



American Bar Association Advisors and the Uniform Law Commission

The Uniform Law Commission (also known as National Conference of Commissioners on Uniform State Laws) promotes uniformity in state law by providing states with well-drafted, non-partisan legislation that brings clarity and stability to critical areas of the law. The ULC is composed of approximately 400 lawyers appointed as commissioners by the governments of all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. The ULC has developed hundreds of uniform and model acts that have been enacted more than 6,000 times by state legislatures. The most well-known example of the ULC's work is the Uniform Commercial Code, but the ULC has also developed acts addressing a wide range of other topics, such as unincorporated organizations, anatomical gifts, arbitration and mediation, family law, real property, and trusts and estates.

The ULC Process

Any proposal for a new uniform act is referred to the ULC's Scope and Program Committee, which makes recommendations to the ULC's Executive Committee regarding whether a new study or drafting committee should be established. A study committee typically works for six months to a year via Zoom before making a recommendation regarding whether the ULC should draft a new act. A drafting committee typically works for two years (generally with two in-person or hybrid meetings each year) to develop an act, which must generally be considered at two of the ULC's annual meetings before it is approved in a vote by the states.

Each study or drafting committee is composed of ULC commissioners who are appointed as the voting members of the committee (including a chair, who runs the meetings), a "reporter" (often an academic) who assists the committee with research and drafting, at least one ABA advisor (discussed below), and a number of observers. Any interested individual may sign up on the ULC website to be an observer to any study or drafting committee. Observers automatically receive committee materials and notices of meetings. While the term "observer" may suggest a limited role, observers are encouraged and expected to make substantive contributions to the committee discourse. (The ULC has several [policies](#) in place designed to encourage open, professional, and productive discussions in committee meetings.) At the end of the drafting process, those who have participated in a committee's work are encouraged to provide active support as the ULC submits an act for adoption by state legislatures.

The ABA and the ULC

The relationship between the ULC and the American Bar Association goes back over 130 years. In 1890, the ABA's efforts at promoting the uniformity of law among the states culminated in the adoption of a resolution urging states to appoint uniform law commissioners. The ULC was created in 1892 due to this ABA advocacy. Uniformity of state law—and therefore the relationship between the ABA and the ULC—has become even more important as the world has

changed over the following decades, with people and transactions crossing state borders more frequently.

Pursuant to a memorandum of understanding between the two organizations, the ABA appoints at least one advisor to all ULC drafting committees (and usually to study committees as well). Individual ABA groups with a particular interest in a project may also appoint a “section advisor” to the committee. ABA advisors are encouraged to contribute actively to the discussions within each committee, including by providing drafting suggestions. However, the ABA advisor’s primary role is as a liaison: not merely contributing one individual’s views to the committee, but providing a conduit for two-way communications between the organizations. The ABA advisor is responsible for ensuring that interested ABA groups are informed about the progress of each ULC committee’s efforts, as well as for relaying any comments and concerns from ABA groups to the relevant ULC committee throughout the committee’s work. ABA advisors are expected to provide reports after committee meetings.

The ABA also appoints members to six “Joint Editorial Boards” that monitor various areas of law—family law, real property, trusts and estates, unincorporated organizations, international law, and health law—and provide the ULC with input on in-progress projects as well as proposals for new work.

The goal of this system is to ensure that the ULC receives substantive input from all interested ABA groups during the study and drafting process, which not only improves the quality of the acts being drafted but also bolsters their chances for enactment by states. Each year after finalizing its uniform acts, the ULC then presents them to the House of Delegates at the ABA’s midyear meeting. Pursuant to the agreement between the organizations, the ULC does not ask the House of Delegates to endorse the substantive policy decisions embodied in each act, but merely to pass a resolution approving the act “as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.” The agreement further specifies that the House cannot seek to amend a uniform act brought before it; while ABA guidance on drafting is actively sought during the development of each act, by the time an act is presented to the House of Delegates, it has already been finalized and sent to the states for enactment efforts. Instead, the House simply votes the resolution up or down. In so doing, the House is not deciding whether everything in the underlying uniform act should be ABA policy, as would be the case for other resolutions.

Thus, substantive input during the study and drafting process—coordinated by ABA advisors—is key to ensuring that all interested ABA groups have a chance to shape the development of uniform acts. The ULC greatly appreciates the time and commitment of ABA advisors, as well as the vital relationship with the ABA itself. The ABA’s participation in the ULC’s work provides invaluable assistance in producing high-quality acts for consideration by state legislatures.