

# **MINUTES OF THE EXECUTIVE COMMITTEE OF THE UNIFORM LAW COMMISSION**

Tuesday, May 28, 2014

## **Conference Call**

Richard T. Cassidy, Chair of the Executive Committee, called the meeting to order on May 23, 2014, at 8:05 a.m. The following members of the Committee were present: Timothy Berg, Secretary; Rex Blackburn, Vice President; Tom Bolt; Michael Houghton, Immediate Past President; Harriet Lansing, President; John T. McGarvey, Chair, Legislative Committee; Susan Kelly Nichols; Charles A. Trost, Treasurer; and David S. Walker. Also present: Liza Karsai, Executive Director; J. Elizabeth Cotton-Murphy, Chief Administrative Officer; Katie Robinson, Deputy Legislative Director; and Commissioner Dale Higer, Chair of the Committee on Liaison with Other Organizations. Commissioner Ramasastry, Chair, Scope and Program Committee, was not able to attend the conference call.

### **1. Drafting Committee Name Changes**

- A. A motion was made and approved to change the name of the Bad Faith Patent Litigation Drafting Committee to “Bad Faith Patent Demand Letter Drafting Committee.”
- B. A motion was made and approved to change the name of the Amended Uniform Athlete Agents Act to “Revised Uniform Athlete Agents Act.”
- C. A motion was made and approved to change the name of the Uniform Commercial Real Estate Receiverships Act to “Uniform Commercial Real Estate Receivership Act.”

### **2. Designation of Acts as Uniform**

- A. A motion was made and approved to designate the Trust Decanting Act as a Uniform Act.
- B. A motion was made and approved to designate the Home Foreclosure Procedures Act as a Uniform Act.

### **3. Requests for Privileges of the Floor**

A motion was made and approved granting privileges of the floor to the following selected observers to drafting committees:

- A. Tony Agnone, Rodney S. Maddox, Paul Pogge and Kevin Rayburn – Revised Uniform Athlete Agents Act
- B. Jane Ditelberg – Trust Decanting Act
- C. Kay Kress – Uniform Commercial Real Estate Receivership Act

#### **4. Requests for Waiver of Line-by-Line Reading**

Commissioner Cassidy reported that requests had been received for a waiver of line-by-line reading of certain sections of Wage Garnishment Act, Uniform Commercial Real Estate Receivership Act, Amended Uniform Athlete Agents Act, Revised Uniform Residential Landlord and Tenant Act, Uniform Trust Decanting Act, Uniform Home Foreclosure Procedures Act, and Social Media Privacy Act pursuant to By-Law 44A.4. A motion was made and approved granting these requests.

#### **5. Requests for Life Membership**

A motion was made and approved nominating for election the following commissioners as life members of the Conference: Bruce Coggeshall (ME); E. Edwin Eck (MT); Gail Hagerty (ND); David Prosser (WI); and Harry Tindall (TX).

#### **6. Update on Annual Meeting CLE**

Executive Director Liza Karsai reported that the ULC has applied for CLE credit from Vermont for the Annual Meeting, and expects to receive a decision within two weeks. (Subsequent note: CLE accreditation in Vermont has been approved.)

#### **7. Update on Business Agenda for Annual Meeting**

President Harriet Lansing presented her report on the 2015 annual meeting business agenda. A Monday evening session has been added to the schedule to accommodate proposed amendments to acts and an informational session. the following items have been added to the business agenda:

##### **A. Foreign Notarization Amendment**

Consideration of a Foreign Notarization Amendment to the Revised Uniform Law on Notarial Acts has been added to the Monday evening session agenda. The proposed amendment would enable U.S. residents traveling abroad to employ the services of domestic notaries. The amendment is proposed in a stand-alone provision to be added to the existing act.

##### **B. Regulation of Virtual Currencies**

An information session on drafting the Regulation of Virtual Currencies also is scheduled on the Monday evening agenda. This Committee anticipates that only a single reading in 2016 will be necessary for final act approval.

### C. Fiduciary Access to Digital Access Act (UFADA)

Amending the Uniform Fiduciary Access to Digital Information Act may also be added to the agenda. Proposed revisions are to be circulated to industry representatives for discussion. If discussions with industry representatives are successful, the Chair of the Standby Committee expects to present amendments on the floor at the 2015 Annual Meeting.

### D. Revised Residential Landlord and Tenant

To facilitate greater adoption of provisions of the Revised Uniform Residential Landlord and Tenant Act (2015), the draft incorporates in an appendix a legislative adoption guide for States that will adopt certain provisions to supplement existing law.

## **8. Update on Uniform Law Foundation**

President Lansing reported that she presented the ULC's proposal for an Expert-in-Residence to the Uniform Law Foundation during the ULF's May meeting. The Trustees expressed interest in funding an expert-in-residence but must first resolve a question involving the ULF's letter of credit. Commissioner Swibel is working to resolve the issue. President Lansing also reported that the Trustees also would like a written plan for future ULF grant requests from the ULC, which would enable the ULF to better plan future fundraising.

President Lansing noted that it would be helpful to pursue further discussion of the Expert-in-Residence program structure during a broader discussion of possible uses of ULF funding at the July 2014 Executive Committee meeting.

## **9. Updates on Legislative Counsel position and Fellows application**

President Lansing reported on legislative counsel and Fellow candidate interviews held in Chicago on Tuesday, May 26. President Lansing, Executive Committee Chair Cassidy, and Commissioner Ramasastry joined staff in Chicago to interview five excellent finalists in person. One candidate interviewed for both positions. Decisions will be made soon about offers. President Lansing also reported on discussions about whether to fill the Legislative Director vacancy or restructure the office among existing personnel.

## **10. Minutes of the May 1, 2015**

A motion was made and approved.

The meeting was adjourned at 8:53 a.m.