31](#), EX 4 (“Judicial discretion should be preserved, as not all disputes are suitable for IDCs.”).

¹⁰⁷ Calaveras County Superior Court, [About Our Court](#).

corresponding opportunity for informal resolution. Any proposed legislation should therefore account for differences in court resources and ensure that the request requirement serves a practical purpose rather than becoming an empty procedural formality.

Some attorneys think making an IDC request mandatory would add an unnecessary additional step before filing a discovery dispute, particularly those for whom IDCs have not resolved disputes and thus will delay the litigation. One way to address this concern and mitigate delay in the case would be to require the court to act on an IDC request promptly. Still, this would not eliminate the additional burden on parties and the court when an IDC is unlikely to resolve the dispute. The staff will continue to weigh these competing considerations.

Should Applicable Deadlines Be Tolled; If So, Should the Tolling Be Discretionary or Automatic?

The staff's research supports automatically tolling applicable deadlines upon a request for an IDC but tolling only for a short, defined period to prevent IDC requests from being used as a delay tactic. For context, existing law affords parties 45 days after service of a verified response to a discovery request to move to compel further responses.¹⁰⁸ If, for example, after reviewing a response and attempting to meet and confer, a party may have 10 days left on the 45-day deadline to file a motion. The issue is whether that deadline should be tolled and, if so, whether any IDC statute should toll it automatically or allow the judge to toll it in their discretion.

Currently, tolling is handled differently among courts. One respondent said parties sometimes agree among themselves to extend deadlines.¹⁰⁹ San Mateo states that “[b]y agreeing to engage in an IDC, the participants agree that the time to bring a motion . . . is tolled, starting on the date a party emails a request for an IDC to the Court.”¹¹⁰ One judge in San Diego states that while an IDC does not toll the deadlines, the parties may stipulate to extend deadlines to help facilitate resolution of the dispute.¹¹¹ Fresno requires automatic tolling, which tolls deadlines for the actual number of days between the request for an IDC and the court's ruling.¹¹² That rule also requires the court to rule on an IDC request within 15 court days and, if the court fails to rule on it within that period, provides for a fixed

¹⁰⁸ Code Civ. Proc. §§ [2031.310](#) (inspection demands); [2030.300](#) (interrogatories); [2033.290](#) (requests for admissions).

¹⁰⁹ Respondent 89.

¹¹⁰ Superior Court of California, County of San Mateo, [Informal Discovery Conference Calendar Availability](#).

¹¹¹ Honorable Judy S. Bae, [Rules and Procedures](#), *Informal Discovery Conferences*.

¹¹² Super. Ct. Fresno County, [Local Rules](#), rule 2.1.17(F).

tolling period depending on the method of service of the IDC request.¹¹³ This approach provides litigants with protection against losing their opportunity to seek relief via a formal motion while an IDC request is pending, while also placing a defined limit on the resulting delay. Permissive, rather than automatic tolling, may discourage parties from participating in the IDC process if they have a fast-approaching deadline because of the lack of certainty that the deadline would be tolled.

When asked how to improve AB 383, several respondents suggested some form of automatic tolling.¹¹⁴ One notable exception was the Los Angeles County Superior Court¹¹⁵ who opposes an automatic extension and prefers statutory language allowing the court to issue monetary sanctions for counsel's bad-faith refusal to extend a deadline.

Finally, California courts have held that the deadline to file a motion to compel discovery "is mandatory and jurisdictional,"¹¹⁶ and that a court lacks discretion to entertain a late motion to compel.¹¹⁷ Legislation authorizing tolling pending an IDC would allow parties to pursue informal resolution without risking the loss of their right to move to compel or filing a potentially unnecessary motion to preserve that right.

The staff's findings reflect a tension between ensuring that parties are not disadvantaged by requesting an IDC and avoiding unnecessary delay in the discovery process. A short, minimum tolling period could address both concerns by giving parties sufficient time to obtain a ruling on an IDC request without creating an open-ended extension of applicable discovery deadlines. A minimum tolling period would also give judges more discretion in whether to toll deadlines further.

Should Courts Be Able to Consider IDC Conduct When Deciding Sanctions?

The staff's research suggests that any legislation should expressly allow courts to consider attorneys/parties' conduct during an IDC when deciding whether to issue sanctions. The staff suggests this could be a permissible factor the court may consider to preserve the informal, non-evidentiary character of the conference that both judges and attorneys credit with making the process efficient.

