CHAPTER 1. OVERVIEW OF DISCOVERY

Sec.	
1.1	Availability of Discovery.
1.2	Purpose of Discovery.
1.3	Scope of Discovery.
1.4	Relevance for Discovery.
1.5	Methods of Discovery—In General.
1.6	Interrogatories.
1.7	Depositions.
1.8	Production of Documents and Things; Entry on Land for Inspec
	tion and Other Purposes.
1.9	Physical and Mental Examination of Persons.
1.10	Requests for Admission.
1.11	The Role of the Court.
1.12	Public Right of Access to Discovery Materials.
1.13	Immunity for Defamatory Statements.
CH	APTER 2. EVIDENCE BEYOND THE SCOPE OF DISCOVERY
2.1	Privileges—In General.
2.2	The Accountant-Client Privilege.
2.3	Attorney-Client Privilege.
2.4	Corporations.
2.5	Work Product Doctrine.
2.6	Carry–Over Immunity.
2.7	Crime-Fraud Exception.
2.8	Confidentiality: Use of Cellular and Cordless Telephones.
2.9	Clergyman's Privilege.
2.10	The Husband-Wife Privilege.
2.11	News Reporter's Privilege.
2.12	Physician-Patient Privilege.
2.13	Psychiatrist-Psychologist Privilege.
2.14	Confidential Communications to School Personnel.
2.15	Privilege Against Self-Incrimination.
2.16	Sexual Assault Counselor Privilege.
2.17	Other Privileges and Exclusions—Trade Secrets.
2.18	Mental Health Records.
2.19	Peer Review Protection Act.
2.20	Accident Reports and Investigations.
2.21	Confidential Informer.
2.22	Self–Critical Analysis.
2.23	Personal Assets of the Defendant.
2.24	Alcohol and Drug Abuse Records.

 $\label{lem:confidential} \begin{tabular}{ll} Confidential Mediation Communications and Documents. \\ Waiver of Privilege. \\ \end{tabular}$

Sec.

2.25 2.26

	CHAPTER 3. INTERROGATORIES
	A. GENERAL DISCUSSION
3.1	Interrogatories Generally.
3.2	Discovery Pertaining to Insurance Coverage.
3.3	Discovery Pertaining to Legal or Factual Contentions.
3.4	Who May Obtain Discovery Through Interrogatories.
3.5	Who is Considered a "Party" for the Purposes of Propounding or Responding to Interrogatories.
3.6	Using Interrogatories in Enforcement of Judgment Proceedings.
3.7	Using Interrogatories in Connection With Cross-Parties or Co-Parties.
3.8	Using Interrogatories in Connection With a Minor or Incapacitated Person.
3.9	Using Interrogatories in Connection With Corporations and Other Enti- ties.
3.10	When May a Party Propound Interrogatories.
3.11	Discovery Cutoff Limitations.
3.12	Limitations on the Number of Interrogatories That May Be Propounded
3.13	Service and Filing of Propounded Interrogatories.
3.14	Responding to Interrogatories: Generally.
3.15	Time Within Which to Respond.
3.16	Scope of Response to Interrogatories.
3.17	Duty to Investigate.
3.18 3.19	Option to Produce Writings in Lieu of Answer.
3.19 3.20	No Continuing Interrogatories.
3.20	Verification is Generally Required. Effect of Failure to Verify Interrogatory Response.
3.21	Objections—Generally.
3.23	Proper Interrogatory Objections.
3.24	Improper Interrogatory Objections.
3.25	Protective Orders.
3.26	Using Interrogatories at Trial.
3.27	Interrogatory Answers Are Not Necessarily Binding.
3.28	Interrogatory Answers May Be Offered Into Evidence as Direct Evidence
3.29	Use of Unverified Interrogatories at Trial.
3.30	Procedure for Introducing Interrogatory Answers as Evidence.
3.31	Suggested Technique for Use of Interrogatories and Answers at Trial.
3.32	Objecting to the Use of Interrogatories at Trial.
	B. FORM INTERROGATORIES
3.51	Definitions and Instructions.
3.52	Affidavit.
3.53	Verification.
3.54	Notice of Service of Interrogatories.
3.55	Interrogatories in Personal Injury Action—Authorizations.
3.56	Interrogatories in Death Action.
	XXII

