



Superior Court of California County of Orange

CIVIL PANEL

Informal Discovery Conferences

Effective May 1, 2020

The Civil Panel is pleased to offer Informal Discovery Conferences to resolve discovery disputes in cases impacted by our reduced staffing due to the COVID-19 pandemic.

Scope. Any currently pending civil case may take advantage of the IDC program.

Initiation – Two paths. IDCs may be set at the party's request or the court's own motion.

1. Any party requesting an IDC shall email the IDC program coordinator at Civil-IDC@occourts.org. The request shall specify the case name and number, as well as provide contact information for all counsel of record. The party must copy all parties on the email to avoid an ex parte communication. The program coordinator will confer with the case's assigned judicial officer, who may grant or decline the request. The program coordinator will notify the parties of the court's decision. If the court does not grant the request within 10 calendar days, it shall be deemed denied.
2. A court may schedule an IDC on its own motion in any pending case.

However the IDC is initiated, the court may toll the deadline for filing discovery motions or make any other appropriate order. (See Code Civ. Proc., § 2016.080, subd. (c)(2).)

Scheduling the Conference. To accommodate reduced staffing, the court may use any clerk, research attorney, or other court staff member to inform the parties (through counsel of record, if any) whether it has granted an IDC request or set one on its own motion.

The program coordinator may communicate with the parties to schedule the date and time, but may not discuss substantive matters or anything else that may give any party a procedural or tactical advantage. (See Cal. Code Jud. Ethics, Canon 3B(7)(b).)

The program coordinator will update a list of scheduled IDCs on the court website to ensure transparency.

Conducting the Conference. The court may use remote technology such as conference call, videoconferencing, or email to conduct the IDC. (See Cal. Rules of Court, 4/6/20 Emergency rule 3.) The program coordinator will provide any necessary log-in information to the parties.

The participants shall ensure they can participate without distraction for the scheduled duration. All participants must have access during the IDC to email and a way to send signed documents (such as an electronic signature, fax, or an email attaching a photograph of a signature).

All participants must maintain safe social distancing consistent with all orders and recommendations of state and local government. No participants shall have physical contact with, pass documents to, share equipment with, or come within 6 feet of any other participant, unless they are already residing in the same household. ***The court will not condone or facilitate any conduct that increases the risk of spreading COVID-19.***

The assigned judicial officer will preside over the IDC, making sure all participants can hear/see each other and confirming no one else is listening/watching. The judicial officer has discretion over how to conduct the conference, including (with the parties' stipulation) the use of "breakout rooms" or separate sessions as needed. (See Cal. Code Jud. Ethics, canon 3B(7)(c).)

"The outcome of an [IDC] does not bar any party from filing a discovery motion or prejudice the disposition of a discovery motion." (See Code Civ. Proc., § 2016.080, subd. (e).)

Resolution. If the parties are able to reach a stipulation resolving the discovery dispute, they shall reduce their agreement to writing. All required signatures must be exchanged in counterpart by electronic signature, fax, or email.

The parties will send a written "IDC Statement" to the program coordinator confirming whether the IDC took place and whether it resulted in a stipulation. The program coordinator will ensure that, as staffing permits, the IDC Statement is imaged into the case file.