



Annual Report

2021 / 2022



Better Laws. Stronger States.

The Uniform Law Commission

The Uniform Law Commission (ULC), now 131 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 2021-2022

Dan Robbins, President
Diane F. Boyer-Vine, Vice President
Ryan Leonard, Secretary
Thomas J. Buiteweg, Treasurer
Carl H. Lisman, Immediate Past President
Timothy J. Berg, Chair, Executive Committee
Lisa R. Jacobs, Chair, Scope and Program Committee
Steve Wilborn, Chair, Legislative Committee

Appointed Members of Executive Committee

Timothy J. Berg, Chair
Elena J. Duarte
Lani L. Ewart
Melissa A. Hortman

Executive Director

Tim Schnabel

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PRESIDENT'S MESSAGE



Dan Robbins
ULC President

Since its establishment in 1892, the Uniform Law Commission (ULC) has remained dedicated to its founding mission of improving the law by bringing consistency, clarity and stability to state statutory law. Businesses and individuals benefit from the consistency and certainty that ULC acts bring across the nation. The ULC continues its important work. I am pleased to report that this year – the 131st year of the ULC – our organization remains strong and our work maintains our traditional high quality.

Thank you for the privilege to serve as ULC President. In addition to the work of our many fine drafting, study and other committees, leadership has been focused on four other important matters described below.

#1: New Commissioner Initiative

The newest initiative, announced at the Philadelphia annual meeting, is the establishment of procedures to better engage new commissioners in the work of the ULC. This organization's greatest asset is its members – the wonderful and talented people who volunteer their time to improve the law. How do we strengthen our current membership and plan for the future? New commissioners are key to that. They bring in new subject matter expertise and new stakeholder contacts. They can help us to advance our acts in the legislatures and improve our diversity.

New commissioners represent the future of the ULC. Those being appointed now will soon become our subject matter experts, drafting committee chairs, our division chairs, the members of our Executive Committee, and our presidents.

Of the new commissioners appointed each year, too many do not deeply engage with the ULC before they are replaced or drift away from the organization. Others do commit themselves to the ULC's work, but only after years of hovering on the organization's periphery. These commissioners represent

lost opportunities for us—years of valuable contributions to our organization that are lost or delayed.

To the extent that we could do more to accelerate our new commissioners' incorporation into the life of the ULC and persuade more of them to commit to long-term participation, we could significantly improve the quality of our work. Those new commissioners are an underutilized resource, with reservoirs of substantive legal expertise and invaluable connections to stakeholder groups that we must seek more actively.

This initiative, designed to implement a significantly expanded approach to engaging our new commissioners, has the following elements:

Expanded Mentoring Program. The Membership & Attendance Committee will expand its mentoring program that has been in place for many years. The committee has been asked to recruit additional commissioners to supplement the committee's membership in serving as mentors for new commissioners, such that each newly appointed commissioner will be paired with two mentors. The Membership & Attendance Committee will take the lead role in verifying that the new commissioners are finding ways to get involved in the ULC's activities over the course of the new commissioners' first two to three years in the ULC.

Orientation Sessions. Attending the annual meeting for the first time as a new commissioner can be overwhelming. The Membership & Attendance Committee will offer new commissioners additional orientation sessions via Zoom to supplement the traditional new commissioner lunch at each annual meeting.

Enactment Efforts. New commissioners should be encouraged to get involved in their states' enactment efforts as soon as possible. The Legislative Council will set up meetings with new

commissioners to bring the new commissioner up to speed on their delegation's legislative activity. Each new commissioner will be asked to contribute to their state's enactment efforts over the next year. That effort could be as significant as spearheading the introduction and enactment of an act, or as small as assisting other commissioners behind the scenes.

Accelerated Committee Assignments. Getting involved in the ULC's study and drafting efforts is probably the most common way that commissioners become thoroughly integrated into the fabric of our organization. Yet far too often, commissioners are part of the ULC for years before getting involved in a project. I plan to offer a seat on a committee to new commissioners within six months of their appointment. Whether or not the committee assignment is accepted, by making the offer, we at least increase our chances of getting more new commissioners engaged early on.

Stakeholder Contacts. New commissioners provide the ULC with potential access to new networks of contacts who could serve as valuable observers in our study and drafting committees. The members of the Stakeholder Outreach Committee will try to gather information from new commissioners regarding their contacts and networks.

