

**ANNUAL MEETING  
OF THE COMMITTEE ON SCOPE AND PROGRAM**

**UNIFORM LAW COMMISSION**

**Monday, July 6, 2020**

**Tuesday, July 7, 2020**

**Sunday, July 12, 2020**

**Minutes**

The meeting of the Committee on Scope and Program was convened at 11:00 am on Monday, July 6, 2020, via video-conference technology by Chair Tim Berg. Committee members Diane Boyer-Vine, Martin Carr, Mary Devine, Lyle Hillyard, Lisa Jacobs, Gail Russell, Lee Yeakel, and Steve Wilborn were present. Also present were Carl Lisman, ULC President, Dan Robbins, Chair of the ULC Executive Committee. Tim Schnabel, ULC Executive Director, Katie Robinson, ULC Legislative Program Director, and Cameron Pestinger, ULC Fellow, also attended. Attending for a portion of the meeting were Commissioners Keith Rowley, Steve Willborn, Michele Radosevich, Sam Thumma, Gail Hagerty, Cassandra Robertson, Kay Kindred, King Burnett, Dale Higer, Mike Houghton, Ray Pepe, Ed Smith, Barbara Atwood, Barry Hawkins, Levi Benton, and guests Stewart Schwab, Reporter, study committee on Covenants not to Compete, Kristin Madison, reporter, study committee on Telehealth, Gabe Feldman, reporter, study committee on College Athlete Name, Image and Likeness Issues, Wilson Freyermuth, Executive Director, JEB/Uniform Real Property Acts, Twanda Turner-Hawkins, ABA Council on Racial and Ethnic Justice, and Richard Bonnie, Ariane Lewis, and Thaddeus Pope from the American Academy of Neurology.

Chair Berg welcomed the committee and discussed the agenda for the meeting. A motion was made and approved accepting the minutes of the Scope and Program Committee meeting held January 17, 2020.

**Study Committee Reports**

- Study Committee on **Covenants not to Compete**  
(Keith Rowley, Steve Willborn, Co-Chairs) Scope Liaison Gail Russell

Commissioner Willborn reported on the progress of this study committee. This committee has studied the need for and feasibility of a uniform or model law governing covenants not to compete in employment and related contexts. The committee has met by conference call several times and discussed the various options a drafting committee might pursue, including choice of law issues and non-solicitation and non-disclosure agreements. The committee requests the appointment of a drafting committee.

After discussion, the Committee on Scope and Program recommended that the study committee be discharged. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Covenants not to Compete be discharged with a letter of thanks to the committee.**

*On July 14, 2020, the Executive Committee did not approve this resolution, and instead approved the following resolution establishing a drafting committee:*

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Covenants not to Compete be formed.**

- Study Committee on **Telehealth**  
(Michele Radosevich, Chair) Scope Liaison Lyle Hillyard

Commissioner Radosevich and Reporter Kristin Madison reported on the progress of this study committee. The committee has studied 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. The committee has met by conference call several times and has reviewed the recommended topics for its work and has assembled a broad group of stakeholders. The committee requests the appointment of a drafting committee.

After discussion, the Committee on Scope and Program requested that the study committee further consult with appropriate stakeholders on issues of licensure and insurance, and report back any findings this fall, or at the January 2021 midyear meeting of the Scope and Program Committee.

- Study Committee on **Jury Selection and Service**  
(Sam Thumma, Chair) Scope Liaison Gail Russell

Commissioner Thumma reported on the progress of this study committee. This committee has studied the need for and feasibility of updating the Uniform Jury Selection and Service Act, originally promulgated in 1970 and adopted in eight states. The committee considered whether a revision of the act should address representation in jury pools, costs for jury operations, and treatment of citizens during jury service. The committee has met by conference call several times and has identified areas of potential focus in considering whether to recommend a drafting effort addressing jury issues. The committee requests the appointment of a drafting committee.

