



# Uniform Law Commission

## Annual Report



2019/2020

Better Laws. Stronger States.

# The Uniform Law Commission

The Uniform Law Commission (ULC), now 129 years old, promotes uniformity of law among the several states on subjects for which uniformity is desirable and practicable. The ULC improves the law by providing states with non-partisan, carefully-considered, and well-drafted legislation that brings clarity and stability to critical areas of the law. The ULC's work supports the federal system, seeks to maintain an appropriate balance between federal and state law, and facilitates social and economic relations with rules that are consistent from state to state.

Uniform Law Commissioners must be lawyers, qualified to practice law. Commissioners are lawyer-legislators, attorneys in private practice, state and federal judges, law professors, and legislative staff attorneys, who have been appointed by state governments as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas where uniformity is desirable and practical.

## Officers and Executive Committee

### Officers 2019-2020

Carl Lisman, President  
William R. Breetz, Vice President  
Martha T. Starkey, Secretary  
Thomas J. Buiteweg, Treasurer  
Anita Ramasastry, Immediate Past President  
Daniel Robbins, Chair, Executive Committee  
Timothy J. Berg, Chair, Scope and Program Committee  
Steve Wilborn, Chair, Legislative Committee

### Appointed Members of Executive Committee

Daniel Robbins, Chair  
Ryan Leonard  
Jamie Pedersen  
Paula Tackett

### Executive Director

Tim Schnabel

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# PRESIDENT'S MESSAGE



**Carl Lisman**  
**ULC President**  
**2019-2021**

The Coronavirus pandemic altered, but (thanks to the flexibility of our members and the good work of our staff) did not materially hinder, the work of the ULC for the fiscal year just ended. Our study and drafting committees carried on their work, albeit by remote conferencing; our Editorial Boards continued to fulfill their monitoring and supervisory roles; and our annual meeting - spread over three months of teleconferencing - resulted in approval of three acts and good debate on five acts in progress.

The Commission's overarching mission - to promote uniformity in the law among the states - is based on America's foundational principle that we are all subject to the rule of law.

Our Commissioners are all volunteers, appointed or designated by their States. Each must be a lawyer, but there are no other qualifications.

Our process is rigorous: An idea or suggestion for a uniform law is first vetted by a standing committee; the subject may be referred to a study committee of Commissioners, a Joint Editorial Board or an outside organization or individual. If there is a recommendation to go forward, the ULC's Executive Committee takes a second look. The need for a law on the topic and the likelihood of substantial enactments among the States are paramount considerations.

The heavy lifting of actually writing a law falls on the Commissioners appointed by the President to membership on a drafting committee. Under the leadership of the committee chair and with the assistance of a reporter (usually a law school professor), the committee meets to make policy choices and then draft and refine the law. Drafts are reviewed by all Commissioners at our annual meetings. Unless there are exigent circumstances that require a waiver, an act must be read at two annual meetings, the first primarily to understand the scope of the law and the committee's policy choices and the second in a line-by-line review.

With more than 350 Commissioners, including Life Members, the breadth of knowledge and experience in the ULC is impressive. The ULC is non-partisan; notwithstanding the current political climate in the U.S., most Commissioners do not know the political leanings of their fellow Commissioners. That serves us well.

All of our committee meetings since mid-March have been converted to remote meetings due to the pandemic and concerns for the health and safety of Commissioners, spouses, reporters, ULC staff and observers. Our 2020 annual meeting scheduled for July in Madison, Wisconsin was cancelled, but we were able to meet remotely and do our business. From experience, we know that sitting at a table with others is better than teleconferencing, but we will continue to conduct our business remotely for as long as necessary and prudent.

We rely heavily on dues paid by the States and know that the pandemic has adversely affected States' finances. The assessment notices going out now acknowledge this financial stress and are in the same amounts as last year's. We anticipate that some States will find it difficult to make their payments and will, as we have done in the past, work with them.

Our intention is to plow forward with our work. The restrictions brought on by the pandemic will not alter what we do, only how we do it. Study Committees will continue to evaluate new suggestions. The Joint Editorial Boards will carry on. Drafting Committees will consider, write and edit.

All Commissioners and members of our legislative staff will be reaching out to legislators to garner support for enactments. Our Chicago staff, ably supervised by our Executive Director and Chief Administrative Officer, will provide the support services we need to thrive.

I want to extend my personal thanks to the officers and members of the Executive Committee for their support and thoughtful guidance, as well as to our dedicated staff, all of whom have stepped up during this extraordinary and trying year.





# Legislative Report

The Uniform Law Commission is a unique institution created by state governments – and funded by state appropriations – to research, draft, and present to the states for enactment, uniform and model laws on subjects where uniformity of the law is useful or necessary.

However, the work of the ULC does not end there. What makes the ULC different from other organizations is that it not only studies and drafts legislative solutions to significant problems affecting the states, it then works to make those acts the law in the states. No uniform law is effective until a state legislature adopts it. To that end, Uniform Law Commissioners work toward enactment of ULC acts in their home jurisdictions.

## **Mississippi, Utah, and Virginia were tied for most enactments in 2020, each with four enactments.**

Mississippi enacted a comprehensive probate bill, which included three uniform acts: Uniform Disclaimer of Property Interests Act, Uniform Estate Tax Apportionment Act, and Uniform Real Property Transfer on Death Act. Mississippi also enacted the Uniform Partition of Heirs Property Act. Utah enacted the 2019 Amendment to the Revised Uniform Athlete Agents Act, the Uniform Electronic Wills Act, the Uniform Foreign Country Money Judgments Recognition Act, and the Model Veterans Treatment Court Act. Virginia enacted the Revised Uniform Athlete Agents Act and the 2019 Amendment to that act, along with the Uniform Directed Trust Act and the Uniform Partition of Heirs Property Act.

Kentucky, Washington, West Virginia, and Wisconsin each had three enactments this year. Florida, Nebraska, New York, Pennsylvania, and South Dakota were not far behind, each enacting two acts this session.

