

## LETTER FROM THE PRESIDENT

### Howard J. Swibel



Over the past few months, there have been a number of new developments within the Conference to report. First of all, the Conference staff is changing in many ways. As most of you know by now, John McCabe, our long-time Legislative Director and Legal Counsel, retired officially at the end of June. John joined the Conference in 1972, and was the first Legislative Director the Conference had ever had. John was instrumental in shaping the legislative program as we know it. Before John joined the Conference, legislative work was uneven at best, with each state doing its best, but no coherent legislative strategy in place. The legislative effort today is well organized, and our legislative program is thriving. After years of traveling the country, and testifying in state capitols on countless uniform and model acts, John will finally get a chance to relax! John will be honored at the annual meeting this summer for his long and distinguished record of service to the Conference.

With John's retirement imminent, in January the Conference hired two new Legislative Counsel: Kieran Marion and Eric Fish. Eric has taken over the lead on our uniform family law acts. Eric testified numerous times in South Carolina this year, and was instrumental in the passage there of the Uniform Child Custody Jurisdiction and Enforcement Act, the Uniform

Interstate Enforcement of Domestic Violence Protection Orders Act, and the 2001 Amendments to the Uniform Interstate Family Support Act. He also testified on our family law acts in Kansas, Nevada, and California. Kieran is taking the lead with respect to our uniform real property acts, including the Uniform Environmental Covenants Act and the Uniform Real Property Electronic Recording Act. Kieran has also testified in numerous states, including Michigan, Nevada, and Illinois. UECA has been enacted in four states this year, and URPERA has been enacted in six states this year. Eric and Kieran are important reasons why we're having such a good year legislatively, with enactments approaching 100 so far. You'll get a chance to meet and welcome Eric and Kieran to the Conference in Pasadena this summer.

We are continuing our work with the National Congress of American Indians, the most powerful consortium of tribal governments, and our efforts to promote the Model Tribal Secured Transactions Act. We are looking forward to collaborating with the NCAI on our next project, which may focus on a business entity statute custom made for Indian country. We will be working with the United Sioux Tribes this fall in hosting a national judicial training conference on the MTSTA, funded by the United States Department of the Interior, Bureau of Indian Affairs.

Our newest JEB – the Joint Editorial Board for International Law – held its inaugural meeting in May. At

that time, representatives of the Conference met with representatives of the ABA Section on International Law to discuss, prioritize, and provide support to NCCUSL's ongoing international convention implementation efforts and joint harmonization projects with the Uniform Law Conference of Canada and the Mexican Center on Uniform Laws.

And last but certainly not least, one of the most important developments this year is the impending purchase of new office space for the Conference headquarters office. At the end of the year, the Conference will be moving to a new office condominium in the historic Garland Building, located in the Chicago Loop district. The condominium will be purchased by the Uniform Law Foundation, and will be financed through a bond issue. The Conference will pay below-market price rent to the Foundation. The new space will allow us to nearly double our current office space, and provide us with plenty of room to grow for years to come.

Nearly 30 new Commissioners will be joining us this summer in Pasadena, with a record number of Commissioners registered to attend our 116th Annual Meeting. Let's welcome them warmly and help them get familiarized with how we make laws. Travel safely and be prepared to have a meaningful and pleasant time.

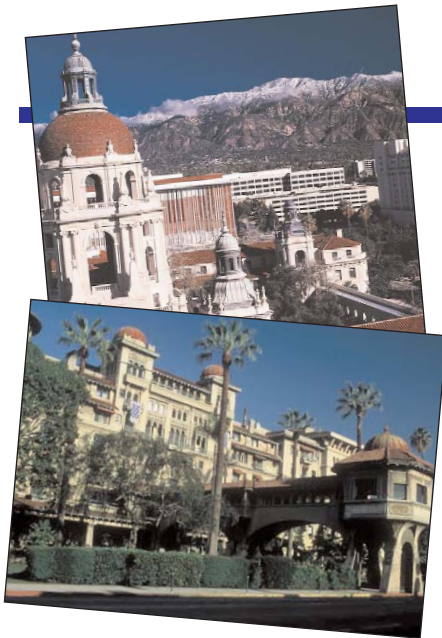


# Uniform Activities

## eNEWSLETTER

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## ARE YOU READY FOR *Pasadena?*

The final plans have been made, and we are ready for California. Most of our events are now sold out, but there are still some tickets available for a few of the optional events, though time is running short. Here's just a few of the events where space is still available:

- Architecture Tour of Pasadena and Silver Lake;
- Tickets for shuttle buses to Santa Monica on Sunday afternoon;
- Uniform Law Foundation Annual Benefit Event at Sony Pictures Studios;
- Old Pasadena Tour;
- Information lunches, including "Shift Happens."

