**CBA LPRC POSITION REQUEST FORM**

**The CBA** Litigation Section  **Law position request is as follows:**

1. **Proposed legislative or regulatory concept:**

An Act Adopting the Connecticut Interstate Deposition and Discovery Act (UIDDA). Connecticut is one of only six states that have not yet adopted this uniform law. The law will allow out-of-state attorneys with an out-of-state proceeding to apply to a court clerk to have a subpoena without initiating a standalone proceeding.

1. **A plain language explanation and rationale for advancing this position:**

Application for the issuance of a Connecticut subpoena by a foreign attorney would be handled via an application to a court clerk on a form and with such additional information as the judiciary may require. The reason for the request is that Connecticut attorneys are running into difficulties undertaking foreign depositions utilizing their versions of the Uniform Act on the grounds that Connecticut has yet to adopt the Act itself. The manner for a Connecticut witness to object would remain the same, as would the burden upon the parties seeking the discovery to initiate a formal proceeding in a Connecticut court if the deponent objects.

1. **Is draft regulation, legislation or proposed bill included?** Yes
2. **What is the date of any legislative hearing, if known?** Unknown
3. **Was this position previously approved by the CBA? If so, when does/did it expire?**

The bill previously was raised during the pandemic and died in Committee. The Litigation Section did not take a position on it the last time.

1. **Is the CBA section or committee seeking to join a previously approved CBA section or committee position?** N/A
2. **Potential or actual CBA opposition from another CBA section or committee?** Unknown.
3. **Strength of section position (including process and results of section vote taken on issue):** Position approved by unanimous vote of the Executive Committee of the Litigation Section. See attached minutes.
4. **Fiscal impact (on the state):** Unknown. But currently the filing fee for an out-of-state attorney to initiate a formal proceeding to obtain an order for the issuance of a subpoena is $320. It is not imagined that a filing fee for an application to a court clerk would be that high. But the Judicial Branch has already indicated they would have to take a look at the financial impact in determining what an appropriate fee amount should be for such an application to a court clerk.

See attached Schedule A for additional comments.

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