

Annual Report



2018/2019

UNIFORM LAW COMMISSION

BETTER LAWS. STRONGER STATES.

The Uniform Law Commission

The Uniform Law Commission (ULC), now 128 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 2018-2019

Anita Ramasastry, President
Steve Wilborn, Vice President
Nora Winkelman, Secretary
Thomas J. Buiteweg, Treasurer
Richard T. Cassidy, Immediate Past President
Carl H. Lisman, Chair, Executive Committee
Daniel Robbins, Chair, Scope and Program Committee
Ryan Leonard, Chair, Legislative Committee

Appointed Members of Executive Committee

Carl H. Lisman, Chair
Diane F. Boyer-Vine
Gail Hagerty
Barry C. Hawkins

Executive Director

Tim Schnabel

Interim Executive Director (2018-2019)

Steven L. Willborn

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PRESIDENT'S MESSAGE



Anita Ramasastry ULC President (2017-2019)

I want to provide you with an update on ULC activities as I close out my two-year presidency. I am grateful to have been entrusted with the stewardship of this organization.

It has been an honor and a privilege to serve as President of the Uniform Law Commission these past two years. I am fortunate to have been given the opportunity to serve this distinguished organization – an opportunity for which I am deeply grateful.

Since its founding in 1892, the ULC remains dedicated to its founding mission of improving the law by bringing consistency, clarity and stability to state statutory law. The ULC continues this important work, and I am pleased to report that the ULC remains a strong and collaborative body comprised of commissioners from diverse states and representing all facets of the legal profession.

I made it a priority to choose sites for our annual meetings in states that have never hosted a ULC annual meeting. Our 2019 Annual Meeting marked the first time in our 128-year history that we met in Alaska – the last frontier. I am so pleased that in the past two years, we were able to meet in two states for the first time – Kentucky and Alaska.

To think that we have endured for 128 years and stayed true to our mission. We foster inclusive dialogue and engage in a shared mission of crafting excellent laws that foster cooperation among the states, serve the people of our states, and advance the common good. It may be easy to turn on the TV and get distracted by lots of pundits and newsmakers telling us that we have great divisions in our country and states. But the ULC exists above the fray and it is thanks to the good will, trust and commitment to our process.

Over the past two years, my goals have been several. My main and overarching goal was to leave the organization in as good or better of a place than when I assumed the presidency. This meant focusing not only on our substance but also on refinements and innovations which improve our basic ways of doing business – from monthly Executive Committee meetings, to revamping the role of division chairs and revising some of our key policies.

Second, to plan and to craft solutions that could be implemented not only by me, but by my successors and by the ULC staff as we seek to continuously improve our processes and keep up with changing times in terms of how legislation is made and enacted. We are in a world where young lawyers and legislators spend more time looking at their phones than reading law books. For this new generation, the world of apps and social media are more important than paper enactment kits and lengthy legislative drafts. The ULC must address this shift.

I will share with you a few accomplishments or milestones from the past two years. First, our finances are sound. We continue to budget in a way that allows us to engage in our core work of drafting uniform legislation. We have been fortunate to have support from the Uniform Law Foundation when we want to launch new initiatives and to innovate.

Second, in order to pave the way for innovation in our enactment process, I asked several groups – including the legislative team in Chicago, our Executive Committee, and the Committee on Innovation and Growth – to explore ways to improve different facets of our work to improve our goal of increasing enactments. This has led to a comprehensive set of recommendations for future leadership – some of which have already been put in place. From a potential legislative summit, to the use of infographics to explain our acts – we have a variety of ideas as to how to do our work in new ways.

PRESIDENT'S MESSAGE

Third, we must find new ways to communicate. This relates to my point above as to how we communicate in a world where Twitter, Instagram and the Internet are where ideas are exchanged. YouTube videos now pop up which discuss our acts. As the world has changed, we are exploring new ways of communicating. We have a newly charged Public Information Committee, which is working with our staff on a proactive agenda including use of Twitter to tell our positive stories. We have also developed under my watch, short films that describe our acts in human terms. We will further explore how to let the public know of our good work through other means such as podcasts.

Fourth, we have updated key policies. We have revamped our policies on diversity and inclusion, have updated our conflict of interest policies to keep pace with current realities in legal practice, and developed a much-needed anti-harassment policy.