Allowing courts to consider IDC conduct could also encourage parties to participate in good faith and take the court's guidance seriously. For example, if a party files a motion taking a position inconsistent with the court's guidance at the IDC, the court could consider

¹¹³ *Id.*

¹¹⁴ Respondents 50, 94, 109.

¹¹⁵ Memorandum [2026-31](#), EX 1-4.

¹¹⁶ *Sexton v. Superior Court* (1997) 58 Cal.App.4th 1403, 1410.

¹¹⁷ *Vidal Sassoon, Inc. v. Superior Court* (1983) 147 Cal.App.3d 681, 683 (holding that statutory deadlines to move to compel discovery responses are "mandatory and the court may not entertain a belated motion to compel.").

that conduct when deciding whether to issue sanctions. Similarly, if a party disregards guidance provided during an IDC and forces the opposing party to file a motion to obtain relief the court already indicated was appropriate, the court could also consider that conduct in determining whether sanctions are appropriate.

This approach is consistent with the staff's interviews with attorneys, judges, and a discovery referee. For example, a discovery referee from Foster City believes the statute should permit sanctions when a party fails to follow the court's directions at an IDC. A judge in the Los Angeles County Superior Court reportedly advises parties during IDCs that he may sanction a party that later files a motion disregarding the guidance he provided.¹¹⁸

Current law does not expressly address whether conduct occurring during an IDC may itself serve as the basis for sanctions. However, current law identifies conduct constituting misuse of the discovery process, including failing to meet and confer in good faith, as grounds for sanctions.¹¹⁹ These provisions may provide authority to sanction certain conduct related to an IDC.

Expressly allowing, but not requiring, courts to sanction attorneys during the IDC process would clarify the court's authority while preserving judicial discretion. Any sanctions would remain subject to applicable notice and hearing requirements.

There is an additional related question that the staff will present in another memorandum. AB 383 provided that the outcome of an IDC does not prejudice the disposition of a discovery motion.¹²⁰ The staff will provide an analysis of whether any statute should instead provide that the court may consider the outcome of an IDC when considering a discovery motion.

Should Parties Be Required to Submit a Joint Statement Before the IDC?

The research suggests any statute should require the parties to file a short, written joint statement subject to a page limit.¹²¹ AB 383 required only that the parties file the meet and confer declaration already required by law prior to filing a discovery motion. This declaration describes only the efforts to meet and confer, and does not necessarily discuss the disputed issues.¹²² Respondents were divided, however, on the appropriate length for such a statement. Some believed a joint statement of no more than one and a half pages

¹¹⁸ Staff Meeting with the Honorable Rupert Byrdson, Los Angeles County Superior Court, July 9, 2026.

¹¹⁹ Code Civ. Proc. §§ [2023.010](#), [2023.030](#).

¹²⁰ Code Civ. Proc. § [2016.080\(e\)](#) [repealed].

¹²¹ This would be a similar joint statement as required in federal court under Federal Rules Civil Procedure, rule [26\(f\)\(2\)](#), which makes parties jointly responsible for submitting a joint discovery plan.

¹²² Code Civ. Proc. § [2016.040](#).

was sufficient, while others thought a five-page statement may be inadequate to address more complicated discovery disputes. For example, a judge of the Los Angeles County Superior Court requires each party to submit a brief statement, not to exceed five pages,¹²³ while another judge of the Los Angeles County Superior Court requires parties either to submit a five-page joint statement or a three-page individual statement.¹²⁴

A relatively brief statement would require attorneys to identify the crux of the dispute and provide a simpler, more concise alternative to briefing a formal motion. It would also provide more information about the dispute itself, rather than the party's efforts to meet and confer to resolve the dispute, as in a meet and confer declaration.¹²⁵ Requiring a joint statement also could further the meet and confer process by requiring the parties to articulate in writing the issues on which they disagree, which could itself facilitate resolution of the dispute and bypass the need for an IDC. Some respondents noted, however, that attorneys may effectively turn a joint statement into separate arguments by dividing the statement into sections addressing each party's position.

A potential compromise would be to require a three-to-five-page joint statement, while giving the court discretion to permit additional pages upon a showing of good cause. This approach would provide sufficient space to address more complicated disputes while still allowing parties—and the court—to focus on key issues before the IDC.

Should Judges Officially Memorialize IDC Outcomes?

The research supports encouraging courts to facilitate the memorialization of agreements reached during an IDC, without requiring the court itself to enter a binding order. Depending on the circumstances, the parties could either reach an informal agreement confirmed by email¹²⁶ or enter into a signed stipulation and order.

