

AN ACT

*Codification
District of
Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 13 of the District of Columbia Official Code to enact the Uniform Interstate Depositions and Discovery Act and provide procedures for courts in the District of Columbia to issue subpoenas for out-of-state depositions and discovery.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Uniform Interstate Depositions and Discovery Act of 2010”.

Sec. 2. Title 13 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

“4A. Interstate Depositions and Discovery; Uniform Act . . . 13-441.”.

(b) A new Chapter 4A is added to read as follows:

“CHAPTER 4A. INTERSTATE DEPOSITIONS AND DISCOVERY; UNIFORM ACT

“Section

“13-441. Short title.

“13-442. Definitions.

“13-443. Issuance of subpoena.

“13-444. Service of subpoena.

“13-445. Deposition, production, and inspection.

“13-446. Application to Superior Court.

“13-447. Uniformity of application and construction.

“13-448. Application to pending actions.

“§ 13-441. Short title.

“This chapter may be cited as the “Uniform Interstate Depositions and Discovery Act”.

“§ 13-442. Definitions.

“For the purposes of this chapter, the term:

“(1) “Foreign jurisdiction” means a state other than the District of Columbia.

“(2) “Foreign subpoena” means a subpoena issued under authority of a court of

record of a foreign jurisdiction.

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

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

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

“(A) Attend and give testimony at a deposition;

“(B) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of the person; or

“(C) Permit inspection of premises under the control of the person.

“(6) “Superior Court” means the Superior Court of the District of Columbia.

“§ 13-443. Issuance of subpoena.

“(a) To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to the Clerk of the Superior Court. A request for the issuance of a subpoena under this chapter does not constitute an appearance in the courts of the District of Columbia.

“(b) When a party submits a foreign subpoena to the Clerk of the Superior Court, the clerk, in accordance with the Rules of the Superior Court, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

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

“(A) Incorporate the terms used in the foreign subpoena; and

“(B) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

“§ 13-444. Service of subpoena.

“A subpoena issued by a Clerk of Superior Court under § 13-443 shall be served in compliance with § 11-942 and applicable rules of the Superior Court for the service of subpoenas.

“§ 13-445. Deposition, production, and inspection.

“The rules of the Superior Court applicable to compliance with subpoenas to attend and give testimony, produce designated books, documents, records, electronically stored information, or tangible things, or permit inspection of premises apply to subpoenas issued under § 13-443.

“§ 13-446. Application to Superior Court.

“An application to the Superior Court for a protective order or to enforce, quash, or

modify a subpoena issued by a clerk of court under § 13-443 shall comply with the Rules of the Superior Court and laws of the District and shall be submitted to the Superior Court.

“§ 13-447. Uniformity of application and construction.

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

“§ 13-448. Application to pending actions.

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

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia