

READ THIS DOCUMENT THOROUGHLY OR YOU MIGHT LOSE YOUR CASE AND WASTE THOUSANDS OF DOLLARS.

Dear Client,

Attached to this email are documents sent to us by the other side. These documents are requests for information that every party to a lawsuit has the right to request. The other side may or may not have asked their attorney to send these requests. Attorneys frequently send them automatically without consulting their client. So there may be no reason at all for you to take these requests personally. Discovery has two purposes: 1. To get evidence and 2. To keep evidence from getting in at trial. If information has been properly requested and you do not produce it, then you will not be allowed to use that information at trial.

The various documents request different kinds of responses. The following is a description of documents served that you need to respond to:

1. Request for production – This document requests you to provide certain documents like bank statements, retirement statements, etc.;
2. Interrogatories – This document requests that you answer questions and swear to your answers under oath;
3. Request for disclosures – This document requests certain legal information about your case and will be answered primarily by your attorney. However there are sections of this document that are very important for you to pay attention to and make sure we have accurate information; and/or
4. Request for admissions – This document asks that you admit or deny certain facts. Your answer can only be Admit or Deny (unless there is an objection).

You only have 25 days to answer all of these requests. I need you to turn in your answers in plenty of time for me to get everything polished, organized, typed up and signed. My office needs at least fifteen days to prepare the materials you provide us, including the time it takes to get refinements from you. Therefore, I need you to turn in your answers within 10 days from today.

Clients commonly are confused, overwhelmed and sometimes angry when discovery requests like these come in. Do not worry; we are here to help! But do not be naïve in thinking this is going to be an easy task. Discovery is inconvenient but it is not an insurmountable task.

Often the number one question I get when clients first receive these requests is: Why do I have to do this? The blunt answer is: because the law says you do. The law entitles parties to request information from each other so that they can know what the issues and evidence are in order to get ready for trial. And clients often say, “But my ex knows what the issues are and what the evidence is.” Well they might but the lawyer may not.

And the lawyer is entitled to an official set of answers from us to these requests in order to properly evaluate the case and get ready for trial (or advise their client to settle).

On very rare occasions a client refuses to answer the requests. This is a dangerous and costly mistake. If discovery requests are not answered completely and timely there will be consequences. The attorney on the other side can compel you to answer the questions, keep you from preventing your evidence or witnesses and get sanctions if you do not. These sanctions can include making you pay the other party's attorney fees or striking your petition altogether. One way or another a court will force you to answer the discovery requests.

The biggest problem with discovery is simple procrastination. Do not put off answering these requests. Start today. If your answers are disorganized, in the wrong format, late getting into the office or incomplete, this will make meeting the deadline very stressful for you and for the staff. The secretaries and paralegals are people too so please be respectful and try to make their experience in preparing the final version of your answers to these requests as painless as possible.

OK, are you ready to start yet? Where to begin?

Office Depot – buy a box of manila folders to put your discovery answers in and keep them organized. If you are tech savvy and know how to use a scanner, you can create an electronic file with folders instead of a paper file. If you are scanning your documents, please produce them in 300 DPI black and white adobe pdf format (unless color pictures are being produced).

Start with the Requests for Production. If the other side has requested 10 years of documents that is probably going to be unreasonable and I will object. If that's the case, please consult with me before producing the documents. Even if I object, you still have to make a good effort at answering to the best of your ability. You do not need to create documents you do not have. Do not go to the bank and pay for 4 years of bank statements and every check you wrote in that time period. If, however, it is easy for you to go online and print out these statements though, do that. You have responsibility to make a reasonable and diligent search for the documents. Also if there is a request for documents that only you can retrieve (We lawyers call that having a superior right of access) like a bank account or credit account that is solely in your name, those documents need to be produced or you might have to sign a document giving the other party the right to access those documents.

Unless you have a credit report lying around already, do not go purchase a credit report.

Grab a sheet of paper and at the top write "RFP Request #'s with no documents after searching." This is your No Documents List. Set it aside.