Four¹²⁷ attorney respondents expressed that IDCs should have some mechanism to memorialize what occurred during the IDC. Without such a mechanism, attorneys may disregard statements or guidance provided by the judge during the IDC and maintain their original positions in the hope of receiving a “second bite at the apple” at the eventual motion hearing.

At the same time, some judges may be reluctant to enter orders during IDCs because IDCs are, by definition and name, *informal* conferences and AB 383 provided that they

¹²³ Staff Meeting with the Honorable Virginia Keeny, Los Angeles County Superior Court, June 26, 2026.

¹²⁴ Staff Meeting with the Honorable Alison Mackenzie, Los Angeles County Superior Court, July 7, 2026.

¹²⁵ Code Civ. Proc. § [2016.040](#).

¹²⁶ Judge Mackenzie, Los Angeles County Superior Court, uses this approach in her courtroom.

¹²⁷ Respondents 12, 90, 152, 155.

should not be binding.¹²⁸ Rather than require courts to issue orders or formally document every agreement, the statute could permit courts to facilitate the memorialization of agreements when they find it appropriate. This could help reduce later disputes about the terms of an agreement while preserving the flexibility and informality that make IDCs useful. Any such provision should be permissive, not mandatory, so that documenting an agreement does not become an additional procedural hurdle.

The staff also notes that if legislation permits a court to consider what occurred during an IDC when determining whether to issue sanctions, as discussed above, the court would need to maintain a record of the proceeding sufficient to inform that determination.

This approach would preserve the informal and nonbinding nature of the IDC while providing parties with a practical mechanism to document and, where appropriate, formalize agreements reached during the conference.

Does the Commission agree with the suggestions set forth in this memorandum regarding the threshold questions identified in the prior memorandum? Does the Commission wish for the staff to address any additional issues or considerations before proceeding?

Respectfully submitted,

Amy Seilliere
Attorney

¹²⁸ Code Civ. Proc. § [2016.080](#)(e) [repealed] (“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.”).

