**SCHEDULE A**

The CBA Litigation Section was approached by a representative of the Connecticut Trial Lawyers Association to support their effort to have Connecticut adopt the Uniform Discovery and Deposition Act, which almost all other states have already adopted. After a conference call with CTLA representative, Jeff Zyjeski, Bill Chapman (CBA), and Attorney Barry Hawkins (one of Connecticut’s representatives to the Uniform Law Commission), it was deemed that the proposal made sense to pass onto to the Section for its consideration. It was confirmed that members of the CTLA and the CBA have encountered difficulties taking depositions in other states which have adopted the Uniform Act who were not allowed to utilize those states’ expedited procedures due to Connecticut’s failure to have adopted a reciprocal law. A Zoom meeting was arranged with the aforesaid representatives to take the temperature of the Judicial Branch and up to 10 members of the Branch offered their input for such a proposal. Topics discussed by the Branch representatives included: who could apply for a subpoena; what representations should they make to the clerk; the need for the Judiciary to adopt a new form for any such applications; and the need to set a fee amount to minimize the financial impact. After input from the Judicial Branch, a proposed draft bill was created by Mr. Zyjeski and circulated.

Thereafter, a meeting of the Litigation Section Executive Committee was called, and a presentation was made by Attorney Richard Long, a New York Delegate to the Uniform Law Commission, about the proposed Act. Attorney Long was designated by the Uniform Law Commission as the Chair of a subcommittee when the concept was initially proposed in 2007. After his Committee drafted the proposed bill, all 50 state representatives to the Uniform Law Commission approved the proposed bill. Attorney Long reported that of the New England states, Maine, Rhode Island, and New Hampshire have adopted the bill and he is currently working on Massachusetts’s adoption. Only six states have yet to adopt the Uniform Act. Connecticut being one of them. He reported that D.C. and the Virgin Islands have adopted the Act as well.

The major concern of the members of the CBA Litigation Section was that the passage of the Act would not impose an undue burden upon a Connecticut person served with an onerous subpoena. Under the current law, CGS § 52-148e(c), the deponent/document provider need only file a written objection by certified letter to trigger a requirement that the party seeking discovery must obtain a formal court order. Thus, conditioned upon not changing that burden, the CBA Litigation Section members unanimously approved support for the proposed bill. [It is understood that a further editing of the proposed bill will ensure that existing provisions protecting the witness will be subsumed into the new Act by adopting those provisions.]

Based on the foregoing, it is requested that the CBA Litigation Section be given approval to take a position supporting the proposed bill. Copies of the proposed bill and the meeting minutes of the Litigation Section Executive Committee are attached hereto.

Respectfully submitted,

/s/

Edward P. McCreery

Chairman, Litigation Section

Connecticut Bar Association

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