If request #1 is "All documents evidencing a contractual relationship between yourself and you attorney.." Get your contract and put it in a manila folder and write on the

outside of the folder RFP 1 (if you are creating an electronic file label your folder RFP 1).

If request #2 is something like “All voice recordings of you and your spouse” and you have never made a recording and so you know that no recording exists, write RFP #2 on your No Documents List and move on to #3.

Once you have sifted through all the requests, and there may be many, you will have a nice stack of manila folders with your documents organized. Now what to do with it?

We will have to provide copies of these documents to the other side. I prefer to provide electronic copies of the documents produced in discovery. Therefore, if you have the ability to scan documents that will save you some money or even if you took the documents to a copy shop it would probably be cheaper to have them do the scanning than to pay my paralegal’s hourly rate to do that. When producing scanned documents, produce 300 DPI black and white adobe pdf format (unless color pictures are being produced).

OK finished with Requests for Production, Now what?

When you were going through your documents you may have become familiar with facts of your case you had forgotten, so it is a good idea now to answer the interrogatories.

It is easier for the office to answer the interrogatories if you put your answer in a word document and email to us. Handwriting is okay if you just have no way to type into a computer at all but remember, you will be paying the paralegals hourly rate to retype your handwritten notes if you choose to answer this way. Plus she might not be able to read your handwriting if its anything like mine.

How to answer these?

Tell the truth, Tell the truth, Tell the truth.

If the interrogatory is asking you to list information, provide as much information as you can about that particular bit of information. If you need to go look up the information like an address or telephone number you are required to do that. If the interrogatory is asking you for dates try to be as specific as possible but don’t sweat it if you do not remember the exact date, give a month and year as close as you can.

If an interrogatory asks you to describe an event or something that happened, you need to answer that question completely but briefly. Do not ramble on and on giving information that has no bearing on the case.

For example, instead of “We were sitting at Joe’s restaurant and I was eating shrimp and fries and Bob had buttermilk pancakes. I don’t know why he was eating buttermilk pancakes at 9 pm but anyways, we were talking about getting a new car, Joe said he didn’t want a new car and I said I wanted a new car. We went around about it for 20

minutes and finally he gave in but I could tell he was still mad. I went into the restroom and got a call from my mom and we talked about it for about 8 minutes, she was telling me about my niece's basketball game. I was real happy Bob was going to get me a car. When I came back he was red in the face, threw the table over and punched me in the face." The better answer would be: "Bob and I had an argument over dinner about my getting a new car. I thought the argument was over but when I got back from the restroom, Bob was mad, threw the table over and assaulted me."

If you have been served requests for admission that should be what you tackle next. These are tricky. They are often written to be tricky on purpose. You only have two choices. Admit or Deny. Just write your answers under the question as best you can and we will go over them in person to discuss. Do not ignore these. If you don't answer them the court will assume every answer is Admit. That would be bad, very bad.

Requests for Disclosure are usually handled last. You probably had a question in the interrogatories that asked you to list all your witnesses. This is repeated in the Request for Disclosure. Again in a word document, type the number and the answer. Questions about legal theories and economic damages will be answered by me but please put down in your own words so I can make sure we are on the same page.

That should be it for now. Get this stuff to my office as soon as possible. You will have to sign a verification page to go with your interrogatory answers that has to be notarized. **Please, please, please do not wait until the last day to bring this stuff in.** You want to give me plenty of time to review your answers and make sure they are appropriate. My schedule is often very stacked up so if you wait until the last day for me to read your answers to interrogatories but I'm in trial all day, how am I going to be able to review your answers?

Now that you've got them all answered guess what? You have a continuing duty to keep your answers up to date until the date of trial. So as new bank statements come in or if new witnesses are identified, etc., we have a duty to keep sending that information to the other side. If we don't do that, we could be excluded from using that new information which might help us down the road.

Don't worry, I'm probably going to send the other party a set of discovery requests just like you've got (I might already have).