

Discovery Conference Procedure

I. Authority

Discovery commissioners are authorized by NRCP 16.3(b) to “preside at discovery resolution conferences,” and to “take any other action necessary or proper for the efficient performance of the discovery commissioner’s duties.” Further, EDCR 2.34 allows a discovery commissioner to “direct the parties to appear for a conference with the commissioner concerning any discovery dispute.”

II. Purpose

The purpose of a discovery conference is to effect “the just, speedy, and inexpensive determination of [discovery disputes].” NRCP 1. The discovery commissioners may conduct a discovery conference to assist the parties in resolving a discovery dispute without the need for briefing or a formal hearing. NRCP 16.3(b); EDCR 2.34

III. The Mechanics of the Discovery Conference

A. Prerequisite Meaningful Meet and Confer

A discovery conference is not a substitute for counsel’s requirement to meaningfully meet and confer as required by EDCR 2.34 and EDCR 5.602(e). Before requesting a discovery conference, counsel must demonstrate that they held a meaningful meet and confer. To understand the standard to which you will be held, *see [Wanna Stay Out of Trouble in Discovery?](#)* at 4-11.

B. Submissions for the Conference

If all counsel involved in the discovery dispute agree, and upon showing proof of a meaningful meet and confer, they may request a discovery conference to mediate a discovery dispute. Counsel must contact the Discovery Department office at 702.671.4486 or discoveryinbox@clarkcountycourts.us to request a conference. Counsel must provide the discovery commissioner with:

1. Proof that counsel engaged in a meaningful meet and confer;
2. A copy of the discovery request and/or response at issue;
3. A finite list of the matters to be resolved at the conference, including the position taken by each party regarding the same; and
4. Any citation to law counsel feels is necessary to resolve the dispute (limited to 2 pages).

The commissioner assigned to the matter will meet with all counsel via BlueJeans or telephone after reviewing the submissions by counsel. The commissioner will attempt to assist counsel to resolve their dispute informally.

If the conference resolves the dispute, no further court intervention will be necessary, although counsel may choose to submit a stipulation and order memorializing

the resolution. Otherwise, counsel will amend their requests or responses according to their agreement.

If counsel are not able to informally resolve all matters with the assistance of the commissioner, any party may file a motion regarding the unresolved matters. The motion will then be set for hearing with briefing as outlined in the court rules.