

Draft Better Interrogatories in Novel Fact Patterns

Build them quickly by using specialized, practice-tested models.

Writing custom interrogatories can be one of the most critical aspects of your discovery plan. Asking the right questions in the proper format is the key to getting complete responses and avoiding nagging objections. **Model Interrogatories** is a comprehensive set of pre-drafted questions covering a variety of substantive areas that will help you quickly zero in on the most critical issues in every case.

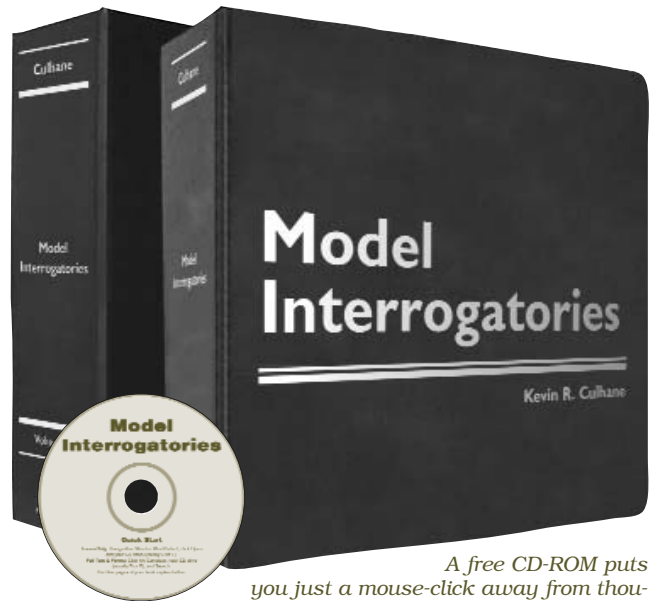
Interrogatories on CD in 19 Practice Areas

The newest edition of **Model Interrogatories** includes a CD-ROM containing every interrogatory printed in the book. With 19 substantive practice areas and literally thousands of proven questions written by a seasoned litigator, you'll drastically improve the quality of your discovery – and save time too!

- ✓ Vehicular Negligence
- ✓ Sexual Harassment
- ✓ Insurance Bad Faith
- ✓ Premises Liability
- ✓ Product Liability
- ✓ Legal Malpractice
- ✓ Wrongful Termination
- ✓ Age Discrimination
- ✓ Wrongful Death and Survival Actions
- ✓ Medical Malpractice
- ✓ Governmental Tort Liability
- ✓ Liability Insurance: Agent & Broker Liability
- ✓ Malicious Prosecution
- ✓ Workplace Violence
- ✓ Fraud and Deceit
- ✓ Elder Abuse
- ✓ ADA Claims
- ✓ Interference with Business Relations

Format Satisfies State Law Restrictions

Model Interrogatories contains “stand-alone” questions that pinpoint the issues you need to win your case. That means no inappropriate subparts and other technical violations of many states’ discovery statutes.



A free CD-ROM puts you just a mouse-click away from thousands of pre-drafted interrogatories.

How Pre-Drafted Questions Can Help

Model Interrogatories will greatly facilitate your case preparation by setting forth specifically tailored questions that can be used to construct custom interrogatory sets. By utilizing pre-drafted interrogatories, you will . . .

. . . **reduce your drafting time.** Whether you copy selected interrogatories from the companion CD-ROM, dictate directly from the book or modify photocopied pages, using pre-drafted questions can save you hours.

. . . **elicit more complete answers.** The comprehensive definitions and clear, direct phrasing of the questions will reduce the number of objections and non-responsive answers you receive.

. . . **avoid omitted questions.** The extensive contents checklist will bring to mind fertile topics for exploration, and the detailed pattern questions will highlight the best areas of inquiry.

. . . **produce quality work.** By starting with questions that have already been used and revised several times, your first draft will read like a polished final copy. Additionally, each chapter sets forth the elements of the cause of action and potential defenses so that your interrogatories can be precisely structured to fit the facts of your case.

. . . **cover more ground.** **Model Interrogatories** contains 22 chapters, each containing hundreds of pre-drafted questions from a variety of substantive areas, including employment, personal injury, medical malpractice, premises liability and more.



(800) 440-4780 or
www.jamespublishing.com

Construct Precise, Probing & Winning Questions

Each category of questions includes explanatory text, practice tips, and model questions designed to produce relevant evidence and avoid objections.

Value for Your Money

- ✓ **More than 4,500 interrogatories** that have stood the test of repeated use. All are precisely phrased, with key words defined.
- ✓ **Ready to use.** All interrogatories are logically organized by type of action and are ready to send with only minor customization.
- ✓ **Comprehensive CD-ROM** allows for more efficient construction of interrogatory sets. Simply copy and paste the questions and modify as needed.
- ✓ **Standardized loose-leaf format.** The 3-ring linen-covered binder is easily updated with annual replacement pages and permits effortless removal and photocopying of standard 8½" by 11" pages.
- ✓ **Sold on a 30-day approval,** the book costs you nothing to examine. If the pre-drafted questions don't speed production of your next interrogatory set, simply return the unmarked book at our expense. We will promptly refund your payment — no questions asked.

Case Specific Questions in Key Practice Areas

Auto Cases. The repetitive nature, small damages and sheer volume of vehicular negligence cases make form interrogatories a must for economical yet effective representation. **Model Interrogatories** provides pattern questions to establish:

For the Plaintiff — affirmative conduct; failure to exercise due care; causation; special damages; general damages

For the Defendant — plaintiff's contributory or comparative negligence; implied and express assumption of the risk; damage mitigation; imputed contributory or comparative negligence; damage allocation when the rule of joint and several liability has been totally or partially abrogated

Premises Liability, with special emphasis on slip and fall cases. Questions are provided that explore:

For the Plaintiff — plaintiff's status (invitee, licensee or trespasser); breach of defendant's resulting duty of care; timing and extent of knowledge of dangerous condition; nature, extent and sufficiency of any warnings

For the Defendant — comparative and contributory negligence; assumption of the risk; alcohol and drug consumption; "obviousness" of an amended defect

Product Liability. Their complexity means extensive discovery. The wide range of these form interrogatories can help you narrow the issues to a manageable and affordable size.

For the Plaintiff — identification of manufacturer and distribution chain; standards in existence and current state of the art; warranties and advertising; notice

and prior knowledge; availability of forensic evidence and analysis

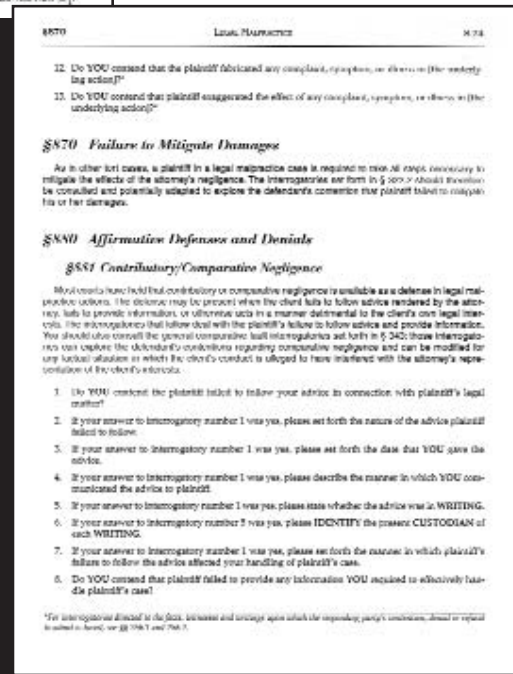
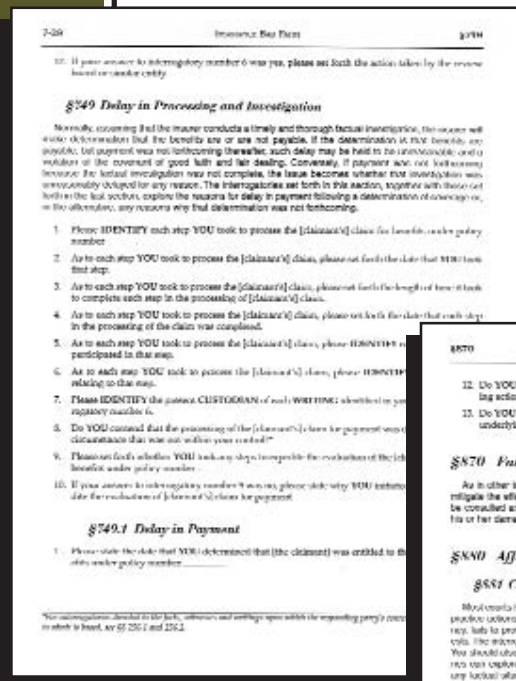
For the Defendant — warnings; misuse or modification; unavoidable danger; assumption of risk

Sexual Harassment. One of the hottest areas of employment litigation. In many cases, prevailing on discovery means early settlement or dismissal.

