

# Fed. R. Civ. Pro. 26(f) Discovery Conference

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## Fed. R. Civ. Pro. 26(f) Conference of the Parties, Planning for Discovery

### TIMING

- “as soon as practicable” - must occur twenty-one (21) days before a scheduling conference or scheduling order is due under Rule 16(b). Fed. R. Civ. Pro. 26(f)(1)

### CONFERENCE CONTENT

- Considering claims, defenses, and possibilities of settlement/resolution of case,
- Discuss discovery preservation, and
- Develop a discovery plan. Fed. R. Civ. Pro. 26(f)(2)

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## Fed. R. Civ. Pro. 26(f) Conference of the Parties, Planning for Discovery

### RESPONSIBILITIES OF PARTIES

- Arranging the conference,
- Good faith attempt to agree on discovery plan, and
- Submission of discovery plan fourteen (14) days after the conference. Fed. R. Civ. Pro. 26(f)(2).

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## Fed. R. Civ. Pro. 26(f) Conference of the Parties, Planning for Discovery

### DISCOVERY PLAN REQUIREMENTS: Fed. R. Civ. Pro. 26(f)(3)

- (A) Changes as to timing, form, or requirement of initial disclosures required under Fed. R. Civ. Pro. 26(a)
- (B) Discovery subjects, timing, and method (in phases or by issue)
- (C) Electronically stored information details
- (D) Privilege or of protection as trial-preparation materials
- (E) Limitations of discovery
- (F) Orders issued by Court under Fed. R. Civ. Pro. 16(b)(c), 26(c)

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# Fed. R. Bankr. Pro. 7026 General Provisions Governing Discovery

- Fed. R. Civ. Pro. 26 applies in adversary proceedings

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## District-Specific Rules

### NDTX

- L.B.R. 7026-1 Discovery

### EDTX

- None

### SDTX

- Appendix C to Local Rules:  
Standard Joint Pretrial  
Statement

### WDTX

- L.B.R. 7026 General Provisions  
Governing Discovery

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## Title search: Discovery Conference and Rule 16 Conference Between Counsel (15 mins)

Also available as part of the eCourse

[2022 eConference on Consumer Bankruptcy Practice](#)

First appeared as part of the conference materials for the

17<sup>th</sup> Annual Conference on Consumer Bankruptcy Practice session

"Discovery Conference and Rule 16 Conference Between Counsel (15 mins)"