

STAND. COM. REP. NO.

2429

Honolulu, Hawaii

MAR 01 2012

RE: S.B. No. 2497

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2497 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM INTERSTATE
DEPOSITIONS AND DISCOVERY ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to set forth
efficient and inexpensive procedures for litigants to depose out-
of-state individuals or to obtain discoverable materials that may
be located outside of the trial state.

Your Committee received testimony in support of this measure
from the Commission to Promote Uniform Legislation.

Your Committee finds that uniform procedures have become
necessary as the amount of litigation involving individuals and
documents located outside of the trial state has increased. The
Uniform Interstate Depositions and Discovery Act addresses the
problems of deposing out-of-state individuals and obtaining out-
of-state discovery by setting forth uniform procedures that
require minimal judicial oversight and provide clear rules
governing discovery.

By adopting the provisions of the Uniform Interstate
Depositions and Discovery Act, this measure eliminates the need
for a trial state litigant to obtain local counsel in the
discovery state or to file miscellaneous actions for a subpoena by
requiring the litigant to instead present a subpoena issued by the
trial state court to the clerk of the court located in the



discovery state. Hence, judicial oversight is minimized. Furthermore, this measure requires discovery to comply with the laws of the discovery state, thus recognizing that the discovery state has a significant interest in protecting its residents from unreasonable or burdensome requests when they become non-party witnesses in an action pending in a foreign jurisdiction.

Your Committee further finds that twenty-one state jurisdictions have already adopted the uniform act with seven more states, including Hawaii, considering adoption this year. As such, this measure will aid in streamlining litigation procedures while recognizing the interests of the trial state and the discovery state.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2497 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