For the Plaintiff — elements of quid pro quo cause of action; proving hostile work environment; establishing damages; establishing causation

For the Defendant — establishing terms of employment; performance criticisms; refuting causation; refuting damages; failure to exhaust remedies

15 Additional Practice Areas!



§1350 Affirmative Defenses and Denials

The questions set forth in this section explore the factual basis for affirmative defenses and denials and seek a defendant's answer. The section includes interrogatories generally directed to each of defendant's responsive contentions as well as interrogatories tailored for more specific defenses that may be advanced in wrongful termination cases.

§1351 Contentions and Related Facts See §341.

§1352 Failure to Exhaust Internal Remedies

Defendant may contend that plaintiff failed to exhaust available or progressive discipline mechanisms, established by the employer, and hence should be barred from recovery because of the failure to exhaust internal remedies. The interrogatories that follow explore the defendant's contentions regarding this defense in jurisdictions that recognize it.

- 1. Did YOU contend that plaintiff's recovery is barred by plaintiff's failure to participate in a disciplinary grievance process to plaintiff's termination?
2. If your answer to interrogatory number 1 was yes, please set forth a general description of each such process.
3. If your answer to interrogatory number 1 was yes, please IDENTIFY each PERSON who had supervisory responsibility for the administration of the process.
4. If your answer to interrogatory number 1 was yes, please set forth the date that plaintiff was notified of the availability of the process.
5. If your answer to interrogatory number 1 was yes, please IDENTIFY each WRITING relating to the process.
6. Please IDENTIFY the present CUSTODIAN of each WRITING identified in your answer to interrogatory number 5.

§1353 Failure to Exhaust Administrative Remedies

Under many statutory schemes plaintiff must first participate in an administrative hearing process regarding the termination of plaintiff's employment as a prerequisite to suit. The interrogatory explores defendant's contention that plaintiff's claim is barred by virtue of plaintiff's failure to exhaust such administrative remedies.

- 1. Do YOU contend that plaintiff's claim is barred by any failure on the part of plaintiff to participate in any administrative process?

*For interrogatories directed to the facts, witnesses and evidence upon which the responding party's contention, denial or refusal is based in detail, see §§ 308.1 and 308.2.

- 9. If your answer to interrogatory number 5 was yes, please IDENTIFY each WRITING relating to the statement.
10. Please IDENTIFY the present CUSTODIAN of each WRITING identified in your answer to interrogatory number 9.

§1530 Quid Pro Quo Harassment

§1531 Occurrence Interrogatories—Plaintiff to Defendant §1531.1 Sexual Solicitation

In many quid pro quo harassment cases, the employee alleges that the employer or its equivalent, i.e., supervisor, demanded that the employee provide sexual favors to obtain a sought job benefit. The interrogatories in this section explore the facts and circumstances surrounding a claimed or alleged sexual proposition.

- 1. Please state whether or not (pursue state) YOU (or identify supervisor) requested that [plaintiff] engage in sexual intercourse with YOU.
2. If your answer to the foregoing interrogatory was yes, please set forth the date that YOU requested that plaintiff engage in sexual intercourse with YOU.
3. If your answer to interrogatory number 1 was yes, please set forth each reason YOU requested plaintiff to engage in sexual intercourse with YOU.
4. If your answer to interrogatory number 1 was yes, please IDENTIFY each PERSON who has knowledge of any fact relating to the request.
5. If your answer to interrogatory number 1 was yes, please IDENTIFY each WRITING relating to the request.
6. Please IDENTIFY the present CUSTODIAN of each WRITING identified in your answer to interrogatory number 5.
7. If your answer to interrogatory number 1 was no, please set forth each fact upon which YOU base such denial.
8. If your answer to interrogatory number 1 was no, please IDENTIFY each PERSON having knowledge of any fact relating to such denial.
9. If your answer to interrogatory number 1 was no, please IDENTIFY each WRITING relating to such denial.
10. Please IDENTIFY the present CUSTODIAN of each WRITING identified in your answer to interrogatory number 9.
11. Please state whether or not (pursue state) YOU [or identify supervisor] engaged in sexual intercourse with plaintiff.

*For interrogatories directed to the facts, witnesses and evidence upon which the responding party's contention, denial or refusal is based in detail, see §§ 308.1 and 308.2.