Contact the Chicago office as soon as possible if you'd like to sign up for any of our optional events.

The business agenda is now complete, and there's plenty to keep everyone busy. Acts up for final approval include the Uniform Rules Relating to the Discovery of Electronically Stored Information Act, the Uniform Interstate Depositions and Discovery Act, the Uniform Limited Cooperative Association Act, Amendments to the Model Entity Transactions Act, Amendments to the Uniform Emergency Volunteer Health Practitioners Act, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, Uniform Collateral Consequences of Conviction Act, and Amendments to Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act (see accompanying article for brief descriptions of each of the final acts).

### ***Legislative Breakfasts in Pasadena***

As at previous annual meetings, each morning in Pasadena, before the general session starts, the Legislative Council will host a legislative breakfast meeting for all commissioners from two separate regions. And as in the past, there will be a follow-up meeting for each of those state's legislative liaisons only.

All commissioners should have received a schedule for each state's meeting and an agenda. It is crucial for every commissioner to attend this Legislative Breakfast. Please note the time and place for your meeting.

### ***See You This Summer***

The annual meeting is the pinnacle of the uniform laws process. The quality of uniform acts, their very integrity, depends upon the attendance of uniform law commissioners from every state. Our annual meetings are also a time to greet old friends, and make new ones. We hope to see you in Pasadena this summer, and look forward to another great meeting.

## 2007 FINAL ACTS

There are currently eight uniform acts that are scheduled for completion at this summer's annual meeting. Here's a quick look at the proposed final acts.

The **Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act** addresses the issue of jurisdiction over adult guardianships, conservatorships, or other protective proceedings. Because there are more than fifty guardianship systems in the United States, problems of determining jurisdiction are frequent. There is a need for an effective mechanism for resolving multi-state jurisdictional disputes. This new act contains specific guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult. The objective, like the Uniform Child Custody Jurisdiction and Enforcement Act, is that only one state will have jurisdiction at any one time.

The **Uniform Rules Relating to Discovery of Electronically Stored Information** should bring up-to-date state rules and statutes concerning discovery in civil cases. With the emergence of electronic technology, the extent to which individuals and institutions store or maintain information in an electronic form has clearly increased since the adoption of rules governing discovery generally. By some estimates, more than 90% of corporate information is being stored in some sort of digital or electronic format. This new act mirrors the recently adopted amendments to the Federal Rules of Civil Procedure dealing with electronically stored information. The rules are modified, where necessary, to accommodate the varying state procedures.

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*2007 Final Acts, continued from previous page*

The **Uniform Collateral Consequences of Conviction Act** addresses the various penalties and disqualifications that individuals face incidental to criminal sentencing, including disqualification from voting, prohibitions from running for office, exclusion from certain types of employment, etc. The provisions in the act are largely procedural, and designed to rationalize and clarify policies and provisions which are already widely accepted by the states. The act provides provisions to ensure that defendants are aware of the existence of collateral sanctions before sentencing.

The **Uniform Interstate Depositions and Discovery Act** provides procedures to enable a party to effectuate depositions and discover documents in other states and foreign jurisdictions. The Act is simple and efficient: it establishes a simple clerical procedure under which a trial state subpoena can be used to issue a discovery state subpoena. The act has minimal judicial oversight: it eliminates the need for obtaining a commission, letters rogatory, filing a miscellaneous action, or other preliminary steps before obtaining a subpoena in the discovery state. The goal is to simplify and standardize the current patchwork of procedures across the various states for deposing witnesses for purposes of out-of-state litigation.

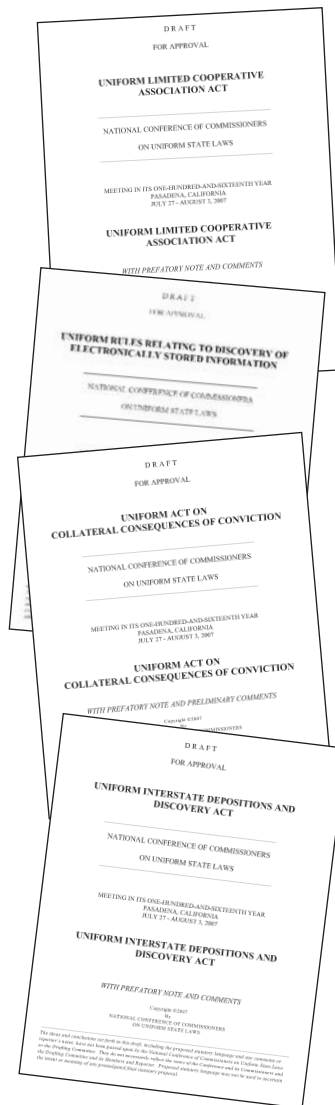
The **Uniform Limited Cooperative Association Act** addresses the cooperative form of business. Cooperatives are business entities that are owned and controlled by their members. This act is an alternative to other cooperative and unincorporated structures already available under state laws. The act provides a default template that encourages planners to utilize tested cooperative principles for a broad range of entities and purposes.

