

DISCOVERY

The attorneys may request information from the opposing party in formal **Discovery**. The following are the types of formal discovery that may be requested of you, or that we may request of your spouse during the divorce:

1. **Requests for Admissions:** These require you or your spouse to admit or deny specific written statements. These require immediate attention because under the law, if a response is not received within a specified time, the statements are considered admissions.

2. **Interrogatories:** These are detailed written questions that you and/or your spouse must answer (under oath) to the best of your ability in writing. These also have a time limit. Failure to respond properly within the time required may result in sanctions and penalties.

3. **Depositions:** This is the oral testimony of a witness (usually you or your spouse) taken under oath but the Judge is not present. Most of the objections available at trial do not apply in a deposition, so the attorney can ask you any 'relevant' questions and you will be required to answer. The basic rule is that the questions asked must be about relevant information. Depositions are expensive due to lawyers' time to prepare and attend, court reporters' time, and the cost of the transcript.

4. **Production of Documents:** This requires you or your spouse to produce a specific list of documents requested from the other at a specific date and time.

5. **Request for Entry on Land:** This is used if an appraisal of real property or something inside real property is requested and the other spouse is the one in possession and control of that real property.

6. **Request for Vocational Evaluation:** This procedure permits a trained vocational evaluator to evaluate the earning potential of you or your spouse when alimony is at issue. The purpose is to find out what career choices would be appropriate, what training is necessary and what

the costs would be. The evaluator also will report on the job market by explaining what job possibilities are available and what the potential earnings are.

7. **Requests for Physical and Mental Examination:** If there is an issue of mental or physical illness or incapacity that one spouse is claiming negatively affects the other spouse's ability to parent, this may be requested.

8. **Records Deposition:** This procedure is a direction to third parties (like banks) to produce documents, such as credit card statements, brokerage statements, and other documentation.

9. **Business Valuations:** These are to obtain evaluations of the value of a business or professional practice.

10. **Pension Valuation:** The pension, profit share, Keogh, annuity, or 401(k) plan is an important and, often, very valuable asset of the marriage. To value a defined benefit plan usually requires an actuary. Documentation such as annual benefits statement, plan descriptions, and plan booklets as well as annual salary statements is necessary for the expert to review. Defined contribution plans (IRAs, Keogh, etc.,) require copies of the statements.