

# FORMING A MORE PERFECT UNION

A History of the Uniform Law Commission



Robert A. Stein

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For my grandchildren, with love

*Robert Routh, Sarah Routh, Amanda Conrad,  
Christopher Conrad, Matthew O'Boyle and Erin O'Boyle*

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# FOREWORD

by Justice Sandra Day O'Connor

The U.S. Supreme Court decision *New York v. United States*<sup>1</sup> raises the “oldest question of constitutional law.” That question is the proper division of authority between the Federal Government and the States. It is still a vital question. How do state governments maintain and protect their laws within the federal system of government? One way is by the voluntary action of the states working together to pass uniform state laws so that there is no need for federal preemption in that particular area of the law. The work of the Uniform Law Commission is essential.

“American law” actually consists of 50 separate and potentially differing bodies of state law, co-existing with federal law. The fact that most Americans are unaware of the complexity of our legal system is due in some measure to the great success of the Uniform Law Commission.

The Uniform Law Commission enables states to voluntarily work together to solve problems common to all. The Commission has drafted more than 250 uniform acts in such areas as commercial transactions, trust and estates law, business entity law, organ donation, and interstate child support and custody. The Commission’s work saves states from having to perform duplicative and costly research in addressing shared legislative concerns. Uniform acts are voluntarily adopted by state legislatures, and they respond to each state’s statutory framework and concerns.

The Uniform Law Commission plays an integral role in both *preserving* our federal system of government and keeping it *vital*.

The **Tenth Amendment to the Constitution** reserves to the states “the powers not delegated to the United States by the Constitution, nor prohibited by it to the states...” Because of this protection, nearly all private law—contracts, business organizations, family law such as marriage and divorce and custody matters—is left for regulation by the legislatures and courts of the various states.

In the 19th century, there were at least two ways to unify the legal framework of the states. State law could be preempted by the federal government, or the states could create a forum by which they could voluntarily agree to develop, and then enact, uniform legislation on important subjects of common concern. That was the path chosen in 1892 when the Commission was formed.

A federal system like ours cannot endure if uniformity of law is continually imposed on the states by the national government. It would mean that federal courts, not states courts, would be the interpreters of the legislative design. With a uniform law passed by all the states it is otherwise; state courts retain their authority to interpret what the state uniform law means.

When I served in the Arizona Senate from 1969 to 1975, I observed first-hand the quality of the work of the Commission. Arizona passed more than a dozen uniform acts in that short time. Some of the uniform acts passed included the Uniform Anatomical Gift Act, a truly groundbreaking act that regulated and simplified the law on organ donations, thereby helping countless people lead long and productive lives. The Uniform Probate Code was another groundbreaking act which was designed to shorten and simplify the probate of estates.

Our former Chief Justice William Rehnquist, wrote the Foreword for a history of the Uniform Law Commission that was published in 1991,<sup>2</sup> and I am honored to provide a Foreword for this written



history of the ULC authored by my friend, Dean Robert Stein.

Chief Justice Rehnquist represented Arizona on the Uniform Law Commission from 1963 until 1969. In his Foreword, he expressed what his service as a commissioner meant to him. He said, “My most vivid recollection of the annual meetings is the high quality of the floor debate about a pending proposed uniform law. I have seen many deliberative bodies before and since, but in none were the discussions of the same high quality.” He went on to say: “We were never compensated for our time as lawyers, but we had the privilege of working in a group of diverse and stimulating members of the profession in a very useful and productive effort to benefit the legal system. Such work is its own reward.”

Uniform law commissioners have never been compensated for the work that they do on behalf of the Commission. Commissioners spend countless hours not just drafting uniform laws, but then working in their home states to get those uniform acts adopted by the various state legislatures. It is commendable that uniform law commissioners so generously donate their time and talents to advancing the general welfare of our country.

The mission of the Uniform Law Commission remains the same today more than 120 years after its founding in 1892: to promote uniformity of law among the states, and to support and protect the federal system of government by seeking an appropriate balance between federal and state law. The Commission has served our nation well.

Sandra Day O’Connor

Associate Justice (Retired)

Supreme Court of the United States

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**Footnotes:**

[1](#) 505 U.S. 144 (1992).

[2](#) Walter P. Armstrong, Jr., *a Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 1–2 (1991).

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## ACKNOWLEDGMENTS

Many people made important contributions to this book. First, I would like to thank Michael Houghton, Commissioner from Delaware and President of the Conference (2011 to 2013), who had the vision that gave rise to this book. Michael proposed a series of projects to better capture the history of the Uniform Law Commission—in video, in print and in oral recorded histories. This book is one of the results.

I want to thank next the people who contributed their knowledge and talent to the preparation of this book. I especially want to recognize and thank Katie Robinson, Deputy Legislative Director and Director of Communications of the Uniform Law Commission. Katie has a great knowledge and love for the Uniform Law Commission developed over the many years she has been part of the Conference. She read and offered her wise comments on every chapter of the book and assisted in numerous other ways. Two law students at the University of Minnesota Law School, Steven Platt, a 2013 graduate, and Terran Chambers, a 2014 graduate, provided excellent research and expert footnoting skills. Early in the process, Isabel Levinson, a graduate student at the University of Minnesota helped get the project underway. I want to thank Terry Morrow, Legislative Director of the Conference, who reviewed every chapter before it went to the printer, and Kristina Shidlauski, former publications manager of the Conference, who provided her excellent graphics talent to the production of the book.

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The Executive Committee of the Uniform Law Commission established a history committee to oversee the history initiatives of the past two years, and I want to thank that committee, chaired by Commissioner Howard J. Swibel, for their support. Other members of the committee are Commissioners Boris Auerbach, Deborah E. Behr, Bart M. Davis, Gail Hagerty, Peter F. Langrock, Gene N Lebrun, Ryan Leonard, Susan Kelly Nichols, Daniel Robbins, Robert A. Stein, and Michael P. Sullivan.

On a personal level, I want to thank my wife, Sandy, for her cheerful acceptance, without complaint, of my absence during the many evenings and weekends I have been engrossed in the writing of this book over the last two years.

In writing this history, it was very helpful to have the historical record set forth in an earlier history of the Conference, *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws*, written by Commissioner Walter P. Armstrong, Jr. A number of references to the Armstrong book are included in footnotes in this book, and an abridged bibliography of the earlier history is also included in the book.

Most of all, I want to thank the Uniform Law Commissioners, past and present, for creating the extraordinary history chronicled in these pages. Giants of our profession over twelve decades have been responsible for this remarkable record of accomplishment. They have crafted uniform and model

legislation in drafting committees and debated the merits of their drafts on the floor of the Conference at each annual meeting. The roster of Uniform Law Commissioners over the past 120 years reads like a “who’s who” of great reformers of American law. They have come from the bench and the bar and the academy. They have done this work and produced these acts, receiving no compensation other than reimbursement of their expenses, because of their love for the law and their passion for justice. The Commissioners are the heroes of this book. They deserve the gratitude of all Americans for their unselfish commitment to law improvement and their creation of sound and effective uniform state laws important for the preservation of our federal republic.

Robert A. Stein

July, 2013

# CHAPTER 1

## In the Beginning: 1786–1900

In the late nineteenth century, visitors traveled to Saratoga in upstate New York to enjoy the numerous spas and other tourist attractions offered by this city on the western bank of the Hudson River. Saratoga Springs was one of the most popular resort destinations of the time, attracting countless visitors, including such prominent guests as the Vanderbilts, the Whitneys, and the J.P. Morgans, who came to visit its famous race track, its resorts and spas, and its surrounding natural beauty.

But in the summer of 1892, a group of distinguished lawyers traveled there for another reason: to establish the organization that would become known as the National Conference of Commissioners on Uniform State Laws.

