

## UNIFORM LAW COMMISSION

### Current ULC Projects Related to International and Transnational Law

#### Drafting Committees

ULC drafting committees consist of a chair, several ULC commissioners from various states, and a reporter (usually a law professor with expertise in the subject matter). Every ULC drafting committee is also assigned an ABA advisor, who represents the ABA as a whole, and frequently one or more ABA section advisors, who represent particular ABA entities. Other interested groups are also invited to send representatives, known as “observers”. ULC drafting meetings are open to the public, everyone at a drafting meeting is encouraged to participate fully in the discussion, and all of our drafts are available on the internet ([www.nccusl.org](http://www.nccusl.org)). ULC drafting committees typically meet three times a year (two substantive drafting committee meetings and a presentation of the draft for line-by-line reading and debate at the ULC Annual Meeting) over a period of at least two years.

#### Drafting Committee on the Hague Convention on Choice of Court Agreements

Rex Blackburn, **Chair**, P.O. Box 70 (83707), 1221 W. Idaho St., Boise, ID 83702

H. Kathleen Patchel, **Co-Reporter**, Indiana University School of Law – Indianapolis, 5715 E. 56<sup>th</sup> Street, Indianapolis, IN 46266

Louise Ellen Teitz, **Co-Reporter**, Roger Williams University School of Law, Ten Metacom Avenue, Bristol, RI 02809

This drafting committee, at the request of the U.S. State Department, will draft uniform state legislation and appropriate declarations and understandings to assist in the implementation and ratification of the Hague Convention on Choice of Court Agreements.

#### Committee to Implement the UN E-Commerce Convention

Henry Deeb Gabriel, Jr., **Chair**, Elon University School of Law, 201 North Greene Street, Greensboro, NC 27401

D. Benjamin Beard, **Reporter**, University of Idaho College of Law, 6<sup>th</sup> & Rayburn, P.O. Box 442321, Moscow, ID 83844-2321

Thomas J Smedinghoff, **ABA Advisor**, Science and Technology Section, Wildman Harrold Allen & Dixon, Floor 26, 225 W Wacker Drive, Chicago, IL 60606-1349

The E-Commerce Convention impacts the Uniform Electronic Transactions Act and the federal E-Sign legislation. This committee will recommend the most appropriate methods for implementing the Convention, including whether any federal or uniform state legislation is necessary, and then will work with the United States Departments of State and Commerce, and other interested entities, in preparing any necessary uniform state or federal legislation and in seeking to obtain United States Senate advice and consent to the Convention.

#### Joint Drafting Committee for Implementation of the UN Convention on Independent Guarantees and Stand-by Letters of Credit.

Edwin Smith, **U.S. Chair**, 150 Federal Street, 30<sup>th</sup> Floor, Boston, MA 02110-1726

Kathryn Sabo, **Canadian Chair**, 284 Wellington Street, 284 Rue Wellington, Ottawa, Ontario, Canada, K1A0H8

Elias Mansur, **Mexican Chair**, Socrates 207, Polanco 11560, Mexico City, Mexico 11560

James J. White, **NCCUSL Reporter**, University of Michigan Law School, 625 South State Street, Ann Arbor, MI 48109-1215

Peter Winship, **ABA Advisor**, International Law Section, Southern Methodist University School of Law, P.O. Box 750116, Dallas, TX 75275

Luis F. Moreno, **ABA Section Advisor**, Real Property, Trust and Estate Law Section, Haynes and Boone S.C., Blv. Manuel Avila Camacho, #40-1801, Lomas de Chapulta, Mexico City, Mexico 11000

James E. Byrne, **ABA Section Advisor**, Business Law Section, 20405 Ryecroft Court, P.O. Box 2235, Gaithersburg, MD 20886

Rueben C. Casarez, **ALI Representative**, Wells Fargo Bank, 1500 Waugh Dr., Houston, TX 77019

George A. Hisert, **ALI Representative**, Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111

This committee will work with the American Law Institute, the Uniform Law Conference of Canada and the Mexican Center for Uniform Laws to draft language to implement the UN Convention on Independent Guarantees and Stand-by Letters of Credit, and to assist Canada and Mexico in developing letter-of-credit law consistent with UCC Article 5. The Convention is designed to facilitate the use of independent guaranties and stand-by letters of credit, in particular where only one or the other of these instruments may be traditionally in use.

### **Other Current Projects**

#### **Committee on the Hague Securities Convention**

Carl S. Bjerre, University of Oregon School of Law, 1515 Agate Street, Eugene, OR 97403

Curtis R. Reitz, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, PA 19104

This committee will work with the U.S. Department of State to assist in the implementation and ratification of the Hague Convention on Securities Held by Intermediaries and to ensure proper interface between the provisions of the Convention and of Articles 8 and 9 of the Uniform Commercial Code.

### **Study Committees**

ULC Study Committees review an assigned area of law in light of defined criteria and recommend whether ULC should proceed with a draft on that subject. Study Committees typically do not meet in-person, so typically ABA advisors are not appointed at this stage. Input from ABA members and others is highly valued, however; please forward any comments or suggestions to the respective chairs.

#### **Study Committee on the 1996 Hague Convention on the Protection of Children**

Battle Robinson, **Chair**, 104 W. Market St., Georgetown, DE 19947

This committee will examine, at the request of the U.S. Department of State, whether becoming a party to the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (concluded in 1996 under the auspices of the Hague Conference on Private International Law) is in the best interest of the United States and will study possible mechanisms for implementing the Convention, including whether to recommend a drafting committee that would propose amendments to the Uniform Child Custody Jurisdiction and Enforcement Act.

