

QUARTERLY REPORT

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NEW COMMISSIONER INITIATIVE AND UPDATE ON ULC MEETINGS

Last year I announced two new significant policy initiatives. The first was an expansion of the role of the Committee to Review ULC Acts, and the second was the establishment of a new Committee on Stakeholder Outreach.

New Commissioner Initiative

In addition to these initiatives, 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. New commissioners represent the future of the ULC.

Those being appointed now will soon become our 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 ought to seek more actively.

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

Expanded Mentorship 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 somewhat 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. Members of the Legislative Council, along with legislative staff, will set up a meeting with each new commissioner to bring the new commissioner up to speed on the delegation's legislative activity. Each new commissioner will be asked to make a contribution to the 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, depending on the new commissioner's background and initial comfort level.

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.

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.

Our experiences during the pandemic also demonstrated the benefits of incorporating Zoom into our drafting work. In particular, our drafting 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 drafting committees have also received valuable input from stakeholders who would not have flown to another city to join our committee meetings.

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.

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.

If you believe that you might be able to help us arrange for the use of these types of facilities, please contact Rachel Hewitt at rhewitt@uniformlaws.org.

Our fall committee schedule is very full, with a mix of in-person, remote, and hybrid meetings. Click on this [link](#) to see the full upcoming committee schedule.



Annual Meeting Highlights

The ULC held its 131st Annual Meeting in Philadelphia, Pennsylvania, from July 8 through July 14. In addition to the approval of five new acts, there were four new study committees appointed and one new drafting committee appointed

Highlights from the 2022 annual meeting include:

Five new acts were [approved](#):

- Amendments to the Uniform Commercial Code to Accommodate Emerging Technologies
- Uniform Alcohol Direct Shipping Compliance Act
- Uniform Electronic Estate Planning Documents
- Model Public Meetings During Emergencies Act
- Uniform Telehealth Act

Other drafts debated at the ULC annual meeting, but which were not scheduled for final approval, include the Special Deposits Act, Updates to the Uniform Unincorporated Organization Acts, Debt Collection Default Judgments Act, Mortgage Modifications Act, Public Health Emergency Authorities Act, Restrictive Covenants in Deeds Act, Updates to the Uniform Health Care Decisions Act, and Tenancy in Common Ownership Default Rules Act.

Four new study committees were [approved](#):

- Study Committee on Model Marketable Title Act
- Study Committee on Use of Tokens or Other Similar Products in Real Property Transactions
- Study Committee on Indian Child Welfare Act Issues
- Study Committee on Hague Judgments Convention, Final Non-Monetary Judgments, and Interim Relief

One new drafting committee was [approved](#):

- Drafting Committee on Recurring Service Charges

ULC officers for 2022-2023 are:

- ULC President: Dan Robbins, California
- ULC Vice President: Diane Boyer-Vine, California
- ULC Secretary: Ryan Leonard, Oklahoma
- ULC Treasurer: Thomas J. Buiteweg, Michigan

Other leadership positions include:

- Chair, ULC Executive Committee: Tim Berg, Arizona
- Chair, ULC Scope and Program Committee: Lisa Jacobs, Pennsylvania
- Chair, ULC Legislative Committee: Steve Wilborn, Kentucky

The 2023 Annual Meeting will be held in Honolulu, Hawaii, from July 21 to July 27, 2023.





Legislative Update

The ULC's 2022 legislative year will end on October 1, 2022. In 2022, as in every even year, there are four state legislatures which do not meet, and numerous other states with restricted budget sessions. Even so, to date there are 141 introductions and 41 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.
- Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act was enacted in two states: Arizona and West Virginia.
- Uniform Commercial Real Estate Receivership Act was enacted in two states: Rhode Island and West Virginia.
- Uniform Public Expression Protection Act was enacted in two states: Hawaii and Kentucky.
- Uniform Registration of Canadian Money Judgments Act was enacted in two states: Maine and Minnesota.
- Uniform Unregulated Child Custody Transfer Act was enacted in two states: Utah and Washington.

Excluding the states where there were no sessions or those states with restricted budget sessions, there was legislative activity this year in all but four states. See state legislative reports, updated regularly, on ULC website [here](#) for complete details.

Legislative Summit Cancelled

For the past several years, the Legislative Committee, working with legislative staff, have made plans for a Legislative Summit. The first-ever Summit was originally scheduled for August 2020 in Chicago. The Legislative Summit was planned to be an annual legislative strategy and planning conference for ULC legislative liaisons, legislative staff, Legislative Council, and leadership. The summit was scheduled to be a two-day event: day one was planned to be a Legislative Council Meeting and day two was planned to be a day of programming including strategy sessions on key acts, and in-depth strategic planning with Legislative Council members, state liaisons, legislative staff, and leadership.

Unfortunately, as with so many other plans that had been made in 2020, when the Covid-19 pandemic hit, these plans were shelved. Planning for the Summit continued, with the hopes that the Summit could finally be scheduled in 2022. However, once again, the Summit has been cancelled. With the experience of the Philadelphia annual meeting now behind us, the difficult decision was made that with the new, highly contagious variant of covid, it was not appropriate to make plans for a large in-person gathering. The Legislative Committee will continue to discuss a possible future Legislative Summit.