#2: Improving ULC committee meetings

The ULC, like every organization, has had to evolve and adapt to the changing times. Over our long history, our approach to work has changed several times. For our first half century, travel was difficult and time-consuming, being limited to rail travel, and so our committees conducted their work by correspondence. Starting in the 1950s, some drafting committees began in-person work during the annual meeting, as commissioners were already gathered in one location. For the last 50+ years, with the broad availability of commercial air travel, we developed the template for in-person weekend meetings of all of our drafting committees. This practice continued for several decades, until the pandemic forced us to meet via Zoom.

The ULC's ability to keep its work moving forward without interruption during the pandemic was extremely impressive. Great credit for that smooth transition goes to immediate past president Carl Lisman and our terrific staff.

Our experiences during the pandemic also demonstrated the benefits of incorporating Zoom into our drafting and study work. In particular, our committees have seen increased participation over the past two years, both in terms of our members and outside observers. A higher percentage of our members have been able to participate in our work, as they have not had to fly to a distant city for meetings and could at least join for portions of meetings despite conflicts that would have precluded travel. Our committees have also received

valuable input from stakeholders who would not have flown to another city to join our committee meetings.

While the use of remote meetings has greatly expanded our stakeholder input, the disadvantage is that it can be hard to build relationships over Zoom. So, we've experimented, and we continue to experiment. In an effort to preserve the increased participation we have seen during the last two years while restoring the benefits of in-person meetings, we have been experimenting with the use of hybrid committee meetings in which attendance can occur either in person or via Zoom.

The big disadvantage in the hybrid context is cost. Hybrid meetings at hotels are very expensive. To make the best use of the ULC's limited resources, we have been trying to identify alternative venues we might use for drafting committee meetings, such as law firms, law schools, government buildings, and other similar venues. I am very pleased that some of you have stepped forward in response to my call in Philadelphia and volunteered space. To name just a few, Ed Smith secured us a space in New York, Lisa Jacobs did so in Philadelphia and Barbara Atwood did so in Tucson. I was also able to secure us a space for another meeting in New York. We will continue to seek out these types of venues for our meetings. I strongly encourage those of you who can to help us by seeking out additional options for us.

#3: Stakeholder Outreach

Working closely with outside stakeholders is essential to our work. Stakeholders educate us. They improve our decision-making. They work in the markets that we are seeking to regulate. They can help us avoid unintended consequences. Stakeholder participation is critical both to the development of a uniform act that is widely enactable and to the enactment process itself, as the stakeholders may be supporters when an act is pending in state legislative committees.

Because stakeholder engagement is critical at every phase of our work, the committee on Stakeholder Outreach was established last year to centralize this function. This committee has the responsibility to spearhead the development of our stakeholder relationships.

Identifying and contacting these stakeholders early in our process is vital to ensuring that we get those stakeholders' input as we determine which projects should proceed to drafting and what the scope and contents of the acts should be. As new study and drafting projects begin, the relevant Stakeholder Outreach Committee members assist the study and drafting committee chairs with identifying and contacting stakeholders. Such assistance helps study and drafting committees engage with stakeholders early in the process and further develop relationships that can assist in later enactment efforts. The committee also provides input to the Scope and Program



Committee regarding the status of stakeholder outreach for study committees that seek to proceed to drafting.

Our success in getting uniform acts widely enacted is significantly affected by the extent to which key stakeholders support those acts—and are willing to lobby for them in the states—or oppose them. The committee will also coordinate with the Legislative Council regarding stakeholder support for enactment efforts.

#4: Expansion of Role of the Committee to Review ULC Acts

Lastly, I have considered whether there is a way to improve the ULC's work based on data. We may have a sense anecdotally of what works and what doesn't, but is there a way to apply objective standards to determine this? To try to answer this question, the role of the Committee to Review ULC Acts has been expanded.

This committee will now have the responsibility not only to review current ULC acts to determine if their status should be changed, but also to analyze the projects the ULC has undertaken in recent years to assess the reasons why the project has been successful or not.

To pursue this broader mission, the committee is attempting to:

Measure past success quantitatively. The committee is reviewing information regarding all acts that have been promulgated since 2006, including enactment information (introduced in what states in what years, enacted in what states, etc.) and act information (how long is the act, how extensive are the comments, etc.). Additional data will be reviewed, such as information on stakeholder involvement, subject matter of the acts, and complexity of the acts. It may be that from a data set like this, we can determine factors that contribute to an act's success.

Measure past success qualitatively. The past can also be examined qualitatively. The committee is conducting structured interviews with chairs of drafting committees in an effort to gather and organize their ideas about why their act succeeded, or not.

Think about the future. While the committee conducts the quantitative and qualitative analysis, it will also consider how to collect this kind of information for current acts. Is there data that could be collected now that might help us? The committee will think about ways of collecting data and information about acts currently under consideration, so that we can use that data later to analyze each act's subsequent success or failure.