## Recently Completed Projects

### Drafting Committee on Amendments to the Uniform Interstate Family Support Act

Battle Robinson, **Chair**, 104 W. Market St., Georgetown, DE 19947

John J. Sampson, **Reporter**, University of Texas School of Law, 727 East Dean Keeton Street, Austin, TX 78705

Gloria F. Dehart, **ABA Advisor**, International Law Section, 265 Willamette Ave., Kensington, CA 94708

Joseph W. Booth, **ABA Section Advisor**, Family Law Section, Nelson & Booth, 11900 W. 87th St. Pkwy., Ste. 117, Lenexa, KS 66215

This committee, in collaboration with the United States Department of State and the Department of Health and Human Services, drafted amendments to the Uniform Interstate Family Support Act to implement the 2007 Hague Convention on Family Maintenance, which deals with international recovery of child support and other forms of family maintenance. The amendments were adopted by the UCL in July 2008 and will be submitted for ABA House of Delegates approval in February 2009. The President has transmitted the Convention to the United States Senate for advice and consent.

### Drafting Committee on the Uniform Unsworn Foreign Declarations Act

Karen Roberts Washington, **Chair**, 2929 Carlisle, Suite 250, Dallas, TX 75204

Joseph Colquitt, **Reporter**, University of Alabama School of Law, Box 870382, Tuscaloosa, AL 35487

Guy Stanford Lipe, **ABA Advisor**, International Law Section, First City Tower, 1001 Fannin Street, Suite 2500, Houston, TX 77002

This committee drafted an act that would permit, in state court proceedings, unsworn declarations under penalty of perjury to be executed by witnesses located outside the United States in lieu of affidavits, verifications, or other sworn court filings. Obtaining an affidavit abroad can be a costly and time-consuming process. A uniform state law on this subject would be extremely useful in transnational litigation. The Act was adopted by the UCL in July 2008 and will be submitted for ABA House of Delegates approval in February 2009.

### Drafting Committee to Revise the Uniform Unincorporated Nonprofit Association Act

Marilyn E. Phelan, **Chair**, Texas Tech University, 1802 Hartford, Lubbock, TX 79409

Harry Haynsworth, **Reporter**, 2200 IDS Center, Minneapolis, MN 55402

Lisa A. Runquist, **ABA Advisor**, Business Law Section, 17554 Community St., Northridge, CA 91325

John H. Small, **ABA Section Advisor**, Business Law Section, Prickett, Jones & Elliott, P.A., 1310 King St., Wilmington, DE 19801

This committee, building on the principles for Unincorporated Nonprofit Associations that it had previously developed with the participation of members from Canada and Mexico, drafted a revision of the Uniform Unincorporated Nonprofit Association Act and will work with Canadian and Mexican partners to harmonize similar applicable laws in Canada and Mexico. The Act was adopted by the UCL in July 2008 and will be submitted for ABA House of Delegates approval in February 2009.

### Committee to Harmonize North American Law with Regard to the Assignment of Receivables in International Trade Convention

Edwin Smith, **Chair (U.S.)**, 150 Federal Street, 30<sup>th</sup> Floor, Boston, MA 02110-1726

Steven O. Wiese, **Reporter (U.S.)**, 601 S. Figueroa St., 40th Floor, Los Angeles, CA 90017

Kathryn Sabo, **Canadian Chair**, Wellington Street, 284 Rue Wellington, Ottawa, Ontario, Canada, K1A0H8

Carlos Sanches-Mejorada y Velasco, **Mexican Chair**, Gabriel Mancera #112, Colonia del Valle, Mexico, D.F. 03220

The United Nations Convention on Receivables in International Trade is in large measure consistent with, and derived from, Article 9 of the Uniform Commercial Code, and deals with choice of law. This Committee, in conjunction with delegations from the Uniform Law Conference of Canada and from the Mexican Uniform Law Center, developed an approach to implementation of the Convention that would harmonize the law of the three countries. This Committee completed its work and its report, which included a draft of the Report to the United States Senate and the recommended understandings and declarations that the United States would make upon ratification, was received and approved by the Conference at the 2007 Annual Meeting. The State Department is in consultation with other U.S. government agencies concerning when to submit the Convention for Senate ratification.

### **Joint Editorial Boards**

#### **Joint Editorial Board on International Law**

Michael P. Sullivan, **ULC Co-Chair**, 80 S. 8<sup>th</sup> St., 500 IDS Center, Minneapolis, MN 55402-3796  
William M. Hannay, **ABA Co-Chair**, Schiff Hardin LLP, 6600 Sears Tower, Chicago, IL 60606

ULC and the International Law Section of the American Bar Association have entered into an agreement to establish a Joint Editorial Board on International Law comprised of three representatives of each organization. The functions of the JEB include: facilitating the promulgation of uniform state laws consistent with U.S. laws and international obligations dealing with international and transnational legal matters; advising ULC with respect to international and transnational legal matters that have the potential to impact areas of the law in which ULC has been, or might become, active; informing and assisting the U.S. government with respect to the negotiation of international treaties and agreements with appropriate consideration of state law perspective and experience; and promoting the principles of rule of law and harmonization of law.