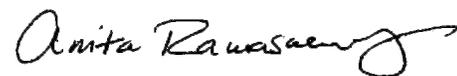
The Committee on Innovation and Growth also looked at how we deploy and use technology. They have specific recommendations on how we will better use technology to do our work, including potential bill drafting software, and video conferencing for virtual meetings.

There are other refinements I have put in place – from ensuring our newly created monitoring committees are well staffed with research directors and are now meeting in person, to continuing the work of the Academic Partnerships Committee to raise awareness among law schools and academics of our work and mission.

We have tackled many challenging subjects over the past several years from electronic wills to bail reform. It is this work, alongside our equally important work to enact our legislation, that makes this organization so unique. We are an organization of doers not just thinkers.

I hope that I have marshalled the resources of the ULC in an effective manner for future generations.

I have been honored to serve as President of this distinguished organization for the past two years. As President, I saw firsthand the time and dedication that uniform law commissioners devote to the important work of this organization. This is truly an extraordinary group of people, and I remain in awe of their commitment to the mission of the Uniform Law Commission. For all the support I received – from commissioners, from ULC staff, from my colleagues at the University of Washington Law School, and from my family – I am eternally grateful.





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 doesn't end there. What makes the ULC so unique 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 2019 legislative year ended with 80 enactments and 193 introductions. Some of the major highlights from the year include:

Uniform Partition of Heirs Property Act

The Uniform Partition of Heirs Property Act (UPHPA) helps preserve family wealth passed to the next generation in the form of real property. If a landowner dies intestate, real estate passes to the landowner's heirs as tenants-in-common under state law. Tenants-in-common are vulnerable because any individual tenant can force a partition. Too often, real estate speculators acquire a share of heirs' property in order to file a partition action and force a sale. Using this tactic, an investor can acquire the entire parcel for a price well below its fair market value and deplete a family's inherited wealth in the process. The UPHPA provides a series of simple due process protections: notice, appraisal, right of first refusal, and if the other co-tenants choose not to exercise their right and a sale is required, a commercially reasonable sale supervised by the court to ensure all parties receive their fair share of the proceeds. In 2018, the U.S. Congress passed a law giving preference for certain federal farm loans to states that enact the UPHPA.

The Uniform Partition of Heirs Property Act was introduced in 13 states and enacted in three states in 2019, bringing its total number of enactments to 14.

Uniform Directed Trust Act

The Uniform Directed Trust Act (UDTA) provides clear, practical answers to the challenges raised by the increased use of directed trusts. In a directed trust, a person other than a trustee has a power over some aspect of the trust's administration. Such a person may be called a "trust protector," "trust adviser," or in the terminology of the UDTA, a "trust director." The division of authority between a trust director and a directed trustee raises difficult questions about how to divide fiduciary power and duty. The UDTA provides clear, functional rules that allow a settlor to freely structure a directed trust while preserving key fiduciary safeguards for beneficiaries. The UDTA also provides sensible default rules for a variety of matters that might be overlooked in the drafting of a directed trust, including information sharing among trustees and trust directors, the procedures for accepting appointment as a trust director, the distinction between a power of direction and a nonfiduciary power of appointment, and many other matters. Because directed trusts are now standard in sophisticated trust drafting, a comprehensive directed trust statute is essential for every state.

The Uniform Directed Trust Act was introduced in nine states and enacted in eight in 2019, bringing its total number of enactments to 10.

Revised Uniform Athlete Agents Act

The Revised Act (RUAAA) is an update of the Uniform Athlete Agents Act of 2000, which has been enacted in 41 states. The 2000 Act governs relations among student athletes, athlete agents, and educational institutions, protecting the interests of student athletes and academic institutions by regulating the activities of athlete agents. The RUAAA provides enhanced protection for student athletes and educational institutions, and simplifies the regulatory environment faced by legitimate athlete agents. The Revised Act makes numerous changes to the original act, including expanding the definition of “athlete agent” and “student athlete;” providing for reciprocal registration between states; adding new requirements to the signing of an agency contract; and expanding notification requirements.