Table of Contents (partial listing)

Practice Tips & Preliminary Considerations: Discovery Practice Tips; Limitations on Interrogatory Discovery; State-by-State Discovery Limitations; Definitions

General Interrogatories — Background & Investigation: Identification; Specific Party; Relationship to Persons Identified in Responses; Investigatory Interrogatories; Witnesses and Investigations; Miscellaneous

General Interrogatories — Damages, Defenses & Denials: General Damages; Defendant's Contentions re Apportionment of Damages; Special and Punitive Damages; Compensation From Collateral Sources; Affirmative Defenses and Denial

Vehicular Negligence: Elements of Plaintiff's Cause of Action; Occurrence Interrogatories; Accident Facts; Negligent Transfer; Equipment Repairs and Defects; Affirmative Defenses and Denials; Investigatory Interrogatories; Third-Party Information; Insurance; Due Diligence in Preparation of Response

Premises Liability: Elements of Plaintiff's Cause of Action; Occurrence Interrogatories; Plaintiff's Status on Premises; Information Regarding the Premises; Knowledge of Dangerous Condition; Affirmative Defenses and Denials - Admissions; Investigatory Interrogatories; Insurance

Product Liability: Cause of Action Elements; Identifying Interrogatories; Product Design and Testing; Product Marketing; Subsequent Measures and Foreseeable Misuses; Factors Contributing to Consumer's Safety Risk; Prior Claims and Injuries; Product Examination; Miscellaneous Interrogatories

Insurance Bad Faith: Elements of Plaintiff's Cause of Action; Basic Insurer Information; Basic Policy Information; First Party Cases; Third Party Cases - Excess Liability; Third Party Cases - Duty to Defend; Claims Under Unfair Practices Act; Due Diligence in Preparation of Response

Legal Malpractice: Elements of Plaintiff's Cause of Action; Definitions; Defendant's Relationship to Plaintiff; Applicable Standards of Care; Alleged Errors and Omissions - Litigation and Errors in Judgment; Causation; Failure to Mitigate Damages; Affirmative Defenses; Due Diligence in Preparation of Response

Malicious Prosecution: Elements of Plaintiff's Cause of Action; Definitions; Initiation of the Subject Legal Action; Prosecution of the Subject Legal Action; Initiation Without Probable Cause; Legal and Factual Investigation; Favorable Termination; Defendant to Plaintiff - Damage Interrogatories; Due Diligence in Preparation of Response

Wrongful Death & Survival Actions: Identification of Party; Auto Accident; Dangerous Condition of Property; Defective Product; Medical Malpractice; Defenses; Damages; Miscellaneous Investigatory Interrogatories

Medical Malpractice: Elements of Plaintiff's Cause of Action; Identification of Defendant; Education, Training, Certification and Licensure of Defendant; Defendant's Relationship to Plaintiff; Alleged Errors and Omissions; Causation; Affirmative Defenses and Denials; Defendant's Contentions re Collateral Sources; Miscellaneous

Governmental Tort Liability: Introduction; Dangerous Condition of Public Property; Occurrence Interrogatories; Immunities and Defenses; Miscellaneous Liabilities of Public Entities; Liability of Public Employees; Damages in Public Liability Cases; Affirmative Defenses and Denials; Investigatory Interrogatories

Wrongful Termination of Employment: Elements of Plaintiff's Cause of Action; Basic Information; Terms of Employment; Termination of Employment; Claim of Good Cause for Termination - Plaintiff to Defendant and Defendant to

Plaintiff; Affirmative Defenses and Denials; Damages; Investigatory Interrogatories; Insurance; Due Diligence in Preparation of Response

Liability Insurance—Agent & Broker Liability: Elements of Plaintiff's Cause of Action; Identification of Defendant; Education, Training, and Licensure of Defendant; Defendant's Relationship to Plaintiff; Alleged Errors and Omissions; Causation; Damages; Affirmative Defenses and Denials; Investigatory Interrogatories

Sexual Harassment: Introduction; Basic Information; Terms of Employment; Quid Pro Quo Harassment; Occurrence Interrogatories - Defendant to Plaintiff; Causation - Plaintiff to Defendant; Hostile Environment Harassment; Affirmative Defenses and Denials; Damages in Title VII Cases; Investigatory Interrogatories

Age Discrimination: Terms of Employment; Age Discrimination in Employment; Defenses; Claim of Pretext; Additional Defenses and Denials; Damages in ADEA Age Discrimination Cases; Investigatory Interrogatories; Due Diligence in Preparation of Response

Workplace Violence: Basic Information Regarding Employer; Basic Information Regarding Claimant; Employer Direct Liability to Third Parties; Employer Vicarious Liability to Third Parties; Employer Liability for Injury to Employee; Affirmative Defenses and Denials; Damages; Investigatory Interrogatories

