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Attorney for Petitioner

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE**

CENTRAL JUSTICE CENTER

JANE JOHNSON,) Case No.: CL08901
Petitioner,)
)
vs.) **IN CLASS EXERCISE:**
)
JOHN SMITH,) **DRAFTING SPECIAL**
Respondent,) **INTERROGATORIES EXAMPLE**
)
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_____)

Propounding Party: JANE JOHNSON
Responding Party: JOHN SMITH
Set Number: One (1)
To student:

This example pertains to the hypothetical in the special interrogatories in class exercise. Make sure that you read the “In Class Exercise: Form and Special Interrogatories” before reading this example. The formation of a special interrogatory often involves trial and error. A lawyer identifies what information is needed and crafts an interrogatory that will produce that information. Jane Johnson’s lawyer (“lawyer”) needs to know who owns the car that hit Jane Johnson.

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Attempt No. 1:

Who owns the car?

This statement is seems to elicit what the lawyer needs but it is very ambiguous. It may seem obvious to which car is being referenced, but it is better not to take chances with ambiguity.

Attempt No. 2:

Name the person that owns the car that hit Jane Johnson.

This statement is less ambiguous but it is unartful and could be more precise.

Attempt No. 3:

Name the owner of the vehicle that hit Jane Johnson on June 1st, 2014.

This statement is better for various reasons: it is more concise and the date of the incident removes ambiguity; and the term vehicle is preferable because the Memo does not specify that Jane Johnson was hit by a car. But this interrogatory only elicits the name of the owner and the lawyer needs more than just a name.

Attempt No. 4:

State the name, address and telephone number of the owner of the vehicle that hit Jane Johnson on June 1st, 2014.

This statement actually encompasses the information that the lawyer needs. The car's owner may not have been involved in the accident and may need to be deposed. But the opposing counsel may claim that this is a compound question and phrasing the interrogatory differently would avoid that objection.

Attempt No. 5:

Identify the owner of the vehicle that hit Jane Johnson on June 1st, 2014.

The word "Identify" can be used to garner the name, address and telephone number of a person or group of persons, but it must be defined as such.

Attempt No. 6:

IDENTIFY the owner of the vehicle that hit Jane Johnson on June 1st, 2014.

(IDENTIFY means provide the name, address and telephone number.)

This statement looks almost perfect, but it assumes that there is only one owner of the vehicle.

Attempt No. 7:

IDENTIFY each person who has an ownership interest in the vehicle that hit Jane Johnson on June 1st, 2014. (IDENTIFY means provide the name, address and telephone number.)

This is the interrogatory that the lawyer needs and hopefully those that read this document will learn from the trial and error involved in its crafting.

Dated this __ day of _____, 2014

WILLIAM T. TANNER
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