## **The 2020 Legislative Year Was Unlike Any Other...**

The 2020 legislative year began like any other – with legislatures in session, bills being drafted and introduced, sponsors identified, and legislative committees meeting and considering ULC acts. But soon after the year began, everything was upended. By mid-March, nearly every state legislature had adjourned, or was restricted to activity only related to budget issues or COVID-19 issues.

Understandably, the legislative work of the ULC had to take a back seat to other pressing public matters: dealing with the public health crisis, criminal justice reform, and state budgets. Even so, the ULC ended the 2020 legislative year with 155 introductions of Uniform or Model Acts, and more than 40 enactments.



Some of the major highlights of the year include:

### **Revised Uniform Law on Notarial Acts**

The Revised Uniform Law on Notarial Acts (RULONA) is designed to modernize and clarify the law governing notaries public, their responsibilities and duties, and to provide a stable infrastructure for the performance of notarial acts with respect to electronic records. RULONA brings the law governing electronic notarial acts up to par with other laws governing electronic transactions. The act was amended in 2018 to authorize notaries public to perform notarial acts in the state in which they are commissioned for remotely located individuals using audio-visual communication and identity-proofing technology regardless of where the individual may be located.

**The act has taken on new importance during the COVID-19 crisis.** This act updates the ULC's notarial law statute and permits remote notarization. Remote notarization allows a notarization to take place via technology when the notary and the individual are physically apart. Many governors issued executive orders permitting remote notarization during the COVID-19 crisis, but those measures are temporary and include many legal gray areas. RULONA provides a lasting, comprehensive framework to perform remote notarization, which offers efficiency and convenience to businesses and individuals.

RULONA 2018 was introduced in seven states in 2020 and enacted in three, bringing the total number of enactments of RULONA, including its provisions on remote notarization, in 12 states: Hawaii, Idaho, Iowa, Kentucky, Maryland, Minnesota, Montana, North Dakota, Pennsylvania, South Dakota, Washington, and Wisconsin.

### **Uniform Electronic Wills Act**

The Uniform Electronic Wills Act (UEWA), promulgated in 2019, was enacted in its first state in 2020 in Utah. Under traditional state laws, a person's last will and testament is only valid if written on a tangible material (usually paper), signed by the testator, and signed by two witnesses. These traditional execution requirements prevent courts from recognizing and enforcing the terms of electronic wills, an anomaly in the internet age when electronic legal documents and signatures are common. UEWA permits testators to execute a will electronically and allows probate courts to give electronic wills legal effect. Under UEWA, the testator and witnesses can execute a will electronically using secure technology without being present in the same room. An electronic will can be made self-proving for probate by a notary's contemporaneous acknowledgment of its execution – including a remote online notary if permitted under state law. The act also allows the enacting state's courts to recognize electronic wills executed under the law of another state.

**This act has also taken on new importance during the COVID-19 crisis.** Estate planning attorneys increasingly need to meet with their clients remotely. Trusts and other documents can be signed electronically under current laws, and UEWA fills a gap by allowing wills to be executed in the same manner. For a generation that is used to banking, communicating, and transacting business online, the Uniform Electronic Wills Act will allow online estate planning while maintaining safeguards to help prevent fraud and coercion.

## Model Veterans Treatment Court Act

This year, Utah became the first state to enact the Model Veterans Treatment Court Act. Veterans' courts have been created in many judicial districts around the United States to ensure that veterans in the criminal justice system receive the treatment and support necessary to rehabilitate them into being productive members of society. Very few states have legislation on veterans' courts, but many local judicial districts have effectively created veterans' courts by rule or practice. The Model Veterans Treatment Court Act provides guidelines for the establishment of veterans' courts while permitting substantial local discretion necessary to accommodate circumstances in different communities. Some of the issues that the model act and rules address include: what subset of veterans are entitled to diversion into a veterans' court; for what type of offenses is diversion into a veterans' court appropriate; what rights should victims have to participate in proceedings in veterans' courts; and how, in general, should veterans' courts be organized and operated. The Act provides that participation in the veterans' treatment program requires approval of the prosecutor, but expressly reserves to the court all power regarding punishment including probation, conditions of probation, and consequences of violation of terms of participation in the treatment program. This Act can also be implemented as a set of court rules.

## Other Highlights

Other major highlights of the year include:

- Uniform Electronic Transactions Act was enacted in its 50th state: Washington.
- Uniform Registration of Canadian Money Judgments Act was enacted in its first state: Colorado.
- Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act has been enacted in its third state: South Dakota.
- Revised Uniform Parentage Act has been enacted in its fourth state: Rhode Island.
- Uniform Wills Recognition Act (formerly the Uniform International Wills Act) has been enacted in its 20th state: Nebraska.

The Revised Uniform Athlete Agents Act, or its 2019 Amendment was introduced in more than 15 states, and enacted in six. The Uniform Partition of Heirs Property Act was introduced in 11 states and enacted in four.

In addition to these acts, more than 30 different uniform acts were introduced in various states across the country in 2020.





# New Uniform Acts Approved in 2020

The culmination of the work of the Uniform Law Commission takes place at its annual meeting each summer when the Commission convenes as a Committee of the Whole. At its 129th Annual Meeting in July 2020, three new acts were considered and approved. After receiving the ULC's seal of approval, a uniform or model act is officially promulgated for consideration by the states, and state legislatures are urged to adopt it.

## Uniform Pretrial Release and Detention Act

Most states rely on cash bail as the mechanism to ensure that a defendant will appear in court. Individuals who cannot pay the bail set by the court are detained, placing a disproportionate burden on low-income defendants. Recent studies indicate that approximately two-thirds of the 740,000 people held in local jails are awaiting trial, and at least 27% of all pretrial defendants were unable to afford bail. The Uniform Pretrial Release and Detention Act provides mechanisms for states to limit the use of pretrial detention. The Act does not aim to eliminate all pretrial detention, nor to eliminate all uses of bail. Provisions of the Act address: (1) the use of citations in lieu of arrest for minor offenses; (2) a time limit on when a hearing must be conducted for an individual who is arrested; (3) appointment of counsel; (4) a pretrial risk determination by a court to individualize release or detention; (5) review of a defendant's financial condition so that inability to pay a fee does not lead to detention; and (6) an obligation on the court to consider restrictive conditional release as an alternative to detention.

## Uniform Public Expression Protection Act

The purpose of the Uniform Public Expression Protection Act is to provide a remedy for defendants involved in lawsuits called "Strategic Lawsuits Against Public Participation," or "SLAPPs." SLAPPs are abusive civil lawsuits that may be brought against individuals, entities, or government officials. The topics of these lawsuits range from education and zoning to politics and the environment. Though the claim of the lawsuit may be defamation, tortious interference with business expectations, invasion of privacy, or something else, the real goal of a SLAPP lawsuit is to entangle the defendant in expensive litigation that stifles the defendant's ability to engage in constitutionally protected activities. The Uniform Public Expression Protection Act creates a clear process through which SLAPPs can be challenged and their merits fairly evaluated in an expedited manner. The Act protects individuals' rights to petition and speak freely on issues of public interest while, at the same time, protecting the rights of people and entities to file meritorious lawsuits for real injuries.

## Uniform Easement Relocation Act

In many, but not all, states, the owner of the burdened property and the holder of an easement must consent to relocate the easement, such as the legal right to use a driveway that runs from a public road across one property to access another. When the owner of the burdened property asks to relocate an easement to allow further development, an easement holder in a state that follows the mutual consent rule can withhold consent to prevent the development or demand a ransom payment before agreeing to the change. The Uniform Easement Relocation Act allows the burdened estate owner to obtain a court order to relocate an easement if the relocation does not materially impair the utility of the easement to the easement holder or the physical condition, use, or value of the benefited property. The burdened property owner must file a civil action, give other potentially affected real-property interest owners notice, and bear all the costs of relocation. These conditions build on the rule contained in the Restatement (Third) of Property: Servitudes, whose approach to easement relocation has been fully or partially adopted in a number of states. The Uniform Easement Relocation Act excludes conservation easements and public-utility easements from its scope and contains a number of additional safeguards, not found in the Restatement, to protect the easement holder's interest in the use and enjoyment of the easement during and after the relocation.





SPOTLIGHT ON:

# UNIFORM PRETRIAL RELEASE AND DETENTION ACT

The United States has the highest rate of incarceration in the world, with an estimated 2.3 million people currently held in U.S. jails and prisons. Pretrial detention, in which an individual is held in jail pending trial, contributes significantly to the soaring incarceration rate. On any given day, there are nearly half a million individuals in U.S. jails who are charged with crimes but have not yet been tried or convicted. The overwhelming majority of these people, all of whom are presumed to be innocent, are held because they cannot afford money bail amounts.

The Uniform Pretrial Release and Detention Act responds to the need for a broad and balanced statute to guide courts in making pretrial release and detention decisions for the millions of people charged with crimes each year in state courts. The Act provides a comprehensive procedural framework for release and detention determinations.



The Act has three main objectives:

1. To offer a clear, coherent, and workable framework for pretrial release and detention that strikes an appropriate balance between protecting individual liberty and ensuring public safety and the effective administration of justice.
2. To limit restrictions on pretrial liberty to those necessary to meet the state's compelling interests during the pretrial phase.
3. To provide enough flexibility to accommodate variations in state constitutional structures and policy preferences.



### **Article 2 – Citation and Arrest**

Article 2 contains provisions to guide the first interaction between an individual and a law enforcement officer. It offers to states the option of requiring citations instead of arrests in certain circumstances, limiting authority to arrest for certain classes or types of minor offenses. Article 2 outlines the information that the citation must include, and if a court appearance is required, when and where the individual must appear. Experience suggests that presenting this information clearly can help to minimize failures to appear in court.

### **Article 3 – Release Hearing**

Article 3 requires that an arrested individual be brought before a court within 48 hours of arrest for an initial appearance, which the Act calls a "release hearing". At the release hearing, the court must determine by clear and convincing evidence whether the accused is likely to engage in certain behaviors that would unduly threaten public safety or the administration of justice. If not, the court must release the defendant on recognizance. If the court determines that there is such a likelihood, the court must impose the least restrictive measure available to address the identified risk. As a general matter, the Act prohibits financial conditions of release that the defendant cannot satisfy. In limited circumstances, however, the Act provides for temporary detention or unaffordable bail.

### **Article 4 – Detention Hearing**

The Act anticipates that a small fraction of defendants may present a great enough risk to justify detention until adjudication. For those defendants held temporarily under Article 3, Article 4 provides for a prompt detention hearing and establishes substantive and procedural standards that must be satisfied before the court may issue an order of pretrial detention or an order that otherwise results in continued detention, which includes imposing or maintaining an unaffordable bail amount. The detention standards mirror the federal Bail Reform Act of 1984: the court must provide counsel to an indigent defendant, must conduct an adversarial hearing, and cannot impose detention unless it finds by clear and convincing evidence that detention is necessary.

### **Conclusion**

The Uniform Pretrial Release and Detention Act responds to broad bipartisan calls for changes to pretrial detention practice. Existing practices impose profound social costs as well as heavy fiscal burdens for state and local governments. Research suggests that pretrial detention has a negative impact on individuals' economic prospects and increases the likelihood of recidivism. Detained defendants often plead guilty in order to go home with sentences of "time served" – even those who might otherwise be acquitted or have their charges dismissed – because they cannot afford to remain in jail. The Uniform Pretrial Release and Detention Act aspires to remedy these ills, maximizing pretrial liberty for those presumed to be innocent without sacrificing public safety.

# Financing the ULC

## Financial Support and Budget

As a state service organization, the Uniform Law Commission depends on state appropriations for its continued operation. The ULC receives the predominant portion of its financial support from these state appropriations. Every state, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands is assessed a specific amount for dues, varying depending on the state's population, for support of the ULC. All jurisdictions are also requested to reimburse the expenses of their commissioners incurred in attending the annual meeting. In return, the ULC provides the states with significant services, including both drafting uniform, well-researched, and well-crafted state laws on a range of legal subjects, and supporting the effort to enact these laws.