The first meeting of the Conference of Commissioners on Uniform State Laws was held on August 24, 1892, just before the annual meeting of the American Bar Association.<sup>1</sup> In the official report of that meeting, the organization's first officers, President Henry R. Beekman of New York<sup>2</sup> and Secretary Frederic J. Stimson of Massachusetts, emphasized the need for such a conference: "There has been for many years a great desire among lawyers, and the people generally, for a greater unanimity of law throughout the country in those matters in which such unanimity is both desirable and possible, but it never came to any definite result until this year."<sup>3</sup>

Indeed, the need for a uniform system of laws had become apparent over a century earlier, soon after the original 13 colonies declared their independence from Great Britain in 1776. The first charter of the United States, the Articles of Confederation, ratified by the 13 states by the end of 1781,<sup>4</sup> established a decentralized form of government because the framers of the Articles feared that the needs of the states would be ignored by a powerful national government, so they deliberately placed the largest share of power in the individual states.<sup>5</sup> Under the Articles, the new national government lacked the power to, among other things, collect taxes, regulate interstate commerce, and declare the supremacy of its own enactments.<sup>6</sup> Article III described the relation of the states to each other as "a firm league of friendship."<sup>7</sup>

Despite having entered into "a firm league of friendship," the states jealously guarded their independence from each other and from the central government. States enacted their own laws, printed their own money, imposed retaliatory interstate commerce taxes, and refused to comply with foreign treaties.<sup>8</sup> The states frequently argued among themselves and refused to financially support the national government,<sup>9</sup> and the weak central government lacked the power to enforce any acts it did pass.<sup>10</sup>

It soon became apparent that the Articles of Confederation were inadequate. After several interstate tariff wars and numerous small rebellions, the state of Virginia, at the urging of James Madison, who was at that time serving in the Virginia House of Delegates, called for a conference to meet in Annapolis, Maryland, in 1786 to discuss the establishment of a uniform commercial system.<sup>11</sup> Alexander Hamilton and James Madison, who played leadership roles at this conference, drafted a resolution calling for a convention to be held in Philadelphia in May of the following year to discuss

these issues further.<sup>12</sup> That convention, in 1787, produced the Constitution of the United States.

Four years later, in 1791, the first ten amendments to the Constitution, drafted by James Madison and known as the **Bill of Rights**, were added. The **Tenth Amendment** reserved to the states any powers not specifically delegated to the federal government. It states simply: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”<sup>13</sup>

By providing that powers not granted to the federal government are reserved to the States, the **Tenth Amendment** established the principle of federalism, under which the United States has operated ever since.<sup>14</sup> Federalism is the cooperative sharing of power between the federal government and the state governments.

This reservation of certain powers to the states, however, created the possibility that the states could and would enact diverse statutes on the same subjects, “leading to confusion and difficulty in areas common to all jurisdictions.”<sup>15</sup>

This confusion and uncertainty during the first half of the nineteenth century caused many legal scholars to call for codification of the common law as a way to alleviate both variability and the conflict between courts and legislatures. One advocate of codification was United States Supreme Court Justice Joseph Story. In 1837, while a member of the Supreme Court, he wrote a report for the Commission to Codify the Common Law of Massachusetts, in which he emphasized the efficiency a code would produce:

One great advantage, therefore, of a Code, an advantage, which in a practical view can scarcely be over-estimated, is, that it supersedes the necessity, in ordinary cases at least, of very elaborate researches into other books; and, indeed, it often supersedes in all cases, but those of rare and extraordinary occurrence, the necessity of consulting an immense mass of learned collections and digests of antecedent decisions.<sup>16</sup>

The situation after the Civil War intensified the need for more uniform and predictable state laws as industrialization increased and commercial relations among the states expanded. The transcontinental railroad, completed in 1869, brought products and people to the rapidly developing West.

David Dudley Field, an influential New York lawyer and law reformer, was a strong advocate for codification. His strong belief that the law should be codified in statute, rather than left to court interpretation, was a seismic shift in the legal thinking of the time.<sup>17</sup> Field drafted a collection of codes intended for adoption in state constitutions: he drafted a civil code, a political code, a penal code, and a procedural code.<sup>18</sup> Collectively these codes became known as the “Field Code.”<sup>19</sup> His Procedural Code was adopted in New York in 1848,<sup>20</sup> and his Penal Code was adopted there in 1881.<sup>21</sup> Thirty states subsequently adopted amended versions of the Field Procedural Code of 1848,<sup>22</sup> thereby encouraging a movement toward uniform state laws. Field’s leadership for codification and uniformity of state laws probably was a factor in his election as the eleventh president of the American Bar Association in 1889.

The movement for uniform laws gained momentum during the last quarter of the nineteenth century, especially with the creation of the American Bar Association (ABA) at a meeting in Saratoga, New

York, in 1878.<sup>23</sup> One of the reasons founders gave for a national bar association was the need for greater uniformity of state laws;<sup>24</sup> indeed, the ABA's first constitution called for the organization to promote uniform state laws.<sup>25</sup>

Within a few years several state bar associations took up this cause. In 1881 the Alabama Bar Association, recognizing that the wide variations in laws among the separate states frequently caused confusion, created a committee to make recommendations about uniformity of state laws and to bring the subject to the attention of the bar associations of other states.<sup>26</sup> In 1889 the president of the Tennessee Bar Association, L.D. McFarland, in his annual President's Address, asked the state bar to instruct its delegates to urge the ABA to set up a convention to form a system of uniform laws:

To the student, the publicist, and the statesman this want of uniformity in the laws of the several States in matters which do not involve diverse local interests, is the favorite theme of comment and criticism.... We think a convention of representatives from all the States, appointed by the Governments of all the States, could frame a system of laws on all these kindred subjects, which, when passed by the several Legislatures, would secure this uniformity. We suggest, therefore, that the Association at this meeting, instruct its delegates in the American and National Bar Associations to propose and urge the passage, by both these Associations of a resolution commending such a convention ....<sup>27</sup>

The Tennessee Bar Association then appointed a special committee to study this recommendation; the committee directed W.A. Collier to present the following resolution to the annual meeting of the ABA in 1889:

Recognizing the desirability of uniformity in the laws of the several states, especially those relating to marriage and divorce, descent and distribution of property, acknowledgment of deeds, execution and probate of wills; therefore be it

Resolved, That the President of this Association appoint a committee, consisting of one from each state, who shall meet in convention at a time and place to be fixed by the President, and compare and consider the laws of the different states relating to these subjects, and prepare and report to this association such recommendations and measures as will bring about this desired result.<sup>28</sup>

In that same year, the American Bar Association appointed a special committee on uniformity of laws.<sup>29</sup> A year later, on April 28, 1890, the New York legislature authorized the governor to appoint three commissioners

to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates and other subjects; to ascertain the best means to effect an assimilation and uniformity in the laws of the States, and especially to consider whether it would be wise and practicable for the State of New York to invite the other States of the Union to send representatives to a convention to draft uniform laws to be submitted for the approach and adoption of the several States ....<sup>30</sup>

With the passage of this act, New York not only became the first state to establish a commission on uniform state laws,<sup>31</sup> but also provided the framework for the subsequent creation of the Uniform Law Commission.

