

Minutes
Executive Committee
Uniform Law Commission

July 12, 2022

Philadelphia, PA

Timothy Berg, Chair of the Executive Committee, called the meeting to order on July 12, 2022, at 11:00 a.m. Eastern Time.

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

Also present: Tim Schnabel, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Senior Director for Strategy and Communications; Ben Orzeske, Chief Counsel; and Kaitlin Wolff, Legislative Program Director (remote). The following commissioner Division Chairs were present for part of the meeting: Barbara A. Atwood; Martin D. Carr; David J. Clark; Patricia Brumfield Fry; Thomas S. Hemmendinger, Lead Division Chair; William H. Henning; Lane Shetterly; and Nora Winkelman. Commissioner Ted Kramer, Chair of the Study Committee on Recurring Service Charges, attended a portion of the meeting.

1. Discussion with Division Chairs

Commissioners Atwood, Carr, Clark, Fry, Hemmendinger, Henning, Shetterly, and Winkelman reported on the committee activities of their respective divisions.

Commissioner Hemmendinger, lead division chair, spoke about the importance of stakeholder relationships, the benefits of appointing reporters to study committees, and the important role of integrating new members into the organization to diversify the work of the ULC.

He recommended that the Executive Committee create “pause points” in the study and drafting process to assess whether the project should continue. He suggested that every study committee be assigned two deliverables: 1) a recommendation on whether a drafting committee should be formed; and 2) the development of a white paper summarizing the study process and the underpinnings behind the outcome that could inform future deliberation on the same or related subjects.

Finally, Commissioner Hemmendinger suggested analyzing impacts of recent supreme court cases on the work of the ULC to identify issues ripe for uniformity of law.

2. Study Committee on Recurring Service Charges

In May the Executive Committee determined that additional information was needed before a decision could be made to form a drafting committee. The Study Committee on Recurring Service Charges was asked to contact additional stakeholders regarding this project.

Commissioner Kramer, Chair of the Study Committee, summarized the written report submitted at the request of the Executive Committee.

Members of the Executive Committee expressed concerns about the need to narrow the scope of the project to exclude industries using recurring billing processes that are widely accepted and appreciated by consumers, and the pitfalls of drafting broadly in this area.

After discussion a motion was made and approved adopting the following resolution:

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

3. Reconsideration of Study Committee on Extreme Risk Protection Orders

Commissioners Atwood and Boyer-Vine summarized the written proposal to appoint a drafting committee on extreme risk protection orders (ERPO) in light of the new federal law. The Bipartisan Safer Communities Act was signed into law by President Biden on June 25, 2022. The legislation includes financial incentives in the form of Byrne Grants to states for implementation of ERPO programs. To be eligible for the grants, ERPO frameworks must include a range of due process protections detailed in the legislation.

The Executive Committee took no action and asked that outreach to additional commissioners be conducted and that the proposal be submitted to the Scope and Program Committee for expeditious consideration.

4. Assistant Secretary

A motion was made and approved that Commissioner Jacobs be appointed temporarily Assistant Secretary tomorrow to facilitate floor management in the Secretary's absence.

The meeting was adjourned at 1:29 p.m. Eastern Time.