

Minutes
Web and Audio Conference of the Executive Committee
Uniform Law Commission

Thursday, January 21, 2021
Chicago, IL

Daniel Robbins, Chair of the Executive Committee, called the meeting to order on January 21, 2021, at 2:35 p.m. Central Time.

The following members of the Committee were present by video conference: Carl H. Lisman, President; Timothy Berg, Committee on Scope and Program Chair; William Breetz, Vice President; Steve Wilborn, Legislative Committee Chair; Martha Starkey, Secretary; Tom Buiteweg, Treasurer; Anita Ramasastry, Immediate Past President; Jamie Pedersen; Paula Tackett; and Ryan Leonard.

Also present: Tim Schnabel, Executive Director; Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Legislative Program Director; and Ben Orzeske, Chief Counsel. The following commissioners were present for part of the meeting: James M. Concannon, Committee on Style Chair, and Steven L. Willborn, Chair of the Ad Hoc Committee to Review the Constitution and Bylaws.

1. Minutes

A motion was made and approved accepting the webinar minutes of the Executive Committee Meeting held November 10, 2020.

2. Request for Uniformity

A motion was made and approved designating the College Athlete Name, Image, and Likeness Issues Act a Uniform Act.

3. Approval of the Audit Report

Treasurer Buiteweg reported on the audited financials. A motion was made and approved accepting the audit report.

4. Changes to ULC Drafting Manual

Jim Concannon, Committee on Style Chair, summarized proposed changes to the ULC Drafting Manual. As the index is developed and committee members continue to review the manual prior to final publication, formatting or other typographical errors may require correction. The committee requests the latitude to correct errors and make other minor adjustments after approval is granted. A motion was made and approved authorizing publication of the revised manual, as proposed, by unanimous vote, and giving the committee the latitude to make any necessary minor changes.

The Executive Committee thanked the Committee on Style for its tremendous efforts and excellent redraft of the manual.

5. Report of the Legislative Committee

Commissioner Wilborn, Legislative Committee Chair, summarized the written reports submitted for the Committee's consideration. The reports were accepted.

Going forward, Legislative Council will review all new project proposals submitted to the Committee on Scope & Program in advance of its meeting to provide input on potential enactment challenges.

Legislative Council will draft a letter to be distributed to law professor commissioners and current or former reporters, to collect information about legislative contacts in the hope of potentially using that info to enhance enactment activities. The letter will be reviewed and approved by leadership prior to distribution.

Overall, enactments are down due to Covid-19. It is difficult to say whether enactments will improve this year. Chief Counsel, Ben Orzeske, reported that many legislatures will start later than usual in 2021. Shortened legislative sessions could impact enactment numbers. Acts that are priorities may be enacted quickly while other acts get held back.

6. Current Presidential Priorities

a. Report of the Committee to Review the Constitution and Bylaws

Steve Willborn, Chair of the Ad Hoc Committee to Review the Constitution and Bylaws, summarized the proposed changes submitted in writing for the Committee's consideration. The proposed revisions focus on facilitating meetings and notices by electronic means.

After discussion, a motion was made to recommend that the Constitution, Bylaws and Rules be amended as proposed by the special committee, and that the matter be presented for vote at the annual meeting.

b. Report on the Impact of the Covid-19 Pandemic

President Lisman reported on the impact that Covid-19 has had on the work of the ULC.

We have not hosted an in person meeting since the middle of March 2020, but we have discovered a very effective supplemental tool in Zoom technology that will help our work going forward. We must figure out how to effectively implement Zoom to make us stronger. Remote meetings save time, money, and result in higher observer attendance. Committees that traditionally meet in person will have the option to supplement with webinar meetings. However, we cannot and will not abandon traditional in person

meetings once the pandemic is behind us.

State legislatures are not currently receptive to a broad range of ULC products making enactment more difficult. However, the pandemic has not slowed ULC drafting efforts. The pipeline is full. This summer there are seven possible acts up for a final reading and six acts up for potential first reading.

We must renew our efforts to improve the quality of our drafting products, to bring stakeholders to the table as early as possible, and to keep stakeholders engaged throughout the drafting and enactment process.

7. Plans for the 2021 Annual Meeting.

President Lisman reported on plans for the 2021 annual meeting in Madison, Wisconsin. The annual meeting is scheduled for the second week in July. It is unclear whether all commissioners, advisors, observers, and staff will have the opportunity to be vaccinated by July of 2021. The Committee discussed a range of alternatives, including proceeding with the in-person annual meeting in July (including using Zoom to facilitate remote participation or, more likely, observation), cancelling the in-person annual meeting, or holding another annual meeting via Zoom.

We will need to make a final irrevocable decision in March. The decision will be driven by a combination of how widespread vaccinations are by the end of March, and how willing commissioners are to travel to another city and to attend an in person meeting in a ballroom for an extended period.

We also have drafting committees needing to meet in the fall and are thinking about hybrid approaches for drafting committee meetings as well.

8. Pipeline Review

Executive Director, Tim Schnabel, led a discussion of the proposed possible reading schedule for the 2021 annual meeting distributed for the Committee's consideration.

9. Other Business/Executive Session

The committee went into executive session at 3:55 p.m. Central Time.

Appendix

A. Officer Reports

1. Report of the Vice President

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

2. Report of the Secretary

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

3. Report of the Treasurer

These reports were discussed on January 22, 2021 under Agenda, Item 2.

B. Committee Reports

1. Committee on State and Federal Relations and Other Organizations

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

2. Committee to Monitor Development in Criminal Justice Reform

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

3. Committee to Monitor Developments in Civil Litigation and Dispute Resolution

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

4. Committee to Monitor Developments in Health Care Law

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

5. Committee to Monitor Developments in Privacy Law

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

6. Committee to Monitor Developments in Technology

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

7. American Bar Association, Committee on Liaison with

A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

8. History Committee
No report was received.
9. Public Information Committee
No report was received.
10. International Initiatives
 1. International Legal Developments Committee
Minutes from the recent meeting of the International Legal Developments Committee were received by the Committee.
 2. Joint Editorial Board for International Law
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
11. Tribal Law Activities
No report was received.
12. Committee on Academic Partnerships
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
13. Trust and Estates Acts, Joint Editorial Board for Uniform
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
14. Real Property Acts, Joint Editorial Board for Uniform
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
15. Unincorporated Organization Acts, Joint Editorial Board on Uniform
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
16. Family Law, Joint Editorial Board for Uniform
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
17. Uniform Commercial Code
See the Report of the Vice President, Division E Report.

C. Meeting Report

1. Report on Committee Meetings
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

2. Report on Annual Meeting and Midyear Meeting Dates and Locations
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee. The ULC will meet in in Madison, WI, Friday, July 9 – Wednesday, July 15, 2021; and the ULC will meet in Philadelphia, PA, Friday, July 8 – Thursday, July 14, 2022.

D. Office Reports

1. Grants Report
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
2. Activity Report of the Executive Director
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
3. Activity Report of the Chief Administrative Officer
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

E. Reports of the Uniform Law Foundation

1. Fundraising
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.
2. Trustee Minutes
Minutes from the recent Trustee meeting were received by the Committee.
3. ULF Financial Report, November 30, 2019
A written report was submitted for the Executive Committee's consideration. That report was received by the Committee.

The meeting adjourned at 4:35 p.m. Central Time.