

PHILOSOPHICAL NOTE CONCERNING INTERROGATORIES

There are some who have expressed their view that there should be no "Pattern Interrogatories"--that, in general, interrogatories are "worthless," a "waste of time," and "principally used as a means of abuse." They urge that a deposition should be used instead.

I respectfully disagree. Interrogatories contemplated by Rule 33 are not "worthless," not a "waste of time" and usually not "abusive." In many instances, a deposition is not better and certainly not less expensive.

Interrogatories contemplated by Rule 33 are an important tool in many instances:

- For pro se litigants
- For pro bono matters
- For simple matters
- For low dollar matters
- For cases where the expense of a deposition is not justified
- For depositions by written questions under C.R.C.P. 31
- For obtaining information to facilitate other discovery
- For obtaining details that may not be immediately available from a deposed person at a deposition
- In cases where all that is needed is obtainable through written questions

The Form 20 Pattern Interrogatories came into being in 1994 as a means to reduce discovery, avoid the expense of depositions and to avoid disputes over the propriety of questions in certain subject areas. The philosophical basis was essentially the same as that for Pattern Jury Instructions under C.R.C.P. 51.1, i.e., a uniform battery of usual questions that because of the Supreme Court's pre-approval, made such usual questions less likely to be challenged. Also, because of a growing number of pro se litigants in district courts throughout the state, the Pattern Interrogatories were designed to serve as proper discovery for those kinds of cases.

As with C.J.I., the Pattern Interrogatories have accomplished their purpose. They allowed the civil rules being proposed at the time to limit the number of interrogatories and helped reduce discovery generally. They have certainly reduced disputes over the questions themselves. Considerable thought and hard work went into the development of Form 20. The present Civil Rules Committee has voted to retain the Pattern Interrogatory feature of C.R.C.P. 33(e) for essentially the same reasons. The Subcommittee should not lightly brush aside the Pattern Interrogatory arrangement, or parts of it. Any change should be for good reason.