The goal of all these efforts is to help guide the ULC in its work. The hope is that the committee's work can provide guidance in the future both at the front end in determining which acts to pursue, and at the back end in developing enactment strategies.

Thanks to all my fellow commissioners for the hard work and effort they have put in on behalf of the ULC. You all are among the finest people I have known, and it has been a pleasure to work with you. Special thanks to our core leadership team of Tim Berg, Lisa Jacobs and Diane Boyer-Vine, each of whom has dedicated countless hours over the last 18 months of excellent service to the ULC, and to Tim Schnabel, Elizabeth Cotton-Murphy, Katie Robinson, Greg Young and the rest of our outstanding staff, who work diligently and effectively behind the scenes for the ULC and its commissioners. The ULC is extremely well served by this impressive group!

It has been an honor to serve as your President, and I look forward to another exciting and successful year.

Dan Robbins



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.

The ULC's 2022 legislative year ended on October 1, 2022. In 2022, as in every even year, there were four state legislatures which did not meet, and numerous other states with restricted budget sessions. Even so, the 2022 legislative year ended with 141 introductions and 42 enactments.

The leading states for the 2022 legislative year include:

- **Rhode Island** enacted four acts: Uniform Commercial Real Estate Receivership Act; Revised Uniform Law on Notarial Acts; Revised Uniform Limited Partnership Act; and Revised Uniform Partnership Act.
- **Maine** enacted three acts: Uniform Foreign-Country Money Judgments Recognition Act; Revised Uniform Law on Notarial Acts; and Uniform Registration of Canadian Money Judgments Act.
- **Utah** enacted three acts: Uniform Easement Relocation Act; Uniform Partition of Heirs Property Act; and Uniform Unregulated Child Custody Transfer Act.
- **Wisconsin** enacted three acts: Uniform Deployed Parents Custody and Visitation Act; Revised Uniform Limited Liability Company Act; and Revised Uniform Limited Partnership Act.
- **Hawaii, Indiana, the U.S. Virgin Islands, Vermont, Washington, and West Virginia** each enacted two acts this year.

Other major highlights of the year include:

Revised Uniform Law on Notarial Acts was enacted in five states: District of Columbia, Maine, Rhode Island, U.S. Virgin Islands, and Vermont.

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.



Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act was enacted in two states: Arizona and West Virginia.

The Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act addresses the disclosure of private images of nudity or sexual conduct without consent, an increasingly common form of abuse that often leads to emotional distress, depression, and anxiety. Victims of this type of abuse have also experienced stalking, harassment, and termination from employment or expulsion from school. Though nearly every state has a criminal statute on the subject, few states provide a civil cause of action for victims. The uniform act creates a civil cause of action; protects victims' identities; and provides various remedies.

Uniform Commercial Real Estate Receivership Act was enacted in two states: Rhode Island and West Virginia.

Receivership is an equitable remedy allowing a court to oversee the orderly management and disposition of property subject to a lawsuit. Although the remedy is not new, there is no standard set of receivership rules and the courts of different states have applied widely varying standards. The Uniform Commercial Real Estate Receivership Act applies to receiverships involving commercial real estate, and provides a standard set of rules for courts to apply. It will result in greater predictability for litigants, lenders, and other parties doing business with a company subject to receivership.

Uniform Unregulated Child Custody Transfer Act was enacted in two states: Utah and Washington.

In some cases, parents find that, after the birth or adoption of their child, they experience considerable difficulty or even inability in caring for or effectively managing the child's behavior, which sometimes leads to families transferring 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. The Act addresses the transfer of children in these types of cases.

Uniform Public Expression Protection Act was enacted in two states: Hawaii and Kentucky.

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. This 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 Registration of Canadian Money Judgments Act was enacted in two states: Maine and Minnesota.

The Uniform Registration of Canadian Money Judgments Act ("Registration Act") creates an administrative procedure for the registration and enforcement of a Canadian money judgment in an enacting state. Once the Canadian judgment is successfully registered in the state, the judgment is enforceable in the same manner as a judgment rendered in that state. The Registration Act only applies to a Canadian judgment if it (1) grants or denies recovery of a sum of money; (2) is final, conclusive, and enforceable in Canada; and (3) its recognition is sought in order to enforce the judgment. The Registration Act supplements the Uniform Foreign Country Money Judgments Recognition Act ("Recognition Act") by providing an alternative method to seeking recognition and enforcement of a foreign judgment. If a state has not enacted the Recognition Act, it may enact this Act at the same time it adopts the Recognition Act as a companion Act. The Registration Act offers an efficient alternative to filing a lawsuit to recognize and enforce a Canadian money judgment in the United States.

