

TIPS AND WHAT TO EXPECT WHEN GOING TO DISCOVERY

A Discovery is an informal procedure that takes place in a boardroom where only the lawyers and their clients are present along with a Court Reporter. We sit around a boardroom table and you are asked questions by the other lawyer concerning how the accident and/or injury occurred, the type of injury suffered, and how it afflicts you. Your lawyer is present during this questioning and will object to any questions that are improper or harassing. Your lawyer will ask similar questions of the other party to the lawsuit

Discovery Questions

These five points are all important and are not to be forgotten during your questioning at the Discovery:

1. Listen to the question carefully.
2. Do not guess.
3. Do not be afraid to ask him to repeat the question or explain what he means.
4. Do not take on the lawyer in a battle of wits; **YOU** will lose.
5. Above all answer honestly.

The following is not meant to be an exhaustive list of questions that you will be asked at the discovery. The order that questions are asked and thoroughness will depend on the lawyer asking them and, of course, on whether you are suing or being sued.

1. Name, address, date of birth, driver's license particulars, marital status, children, weight, and height.
2. Education achieved and certificates obtained, and when.
3. Employment history (current and last 5 years), including employers, wage rates, shifts, duties, and reasons for leaving.
4. Particulars on income tax returns.
5. Particulars on damaged articles, including which articles, cost, and where and when replaced.
6. Details of all prior and subsequent accidents, surgery, illnesses, hospitalizations, falls, fights, and workers' compensation claims.
7. Particulars of all hospitalizations, outpatient and inpatient, as a result of injury.
8. Particulars of any physiotherapy or chiropractic treatments and medications, including dates, where taken, and costs.
9. Names of all doctors who treated you, including the dates of treatments.

10. Details of how the injury has affected your lifestyle compared to pre-injury. This would include sports you can no longer do, dancing, and possibly any adverse affects on your sex life.

Every single detail possible on how the accident occurred, where you were that day, where you were going, speed, speed limit, lines on the road, signs, weather, visibility, seatbelts, alcohol or drugs, and clothing and footwear if it is a case dealing with the former concept of "occupier's liability".

Why

The discovery procedure is important to the litigation process for two basic reasons. The first and foremost is that that is usually the first opportunity each lawyer has to assess the other party in the lawsuit to judge their credibility and determine the reasonableness of their position. Failing this opportunity to settle, the questions and answers from the discovery are later typed up into a transcript by the Court Reporter so that it is available at Trial to contradict you if you change your story. **TELL THE TRUTH!**