

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - UNIFORM INTERSTATE
DEPOSITIONS AND DISCOVERY ACT

Introduced By: Senator Michael J. McCaffrey

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 9 of the General Laws entitled "COURTS AND CIVIL
2 PROCEDURE-PROCEDURE GENERALLY" is hereby amended by adding thereto the
3 following chapter:

4 CHAPTER 18.1

5 UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

6 **9-18.1-1. Short title.** – This chapter shall be known and may be cited as the "Uniform
7 Interstate Depositions and Discovery Act."

8 **9-18.1-2. Definitions.** – As used in this chapter:

9 (1) "Foreign jurisdiction" means a state other than this state.

10 (2) "Foreign subpoena" means a subpoena issued under authority of a court of record of a
11 foreign jurisdiction.

12 (3) "Person" means an individual, corporation, business trust, estate, trust, partnership,
13 limited liability company, association, joint venture, public corporation, government, or
14 governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

15 (4) "State" means a state of the United States, the District of Columbia, Puerto Rico, the
16 United States Virgin Islands, [a federally recognized Indian tribe], or any territory or insular
17 possession subject to the jurisdiction of the United States.

18 (5) "Subpoena" means a document, however denominated, issued under authority of a

1 court of record requiring a person to:

2 (i) Attend and give testimony at a deposition;

3 (ii) Produce and permit inspection and copying of designated books, documents, records,
4 electronically stored information, or tangible things in the possession, custody, or control of the
5 person; or

6 (iii) Permit inspection of premises under the control of the person.

7 **9-18.1-3. Issuance of subpoena.** – (a) To request issuance of a subpoena under this
8 section, a party must submit a foreign subpoena to a clerk of court in the county in which
9 discovery is sought to be conducted in this state. A request for the issuance of a subpoena under
10 this act does not constitute an appearance in the courts of this state.

11 (b) When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in
12 accordance with that court’s procedure, shall promptly issue a subpoena for service upon the
13 person to which the foreign subpoena is directed.

14 (c) A subpoena under subsection (b) must:

15 (1) Incorporate the terms used in the foreign subpoena; and

16 (2) Contain or be accompanied by the names, addresses, and telephone numbers of all
17 counsel of record in the proceeding to which the subpoena relates and of any party not
18 represented by counsel.

19 **9-18.1-4. Service of subpoena.** – A subpoena issued by a clerk of court under § 9-18.1-3
20 must be served in compliance with Rule 45 of the Superior Court Rules of Civil Procedure.

21 **9-18.1-5. Deposition, production, and inspection.** – Discovery permitted by § 9-18.1-3
22 shall comply with the laws and rules of procedure for this state.

23 **9-18.1-6. Application to court.** – An application to the court for a protective order or to
24 enforce, quash, or modify a subpoena issued by a clerk of court under § 9-18.1-3 must comply
25 with the rules or statutes of this state and be submitted to the court in the county in which
26 discovery is to be conducted.

27 **9-18.1-7. Uniformity of application and construction.** – In applying and construing this
28 uniform act, consideration must be given to the need to promote uniformity of the law with
29 respect to its subject matter among states that enact it.

30 SECTION 2. This act shall take effect upon passage and shall apply to requests for
31 discovery in cases pending on and after the effective date of this act.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - UNIFORM INTERSTATE
DEPOSITIONS AND DISCOVERY ACT

1 This act adopts the Uniform Interstate Depositions and Discovery Act which sets forth an
2 efficient and inexpensive procedure for litigants to depose out of state individuals and for the
3 production of discoverable materials that may be located out of state. Uniform procedures have
4 become necessary as the amount of litigation involving individuals and documents located
5 outside of the trial state has increased.

6 This act would take effect upon passage and would apply to requests for discovery in
7 cases pending on and after the effective date of this act.

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