In addition to these acts, more than 40 different uniform acts were introduced in various states across the country in 2022.



New Uniform Acts Approved in 2022

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 131st Annual Meeting in Philadelphia, Pennsylvania, July 8-13, 2022, five new acts or amendments to 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 Alcohol Direct-Shipping Compliance Act

The Uniform Alcohol Direct-Shipping Compliance Act enhances an enacting state's capability to detect and stop unlawful direct-to-consumer ("DTC") shipments of alcoholic beverages to the state's residents. The Act integrates with existing state law as to whether DTC shipping is allowed, and for which types of alcoholic beverages. The Act does not create new or additional authorization burdens to ship alcoholic beverages directly to a consumer. Instead, the Act creates new tools for state regulators to use to ensure that existing state laws regarding DTC shipping are obeyed.

Uniform Electronic Estate Planning Documents Act

The Uniform Electronic Estate Planning Documents Act will fill a gap in the law regarding the execution of certain estate planning documents, including trusts and powers of attorney. The Uniform Electronic Transactions Act (UETA) authorizes the electronic execution of bilateral contracts if the parties to a transaction agree. The Uniform Electronic Wills Act (UEWA) authorizes the testator of a will and witnesses to execute a will in electronic form. However, trusts, powers of attorney, and some other types of estate planning documents fell into a legal grey area where the law governing electronic execution was ambiguous. The Uniform Electronic Estate Planning Documents Act clarifies that these documents may also be executed in electronic form.

Model Public Meetings During Emergencies Act

The Covid-19 pandemic highlighted the need for public bodies to meet when disasters and other emergencies make in-person meetings of public bodies either impossible or inadvisable. The Model Public Meetings During Emergencies Act is intended to provide a process to ensure that important public meetings can go forward when these events occur consistent with protecting public access to meetings. The Act builds on existing state laws authorizing the declaration of emergencies and subjecting public meetings to various procedural and public access requirements.

Uniform Telehealth Act

The Covid-19 pandemic greatly expanded patient demand for telehealth services. The Uniform Telehealth Act has two broad goals. The first is to make clear that, as a general matter, health care services may be provided through telehealth, if doing so is consistent with applicable professional practice standards and the practitioner's scope of practice, as defined by the state in which the patient is located. The second goal is to establish a registration system for practitioners who hold licenses in other states. This Act permits a registered practitioner to provide telehealth services to patients located in the state adopting the act.

Uniform Commercial Code and Emerging Technologies

The 2022 Amendments to the Uniform Commercial Code (UCC) update and modernize the UCC to address emerging technologies. A new UCC Article 12 on Controllable Electronic Records governs transactions involving new types of digital assets (such as virtual currencies, electronic money, and nonfungible tokens), and corresponding changes to UCC Article 9 address security interests in digital assets. The 2022 amendments also update terminology to account for digital records, electronic signatures, and distributed ledger technology, provide rules for electronic negotiable instruments, and clarify the rules for UCC applicability to hybrid transactions involving both goods and services.

Spotlight on:

Uniform Commercial Code and Emerging Technologies

The Uniform Commercial Code (UCC), a joint product of the American Law Institute (ALI) and the Uniform Law Commission (ULC), is a comprehensive set of laws governing all commercial transactions between U.S. states and territories. It is not a federal law, but a state law. The breadth and depth of the UCC are difficult to grasp. It guarantees that commercial transactions in California are subject to the same law as transactions in Maine. The UCC provides commercial law rules for broad categories of transactions, including the sale or lease of goods, negotiable instruments, bank deposits and collections, funds transfers, letters of credit, documents of title, investment property, and secured transactions in personal property.

Its adoption in every state allowed the development of strong interstate markets. Today the UCC is the backbone of United States commerce, giving all Americans the legal structure necessary to have confidence when transacting business with strangers.

But the UCC is not written in stone. It is constantly studied with an eye toward revisions needed to meet the requirements of changing technologies.

In 2022, the ALI and the ULC approved amendments intended to modernize the Uniform Commercial Code. The amendments bring the UCC into the digital age by providing commercial law rules for a new category of transactions: the transfer and leveraging of virtual currencies and certain other digital assets. Most importantly, the new amendments provide a new Article to the UCC – Article 12 – which governs transfers of most digital assets, including sales and financing as well as security interests.

The 2022 amendments will ensure that the UCC continues to facilitate commercial activity well into the future.



Highlights of the 2022 amendments include:

Digital Assets. A new Article 12 provides rules for transactions involving certain new types of digital assets, including cryptocurrency and non-fungible tokens (NFTs). Under the UCC, these intangible assets are called “controllable electronic records,” or “CERs.” The amendments provide rules to determine the rights of a person who receives a CER and for the perfection and priority of a security interest in a CER.