The ULC enables states to tap the skills and resources of the legal profession for very little cost. No uniform law commissioner is paid for his or her services. Commissioners receive reimbursement only for actual expenses directly incurred in the course of their work with the ULC. The ULC estimates that each commissioner devotes an average 150 hours a year to ULC work, including service on various drafting committees and participation at the ULC Annual Meeting. These hours spent in research and drafting work – solid, substantive hours—have a cumulative value of more than \$10 million.

States would find it both difficult and expensive to replicate the work of the ULC on their own, especially with regard to highly complex subjects such as commercial law or the law of probate and estates. Uniform or Model Acts that the ULC promulgates are developed over the course of two to three years at intensive meetings. Acts are read and debated on the floor of two ULC Annual Meetings by all the assembled commissioners sitting as a Committee of the Whole.

Because ULC drafting projects are national in scope, the ULC attracts a broad range of advisors and observers, resulting in a drafting process that benefits from a greater range and depth of national, legal expertise than could be brought to bear by any individual state.

In addition, the ULC contracts professional ‘reporters’—typically, law professors with significant expertise, but on appropriate occasions experienced practitioners are appointed as well — to aid in many of the drafting efforts. Reporters receive modest honoraria to support the research and drafting of ULC acts.

The revenue budget of the ULC for the fiscal year ending June 30, 2020, was approximately \$4,593,000, with support from state governments in the total amount of \$2,778,000 accounting for 60.5 percent of the budget.

Grants from foundations and the federal government occasionally support specific educational and drafting efforts. All money received from any source is accepted with the understanding that the ULC's drafting work is completely autonomous. No source may dictate the contents of an Act because of a financial contribution. By seeking grants for specific projects, the ULC expands the value of every state dollar invested in its work.

The Uniform Commercial Code (UCC) is a joint venture between the ULC and the American Law Institute (ALI). In the 1940s, the Falk Foundation supported the UCC's original development. Proceeds from copyright licensing of UCC materials replenish the original funds. Whenever work on the UCC commences, a percentage of ULC and ALI costs are paid from endowment income.

The Commission has also established royalty agreements with major legal publishers that reprint the ULC's uniform and model acts in their publications.

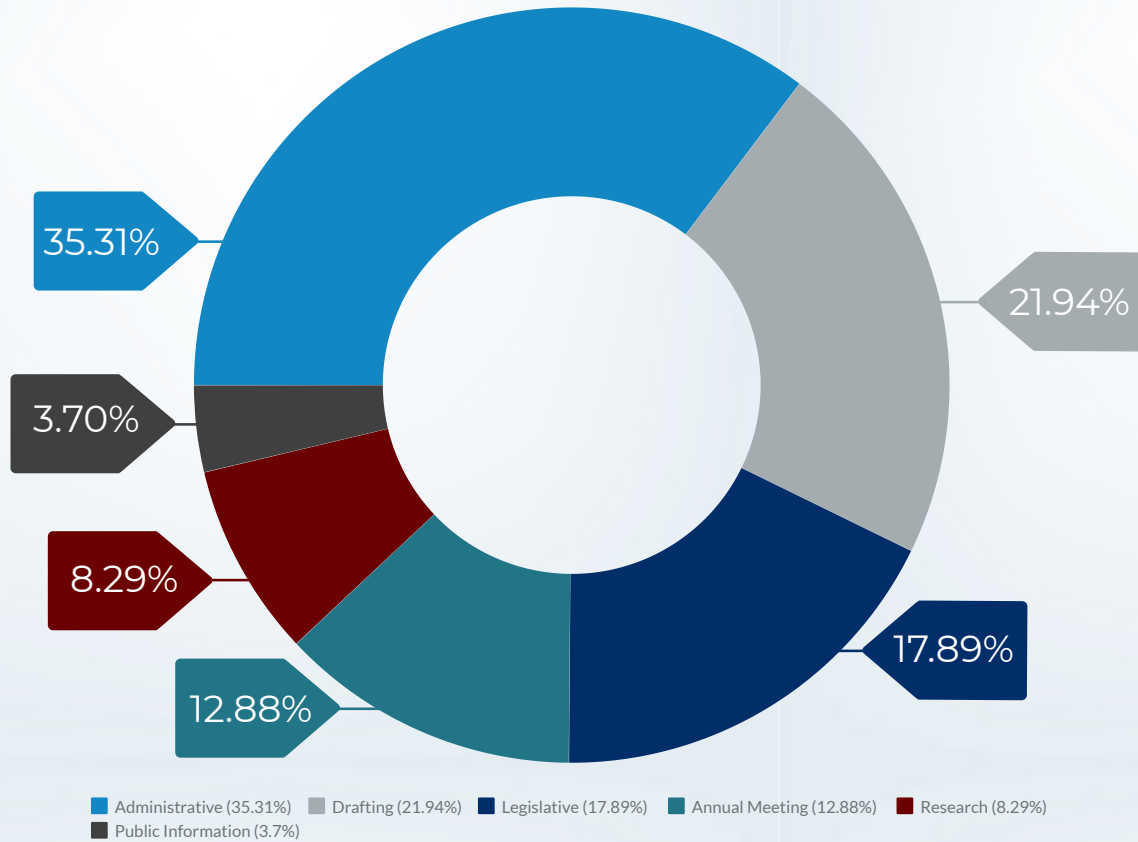
The ULC has a very small staff, which keeps its operating costs as low as possible. The full-time staff of 15 (when fully staffed), located in Chicago, provides all the staff support for the administrative, drafting, and legislative efforts.

Particularly in today's economic climate, as states across the country continue to struggle with their budgets, the process of drafting a uniform law remains an immensely cost-effective endeavor.