In 2019, the ULC amended Section 14 of the RUAAA to accommodate changes that the NCAA made to its bylaws. Under the new NCAA bylaws, certified sports agents can cover limited expenses of a prospective or enrolled student-athlete and their family for meals, hotel and travel in connection with the agent selection process. Though the changes to the NCAA bylaws are limited to student athletes playing basketball, the ULC did not limit the amendment in the same manner. The 2019 RUAAA amendment accommodates the 2018 changes to NCAA bylaws and will accommodate future changes by associations of educational institutions governing interscholastic or intercollegiate sports to rules or bylaws governing student athletes. The amendment sets forth appropriate safeguards so that it only applies if the NCAA makes further changes.

Other Highlights

Washington led all states with six enactments in 2019. Alabama, North Dakota, Tennessee, the US Virgin Islands and Utah each had four enactments. Six states – Colorado, Indiana, Iowa, Kentucky, Montana, and Nebraska – each had three enactments.

Other major highlights of the year include:

- Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act was enacted in its first two states: Colorado and Nebraska.
- Uniform Fiduciary Income and Principal Act was enacted in its first state: Utah.
- Uniform Nonparent Custody and Visitation Act was enacted in its first state: North Dakota.
- Uniform Guardianship, Conservatorship and Other Protective Arrangements Act was enacted in its second state: Washington.
- Uniform Electronic Legal Material Act continues its steady pace, with three new enactments this year, bringing its total to 22 enactments.

In addition to these acts, more than 30 different uniform acts were adopted in various states across the country in 2019.

Revised Uniform Law on Notarial Acts

The Revised Uniform Law on Notarial Acts (RULONA 2018) 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. The 2018 Amendments to RULONA authorizes notaries public to perform notarial acts in the state in which they are commissioned for remotely located individuals using audio-visual communication technology regardless of where the individual may be located. This amendment is not limited to foreign located individuals; it extends the authority to any remotely located individuals. This amendment was prepared in response to a rapidly emerging trend among the states to authorize the performance of notarial acts by means of audio-visual technology.

In recent years, technology and commercially available identification services have made it possible to perform notarial acts for persons who are not in the physical presence of a notary public.

RULONA 2010 has been enacted in 12 states, and RULONA 2018 (with remote notarization) has been enacted in eight states: Idaho, Iowa, Kentucky, Maryland, Minnesota, North Dakota, South Dakota, and Washington.



New Uniform Acts Approved in 2019

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 128th Annual Meeting in Anchorage, Alaska, July 12 – 18, 2019, 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 Automated Operation of Vehicles Act

The Uniform Automated Operation of Vehicles Act regulates important aspects of the operation of automated vehicles. This act covers the deployment of automated vehicles on roads held open to the public by reconciling automated driving with a typical state motor vehicle code. Many of the act's sections – including definitions, driver licensing, vehicle registration, equipment, and rules of the road – correspond to, refer to, and can be incorporated into existing sections of a typical vehicle code. This act also introduces the concept of an automated driving provider (ADP) as a legal entity that must declare itself to the state and designate the automated vehicles for which it will act as the legal driver when the vehicle is in automated operation. The ADP might be an automated driving system developer, a vehicle manufacturer, a fleet operator, an insurer, or another kind of market participant that has yet to emerge. Only an automated vehicle that is associated with an ADP may be registered. In this way, the Automated Operation of Vehicles Act uses the motor vehicle registration framework that already exists in states – and that applies to both conventional and automated vehicles – to incentivize self-identification by ADPs. By harnessing an existing framework, the act also seeks to respect and empower state motor vehicle agencies.

Uniform Electronic Wills Act

The Uniform Electronic Wills Act permits testators to execute an electronic will and allows probate courts to give electronic wills legal effect. Most documents that were traditionally printed on paper can now be created, transferred, signed, and recorded in electronic form. Since 2000 the Uniform Electronic Transactions Act (UETA) and a similar federal law, E-SIGN, have provided that a transaction is not invalid solely because the terms of the contract are in an electronic format. But UETA and E-SIGN both contain an express exception for wills, which, because the testator is deceased at the time the document must be interpreted, are subject to special execution requirements to ensure validity and must still be executed on paper in most states. Under the new Electronic Wills Act, the testator's electronic signature must be witnessed contemporaneously (or notarized contemporaneously in states that allow notarized wills) and the document must be stored in a tamper-evident file. States will have the option to include language that allows remote witnessing. The act will also address recognition of electronic wills executed under the law of another state. 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.