Meanwhile, the ABA had taken heed of other state bar associations' calls for action. At the Association's annual meeting in 1889 in Chicago, presided over by its President David Dudley Field—the author of the Field Code—delegates passed the resolution introduced by W.A. Collier of Tennessee, but only after some discussion during which a delegate from the District of Columbia moved to refer the resolution to the Committee on Judiciary and Law Reform for report at the next annual meeting. The delegate withdrew his motion after Thomas J. Semmes of Louisiana pointed out the importance of the matter.<sup>32</sup>

Following passage of the resolution, President Field “appointed a Special Committee on Uniformity of State Legislation, with Semmes as chairman.”<sup>33</sup> However, members seemed to have limited enthusiasm for implementing the resolution, as evidenced by the meager attendance at the committee's first two meetings: only ten of its 43 members attended the first meeting, and only seven showed up at a subsequent meeting.<sup>34</sup> Nonetheless, the committee presented a report and resolution to the ABA in 1890, stating that “it seemed to us that this recommendation was so important that we have taken the liberty, although a small minority, to ask this meeting to consider this proposition.”<sup>35</sup> The Committee based its report on the New York act and urged in a resolution that the ABA recommend that each state and the United States Congress pass similar acts.<sup>36</sup>

The ABA adopted this resolution on August 21, 1890, at its annual meeting held that year in Saratoga.<sup>37</sup> By the end of the next year, five states, in addition to New York, had adopted acts to appoint commissions on uniform laws: Pennsylvania, Michigan, Massachusetts, New Jersey, and Delaware.<sup>38</sup>

In early 1891, the ABA Committee on Uniform Laws sent out a questionnaire “to each of its members and to several judges of the highest state courts and lawyers who had made a special study of interstate law.”<sup>39</sup> The questionnaire requested answers to the following questions:

1. What steps, if any, have been taken in your state (territory or district) towards a Commission on Uniformity of Law?
2. In what respect, if any, in your judgment, is greater uniformity in the laws of the various States and Territories desirable?
3. If greater uniformity is desirable, how far is it practicable?
4. What special evils or inconveniences, if any, result in your State from the present want of uniformity?
5. Could these inconveniences be adequately or considerably remedied by other methods?<sup>40</sup>

The Committee received answers to its questions that showed an almost unanimous consensus on the following points:

1. That variant and conflicting laws produce in all states the special evils or inconveniences of perplexity, uncertainty, and confusion, with consequent waste, a tendency to hinder freedom of trade and to occasion unnecessary insecurity of contracts, resulting in needless litigation and miscarriage of justice.
2. That greater uniformity is desirable and most urgently and immediately needed in

matters affecting directly the business common to and coextensive with the whole country, such as the enforcement of contracts, the collection of debts, the transmission of property, the nature, validity, negotiability, and construction of commercial paper, and the formalities of all legal instruments and the proofs of their authenticity.

3. That sudden, radical, and fundamental changes in the laws of divorce, descent, and distribution, however desirable, would meet with the greatest difficulty, and in most States changes would be more likely to be adopted, if at all, after the general advantages of uniformity in commercial matters had been demonstrated by experience.
4. That the desired uniformity could be secured best by concurrent action in the various states.<sup>41</sup>

The chairman of the Committee, Lyman Brewster of Connecticut (who later served as a commissioner and who was president of the Commission from 1896 to 1901), prepared a report that tried to answer “certain objections to the principle of uniformity.”<sup>42</sup> One of the main objections was that the states would lose their individuality or autonomy and “that even a self-imposed uniformity tends to centralization, and is opposed to the excellent principles of local self-government.”<sup>43</sup> The committee attempted to dispel this fear by stating that “[o]n the contrary, the proposed method of voluntary state action takes from the general government any excuse for absorbing powers now confined to the states, and therefore directly tends to preserve intact the independence of the states.”<sup>44</sup>

The newly-created Conference of State Uniform Law Commissioners held its first meeting at Saratoga beginning on August 24, 1892, just prior to the annual meeting of the American Bar Association.<sup>45</sup> The meeting lasted three days. Twelve representatives from seven states attended: Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey, and Pennsylvania (Mississippi’s appointed commissioners were unable to attend).<sup>46</sup> The representatives attending the meeting elected Henry R. Beekman of New York as President and Frederic J. Stimson of Massachusetts as Secretary and then adopted a motion designating the meeting as a “conference,” a name that has continued to be used to the present day.<sup>47</sup> The official name of the organization is the National Conference of Commissioners on Uniform State Laws, but it is also known informally by shorter names. In this history, we will refer to it by its various abbreviated names—the “Uniform Law Commission,” the “ULC,” the “Conference,” or the “Commission.”<sup>48</sup>

The report of the first meeting proudly stated that “It is probably not too much to say that this is the most important juristic work undertaken in the United States since the adoption of the Federal Constitution.”<sup>49</sup> Secretary Stimson wrote:

In the more than one hundred years that have elapsed since that time, there has been no official effort to obtain greater harmony of law among the States of the Union; and it is the first time since the debates on the constitution that accredited representatives of the several states have met together to discuss any legal question from a national point of view.<sup>50</sup>

At the end of the first meeting, the assembled commissioners called for a second conference to be held three months later in November in New York City.<sup>51</sup>

Business at these first meetings was conducted informally. In its early days, the organization lacked



a constitution and bylaws, rules, and standing or special committees; there were no arrangements for consideration of acts in a committee of the whole or votes by the states.<sup>52</sup>

Nevertheless, these early commissioners accomplished a great deal. In 1892, they recommended three acts to the states for enactment: an Acknowledgements Act, an Act Validating Wills Lawfully Executed Without the State, and an Act Recognizing as Valid Wills Probated in Another State.<sup>53</sup>

The commissioners also voted to recommend to the states that all bills and notes falling due on a Sunday or a legal holiday should be payable and presented for payment on the next business day; that a scroll should be a valid substitute for a seal on any written document; that the defendant in a divorce action must live within the state in which the action is brought, have lived there at the time the action arose, or appear voluntarily; that the age of consent to marriage be raised to 18 for males and 16 for females; and that “some ceremony or formality or written evidence should be required in all marriages.”<sup>54</sup>

The topic of marriage was controversial because it challenged established local and sectional customs and beliefs. As Secretary Frederic Stimson said in 1895,

A strong general prejudice in the South and West in favor of making marriage as easy as possible was met by equally strong determination in the North and East that people who were about to marry should understand and realize the fact at the time that so important an event in a man’s life should at best leave behind it some trace which could be a test to his collateral heirs, his descendants, his widow, and most particularly to his later alleged wife. The common-law marriage, or marriage by mere cohabitation, was declared ingrained in the manners of the people of one section of the country, while the necessity of a church ceremony or at least some civil act adequately representing it in formality, was declared equally a cornerstone of the civilization of the Puritans. It was, perhaps, a depressing inference to draw that the chief anxiety of our older civilization appeared to be how to avoid marriage, while that of the newer country was rather how most easily to incur it. It may well be imagined that the conference wisely abstained from recommending anything radical on the subject. Recognizing the impossibility of keeping the sexes entirely apart, the conference only endeavored to devise a means of making the parties clearly state under what relation they came together.<sup>55</sup>

The commissioners also adopted a uniform table of weights and measures to eliminate confusion. According to the meeting minutes, “it will probably be a surprise to most people to learn that the legal weights of a bushel, for instance, with the exception of wheat alone, vary in all the States, for all kinds of grain and the important commodities of trade.”<sup>56</sup>

Attendance grew steadily at meetings during the early years. When the Commission met for two days in November of 1892 in New York City, 12 commissioners attended from each of the eight member states: “three each from New York and Massachusetts, two each from Pennsylvania and New Jersey, and one each from Michigan and Georgia. Delaware and Mississippi were unrepresented.”<sup>57</sup> At the next meeting of the Commission, in Milwaukee, Wisconsin, in August of 1893, representatives from 20 states attended; at the meeting held once again in Saratoga, in August of 1894, representatives from 22 states attended.<sup>58</sup> The Conference has continued to meet in every year thereafter, except for 1945, the last year of World War II.<sup>59</sup> Attendees at these early conferences were indeed busy. The

stenographic reports of each of the first four conferences are two to three hundred pages long.<sup>60</sup> Although the Commission did not pass any additional acts until 1896,<sup>61</sup> the commissioners were not idle. By 1893 several committees were established: Wills, Marriage and Divorce; Commercial Law; Descent and Distribution; Deeds and Other Conveyances; Certificates of Depositions and Forms of Notarial Certificates; Uniformity of State Action in Appointing Presidential Electors; and Weights and Measures. A Finance Committee and an Executive Finance Committee were also established.<sup>62</sup>