Sec.				
3.57	Interrogatories by Plaintiff in Insurance Coverage Case—Environmental Pollution.			
3.58	Interrogatories in a Libel/Defamation Action.			
3.59	Contention Interrogatories.			
3.60	Interrogatories re: Identification and Location of Relevant Documents.			
3.61	Interrogatories to Elicit Information About Witnesses, Statements, Photographs, etc.			
3.62	Interrogatories Seeking Information About Expert Witnesses.			
3.63	Interrogatories in Attachment (Garnishee).			
3.64	Supplemental Interrogatories.			
	C. FORM ANSWERS AND OBJECTIONS			
3.71	Answers and Objections to Interrogatories.			
D.	MOTIONS TO STRIKE OBJECTIONS AND TO COMPEL ANSWERS			
3.81	In General.			
3.82 3.83	Motion to Compel—Inadequate Interrogatory Answers Filed Interrogatories Not Answered.			
C	CHAPTER 4. TACTICAL CONSIDERATIONS IN THE USE OF INTERROGATORIES IN THE DISCOVERY PLAN			
4.1	Introduction.			
4.2	Advantages of Interrogatories.			
4.3	Disadvantages of Interrogatories.			
4.4	Factors in the Timing of Use of Interrogatories and Depositions.			
4.5	Factors Supporting the Use of Interrogatories Before Deposition.			
4.6	Factors Favoring Taking Depositions Before Written Discovery.			
(CHAPTER 5. PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY FOR INSPECTION AND OTHER PURPOSES			
	A. GENERAL DISCUSSION			
5.1	Production of Documents and Things Generally.			
5.2	Permitted Scope of Request.			
5.3	Limits on a Demand to "Test", "Sample", or "Reenact".			
5.4	"Possession, Custody, or Control" Defined.			
5.5	Discovery Pertaining to Insurance Coverage.			
5.6	Who May Obtain Discovery Through Request for Inspection.			
5.7	Using Requests for Production in Connection With Cross-Parties or Coparties.			
5.8	When May a Party Request Production.			
5.9	Discovery Cutoff Limitations.			
5.10	No Limitations on the Number of Production Requests.			
5.11	Contents of a Request for Production and Related Demands.			
5.12	Specifying a Reasonable Time for the Production.			
5.13	Requiring an Inspection at an Earlier Time by Court Order.			
5.14	Specifying a Reasonable Place for the Inspection.			
5.15	Specifying the Nature of Requested Activities Other Than Inspection and Copying.			

Sec.	
5.16	Service and Filing of Requests for Production.
5.17	Responding to Requests for Production and Related Activities: Generally.
5.18	Initial Written Response to a Request for Production: Generally.
5.19	Written Statement of Compliance With a Request for Production Without Objection.
5.20	Written Statement of Inability to Comply With a Request for Production Without Objection.
5.21	Objection to Only Part of an Item or Category of Item in a Request for
	Production.
5.22	Objecting to an Entire Request.
5.23	Time Within Which to Respond to a Request for Production.
5.24	Producing Requested Documents: Organization.
5.25	Objections—Generally.
5.26	Proper Objections to Requests for Production.
5.27	Authorizations.
5.28	Inadvertent Production of Privileged Documents.
5.29	Using Documents Produced Through Discovery at Trial—In General.
5.30	Authentication of Evidence.
5.31	Best Evidence Rule.
5.32	Business Records (Hearsay Exception).
5.33	Hospital Records (Hearsay Exception).
5.34	Using Things Produced Through Discovery at Trial—Chain of Custody.
	B. REQUESTS FOR PRODUCTION OF DOCUMENTS
5.41	Definitions and Instructions.
5.42	Request in Personal Injury Action.
5.43	Request to Discover Assets of Party.
5.44	Request to Discover Business Records.
5.45	Request to Discover Accountant's Records.
5.46	Request Directed at Contentions in the Complaint.
	C. RESPONSE AND OBJECTIONS TO REQUEST FOR PRODUCTION OF DOCUMENTS
5.51	Response and Objections to Request—Privileged Information, Expansion of Requirement to Supplement Responses.
5.52	Response to Request—General Form.
5.53	Confidential and Privileged Information, Undue Burden, Relevance.
D.	ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES
5.61	In General.
5.62	Request for Entry Upon Designated Land.
	E. MOTION TO COMPEL RETURN OF INADVERTENTLY PRODUCED DOCUMENTS
5.71	Motion to Compel Return of Inadvertently Produced Documents.
	F. FORMS RE PROPOSED NEW RULE 4009.1 ET SEQ.
5.72	Notice Of Intent To Obtain Subpoena Pursuant To Rule 4009.3.

