

**NATIONAL CONFERENCE OF COMMISSIONERS
ON UNIFORM STATE LAWS**
211 E. Ontario St., Suite 1300, Chicago, IL 60611

Contact: John M. McCabe, Legislative Director
Katie Robinson, Communications Officer
tel 312-915-0195 fax 312-915-0187
jmmccabe@nccusl.org / krobinson@nccusl.org

THE AMERICAN LAW INSTITUTE
4025 Chestnut Street, Philadelphia, PA 19104

Contact: Elena A. Cappella, Deputy Director
Michael Greenwald, Deputy Director
tel 215-243-1611 fax 215-243-1664
e-mail ecappella@ali.org/mgreenwald@ali.org

FOR IMMEDIATE RELEASE

ALI and NCCUSL Announce New Drafting Committee for UCC Articles 2 and 2A

The American Law Institute (ALI) and the National Conference of Commissioners on Uniform State Laws (NCCUSL), the two organizations jointly responsible for drafting, updating, and promulgating the Uniform Commercial Code (UCC), have announced the formation of a new Drafting Committee to continue the effort to revise Articles 2 (Sales) and 2A (Leases) of the UCC. The UCC has achieved substantial uniformity of commercial law throughout the United States through enactment in whole or in part in all 50 states as well as in the District of Columbia, the Virgin Islands, and Puerto Rico. The present revision of Articles 2 and 2A is part of an ongoing undertaking by the ALI and NCCUSL to modernize the UCC, originally promulgated in 1952, and keep it responsive to contemporary commercial realities.

In May of this year the ALI approved revised versions of both Articles 2 and 2A that were the result of many years of collaborative effort by the two organizations. At the annual meeting of NCCUSL in July, opposition to certain sections of Article 2, which regulates the sale of goods to consumers and to merchants, led the leadership of NCCUSL, which has sole responsibility for seeking enactment of UCC revisions in the state legislatures, to conclude that the prospects for uniform adoption throughout the country required additional review of some provisions. Accordingly, the NCCUSL annual meeting took no action with respect to either Article 2 or Article 2A.

NCCUSL and the ALI have now appointed the new drafting committee. Its members will be Professor William H. Henning of the University of Missouri-Columbia, *chair*; Boris Auerbach of Wyoming, Ohio; Professor Marion W. Benfield of Wake Forest University; Professor Amelia H. Boss of Temple University; Professor Neil B. Cohen of Brooklyn Law School; State Senator Byron D. Sher of California; and Professor James J. White of the University of Michigan. Professor Henry D. Gabriel of Loyola University New Orleans will be Reporter.

ALI Director Lance Liebman made the following statement:

"The American Law Institute believes that the revised versions of Article 2 and Article 2A that it approved in May reflected a fair and balanced treatment of the many difficult issues presented and offered the promise of genuine improvement in the law. Nevertheless, the Institute is deferring to the judgment of the National Conference, its long-time partner in the drafting of the Uniform Commercial Code, that more work is needed to achieve a statute capable of uniform enactment. A distinguished committee will now seek to reconcile the differences of view about some of the most contentious provisions. It is essential that the new draft be fair, balanced, and useful, and recognized as such by those whom it will affect. The new Drafting Committee will draw upon the version of Article 2 previously approved by the Institute as well as the current Article 2 that has served the nation's commerce for half a century. We hope that a suitable and constructive resolution of the remaining issues can thereby be achieved."

August 18, 1999