

March 11, 2013

Re: The Interstate Depositions and Discovery Act – Raised House Bill 6584

Distinguished Members:

The Uniform Interstate Depositions and Discovery Act (hereafter UIDDA) was promulgated by the Uniform Law Commission (ULC) formerly known as the National Conference of Commissioners on Uniform State Laws (NCCUSL) in 2007. The enactment vote at the annual conference by 50 states, Puerto Rico, the United States Virgin Islands, and the District of Columbia was unanimous.

My role in the creation of UIDDA was as follows: In 2005, I was appointed by the ULC as Chair of a study committee to consider whether or not a Uniform Act with regard to civil Interstate Depositions would be a useful and enactable project. At that time, the states followed at least 13 different procedures for the handling of Interstate Depositions, virtually all of them requiring Court intervention utilizing commissions or letters rogatory to effect the filing and service of interstate depositions. Following a year of consideration, the study committee recommended the appointment of a drafting committee to which I was also appointed to Chair.

The drafting committee met periodically for the next two years, held numerous meetings at which time advisors and observers from the American Bar Association, the American College of Trial Lawyers, the American Association of Process Servers, and organizations from both the plaintiffs' and defendants' bar, participated.

UIDDA was reviewed, line by line by the ULC at its 2006 annual conference, revised, and reviewed a second time and enacted by ULC in 2007. Since 2007, I have served as ULC's Enactment Committee Chair for UIDDA.

UIDDA has proven to be a very popular act among enacting states. Since 2007, it has been enacted by legislative action, or by Court Rule, in 32 jurisdictions and is currently pending in New Jersey as well as in Connecticut. The Act is currently under consideration in at least seven other jurisdictions including Massachusetts.

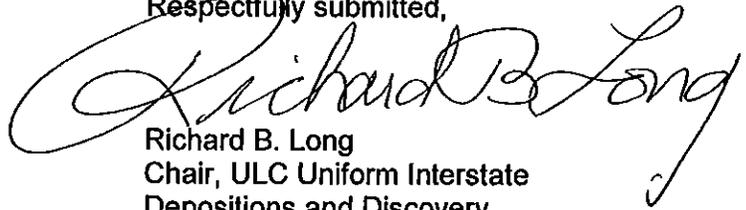
UIDDA was enacted in New York State in 2010 as Section 3119 of the Civil Practice Law and Rules. Based upon informal contacts with various county clerks in New York State, and as a member of New York's Advisory Committee on Civil Practice for the Office of Court Administration, I have been informed that UIDDA has served as an efficient procedural tool while minimizing costs and reducing the need for Court intervention.

UIDDA is neighboring-state or nearby state friendly in that many if not most interstate depositions (or document discovery) emanate from litigation pending in a state adjoining or near the state where non-party witness testimony is required. Thus, Connecticut would benefit from the fact that UIDDA has been enacted in New York, Vermont, and Pennsylvania as well as Maryland, Delaware, and the District of Columbia and is under consideration in Massachusetts.

UIDDA is particularly beneficial to the enacting state i.e. the state where discovery is taking place, in that it ensures that the citizen being deposed in that state will be deposed in his or her or its county of residence or place of business, that in the event that Court intervention is required, that Court will be in the deponent's county, and the law will be that of the discovery state and not that of the foreign state where the litigation is pending.

On behalf of the Uniform Law Commission, I strongly urge the enactment in Connecticut of the Uniform Interstate and Depositions Act, Bill 6584.

Respectfully submitted,

A handwritten signature in black ink that reads "Richard B. Long". The signature is written in a cursive style with a large, looping initial "R".

Richard B. Long
Chair, ULC Uniform Interstate
Depositions and Discovery
Enactment Committee