Respondent ID	Respondent's Role	Respondent's Jurisdiction	# of IDCs respondent has participated in	Of those, how many were ordered on the court's own motion?	Of those, how many were requested by the attorney/litigant?	How frequently did the court expressly deny a request for an IDC?	How frequently did the court fail to act within statutory deadlines resulting in a deemed denial?	How frequently did the court delay scheduling an IDC?	How frequently did the court grant the request and hold the IDC?	Of court-initiated IDCs, how many occurred after a motion to compel had already been filed?	Of those, how many occurred after the motion had been fully briefed?	How often did the IDC fully resolve the discovery dispute without a subsequent motion?	Did the availability of IDCs affect how attorneys met and conferred?	Explain.	Did the possibility of court involvement through IDCs affect how attorneys approached meet and confer obligations?	How did the overall time required for IDCs differ from discovery motions?	Preparation time	Time to conduct IDC	Did the use of IDCs conserve judicial resources overall?	Explain.	Were you the same judge presiding over the case at issue or only the IDC?	To what extent does it make a difference whether the same judge presides over IDC and case?	Did you find IDCs to be more cost-effective than motion practice?	What changes, if any, would improve the IDC process?	Has your court continued using IDCs after the sunset of AB 383?	Please explain how the process was structured.	To what extent were the goals of AB 383 achieved?	Would you like us to contact you for more information?
1	Judicial Officer	Los Angeles Superior Court (ret.)	Hundreds	Most ordered litigants required to conduct IDC before filing a Motion to Compel Further	all	Never	Never	Never	Always	Most ordered litigants required to conduct IDC before filing a Motion to Compel Further	Almost none	98 % of the time (very very rarely)	Yes	Most recognized that the IDC was likely to resolve the issues and after identifying the issues to each other they waited for the judge to resolve	They took their obligations more seriously, as they knew that if they didn't the judge would be harder on them.	Much less time	Much less time	Much less time	Yes	Before the statute sunsetted, I had numerous IDCs every week and almost no Motions to Compel Further. After - since I required a stipulation to conduct an IDC and did not require an IDC before filing a MTCF, I had many, many more Motions filed and very few IDCs. I once resolved, over a 2 hour IDC, a total of 115 motions (given that there were multiple parties with similar discovery requests, which would have been required to be separately filed - with separate calendar dates - if MTCF were needed.	Also presided over case at issue	A lot - you have to be able to say "This is how I would rule on a MTCF on this" Otherwise, the lawyer thinks "Well, maybe the trial judge would rule differently, so I will take my chances with filing."	Yes, significantly	Just having the statute in place would make a huge difference. There are some judges who simply don't like interacting in IDCs, but those are mostly older judges. I think they should be required, but find it unlikely that this would pass the legislature.	Yes	I required a stipulation of the parties, which often did not happen or they thought it was too much trouble. I know many judges who just considered it within their inherent authority to control the litigation process. The Foundation for Judicial Education is working on language in the Benchbook on the subject (I am on the Board of the FJE)	Absolutely.	Yes
2	Attorney/Practitioner	Fresno, California	2	2	2	Rarely	Never	Never	Often	0	0	Most of the time	No			Much less time	Much less time	Much less time	Yes			Yes, somewhat	Encourage Judges presiding over IDCs to state how they will likely rule on Motions to Compel over the issues rather than merely encouraging the parties to work it out.	Yes			No	
3	Attorney/Practitioner	Superior Court of California, County of San Diego	3	0	3	Never	Never	Never	Always	Two	0	never	No	No. The parties' positions and approaches remained the same.								No, more costly		Yes	The process is voluntary based on the parties' willingness to participate.	Not at all.	Yes	
4	Attorney/Practitioner	San Diego	5+	0	5+	Never	Never	Never	Always	None-- they allowed us to schedule the IDC before we had to file the motion to compel		almost every time	Yes	Since this option was available, we were usual able to get opposing counsel to be more willing to actually meet and confer to resolve the issues	Yes	Much less time	Much less time	Much less time	Yes	You did not have to fully brief the issue for the court in an IDC so this saved a lot of time		it is better to have it be the same judge	Yes, significantly	keep the IDC	Yes	We would contact the court clerk to schedule	yes	No
5	Attorney/Practitioner	California	5-10	0	all	Never	Never	Never	Always	0	N/Q	every time	No	I don't think it affected it at all		Much less time	Somewhat less time	Somewhat less time	Yes	the IDCs I participated in avoided motion work	Also presided over case at issue	I don't think it makes a huge difference in saving time and resolving the issue but if same judge it can help the judge became acquainted with case facts, discovery issues and party dynamics.	Yes, significantly	None at this time	Not sure	Not sure	100%	No