ULC Legislative Webinars

Beginning in late 2020, the ULC began offering webinars on specific uniform acts. These free, one-hour webinars are meant to address how current ULC acts can have an impact in the states. Each webinar is designed to provide background on a particular issue, to provide information on a current uniform act which addresses that issue, and to provide legislative strategies for enactment in the states.

The most recent webinars address the new 2022 Amendments to the UCC. The 2022 amendments address emerging technologies, providing updated rules for commercial transactions involving virtual currencies, distributed ledger technologies (including blockchain), artificial intelligence, and other technological developments. The amendments span almost every article of the UCC and add a new Article 12 addressing certain types of digital assets defined as “Controllable Electronic Records” (CERs). The amendments provide new default rules to govern transactions involving these new technologies and clarify the UCC’s applicability to mixed transactions involving both goods and services. The amendments also contain some miscellaneous revisions unrelated to technological developments but providing needed clarification.

The first webinar, held on August 31, 2022, focused on digital assets, including virtual currencies and other assets using distributed ledger technology. The second webinar, Part II, will be held on October 6, 2022, and will cover other UCC amendments. **Register [here](#) to attend the webinar 2022 UCC Amendments Part II: Beyond Digital Assets on Thursday, October 6, 2022, at 1 pm Central time.** The program will also be recorded and made available for later viewing.

All ULC webinars are open to all commissioners and the general public. Past webinars are available to watch on the ULC website at: <https://www.uniformlaws.org/newsandpublications/webinars>

Additional webinars are being planned. Please check the link above for updates to the webinar schedule.



ULC Approves Five New Uniform Acts

At its 131st Annual Meeting in Philadelphia, Pennsylvania, the Uniform Law Commission (ULC) approved five new acts.

Model Public Meetings During Emergencies Act.

The Covid-19 pandemic has 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 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. The Uniform Electronic Estate Planning Documents Act clarifies that trusts, powers of attorney, and other types of estate planning documents may also be executed in electronic form.

Uniform Telehealth Act. 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 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 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.

New Study and Drafting Committees



The ULC Executive Committee has recently approved four new study committees and one new drafting committee.

The new study committees are:

Study Committee on Model Marketable Title Act.

The Model Marketable Title 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. The Model Act extinguishes interests in land that are not found in the root of the title, dated back 30 years from the time that interests must be determined. This committee will study the need for and feasibility of updating the Model Marketable Title Act.

Study Committee on 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.

Study Committee on Use of Tokens or Other Similar Products in Real Property Transactions.

Theoretically, where title to a parcel of land has been registered, ownership of the land could be “tokenized” into a nonfungible token (NFT). Future transfers of the right to possession of the home would take place through transfers of the NFT rather than through the delivery of a deed. 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.

Study Committee on 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.

The new drafting committee is:

Drafting Committee on Recurring Service Charges.

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. The committee is tasked with reporting to the Executive Committee by January 2023 regarding the proposed scope of the act and any limitations regarding the sectors and types of contracts to be addressed. This project was proposed by the Recurring Service Charges study committee.

Further information on all current drafting and study committees can be found at the ULC’s website at www.uniformlaws.org.

Member News



Honoring a lifetime of service, the federal building and courthouse in Wheeling, West Virginia has been renamed in honor of Judge Frederick P. Stamp, a West Virginia Commissioner and Life Member of the ULC. With the help and support of Congressman David McKinley, Senator Shelley Moore Capito and Senator Joe Manchin, President Joe Biden

signed into law the renaming of the Federal Building and United States Courthouse in Wheeling, West Virginia, to the **Frederick P. Stamp Jr. Federal Building and United States Courthouse**.

Fred is a lifelong Wheeling resident who was inducted into the Wheeling Hall of Fame in 2017. Fred has served as President of the West Virginia Bar Association, Fellow of the American Bar Association, Fellow of the American College of Trial Lawyers, President and member of the Defense Trial Counsel of West Virginia, member of the West Virginia Board of Regents, and member of the Uniform Law Commission since 1987.

Fred was nominated by then-President George H.W. Bush and sworn in as a United States District Court Judge for the Northern District of West Virginia in 1990. He served as Chief Judge of that court from 1994 until 2001.

At the dedication ceremony last month, Rep. McKinley said of Judge Stamp: "He is particularly known for his humility and his commitment to service above self. His thoughtful silence and contemplation, I think, would make President Calvin Coolidge, old 'Silent Cal' proud. Judge Stamp is known for his community service and has been a steadfast pillar in this community." Congratulations, Fred!!

New ULC Members

Kansas

Athena E. Andaya and Sarah E. Warner have been appointed commissioners.

Oklahoma

Laura McConnell-Corbyn has been re-appointed commissioner, replacing Cheryl Plaxico.

Washington

Karen Boxx has been appointed commissioner, replacing Anita Ramasastry, who will remain as a life member.

Wisconsin

Rep. Tip McGuire has been appointed commissioner, replacing Gary Hebl.

New Member of the ULC Family!

The ULC family continues to grow! Tim Schnabel, ULC Executive Director, and his wife Amy Schnabel recently welcomed their third child, a baby boy!

Ian Alexander Schnabel was born on August 18. The parents and baby Ian, along with big sisters Mara and Natalie, are all home and doing fine. Congratulations, Tim!