In 1896 the Commission adopted the Uniform Negotiable Instruments Law—the first Commission statute “to be adopted in every state and territory and the District of Columbia.”<sup>63</sup> The Uniform Negotiable Instruments Law was prepared by J.J. Crawford of New York City for a fee of \$1,000.<sup>64</sup> Commissioner Lyman Brewster of Connecticut, elected President of the Conference in 1896, recognized the importance of this act for the development of commerce in the United States:

The importance to the commercial world, of uniformity in the law relating to bills and notes is apparent, when we remember how large a percent of the business is carried on by means of commercial paper, which in the hands of a bonafide holder has, so to speak, the quality of money, making in fact a flexible paper currency.<sup>65</sup>

Although highly successful, the act was not free from criticism. James Barr Ames, dean of the Harvard Law School (who later served as a commissioner from Massachusetts from 1902 to 1909), wrote in a law review article that the Negotiable Instruments Law was rife with serious errors.<sup>66</sup> Conference President Lyman Brewster answered Ames in another law review article, chiding him for arguing for the sake of arguing.<sup>67</sup> The state of Illinois adopted a number of Ames’ suggestions, revising the uniform act enacted in Illinois to incorporate his views.<sup>68</sup>

The initial informality of the Commission changed in 1896 when the Commission adopted procedural rules “listing the officers and committees, fixing the order of the business at the annual sessions and officially designating the organization as the Conference of Commissioners on the Uniformity of Laws.”<sup>69</sup>

In 1897 the Commission, recognizing the critical importance of enactment of the drafted uniform laws, adopted a resolution requesting that each commissioner personally work with the legislature of his state to pass acts proposed by the Commission:

That each commissioner be earnestly requested to give his personal attention to the introduction into the legislature of his state of such laws as have been proposed by the Conference of Commissioners, and that he give such personal attention to such proposed law from its introduction to its enactment and approval.<sup>70</sup>

This request that commissioners work to enact the Commission’s uniform or model acts in their respective states is now a constitutional requirement and has been reiterated at almost every annual meeting to the present day.<sup>71</sup>

The Commission’s annual meetings in 1898 and 1899 were devoted almost exclusively to consideration of proposed divorce legislation, culminating in the adoption of the Divorce Procedure Act in 1900.<sup>72</sup>

The Commission grew rapidly from its seven founding member states in 1892. In 1893 Connecticut,

Illinois, Kansas, Minnesota, Montana, Nebraska, New Hampshire, North Dakota, South Dakota, Wisconsin, and Wyoming joined; in 1895 Colorado, Florida, Iowa, Maine, Missouri, Oklahoma (eight years before the territory became a state), South Carolina, Vermont, and Virginia joined; Rhode Island joined in 1896 and California in 1897; Kentucky and Ohio joined in 1898; and Arizona and Indiana joined in 1900. By 1900, 35 states and territories which later became states were members.<sup>73</sup>

At the turn of the new century the Commission could look back on its first decade with a sense of pride and accomplishment. Ten conferences had been held, including two during the Commission's first year. Of the eight proposed uniform acts drafted by the Commission, all but one had been enacted by the legislature of one or more states. Awareness of the importance of state cooperation in the preparation and adoption of uniform state laws on certain subjects was increasing.

The early commissioners held many distinguished offices; they included ABA presidents, members of Congress, municipal officials, and other posts. These dedicated leaders who guided the Commission during its formative years possessed a vision that laid the foundation for the Commission's growth in the new century.

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#### Footnotes:

- 1 The State Bds. of Comm'rs for Promoting Uniformity of Law in the U.S., Report of Proceedings of the First Conference 3 (1982) [hereinafter Report of Proceedings of the First Conference].
- 2 In the report of the first conference, Beekman is identified as chairman of the Conference. The title of chairman was changed shortly thereafter to president, and Beekman is listed as the first president of the Conference.
- 3 Report of Proceedings of the First Conference, *supra* note 1, at 3.
- 4 See Alfred H. Kelly & Winfred A. Harbison, *The American Constitution: Its Origins and Development* 95 (5th ed. 1976).
- 5 See *id.* at 97–98 (“The Articles specifically provided for the ‘sovereignty, freedom and independence’ of the separate states, evidence that the states were regarded in theory as the ultimate repositories of sovereignty.”).
- 6 See Akhil Reed Amar, *Of Sovereignty and Federalism*, 96 Yale L.J. 1425, 1442 (2001) (describing the “skimpiness” of the powers delegated to the national government).
- 7 Articles of Confederation, 1781, art. III.
- 8 See Kelly & Harbison, *supra* note 4, at 101–04 (describing the failures of the Confederation government).
- 9 See *id.* at 100 (describing how the states’ refusal to pay annual requisitions “put the Confederation government into chronic bankruptcy”).
- 10 See *id.* (stating that legal interests and rights created by the Articles and acts of Congress could only be enforced in state courts, which “generally refused to recognize any rights other than those arising under the laws of their own respective states”).
- 11 Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform Laws* 12 (1991).
- 12 See Kelly & Harbison, *supra* note 4, at 106.
- 13 U.S. Const. amend. X.
- 14 The Federalist No. 45 (James Madison) (“The powers delegated by the proposed Constitution to the federal government, are few and defined. Those which are to remain in the State governments are numerous and indefinite.”).
- 15 Armstrong, *supra* note 11, at 13.
- 16 Joseph Story et al., *Report of the Commissioners Appointed to Consider and Report upon the Practicability and Expediency of Reducing to a Written and Systematic Code the Common Law of Massachusetts, or Any Part Thereof*, 17 Am. Jurist & L. Mag. 17, 41 (1837).
- 17 See Andrew P. Morriss et al., *Debating the Field Civil Code 105 Years Later*, Debate, 61 Mont. L. Rev. 371, 372 (2000) (describing Field as “a New York Lawyer ... who embraced codification as a lifelong passion”).

- 18 *Id.* at 373.
- 19 *Id.* at 371 (describing the Field Civil Code as “a massive law originally drafted by ... David Dudley Field”).
- 20 See Andrew P. Morriss, “*This State Will Soon Have Plenty of Laws*”: *Lessons from One Hundred Years of Codification in Montana*, 56 Mont. L. Rev. 359, 366–67 (1995).
- 21 See *id.*
- 22 See Thomas A. Shaw, Jr., *Procedural Reform and the Rule-Making Power in New York*, 24 Fordham L. Rev. 338, 339 n.4 (1955) (observing that thirty states eventually adopted versions of Field’s Procedural Code).
- 23 See generally Simeon E. Baldwin, *The Founding of the American Bar Association*, 3 A.B.A.J. 658 (1917) (reprinting numerous personal letters detailing an informal meeting to be held in Saratoga, N.Y. for the purposes of discussing and establishing an American Bar Association).
- 24 *Id.* at 695 (listing the promotion of “the administration of justice and uniformity of legislation throughout the Union” as one of the ABA’s “declared objects”).
- 25 Armstrong, *supra* note 11, at 16.
- 26 *Origin of the Uniform Negotiable Instruments Law*, 88 Cent. L.J. 330, 331 (1919) (reprinting portions of a letter distributed to bar associations across the country regarding the creation of Committee of Correspondence and expressing interest in the creation of a uniform law on negotiable instruments).
- 27 *Uniformity in Laws in the Several States*, 23 Am. L. Rev. 819, 819–20 (1889) (reporting on the “eighth annual session of the Tennessee Bar Association”).
- 28 Proceedings of the 24th Annual Meeting of the Bar Assoc. of Tenn. 30-31 (1905).
- 29 Justice George Rassman, *Uniformity of Law: An Elusive Goal*, 36 A.B.A. J. 175, 177 (1950).
- 30 Francis M. Burdick, *A Revival of Codification*, 10 Colum. L. Rev. 118, 122 n.16 (1910) (quoting N.Y. Sess. Laws 1890, c. 205 § 1).
- 31 Rassman, *supra* note 29, at 177 (stating that “[i]n 1890 the [ABA] urged all states to take action similar to New York’s” and that by August of 1892 “seven states had followed New York’s example”).
- 32 Armstrong, *supra* note 11, at 18.
- 33 *Id.*
- 34 *Id.*
- 35 *Id.*
- 36 *Id.* at 19.
- 37 *Id.* at 19–20.
- 38 See James W. Day, *The National Conference of Commissioners on Uniform State Laws*, 8 U. Fla. L. Rev. 276, 277 (1955).
- 39 Armstrong, *supra* note 11, at 20.
- 40 *Id.*
- 41 *Id.* at 20–21.
- 42 *Id.* at 21.
- 43 Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 35th Annual Conference 362 (1925).
- 44 Am. Bar Ass’n, Report of the Fourteenth Annual Meeting of the American Bar Association 371 (1891).
- 45 See *supra* note 1 and accompanying text.
- 46 Armstrong, *supra* note 11, at 11.
- 47 *Id.*
- 48 See *infra* chapter 2, at 21.
- 49 Report of Proceedings of the First Conference, *supra* note 1, at 4.
- 50 41 Cent. L.J. 1, 165 (1895).
- 51 Report of Proceedings of the First Conference, *supra* note 1, at 15.