Uniform Probate Code Amendments

The promulgation of the Uniform Parentage Act (2017) has necessitated amendments to the Uniform Probate Code's intestacy and class-gift provisions. The 2019 Amendments to the Uniform Probate Code provide a more consistent formula for determining intestate shares within blended families, remove outdated terminology, and incorporate the concept of de facto parentage. The intestacy formulae will also account for the possibility that a child may have more than two parents, and therefore more than two sets of grandparents.

Uniform Registration of Canadian Money Judgments Act

The Uniform Registration of Canadian Money Judgments Act (Registration Act) creates a simple registration procedure to recognize and enforce 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 is intended to supplement 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.

Uniform Athlete Agents Act Amendment

The Revised Uniform Athlete Agents Act (RUAAA) updates the 2000 version of the act for the ever-evolving sports commercial marketplace and the increasing activity between athlete agents and student athletes. The RUAAA protects the interests of student athletes, academic institutions, and athlete agents by regulating the activities of athlete agents. The 2015 revision updates the definition of "athlete agent;" requires reciprocal agent licensing; creates a central licensing process; enhances notice requirements to educational institutions; and revised administrative remedies arising from damages resulting from improper athlete agent conduct. An Amendment to the Uniform Athlete Agents Act, approved in 2019, applies to changes that the NCAA made to its bylaws in August of 2018 to provide student athletes with more freedom and flexibility to explore the possibility of going professional while retaining their college eligibility. Under the new NCAA bylaws, certified sports agents can cover limited expenses of a prospective or enrolled student-athlete and their family for meals, hotel and travel in connection with the agent selection process. Because the NCAA bylaw changes were in conflict with the Athlete Agents Acts, the NCAA asked the ULC to amend the two Uniform Athlete Agents Acts so they will not conflict with the bylaw changes. The Section 14 Amendment was drafted to clear up the conflict; it was also drafted so that it applies beyond the current bylaws to ensure that the ULC will not have to go to state legislatures every time the NCAA broadens its bylaws. The amendment does, however, set forth appropriate safeguards so that it only applies if the NCAA makes further changes.



Spotlight On:

Uniform Electronic Wills Act

In today's modern world, it seems almost everything can be done electronically. A generation ago, our mail was delivered in person, photos were kept in albums, documents were stored in file cabinets, and money was kept on deposit at the corner bank. Now, for most people, the tools for modern life – for things such as shopping, banking, communicating, or transacting business – are as close as their smart phone or tablet.

Legal documents are also part of the technological revolution. Not too long ago, nearly all legal documents were printed on paper and existed only in physical form. Today, electronic legal documents are exceedingly common. Correspondence, financial statements, and even binding contracts are created, signed, and archived in digital format. Because so many legal documents are created electronically, people assume that they can make and execute electronic wills. But under the laws of most states, a person's

last will and testament is only valid in tangible, usually paper, form. Why are the rules for wills different than for other legal documents? Because the person who made the will is deceased when a probate court must determine the validity of the will.



Traditionally, wills were not enforceable unless they were in writing, signed by the person making the will (the "testator"), and witnessed by two other people. So while the technological revolution in legal documents marches on, wills have remained as more traditional legal documents – requiring old-

fashioned pen-to-paper signatures on physical documents.

Traditional requirements for will validation showed the testator had thought about who should receive the testator's property and made an effort to leave clear, written instructions. If any provision of the will was challenged by an heir, the witnesses could provide evidence to the court that the testator was of sound mind when signing the will, that the document was not fraudulent and accurately reflected the testator's wishes, and that the testator made the will voluntarily rather than through coercion.

These requirements for executing a will are still important, but in the internet age, paper is no longer necessary. The Uniform Electronic Wills Act ("E-Wills Act"), approved by the Uniform Law Commission in 2019, brings estate planning into the digital age by allowing the online execution of wills while preserving the legal safeguards to ensure a will's authenticity.



E-WILLS

The E-Wills Act requires a testator to make a will that is readable as text at the time the testator electronically signs the document. The testator's signature must be witnessed by two people who add their own electronic signatures. Adopting states can opt for a version of the E-Wills Act that requires the witnesses to be physically present with the testator at the time of signing, or for a version that allows remote witnessing.