Sec.

7.3

7.4

7.5

7.6

7.7

7.8

5.73	Objections To Service Of Subpoena.		
5.74	Certificate Prerequisite To Service Of A Subpoena Pursuant To Rule 4009.3.		
5.75	Subpoena To Produce Documents Or Things For Discovery Pursuant To Rule 4009.3.		
5.76	Notice And Certificate Of Compliance.		
5.77	Notice Re Entry Upon Property Pursuant To Rule 4009.11.		
	CHAPTER 6. PHYSICAL AND MENTAL EXAMINATION OF PERSONS		
	A. GENERAL DISCUSSION		
6.1	Physical and Mental Examination of Persons Generally.		
6.2	Who May Be Examined.		
6.3	When Are Examinations Proper.		
6.4	Who May Conduct an Examination.		
6.5	Physical or Mental Examinations by Agreement.		
6.6	Order for Physical or Mental Examinations.		
6.7	Contents of Order.		
6.8	Attendance by Examinee's Representative at Examination.		
6.9	Exchange of Examination Reports.		
6.10	Reciprocal Obligation to Produce Existing Examination Reports.		
6.11	Necessity of Written Report by Examining Physician.		
6.12	Waiver of Privilege Protection by Demanding Reports of or Deposing Examiner.		
6.13	Mental or Physical Examination Pursuant to the Motor Vehicle Financial Responsibility Law.		
6.14	Use of Authorizations to Obtain Medical Records.		
6.15	Emotional Distress: The Federal Cases.		
B. FORMS			
6.21	Motion for Physical Examination.		
6.22	Motion for Order Compelling Neurologic and Psychiatric Examinations.		
6.23	Motion for Examination and Evaluation by Vocational Rehabilitation Expert.		
6.24	Petition for Independent Medical Examination.		
6.25	Answer to Petition for Independent Medical Examination.		
	CHAPTER 7. DEPOSITIONS		
	A. GENERAL DISCUSSION		
7.1	Depositions Generally.		
7.2	Persons Who May Be Deposed.		
	· · · · · · · · · · · · · · · · · · ·		

Retention and Filing of Deposition Notices, Transcripts and Related Doc-

Contents of Deposition Notices.

Serving Deposition Notices.

Scheduling.

Subpoenas.

Witness Fees.

uments.