After discussion, the Committee on Scope and Program recommended that the study committee be discharged. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Jury Selection and Service be discharged with a letter of thanks to the committee.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- Study Committee on **Debt Collection Default Judgments**  
(Gail Hagerty, Chair) Scope Liaison Martin Carr

Commissioner Hagerty reported on the progress of this study committee. This committee has studied 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. The committee has met by conference call several times and has identified areas of potential focus for a drafting effort addressing debt collection issues. The committee requests the appointment of a drafting committee.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Debt Collection Default Judgments be formed to draft a uniform or model act applicable to debt collection efforts by third parties.**

*On July 14, 2020, the Executive Committee approved the following revised resolution:*

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Debt Collection Default Judgments be formed to draft a uniform or model act or court rule applicable to debt collection efforts by third parties.**

- Study Committee on **Third Party Funding of Litigation**  
(Cassandra Robertson, Chair) Scope Liaison Lee Yeakel

Commissioner Robertson reported on the progress of this study committee. This committee has studied 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. The committee has met by conference call several times and was unable to come to a consensus as to feasibility of drafting on this subject. After extensive discussion, the majority of the study committee members recommended against the appointment of a drafting committee at this time and recommended that the study committee be discharged; a minority of the committee recommended the appointment of a drafting committee.

After discussion, the Committee on Scope and Program recommended that the study committee be discharged, and also asked the Committee to Monitor Developments in Civil Litigation and Dispute Resolution to continue to monitor this issue. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the Study Committee on Third Party Funding of Litigation be discharged with a letter of thanks to the committee.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- Study Committee on **Fines and Fees**  
(Kay Kindred, Chair) Scope Liaison Mary Devine

Commissioner Kindred reported on the progress of this study committee. This committee has studied 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 considered three major areas that 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. The committee requests the appointment of a drafting committee.

After discussion, the Committee on Scope and Program requested that the study committee resubmit a report which further refines the three major areas identified by the study committee (above) and consider how any draft act would address those issues. The committee is further requested to consult with appropriate stakeholders, particularly those which might oppose any reform in this area, and to better articulate its rationale for the need for uniformity on this issue. The committee is asked to report back any findings this fall, or at the January 2021 midyear meeting of the Scope and Program Committee.

- Study Committee on **Special Deposits**  
(Buzz Guida, Chair) Scope Liaison Lisa Jacobs

The report of the Study Committee on Special Deposits was accepted. The committee requests that it be continued. After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Supply Chain Transparency**  
(Anita Ramasastry, Chair) Scope Liaison Diane Boyer-Vine

The report of the Study Committee on Supply Chain Transparency was accepted. The committee requests that it be continued. After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Choice of Law and Choice of Court Clauses**  
(King Burnett, Chair) Scope Liaison Mary Devine

The report of the Study Committee on Choice of Law and Choice of Court Clauses was accepted. The committee requests that it be continued. After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **College Athlete Name, Image and Likeness Issues**  
(Dale Higer, Chair) Scope Liaison Marty Carr

Commissioner Higer reported on the progress of this study committee. This committee has studied the need for and feasibility of state legislation addressing the rights of college athletes to earn money from their name, image, or likeness without affecting the student's scholarship eligibility. The committee has met by conference call several times and has identified areas of potential focus for a drafting effort addressing name, image, and likeness issues. The committee requests the appointment of a drafting committee.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on College Athlete Name, Image and Likeness Issues be formed.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- Study Committee on **Online Sales Tax Collection**  
(Lyle Hillyard, Chair) Scope Liaison Lyle Hillyard

The report of the Study Committee on Online Sales Tax Collection was accepted. The committee requests that it be continued. After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Tenancy in Common Ownership Default Rules**  
(Juliet Moringiello, Chair) Scope Liaison Gail Russell

The report of the Study Committee on Tenancy in Common Ownership Default Rules was accepted. The committee requests that it be continued. After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Uniform Health Care Decisions Act**  
(Nora Winkelman, Chair) Scope Liaison Diane Boyer-Vine

The report of the Study Committee on the Uniform Health Care Decisions Act was accepted. The committee requests that it be continued. After discussion, the Committee on Scope and Program determined that the study committee be continued.

