

4.02 | HOW DO I PREPARE FOR IT (RULE 26)?

At least 21 days before the CMC, all parties and their lawyers MUST “meet and confer,” either on the phone or in person, to try to agree on a number of issues. The purpose of the meet-and-confer process is to save time by requiring parties to agree on as much as possible and to understand each other’s positions. The parties should be prepared to:

1. Discuss the basis of the claims and defenses;
2. Discuss resolution through settlement;
3. Arrange for the initial disclosure of information by both sides as required by Rule 26(a)(1) including:
 - a. an exchange of names and contact information of individuals with discoverable information; and
 - b. a list of certain documents described in FRCP 26(a).
4. Agree on a discovery plan;
5. Select an alternative dispute resolution (“ADR”) process: mediation, early neutral evaluation or settlement conference (discussed later in this Handbook);
6. Prepare and file a joint written report outlining the discovery plan.

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Honorable Mention: USNYND, USCAND)

