

# Uniform Interstate Depositions and Discovery Act

This Uniform Act generally relating to interstate depositions and discovery:

- establishes procedures for requesting and issuing certain subpoenas;
- provides for the service of certain subpoenas;
- establishing that certain rules apply to certain subpoenas;
- requires an application for a protective order or to enforce, quash, or modify certain subpoenas comply with certain rules and statutes and be filed in a certain court; and
- requires certain consideration to be given in applying and construing this Uniform Act.

Submitted as:

Maryland

Chapter 41 of 2008

Status: Enacted into law in 2008.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “The Uniform Interstate Depositions  
2 and Discovery Act.”

3

4           Section 2. [*Definitions.*] In this Act:

5           (1) “Foreign jurisdiction” means a state other than this state.

6           (2) “Foreign subpoena” means a subpoena issued under authority of a court of record of a  
7 foreign jurisdiction.

8           (3) “Person” means an individual, corporation, business trust, estate, trust, partnership,  
9 limited liability company, association, joint venture, public corporation, government,  
10 governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

11           (4) “State” means a state of the United States, the District of Columbia, Puerto Rico, the  
12 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of  
13 the United States.

14           (5) “Subpoena” means a document, however denominated, issued under authority of a  
15 court of record requiring a person to:

16                   (a) attend and give testimony at a deposition;

17                   (b) produce and permit inspection and copying of designated books, documents,  
18 records, electronically stored information, or tangible things in the possession, custody, or  
19 control of the person; or

20                   (c) permit inspection of premises under the control of the person.

21

22           Section 3. [*Issuance of Subpoena.*]

23           (A) (1) To request issuance of a subpoena under this section, a party shall submit a  
24 foreign subpoena to a clerk of the circuit court for the county in which discovery is sought to be  
25 conducted in this state.

26                   (2) A request for the issuance of a subpoena under this Act does not constitute an  
27 appearance in the courts of this state.

28 (B) When a party submits a foreign subpoena to a clerk of court in this state, the clerk, in  
29 accordance with that court's procedure, shall promptly issue a subpoena for service upon the  
30 person to which the foreign subpoena is directed.

31 (C) A subpoena under subsection (B) of this section shall:

32 (1) incorporate the terms used in the foreign subpoena; and

33 (2) contain or be accompanied by the names, addresses, and telephone  
34 numbers of all counsel of record in the proceeding to which the subpoena relates and of any  
35 party not represented by counsel.

36

37 Section 4. [*Service of Subpoena.*] A subpoena issued by a clerk of court under Section 3  
38 of this Act shall be served in compliance with [insert citation].

39

40 Section 5. [*Deposition, Production, and Inspection.*] [Insert citation] apply to subpoenas  
41 issued under Section 3 of this Act.

42

43 Section 6. [*Application to Court.*] An application to the court for a protective order or to  
44 enforce, quash, or modify a subpoena issued by a clerk of court under Section 3 of this Act shall  
45 comply with the rules and statutes of this state and be submitted to the circuit court for the  
46 county in which discovery is to be conducted.

47

48 Section 7. [*Uniformity of Application and Construction.*] In applying and construing this  
49 Uniform Act, consideration shall be given to the need to promote uniformity of the law with  
50 respect to its subject matter among states that enact it.

51

52 Section 8. [*Application to Pending Actions.*] This Act applies to requests for discovery in  
53 cases pending on the effective date of this Act.

54

55 Section 9. [*Effective Date.*] This Act takes effect [insert date].