Control of Digital Assets. Section 12-105 introduces the concept of “control” as it applies to intangible property such as cryptocurrency. Control of an electronic record is roughly analogous to possession of a tangible asset – the person with control has the power to “spend” the intangible asset by transferring it to another person in exchange for goods or services. The person with control can also prevent anyone else from using the property. The person with control can be anonymous, but must be positively identifiable in some manner, such as through the use of a cryptographic key.

Security Interests in Digital Assets. Amendments to Article 9 will facilitate the use of digital assets as collateral for loans. Under the prior version of Article 9, there was no effective way for a lender to perfect a security interest in digital assets except by filing a financing statement, and no way to ensure priority of the security interest without obtaining a release or subordination from all other secured parties, if they are even disclosed. The amended Article 9 will provide that a lender with control of digital assets has a perfected security interest with priority over the interests of any other lenders who do not have control.

Tangible and Electronic Money. The amendments clarify rules for money in electronic form. Some governments and central banks are experimenting with digital currency. The amendments create a new, separate asset category called “electronic money” and contain clearer rules for transactions involving electronic money than exist under current law, which generally contemplates that money exists only in tangible form, such as bills or coins.

Governing Law. Because digital assets have no physical location, conflict of laws questions may arise. The UCC amendments will allow the parties to a transaction involving digital assets to choose the law that applies to their transaction for commercial law purposes and incorporate the choice into their CER or the system in which the CER is recorded. If the parties do not choose a governing law in the CER or system, the law of the District of Columbia will apply.

Terminology. The amendments update UCC terminology for the digital age. Various UCC provisions are amended to replace obsolete terms that applied only to transactions on paper. For example, the term “sign” is redefined to include electronic signatures, the term “record” is substituted for “writing” to encompass electronic documents, and the term “conspicuous” is redefined to apply more broadly to the terms of both paper and electronic agreements. The amendments ensure that the law applies equally to electronic transactions.

Transition rules. The amendments include a grace period to preserve pre-established priorities. The amendments contain transition provisions designed to protect the expectations of parties to pre-effective-date transactions. For example, a secured lender who has a priority security interest in collateral under the prior law will retain its priority through a transition period, giving parties to preexisting transactions plenty of time to revise their agreements to comply with the updated law.

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 into 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.

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.

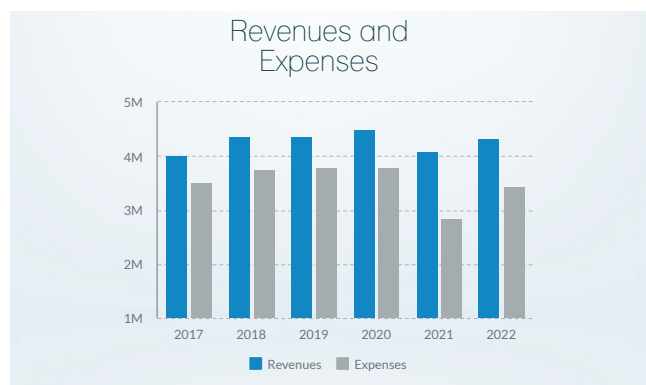
Because ULC drafting projects are national in scope, the ULC attracts a broad range of advisors and observers, resulting in a drafting process that benefits from a greater range and depth of national, legal expertise than could be brought to bear by any individual state. In addition, the ULC contracts 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, 2022, was approximately \$4,063,770, with support from state governments in the total amount of \$2,744,000 accounting for approximately 67.5 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 Commission has also established royalty agreements with major legal publishers that reprint the ULC's uniform and model acts in their publications.



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 ULC has a small staff, which keeps its operating costs as low as possible. The full-time staff of 18, located in Chicago, provides all the staff support for the administrative, drafting, and legislative efforts.

The ULC provides key services to the states. The ULC's process ensures that every uniform or model act has undergone meticulous consideration. Commissioners review proposals for new projects, engage in careful study, and spend a minimum of two years in drafting an act. The ULC's national scope and excellent reputation enable it to bring together the experience and expertise needed to create legislation. In addition to researching and drafting uniform and model acts for states to enact when uniformity is desirable and practical, the ULC works with states as they review and enact completed acts. The process of drafting and enacting a uniform law remains an immensely cost-effective endeavor.



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) which enables public review and comment.

Currently, 12 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:

Conflict of Laws in Trusts and Estates Act

This committee will draft a uniform or model act 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.