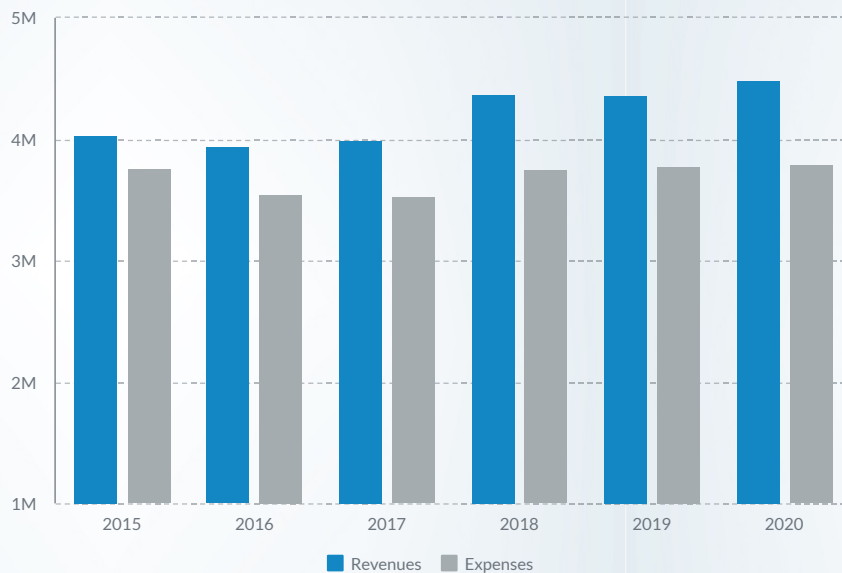


# FINANCIAL REPORT

## Budget for Fiscal Year 2020



## Revenues and Expenses





# Current ULC Committees

## Drafting Committees

Uniform Law Commission drafting committees consist of a chair, several ULC commissioners from various states, and a reporter (usually a law professor with expertise in the subject matter). The ULC seeks to have one or more ABA advisors appointed to every drafting committee. Other interested groups are also invited to send representatives, known as observers.

ULC drafting committees typically meet two or three times a year for at least two years. Drafting committee meetings are open to the public and full participation in the discussion is encouraged. All drafts are posted on the ULC's website ([www.uniformlaws.org](http://www.uniformlaws.org)) which enables public review and comment.

Currently, 13 drafting committees are working on new and revised uniform and model acts. Proposed acts are subject to rigorous examination and debate at ULC annual meetings before they become eligible for designation as Uniform Law Commission products.

The final decision on whether an act is ready for promulgation to the states is made near the close of an annual meeting, on a vote-by-states basis. To receive final approval, an Act must receive the affirmative vote of 20 or more states, which must also constitute a majority of the states present and voting.

The current drafting committees are:

### **Drafting Committee on Conflict of Laws in Trusts and Estates**

This committee is drafting a uniform or model law to address the problems of conflict of laws in trusts and estates. The committee will address trusts, wills, will substitutes, intestacy, estate administration, fiduciary powers and duties, powers of appointments, powers of attorneys, jurisdictional claims, and statutes of limitations.

### **Drafting Committee on College Athlete Name, Image and Likeness Issues**

This drafting committee is drafting a uniform or model law addressing college athlete name, image, and likeness ("NIL") issues. Issues to be considered may include a mechanism for providing college athletes with a meaningful opportunity to receive compensation for their NIL rights; parameters to protect college athletics and college athletes from misuse or abuse of NIL deals; whether the act should create a right of action for college athletes if their NIL rights are violated; a mechanism for certifying and regulating agents and third party professionals; and whether and to what extent the act should apply to high school, youth, and recreational sports.

### **Drafting Committee to Revise the Uniform Common Interest Ownership Act and Condominium Act**

This drafting committee is developing revisions to the Uniform Common Interest Ownership Act (UCIOA) and the Uniform Condominium Act (UCA). UCIOA deals comprehensively with the complex issues posed in condominiums, cooperatives, and planned communities – the three forms of common interest ownership. The ULC has devoted substantial resources for more than 50 years to the regulation of these forms of shared real estate ownership and has a significant interest in making sure that both UCIOA and UCA are kept up to date.

### **Drafting Committee on Telehealth**

This committee will draft a uniform or model act addressing a variety of legal issues related to telehealth services. Issues to be considered include the definition of telehealth, formation of the doctor-patient relationship via telehealth, creation of a registry for out-of-state physicians, insurance coverage and payment parity, and administrative barriers to entity formation.

## **Drafting Committee on Collection and Use of Personally Identifiable Data**

This committee is drafting a uniform or model law addressing the collection and use of personally identifiable data, including provisions governing the sharing, storage, security, and control of the personal data of others. The collection and use of personal data are important features of our modern economy but raise significant issues of privacy and control. A uniform or model act on this subject would serve as a comprehensive legal framework for the treatment of data privacy.

## **Drafting Committee on Covenants Not to Compete**

This committee is drafting a uniform or model law addressing covenants not to compete, including topics such as the extent to which noncompetes are enforceable against low-wage workers and others, notice and other procedural requirements, enforceability standards, choice of law issues, and remedies.

## **Drafting Committee on Registration and Licensing of Direct-to-Consumer Sales of Wine and Prevention of Illegal Sales**

This committee is drafting a uniform or model act addressing compliance and enforcement issues related to direct-to-consumer shipments of alcoholic beverages.

## **Drafting Committee on Economic Rights of Unmarried Cohabitants**

The rate of nonmarital cohabitation within the U.S. is increasing, but there is no consistent legal doctrine among the states for division of jointly acquired property when cohabitants break up or when one cohabitant dies. Instead, courts must resolve disputes on a case-by-case basis. This committee is drafting a uniform or model law addressing the economic rights of unmarried cohabitants.

## **Drafting Committee on Unregulated Transfers of Adopted Children**

In some cases, parents find that after the birth or adoption of a child they experience considerable difficulty or even inability in caring for or effectively managing the child's behavior, which sometimes leads families to transfer a child to another person outside of the courts and the child welfare system. Without specific regulations directed at these types of unregulated transfers, a transfer of custody might go unnoticed within the child welfare system. This committee is drafting a uniform or model law addressing the transfer of children in these types of cases.