52 Armstrong, *supra* note 11, at 23.

53 *Id.*

54 *Id.*

55 *Id.* at 23–24.

56 *Uniformity of Statute Laws in the United States*, 16 N.J. L.J. 10, 16 (1893).

57 Armstrong, *supra* note 11, at 24.

58 The State Bds. of Comm’rs for Promoting Uniformity of Law in the U.S., Report of Proceedings of the Third Conference (1893) [hereinafter Report of Proceedings of the Third Conference].

59 Index Handbook of the Nat’l Conference of Unif. State Laws 19 (1945).

60 Armstrong, *supra* note 11, at 26.

61 The State Bds. of Comm’rs for Promoting Uniformity of Law in the U.S., Report of Proceedings of the Sixth Conference (1896).

62 Report of Proceedings of the Third Conference, *supra* note 58, at iv.

63 Armstrong, *supra* note 11, at 26.

64 *Id.* at 25–26.

65 *Id.*

66 See James Barr Ames, *The Negotiable Instruments Law*, 14 Harv. L. Rev. 241, 246–257 (1900) (criticizing the Act’s various defects and stating that “its adoption by fifteen states must be regarded as a misfortune, and its enactment in additional states, without considerable amendment, should be an impossibility”).

67 See Lyman D. Brewster, *A Defense of the Negotiable Instruments Law*, 10 Yale L.J. 84, 84 (1901) (reporting that after consideration of Dean Ames’ criticisms the Conference unanimously approved of the position that “no change in the Act was needed”). Dean Ames responded, reaffirming his position that the Act should not be adopted by any more states. See James Barr Ames, *The Negotiable Instruments Law. A Word More*, 14 Harv. L. Rev. 442, 449 (1901).

68 See Armstrong, *supra* note 11, at 27.

69 *Id.*

70 The State Bds. of Comm’rs for Promoting Uniformity of Law in the U.S., Report of Proceedings of the Seventh Conference 6 (1897).

71 Const. of the Uniform Law Commission, art. 6 § 6.1(6), available at <http://www.uniformlaws.com/Narrative.aspx?title=Constitution> (requiring commissioners “to seek introduction and enactment of Uniform Acts promulgated by the conference that are appropriate for their State”).

72 See appendix F.

73 See appendix D.

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# BIOGRAPHIES FOR CHAPTER 1

## THE FIRST TWELVE: COMMISSIONERS WHO MET AT SARATOGA, NEW YORK IN 1892

**Alfred B. Robinson** was a commissioner from Delaware from 1892 to 1893.<sup>1</sup> At the time of his appointment as commissioner, Robinson was one of the most prominent lawyers in Georgetown, Delaware.<sup>2</sup> He is an ancestor of the husband of current Commissioner Battle R. Robinson, also of Georgetown.<sup>3</sup>

**Peter W. Meldrim** was a commissioner from Georgia from 1892 until 1933.<sup>4</sup> President of the American Bar Association (1914 to 1915) and judge, Peter Wiltberger Meldrim had an illustrious legal career.<sup>5</sup> Like many of the other early Uniform Law Commissioners, Meldrim served in his statehouse as a member of the Georgia Senate and the Georgia House of Representatives.<sup>6</sup> Meldrim's tenure with the judiciary began in 1917 when he was appointed to fill an unexpired term for judge of the Superior Court of the Savannah-based Eastern Circuit.<sup>7</sup> He was a judge—and commissioner—until his death in 1933 at age 85.<sup>8</sup>

**Edmund H. Bennett** was a commissioner from Massachusetts from 1892 to 1897.<sup>9</sup> Bennett's public service career began when he was appointed judge of probate and insolvency for Bristol County in 1858.<sup>10</sup> He served in this position for 25 years, during which time he was also the first mayor of Taunton, Mass. for three years.<sup>11</sup> Bennett wrote, edited, or assisted editing over 100 volumes of legal works, including Joseph Story's *Conflict of Laws* and John Indermaur's *Principles of the Common Law*.<sup>12</sup> In 1876 Bennett became Dean of the Boston University Law School, a position he held until his death in 1898.<sup>13</sup>

**Leonard A. Jones** was a commissioner from Massachusetts from 1892 to 1897.<sup>14</sup> Jones was a prolific writer on the subject of property law, including *The Law of Bonds and Bond Securities*, *A Treatise on the Law of Mortgages on Personal Property*, and *A Treatise on the Law of Easements*.<sup>15</sup> Jones served as the first Chief Judge of the Massachusetts Land Court, a court with specialized jurisdiction limited to real property disputes.<sup>16</sup>

**Frederic J. Stimson** was a commissioner from Massachusetts from 1892 to 1904.<sup>17</sup> Stimson was the Conference's first secretary, serving in that capacity until 1899.<sup>18</sup> Before the Conference's inception, Stimson was a member of the Massachusetts Board of Commissioners for the Promotion of Uniformity of Legislation of the United States.<sup>19</sup> A professor at Harvard Law School, Stimson also served as an ambassador to Argentina.<sup>20</sup>

**Sullivan M. Cutcheon** was a commissioner from Michigan from 1892 to 1899, and the Conference's second president.<sup>21</sup> Cutcheon's public service includes chairing the Michigan Constitutional Convention of 1873.<sup>22</sup> In 1877, he was appointed the United States Attorney for the Eastern District of Michigan.<sup>23</sup> After leaving that post in 1885, Cutcheon formed a successful law firm.<sup>24</sup>

**Henry R. Beekman** was a commissioner from New York from 1892 to 1893, and the

Conference's first President.<sup>25</sup> In fact, the very first action of the Conference at its first meeting in Saratoga Springs, New York, was to elect Beekman its President and Frederic J. Stimson its Secretary.<sup>26</sup> Before his involvement with the Conference, Beekman was New York City Park Commissioner and Counsel to the Corporation of the City of New York.<sup>27</sup> He later won election as judge of the New York Superior Court; when that court was abolished in 1895, Beekman became a state Supreme Court Justice.<sup>28</sup>

**Irving Browne** was a commissioner from New York from 1892 to 1898.<sup>29</sup> Browne was a litigator in Albany and was also known for his legal journalism, writing such pieces as *Short Studies of Great Lawyers* and *Humorous Phases of the Law*.<sup>30</sup> Browne lectured for many years at the Albany Law School.<sup>31</sup>

**William Lamartine Snyder** was a commissioner from New York from 1892 to 1904.<sup>32</sup> Snyder was a prolific author and compiler of statutes.<sup>33</sup> Snyder was appointed by New York Governor David B. Hill in 1886 to represent New York on the Commission for Uniform Legislation.<sup>34</sup> In later years Snyder served as Chairman of the Conference Executive Finance Committee.<sup>35</sup> Snyder also had an abiding interest in ancient Greece, and penned a history entitled *The Military Annals of Greece*.<sup>36</sup>