Debt Collection Default Judgments Act

This drafting committee will draft a uniform or model act or rule applicable to debt collection efforts based on default judgments.

Antitrust Pre-Merger Notifications Act

This committee will draft a uniform or model act requiring companies that submit a pre-merger notification filing pursuant to the federal Hart-Scott-Rodino Act to share their initial filing with the State Attorney General on request, subject to confidentiality protections equivalent to or stronger than under federal law. The act must balance the needs of state enforcers for information with the burdens and risks to filers. Within this mandate, the drafting committee must pay special attention to issues such as the circumstances that might permit a state to access the information; the scope of the information that must be provided; the obligations imposed on states that receive the information; and the likelihood that the act might call for fees or an adverse fiscal statement that would make it unenactable.

Determination of Death Act

This committee will update the Uniform Determination of Death Act (1980), which has been enacted in 44 states. Issues to be addressed include the medical criteria for determining death, the distinction between irreversible versus permanent cessation of brain function, the relevance of particular regions of the brain, and several other issues identified by the study committee.

Health-Care Decisions Act

The committee will update the Uniform Health-Care Decisions Act. The key issues to be addressed include the determination of capacity; default surrogates (including the priority list of those who can act as surrogate, un-befriended patients, and disagreement among surrogates); barriers to use and execution (including electronic documents, the statutory form, and oral designations); and several other issues. The committee will also give careful consideration to whether mental health issues should be addressed.

Recurring Service Charges Act

This committee will draft a uniform or model law addressing recurring service charges related to several types of “negative option contracts” in which a consumer is charged until proactively stopping the charges.

Mortgage Modifications Act

This committee will draft uniform or model state legislation on mortgage modifications. Topics to be addressed include the extent to which the modification of some of the terms of a mortgage loan require 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.

Public-Health-Emergency Authority Act

This committee will draft model state legislation focused on the allocation of authority between state executive branch officials and the legislature (including with respect to preemption of local governments), and processes for the use of such authorities, in responding to public health emergencies including epidemics and pandemics. The committee will provide options to accommodate variations in state constitutions and legal traditions relating to local authority.

Restrictive Covenants in Deeds Act

This committee will draft uniform or model state legislation enabling an owner of land for which a discriminatory restrictive covenant appears in the chain of title to have that covenant released or expunged from the records.

Special Deposits Act

This committee will draft uniform or model 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. The law of special deposits has not developed much since the 1930s, and a uniform or model act could provide greater clarity in this area.

Tenancy in Common Ownership Default Rules Act

The committee will draft uniform or model state legislation to resolve problems arising under common law tenancy in common ownership rules. The committee will develop default rules for management of tenancy in common real estate interests (and the proceeds thereof) that enable less-than-unanimous decisions on at least some management issues while also enabling parties to contract around those rules.

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 the understanding that the update does not include wholesale policy revisions.

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:

Use of Tenant Information in Rental Decisions

This committee will study the need for and feasibility of a uniform or model law addressing landlords' use of tenant screening reports in rental decisions. Such reports may give landlords outdated, inaccurate, or incomplete information about prospective tenants' involvement in prior litigation (e.g., if the report states that the tenant was a party to litigation with a previous landlord but does not disclose that the tenant was the prevailing party). In particular, the committee will focus on identifying how widespread any problems may be and whether any act should be directed primarily at commercial providers of screening reports.

Assignment for Benefit of Creditors

This committee will study the need for and feasibility of a uniform or model act on the assignment for benefit of creditors. An assignment for benefit of creditors is a voluntary transfer of property by a debtor to an assignee in trust to apply the property or proceeds thereof to the payment of the debtor's debts and return the surplus, if any to the debtor. These processes were designed to close businesses down through a more streamlined and less costly process than bankruptcy; however, many states do not have any legal framework for the process and the processes differ significantly among those states that do have them.

Child Participation in Family Court Proceedings

This committee will study the need for and feasibility of a uniform or model act on the procedures through which a child can participate or not participate in family court proceedings when the child's wishes are legally relevant.

Cybercrime

This 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 and the extent to which existing state and federal statutes may be outdated due to technological developments.

Commercial Financing Disclosure

The committee will study the need for and feasibility of a uniform or model act providing for standardization of disclosure requirements for commercial financing (i.e., traditional bank loans as well as other products such as factoring and revenue-based financing). The study committee will assess whether a uniform or model act could help increase efficiency, reduce compliance costs, and reduce uncertainty regarding the governing law for transactions that may involve parties located in two or more states.