Like a paper will, an electronic will can be made "self-proving" so the witnesses need not testify in probate court unless the will's authenticity is challenged. This is done by including sworn, notarized statements by the testator and witnesses. If a state has adopted the Revised Uniform Law on Notarial Acts of 2018, or a similar law permitting remote online notarization, an electronic will can be executed and made self-proving entirely via the internet, with a secure, audio-visual record of the execution attached to the file.



The E-Wills Act provides a useful rule for interstate recognition of wills: the probate court will recognize a will executed under the law of another state only if the testator was either physically present or domiciled in the other state at the time the will was executed.

The E-Wills Act does not require electronic wills to comply with any specific technological standard or process, and therefore will not need to be updated to accommodate future technological developments.

Electronic wills are wills for the modern age. The Uniform Electronic Wills Act provides sensible rules and policies for the execution and validity of wills signed electronically on a computer, instead of on paper, allowing online estate planning while maintaining safeguards to help prevent fraud and coercion.

Financing the ULC



Financial Support and Budget

As a state service organization, the Uniform Law Commission depends upon 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. Every Uniform or Model Act the ULC promulgates is developed over the course of two to three years at intensive weekend meetings. Each Act is 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 of the ULC for the fiscal year ending June 30, 2019, was approximately \$4,332,000, with support from state governments in the total amount of \$2,683,000 accounting for 61.9% of the revenue.

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 any 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.

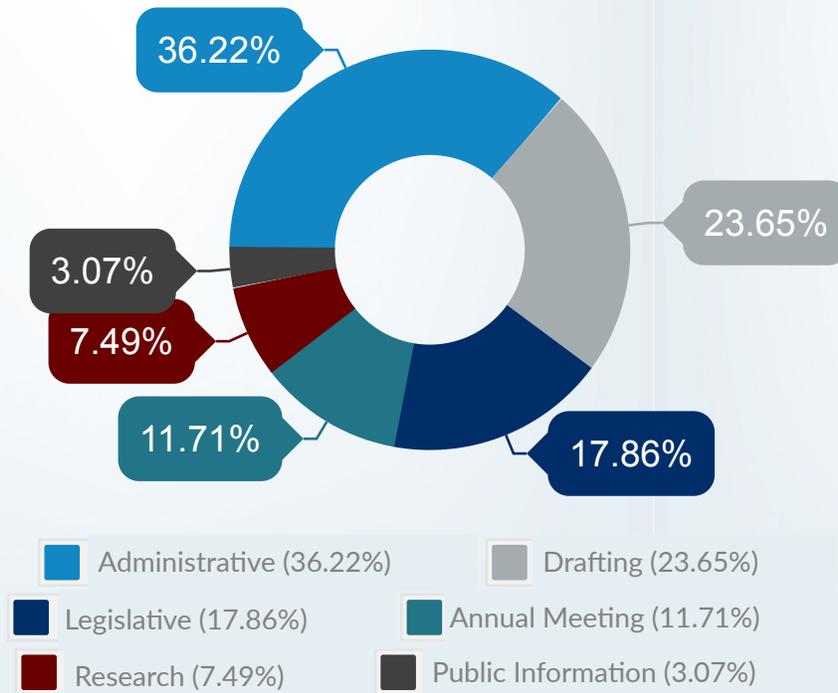
The Commission has also established royalty agreements with major legal publishers that reprint the ULC's uniform and model acts in their publications.

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.

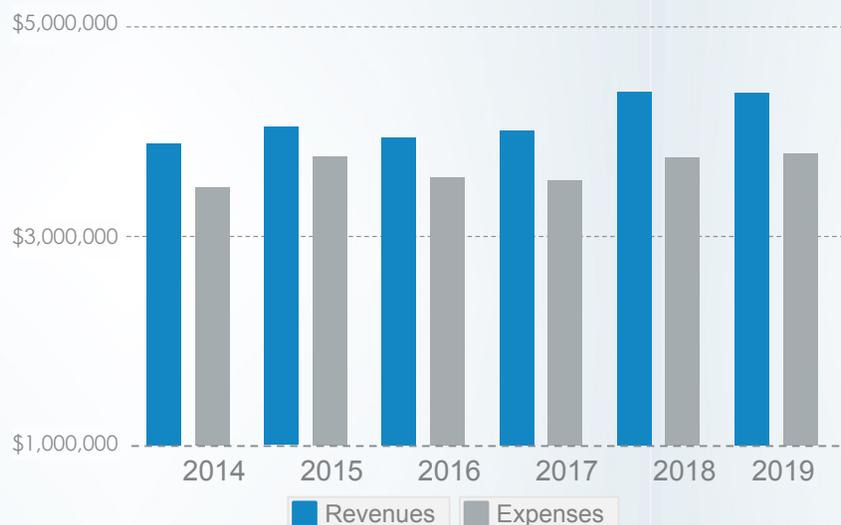
Particularly in today's economic climate, as states across the country continue to struggle with their budgets, the process of drafting a uniform law remains an immensely cost-effective endeavor.