**Richard Wayne Parker** was a commissioner from New Jersey from 1892 to 1893.<sup>37</sup> Parker was elected U.S. Representative from New Jersey and served in the Congress from 1895 to 1911, 1914 to 1919, and 1921 to 1923.<sup>38</sup> Representative Parker took great interest in the international issues of the day, at one point serving as a minority member on the Interstate and Foreign Commerce Committee.<sup>39</sup> He was among the first to push for a canal through the Isthmus of Panama.<sup>40</sup> He took an interest in Spanish War legislation, and traveled to Europe in 1915 and 1917 to take stock of the Great War.<sup>41</sup>

**Ovid F. Johnson** was a commissioner from Pennsylvania from 1892 to 1893.<sup>42</sup> Johnson wrote *Law of Mechanics' Liens in Pennsylvania*, first published in 1884.<sup>43</sup> Johnson was president of the Pennsylvania Board of Commissioners for the Promotion of Uniformity of Legislation in the United States.<sup>44</sup> Around this time he disseminated a popular pamphlet containing his remarks before the Commission on May 3, 1892, in which he said, "It would be the babble of a dreamer to assert that the clashing legislation of the States upon one-half the here enumerated subjects can be brought into a state of harmony before a long time."<sup>45</sup>

**Robert E. Monaghan** was a commissioner from Pennsylvania from 1892 to 1893.<sup>46</sup> Ever active in public affairs, Monaghan served on his Town Council and on the Board of Trustees of the West Chester State Normal School.<sup>47</sup> In 1890, Pennsylvania Governor James A. Beaver appointed Monaghan to serve on the bi-state commission to fix the boundaries between Delaware and Pennsylvania.<sup>48</sup> Outside of politics, Monaghan is known for patenting the first voting machine in America in 1848.<sup>49</sup> His invention, which he called "the vox populi," worked through the action of tiny lancets that perforated paper.<sup>50</sup> According to U.S. Patent Application 5469, the machine was designed "for taking the yeas and nays of legislative and other deliberative assemblies."<sup>51</sup>

#### OTHER EARLY COMMISSIONERS

**Thomas F. Bayard** was a commissioner from Delaware from 1892 to 1898.<sup>52</sup> Before joining the

Conference, Bayard was a United States Senator from 1869 to 1885<sup>53</sup>—the fourth generation of Bayards to serve in the Senate.<sup>54</sup> After 1885, Bayard became Secretary of State in President Grover Cleveland's first term.<sup>55</sup> Bayard briefly practiced law before he again returned to public service, as ambassador to the United Kingdom.<sup>56</sup>

**Lyman D. Brewster** was a commissioner from Connecticut from 1893 to 1903, and president of the Conference from 1896 to 1901.<sup>57</sup> He chaired the ABA Committee of Uniform Laws, which was formed in 1891 as a forerunner to the ULC.<sup>58</sup> Brewster was a judge on the Connecticut Court of Common Pleas from 1870 to 1874, and also served in the state legislature.<sup>59</sup>

**Charles R. Buckalew** was a commissioner from Pennsylvania from 1892 to 1893.<sup>60</sup> Buckalew served in the Pennsylvania State Senate and the U.S. Senate.<sup>61</sup> He was also diplomatic representative to Ecuador from 1858 to 1861.<sup>62</sup> Buckalew is perhaps best known for earnestly advocating proportional representation in the United States.<sup>63</sup> He gave several speeches over his lifetime advocating cumulative voting, and published a volume entitled *Buckalew on Proportional Representation* in 1872.<sup>64</sup> Though his proposals were not often adopted, Buckalew did have some success: Illinois used cumulative voting in its state legislative elections from 1870 until 1980.<sup>65</sup>

**George Valentine Massey** served as a commissioner from Delaware from 1892 to 1902.<sup>66</sup> A trial lawyer, he worked in Delaware as general counsel for the Philadelphia, Wilmington, and Baltimore Railroad and the Delaware Railroad.<sup>67</sup> After 30 years of practice, Massey became General Counsel of the Pennsylvania Railroad Company.<sup>68</sup> Massey was one of the four members of the Board of Control of the World's Columbian Exposition, in Chicago in 1893.<sup>69</sup> He never held elected political office.<sup>70</sup> Massey did run for the United States Senate once in 1889, but failed to secure the Republican Party's nomination by one vote.<sup>71</sup>

**Andrew C. Maxwell** was a commissioner from Michigan from 1892 to 1893.<sup>72</sup> Maxwell's political career began in 1864 with his election to the Michigan House of Representatives, where he served a single term.<sup>73</sup> After a long break from politics, Maxwell staged a successful comeback in 1893, winning election to a circuit judgeship in the 18th Circuit of Michigan.<sup>74</sup> Contemporary histories remember Judge Maxwell as a prankster: "He had a penchant for practical jokes and few of his intimates could boast of ever excelling him in this line."<sup>75</sup>

**William V. Sullivan** was a commissioner from Mississippi from 1892 to 1910.<sup>76</sup> In 1875 Sullivan became the first law graduate of Vanderbilt University, completing a two-year course in a single year.<sup>77</sup> After law school, he was elected to the Oxford board of city aldermen, and later served short stints in the U.S. House of Representatives and Senate.<sup>78</sup> A prolific appellate advocate, Sullivan argued dozens of cases before the Mississippi Supreme Court and some before the United States Supreme Court.<sup>79</sup>

**Robert H. Thompson** was a commissioner from Mississippi from 1892 to 1911.<sup>80</sup> Thompson enlisted in the Confederate Army at age 16 and fought in the Civil War.<sup>81</sup> After de-enrolling from law school, he established his own law firm, practicing in Brookhaven and Jackson.<sup>82</sup> A Mississippi state senator from 1876 to 1880, Thompson was a member of the state Constitutional Convention of



1890.<sup>83</sup> Thompson was offered an appointment to the Mississippi Supreme Court in 1900, but declined the opportunity.<sup>84</sup>

**Garret Dorset Wall Vroom** was a commissioner from New Jersey from 1892 to 1893.<sup>85</sup> Vroom was appointed prosecutor for Mercer County and elected Mayor of Trenton.<sup>86</sup> Vroom's name lives on in case citations, as he was the reporter of decisions for the New Jersey courts for many years.<sup>87</sup> Vroom later ascended to the New Jersey Court of Errors and Appeals, the highest court in New Jersey at the time.<sup>88</sup>

**James M. Woolworth** was a commissioner from Nebraska from 1893 to 1905, and President of the ABA from 1896 to 1897.<sup>89</sup> Though born in New York, Woolworth settled in Nebraska soon after law school.<sup>90</sup> He was a delegate to the state constitutional convention, and ran for judge of the Nebraska Supreme Court in 1873.<sup>91</sup>

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#### Footnotes:

