

Lesson 3: Introduction to Civil Discovery

Understand the language and procedures behind one of the most critical stages in US litigation. Covers key terms (deposition, interrogatories, subpoena, privilege), reading authentic discovery documents, and writing professional correspondence related to discovery requests.

CEFR Level:	B2–C1	Duration:	60 minutes
Industry:	Legal / In-house Counsel	Format:	Instructor-led with slides

Learning Objectives

By the end of this lesson, students will be able to:

- Define key civil discovery terms and explain their role in the litigation process
- Identify the main types of discovery tools and when each is used
- Read and interpret authentic discovery-related documents with confidence
- Draft professional correspondence related to discovery requests and responses

Materials

- Slide deck (Lesson3_Introduction_to_Civil_Discovery.pptx)
- Whiteboard / shared screen for live annotation
- Timer (for practice activity)
- Optional: printed glossary handout of discovery terms for student reference

Lesson Procedure

Phase 1: Warm-Up & Context Setting

Time: 0:00–0:08 | **Duration:** 8 min | **Slides:** 1–3

- Display title slide. Ask: *"Has anyone here been involved in a lawsuit or legal dispute — even indirectly? What was the hardest part about the process?"* Allow 2–3 responses.
- Present the scenario on Slide 3 (in-house counsel misreading a discovery deadline). Ask: *"What could she have done differently?"*
- Walk through the stats on the right side of Slide 3. Ask which statistic surprises them most.
- Frame the lesson: *"Discovery is where cases are won and lost. Today we're learning the language you need to navigate it."*

→ Students may not have direct litigation experience. That's fine — the scenario grounds the topic. Redirect personal anecdotes toward the language challenge, not the legal merits.

→ The stats on Slide 3 are illustrative. If students question them, acknowledge they're approximate and use it as a teaching moment about hedging language.

Phase 2: What Is Discovery?

Time: 0:08–0:18 | **Duration:** 10 min | **Slides:** 4

- Read the definition card on Slide 4 aloud. Ask: *"In your own words, what is discovery for?"* Elicit: preventing surprises, evaluating the other side's case.
- Walk through the litigation timeline (Complaint → Answer → Discovery → Pre-Trial → Trial). Emphasise that discovery is typically the longest and most expensive phase.
- Read the key-point box at the bottom. Ask: *"Why is terminology so important in discovery specifically?"* Lead toward: because a misunderstood term can mean a missed deadline, waived privilege, or sanctions.
- **Concept check:** Ask students to place these events in order: trial, discovery, complaint filed, answer filed, pre-trial motions.

→ This slide establishes foundational knowledge. Don't rush — students need to understand the process before the terminology makes sense.

→ If students are already familiar with litigation stages, spend less time here and more on Phases 3–4.

Phase 3: Key Discovery Terms

Time: 0:18–0:30 | **Duration:** 12 min | **Slides:** 5–6

- Present Slide 5 (Key Discovery Terms). For each term, read the definition and ask students to generate an example scenario where that tool would be used.
- After all five terms, do a quick matching exercise: read 3–4 scenarios aloud and ask students which discovery tool applies.
- Move to Slide 6 (Discovery Tools at a Glance). Walk through the table. Focus on the “Key Language” column — these are phrases students will encounter in real documents.
- **Pronunciation drill:** Practice: *interrogatories*, *subpoena*, *deposition*, *privilege*. These are commonly mispronounced by non-native speakers.

→ *The matching exercise is critical — it moves students from passive recognition to active application. Don't skip it.*

→ *For B2 students, focus on the three most common tools (interrogatories, depositions, requests for production) rather than all five.*

→ *The pronunciation drill matters more than it seems. “Subpoena” and “interrogatories” are frequently mispronounced even by native speakers in non-legal fields.*

Phase 4: Privilege: The Critical Concept

Time: 0:30–0:40 | **Duration:** 10 min | **Slides:** 7

- Present Slide 7. Read the definition card and emphasise: *“Once privilege is waived — even accidentally — it cannot be restored.”*
- Walk through the Protected vs. Not Protected columns. For each item, ask: *“Why is this protected / not protected?”*
- **Scenario exercise:** Read 3 short email excerpts (you provide these verbally). Students decide: privileged or not? Discuss borderline cases.
- Key teaching point: *“The hardest part about privilege isn't the rule — it's recognising it in real documents under time pressure.”*