## **Joint Committee on Uniform Commercial Code and Emerging Technologies**

The Joint Committee on the Uniform Commercial Code and Emerging Technologies, with members from the Uniform Law Commission and the American Law Institute, is reviewing the Official Text of the Uniform Commercial Code with a view to drafting amendments or revisions to the Uniform Commercial Code to accommodate emerged and emerging technological developments. The committee will consider, among other technologies, distributed ledger technology and virtual currency and other digital assets.

## **Drafting Committee on Public Meetings During Emergencies**

This drafting committee is drafting a uniform or model act granting state and local agencies the authority to conduct meetings and hearings during emergencies using communication technology, subject to minimum standards relating to technologies used, security, record retention, public access, the protection of the rights of parties to contested cases, training to establish competency to use remote communication technologies effectively, and other relevant requirements.

## **Drafting Committee on Community Property Disposition at Death Act**

This committee is revising the Uniform Disposition of Community Property Rights at Death Act, originally approved in 1971 and adopted in 16 states. The act provides rules for disposing of a decedent's property, originally acquired as community property, when the decedent's estate is probated in a non-community property state. This act is intended to be enacted only in non-community property states.

## **Drafting Committee to Update Uniform Unincorporated Organization Acts**

This drafting committee will develop amendments to the Uniform Partnership Act, the Uniform Limited Partnership Act, and the Uniform Limited Liability Company Act, with understanding that the update does not include wholesale policy revisions.

## **Drafting Committee on Debt Collection Default Judgments**

This committee is drafting a uniform or model act or rule applicable to debt collection efforts by third party debt collectors or buyers based on default judgments.

## Study Committees

ULC Study Committees review an assigned area of law in light of defined criteria and recommend whether the ULC should proceed with a draft on that subject. Study committees typically do not meet in person. When appropriate, study committees hold meetings with those interested in the area that the committee is exploring to assist in gauging the need for uniform state legislation in an area, the likely scope of any drafting project, and the potential support for a project. ABA section advisors are typically appointed to study committees.

The current study committees are:

### Study Committee on Online Sales Tax Collection

This committee will study the need for and feasibility of state legislation on state taxation of online sales and collection of taxes in the wake of the Supreme Court decision in *South Dakota v. Wayfair*, which held that the correct standard to determine the constitutionality of a state tax law is whether the tax applies to an activity that has “substantial nexus” with the taxing state.

### Study Committee on Tenancy in Common Ownership Default Rules

The committee will study the need for and feasibility of state legislation to resolve problems arising under current common law tenancy-in-common ownership default rules. The committee will study the need for and feasibility of an act that would permit a threshold percentage of owners to convert ownership from tenancy-in-common ownership to a more durable entity form of ownership, such as an LLC – as contrasted with existing law, where such a determination would require unanimity among the co-owners.

### Study Committee on Mortgage Modifications

This study committee will study the need for and feasibility of a uniform or model act addressing mortgage modification issues. Topics to be addressed include whether the modification of some of the terms of a mortgage loan requires the execution and recordation of an instrument modifying the currently recorded mortgage document, as well as the extent to which the mortgage retains its priority to secure repayment of the debt as modified.

### Study Committee on Cybercrime

This study committee will study the need for and feasibility of a uniform or model act on cybercrime. Issues to be addressed include the gaps and lack of uniformity in existing state criminal law schemes, the desirability of providing for civil remedies in addition to criminal penalties, and the extent to which existing state and federal statutes may be outdated due to technological developments.

### Study Committee to Revise the Uniform Determination of Death Act

This study committee will study the need for and feasibility of updating the Uniform Determination of Death Act (1980), which has been enacted in 44 states. Issues to be considered include lack of uniformity in the medical standards used to determine death by neurologic criteria, the relevance of hormonal functions, and whether notice should be provided before a determination of death.

### Study Committee on Fines and Fees

This committee will study the need for and feasibility of a uniform or model addressing the impact of fines and fees on people of limited means. The impact of fines and fees on those with means can be a mere inconvenience, but for the poor and working poor who are unable to pay, those same fines and fees can be devastating, resulting in thousands of dollars of debt and functioning as a poverty trap. The committee will consider three major areas which might be addressed in a uniform or model law: (1) suspension of driving privileges because of unpaid fines and fees even when unrelated to public safety; (2) fines and fees imposed on juveniles and their parents in the juvenile justice system; and (3) fines and fees imposed without consideration of ability to pay because of adult criminal offenses.

### Study Committee on Family Court Emergency Procedures

This study committee will study the need for and feasibility of a uniform or model act addressing family court procedures in time of emergency. Issues to be addressed may include use of automatic continuances, suspension of statutes of limitation, prioritization of certain categories of disputes for in-person hearings, and utilization of technology, as well as considering the feasibility of incorporating provisions relating to existing uniform acts to ensure their effective operation during times of emergency.

### Study Committee on Public Health Emergency Authorities

This committee will study the need for and feasibility of one or more uniform state laws addressing the authority of state governments to respond to epidemics, pandemics, and other public health emergencies. The committee will consider such topics as quarantines, business closures, collective purchasing mechanisms, and rules for medical practice.

### Study Committee on Criminalization of Student Discipline

This study committee will study the need for and feasibility of a uniform or model act on the relationship of in-school disciplinary procedures to criminal law enforcement.

## **Study Committee to Revise Uniform Health Care Decisions Act**

The committee will study the need for and feasibility of Amending or Revising the Uniform Health Care Decisions Act (UHCDA). The UHCDA was originally promulgated in 1993 and has been enacted in eight states. The key issues in the UHCDA warranting possible revisions are the priority list of those who can act as surrogate; identification of residual surrogates; provision for oral appointment; lack of domestic partnerships, civil unions, or co-habitants in the surrogate list; disqualification of surrogates; scope of surrogate decisions; and decision-making by mature minors.