FINANCIAL REPORT

Budget for Fiscal Year 2019



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) 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:

Drafting Committee on Unregulated Transfers of Adopted Children

Unregulated transfers of adopted children occur when adoptive families give their child to another person or family outside of the courts and the child welfare system. The transfer is typically made with a power of attorney. Without specific regulations directed at this occurrence, a transfer of custody of an adopted child might go unnoticed within the child welfare system. This committee will draft a uniform or model law addressing the unregulated transfer of adopted children, whether through use of a power of attorney or other mechanism or means.

Drafting Committee on Alternatives to Bail

Money bail is one of the tools used by courts to ensure that a person accused of committing a crime will return to court for trial, and is common in most places throughout the United States. Methods of implementing money bail through state law or court rule vary greatly across the country. This creates a problem of disproportionate treatment of individuals which impacts many aspects of their lives as well as creates and contributes to inequality in the U.S. criminal justice system. The drafting committee will draft state legislation addressing alternatives to money bail in the criminal justice system.

Drafting Committee on Collection and Use of Personally Identifiable Data

This committee will draft 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 to Revise the Uniform Common Interest Ownership Act and Uniform Condominium Act

This drafting committee will develop 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 real estate ownership in which multiple persons each own a separate parcel of real estate, and all those persons collectively own other parcels of real estate in common. 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 Electronic Registry for Residential Mortgage Notes Act

The development of securitization as a common practice with regard to residential mortgage notes has created the need for a more efficient and less costly means than the current paper-based rules of UCC Article 3 to identify who is entitled to enforce a residential mortgage note and how the debt evidenced by the note is transferred. A more efficient system will benefit not only those engaged in the secondary mortgage market, but also note obligors who will have a clear, certain and easily accessible way to determine who is the person entitled to enforce their obligation, and thus the person with whom they must deal with regard to enforcement related issues such as payoff and loan modification. Given the importance of the secondary mortgage market to the availability of capital for residential mortgage loans, a more efficient system is likely to benefit home buyers seeking residential mortgage loans as well. The drafting committee will, if necessary, develop a uniform electronic registry for residential mortgage notes that will be national in its effect, taking into account the appropriate relationship between the registry and other law. The drafting committee is currently on hiatus pending the outcome of federal legislation on the same subject.

Drafting Committee on Fundraising through Public Appeals

The growing number of informal appeals to the public to provide funds for a person or family in need, prompted by the rise of online crowdfunding sites, has raised new legal issues. Some appeals “go viral” and quickly raise hundreds of thousands, or even millions, of dollars. When that happens, who legally owns the funds for tax purposes? Who has authority to ensure the funds are used for the intended purpose? What happens to excess funds after the purpose has been fulfilled or has become impossible to fulfill? Do any fiduciary duties apply? This committee will draft a uniform law or model act to regulate the management of funds raised through crowdfunding efforts. Issues to be addressed include the threshold for regulation, responsibility for application of funds to the intended purpose, and the permitted uses for excess funds raised.

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 will draft a uniform or model law addressing the economic rights of unmarried cohabitants.

Drafting Committee to Revise the Disposition of Community Property Rights at Death Act

This committee will revise 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. The Joint Editorial Board for Uniform Trust and Estate Acts recommended updating the act to address recent legal developments.

