

DISCOVERY INFORMATIONAL CLIENT HAND-OUT

In every legal action, including divorces, there is a period of time in which both persons have the opportunity to “discover” what the other person may have in terms of information. Thus, the name “discovery” is applied to these actions.

During the period of discovery, which is usually set by the Court and for which the Court sets a deadline for completion, both parties prepare and serve one another different forms of discovery. Once the Court’s deadline has passed, then neither party may discover what the other side has in terms of information.

Discovery can take the form of questions, which are also called “interrogatories”; Discovery can take the form of a request for papers and other documents, which is formally called a “request for production of documents.” There is also a procedure in discovery where one side is asked to “admit” certain things, which is called “request for admissions.”

Every person in a lawsuit has a duty and responsibility to answer the questions and to provide whatever documents he or she has in her possession or to which he or she has access to.

The discovery process is subject to very strict timelines. Once we receive discovery from the other side, then we only have a short turn-around time to accomplish the tasks requested. Your job as a client is to prepare the initial answers to interrogatories and to locate and collect all of the documents requested. You must then get this information to us so that we may review the information and put the information in the proper legal form. We may delete or add information as necessary as we prepare the information after speaking with you. We may also legally object to particular discovery demanded by the other person. We will review your information and work with you to refine your answers to the discovery. It takes about two weeks to prepare the discovery in the proper form and to finalize the discovery in order to get it out to the other party under the timelines.

It will probably take you about a week or ten days to complete the answers and to marshal the documents.

The time issue is a very big factor because if we are late or if we do not comply, then the other side has the option to ask the Court to compel that we respond and award the other side attorney’s fees and costs. Courts are not very happy when parties do not cooperate in the discovery procedure.

The foregoing also applies to any discovery that we may provide to the other side in your legal action. The other side is bound by the same rules as we are.

Most likely this informational statement accompanies discovery that we received from the other party in your case.

Please attend to your answers to questions and to marshalling the documents as soon as possible.

We suggest that you print your answers on a separate sheet of paper numbering each answer and subpart so that we may then coordinate your answers when we prepare the answers in the proper legal form. Please call us with questions.

Please organize your documents so that you have a blank piece of paper between each set of responses; e.g., “Papers for Number 1”, and so on. Please call us with questions.

We are always available to assist you with any questions that you have. Please contact us sooner rather than later if you have questions or concerns.

Please remember that this discovery is like a report that we must prepare under definitive timelines and rules.

Do not feel overwhelmed. Just approach one question at time. The Discovery process will help us refine our case and will allow us to “discover” what the other party has that we may need to help your case. No one likes to do discovery, but it is a vital process and important to your case.

If you receive discovery with KAW or N/A or NONE out in the margin next to the numbered question or request for production, this means that I will answer this question or provide this information and you need not respond.

Thank you. Remember- call sooner rather than later if you get stuck or have questions.