## **Study Committee on Recurring Service Charges**

This committee will study the need for and feasibility of a uniform or model act addressing issues related to recurring service charges in consumer transactions. In particular, the committee will consider whether a legal framework should be developed to address situations in which a consumer enters into a subscription or other agreement resulting in recurring charges but then finds it difficult or impossible to cancel the service (such as if the initial transaction is entered into online while cancellations can only occur through other means). The committee will consider possible legislative responses such as a recent California law requiring that any recurring services that can be subscribed to online must also permit online cancellation.

## **Study Committee on Special Deposits**

This committee will study the need for and feasibility of state legislation on special deposits. A special deposit resembles a prefunded letter of credit with three parties: a funder, a bank, and a beneficiary. The bank pays the beneficiary if a specified condition occurs. If the specified condition does not occur, the special deposit reverts to the funder. A special deposit is not assignable and is not subject to legal process. The law of special deposits has not developed much since the 1930s, and a uniform or model act on special deposits could provide greater clarity in this area.

## **Study Committee on Mitigation of Public Health Emergency Business Disruptions**

This committee will study the need for and feasibility of one or more uniform state laws providing special rules and procedures to mitigate the impact of an epidemic, pandemic, or other public health emergency on the operation of businesses. The committee will consider such topics as non-liquidating receiverships, business interruption insurance, and the application of force majeure and impossibility doctrines.

## **Monitoring Committees**

There are five monitoring committees which have been appointed with respect to specific areas of the law. These committees are responsible for monitoring new developments in their assigned area.

### **Committee to Monitor Developments in Civil Litigation and Dispute Resolution**

This committee was created to monitor developments and trends in civil litigation and alternative dispute resolution, to provide information to the Scope and Program and Executive Committees about these issues, to offer suggestions of issues that may be appropriate for uniform state law, and to offer suggestions on whether current ULC acts in this area should be revised, amended or withdrawn.

### **Committee to Monitor Developments in Healthcare Law**

The committee was formed to study and monitor developments in health care law, provide information to the ULC about these issues, offer suggestions of issues that may be appropriate for uniform state laws, and to offer suggestions and input, on request, to the ULC about healthcare law and related issues.

### **Committee on Technology**

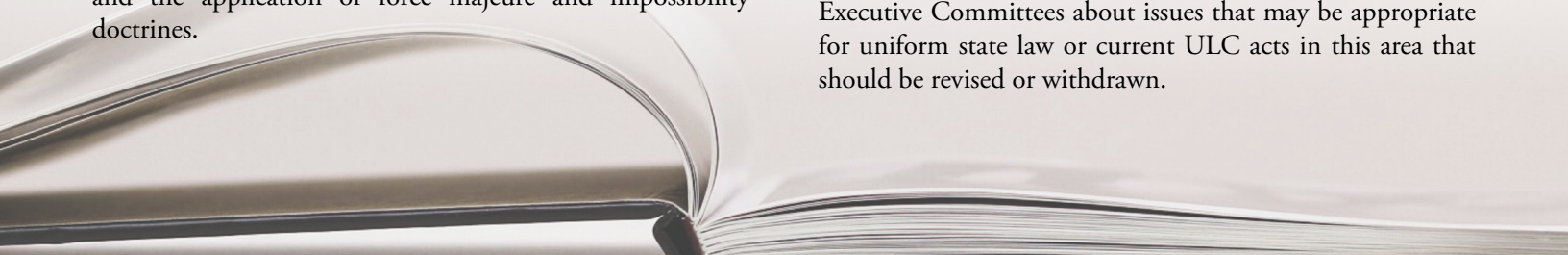
This committee was formed to study and monitor developments in technology, particularly as new technologies impact current ULC Acts. The committee provides information to the Scope and Program Committee on these issues and may offer suggestions of issues that may be appropriate for a uniform or model law.

### **Criminal Justice Reform Committee**

This committee monitors the need for and feasibility of model and uniform state laws that effectuate criminal justice reform, and serves as an advisory committee to the Committee on Scope and Program on potential and emerging legislative developments in criminal justice reform. The Committee may be asked to review and consider proposals for criminal justice reform work, but also should consider and when appropriate present proposals to Scope and Program for necessary and feasible uniform or model state laws.

### **Committee to Monitor Developments in Privacy Law**

This committee monitors developments in privacy law and provides suggestions to the Scope and Program and Executive Committees about issues that may be appropriate for uniform state law or current ULC acts in this area that should be revised or withdrawn.







## Editorial Boards

Six editorial boards have been appointed with respect to uniform acts in various subject areas.

These boards are responsible for monitoring new developments which may have an impact on the acts and for making recommendations for revising existing acts or drafting new acts in their subject areas. The editorial boards are made up of members from the Uniform Law Commission, the American Bar Association, the American Law Institute, and other organizations.

### **Permanent Editorial Board for Uniform Commercial Code**

This board is composed of members from the American Law Institute and the ULC. It also includes a Director of Research. The board monitors current drafting activities of the Uniform Commercial Code. It also prepares commentaries and advises its member organizations on further changes needed in the Uniform Commercial Code.

### **Joint Editorial Board on Uniform Unincorporated Organization Acts**

Members from the Business Law Section of the ABA and the ULC make up this board. The board is responsible for monitoring and reviewing the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Limited Liability Company Act, and other uniform acts related to unincorporated associations.

### **Joint Editorial Board on International Law**

Members of this JEB include representatives from the ULC and the International Law Section of the American Bar Association, and liaison representatives from the United States Department of State Office of Private International Law. The functions of the JEB include: facilitating the promulgation of uniform state laws consistent with U.S. laws and international obligations dealing with international and transnational legal matters; advising the ULC with respect to international and transnational legal matters that have the potential to impact areas of the law in which the ULC has been, or might become, active; informing and assisting the U.S. government with respect to the negotiation of international treaties and agreements with appropriate consideration of state law perspective and experience; and promoting the principles of rule of law and harmonization of law.