6	Attorney/Practitioner	orange county, san bernardino, san diego, riverside, Los angeles	3	0	3	Rarely	Rarely	Sometimes	Often	0	0	often	Yes	more amenable to resolving the dispute	yes, more emphasis on following proper procedures	Much less time	Much less time	Somewhat less time	Yes	allowed the issues to be resolved without motions and additional hearings, arguments and potential appeals		Yes, significantly	more availability	Not sure		No		
7	Attorney/Practitioner	Los Angeles, orange county, riverside, San bernardino	10	10		Always						Never	No	No	More time	About the same	More time	No	Time lost. Bias when not briefed		Same judge knows issues and facts when he hears motions	No, more costly	Stop them	Yes	I d c assigned to one judge	It is an illusion	No	
8	Attorney/Practitioner		25-30	80-85%, including per local rule	15-20%	Never	Never	Never	Always	0		60-65%	Yes	Typically resulted in higher quality meet and confers	See, above	Much less time	Much less time	Much less time	Yes	Even if issues are not fully resolved, Court involvement typically narrows issues.	Also presided over case at issue	Makes the process more honest	Yes, somewhat	Make them mandatory	Yes		yes	No
9	Attorney/Practitioner	Los Angeles, Orange County, Riverside, San Diego, Santa Clara	5	2	3	Sometimes	Never	Rarely	Often	All	All	Most	No	Unfortunately, less seriously because they simply used the time to stall (I like IDC's and still think they are an improvement in the system)								Yes, somewhat	Make them work like OC, where you have a dedicated judge (or multiple) who are truly committed to the process. Unfortunately, most trial courts are too busy to enforce discovery which is severely increasing the costs of litigation, delaying cases and rewarding bad behaviour.			I don't know how much the statute helped - but the practice is one which should be expanded	Yes	
10	Attorney/Practitioner	CA state courts	2	2	0	Never	Never	Never	Always	2	1	100% of the time	No	yes	yes	Somewhat less time	Somewhat less time	Somewhat less time	Yes			I'd rather the trial judge hear the matter but if that isn't possible, its fine.	Yes, significantly		Yes	we filed a motion and were then told that we needed to submit to IDC.	acheived, discovery disputes were resolved without motion practice.	Yes
11	Attorney/Practitioner	California (all courts)	Dozens	Most of them are forced by specific courts, Stanley Mosk in particular. Some judges will not allow motions to compel without one, which is unfortunate and allows for discovery games	0					Some of them		Never	Yes	It leads to discovery games, withholding information, and increased attorney's fees and costs on both sides, because the offending party knows there will not be any consequences.	Less seriously	More time	More time	More time	No	It led to increased attorney's fees and costs, increased judicial involvement in the case that leads nowhere. IDCs are horrible		I would prefer that if I was forced to attend an IDC. My position is IDCs should be eliminated.	No, more costly	Eliminate them. They are worthless and a waste of time.	Not sure	Some courts force them, others only suggest them.	Not at all. It takes more time. I often have to attend multiple IDCs, because there is no formal order and what was discussed was violated. It often still leads to a motion.	No
12	Attorney/Practitioner	All CA	20+	20+	20+	Never	Never	Never	Always		None	Almost worthless. Sophisticated parties with extensive resources just used them to create further delay.	No	Yes	Yes							No, more costly	Eliminate it. They don't help with sophisticated parties trying to delay enforcement of discovery obligations	No		Total failure	Yes	
13	Attorney/Practitioner	San Diego	5-10	All						50%	0	25% of the time	Yes	If IDCs were readily available or going to be required by the court prior to filing a motion, sometimes the meet and confer process is interrupted because the mentality is "well if we're going to have to go to an IDC anyway, we don't need to keep fighting about this."	Seems like sometimes more seriously if the issues to be presented at the IDC were significant and required thorough analysis (e.g., privilege issues), but sometimes less seriously where the IDC is merely result of a steadfast client who won't budge on basic discovery issues (i.e., the attorney has no authority to concede any issues so the IDC is inevitable).								I would strongly recommend the judiciary implement monetary sanctions as required under the code, especially where an IDC has been held and the same issues presented at the IDC were adjudicated in the motion against the objecting party.	Yes	Each department seems to be different. Some departments require IDCs as a prerequisite before a motion will be heard. Others use them only where complex discovery questions or voluminous motions are at issue.	In my experience, IDCs have rarely been a successful alternative to motion practice.	Yes	
14	Attorney/Practitioner	Superior Court of San Diego County, Superior Court of Riverside County	2	2	0	Never	Never	Never	Always	2	2	2	Yes	It fostered more communication	Yes.	Much less time	Much less time	Much less time	Yes	Less time commitment for the judge and his/her law clerk.	Also presided over case at issue	In our case, it did make a difference as it was a UM case and we had to file an initiating action in the Superior Court since the UM carrier was ignoring our requests to commence arbitration, answer discovery, etc.	Yes, significantly	Make it mandatory, require a set amount of meet and confer conferences, and make noncompliance a sanctionable event. Also awarding attorneys' fees would put pressure on the side that is being obstructionist.	No		Absolutely. It needs to be expanded as most judges and their clerks are overburdened. Maybe include volunteers from the legal community to handle IDCs to save money.	Yes