	TABLE OF CONTENTS
Sec.	
7.9	Videotape Depositions.
7.10	Designated Witness.
7.11	Leave of Court to Take Depositions.
7.12	Discovery Cutoff Limitations.
7.13	Protective Orders.
7.14	Deposition by Written Interrogatories.
	B. FORMS
7.21	Notice of Deposition—To Party—Simple Form.
7.22	With Request for Production of Documents.
7.23	To Non-Party—Subpoena.
7.24	Form Attachment to Subpoena for Records of Hospital.
7.25	Form Attachment to Subpoena for Records of Physician.
7.26	Form Attachment to Subpoena for Records of Chiropractor.
7.27	Form Attachment to Subpoena for Records of Psychiatrist/Psychologist.
7.28	Form Attachment to Subpoena for Records of Dentist.
7.29	Form Attachment to Subpoena for Employment Records.
7.30	Form Attachment to Subpoena for Records of Schools.
7.31	Form Attachment to Subpoena for Records of Banks-Checking
	Accounts.
7.32	—Trust Accounts.
7.33	Form Attachment to Subpoena for Records of Title Company.
7.34	Form Attachment to Subpoena for Records of Lender.
7.35	Form Attachment to Subpoena for Records of Stockbroker.
7.36	Notice of Deposition—To Designated Representative.
7.37	To Defendants—To Aid in Drafting Complaint.
7.38	Notice of Videotape Deposition.
7.39	Deposition Upon Written Interrogatories.
7.40	Motion for Leave of Court to Take Depositions.
	CHAPTER 8. VIDEOTAPE DEPOSITIONS
8.1	Videotape Depositions Generally.
8.2	Procedural Authority and Contents of Notice.
8.3	Limiting Videotape Depositions.
8.4	Videotaping the Deposition of a Physician or Expert Witness to Be Used at Trial in Lieu of Live Testimony.
8.5	Conduct of Videotaped Depositions.
8.6	Considerations for Determining Whether to Videotape a Deposition.
8.7	Preparing for a Videotaped Deposition.
8.8	Attorneys' Conduct.
8.9	Attorneys' Preparation.
8.10	Use of Exhibits.
8.11	Pre-deposition Conference.
8.12	Custodian of the Videotape.
8.13	Practice Pointers.
	CHAPTER 9. DEPOSITION PROCEDURES

- Persons Having the Right to Attend Depositions. The Ritualistic Nature of Depositions. 9.1
- 9.2

Agreeing to "the Usual Stipulations."
Deposition Admonitions.
Use of Exhibits.
Availability of Leading Questions.
Question Format—Open vs. Closed Questions.
Impeachment Information.
Estimating Distance and Time.
Closing Questions.
Information From Other Sources.
Discovery of Witness Preparation Materials.
Deponent Answers—Generally.
Unresponsive Answer.
Rambling Answer.
Incomplete Answer.
Handling Objections Made as Strategy.
Requests for Recess.
Concluding the Deposition.
Submission of Record to Deponent.
Waiver.
Changes in Deposition Testimony.
The Scope of Changes.
Use of Changes at Trial.
The Decision to Change Testimony.
The One Deposition/One Attorney Rules.
CHAPTER 10. DEPOSITION OBJECTIONS
Deposition Objections—Generally.

- 10.2 The Federal Decisions.
- 10.3 Acri v. Golden Triangle Management Acceptance Company.
- 10.4 General Principles Applicable to Objections.
- 10.5 Proper and Necessary Objections at Depositions.
- 10.6 Objecting to the Manner of Taking the Deposition.
- 10.7 Objecting to the Oath or Affirmation Administered or Refusal of Deponent to Be Sworn.
- 10.8 Objecting to the Conduct of a Party, Attorney, Deponent or Deposition Officer.
- 10.9 Objecting to the Form of Any Question or Answer.
- 10.10 Objections Based on Privilege.
- 10.11 Unnecessary Deposition Objections.
- 10.12 Objecting to Answers to Deposition Questions.
- 10.13 Proper Method of Objecting.

CHAPTER 11. FOREIGN DISCOVERY

A. DISCOVERY IN OTHER STATES FOR USE IN PENNSYLVANIA

- 11.1 Applicable Rules for Pennsylvania Depositions in Another State.
- 11.2 Deposition Notices and Stipulations.
- 11.3 The Use of Commissions and Letters Rogatory.

C	_
Э	eι

11.4 A Random Sampling of Laws Governing Pennsylvania Depositions in Other States.

B. DISCOVERY IN CANADA

- 11.11 Obtaining Evidence in Canada From Third Parties to Foreign Proceedings.
- 11.12 Notice for Voluntary Evidence.
- 11.13 Letters Rogatory for Compelled Evidence—In General.
- 11.14 ____ Ontario.
- 11.15 ____ Enforcement.