- Study Committee on **Mitigation of Public Health Emergency Business Disruptions**  
(Mike Houghton, Chair) Scope Liaison Lisa Jacobs

Commissioner Houghton reported on the progress of this study committee. This committee has studied the need for and feasibility of one or more uniform state laws providing special rules and procedures to mitigate the impact of an epidemic, pandemic, or other public health emergency on the operation of businesses. The committee has considered such topics as non-liquidating receiverships, business interruption insurance, and the application of force majeure and impossibility doctrines. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued for at least six more months, and one year if necessary.

- Study Committee on **Public Health Emergency Authorities**  
(Diane Boyer-Vine, Chair) Scope Liaison Diane Boyer-Vine

Commissioner Boyer-Vine reported on the progress of this study committee. This committee has studied the need for and feasibility of one or more uniform state laws addressing the authority of state governments to respond to epidemics, pandemics, and other public health emergencies. The committee has considered such topics as quarantines, social distancing, business closures, collective purchasing mechanisms, and rules for medical practice. The committee requests that it be continued.

After discussion, the Committee on Scope and Program determined that the study committee be continued, and requested that the study committee further evaluate whether public health emergency laws granting state officials the power to suspend laws, regulations or orders during public health emergencies should be considered as outlined in the report of the Study Committee on State Governance during Public Health Emergencies.

- Study Committee on **State Governance During Public Health Emergencies**  
(Ray Pepe, Chair) Scope Liaison Lyle Hillyard

Commissioner Pepe reported on the progress of this study committee. This committee has studied the need for and feasibility of one or more uniform state laws addressing the operation of state government during public health emergencies. The committee has considered

such topics as temporary suspension of laws through executive action, judicial procedures during emergencies and the use of remote meetings. The committee requests the appointment of a drafting committee on public meetings of state and local agencies during emergencies.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee on Public Meetings During Emergencies be formed to draft a uniform or model act applicable to state and local agencies.**

*On July 14, 2020, the Executive Committee approved this resolution.*

After further discussion, the Committee on Scope and Program accepted the report of the study committee, which recommended that the Study Committee on Public Health Emergency Authorities be asked to further evaluate whether changes to public health emergency laws should be considered with respect to state public health emergency laws granting state officials the power to “suspend” laws, regulations or orders during public health emergencies, and to better define the scope of authority granted to manage “chronic” versus “acute” emergency conditions. The Study Committee on State Governance During Public Health Emergencies is therefore discharged.

- Joint Committee on **UCC and Emerging Technologies**  
(Ed Smith, Chair) Scope Liaison Lee Yeakel

Commissioner Smith reported on the progress of this joint committee. This committee, formed jointly with members from the American Law Institute and the Uniform Law Commission, is reviewing the Uniform Commercial Code with a view to recommending or possibly drafting amendments to accommodate emerging technological developments. The committee is considering, among other technologies, distributed ledger technology, virtual currency, and other digital assets. The committee requests that it be continued, but that its scope be expanded to include some non-technology matters. The committee also requests authority to begin drafting on two additional specific topics.

After discussion, the Committee on Scope and Program determined that the joint committee be continued, and approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that the UCC on Emerging Technologies Committee be authorized to begin drafting on the following topics in addition to those on which it has already been authorized to draft: the scope of the term “assignment” in Article 9 of the UCC and the effect on an instrument’s negotiability of choice of forum clauses or choice of law clauses. Be it further resolved that the Committee’s scope is expanded to include studying**

**potential discrete amendments to the UCC that may not relate to technological developments specifically, but which are designed to remedy misinterpretations by courts or difficulties in practice.**

*On July 14, 2020, the Executive Committee approved this resolution.*

### **Joint Editorial Board Written Reports and Recommendations**

- **JEB – Uniform Family Law**  
(Barbara Atwood, Chair) Scope Liaison Diane Boyer-Vine

Commissioner Atwood reported on the recommendation from the JEB to appoint a study committee to consider drafting a uniform or model act on family court procedures in times of national emergency.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Family Court Emergency Procedures be formed to study the need for and feasibility of a uniform or model act addressing the issues outlined in the JEB proposal.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- **JEB – Uniform Trust and Estate Acts**  
(Tom Gallanis, Executive Director) Scope Liaison Gail Russell

There was no proposal from the JEB, and no new report of the JEB to be considered.

