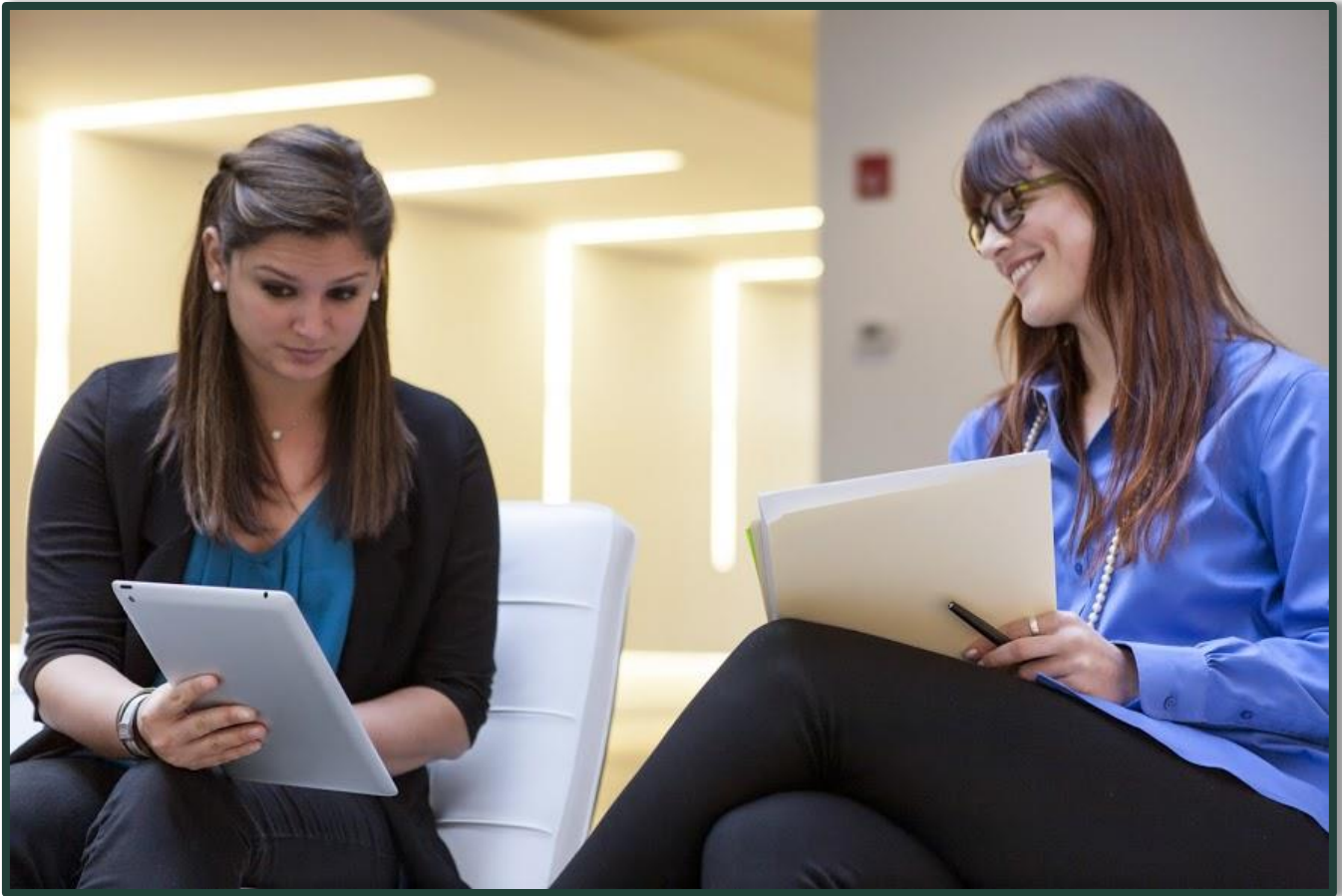


CALIFORNIA PRE-TRIAL DISCOVERY AND DEPOSITIONS

The Process of Gathering and Obtaining Evidence And Interviewing Witnesses Is Called Discovery



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When you file a lawsuit, the period between filing the case and presenting your case in court is very important. During this time period, you must conduct an investigation, obtain evidence, and put together compelling legal and factual arguments to convince the judge or jury to side with you in trial.

The process of gathering and obtaining evidence and interviewing witnesses is called *discovery*. The [California Civil Discovery Act](#) provides details on how discovery works in civil lawsuits including tort or personal injury cases.

WHAT IS DISCOVERABLE IN LONG BEACH PERSONAL INJURY CASES?