C. DISCOVERY IN OTHER FOREIGN COUNTRIES

- 11.21 In General.
- 11.22 Letters of Request Under Hague Convention.
- 11.23 Overview of Procedures.
- 11.24 Suggested Analysis.
- 11.25 Stipulating to the Time, Place and Manner of the Deposition.
- 11.26 Nations That Are Signatories to the Hague Convention.
- 11.27 Application of the Hague Convention When Deposing a Party in a Foreign Nation.
- 11.28 Application of the Hague Convention Requirements Under United States Law.
- 11.29 Hague Convention Procedures When Deposing a Nonparty, or a Party or Party–Related Witness.
- 11.30 "Letter of Request" Defined.
- 11.31 "Central Authority" Defined.
- 11.32 Determination of Other Applicable Treaties Affecting Discovery.
- 11.33 The Need to Determine the Law of the Host Nation if the United States Has Not Entered Into a Treaty Concerning Discovery.
- 11.34 Arranging Foreign Depositions.
- 11.35 Depositions Before Consular Officers of the United States When Permitted by Treaty or the Law of the Nation in Which the Deposition Occurs.
- 11.36 Deposition Officers and Consular Facilities.
- 11.37 Recording the Deposition Stenographically or Otherwise.
- 11.38 Interpreters.
- 11.39 Deposition Officers and Administration of Oaths.
- 11.40 Procedure to Arrange for Consular Assistance.
- 11.41 Depositions Before Foreign Officials When Use of a Consular Official is Restricted—Letters Rogatory.
- 11.42 "Commission" and "Letters Rogatory" Defined.
- 11.43 Obtaining a Commission, Letters Rogatory or a Letter of Request.

D. DISCOVERY IN PENNSYLVANIA FOR USE IN ANOTHER STATE OR COUNTRY

11.51 Discovery in Pennsylvania for Use in Proceedings Pending in Another State or Country—In General.

11.52 Federal Assistance to Foreign Courts.

E. FORMS

- 11.61 Motion for Commission to Take Deposition in Another State.
- 11.62 Letters Rogatory—Oral Deposition.
- 11.63 ____ Deposition by Interrogatories.
- 11.64 Opposition to Request for Letters Rogatory.
- 11.65 Petition for Allowance of Depositions in Pennsylvania—Discovery Request by Another State.
- 11.66 Reply in Opposition to Discovery Request by Another State.
- 11.67 Illustration: Order by British Court Pursuant to Letter of Request.

CHAPTER 12. USE OF DEPOSITIONS AT TRIAL

A. GENERAL DISCUSSION

- 12.1 Rules Governing the Use of Depositions at Trial—Generally.
- 12.2 Rules of Procedure.
- 12.3 Rules of Evidence.
- 12.4 Use of Adverse Party's Deposition at Trial.
- 12.5 Use of Unavailable Witness's Deposition at Trial.
- 12.6 Use of Available, Non-party Witness Depositions at Trial.
- 12.7 Objections to Admissibility of Deposition Testimony.
- 12.8 Designating Deposition Testimony.
- 12.9 Selecting Deposition Testimony to Designate.
- 12.10 Formally Designating the Testimony.
- 12.11 Selecting a Method of Presentation.
- 12.12 Recreating the Deposition Atmosphere.
- 12.13 Cautionary Instructions.
- 12.14 Preparation for Fairness and Cross-Designations.
- 12.15 Fairness Designations.
- 12.16 Cross-Designations.

B. FORMS

- 12.31 Plaintiff's Designation of Deposition Testimony.
- 12.32 Cross-Designation of Deposition Testimony.
- 12.33 Designation/Cross-Designation of Deposition Testimony—Another Illustration.
- 12.34 Offer of Proof With Respect to Deposition Testimony.

CHAPTER 13. REQUESTS FOR ADMISSION

A. GENERAL DISCUSSION

- 13.1 Requests for Admission—Generally.
- 13.2 Permitted Scope of Requests for Admission.
- 13.3 Admitting the Genuineness of Specified Documents.
- 13.4 Admitting the Truth of Specified Matters.
- 13.5 Admitting the Truth of Opinion Relating to Fact.
- 13.6 Admitting the Truth of the Application of Law to Fact.
- 13.7 Who May Propound Requests for Admission.

