

AGENDA

CIVIL COMMISSION Discovery Subcommittee

**Thursday, May 7, 2015
4:00 p.m.**

1. Welcome and call to order
2. Discussion and Prioritization of Tasks:
 - a. The current standard discovery for plaintiffs requires the disclosure of any prior disability rating for injuries other than those complained of in the complaint. The subcommittee has been asked to consider the addition of questions on any prior permanency/disability rating for injuries similar to those identified in the complaint;
 - b. The current standard discovery does not include questions regarding Medicare. The subcommittee has been asked to consider the addition of questions related to Medicare payments/liens.
 - c. The current standard discovery does not include questions regarding cell phone use, although these kinds of questions are frequently asked as part of supplemental discovery. These types of questions arose from a discussion in the Workgroup on Civil Rules and Statutes, which asked the Subcommittee to consider the addition to current standard discovery of a question regarding “the use of a cell phone at the time of the accident or within the five minutes preceding the accident.” If a defendant answered in the affirmative, the party could then be asked to provide an authorization or copies of the cell phone records.
 - d. The subcommittee also intends to look at clarifying that videotapes (for example, in a slip and fall case) are discoverable. Objections to providing these videos can be an issue.
 - e. The subcommittee was also asked to consider the development of some standard interrogatories on the loss of consortium.
 - f. The subcommittee was also asked to look into developing standardized requests for production of the records of primary care physicians, which can and frequently do contain information on issues totally unrelated to the issues in a case. These requests are increasingly part of discovery, and developing some standard and targeted requests would be helpful to protect the privacy of plaintiffs.
 - g. The subcommittee has also been asked to look into the simplification of the process on out-of-state depositions.
3. Next meeting