Discovery is the exchange of information. In many injury cases, a defendant has information a plaintiff needs in order to prevail in a lawsuit. For example, a plaintiff who wishes to prove a defendant is liable for a distracted driving car accident may want to obtain the telephone records of the defendant. Those records are in the defendant's possession and the discovery process allows a plaintiff to get access to



the records.

The civil discovery process for a tort or personal injury lawsuit generally permits a plaintiff to discover any information relevant to proving the defendant is liable for causing injuries.

This may include telephone records, toxicology reports,

duty logs for truck drivers, internal documents from a business in a product liability lawsuit, hiring and policy manuals for trucking companies, store maintenance records in a slip and fall case, and a host of other information.

There are, however, some exceptions to the general rule that anything relevant to the case should be discoverable. For example, attorney work product is not discoverable. If a defendant's attorney conducts an investigation, makes case notes, or otherwise uses his or her legal knowledge to evaluate issues, the work done by

the attorney in preparation for the case is not shared with the opposing party. California Code Section 2018.030 indicates, “A writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories is not discoverable under any circumstances.” As explained in California Code of Civil Procedure Section 2018.020, the purpose of protecting attorney work product is to allow attorneys to prepare cases with the privacy necessary to allow for a thorough investigation of even unfavorable evidence.



California Code of Civil Procedure Section 2017.210 indicates that “a party may obtain discovery of the existence and contents of any agreement under which any insurance carrier may be liable to satisfy in whole or in part a judgment that may be entered in the action.” This means a plaintiff who has filed a lawsuit after an

accident is entitled to learn about any insurance companies that could be held responsible for paying for damages arising from the accident.

UNDERSTANDING THE DISCOVERY PROCESS FOR CALIFORNIA PERSONAL INJURY CASES

The California Civil Discovery Act addresses and establishes rules for all of the different types of discovery that may occur when preparation is ongoing for a personal injury case. The different types of discovery may include:

- Oral depositions both inside and outside of California. A deposition is an interview of a witness who may be called to testify in trial. A plaintiff's attorney may interview witnesses who are favorable to the plaintiff as well as defense witnesses. Depositions provide the opportunity to get a preview of what a witness will say in court. Witnesses are under oath. Both eyewitnesses and expert witnesses may be deposed. The plaintiff's attorneys may also depose the defendant.
- Written interrogatories. Interrogatories are written questions that are designed to find out what a witness plans to say. They can be less costly than



depositions. Written interrogatories are often used as a preliminary tool. An attorney will send interrogatories to witnesses, and will then make a determination about who to interview based on the answers provided to the written questions.

- Physical or mental examinations. In relevant cases, a request may be made for the parties to a lawsuit to undergo physical or mental examinations. A defendant may request a plaintiff undergo an examination to determine if his injuries are being exaggerated, or a plaintiff may request a driver to undergo an examination to determine if he was physically and mentally fit to be operating a vehicle.
- Exchange of expert witness information. Expert witnesses are frequently called upon to testify in accident cases. Both parties have the right to know who will be called as an expert.

The process of discovery may involve making motions to the court to compel evidence that has not been turned over. Knowing what questions to answer, and how to phrase them, is also very important. The plaintiff in an injury or wrongful death claim should be represented by an experienced attorney who can provide legal assistance during the discovery process.

A LONG BEACH PERSONAL INJURY ATTORNEY CAN HELP

"Your Injuries are Personal to Me"

Call the Law Office of Michael D. Waks at 888-394-1174 or use the convenient online [contact form](#) to schedule a free consultation. You are under no obligation and you will never pay any money unless you recover damages for your injuries. I offer bilingual services as part of my comprehensive approach to legal representation and I am available 24/7 to talk to you about your case.

About the Author



Michael D. Waks

Personal injury victims need someone who understands their pain, who is invested in them and will guide them through the complicated maze of their medical and legal worries. They need an attorney who cares about them and their families.

My name is Michael Waks and I am a personal injury attorney in the Los Angeles Area focused on the needs of people who have suffered because of someone else's actions.

While still attending Southwestern University School of Law, I clerked for a big defense law firm that represented manufacturers of asbestos. I read the files and met the people whose lives were ruined by asbestos and I knew, for the rest of my career, I wanted to help people like them: the victims, not the perpetrators.

I have been doing just that for over 30 years. As soon as I passed the Bar I opened the Law Office of Michael D. Waks in Long Beach and began exclusively representing seriously injured accident victims. I decided to be a sole practitioner so I could handle every case personally. I understand clients are different and that in the wake of an accident their suffering will be unique, ranging from physical and financial to emotional.

I tell my clients from the start, "I want you to only worry about one thing, and that is to do exactly what your doctor tells you in order to get better. Leave the rest to me."

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