Sec.	
13.8	Discovery Cutoff Limitations.
13.9	Service and Filing of Requests for Admission.
13.10	Responding to Requests for Admission—Generally.
13.11	Time Within Which to Respond.
13.12	Oath (Verification) is Required.
13.13	Amending or Withdrawing an Admission.
13.14	Motion for an Order Permitting Amendment or Withdrawal of Admission.
13.15	Objections to the Form or Subject Matter of Individual Requests for Admission.
13.16	Proper Objections to Requests for Admission.
13.17	Improper Objections to Requests for Admission.
13.18	Motion for a Protective Order.
13.19	Motion to Compel a Further Response to Requests for Admission.
13.20	Reasonable Expenses and Attorney's Fees Awarded for Failure to Admit.
13.21	When May a Motion Be Made for an Award of Expenses Incurred Due to Denial of Request to Admit.
13.22	Determining When Requests for Admission Are Useful.
13.23	Framing Requests for Admission.
13.24	Effect of Admission Under Rule 4014.
13.25	Procedure for Introducing Answers to Requests for Admission as Evi-
	dence.
13.26	Suggested Techniques for Use of Admissions at Trial.
13.27	Objecting to the Use of Requests for Admission at Trial.
	B. FORMS
13.41	Requests for Admission—General Form.
13.42	To Bind Deposition Testimony.
13.43	To Authenticate Documents.
13.44	Interrogatories Accompanying Requests for Admission.
13.45	Answers and Objections to Requests for Admission.
13.46	Motion to Determine Sufficiency of Responses to Requests for Admission.
13.47	Motion to Withdraw or Amend Admission.
13.48	Motion to Withdraw Admission.
13.49	Order Allowing Withdrawal of Admission.
13.50	Motion to Impose Costs of Proving Facts Not Admitted on Request.
10.00	motion to impose costs of Froning Facts Not rannitied on frequest.
	CHAPTER 14. PROTECTIVE ORDERS
	A. GENERAL DISCUSSION
14.1	Introductory Comment.
14.2	Trade Secrets.
14.2	Trade Secrets.
	B. FORMS
14.11	Motion for Protective Order—In Connection With Deposition.
14.12	In Connection With Deposition—Another Form.
14.13	Oppressive Discovery.
14.14	Confidential and Proprietary Business Information.
14.15	Trade Secret Information.