- 1 See appendix G.
- 2 Lawrence J. Bugge, *Commercial Law, Federalism, and the Future*, 17 Del. J. Corp. L. 11, 16 (1992).
- 3 *Id.*
- 4 See appendix G.
- 5 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 44th Annual Conference 377 (1934) [hereinafter 1934 Handbook].
- 6 *Id.*
- 7 *Id.*; Gwen Y. Wood, A Unique and Fortuitous Combination: An Administrative History of the University of Georgia School of Law 43 (1998).
- 8 See 1934 Handbook, *supra* note 5, at 376.
- 9 See appendix G.
- 10 M.D. Gilman, The Bibliography of Vermont or a List of Books and Pamphlets Relating in Any Way to the State 30 (1897).
- 11 *Id.*; City of Taunton, City Charter and the Address of Hon. Edmund H. Bennett, Mayor of Taunton (1865).
- 12 Joseph Story, Commentaries on the Conflict of Laws, Foreign and Domestic (Edmund Hastings Bennett ed., 5th ed. 1857); John Indermaur, Principles of the Common Law (Edmund H. Bennett ed., 1878).
- 13 *Who Lies Here: Edmund Hatch Bennett, Taunton's First Mayor*, Taunton Gazette, Apr. 21, 2012, available at <http://www.tauntongazette.com/news/x596777131/WHO-LIES-HERE-Edmund-Hatch-Bennett-Tauntons-first-mayor>.
- 14 See appendix G.
- 15 Leonard A. Jones, The Law of Bonds and Bond Securities (4th. ed. 1935); Leonard A. Jones, A Treatise on the Law of Mortgages of Personal Property (1881); Leonard A. Jones, A Treatise on the Law of Easements (1898).
- 16 Karyn Scheier, *At the Land Court-Innovation Is the Order of the Day*, Boston B.J., Summer 2011, at 23.
- 17 See appendix G.
- 18 See appendix A.
- 19 Walter P. Armstrong, Jr., A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws 19 (1991).
- 20 Elmer Plischke, U.S. Department of State: A Reference History 339 (1999); Michael Grossberg, *Balancing Acts: Crisis, Change, and Continuity in American Family Law, 1890–1990*, 28 Ind. L. Rev. 273, 282 (1995).
- 21 Armstrong, *supra* note 19, at 200; Nat'l Conference of Comm'rs on Unif. State Laws, 2011–2012 Reference Book 54 (2011); see appendix G; appendix A.

- 22 Semi-Centennial Comm'n, *Early History of Michigan: With Biographies of State Officers, Members of Congress, Judges and Legislators* 215 (1887).
- 23 *Id.*
- 24 *Id.*
- 25 *See* appendix G.
- 26 Armstrong, *supra* note 19, at 11.
- 27 *America's Successful Men of Affairs: An Encyclopedia of Contemporaneous Biography* 71–72 (Henry Hall ed., 1895).
- 28 James Terry White, *The National Cyclopaedia of American Biography* 469 (1904).
- 29 *See* appendix G.
- 30 *Irving Browne*, 1 *Green Bag* 67, 67 (1889).
- 31 *Id.* at 68.
- 32 *See* appendix G.
- 33 *Who's Who in America 1908–1909*, at 1769 (John W. Leonard & Albert Nelson Marquis eds., 5th ed. 1908).
- 34 *Id.*
- 35 Armstrong, *supra* note 19, at 54.
- 36 William L. Snyder, *The Military Annals of Greece* (1915).
- 37 *See* appendix G.
- 38 *Parker, Richard Wayne (1848–1923)*, *Biographical Directory of the United States Congress*, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=P000070> (last visited Feb. 9, 2013); *Scannell's New Jersey First Citizens* 386–87 (J.J. Scannell ed., 1917).
- 39 *Scannell's New Jersey First Citizens*, *supra* note 38, at 388.
- 40 *Id.* at 387.
- 41 *Id.*
- 42 *See* appendix G.
- 43 Ovid F. Johnson, *Law of Mechanics' Liens in Pennsylvania* (1884).
- 44 Ovid F. Johnson, *Address, Pennsylvania Board of Commissioners for the Promotion of Uniformity of Legislation in the United States*, May 3, 1892.
- 45 *Current Topics*, 45 *Albany L.J.* 467, 467 (1892).
- 46 *See* appendix G.
- 47 *Am. Bar Ass'n, Report of the Eighteenth Annual Meeting of the American Bar Association* 545 (1895).
- 48 James A. Beaver, *Message to the General Assembly of Pennsylvania*, Jan. 6, 1891, at 30–31.
- 49 [U.S. Patent No. 5469](#) (filed Mar. 14, 1848).
- 50 *Id.*
- 51 *Id.*
- 52 *See* appendix G.
- 53 Matthew F. Boyer, *The Role of Historical Context in New Jersey v. Delaware III* (2008), 11 *Del. L. Rev.* 101, 106 (2010).
- 54 *Thomas Francis Bayard*, *Wash. Post*, Sept. 5, 1886, at 6.
- 55 Boyer, *supra* note 53, at 106.
- 56 *Id.*
- 57 *See* appendix G; appendix A.
- 58 Armstrong, *supra* note 19, at 20-21.
- 59 Thomas William Herringshaw, *Herringshaw's American Blue-book of Biography* 130 (1914).
- 60 *See* appendix G.

- 61 The Bench and Bar of Pennsylvania 283–84 (1903).
- 62 *Id.* at 283.
- 63 Rosalind L. Branning, *Pennsylvania Constitutional Development* 57 (1960).
- 64 Charles R. Buckalew, *Proportional Representation* (1872).
- 65 Edward S. Adams & Christian J. Lane, *Constructing A Jury That Is Both Impartial and Representative: Utilizing Cumulative Voting in Jury Selection*, 73 N.Y.U. L. Rev. 703, 735 (1998).
- 66 *See* appendix G.
- 67 Henry Clay Conrad, *History of the State of Delaware* 1035–36 (1908).
- 68 *Id.* at 1036.
- 69 *Id.*
- 70 *Id.*
- 71 *Id.*
- 72 *See* appendix G.
- 73 *History of Bay County, Michigan and Representative Citizens* 384 (Augustus H. Gansser ed., 1905).
- 74 *Id.*
- 75 *Id.*
- 76 *See* appendix G.
- 77 Martha H. Swain, *Ellen S. Woodward: New Deal Advocate for Women* 2 (1995).
- 78 *Id.*; *Sen. William Sullivan*, GovTrack.us, [http://www.govtrack.us/congress/members/william\\_sullivan/410516](http://www.govtrack.us/congress/members/william_sullivan/410516) (last visited Feb. 9, 2013).
- 79 *See, e.g., Scott v. Neely*, 140 U.S. 106 (1891); *Estis v. Trabue*, 128 U.S. 225 (1888); *Estes v. Gunter*, 122 U.S. 450 (1887); *Saunders v. Stephenson*, 47 So. 783 (Miss. 1908); *Ex parte Wooten*, 62 Miss. 174 (1884).
- 80 *See* appendix G.
- 81 *Mississippi: Contemporary Biography* 823 (Dunbar Rowland ed., 1907).
- 82 *Id.* at 823–24.
- 83 *Id.* at 824.
- 84 *Id.*
- 85 *See* appendix G.
- 86 *Ex-Judge G.D.W. Vroom; Former Member of New Jersey Court of Errors and Appeals Dies*, N.Y. Times, Mar. 5, 1914, at 9.
- 87 *See, e.g., Pa. R. Co. v. Matthews*, 36 N.J.L. 531, 7 Vroom 531 (1873).
- 88 *Ex-Judge G.D.W. Vroom; Former Member of New Jersey Court of Errors and Appeals Dies*, *supra* note 86.
- 89 *See* appendix G.
- 90 B.S. White, *Representative Men of the West in Caricature* 123.
- 91 *Id.*
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### A New Century and a Time of Growth: 1901–1930

The Uniform Law Commission was firmly established by the beginning of the 20<sup>th</sup> century. By that time, the commissioners had drafted and approved eight new acts that were available to the states for enactment, including the widely-adopted Uniform Negotiable Instruments Law, promulgated in 1896. The Commission had come a long way in a short time from its beginning as a committee of the American Bar Association, though it continued to have close ties with the ABA. Two occurrences in 1903 further strengthened the Commission's relationship to the ABA. First, it was in that year that the ABA made its first appropriation to support the Commission's work – support that has continued right up to the present time.<sup>1</sup> (That financial support from the ABA has been reduced in recent years, and presently covers only the expenses of ABA advisors participating on drafting committees.) Also in 1903, the Commission began holding its meetings two days before the ABA's annual meeting at the same location. That is a tradition that continued well into the 20<sup>th</sup> century.<sup>2</sup>