Drafting Committee on Easement Relocation

This committee will draft a law addressing the circumstances and conditions under which a non-utility easement may be relocated. Easement relocation is the issue of whether the owner of land subject to an easement (the “servient landowner”) may relocate the easement over the objection of the easement holder when that relocation would be beneficial to the servient estate and have little or no effect on the easement holder. Under the common law of property, easements cannot be relocated without the mutual consent of easement holder and the landowner whose land is burdened by the easement. Critics contend the traditional rule gives the easement holder an unfair bargaining position, allowing the easement holder to demand payment even when the relocation has no detrimental effect. If the relocation is necessary for development of the real estate, an easement holder can demand oversized compensation to allow the development to proceed. This committee will draft a law to permit unilateral relocation of certain easements under some circumstances, with appropriate protections for easement holders against any loss or reduction of their access rights.

Drafting Committee on Public Participation Protection Act

This committee will draft a Public Participation Protection Act (formerly the Anti-SLAPP Act drafting committee). The acronym SLAPP stands for Strategic Lawsuit Against Public Participation, meaning a lawsuit of dubious merit brought for the purpose of silencing, intimidating, or retaliating against a defendant who has done nothing more than exercise First-Amendment rights. Anti-SLAPP laws seek to protect such rights by allowing such a defendant to make a motion at the outset of the litigation for an expedited review by the Court, with the burden shifted to the plaintiff to show that the lawsuit is meritorious, and that the plaintiff will likely prevail at trial. The drafting committee will address the breadth of the act; limitations, if any, to be imposed after a motion to strike is made; the standard of review relating to the motion to strike; appeal rights from the grant or denial of a motion to strike; and whether the court should award attorney’s fees and costs.

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

This committee will draft a uniform or model act addressing registration and licensing of the direct sale of wine to consumers and the prevention of illegal sales. Currently more than 40 states permit direct-to-consumer (DTC) sales of wine, though few existing DTC statutes adequately address compliance with other registration, reporting, or tax requirements, and most existing statutes do not adequately address sales to persons who are prohibited from purchasing alcohol.

Drafting Committee on Tort Law Relating to Drones Act

This committee is working on a uniform law addressing tort liability and defenses uniquely associated with the use of aerial drones. Issues under consideration include acquisition of private information of another by improper means, disclosure or use of private information obtained by improper means without consent, trespass by drone, nuisance by drone, self-help and defense of others, and tort action by any party, including a drone owner-operator damaged by tortious behavior which includes the use of an unmanned vehicle.

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 meet by conference call. 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 appointed to study committees when such an appointment appears particularly useful.

The current study committees are:

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 Default Judgments in Debt Collection

This committee will study the need for and feasibility of state legislation on default judgments in debt collection cases brought by third party debt collectors and debt buyers. Significant changes in debt collection practices in recent years have resulted in dramatic growth in the industry which, in turn, has placed considerable pressure on court dockets and raised concerns about fairness to debtors. These developments may justify a model or uniform law to regulate the processes and information required before the entry of a default judgment in debt collection cases.

Study Committee on Event Data Recorders in Cars

This committee is studying the need for and feasibility of uniform or model state legislation concerning event data recorders and all generated vehicle data. The committee has considered the issues raised by the installation of data recorders in vehicles, including privacy issues; disclosure requirements; ownership of data; use of EDR data as evidence; access to and data retrieval for use by law enforcement or others; use required by or retrieved by insurers; and use of EDR data as evidence in legal proceedings.

Study Committee on Fines and Fees

This committee will study the need for and feasibility of a uniform or model act 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 Jury Selection and Service

This committee will study the need for and feasibility of updating the Uniform Jury Selection and Service Act, originally promulgated in 1970 and adopted in eight states. A revised and updated Uniform Act may result in improved representation in jury pools, reduced costs for jury operations, and improved treatment of citizens during jury service.

Study Committee on Covenants not to Compete

This committee will study the need for and feasibility of a uniform or model law governing covenants not to compete in employment and related contexts.

Study Committee on Telehealth

The committee will study the need for and feasibility of state legislation on telehealth, focusing on the formation of the doctor-patient relationship, corporate practice of telemedicine, and broader emerging issues of telehealth including mobile devices and artificial intelligence.

Study Committee on Third-Party Funding of Litigation

This committee will study the need for and feasibility of a uniform or model law governing third-party funding of litigation and arbitration. Third-party funding, in its traditional form, is a non-recourse loan from the funder to a party in arbitration or litigation in return for a contingent right to receive a portion of the potential proceeds of a settlement, judgment, award, or verdict obtained for a legal claim. Within the last decade, the picture has become more complex. New forms of funding include portfolio financing of large numbers of cases at a law firm or corporation, equity investment products that finance litigation in exchange for shares in a company, and crowdfunding. Current state legislation on third-party funding varies in terms of the issues addressed and the policy solutions provided.

