# 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).



## 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)

# 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

SDTX
- Appendix C to Local Rules: Standard Joint Pretrial Statement

EDTX
- None

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)

First appeared as part of the conference materials for the
17th Annual Conference on Consumer Bankruptcy Practice session
"Discovery Conference and Rule 16 Conference Between Counsel (15 mins)"