



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 84</b>		DATE: <b>2/6/2023</b>	
COMMITTEE: <b>Judiciary</b>			
<b>TESTIFYING:</b> <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
<b>WITNESS NAME</b>			
<b>BUSINESS/ORGANIZATION:</b>			
WITNESS NAME: <b>LINDSAY BEAVER</b>		PHONE NUMBER: <b>312-450-6618</b>	
BUSINESS/ORGANIZATION NAME: <b>UNIFORM LAW COMMISSION</b>		TITLE: <b>LEGISLATIVE COUNSEL</b>	
ADDRESS: <b>111 N WABASH AVE, SUITE 1010</b>			
CITY: <b>CHICAGO</b>		STATE: <b>IL</b>	ZIP: <b>60601</b>
EMAIL: <b>lindsay.beaver@gmail.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/6/2023 2:22 PM</b>	

**THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.**

Members of the Judiciary Committee, I am Lindsay Beaver, Legislative Counsel at the Uniform Law Commission (ULC), submitting written testimony in support of HB 84, which would adopt the Uniform Interstate Deposition and Discovery Act (UIDDA) in Missouri. The ULC is a nonprofit organization based in Chicago that is made up of volunteer attorneys appointed by their states. The ULC drafts non-partisan model legislation for states in areas in which uniformity is practical and desirable. UIDDA would allow the subpoena of out-of-state witnesses with increased efficiency. The Uniform Law Commission promulgated this act in 2007. Since then, the act has been incorporated into state law in 48 jurisdictions either through statute or by court rule. This year, Massachusetts, Missouri, and Texas are considering the UIDDA. This track record of nearly universal adoption is a testament to wide acceptance of the act as well as the desire to improve upon civil procedure across the country in a manner that lowers costs of litigation and removes burdens from already overwhelmed court dockets. The UIDDA is simple and efficient. It establishes a clerical procedure under which a trial state subpoena may be reissued as a discovery state subpoena. Under the act, the out-of-state subpoena will be presented to the Clerk of the Court in Missouri. Upon presentation of the out-of-state subpoena, the Clerk will issue a Missouri subpoena that incorporates the terms of the out-of-state subpoena. This action does not constitute an appearance in the court but is sufficient to invoke jurisdiction over the deponent. The UIDDA minimizes judicial oversight, eliminating the need for obtaining a commission, letters rogatory, filing a miscellaneous action, or other preliminary steps before obtaining a subpoena in the discovery state. Removing judicial involvement with a ministerial process conserves judicial resources and keeps costs low for all parties involved. The act protects residents of the Missouri from unreasonable and burdensome discovery requests. Under the act, motions brought to enforce, quash, or modify a subpoena, or for protective orders, must be brought in the Missouri courts and are governed by the discovery rules of this state. The drafting committee for the UIDDA benefited from the participation of observers from the American Association for Justice, the Association of Trial Lawyers of America, and the Federation of Defense and Insurance Counsel, all with significant experience with the issues related to interstate depositions. Adding to the many endorsements of the UIDDA, the Conference of Chief Justices issued a resolution in August 2009 recognizing that the UIDDA provides an efficient and cost-effective procedure for litigants to depose out-of-state individuals and seek production of discoverable materials that may be located out of state. In sum, the UIDDA offers a well-established and streamlined solution that minimizes the need for court involvement in the discovery process. Thank you for taking the time to consider this important uniform act. I would be happy to answer any questions.



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<b>WITNESS NAME</b>			
<b>REGISTERED LOBBYIST:</b>			
WITNESS NAME: <b>RANDY SCHERR</b>		PHONE NUMBER: <b>573-636-6200</b>	
REPRESENTING: <b>MISSOURI ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, MISSOURI ORGANIZATION OF DEFENSE LAWYERS</b>		TITLE:	
ADDRESS: <b>101 E. HIGH</b>			
CITY: <b>JEFFERSON CITY</b>		STATE: <b>MO</b>	ZIP: <b>65101</b>
EMAIL:	ATTENDANCE:	SUBMIT DATE: <b>2/6/2023 12:00 AM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>STEVE CRICK</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>sec@hfmlegal.com</b>		ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/6/2023 5:02 PM</b>

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From Attorney Steve Crick, Independence, MOI have practiced law in Independence, Missouri since 1984 and for much of my practice, I have represented clients in litigation matters. It has often been the case that witnesses, and other evidence are located in other states. Most recently, in 2021, I needed to subpoena a Virginia corporation to obtain records and testimony. Virginia has adopted the Uniform Interstate Depositions and Discovery Act, but it did not apply to my case because Missouri had not adopted this Act. The Virginia law, § 8.01-412.10, states: § 8.01-412.10. Issuance of subpoena. A. To request the issuance of a subpoena under this article, a party shall submit to the clerk of court in the circuit in which discovery is sought to be conducted in the Commonwealth (i) a foreign subpoena and (11) a written statement that the law of the foreign jurisdiction grants reciprocal privileges to citizens of the Commonwealth for taking discovery in the jurisdiction that issued the foreign subpoena. Since Missouri did not grant reciprocal privileges to citizens of Virginia, I was required to obtain a Virginia subpoena by filing a motion with the Virginia Court using a Virginia attorney. I also had to file a motion for admission pro hac vice to allow me to take that deposition. This involved added time to the case and expense to my client. I have had to make similar requests in other states over my career. Alabama has a similar requirement of reciprocity. AL Code § 12-21-406 (2017). It states: (b) The privilege extended to persons in other states for discovery under this article shall only apply if the jurisdiction where the action is pending has extended a similar privilege to persons in this state. Georgia has a similar requirement of reciprocity. GA Code § 24-13-112(d) states: (d) This Code section shall only apply to a subpoena to be issued in this state if the foreign jurisdiction that issued the foreign subpoena has adopted a version of the "Uniform Interstate Depositions and Discovery Act." Utah has a similar requirement of reciprocity. Utah 78B-17-103 states: (3) Parties resident in another state may use the provisions of this chapter for issuance, service, or enforcement of subpoenas only if the other state has enacted this uniform act or enacted provisions substantially similar to this uniform act. On behalf of my clients and clients, I would ask that the Missouri Legislature enact the Uniform Interstate Depositions and Discovery Act.



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: <b>arniedienoff@yahoo.com</b>	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/6/2023 11:39 PM</b>	
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Is this Bill for Special-Interest? This Bill is NOT ready for Prime-Time yet.