

Resolution 15
In Support of the Uniform Interstate Depositions and Discovery Act (UIDDA)

WHEREAS, the Conference of Chief Justices recognizes the need for an efficient and inexpensive procedure for litigants to depose out-of-state individuals and seek production of discoverable materials that may be located out of state; and

WHEREAS, the Uniform Laws Commission, previously known as the National Conference of Commissioners on Uniform State Laws, convened a committee of experts to examine practices and problems in dealing with the issues inherent in interstate discovery; and

WHEREAS, the UIDDA (1) provides for an efficient process for invoking the jurisdiction of the discovery state over the deponent; (2) eliminates the need for out-of-state litigants to obtain a commission or local counsel in the discovery state and to file miscellaneous actions during discovery in order to subpoena individuals located outside the trial state; (3) minimizes the need for judicial oversight in the discovery state; but, (4) recognizes that the discovery state has a significant interest in protecting its residents who become non-party witnesses in an action pending in another state from unreasonable or burdensome discovery requests; and

WHEREAS, adoption and implementation of the UIDDA will effectively address current jurisdictional problems and result in uniformity in both state law and practice;

NOW, THEREFORE, BE IT RESOLVED that the Conference commends the work of the Uniform Laws Commission on this subject and recommends to the appropriate state bodies to consider adoption of the substance of the UIDDA.

Adopted as proposed by the CCJ Civil Justice Committee at the CCJ/COSCA Annual Meeting in August 2009.