

Minutes

Web and Audio Conference of the Executive Committee Uniform Law Commission

May 17, 2022
Chicago, IL

Timothy Berg, Chair of the Executive Committee, called the meeting to order on May 17, 2022, at 2:02 p.m. Chicago Time.

The following members of the Committee were present: Daniel Robbins, President; Diane Boyer-Vine, Vice President; Tom Buiteweg, Treasurer; Lisa Jacobs, Committee on Scope and Program Chair; Ryan Leonard, Secretary; Carl H. Lisman, Immediate Past President; Steve Wilborn, Legislative Committee Chair; Elena Duarte; and Lani Ewart. Melissa Hortman was not able to attend the meeting.

Also present: Tim Schnabel, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Ben Orzeske, Chief Counsel; Katie Robinson, Senior Director for Strategy and Communications; and Kaitlin Wolff, Legislative Program Director. Commissioner Raymond P. Pepe, Chair of the Drafting Committee on Debt Collection Default Judgments, attended the beginning of the meeting.

1. Approval of April 19, 2022 Minutes

A motion was made and approved accepting the webinar minutes of the Executive Committee Meeting held April 19, 2022.

2. Debt Collection Default Judgments Act – Request for Expansion of Scope

Commissioner Ray Pepe, Drafting Committee Chair, summarized the written request submitted for the Executive Committee's consideration. The original scope of the Debt Collection Default Judgments Act was limited to the collection of third-party debts. Notwithstanding the original scope of the Act, discussions with observers to the Drafting Committee revealed that representatives of state courts and consumer advocates have a strong preference for an act that applies to all types of creditors. In addition, there has recently been a change in the way some large financial institutions handle the collection of consumer debts. Rather than selling the debts or assigning the debts to third parties for collection, some large financial institutions have begun using their own employees for the debt collection activities, including the filing of claims for judgments.

For these reasons, there is a consensus within the Drafting Committee that any Uniform Act should either apply to all types of creditors engaged in consumer debt collection and the Drafting Committee requests that the Executive Committee expand the scope of the act to include all classes of creditors.

In light of the potential for opposition from the representatives of original creditors, the drafting committee will seek guidance from the Committee of the Whole at the annual meeting regarding whether to proceed with the expanded scope.

After discussion, a motion was made and approved expanding the scope of the Debt Collection Default Judgments Act to include all classes of creditors.

3. Designation of Associate Secretary for Annual Meeting

A motion was made and approved designating Vice President Diane Boyer-Vine as Associate Secretary to conduct the vote of the states on the final day of the 2022 Annual Meeting.

4. Life Membership

A motion was made and approved nominating Brian K. Flowers (DC) and David S. Walker (IA) for election to life members of the Conference.

5. Uniform or Model Designation

A motion was made and approved designating the Alcohol-Direct Shipping Compliance Act, the Electronic Estate Planning Documents Act, and the Telehealth Act as Uniform Acts.

A motion was made and approved designating the Public Meetings During Emergencies Act as a Model Act.

6. Name Change

A motion was made and approved that the name of the Model Public Health Emergency Authorities Act be changed to the *Model Public-Health-Emergency Authority Act*.

7. Waiver of Line-by-Line Reading

A motion was made and approved granting the requests for a waiver of line-by-line reading of certain sections of the following acts pursuant to ULC Bylaw 44A.4: Uniform Alcohol-Direct Shipping Compliance Act; Uniform Commercial Code and Emerging Technologies Act; and Public Meetings During Emergencies Act.

8. Privileges of the Floor

A motion was made and approved granting privileges of the floor to reporters, ABA advisors, and selected observers to drafting committees. A list of individuals who were approved is included as Appendix A.

9. Scope and Program Recommendations

Commissioner Jacobs presented the report of the Committee on Scope and Program (“Scope”).

- a. Study Committee on Hague Judgments Convention, Final Non-Monetary Judgments, and Interim Relief

Scope approved the following resolution for consideration, recommending that a study committee be appointed:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on the Hague Judgments Convention, Final Non-Monetary Judgments, and Interim Relief be formed to recommend the most appropriate method for implementing the Convention 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 those topics.

A motion was made and approved to appoint a study committee on Hague Judgments Convention, Final Non-Monetary Judgments, and Interim Relief.

- b. Drafting Committee on Recurring Service Charges Act

Scope approved the following resolution for consideration, recommending that a drafting committee be appointed:

RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Recurring Service Charges be formed.