→ *Privilege is the most conceptually demanding part of this lesson. Give it the time it needs.*

→ *The scenario exercise is where real learning happens. Use realistic examples: an email from a lawyer giving business advice (not privileged) vs. legal advice (privileged). Make the distinction subtle.*

→ *For C1 students, introduce the concept of “inadvertent waiver” — what happens when privileged documents are accidentally produced in discovery.*

Phase 5: Discovery Correspondence

Time: 0:40–0:48 | **Duration:** 8 min | **Slides:** 8

- Display Slide 8 (Before & After). Read both versions aloud. Ask: *"What specific improvements do you notice in the AFTER version?"*
- Elicit key differences: proper salutation, specific reference to the request, commitment to a deadline, mention of privilege log, professional closing.
- Discuss the conventions of discovery correspondence: always reference the specific request by name and date, always state deadlines explicitly, always address privilege.
- **Quick drill:** Give students a poorly written discovery response sentence. They rewrite it using professional conventions. Compare versions.

→ *The Before & After is the bridge between terminology and application. Students should be able to name specific improvements, not just say "it's better."*

→ *Emphasise that discovery correspondence has real legal consequences — a vague response can result in sanctions or waiver of objections.*

Phase 6: Practice Activity: Draft a Discovery Response

Time: 0:48–0:58 | **Duration:** 10 min | **Slides:** 9

- Display Slide 9. Read the scenario and Interrogatory No. 7 aloud.
- Students work individually for 5 minutes to draft either: (a) a professional response to the interrogatory, or (b) a well-reasoned objection (or a partial objection with a partial response).
- Students compare with a partner for 3 minutes. Each partner identifies one strength and one suggestion.
- Class debrief (2 minutes): Ask 1–2 students to share. Discuss: Was the interrogatory overly broad? What information might be privileged?

→ *Circulate during drafting. If a student is stuck, prompt: "Start with acknowledging the interrogatory. Then decide: can you answer it fully, or do you need to object to part of it?"*

→ *There's no single correct answer. Some students will respond fully, others will object to breadth. Both approaches are valid — reward appropriate language and reasoning.*

→ *Watch for students who confuse "objection" (procedural legal tool) with "refusal" (non-compliance). An objection must state legal grounds.*

Phase 7: Wrap-Up & Key Takeaways

Time: 0:58–1:00 | **Duration:** 2 min | **Slides:** 10

- Display Slide 10. Read each takeaway.
- Quick round-robin: each student shares one term or concept they'll remember from today.
- Close with: *"Discovery isn't just procedure — it's strategy. And now you have the vocabulary to participate in that strategy."*

→ *Keep this tight. The practice activity is the real capstone — the wrap-up just reinforces it.*

Differentiation Notes

For stronger students (C1): During the practice activity, add a follow-up task: after drafting their response to Interrogatory No. 7, they must also draft a brief privilege log entry for any document they chose to withhold. This requires them to articulate the legal basis for privilege, not just identify it.

For students at B2: Provide a printed glossary of the five key terms from Slide 5 and a sentence-starter sheet for discovery correspondence (e.g., “We acknowledge receipt of your...” / “We object to this interrogatory on the grounds that...”). Focus assessment on term recognition and basic correspondence structure rather than nuanced privilege analysis.

Assessment

Formative assessment throughout via student responses and the discovery response drafting activity. Evaluate against these criteria:

- **Terminology:** Can the student define and correctly use key discovery terms (interrogatories, deposition, subpoena, privilege, request for production)?
- **Comprehension:** Can the student identify which discovery tool applies in a given scenario?
- **Privilege analysis:** Can the student distinguish between privileged and non-privileged communications?
- **Written correspondence:** Does the student's discovery response follow professional conventions (specific references, deadlines, privilege handling)?