- **JEB – Uniform Real Property Acts**  
(Barry Hawkins, Co-Chair; Wilson Freyermuth, Executive Director)  
Scope Liaison Lyle Hillyard

Commissioner Hawkins reported on the first of two recommendations from the JEB to appoint a study committee to consider drafting a uniform or model recreational use statute. After discussion, the Committee on Scope and Program concluded to take no action on this proposal at this time.

Commissioner Hawkins then reported on the second recommendation from the JEB to appoint a study committee to consider drafting a uniform or model act on modification of mortgage loans.



After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Mortgage Modifications be formed to study the need for and feasibility of a uniform or model act addressing the issues outlined in the JEB proposal.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- **JEB – International Law**  
(Henry Gabriel, Co-Chair) Scope Liaison Lee Yeakel

There was no proposal from the JEB, and the report of the JEB was accepted.

- **JEB – Unincorporated Organization Acts**  
(Lisa Jacobs, Chair) Scope Liaison Lisa Jacobs

Commissioner Jacobs reported on the recommendation from the JEB to appoint a drafting committee to update the Uniform Unincorporated Organization Acts.

After discussion, the Committee on Scope and Program recommended that a drafting committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Drafting Committee to Update Uniform Unincorporated Organization Acts be formed, with understanding that the update does not include wholesale policy revisions.**

*On July 14, 2020, the Executive Committee approved this resolution.*

Commissioner Jacobs then reported on the recommendation from the JEB to take no action on the pending proposal on corporate social responsibility. That recommendation was accepted by Scope, and therefore the proposal on corporate social responsibility is removed from the Scope agenda.

- **PEB – Uniform Commercial Code**  
(Neil Cohen, Director of Research) Scope Liaison Lee Yeakel

There was no proposal from the PEB, and no new report of the PEB to be considered.

## **Monitoring Committees Reports and Recommendations**

- **Committee to Monitor Civil Litigation and Dispute Resolution**  
(Lee McCorkle, Vice Chair) Scope Liaison Martin Carr

There was no proposal from the Monitoring Committee, and the report of the Monitoring Committee was accepted.

- **Committee to Monitor Healthcare Law**  
(Abbe Gluck, Chair) Scope Liaison Lyle Hillyard

There was no proposal from the Monitoring Committee, and the report of the Monitoring Committee was accepted. Commissioner Hillyard reported on the recommendation from the Monitoring Committee to take no action on the pending proposal on midwives which had been referred to the Monitoring Committee. That recommendation was accepted by Scope, and therefore the proposal on midwives is removed from the Scope agenda.

- **Technology Committee**  
(Tom Buiteweg, Chair) Scope Liaison Martin Carr

There was no proposal from the Technology Committee, and the report of the Technology Committee was accepted.

- **Committee on Criminal Justice Reform**  
(Gail Hagerty, Chair) Scope Liaison Mary Devine

There was no proposal from the Criminal Justice Reform Committee, and the report of the Criminal Justice Reform Committee was accepted.

- **International Legal Developments Committee (ILDC)**  
(Bob Stein, Chair) Scope Liaison Lee Yeakel

There was no proposal from the ILDC, and no new report of the ILDC to be considered.

- **Privacy Monitoring Committee**  
(Rich Cassidy, Chair) Scope Liaison Diane Boyer-Vine

There was no proposal from the Privacy Monitoring Committee, and the report of the Privacy Monitoring Committee was accepted.

