

*Shadow Super-Legislature*

## ULC to Meet — for 100th Time

By RANDALL SAMBORN

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IT'S AS PRESTIGIOUS as any group of lawyers, judges and scholars, but there's little glamour or notoriety in being among the nation's 300 uniform law commissioners. And it's hard to imagine that their 100th annual meeting — in Florida in August — will be too much of a celebration as they intently labor over complex

statutes, line by line, word by word and comma by comma.

Although state legislators are principally responsible for drafting laws, members of the National Conference of Commissioners on Uniform State Laws are real masters of that craft. Acting as a sort of shadow super-legislature, they have written such bulwarks of state statutory law as the Uniform Commercial Code, the Uniform Partnership Act and the Uniform Probate Code.

Since the first meeting of delegates

from seven states in Saratoga Springs, N.Y., in 1892, the commissioners have promulgated more than 200 acts that mirror changes in law and society. A century ago, they developed laws governing wills, marrying ages and the legal weight of a bushel, all of which varied from state to state.

Today, they grapple with such 21st century legal issues as transfers of electronic funds and the conception

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# Commissioners to Meet On Centennial Agenda

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and longevity of life, which are spurred by advances in computer and biomedical technology.

"The ability to impose uniformity 100 years ago was non-existent on the part of the federal government and... the only way to achieve uniformity... was if the states would recognize formalities in other states or have similar laws themselves," says ULC President Lawrence J. Bugge. His two-year term expires at the end of the annual meeting Aug. 2-9 in Naples, Fla.

"The idea and necessity for uniformity still obtains in a whole host of areas," says Mr. Bugge, a partner in the Madison, Wis., office of Milwaukee's Foley & Lardner.

Among the acts on the centennial agenda for final approval are the Uniform Employment Termination Act, the Uniform Victims of Crime Act and a revised Uniform Partnership Act. The termination act provides protection for "whistle-blowers" and protects employees from being fired in violation of public policy or the employer's own guidelines.

The crime victims act provides compensation for injuries and an enforceable "Victim's Bill of Rights." Although 44 states profess to have such a declaration of rights, their form ranges from resolutions without force to comprehensive statutes.

The Uniform Partnership Act, first approved in 1914 and revised in 1976, is being updated to set forth new rules regarding dissolutions.

#### Other Acts to Be Debated

Other acts scheduled to be debated include a Uniform Defamation Act, the Civil Forfeiture for Drug Offenses Act and revisions of the Uniform Adoption Act and the Uniform Reciprocal Enforcement of Support Act.

Each act must be considered at two annual meetings before it can be approved and sent to the states for adoption. Each state has at least three commissioners — some have up to a dozen — but each state delegation has only one vote.

John M. McCabe, legal counsel and legislative director of the Chicago-based conference, says getting the states to adopt the acts in substantially the same form is sometimes a more arduous task than drafting the laws. The best example is the ULC's signature product, the Uniform Commercial Code.

A committee to draft the UCC — the fundamental law governing commercial transactions — was established in 1940. The ULC and the American Law

Institute joined forces on the project in 1947, and it was completed in 1951. Pennsylvania first adopted the UCC in 1953, and 14 years later it had been adopted in all states except Louisiana, which recently incorporated most of its articles.

#### Legendary Tales

Tales of the UCC's adoption have become legend. It was passed in Connecticut in 1962 because Commissioner John Bailey was state and Democratic national chairman and ordered that it become law. In Nebraska in 1963, an Omaha newspaper proclaimed: "Senators Doze While Bill Is Read." The reading took more than four hours and

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"nobody paid any attention," according to the article, but the UCC was adopted 28-0.

The code has not remained static. Amendments first were approved in 1977, and the first new article — 2A, governing leases — was approved in 1987. Drafting of further revisions and articles is under way. The group has been criticized by some scholars for taking a piecemeal approach, but Mr. McCabe says that often is the nature of voluntary professional groups.

According to group historians, former Utah Commissioner Calvin W. Rawlings wasn't very excited when he was appointed in 1927, but soon found that fraternizing with scholars such as Dean John Henry Wigmore on evidence and Samuel Williston on contracts was a convenient way to keep current on the law.

Other notable commissioners have included Woodrow Wilson, Louis Brandeis, Roscoe Pound and Chief Justice William Rehnquist.

"It's important and satisfying work," says Mr. Bugge.

He adds: "The chance to analyze and debate tough issues with some of the finest legal minds, and the chance to shape and improve American law for years to come — that's what keeps us at it."