110	Attorney/Practitioner	LA COUNTY; ORANGE COUNTY; MULTIPLE	2	2	0	Sometimes	Never	Often	Sometimes	every time	every time	yes but the IDC should award sanctions and quit acting like pussies. IDC should be much more efficient and not require a noticed motion.	Yes	no one takes IDCs seriously if there isn't a sanction factor. So attorneys know the process is bullshit.	less seriously. IDCs need to get with the times and become electronic, fast and severe.	Much less time	Much less time	About the same	Unsure	again filed a long motion just to get an IDC. That doesn't make sense. Then I win the IDC and don't get sanctions. non sensical.		Doesn't matter.	No, more costly	I already listed those. Make them more accessible; electronic accessibility and virtual appearances; LET THE JUDGES SANCTION THE SHIT OUT OF PEOPLE; If the parties request let the judge try to settle the case right then and there.	Not sure		not too good	Yes	
111	Attorney/Practitioner	Alameda county	approximately 10	one	9	Never	Never	Sometimes	Sometimes	none	not applicable	nearly all times	Yes	without a prompt IDC to discuss and resolve issues, discovery was delayed for months pending hearing on motion to compel, which were scheduled many months out	yes, a promptly scheduled IDC forced parties to come to agreements before the IDC on at least what they could, instead of waiting for hearing on motion						Yes, significantly	I like the system in Alameda county with the brief declaration and no additional documents. I think it should be adopted statewide	No		IDC effectively reduced the time to resolve disputes and conserved court resources	No			
112	Attorney/Practitioner	all state courts and federal courts in california- primarily bay area and los angeles surrounding areas	More than 40	all- even now that there is no mechanism they insist on it	most as we file the most motions to get the evidence from employers	Never	Rarely	Always	Always	they won't let us file so we get extensions from defendants, once they wouldn't so we filed	that one time	NEVER	No	no the defendant employers often just brief items they never really discussed with us despite requiring m&c.		More time	About the same	Somewhat less time	No	they would not rule or many times tell us how they were inclined to rule, so motions were necessary.	Also presided over case at issue	not if they don't do anything to prevent the need of the motion	No, more costly	make it abundantly clear courts do not have the power to order these now that the statute has sunsetted. They are a waste of time.	Yes	exact same except they won't give us a stay on the filing deadline	NOT ONCE	No	
113	Attorney/Practitioner	Alameda, SF, Contra Costa, LA, OC	4	0	4	Never	Never	Rarely	Often			25% of the time	Yes	Attorneys were more likely to meet and confer.	Attorneys were more likely to meet and confer.	Much less time	Much less time	Much less time	Yes	IDCs are faster and push parties to resolve discovery disputes before filing motions to compel.	Also presided over case at issue	Ideally, the judge presiding over the IDC would be the same judge presiding over the case at issue. Attorneys will take the judge's advice at the IDC more seriously. If a different judge is presiding over the case, then they might still file discovery motions even if discouraged to do so, in hopes they will be more persuasive to a different judge.	Yes, somewhat	I would make the court's responses clearer. Sometimes, litigants will request an IDC, and the clerk will respond with information about IDCs and motions to compel, instead of just stating whether the IDC is granted. Additionally, there always seem to be questions about tolling. The process should be: 1) request the IDC, which also tolls the motion to compel deadline; 2) the court responds with whether the IDC is granted AND with the motion to compel deadline.	Yes		Overall, I think IDCs achieve the stated goals.	No	
114	Attorney/Practitioner	Orange County Superior Court	3	3	3	Never	Never	Never	Always	always after. file the motion. assigned to the idc judge/court.		2/3	No	Aside from the requirement to hold an IDC phone call and submit a joint statement about that call, not really. Maybe less.								No, more costly	For Orange County, we need more than one judge. For a variety of reasons, having only one judge/one court handle all the discovery disputes for all the litigants in the county is clearly not a good idea.	Yes	See the OC SC IDC Rules. Its mandatory and automatic. But does not foreclose a hearing. All before one judge/court.	hard to say. might work but not in the current form in OCSC.	No		
115	Attorney/Practitioner	I practice primarily in Northern California (Alameda, Contra Costa, San Mateo, etc.) but handle cases statewide including Los Angeles and Orange counties.	over 10	3-5	3-5	Never	Never	Never	Always	2	0. In my experience, the IDCs were ordered and held only after the moving party brief was filed. Opposition papers were not required.	Baltpark estimate: 80-90% of the issues were resolved which substantially narrowed the issues that were briefed to the trial judge	No	attorneys use the burden of filing a motion to compel as a game of "chicken" - will the other side really file a motion or just drop it? Some attorneys take a hardline position because they know a motion to compel is time consuming, onerous and voluminous, so why concede a point if you think the other side is bluffing. But with the IDC process, opposing counsel knows they'll have to explain their position to a commissioner or trial judge, so they have taken a more reasonable approach OR have shifted positions once the IDC hearing date is imminent.							Yes, significantly	used by Contra Costa, San Mateo and Alameda counties to be the most efficient. Rather than filing a motion, counsel must request an IDC before motion practice. Alameda and San Mateo required letter briefs which forces laser focus on the important issues. In contrast, Orange County currently requires filing of a motion first, then an IDC is assigned. That approach only saves the opposing party resources, not the moving party. This may be beyond the scope of the legislation, but it's an important issue if each County superior court gets to decide	Yes	Contra Costa continued with voluntary IDCs rather than mandatory. Orange County, as noted in prior answer, is still using pilot program IDCs for certain departments	An emphatic yes!	Yes			
116	Attorney/Practitioner	Los Angeles, Orange, Riverside, San Bernardino, Ventura, San Diego, Alameda, Fresno, Stanislaus	50+	Almost all or by way of implied requirement/order	the way that IDC requests are written in local rules essentially requires a litigant to request an IDC or else be unable to have a chance at a motion	Often	Often	Often	Often	Many	sometimes. A lot of times the hearing dates on motions to compel are so few that they are placed many months (close to a year out)	Rarely. The IDC works as a vehicle to stall discovery counter to its purpose. If a party is unable to file a motion without first going to an IDC, there is no incentive for a delaying party to actually provide documents prior to an IDC. Then it goes the delaying party grounds to say they've complied and are working in "good faith" when they have successfully stalled out the process for upwards of 6 months. The IDC invites gamesmanship	No		sometimes	About the same	About the same	More time	No	there is no functional difference between a motion hearing and an IDC hearing that can last twice as long as the actual hearing at times. It is essentially the same thing but allows the court to by pass the statutory notice and response paper rules.	Also presided over case at issue	The problem on the Plaintiff side is that the Plaintiff has the burden of proof and lack of access to the documents from the Defendants (speaking of employment cases). Without closer examination, the appearance that plaintiffs often fight is that they are the ones causing the extra work. Having the same judge over the IDC can further this perceptions at times..	No, more costly	Remove them. It is a non-legislative barrier created by judiciary to have access to code-given rights to court access	Yes	It's actually worse now. Functionally the same as before without the automatic extension. Many courts will still take your motion off calendar without an IDC first.		effect at least for employment cases. This is the same for the lack of a one-deposition rule in employment cases. It has become significant points of litigation. For IDCs, from a Plaintiff's perspective, the game plan for a Defendant is to refuse to do a code-complaint search (typically for email communications), wait for the Plaintiff to meet-and-confer, stall on a response, do an in-person meet-and-confer (often required now) and explain that they have no authority without talking to the client, delay more, require the Plaintiff to request an IDC (since you need one to file), give availability months out, and then provide potential limitations just before the IDC to look reasonable. By this point, you are 4-6 months out from the original request with nothing	Yes

