

#### DEFINITION OF CONFER

To confer means to speak directly with opposing counsel or a self-represented litigant in person or by telephone, to identify and discuss disputed issues and to make a reasonable effort to resolve the disputed issues. The sending of an electronic or voice-mail communication does not satisfy the requirement to “confer.”

In cases involving pro se prisoners, written communication satisfies the confer requirement.

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#### RELATED AUTHORITY

Fed. R. Civ. P. 26(f), 37(a)(1)

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#### Advisory Committee Notes

This rule does not prevent or prohibit the use of written communication to resolve disputes. However, if disputes are not resolved via written communication, counsel or self-represented litigants (except pro se prisoners) must attempt to confer in person or by telephone prior to a motion to compel being filed.

Counsel or self-represented litigants have a duty to respond within a reasonable amount of time to a request to confer and to be reasonably available to confer.