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MEMO



Senate of Pennsylvania

December 8, 2010

TO: ALL SENATORS

FROM: Stewart J. Greenleaf

Stewart

SUBJECT: Cosponsorship – **Uniform Interstate Depositions and Discovery Act**

I am reintroducing **Senate Bill 942**, amending the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to enact the Uniform Interstate Depositions and Discovery Act (UIDDA). This uniform act applies to any civil action brought in another state or territory for which discovery is sought in Pennsylvania. The uniform act replaces in part the Uniform Interstate and International Procedure Act (42 Pa.C.S. §§5321--5329) enacted by Pennsylvania in 1976.

The National Conference of Commissioners on Uniform State Law (NCCUSL) promulgated the UIDDA in 2007. According to the NCCUSL, every state has a rule governing foreign depositions but those rules are not uniform. The purpose of the new uniform act is to establish a procedure that can be easily and efficiently followed with a minimum of judicial oversight and intervention, that is cost-effective for the litigants, and that is fair to the deponents.

Under the UIDDA litigants can present the clerk of the court located in the state where discoverable materials are sought with a subpoena issued by a court in the state in which the trial is to be held. Once the clerk receives the foreign subpoena, the clerk will issue a subpoena for service upon the person or entity on which the original subpoena is directed. The terms of the issued subpoena must incorporate the same terms as the original subpoena and contain the contact information for all counsel of record and any party not represented by counsel.

The UIDDA requires minimal judicial oversight and eliminates the need for obtaining a commission or local counsel in the discovery state, letters rogatory, or the filing of a miscellaneous action during the discovery phase of litigation. Discovery authorized by the subpoena must comply with the rules of the state in which it occurs. Furthermore, motions to quash, enforce or modify a subpoena issued pursuant to the UIDDA shall be brought in and be governed by the rules of the discovery state.

The NCCUSL proposes uniform acts in areas of the law where uniformity among states is desirable and practical. Establishing a uniform procedure for situations where a trial is in one state but discovery relating to the trial is necessary in another state is a perfect example of an area of the law where uniformity makes sense.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.