March 27, 2019

Sen. Michael Carpenter, Chair
Rep. Donna Bailey, Chair
Joint Judiciary
Maine State Legislature
5 State House Station
Augusta, ME 04333

Re: LD 1212, An Act to Adopt the Uniform Interstate Depositions and Discovery Act

Dear Sen. Carpenter, Rep. Bailey, and Members of the Judiciary Committee:

On behalf of the Maine State Bar Association, we write in support of LD 1212, An Act to Adopt the Uniform Interstate Depositions and Discovery Act (a/k/a UIDDA). We believe adoption of this Act will improve the efficiency by which depositions and discovery are undertaken with regard to individuals located outside the State of Maine.

Briefly, the Maine State Bar Association is a statewide professional and public service organization. The Association is made up of more than 3,000 members, who are lawyers licensed to practice in Maine. The Maine State Bar Association works to promote its members’ professionalism and advance their skills and knowledge, helping them meet the legal needs of all Maine people, and to advance Maine’s system of justice.

With regard to LD 1212, this bill proposes to adopt in Maine a uniform law regarding out-of-state discovery that has been adopted by at least 39 other states, along with the US Virgin Islands and the District of Columbia. If adopted in Maine, the Act would create a clear and simple process by which Maine courts could issue subpoenas to individuals located in states that have also adopted this uniform Act. In particular, adoption of UIDDA would allow a subpoena from Maine to be filed with the clerk of a court within the jurisdiction where the subject of the subpoena is located, and if that other jurisdiction has also adopted UIDDA, the court clerk in that other jurisdiction will in turn issue a subpoena on the same terms as the subpoena issued by the Maine court.

Overall, by adopting UIDDA, there will be less of a need for Maine litigants to hire local counsel in other states, or engage in court proceedings, in order to pursue out-of-state discovery. To the extent UIDDA works to reduce the time and resources expended by litigants and the judicial system, we believe access to justice will be enhanced -- a core goal of the Association.

We appreciate the opportunity to provide testimony on his matter, and if we can provide additional information to assist either Committee, please do not hesitate to let us know.

Sincerely,

Eric N. Columber, President
Board of Governors