## New or Pending Proposals

- **State Cybercrime Law**  
(David Goad, National Sheriff's Assn.) Scope Liaison Lisa Jacobs

Commissioner Jacobs reported on this proposal, originally submitted in July 2019, to appoint a study committee to explore the feasibility of a Uniform Act on State Cybercrime Laws. The National Sheriffs Association, through its Cybersecurity and Crime Subcommittee, has reviewed both the federal laws and a subset of state laws defining cybercrime-related criminal offenses. Federal cybercrime laws are well-organized, explicable, and forward-looking, while state cybercrime laws vary in their timeliness, their intended coverage, and their articulation. The wide variety of state cybercrime laws are a burden on law enforcement.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Cybercrime be formed to study the need for and feasibility of a uniform or model act on the subject.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- **Earned Wages Advance Products proposal**  
(Prof. Jim Hawkins, UNC) Scope Liaison Lisa Jacobs

Commissioner Jacobs reported on this proposal to appoint a study committee to consider drafting a uniform law to govern earned wage advances. Earned wage advance companies work with employers to give employees access to wages they have already earned but have not been paid, with the agreement that the employer will deduct the amount advanced from the employee's next paycheck. Earned wage advances are difficult to categorize with certainty under current law and practice; if courts or regulators decide that employee advances are loans, then the companies offering them must become licensed lenders in many states. Clarifying the transactions legal status may facilitate growth in this industry and help enact consumer protection policies.

After discussion, the Committee on Scope and Program concluded to defer further discussion on this topic until the fall meeting of Scope, or the January 2021 midyear meeting of Scope. Scope further requested that ULC staff further research the current status of state law on the subject, and report back any findings at the fall meeting of Scope, or the January 2021 midyear meeting of Scope.

- **Automated Technology Liability**  
(Commissioner King Burnett) Scope Liaison Lyle Hillyard

Commissioner Burnett reported on this proposal to appoint a study committee on the issue of automated technology liability, and particularly to focus on the growing digitization of “things” (the “internet of things”), and the issue of liability for harm resulting from the use of these devices.

After discussion, the Committee on Scope and Program referred the proposal to the Committee to Monitor Developments in Civil Litigation and Dispute Resolution, and requests that the Monitoring Committee report back any findings at a future meeting of Scope and Program.

- **Update the Uniform Determination of Death Act**  
(Richard Bonnie, Ariane Lewis, Thaddeus Pope, American Academy of Neurology)  
Scope Liaison Lee Yeakel

Ariane Lewis reported on this proposal to appoint a study committee to consider updating the Uniform Determination of Death Act, promulgated by the ULC in 1980 and enacted in 44 states. The proposal states several reasons for revising the UDDA to legally standardize death declaration around the country by 1) specifying the “accepted medical standards,” 2) indicating whether hormonal functions are included in “all functions of the entire brain, including the brainstem,” 3) stating whether consent is needed before a determination of DNC, and 4) providing guidance on how to respond to family objections to discontinuing organ support after declaration of DNC.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a study committee be formed to study the need for and feasibility of updating the Uniform Determination of Death Act.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- **Proposal to Address the School to Prison Pipeline**  
(Twanda Turner-Hawkins, ABA Council on Racial and Ethnic Justice) Scope Liaison Lee Yeakel

Ms. Turner-Hawkins reported on this proposal to appoint a study committee to address the school to prison pipeline. The ABA Council on Racial and Ethnic Justice believes that new legislation is required to combat the detrimental effects of the criminalization of school discipline arguably born out of “zero tolerance policies” in schools across the nation. Over the last three decades, there has been a distinct shift among many lawmakers, school officials, and teachers regarding how to discipline children for violations of school rules. Zero tolerance

policies developed in the 1990s, in response to school shootings and general fears about crime, escalated routine school disciplinary policies from in-school disciplinary procedures to reports to and inclusion of law enforcement.

