

Judge Fashing Phone Conferences to Resolve Minor Discovery Matters

Judge Fashing will accept requests for telephonic resolution on discovery matters, including resolution of problems occurring during a deposition, provided that the following requirements are met:

1. The parties have not briefed the matter.
2. The matters shall be of a narrow or discrete nature; i.e., instructing a witness not to answer, protective orders, scheduled depositions, or production of files or documents. Requests to compel responses to a number of interrogatories, etc., cannot be easily resolved in telephone conferences.
3. Counsel first shall attempt to resolve the dispute themselves, by discussing the matter either by telephone or in person. An e-mail or letter exchange is not sufficient.
4. Counsel shall schedule a telephone conference by calling (505) 348-2360 and making an appointment, or by emailing fashingchambers@nmd.uscourts.gov. All parties must agree to a telephone conference before any one counsel contacts chambers for an appointment.
5. Written requests for a telephonic discovery conference should not include any argument on the merits of the request, nor should requesting counsel use the written request as an opportunity to chastise or criticize opposing counsel. Simply make your request for a discovery conference.