The **Uniform Emergency Volunteer Health Practitioners Act**, approved in 2006 and already adopted in three states, allows state governments to give reciprocity to other states' licensees on emergency services providers so that covered individuals may provide services without meeting the disaster state's licensing requirements. Proposed amendments to reserved Sections 11 and 12 deal

with the issues of workers' compensation coverage and protection from some aspects of civil liability. Section 11 (Civil Liability for Volunteer Health Practitioners) provides states with three alternatives to choose from with respect to the degree of liability protection. By recommending that states select one of three alternatives regarding the scope of liability protection, the Act endorses the concept that states should clearly define the scope of liability protection for volunteer health practitioners to reduce risk and uncertainty. Section 12 (Worker's Compensation Coverage) provides that volunteer health practitioners, who are not otherwise entitled to workers' compensation or similar benefits under the laws of any state, including the host state, are entitled to the same workers' compensation or similar benefits as employees of the host state.

The **Uniform Representation of Children in Abuse and Neglect and Custody Proceedings Act**, approved in 2006, seeks to improve the representation of children in proceedings directly affecting their custody by clearly defining the roles and responsibilities of children's representatives and by providing guidelines to courts in appointing representatives. Amendments have been drafted to change the terminology to "best interests legal representative" and "best interests advocate" in place of "best interests attorney" and "court appointed advisor." The amendments also change the theory of the best interests legal representative to an attorney who represents the best interests of the child and who is not in an attorney-client relationship with the child. The amendments provide alternatives that allow states to make different choices about when and whether best interests legal representatives should be appointed in abuse and neglect cases.

The **Model Entity Transactions Act**, approved in 2004, provides states with a single statute covering all types of mergers and conversions among different forms of business entities. Amendments have been drafted to make the act more useful, especially in the area of intra-entity transactions.



## UNIFORM LAW FOUNDATION NEWS

**Robert A. Stein, Chair**

### **Broad Support for 2006/2007 ULF Campaign**

I wish to express my thanks for the broad support that commissioners have given to the foundation during the past year. Over 170 of you have participated in the current campaign as of mid-June. To date, we have 33 Fellows (with gifts of \$250 to \$499), 9 Benefactor Fellows (with gifts of \$500 to \$999) and 13 Patrons (a new category recognizing those who have given \$1,000 or more in a campaign year). We also currently have 12 Lifetime Fellows (those who have given cumulative gifts of \$10,000 or more to the Foundation). We are very grateful to you for your continuing support.

As you know, the current campaign will continue through the end of the Annual Meeting in Pasadena, and one of our annual goals is for states to have 100 percent participation. To date, ten states (Arizona, Connecticut, Georgia, Idaho, Minnesota, New Jersey, New York, Oregon, Virginia, and West Virginia) have achieved that goal. And seven more states (Arkansas, Iowa, Massachusetts, Puerto Rico, Tennessee, Utah and Vermont) are just one commissioner short of that goal.

If you wish to make a contribution before the annual meeting, you'll find information as well as a downloadable donation form online at our web site – [www.uniformlawfoundation.org](http://www.uniformlawfoundation.org).

### **Benefit Tickets Nearing Record**

As we finalize plans for our Saturday evening Sony Picture Studio Benefit, I am happy to report that we're heading toward what may be our biggest sell-out ever, with more than 280 commissioners and Conference friends already on board. It should be a wonderful evening – this will be a true Hollywood experience, red carpet and all! The benefit includes not only a backstage tour at Sony, but also catering by Wolfgang Puck. Also, all states reaching 100% participation will be recognized at the benefit. I hope you plan on joining your fellow commissioners at this unforgettable event. There are still tickets available. Please contact the Conference office if you wish to join us and have not already purchased your tickets.

### **Thank You**

On behalf of all of the Trustees of the Uniform Law Foundation — Rhoda B. Billings, Tim Berg, Carl H. Lisman, Edwin E. Smith, and myself — thanks to everyone who has supported the Foundation this past year. Our endowment now stands at just over \$3.4 million, an impressive milestone that we could not have reached without the support of so many dedicated commissioners. We look forward to seeing you all in Pasadena.

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

**2007 ANNUAL MEETING**

**July 27 - August 3  
Pasadena, California**

*See you  
there!*

UNIFORM ACTIVITIES eNEWSLETTER

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