

Requesting Discovery & Records

A Step-by-Step Educational Guide

Gathering information is essential for building a strong case. In the legal world, this process is divided into two main categories: **Discovery** (information exchanged between parties in a lawsuit) and **Public Records Requests** (information from government agencies).

1. Discovery in a Lawsuit

Discovery is the formal, pre-trial process where each party in a lawsuit can obtain evidence and information from the other party. The goal is to prevent surprises at trial and encourage settlement.

Discovery Tool	Simple Explanation
Interrogatories	Written questions sent to the opposing party, who must answer them in writing under oath.
Requests for Production of Documents	A formal request for the opposing party to provide copies of specific documents, photos, emails, or other tangible evidence.
Requests for Admission	A request for the opposing party to admit or deny certain facts. This narrows the issues that need to be proven at trial.
Depositions	Out-of-court, sworn testimony given by a witness or the opposing party, recorded by a court reporter.

2. Requesting Public Records

Public records are documents, files, and other information created or maintained by government agencies. Laws like the **Freedom of Information Act (FOIA)** at the federal level, and similar state laws, give you the right to request these records.

- **Examples of Public Records:** Police reports, property records, government meeting minutes, and certain agency communications.
- **Requirement:** Requests must almost always be made **in writing** and must describe the records you seek with reasonable specificity.

Steps for Requesting Information

Whether you are requesting discovery from the opposing party or public records from an agency, the process requires precision.

Step 1: Identify What You Need

- **Be Specific:** Do not ask for “all documents.” Ask for “all emails between Jane Doe and John Smith regarding the contract dated January 1, 2025.”
- **Know the Rules:** For discovery, refer to your court’s rules (e.g., Rules of Civil Procedure) to ensure your request is valid.

Step 2: Write a Clear and Formal Request

- **Discovery:** Use the proper legal format (e.g., “Plaintiff’s First Set of Requests for Production of Documents”). Be polite but firm.
- **Public Records:** Title your letter clearly (e.g., “Freedom of Information Act Request”). Include your contact information and a clear description of the records.

Step 3: Submit the Request

- **Discovery:** Serve the request on the opposing party (or their attorney) according to the court rules. **Do not file the request itself with the court** unless you are filing a motion related to it.
- **Public Records:** Send the request to the designated records officer or custodian of the agency, often via certified mail or an online portal.

Step 4: Keep Copies of Everything

- **Proof of Service:** Keep a copy of the request and the proof that you sent it (e.g., certified mail receipt).
 - **Responses:** Keep all responses, even if they deny your request. If a response is late or incomplete, you will need your original request and proof of service to file a **Motion to Compel** with the court.
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Important Notice:

The information provided in this guide is for educational purposes only. We do not provide legal advice, legal interpretation, or attorney services, and we cannot represent anyone in court. Our goal is to help you learn, understand, and feel confident when navigating legal topics.
