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November 4, 2009

RECEIVED
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BY:

Mr. John A. Sebert
Executive Director
Uniform Law Commission
111 North Wabash Avenue
Chicago, IL 60602

Dear Mr. Sebert:

At the 2009 Annual Meeting of the Conference of Chief Justices (CCJ), the Conference adopted the attached resolution on August 5, 2009. The resolution, *In Support of the Uniform Interstate Depositions and Discovery Act (UIDDA)*, was recommended for adoption by the CCJ Civil Justice Committee.

We share a copy of this resolution as information for you and your membership. This resolution reflects the policy position of the Conference.

If you need additional information or assistance, please feel free to contact us or Dick Van Duizend or Kay Farley at the National Center for State Courts. Mr. Van Duizend can be reached at (703) 841-5632 or rvanduizend@ncsc.org. Ms. Farley can be reached at (202) 684-2622 or kfarley@ncsc.org.

Sincerely,

Christine M. Durham

Christine M. Durham
President
Conference of Chief Justices

c: Dick Van Duizend
Kay Farley

Enclosure

CONFERENCE OF CHIEF JUSTICES

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.