

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

Current NCCUSL Projects Related to International and Transnational Law

Drafting Committees

NCCUSL drafting committees consist of a chair, several NCCUSL commissioners from various states, and a reporter (usually a law professor with expertise in the subject matter). Every NCCUSL drafting committee is also assigned an ABA advisor, who represents the ABA as a whole, and frequently one or more ABA section advisors, who represent particular ABA entities. Other interested groups are also invited to send representatives, known as ‘observers’. NCCUSL drafting meetings are open to the public, everyone at a drafting meeting is encouraged to participate fully in the discussion, and all of our drafts are available on the internet (www.nccusl.org). NCCUSL drafting committees typically meet three times a year (two substantive drafting committee meetings and a presentation of the draft for line-by-line reading and debate at the NCCUSL Annual Meeting) over a period of at least two years.

Drafting Committee on Amendments to the Uniform Interstate Family Support Act

Battle Robinson, **Chair**, 104 W. Market St., Georgetown, DE 19947

John J. Sampson, **Reporter**, University of Texas School of Law, 727 East Dean Keeton Street, Austin, TX 78705

The Standby Committee on Amendments to the Uniform Interstate Family Support Act has been reconstituted as an active drafting committee in order to monitor developments at the Hague Conference on International Private Law with respect to a draft convention in the international recovery of child support and other forms of family maintenance, due for final consideration in November, 2007. This committee will examine, at the request of the U.S. Department of State, whether becoming a party to the convention is in the best interest of the United States and, if warranted, will draft amendments to UIFSA and possibly federal implementing language. Representatives from the Uniform Law Commission of Canada and the Mexican Center for Uniform Law are participating in the work of this committee.

Joint Drafting Committee for Implementation of the UN Convention on Independent Guarantees and Stand-by Letters of Credit.

Edwin Smith, **U.S. Chair**, 150 Federal St., Boston, MA 02110-1726

Kathryn Sabo, **Canadian Chair**, 284 Wellington Street, 284 Rue Wellington, Ottawa, Ontario, Canada, K1A0H8

Elias Mansur, **Mexican Chair**, Socrates 207, Polanco 11560, Mexico City, Mexico 11560

James J. White, **NCCUSL Reporter**, University of Michigan Law School, 625 South State Street, Ann Arbor, MI 48109-1215

This committee will work with the American Law Institute, the Uniform Law Conference of Canada and the Mexican Center for Uniform Laws to draft language to implement the UN Convention on Independent Guarantees and Stand-by Letters of Credit, and to assist Canada and Mexico in developing letter-of-credit law consistent with UCC Article 5. The Convention is designed to facilitate the use of independent guaranties and stand-by letters of credit, in particular where only one or the other of these instruments may be traditionally in use.

Drafting Committee on a Certification of Unsworn Foreign Declarations Act

Karen Roberts Washington, **Chair**, 2929 Carlisle, Suite 1550, Houston, TX 77056

Joseph Colquitt, **Reporter**, University of Alabama School of Law, Box 870382, Tuscaloosa, AL 35487-5829

Guy Stanford Lipe, **ABA Advisor**, International Law Section

This committee will draft an act that would permit, in state court proceedings, unsworn declarations under penalty of perjury to be executed by witnesses located outside the United States in lieu of affidavits, verifications, or other sworn court filings. Obtaining an affidavit abroad can be a costly and time-consuming process. A uniform state law on this subject would be extremely useful in transnational litigation.

Project to Create a Harmonized Legal Framework for Unincorporated Nonprofit Associations in North America

Marilyn E. Phelan, **Chair**, Texas Tech University School of Law, 1802 Hartford, Lubbock, TX 79409

Harry Haynsworth, **Reporter**, 2200 IDS Center, Minneapolis, MN 55402

Lisa A. Runquist, **ABA Advisor**, Business Law Section

John H. Small, **ABA Section Advisor**, Business Law Section

This committee will seek to harmonize the law of unincorporated associations in Canada, Mexico and the United States by drafting a common set of basic principles that Canada, Mexico and the United States can incorporate into their statutory frameworks concerning unincorporated nonprofit associations. The Committee then will draft any necessary amendments to the Uniform Unincorporated Association Act (UUAA), last amended in 1995, and will assist Canadian and Mexican representatives in preparing appropriate statutes for their jurisdictions.

Committee to Harmonize North American Law with Regard to the Assignment of Receivables in International Trade Convention

Edwin Smith, **Chair (U.S.)**, 150 Federal St., Boston, MA 02110-1726

Steven O. Wiese, **Reporter (U.S.)**, 601 S. Figueroa St., 40th Floor, Los Angeles, CA 90017

Kathryn Sabo, **Canadian Chair**, Wellington Street, 284 Rue Wellington, Ottawa, Ontario, Canada, K1A0H8

Carlos Sanches-Mejorada y Velasco, **Mexican Chair**, Gabriel Mancera #112, Colonia del Valle, Mexico, D.F. 03220

The United Nations Convention on Receivables in International Trade is in large measure consistent with, and derived from, Article 9 of the Uniform Commercial Code, and deals with choice of law. This Committee, in conjunction with delegations from the Uniform Law Conference of Canada and from the Mexican Uniform Law Center, is working on an approach to implementation of the convention that would harmonize the law of the three countries. This Committee completed its work and its report, which included a draft of the Report to the United States Senate and the recommended understandings and declarations that the United States would make upon ratification, was received and approved by the Conference at the 2008 Annual Meeting.

Study Committees

NCCUSL Study Committees review an assigned area of law in light of defined criteria and recommend whether NCCUSL should proceed with a draft on that subject. Study Committees typically do not meet in-person, so typically ABA advisors are not appointed at this stage. Input from ABA members and others is highly valued, however; please forward any comments or suggestions to the respective chairs.

Study Committee on the 1996 Hague Convention on the Protection of Children

Battle Robinson, **Chair**, 104 W. Market St., Georgetown, DE 19947

This committee will examine, at the request of the U.S. Department of State, whether becoming a party to the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (concluded in 1996 under the auspices of the Hague Conference on Private International Law) is in the best interest of the United States and will study possible mechanisms for implementing the Convention, including whether to recommend a drafting committee that would propose amendments to the Uniform Child Custody Jurisdiction and Enforcement Act.

Study Committee on the Hague Convention on Choice of Court Agreements

Rex Blackburn, **Chair**, 1673 W. Shoreline Drive, Suite 200, P.O Box 7808, Boise, ID 83707

H. Kathleen Patchel, **Co-Reporter**, Indiana University School of Law – Indianapolis, 5715 E. 56th Street, Indianapolis, IN 46266

Louise Ellen Teitz, **Co-Reporter**, Roger Williams University School of Law, Ten Metacom Avenue, Bristol, RI 02809

This study committee, at the request of the U.S. State Department, will develop recommendations concerning the implementation and ratification of the Hague Convention on Choice of Courts Agreement. The committee work will include consideration of the merits of ratification by the U.S., the effect of the Convention on U.S. law, the appropriate means for implementation, and whether any current uniform laws would need to be amended in light of the Convention.

Joint Editorial Boards

Joint Editorial Board on International Law

NCCUSL and the International Law Section of the American Bar Association have entered into an agreement to establish a Joint Editorial Board on International Law comprised of three representatives of each organization. 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 NCCUSL with respect to international and transnational legal matters that have the potential to impact areas of the law in which NCCUSL 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.