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The Importance of Interrogatory Answers in Litigation

This memorandum is intended to underscore the importance of timely and complete answers to interrogatories in litigation, in both court cases and administrative cases (such as EEOC and MSPB cases), where discovery is permitted.

Interrogatory answers may be the first or only occasion for you to present the details of your case. Even when we have prepared a detailed complaint, we will either deliberately or inadvertently leave out details. Those details can add important credibility to your claims and may possibly promote settlement. Further, we may need strong interrogatory answers to oppose a motion for summary judgment seeking to dismiss your claims, and when you prepare for a deposition, hearing, or trial, the interrogatory answers may serve as your "Bible" of all important facts in the case. Finally, when you are deposed or cross-examined in trial or hearing, the other side may well try to impeach you (cast doubt on your integrity) by asking you why you did not include in your interrogatory answers certain facts which you mentioned in your oral testimony. Accordingly, well-written detailed interrogatory answers are a vital part of your case.

Whenever we receive interrogatories from the other side, we copy them and mail them to our clients, usually with a due date for a return of a draft. (If you like, we can send you a copy of sample interrogatory answers to use as a model for style.) Even when we may know almost all the answers, we depend heavily on our clients to give us the first draft. After all, we are only as good as the facts we receive from our clients, and you know more about your life than we do. Also, it will save us time and it will save you money when you give us good draft answers. (Although the opponent's interrogatories may ask us to restate the question before we give the answer, there is no need for you to retype the interrogatories. We will try to obtain the computer file from the opponent, scan the document, or type them ourselves. Clients often waste valuable time by typing the interrogatories.)

Sometimes the interrogatories are objectionable - because they inquire about irrelevant events (e.g., criminal history, prior employment, marital or sexual affairs) or because they invade a privilege, such as the attorney-client privilege. If a valid objection may be raised, we will present it. However, very often we will want a complete draft response anyway, in case we want to provide an answer notwithstanding our objection or if we are required by the court to provide one. Therefore, unless you receive other notice from us, please plan to answer all interrogatories completely, even those which you think are objectionable, and tell us any concerns you may have about providing such answers).

The due date for your draft is important. We have a deadline under agency or court rules to submit your interrogatory answers. While we can sometimes obtain extensions of time, either from the opposing counsel or the agency or court, we may not be able to do so and we are loathe to indulge opposing counsel or the agency or court for such favors, especially since I generally have to pressure the opposing counsel to give us timely complete discovery responses. Also, we have literally dozens of other cases on our docket at a given time, so you will have a "window of opportunity" in which to give us your draft. If you miss the window, there is a domino effect: we may not be able to get

to your answers for a while, and it will slow down our other work. Therefore, please be timely in giving us your draft answers. I strongly recommend that you provide us as early as possible with your answers to the first few interrogatories, so we may be able to give you feedback on the style or substance of your responses. If you do not respond on time with complete answers, the other side, after giving you an informal opportunity to correct the problem, may file a motion to compel (see Civil Litigation page) and might even file a motion to dismiss your case!

As for the form of your answers, our preferences are in this order:

- computer files containing the draft answers (on a diskette or emailed to me), along with hard copies;
- typed responses, double-spaced, on one side of the page; and
- neatly handwritten responses, double-spaced, on one side of the page

Also, as early as possible, please give us copies of ALL documents which are relevant to your case and which may possibly be requested in the opponent's interrogatories or requests for production of documents.

As we review your interrogatory answers (using the responses you provide), we will likely send them back to you for review or ask you to come in to review them. After they are complete, you will need to sign them under oath to verify their accuracy. Accordingly, you can see that you must remain in close contact with us during the period when we prepare your interrogatory answers and document responses.

As always, do not hesitate to ask us questions about the discovery requests or about your answers.