Deepfakes

This committee will study the need for and feasibility of a uniform or model act addressing the specific issues of (1) non-consensual deepfake pornography and (2) election-related deepfakes. In considering the need for a uniform or model act, the study committee should analyze existing potential claims such as tort and copyright claims and assess the benefits of additional claims. The study committee should analyze the narrowly focused legislation that several states have already enacted related to those specific categories of deepfakes and should thoroughly analyze the extent to which the First Amendment, as well as Section 230 of the federal Communications Decency Act, would limit state legislation on the topic.

Hague Judgments Convention, Final Non-Monetary Judgments, and Interim Relief

This committee will recommend the most appropriate method for implementing the Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters in the United States and to study the need for and feasibility of one or more uniform acts (including possible revision of the Uniform Foreign-Country Money Judgments Recognition Act) on the topics of the recognition and enforcement of final non-monetary judgments and interim relief.

Transfers to Minors Act

This committee will study the need for and feasibility of updating the Uniform Transfers to Minors Act. Under this act, which was promulgated in 1983 and amended in 1986, and which has 52 enactments, a person may transfer property to a custodian for the benefit of a minor.

Antitrust

This committee will study the need for and feasibility of a uniform or model act on competition law issues, focused on monopolization and a potential update of the Uniform State Antitrust Act.

Indian Child Welfare Act Issues

This committee will study the need for and feasibility of a uniform or model act addressing issues related to the Indian Child Welfare Act of 1978, a federal law that governs the removal and out-of-home placement of American Indian children. Some states have implemented statutes aimed at facilitating the application of the federal statute by state courts, but significant gaps remain, and the Supreme Court has granted certiorari in a case reviewing the constitutionality of the federal statute. The study committee will thus examine whether a uniform or model act may be needed either if the federal statute is struck down or to fill remaining gaps if the federal statute is upheld.

Military Spouse Occupational Licensing

This committee will study the need for and feasibility of a uniform or model act on the portability and recognition of professional licenses of military spouses in light of recent developments. Occupational licensure portability remains an enduring problem for military spouses, as the duration of military assignments, coupled with inconsistent, lengthy and expensive relicensing processes, discourages military spouses from seeking licensure.

Model Marketable Title Act

This committee will study the need for and feasibility of updating the Model Marketable Title Act. The Model Act, which was derived from Article 3 of the Uniform Simplification of Land Transfers Act, was promulgated in 1990 and enacted in one state before being withdrawn as obsolete in 2015. However, about 20 states have marketable title statutes, some of which include provisions from the Model Act.

Supply Chain Transparency

The committee will study the need for and feasibility of state legislation dealing with transparency in the context of international supply chains. The committee will determine if state legislation to address the existence of child labor, forced labor, human trafficking, and modern slavery in global supply chains (including within the U.S.) is desirable and feasible. The committee will consider different potential legislative options to prevent these human rights abuses, including: (1) disclosure and transparency laws such as those in existing state legislation; (b) laws requiring companies to engage in supply chain due diligence to address human rights impact more generally; or (c) procurement legislation that would link the receipt of state or local contracts to a company's actions. The committee will specifically consider the issue of what types of businesses might be addressed in such legislation, keeping in mind the special considerations for small and medium-sized enterprises.

Patent Rights in Employment

This committee will study the need for and feasibility of two common law doctrines in state law that operate to allocate rights to inventions when the inventor is an employee. First, in the absence of an agreement between employee and employer, the shop-right doctrine is the default rule; when an employee creates an invention during working hours or with the use of the employer's resources, the employer is entitled to a nonexclusive and nonassignable right to use the invention without payment of a royalty. Second, employees and employers may enter into an agreement to assign the employee/inventor's rights to an invention to the employer. Employees hired or assigned to do inventive work are presumed to agree to assign inventions to their employers. The study committee will assess these doctrines to determine if either or both might be a good candidate for a uniform or model act that could unify and clarify an existing body of common law.

Redaction of Personal Information from Public Records

This committee will study the need for and feasibility of a uniform or model law concerning the redaction of personal information, particularly with respect to judges and other public officials, from real property records and other official public records in order to address safety concerns.

U.N. Convention on International Settlement Agreements Resulting from Mediation

The primary focus of this study committee will be on the potential impact of the U.N. Convention on International Settlement Agreements Resulting from Mediation (also known as the Singapore Convention) on existing state law, including how ratification would affect the Uniform Mediation Act and state contract law. If the study committee should conclude that ratification by the U.S. is desirable, it should consider appropriate methods of implementation. This committee is expected to produce recommendations regarding the Convention rather than a recommendation regarding establishment of a drafting committee.

Use of Tokens or Other Similar Products in Real Property Transactions

This committee will study the need for and feasibility of a uniform or model act addressing issues related to the use of non-fungible tokens (or other similar products) in the transfer and financing of real property.