Joint Study Committee on Uniform Commercial Code and Emerging Technologies

The Joint Study Committee on the Uniform Commercial Code and Emerging Technologies, with members from the American Law Institute and the Uniform Law Commission, will review the Official Text of the Uniform Commercial Code with a view to recommending or possibly 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.

Study Committee on Disposition of Human Embryos and Gametes

The committee will study the need for and feasibility of state legislation on the disposition of preserved human gametes and embryos at divorce, separation, or death.

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.

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 any 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, upon 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.





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.

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 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 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.

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.

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.

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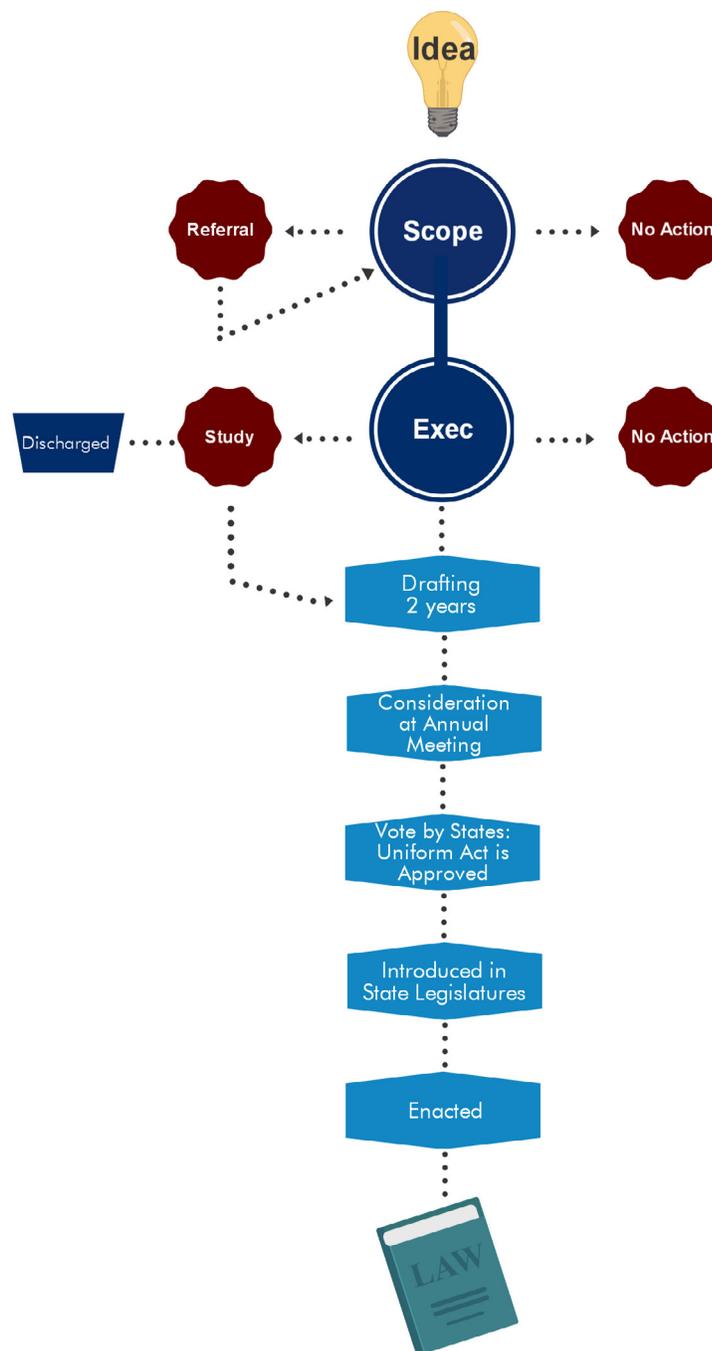
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Ideas for new uniform or model acts are considered by the ULC Committee on Scope and Program, which welcomes requests from organized bar, state governmental entities, private interest groups, uniform law commissioners and private citizens. Any party 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 128th 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 and 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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