Fraud and Deceit: Intentional Misrepresentation of Fact; Knowledge of Falsity; Negligent Misrepresentation; Damages; Fraudulent Concealment and Nondisclosure; Duty to Disclose; Constructive Fraud; Existence of Fiduciary Relationship; Investigatory Interrogatories

Elder Abuse: Identification of Defendant; Physical Abuse Claims; Claims Based Upon Neglect; Negligence v. Custodial Care; Damages, Investigatory Interrogatories



About the Author

Kevin R. Culhane is a partner with the law firm of Hansen, Boyd, Culhane & Watson in Sacramento, California. His practice consists primarily of professional liability and appellate law. Mr. Culhane has been a visiting professor of Evidence and Torts at McGeorge School of Law in Sacramento, and currently serves as an adjunct professor teaching Insurance Law and Advance Torts. In addition, he frequently lectures on discovery and trial matters for California's Continuing Education of the Bar. This full-time practice / part-time teaching combination has helped Mr. Culhane write Model Interrogatories, a resource useful to experienced practitioners and understandable to novices.

Mr. Culhane was also a member of the California State Bar Board of Governors, and was instrumental in establishing the Bar's Professional Liability Insurance Program. Following a one year term as Vice-President of the State Bar of California, he was appointed to two successive terms as a member of the Judicial Council of California.

Over 4,500 pattern interrogatories

Yes! Send me one copy of *Model Interrogatories* and its CD. Include an invoice for \$99 plus shipping. I may return the book within 30 days without obligation. Send me annual updates on the same 30-day review basis. I may cancel the update service at any time.

Copyright © 2006 James Publishing

Four Easy Ways to Order...

MI5d

MAIL: James Publishing, Inc. / P.O. Box 25202 / Santa Ana, CA 92799-5202 PHONE: 800-440-4780 FAX: 714-751-2709 INTERNET: www.jamespublishing.com

Prepay and save \$8.98 shipping

Check enclosed for \$99.00 (CA residents add \$7.18 sales tax / Make check payable to James Publishing / U.S. funds only)

Charge \$99.00 to my credit card: Visa Mastercard AMEX



Invoice option

(I do not wish to take advantage of the free shipping offer)

Bill firm \$107.98 (shipping included / CA residents add \$7.18 sales tax)

Bill me the same

Card #: _____ Exp. Date: _____ 3(or 4)-digit security code: _____

Please complete all blanks, providing a street address for your office.

Printed Name: _____

Firm Name: _____

Office Address: _____ Suite: _____
(not residence)

City, State, Zip: _____

Telephone: (____) _____ Fax: (____) _____

Bar #: _____ E-mail: _____

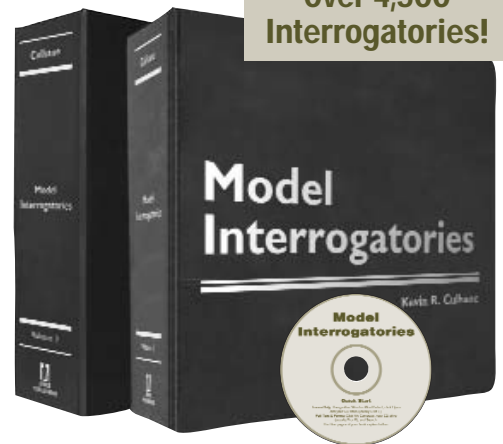
Signature: _____

Draft Custom Interrogatories In Less Time!

You can handle novel fact patterns as efficiently as you do familiar ones.

Seven Reasons to Try *Model Interrogatories*

- Saves time.** Customizing pre-drafted questions can save you hours.
- Covers 19 different types of cases.** These interrogatories tackle the tough legal issues that arise in a variety of cases, from auto negligence to insurance bad faith to premises liability.
- Better answers.** Each stand-alone interrogatory is direct, clear and goes straight to the heart of the information critical to your case. You'll elicit more complete answers, avoid objections, and reduce the number of non-responsive answers.
- More efficient discovery.** You'll acquire more information with less effort and expense by using these interrogatories to guide your format and substantive coverage.
- Free CD.** A CD-ROM contains every interrogatory printed in the book. Speed production by inserting selected questions directly into your discovery.
- Better utilize your staff.** The book is so easy to use, your staff can prepare comprehensive discovery with relatively minor supervision.



- Improve your standard interrogatories.** Use Kevin Culhane's clearly phrased questions and definitions to supplement interrogatory sets you use repeatedly.

Call (800) 440-4780 or
www.jamespublishing.com



JAMES
PUBLISHING