



Navigating Discovery in Circuit Court

This factsheet provides an overview of a topic, but it is not legal advice. Please consult an attorney about your particular situation.

WHAT IS DISCOVERY?

Discovery is a process used by both parties to find out more information to support your claim or defend against the other party's claims in court. **If you receive a request for discovery, you must answer the request in a timely manner. Do not ignore the request.** If you need more time to prepare your answer to the discovery request, ask the court for a reasonable extension.

METHODS OF DISCOVERY

You may use one or more of the following discovery methods during your case. MD Rule 2-401(a).

ORAL DEPOSITIONS

- The parties can schedule a time to depose the other side. A deposition is like an interview. During this time, parties can ask the other side and their witnesses questions about the facts and events of the case. A party may also depose testifying experts. However, it is important to note that you may be required to pay the expert for their time and travel expenses to attend the deposition.
- It is important to listen to the questions carefully and to answer honestly because depositions are recorded word for word by a court reporter and the transcripts are used in court as testimony. The questions asked in depositions are broader than the questions allowed in court. This allows for each party to get a better understanding of the case, the witnesses, and the testimony the other party is likely to give in court. While depositions are typically done in person, the parties can agree, or the court may order, that a deposition be taken over the phone or by use of other electronic means. MD Rule 2-418.
- Depositions are often used if a witness is unavailable to testify at trial or to show that the witness testifying is testifying inconsistently with what they stated in their deposition.

INTERROGATORIES: MD RULE 2-421

- Interrogatories are lists of questions that one party sends the other party to answer.
 - Examples of interrogatories:
 - “List all child support payments you have made during the past twelve months.”
 - “Identify all persons who were witnesses to the occurrence and state their location at the time of the occurrence.”
 - Maryland generally limits the number of interrogatories that a party to can send to an individual to no more than 30 questions.
 - You can use this method to ask the other party to disclose the identity of any expert witness they plan to call to testify and a summary of what each expert is expected to testify. This includes their findings, opinions, grounds for their findings and opinions, and written reports.

GET FREE LEGAL HELP!

Call intake between 9 a.m. and 12 p.m. Monday through Thursday at 410-547-6537 or 800-510-0050
Maryland Volunteer Lawyers Service is grateful to the Maryland Bar Foundation for its generous support of this factsheet



Navigating Discovery in Circuit Court

This factsheet provides an overview of a topic, but it is not legal advice. Please consult an attorney about your particular situation.

REQUESTS FOR PRODUCTION OF DOCUMENTS: MD RULE 2-422

- You can use this method to ask the other party to provide documents or other tangible items that you believe are necessary for your case.
 - Examples of requests for production:
 - “All documents that contain information about, refer to, or relate to your claim of custody in this case.”
 - “All documents related to any peace order or protective order cases filed by or against the plaintiff (or Defendant), in Maryland or in any other jurisdiction, for the past ten years.”
- In each request, you need to specify what you are asking the other party to produce. If you are requesting information that is stored electronically, you need to specify how you would like the party to provide it to you.

MENTAL OR PHYSICAL EXAMINATIONS: MD RULE 2-423

These are used when mental or physical characteristics are issues in the case.

REQUESTS FOR ADMISSIONS OF FACTS: MD RULE 2-424

This can be used when both parties agree to certain facts.

SUPPLEMENTAL RESPONSES: MD RULE 2-401

If you obtain additional information that is relevant and important to your case after you answered a discovery request, you must provide a supplemental response as soon as possible.

Resources for Discovery in the Maryland Circuit Court

- People’s Law Library of Maryland: <https://www.peoples-law.org/maryland-circuit-court-discovery>
- Maryland Code and Court Rules: <https://govt.westlaw.com/mdc/>

GET FREE LEGAL HELP!

Call intake between 9 a.m. and 12 p.m. Monday through Thursday at 410-547-6537 or 800-510-0050

Maryland Volunteer Lawyers Service is grateful to the Maryland Bar Foundation for its generous support of this factsheet