	TABLE OF CONTENTS		
Sec.			
14.16	Privileged Information.		
14.17	-		
14.18	Confidentiality Stipulation.		
	•		
	CHAPTER 15. SANCTIONS		
	A. GENERAL DISCUSSION		
15.1	Introductory Comment.		
15.2	Misuse of the Discovery Process.		
15.3	Factors to be Considered by the Court.		
15.4	Types of Sanctions Available.		
15.5	Issue Sanctions.		
15.6	Evidence Sanctions.		
15.7	Terminating Sanctions.		
15.8	Monetary Sanctions.		
15.9	Contempt Sanctions.		
15.10	Destruction of Evidence.		
	B. FORMS		
15.21	Motion for Sanctions—Notice of Filing.		
15.22	Failure to Attend Deposition.		
15.23	Failure to Answer Interrogatories.		
15.24	Another Form.		
15.25	· · · · · · · · · · · · · · · · · · ·		
15.26			
15.27			
15.28			
15.29	Destruction of Evidence.		
	CHAPTER 16. CASE MANAGEMENT ORDERS		
	A. GENERAL DISCUSSION		
16.1	Case Management Orders—Generally.		
16.2	Stay of Discovery—Parallel Civil and Criminal Proceedings.		
	B. FORMS		
	Case Management Order.		
16.12	Privileged Documents Log.		
16.13	Consent Order Regarding Admissibility of Business Records.		
	CHAPTER 17. DISCOVERY IN AID OF EXECUTION		
	A. GENERAL DISCUSSION		
17.1	Discovery Rules.		
	B. FORMS		
1711			
17.11 17.12	Execution Interrogatories—To Garnishee. Interrogatories for Discovery of Assets in Aid of Execution—Individual		
17.12	Corporation.		
	~~~ ~~ ~~ ~~ ~~ ~~ ~~ ~~ ~~ ~~ ~~		

Sec.			
17.14	Notice of Deposition in Aid of Execution—Individual Debtor.		
17.15	Corporate Deponent and Debtor.		
СН	APTER 18. DISCOVERY IN DOMESTIC RELATIONS CASES		
18.1	Introductory Comment.		
18.2	Scope of Discovery.		
18.3	Sample Interrogatories.		
18.4	Vocational Interrogatories.		
18.5	Objections to Interrogatories.		
18.6	Motion to Compel Answers to Interrogatories.		
18.7	Production of Documents and Things, Entry for Inspection and Other Purposes.		
18.8	Motion for Production of Documents.		
18.9	Authorization for Release of Financial Information.		
18.10	Depositions.		
18.11	Motion and Proposed Order.		
18.12	Motion—Third Party.		
18.13	Notice of Deposition and Request for Production of Documents.		
18.14	Request for Admission—Form.		
18.15	Physical and Mental Examination of Persons.		
18.16	Consent to Disclosure of Medical Records.		
18.17	Motion for Protective Order.		
18.18	Confidentiality.		
18.19	Stipulation of Confidentiality.		
18.20	Stipulation and Order Regarding Confidentiality About Business Disclosure.		
18.21	Motion for Sanctions.		
	CHAPTER 19. SELECTED ETHICAL ISSUES RELATED		
	TO DISCOVERY		
19.1	Introductory Comment.		
19.2	Ex Parte Contact With Employees and Former Employees of an Adverse Party—In General.		
19.3	Ex Parte Contact With Current Employees of an Adverse Party.		
19.4	Ex Parte Contact With Former Employees of an Adverse Party.		
19.5	Advising Employees Not to Speak to Another Party.		
19.6	Defense Counsel's Ex Parte Contacts With Plaintiff's Treating Physician.		
19.7	When Clients Lie in Discovery.		
19.8	Receipt of Unauthorized or Inadvertently Produced Confidential Material.		
CHAPTER 20. PRETRIAL DISCOVERY AND INSPECTION IN CRIMINAL CASES			
	A. DISCLOSURE BY COMMONWEALTH		
20.1	Introductory Comment.		
20.2	Request for Bill of Particulars.		
20.3	Motion for Bill of Particulars or Other Appropriate Relief.		
20.4	Informal Defense Request for Discovery.		

Sec.	
20.5	Another Form.
20.6	A Third Illustration.
20.7	Motion for Disclosure, Discovery, Inspection and Production.
20.8	Motion for Disclosure and Discovery—Capital Case.
	Petition for Production of Juvenile Record of Prosecution Witness.
	Motion to Disclose Identity of Informant.
	Internal Police Department Disciplinary Files.
	Motion for Sanctions for Violation of Duty to Disclose.
20.12	motion for Sanctions for Violation of Duty to Disclose.
	B. DISCLOSURE BY DEFENDANT
20.21	Introductory Comment.
20.22	Notice of Alibi Defense.
20.23	Notice of Insanity Defense.
	CHAPTER 21. DISCOVERY IN THE MILITARY
	JUSTICE SYSTEM
21.1	Military Criminal Practice—In General.
21.2	Discovery Under the Rules for Court Martial and the Military Rules of Evidence—In General.
21.3	Mandatory Disclosure by the Prosecution.
	Mandatory Disclosure by the Defense.
	Disclosure Upon Defense Request.
	The Continuing Duty to Disclose—Attorney Work Product Protected.
	Regulation of Discovery by the Military Judge and Remedies for Nondisclosure.
	CHAPTER 22. DATABASES AND DISCOVERY
22.1	Introductory Comment.
	Online Services.
	The Internet.
	CD-ROMs.
	Conclusion.
	CHAPTER 23. APPEALS
23.1	Introduction.
23.2	Collateral Order Doctrine.
23.3	Discovery Orders Appealable Under the Collateral Order Doctrine.
	Discovery Orders Ineligible for Treatment as Collateral Orders.
23.5	Practice Pointers.
	Page
Table	of Statutes
	0.0
	of Rules
	of Cases 685
Index	709

*