

5.00 | INTRODUCTION

"Discovery" is a term that refers to the information that the parties will gather to support their case. Federal Rules of Civil Procedure 26 through 37 govern discovery. Parties often need to gather documents such as medical records, employment records, or business records. Information can be obtained in the form of written questions, written document requests, or oral questions. Discovery can begin only after the parties have met and conferred. Rule 26(d). Earlier discovery can take place if the parties agree or if the Court issues an order allowing earlier discovery.

Each party in an action will seek some discovery. This means that if you file an action, you will need to obtain information from the party you are suing, as well as provide information to that party. For example, if you file a personal injury action, your medical condition is at issue and you will need to provide some of your own medical records to the opposing party.

Methods of Discovery Available

Interrogatories, requests for production, depositions, requests for admissions, and a mental or physical examination are the most common methods for obtaining discovery.

You will need to read the federal rules carefully regarding each type of discovery request to make sure that you comply with their specific requirements. This Handbook will give you a quick overview of the methods of discovery and how they may be useful to your case.

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