



Uniform Law Commission
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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Joint Committee on Judiciary
State of Connecticut General Assembly
Room 2500
Legislative Office Building
Hartford, CT 06106

Chairmen Coleman and Fox, Vice Chairs Doyle and Ritter, Ranking Members Kissel and Rebimas, and Distinguished Members:

The Uniform Law Commission writes in support of Raised House Bill 6584, an act concerning the Uniform Interstate Deposition and Discovery Act (UIDDA). House Bill 6584 would allow the subpoena of out-of-state witnesses with a minimum of judicial intervention and increased efficiency. The UIDDA parallels the procedures currently used in federal courts under Rule 45 of the Federal Rules of Civil Procedure and many courts, judges, and lawyers are familiar with the concepts contained in the bill.

The UIDDA was approved by the Uniform Law Commission in the summer of 2007. To date, 32 states have adopted the UIDDA either through statute or by court rule, a testament to acceptance of the act as well as the desire to improve upon civil procedure across the country in a manner that lowers costs of litigation and relieves overburdened court dockets.

The UIDDA is simple and efficient. It establishes a simple clerical procedure under which a trial state's subpoena may be reissued as a discovery state's subpoena. Under the act, the out-of-state subpoena will be presented to the Clerk of the Court in Connecticut. Then, the Clerk will issue a Connecticut subpoena that incorporates the terms of the out-of-state subpoena. This action does not constitute an appearance in the court, but is sufficient to invoke jurisdiction over the deponent.

The UIDDA minimizes judicial oversight, eliminating the need for obtaining a commission, filing a miscellaneous action, or other preliminary steps before obtaining a subpoena in the discovery state. Removing judicial involvement with a ministerial process conserves judicial resources and keeps costs

low for all parties involved. The act protects residents of Connecticut from unreasonable and burdensome discovery requests. Under the act, motions brought to enforce, quash, or modify a subpoena, or for protective orders, must be brought in the Connecticut courts and are governed by the discovery rules of this state.

The drafting committee for the UIDDA benefited from the participation of observers from the American Association for Justice, the Association of Trial Lawyers of America, and the Federation of Defense and Insurance Counsel, all of whom have significant experience with the issues related to interstate depositions. Many practitioners welcome the procedural changes contained within the UIDDA, as the procedures are already familiar and will improve their practices.

Adding to the many endorsements of the UIDDA, the Conference of Chief Justices issued a resolution in August 2009 recognizing that the UIDDA provides an efficient and cost-effective procedure for litigants to depose out-of-state individuals and seek production of discoverable materials that may be located out of state.

In sum, the UIDDA is efficient, simple, and minimizes the need for court involvement in the discovery process. I urge the Committee to vote in favor of House Bill 6584.

Respectfully Submitted,



Nicole Julal

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Cc: Connecticut ULC Commissioner Neal Ossen