After discussion, the Committee on Scope and Program recommended that a study committee be appointed. The Committee on Scope and Program approved the following resolution:

**RESOLVED, that the Committee on Scope and Program recommends to the Executive Committee that a Study Committee on Criminalization of Student Discipline be formed to study the need for and feasibility of a uniform or model act on the subject.**

*On July 14, 2020, the Executive Committee approved this resolution.*

- **Sovereign Immunity**  
(Commissioner Marilyn Phelan.) Scope Liaison Mary Devine

Commissioner Levi Benton reported on this proposal, originally submitted in July 2019, regarding a potential act that would codify the common law concept of sovereign immunity. A uniform law on the subject could be an effective means to set out statutorily the parameters of a state's immunity from suit and/or liability as well as to provide citizens with the right to sue the state, counterbalanced with defined limitations on that right.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Revise the Uniform Appointment of Commissioners Act**  
(Commissioner Jim McKay) Scope Liaison Lyle Hillyard

Commissioner McKay reported on this proposal to appoint a study committee to Amend or Revise the Uniform Appointment of Commissioners Act, promulgated in 1944 and adopted in 13 states. The laws appointing commissioners vary considerably from state to state. Although most states have some sort of a law on this subject, some do not, many are inadequate, and many do not address the political realities in the states today. After 75 years, it may be time to re-examine this Act.

After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Revise or Amend the Revised Uniform Parentage Act**  
(Prof. Margaret Olnek) Scope Liaison Mary Devine

Commissioner Devine reported on this proposal to appoint a study committee to revise the Uniform Parentage Act (2017) to provide access to information to children conceived through reproductive technology.

After discussion, the Committee on Scope and Program concluded to take no action at this time, and instead referred the proposal to both the Standby Committee for the Revised Uniform Parentage Act (2017) and the JEB/Uniform Family Law for further review, with the request that Standby Committee and the JEB report back their findings at the January 2021 meeting of the Scope and Program Committee.

- **Uniform State Law on Well Regulated Militia**  
(Col. (Ret.) Duncan Aukland) Scope Liaison Tim Berg

Commissioner Berg reported on this proposal to appoint a study committee to consider drafting a uniform state law on a well-regulated militia. After discussion, the Committee on Scope and Program concluded to take no action at this time.

- **Recurring Service Charges**  
(Commissioner Cassandra Robertson) Scope Liaison Gail Russell

Commissioner Robertson reported on this proposal to consider appointing a study committee to consider recurring service charges and the problems consumers have faced when trying to cancel those services.

After discussion, the Committee on Scope and Program concluded to defer further discussion on this topic until the fall meeting of Scope, or the January 2021 midyear meeting of Scope. Scope further requested that ULC staff further research the current status of state law on the subject, and report back any findings at the fall meeting of Scope, or the January 2021 midyear meeting of Scope.

- **Revise or Amend the Uniform Trade Secrets Act**  
(Prof. Sharon Sandeen) Scope Liaison Marty Carr

Commissioner Carr reported on this proposal to appoint a study committee to amend Section 7 of the Uniform Trade Secrets Act to correct confusion as to its meaning that has resulted in expensive litigation and inconsistent interpretations by State courts, some of which are directly opposed to the drafting history and purpose of that provision.

After discussion, the Committee on Scope and Program concluded to defer further discussion on this topic until the fall meeting of Scope, or the January 2021 midyear meeting of Scope.

- **Changes in Ownership and Management of Assisted Living Facilities**  
(Michael Okaty, Chair, ABA Senior Housing and Assisted Living Committee) Scope  
Liaison Lyle Hillyard

Commissioner Hillyard reported on this proposal to appoint a study committee to research and compare the laws of the fifty states and the District of Columbia to determine the current legal requirements for changes in the ownership and management of senior living facilities, in order to develop a uniform law governing the requirements for changes in the ownership and management of senior living facilities. After discussion, the Committee on Scope and Program concluded to take no action at this time.

### **Other Business**

Commissioner Berg reported on assorted topics which had been flagged for Scope's consideration by Commissioner Peter Dykman. These topics include Revising the Uniform Arbitration Act, appointment of counsel in civil proceedings, and qualified immunity. The first topic continues to be discussed by the Committee to Monitor Developments in Civil Litigation and Dispute Resolution (CLDR), and Scope requests that the CLDR continue to monitor. The second topic was discussed, and Scope recommended no action at this time. The third topic was discussed in the course of review of the proposal on sovereign immunity.

Having no further business, the Committee on Scope and Program was adjourned at 5 pm on Sunday, July 12, 2020.