### **Joint Editorial Board for Uniform Real Property Acts**

Representatives of the ULC, the ABA Section of Real Property, Trust and Estate Law, the American College of Real Estate Lawyers, and the Community Association Institute are members of this Joint Editorial Board, and representatives of the American Land Title Association and the American College of Mortgage Attorneys are liaison members. The board is responsible for monitoring all uniform real property acts.

### **Joint Editorial Board for Uniform Family Law**

The JEB for Uniform Family Law includes members from the ULC, the American Bar Association Section of Family Law, the American Academy of Matrimonial Lawyers, and the Association of Family and Conciliation Courts, together with liaison members from the American Association of Law Schools and the ABA Center on Children and the Law. The board is responsible for monitoring all uniform and model acts that are family-law related.

### **Joint Editorial Board for Uniform Trust and Estate Acts**

The board is composed of members from the ULC, the American Bar Association Section of Real Property, Trust and Estate Law, and the American College of Trust and Estate Counsel. The JEB also has liaison members from the Association of American Law Schools and the National College of Probate Judges. The JEB monitors the Uniform Probate Code, Uniform Trust Code, and all other estate and trust related acts.

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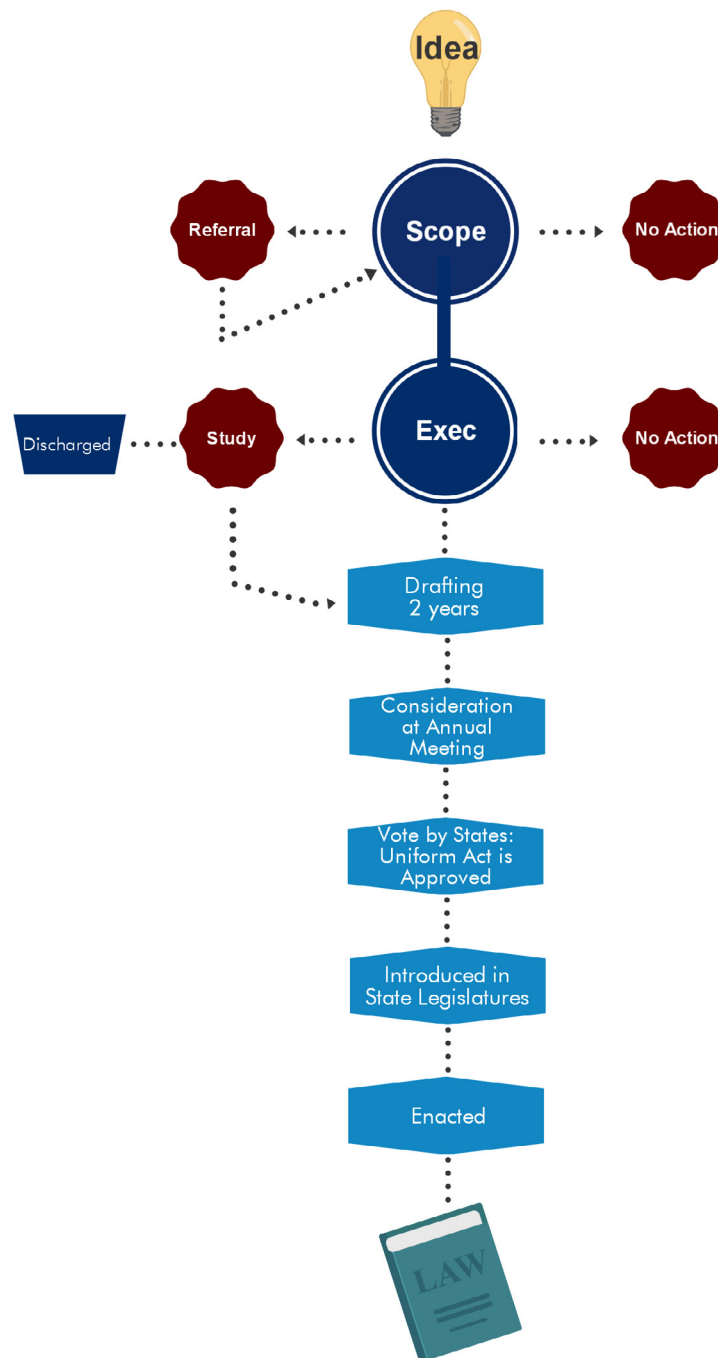
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Richard J. Macy  
Philip Nicholas  
Anthony Wendtland



Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from organized bar, state governmental entities, private interest groups, uniform law commissioners and private citizens. Any party wishing to suggest an idea for a uniform or model act may contact the ULC headquarters office in Chicago, which will forward the suggestion to the Committee on Scope and Program.

Guidelines concerning the submission of ideas for new uniform or model acts can be found on the ULC's website at [www.uniformlaws.org](http://www.uniformlaws.org)



# ABOUT THE UNIFORM LAW COMMISSION

The Uniform Law Commission (ULC), now in its 129th year, provides states with non-partisan, well-conceived and well-drafted legislation that brings clarity and stability to critical areas of state statutory law.

ULC members must be lawyers, qualified to practice law. Commissioners are practicing lawyers, judges, legislators, legislative staff and law professors who have been appointed by state governments as well as the District of Columbia, Puerto Rico and the U.S. Virgin Islands to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

- ULC strengthens the federal system by providing rules and procedures that are consistent from state to state but that also reflect the diverse experience of the states.
- ULC statutes are representative of state experience because the organization is made up of representatives from each state, appointed by state government.
- ULC keeps state law up to date by addressing important and timely legal issues.
- ULC's efforts reduce the need for individuals and businesses to deal with different laws as they move and do business in different states.
- ULC's work facilitates economic development and provides a legal platform for foreign entities to deal with U.S. citizens and businesses.
- ULC Commissioners donate thousands of hours of their time and legal and drafting expertise every year as a public service and receive no salary or compensation for their work.
- ULC's deliberative and uniquely open drafting process draws on the expertise of commissioners, but also utilizes input from legal experts, and advisors and observers representing the views of other legal organizations or interests that will be subject to the proposed laws.
- ULC is a state-supported organization that represents true value for the states, providing services that most states could not otherwise afford or duplicate.



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