

## Memorandum

**To: NCCUSL Drafting Committee for the Uniform Collaborative Law Act**

**CC: Observers**

**From: Andrew Schepard**

**Re: Draft # 5 of the UCLA and Request for Comments and Help**

**Date: March 24, 2008**

Thanks to all who made suggestions for improvement to Draft # 4. I tried to take them all into account in shaping Draft #5 which is enclosed in two versions - with prefatory note and commentary and without.

The version of UCLA that we intend to submit to Style Committee for the first reading in August is due on April 21<sup>st</sup>.

Our final materials for the annual meeting must be submitted by June 9<sup>th</sup>.

Please note that the prefatory note and comments have not been cite checked or proof read yet. Research for supporting citations is also ongoing. My students are at work on this project. Cross references between the prefatory note and comments are not inserted. All of these matters will be taken care of for the final version for the annual meeting.

The document is long and I wanted to give you time to read and comment on it. So, I am sending it to you in somewhat unfinished form.

Part of the reason that I am sending you the materials now is that I will be out of the Country from late April until the middle of May. I have conference obligations after my return which will prevent me from being able to spend a great deal of time redrafting before final materials are due.

I therefore thought it prudent to get you the draft as early as possible

**Here is what I ask of you by April 7th:**

*Concerning the statutory language:*

I consider the statute to be in final form for submission to Style (our Style liaison gave me some comments on an earlier draft, which I tried to incorporate into this one). I did, however, want to give you one last look.

Review Draft # 5 of the statute alone, and send comments via e mail by Monday, April 5<sup>th</sup> preferably tied to specific pages and lines of Draft # 5. This will be your last chance to comment before I send the statute to Style.

As before I ask you to place your comments into one of the following categories:

*Category 1-* Typo, technical or suggestion that I have discretion to make or not.

*Category 2-* Important change that must be incorporated for me to support the UCLA. I will discuss all changes in this category with Peter to decide how best to proceed.

Given the number of drafts that the statute has already gone through I hope you will restrict your comments to those changes you believe absolutely essential.

*Concerning the prefatory note and comments:*

April 7<sup>th</sup> is the deadline for your comments on the prefatory note and section by section comments too.

I tried to draft the prefatory note and comments from the perspective of “advocating for the act”. My aim was to explain the choices that the Drafting Committee made in an understandable, sympathetic light. I tried to draft the prefatory note and comments to reflect my understanding of the Committee’s consensus reasoning.

My personal views, however, will inevitably find their way into such a lengthy document and I don’t really know how well I distinguished between them and Committee consensus. It is my understanding that, as reporter, I have more discretion on the contents of the prefatory notes and comments.

I welcome any suggestions for improvement. Again, it would be helpful if you tied your suggestions to specific pages and lines and indicated if you thought the suggestion was too important to ignore (category 1 and 2 are helpful designations).

Suggestions for comments on issues that the prefatory note and comments should have addressed but did not are also welcome. Please indicate where you think that those comments should be inserted. Specific language would even be more helpful, with citations if possible. Again, give me some sense of how important you think your suggestion is.

Thank you for all of your help, advice and encouragement. I think we are making good progress, which would not be possible without you.