

2019 -- H 5708

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY

Introduced By: Representatives McEntee, Kislak, Craven, McKiernan, and Blazejewski

Date Introduced: February 27, 2019

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 18.1

4 UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT

5 **9-18.1-1. Short title.**

6 This chapter may be cited as the "Uniform Interstate Depositions and Discovery Act."

7 **9-18.1-2. Definitions.**

8 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, or any territory or insular possession subject to the jurisdiction of
17 the United States.

18 (5) "Subpoena" means a document, however denominated, issued under authority of a
19 court of record requiring a person to:

- 1 (i) Attend and give testimony at a deposition;
2 (ii) Produce and permit inspection and copying of designated books, documents, records,
3 electronically stored information, or tangible things in the possession, custody, or control of the
4 person; or
5 (iii) Permit inspection of premises under the control of the person.

6 **9-18.1-3. Issuance of subpoena.**

7 (a) To request issuance of a subpoena under this section, a party shall submit a foreign
8 subpoena to:

9 (1) A clerk of the superior court in the county in which discovery is sought to be
10 conducted in this state; or

11 (2) A lawyer who is a member in good standing of the bar of this state. A request for the
12 issuance of a subpoena under this act does not constitute an appearance in the courts of this state.

13 (b) When a party submits a foreign subpoena to a clerk of the superior court in this state,
14 the clerk, in accordance with the court's procedure, shall promptly issue a subpoena for service on
15 the person to which the foreign subpoena is directed. When a party submits a subpoena to a
16 lawyer who is a member in good standing of the bar of this state, the lawyer may issue a
17 subpoena for service on the person to which the foreign subpoena is directed.

18 (c) A subpoena under subsection (b) of this section shall:

19 (1) Incorporate the terms used in the foreign subpoena;

20 (2) Contain or be accompanied by the names, addresses, telephone numbers, and email
21 addresses of all counsel of record in the proceeding to which the subpoena relates and of any
22 party not represented by counsel; and

23 (3) Otherwise be in a form that complies with the laws of this state.

24 **9-18.1-4. Service of subpoena.**

25 A subpoena issued under § 9-18.1-3 shall be served in compliance with the Rhode Island
26 superior court rules of civil procedure.

27 **9-18.1-5. Deposition, production, and inspection.**

28 The Rhode Island superior court rules of civil procedure govern subpoenas issued under §
29 9-18.1-3.

30 **9-18.1-6. Application to court.**

31 An application to the court for a protective order or to enforce, quash, or modify a
32 subpoena issued under § 9-18.1-3 shall comply with the rules or statutes of this state and be
33 submitted to the superior court in the county in which discovery is to be conducted.

34 **9-18.1-7. Uniformity of application and construction.**

1 In applying and construing this uniform act, consideration shall be given to the need to
2 promote uniformity of the law with respect to its subject matter among states that enact it.

3 **9-18.1-8. Application to pending actions.**

4 This chapter applies to requests for discovery in cases pending on the effective date of
5 this chapter.

6 SECTION 2. Section 9-18-11 of the General Laws in Chapter 9-18 entitled "Depositions"
7 is hereby amended to read as follows:

8 **9-18-11. Depositions for use in foreign tribunals.**

9 Depositions may be taken in this state to be used on the trial of any cause pending in a
10 tribunal of any other state, district, territory, or country, pursuant to chapter 18.1 of title 9 before
11 ~~any person residing in this state, to whom a commission shall be directed and sent by the tribunal,~~
12 ~~with the formalities prescribed in the commission, or, if there are none prescribed, then according~~
13 ~~to the laws of the jurisdiction whence the commission issues.~~

14 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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- 1 This act would adopt the uniform interstate depositions and discovery act, and would
- 2 amend the current law regarding depositions taken for use in a foreign jurisdiction by referencing
- 3 the new act.
- 4 This act would take effect upon passage.

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