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

What is your role? [Judge](#)

What jurisdiction/court do you practice in? [Fresno County Superior Court](#)

How many IDCs have you participated in? [Hundreds](#)

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?⁺~~
- ~~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 you experience a delay in having the court schedule an IDC once you requested it?~~
- ~~7. 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))?~~
- ~~8. 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?
 - a. [It takes significantly less time to prepare for and conduct an IDC, than to work up motions to compel further responses. As one judge put it, “the difference is night and day.”](#)
10. Did the use of IDCs conserve judicial resources overall? Why or why not?

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).

- a. Very much so. When you add up the amount of time the judicial staff attorneys have to put in to the motions, as well as the high number of them that are filed (we have had cases where there are 20+ motions to compel further responses), the amount of work that goes into preparing the tentative rulings, hearing oral argument, the possibility of needing to draft an order after hearing, and the staff work involved with entering and serving the final order, it requires much, much more time than conducting an IDC.
- b. An IDC may take 1 to 3 hours, start to finish, of a judge's time; whereas a single discovery motion seeking further responses can take 2 to 3 days. Also, the IDCs were successful at least 95% of the time, and they really cut down the law and motion practice with regard to filing motions for further responses.
- c. In 2006, we lost a number of judicial staff attorneys, which made our law and motion calendars balloon. Parties had to wait months to get a hearing. We promulgated a local rule requiring parties to request an IDC prior to filing a motion to compel further discovery responses. This significantly reduced the number of motions for further responses, allowing the staff attorneys to focus on MSJ's, demurrers, SLAPP's, etc. Further, this reduced the amount of time to get on calendar from months down to weeks.
- d. Prior to instituting the mandatory IDCs, we were seeing 15 or more discovery motions on calendar per week for 4 judges. After we started using IDCs, it dropped to a few a month.
- e. The IDCs were a huge plus for the obvious, quantifiable reasons, but had the added benefit of forcing attorneys to actually sit down and meet each other in person (something that was becoming increasingly rare.). Further, because we use a Judge For All Purposes assignment system, the IDCs allowed counsel to meet their judge at an early stage. That was a benefit both to counsel and the judge when later the case came on for trial.
- f. Most IDCs resolve the issue(s) without any motions needing to be filed.

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?

- a. Yes. The way our system is structured, the IDC is run by the judge assigned for all purposes to the case. It made a big positive difference.