The Executive Committee referred the proposal back to the Study Committee on Recurring Service Charges, requested that the study committee better define the scope of any proposed act on this topic (in particular, to define any limitations regarding the sectors and types of agreements to be addressed), and requested that the study committee submit an additional report for consideration by the Executive Committee at the 2022 Annual Meeting.

- c. Committee on Deep Fakes

Scope recommends that the ULC President be requested to appoint a committee to further research the topic of deep fakes and address the following questions: (1) What is the harm seeking to be addressed? (2) What is the harm not addressed by other statutory or common law remedies? (3) What are the First Amendment implications? Scope also recommends to the Executive Committee that the President cause appropriate resources to be made available to the Committee to assist with the work of this committee. This committee should be instructed to report back to Scope at the appropriate time with answers to the above questions so that Scope can determine whether a study committee is warranted.

The Executive Committee requested that the President, in consultation with the Executive Director, hire a consultant to further research the topic of deep fakes and present a memo addressing the above questions, as well as the impact of Section 230 of the Communications Decency Act.

The meeting was adjourned at 3:10 p.m. Central Time.

Appendix A Privilege of the Floor

Alcohol Direct Shipping Compliance Act

Blau, RichardABA Advisor

Debt Collection Default Judgments Act

Fox, Judith.....Reporter

Richman, Steven M.....ABA Advisor

Electronic Estate Planning Documents Act

Beyer, Gerry W.Reporter

Rogers, John T.ABA Section Advisor

Sanchez, Benjamin K.....ABA Advisor

Health Care Decisions Act

Anderson, Mary ElizabethABA Advisor

Brew, Gerard.....ABA Section Advisor

Hikoyeda, Allan T.....ABA Section Advisor

Kohn, Nina A.Reporter

Kottkamp, Nathan.ABA Section Advisor

Shapiro, Robyn S.ABA Section Advisor

Wilson, Christine J.....ABA Section Advisor

Mortgage Modifications Act

Forrester Rogers, Julie P.Reporter

Hulse, BrianObserver

Menges, Charles.....ABA Advisor

Waldman, Ira.....Observer

Public-Health-Emergencies Authorities Act

Chertoff, Meryl J.ABA Section Advisor

Gatter, Robert.....Reporter

Mariner, Wendy K.ABA Advisor

McKinney, William C.....ABA Section Advisor

Public Meetings During Emergencies Act

Briffault, RichardReporter

Kamprath, Michael T.ABA Advisor

Restrictive Covenants in Deeds Act

Boxx, Karen E.ABA Advisor

Brooks, Richard R. W.....Reporter

Litwak, Jennifer.ABA Section Advisor

Merriam, Dwight H.....ABA Section Advisor

Special Deposits Committee

Abada, DanielleObserver
Baxter, Thomas C.Co-Reporter
Powell, Norman M.ABA Advisor
Ulman, CraigABA Section Advisor
Wiseman, Michael M.Co-Reporter

Telehealth Act

Madison, KristinReporter
Olson, Karen D.ABA Section Advisor
Roehrenbeck, Cybil Gregory .ABA Advisor
Su, Henry C.ABA Section Advisor

Tenancy in Common Ownership Default Rules Act

Baab, Craig H.ABA Section Advisor
Dietrich, David J.ABA Section Advisor
Duncan, EssitaABA Section Advisor
Odinet, Christopher K.Associate Reporter
Paine, Cynthia LangelierABA Advisor
Richardson, Sally Brown...Reporter
Way, Heather KatharineABA Section Advisor
Whitman, Elizabeth AyresABA Section Advisor

Uniform Commercial Code and Emerging Technologies

Boss, Amelia H.ALI Member
Carducci, GuidoABA Section Advisor
Chin, Sylvia FungALI Member
Cohen, Neil B.ALI Member
Curley, Stephen J.ABA Section Advisor
Dubovec, MarekALI Member
Effross, WalterALI Member
Harmon, Teresa WiltonALI Member
Haskins, Tarik J.ALI Member
Heller, Stephanie A.ALI Member
Mooney, Charles W.Reporter
Powell, Norman M.ALI Member
Rocks, Sandra M.ALI Member
Sepinuck, Stephen L.Associate Reporter
Tosato, AndreaObserver
Weise, Steven O.ALI Member

Unincorporated Organization Acts

Bombace, Michael.ABA Advisor
Miller, Elizabeth S.ABA Section Advisor
Wine, James C.ABA Section Advisor