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Let's Review

Hello. I'm here to talk with you about discovery in the Circuit Courts. This video will discuss discovery in civil cases in Circuit Court only. During this process, each party can request information from the other side. This may be in the form of written questions, a request for documents, or a request for an interview. Keep in mind, there are a lot of rules involved. The goal of this video is to introduce you to basic concepts, as well as some important terms. If you need help completing discovery or have a specific question about your case, speak to a lawyer as soon as you can.

Let's start by discussing the purpose of discovery.

Chapter Heading: The purpose of discovery?

Discovery can help you get a lot of information about the strength of the other side's case. You can use this information to decide whether to settle or move forward to trial. What you learn in discovery can also help you prepare your case. Documents you get during this process may be used at trial, when permitted by the rules of evidence.

Next, let's go over the different kinds of discovery.

Chapter Heading: Different kinds of discovery

You may want to grab a note pad. I am going to be discussing four of the most common ways discovery happens. This is stuff taught in law schools and believe me, it helps to write it down. The list we are going to talk about is not comprehensive, but here are the four most common ways discovery happens.

1. Interrogatories –This is a list of written questions. They must be directed at a party to your case. That person must respond to each question in writing.
2. Next . . . Requests for admissions – This is a list of statements that one party sends to another. The person served with the request must send a written response where they admit or deny each statement. If it's not possible to either admit or deny, the responding person must explain why.
3. Another component of discovery - Request for production of documents – You can ask the other party to provide you with documents. That person must gather and send the requested documents. You can request paper and electronic documents.

Last, let's talk about Depositions – These are recorded interviews. The person taking the deposition asks the questions. The person being deposed must answer them. The conversation is recorded and transcribed by a court reporter. Unlike the other types of discovery, depositions can be directed at

someone who is not a party to your case. This can be a way to find out what witnesses called by the other side will say at trial. Next: When Does Discovery Happen?

Chapter Heading: When does discovery happen?

Discovery can only happen at certain times set by law. Broadly speaking, the rules allow it to happen in between two big events: when the defendant is served with the initial complaint or petition and when the court holds a trial. The exact timing may be different for the different kind of discovery. For instance, you can usually serve interrogatories, the written list of questions we talked about, earlier than when you can ask for a deposition. The timing can also be controlled by the court. Once the defendant files an answer to the complaint, the circuit court will issue a scheduling order. This is a list of important dates and deadlines that all parties must follow. Your timeline for discovery may be included in the scheduling order.

Remember, if you were served with discovery, check the rules right away for the deadline to send responses. Look for the Tip Sheet for this video to find links to the discovery rules. You must respond within the required time frame. Failing to respond to discovery can have serious consequences and may even cause you to lose the case.

One more thing. If you are responding to a discovery request, do not file discovery materials with the court. Instead, unless the court tells you otherwise, you must file a notice with the court stating the type of material provided, the date and manner of service, and to whom you provided it.

We have just gone over a lot of information, so you may have some questions. Before we review, let's discuss places you can go for help.

Chapter Heading: Places You Can Go For Help

If you are not already represented by a lawyer, consider speaking with one for free at the Maryland Court Help Centers. These lawyers can give you free advice and help with forms. Call 410-260-1392 or go online to mdcourts.gov/helpcenter to speak to a lawyer.

If you want to learn more about discovery, you can visit a law library. There you may find resources to help you research and prepare for discovery. Some law libraries have a law librarian who can help you with your research. Visit mdcourts.gov/ccll for a list of hours and locations.

Let's review.

Chapter heading - Let's Review

Discovery is a process where both sides of a court case can get information and documents from each other. There are different ways that this can happen including, interrogatories, requests for admissions, request for production of documents, and depositions. If you get served with discovery, you must respond within the time set by law. Questions like "How long do I have to respond?" "How should I write my responses?" and "How do I serve discovery?" are all best discussed with a lawyer. If you don't have a lawyer, you may direct your questions to the Maryland Court Help Center by calling 410-260-1392 or online at mdcourts.gov/helpcenter.

I hope this information about discovery has been helpful. Thanks for watching.