~~e. Questions for litigants:~~

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

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?

a. *Model it after Fresno's local rule, it has proven very helpful since its inauguration. A copy is provided below.*

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?

a. *Yes.*

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?

i. *We addressed it in our local rule. (See below.)*

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)

i. *Our local rule accounts for this. (See below.)*

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

From one of our judges who was very active in creating and implementing our local rule regarding IDCs:

For years, I have been a proponent of the pretrial discovery conference. San Luis Obispo Judge Charles Crandall, Ret., and I published an article in the October 23, 2017, edition of the Daily Journal entitled "Improving discovery resolution in California state courts" (<https://www.dailyjournal.com/articles/344369>), and taught CLE classes throughout the State to attorneys and judges. Our first PowerPoint and supporting documents can be found here:

https://www2.courtinfo.ca.gov/cjer/judicial/documents/secured/cow-2016-09_discovery.pdf

I have been asked to present the topic by the Orange County Superior Court, Tulare County Bar Association, and San Joaquin College of Law, as well as at numerous CJER trainings. I am always happy to discuss the issue.

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)).

c. 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)
- a. Yes, structured in an impromptu, case-by-case basis.
 - b. In 2006, our court went through the process of drafting and implementing a local rule requiring parties to request an IDC prior to filing a motion to compel further responses. When Code of Civil Procedure, section 2016.080, was enacted about a decade later, it largely mirrored our local rule.
 - c. In short, we have been using IDCs, to great success, for many years. We feel strongly that they are very helpful.

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)~~

Fresno County Superior Court Local Rules, rule 2.1.17 Resolution of Discovery Disputes

- A. No motion under sections 2017.010 through 2036.050, inclusive, of the California Code of Civil Procedure shall be heard in a civil unlimited case unless the moving party has first requested an informal Pretrial Discovery Conference with the Court and such request has either been denied and permission to file the motion is granted via court order, or the discovery dispute has not been resolved as a result of the Conference and permission to file the motion is expressly granted. This rule shall not apply the following: 1. Motions to compel the deposition of a duly noticed party or subpoenaed person(s) who have not timely served an objection pursuant to Code of Civil Procedure section 2025.410; Motions to compel initial responses to interrogatories, requests for production and requests for admissions; 3. Motions to quash or compel compliance regarding a subpoena served on a nonparty; and 4. Motions to compel compliance with initial disclosures.
- B. Before filing a request for a Pretrial Discovery Conference, the requesting party must initiate and participate in a “meet and confer” process (see Local Rule 1.1.4) in an attempt to resolve or narrow any discovery dispute.
- C. Any request for a Pretrial Discovery Conference must be filed with the Clerk’s Office on the approved form (provided by the clerk), must include a brief summary of the dispute, must include a detailed explanation of meet and confer efforts, and must be served on opposing counsel on or before the date it is filed with the Court. Any opposition to a request for a Pretrial Discovery Conference must also be filed on an approved form

(provided by the clerk), must include a brief summary of why the requested discovery should be denied, must be filed within five (5) court days of service of the request for a Pretrial Discovery Conference, extended five (5) days for service by mail, and must be served on opposing counsel.

- D. Excepting a privilege log, if required pursuant to subsection B, below, no other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- E. If the party opponent has any opposition to the dispute as stated in the request described in paragraph no. 1 above, a written opposition on the approved form shall be timely filed or it will be considered by the Court as a refusal to participate as defined in “I” below.
- F. The parties will be notified by minute order whether the request has been granted or denied and, if granted, the date and time of the Pretrial Discovery Conference. If the Court has not issued a minute order within fifteen (15) court days after the due date of any opposition, then the request for pretrial conference shall be deemed denied with permission to file the motion expressly granted.
- G. Filing a request for a Pretrial Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues for the number of days between the filing of the request and issuance by the Court of a subsequent order pertaining to the discovery dispute. The Court’s order will specify the number of days the time for filing a motion is tolled. On the condition that the request is filed within the forty-five (45) day jurisdictional limit of the California Discovery Act, if the Court has not issued a minute order within fifteen (15) court days after the due date of any opposition, then the number of days the time for filing a motion shall be tolled for a period of fifteen (15) days if the request for Pre-Trial Conference was served personally and twenty (20) days if the request for Pre-Trial Conference was served by mail.
- H. Where privilege is a basis for refusal to produce documents, privilege logs must be provided. The privilege log must include an identification of all sending and receiving entities, as well as details of the information sufficient to apprise the opposing party of the basis for the privilege.
- I. Refusal of any counsel to participate in a Pretrial Discovery Conference shall be grounds, in the discretion of the Court, for entry of an order adverse to the party represented by counsel so refusing, or adverse to counsel. Failure to file a written opposition to the merits underlying a request for a Conference is considered a refusal to participate. Where there has been no written opposition to the merits of the request filed the Court may, in its discretion, enter an order adverse to the non-responding party. (Effective July 1, 2024; adopted as Rule 2.1.17 effective January 1, 2013)