Election Law

This committee will study the need for and feasibility of a model act on the subject.

Monitoring Committees

There are four 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.

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 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 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.

Committee on Automated Technology Liability

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.

Editorial Boards

Seven 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 and other organizations.

Permanent Editorial Board for Uniform Commercial Code

This board is composed of members from the Uniform Law Commission and the American Law Institute. 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 Health Law

This JEB, authorized in 2021, will recommend study and drafting projects in the area of health law. The American Medical Association, the American Hospital Association, the American Health Law Association, and the ABA Health Law Section are members of the JEB. This JEB replaces the Committee to Monitor Developments in Healthcare Law.

Joint Editorial Board on Uniform Unincorporated Organization Acts

Members from the ULC and the Business Law Section of the ABA 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 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, the American Law Institute, AARP, and the National Center for State Courts. The JEB monitors the Uniform Probate Code, Uniform Trust Code, and all other estate and trust related acts.

Joint Editorial Board on International Law

Members of this JEB include representatives from the ULC, the International Law Section of the American Bar Association, the American Society of International Law, 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 ULC with respect to international and transnational legal matters that have the potential to impact areas of the law in which 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, Probate and Trust 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.

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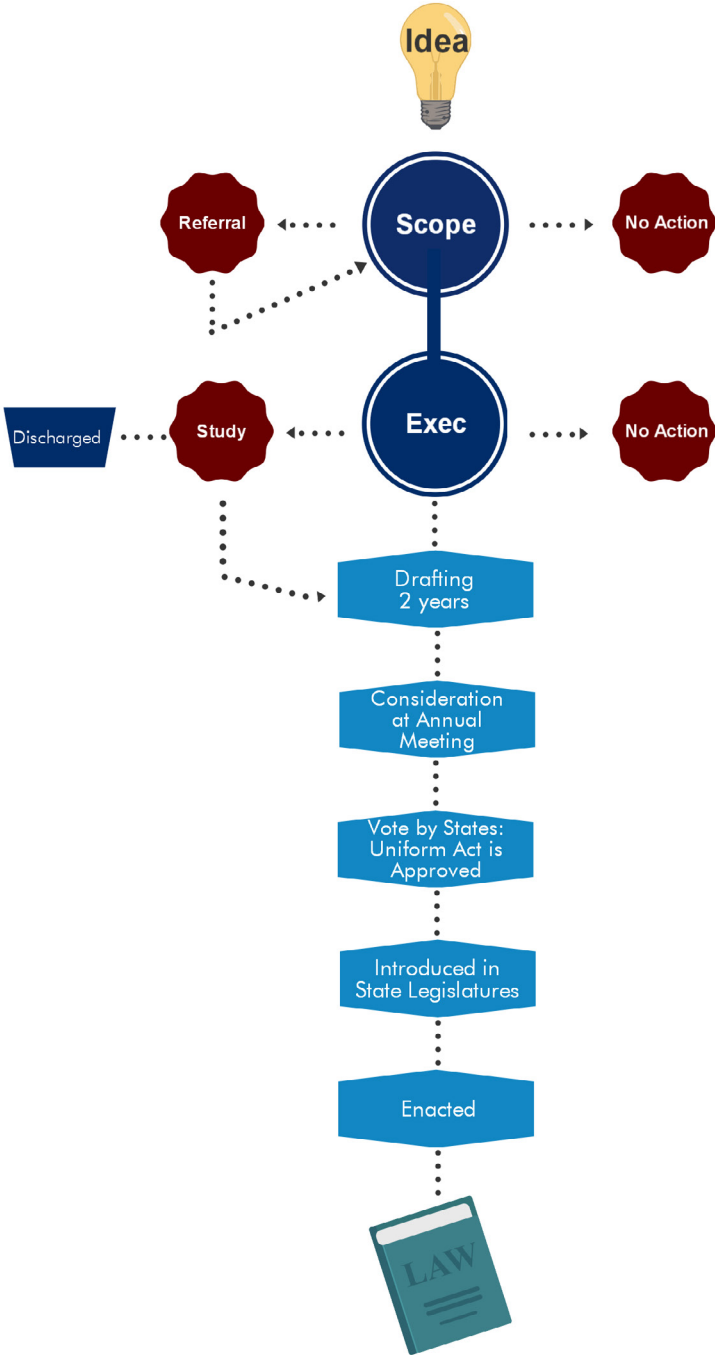
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*Membership as of December 1, 2022



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



ABOUT THE UNIFORM LAW COMMISSION

The **Uniform Law Commission** (ULC), now in its 131st 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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