

MEMORANDUM

TO: Drafting Committee, Advisers and Observers

FROM: Patricia B. Fry

DATE: March 24, 1999

SUBJECT: April UETA meeting

This memorandum accompanies the March 19th draft of the UETA and the Reporter's Memorandum. Both the Memorandum and the Draft identify the principle issues remaining for resolution at this, the last meeting prior to the Final Reading of the Draft. Please note specifically that the material which follows each provision in the Draft titled "Notes to This Draft" also identify the action which will be taken with respect to any bracketed items in the absence of direction from the Drafting Committee.

The meeting agenda will be driven by the issues identified by Ben Beard; the first and fundamental goal of the meeting will be the final resolution of all remaining questions. The focus will be on final resolution of policy choices. Anyone having suggestions for the Reporter concerning the expression of those policy choices should send written comments and suggestions to the Reporter. We will not spend time on such suggestions at the meeting.

Please review these documents carefully, and provide any comments or suggestions on policy and substance in writing and electronically as soon as possible. Such comments also will be forwarded to the electronic bulletin boards for posting at the earliest possible opportunity. The Chicago office can assist with mailing lists for those who wish to mail copies to other participants. While participants make every effort to review and consider comments distributed at the meeting, and while anyone wishing to submit written comments at the time of the meeting will be able to do so, obviously more considered thought can be given to materials made available prior to the meeting.

Since this is our last meeting prior to the Final Reading, the agenda must be completed and it may be necessary to move discussion along with more direction than has been my practice in the past. Within the demands of completion of the agenda, however, every effort will be made to encourage full and free participation in our discussions. I remain convinced that it has been precisely this full and free participation which has in large part contributed to the excellent progress we have made.

I want to take this opportunity to thank all participants for the energy, experience, intelligence, and good will that you have brought to the process, and for the liberal dose of these same elements which will be given in April. It has been a privilege and an honor to work with you. I look forward to working with you as we bring our product to the Legislatures of the States.

Agenda
Uniform Electronic Transactions Act
April 9-11, 1999

Consistent with past practice, except as separately identified below, definitions will be considered along with the substantive provisions to which they relate.

Friday, April 9, 1999, 8:30 a.m.

- §104 – Use of Electronic Records and Signatures
- §115 – Receipt of Notice
- §102(8) – Definition of Electronic Signature
- §103 – The list of "ministerial" sections of UCC Articles 3, 4 and 4A
- §103 – Are the exclusions complete and appropriate?
- §116 – Transferable Records

Saturday, April 10, 1999, 8:30 a.m.

- §114 – Use of Electronic Agents
- §104(d) – The legal effect of an agreement.
- §105 – Application and Construction
- §110 – Notarization
- §111 – Retention and Originals
 - [1] Should (d) override commercial practice?
 - [2] Should a governmental agency be excluded from (f)?
 - [3] Should (e) be retained with a special rule for checks?
- §112 – Evidence
 - Should subsection (b) be retained governing persuasive effect of evidence?
- §115(f) – Receipt of Acknowledgment

Sunday, April 11, 9:00 a.m.

With the remaining time, we will turn to the beginning of the draft and review, section by section, all suggestions for improvements of provisions not theretofore discussed.

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