

February 12, 1965.
Place on Calendar.

House File 236
By COMMITTEE ON JUDICIARY.

Passed House, Date 2-26-65 Passed Senate, Date 4/6

Vote: Ayes 114 Nays 0 Vote: Ayes 38 Nays 4

Approved April 13, 1965

*Passed on file 2/26
Judiciary 3/8*

A BILL FOR

An Act to amend section six hundred twenty-four point one (624.1), Code 1962, relating to the examination and cross-examination of witnesses.

Be It Enacted by the General Assembly of the State of Iowa:

- 1 Section 1. Section six hundred twenty-four point one
- 2 (624.1), Code 1962, is hereby amended by adding thereto the
- 3 following:
- 4 "1. A party may interrogate any unwilling or hostile witness
- 5 by leading questions. A party may call an adverse party or an
- 6 officer, director, or managing agent of a public or private cor-
- 7 poration or of a partnership or association which is an adverse
- 8 party, and interrogate him by leading questions and contradict
- 9 and impeach him in all respects as if he had been called by the
- 10 adverse party, and the witness thus called may be contradicted
- 11 and impeached by or on behalf of the adverse party also, and
- 12 may be cross-examined by the adverse party only upon the subject
- 13 matter of his examination in chief.

EXPLANATION OF HOUSE FILE 236

The provisions of this act are identical with Federal Rule of Civil Procedure, Rule 43(b). Few states do not already have such provision. At present a party desiring to produce at the trial in open court the testimony of the persons listed in this act must first take the deposition of such witness and incur the expense of a court reporter to record the testimony. It can then be read at the trial. (See *White v. Walstrom*, 254 Iowa 646, 118 N.W.2d 578, December 1960.) In 1962 in the case of *Beletti v. Schuster*, 253 Iowa 1166, 115 N.W.2d 858, though the case was not reversed because even if admitted the executed deposition would not have proved the plaintiff's case, Justice Larson, on page 1171, said: "It must also be recognized that to compel plaintiff to place on the stand a witness who might be, to say the least, uncooperative and hostile, is unjust."

Passage of this bill would bring Iowa law up to date in this important area.