At least one commissioner in those early years, Lewis N. Dembitz<sup>3</sup> of Kentucky, thought that this close relationship with the ABA had both advantages and disadvantages:

In one respect this has been a help, for commissioners who received neither mileage nor *per diem* thus found an incentive for traveling from their homes to the place of meeting, and the Bar Association used the great weight of its influence to further the cause. But in other respects this companionship in time and space has been unfortunate. In the first place, an effort is made to force all the business of the yearly meeting into the limits of scant two days, which is, of course, entirely too short a time, though the bills which are to be discussed have been prepared elsewhere. In the second place, the whole movement is overshadowed by its more widely known associate; the conference, though sitting under appointments from several State governments, and thus an official body, appears to the general public and even to the great body of American lawyers as a branch or committee of the American Bar Association.<sup>4</sup>

Another early commissioner pointed out that the Conference meeting in close proximity to the ABA meeting enabled the Conference to become a testing ground for ABA officers. According to Henry W. Toll of Colorado:

When a group of sagacious and influential members of that association, most of whom were intimately acquainted with one another, met together immediately before the association's annual meeting, they inevitably discussed among themselves the choice of officers and of executive committee members for the association for the coming year.<sup>5</sup>

Toll's comments proved to be true: 22 commissioners have served as President of the American Bar Association, most of them during the years the Conference meeting was held close in time and place to the ABA annual meeting.<sup>6</sup>

The Commission solidified its internal structure in 1905 when it adopted its first constitution and bylaws.<sup>7</sup> The bylaws specified the duties of officers and the Executive Committee, required the printing of all committee reports containing recommendations for action by the Conference, and

required that proposed legislation be recommended or adopted only after the report of a committee.<sup>8</sup> In that same year, the organization changed its official name from the “Conference of the State Boards of Commissioners on Promoting Uniformity of Law in the U.S.” to “Commissioners on Uniform State Laws.”<sup>9</sup> A decade later, in 1915, the organization again changed its name, this time to the “National Conference of Commissioners on Uniform State Laws” (the acronym “NCCUSL” was often spoken out loud as one word, prompting a contemporary writer to remark, “NCCUSL: With a name like that it must be useful.”).<sup>10</sup> This has remained the organization’s official name – usually shortened to the “Conference” – although in 2006 the Conference also adopted use of the informal name “Uniform Law Commission.”<sup>11</sup> (In this book the names “Conference,” “Uniform Law Commission,” “ULC,” and “Commission” will be used interchangeably).<sup>12</sup>

In 1908, the Commission amended its constitution to limit the tenure of the president to a maximum of three successive one-year terms.<sup>13</sup> Until then, the length of presidential terms was unlimited.<sup>14</sup> The first President, Lyman D. Brewster from Connecticut, served five successive terms during the years 1896 to 1901, and his successor, Amasa M. Eaton from Rhode Island, served eight terms during the years 1901 to 1909.<sup>15</sup> The constitution was amended in 1947 to limit the president’s term to two years; presidents have served two-year terms since that time.<sup>16</sup>

The Commission’s existence and reputation began to be recognized throughout the United States and beyond. British jurist and historian Viscount James Bryce, in the 1911 edition of his book on the study of the workings of the U.S. government and U.S. politics, *The American Commonwealth*, wrote that some states have taken steps to alleviate the lack of conformity in legislation and administration “by appointing Commissions, instructed to meet and confer as to the best means of securing uniform State legislation on some important subjects, [a direction in which] progress... has been made.”<sup>17</sup> Bryce acknowledged that potential non-uniform state laws also have some advantages in that each state is “in a sense an experimental laboratory”<sup>18</sup> where new laws can be tried out and, if successful, then adopted in other states, thereby recognizing the diversity of local customs.<sup>19</sup>

Membership in the Commission continued to increase. By 1912, the membership included all of the current 53 members—either as a state or a territory—except for the U.S. Virgin Islands, which became a member in 1988.<sup>20</sup> Louisiana became a member in 1903; Washington in 1904; the District of Columbia in 1905; Alabama, Arkansas, and North Carolina in 1906; Texas and Utah in 1907; New Mexico and Oregon in 1908; Idaho, the Philippine Islands, Tennessee, and West Virginia in 1909; Hawaii and Puerto Rico in 1910; Nevada in 1911; and Alaska in 1912. It is noteworthy that the Philippine Islands was a member from 1909, when it was a United States territory, until it became an independent nation in 1946.<sup>21</sup>

During the first decade of the 20th century, the Commission and prominent law school faculty members collaborated on several acts, including James Barr Ames, Dean of the Harvard Law School, who served as a Massachusetts commissioner from 1901 to 1909.<sup>22</sup> Dean Ames, who apparently was a man of strong opinions, was asked in 1903 to draft a Uniform Partnership Act, but he withdrew from the project two years later over a difference of opinion about whether the act would embody the “mercantile” rather than the “legal” theory of partnership; Ames favored the former.<sup>23</sup> He said that if the Commission disagreed with him:

I should much prefer to have someone else draw the act; I should have no heart in

drawing an act on any other theory, and it would seem to me very unwise to stereotype in a statute so many anomalies as must be stereotyped if we attempt to enact in a law the lawyer's technical conception, which is in direct violation of the mercantile understanding.<sup>24</sup>

After Ames' death, his work was completed in 1910 by William Draper Lewis, dean of the University of Pennsylvania Law School.<sup>25</sup> The Commission ultimately adopted the Uniform Partnership Act in 1914,<sup>26</sup> the act accepted the "legal" theory of partnerships, meaning that the partnership was defined as an "aggregate" of partners, rather than a separate entity (this legal debate over the nature of partnerships would continue up until the drafting of the Revised Uniform Partnership Act, which ultimately came down on the side of partnerships as a separate "entity").<sup>27</sup> Lewis later served as a Pennsylvania commissioner from 1924 to 1926.<sup>28</sup>

Another prominent Harvard Law School professor, Samuel Williston, drafted four important acts relating to commercial law that were recommended to the states by the Commission: the Uniform Law of Sales in 1906, Uniform Warehouse Receipts Act in 1906, Uniform Bills of Lading Act in 1909, and the Uniform Stock Transfers Act also in 1909. These four became precedents for the various articles of the Uniform Commercial Code adopted in 1952.<sup>29</sup> Williston served as a Massachusetts commissioner for 18 years, from 1910 to 1928, and was the author of a five-volume legal treatise, *The Law of Contracts*, published in the early 1920s.<sup>30</sup> In 1929, a year after Williston retired as a commissioner, the American Bar Association awarded him the first ABA medal for "conspicuous service to American jurisprudence."<sup>31</sup>

Roscoe Pound was another early 20th century giant of the legal profession who was a commissioner. In 1906 and 1907, when he was dean of the University of Nebraska Law School, Pound served as a commissioner from Nebraska.<sup>32</sup> It was in 1906 that Pound delivered his famous address to a meeting of the American Bar Association on *The Causes of Popular Dissatisfaction with the Law*.<sup>33</sup> Pound went on to be dean of the Harvard Law School from 1916 to 1936.<sup>34</sup>

For several years, the Commission focused on the topic of marriage and divorce, adopting the Uniform Divorce Procedure Act in 1900.<sup>35</sup> Five years later, in 1905, Governor Samuel W. Pennypacker of Pennsylvania invited his fellow state governors to send delegates to a national divorce congress to discuss additional uniform marriage and divorce legislation.<sup>36</sup> According to a later president of the Commission, "The Conference seems to have been grateful to be relieved of the primary responsibility in this field."<sup>37</sup> After two meetings of the national divorce congress, delegates recommended three acts, which were endorsed by the Commission in 1907: An Act Regulating Annulment of Marriage and Divorce, An Act Providing for the Return of Marriage Statistics, and an Act Providing for the Return of Divorce Statistics.<sup>38</sup> Shortly thereafter, the Commission adopted two other acts in this area: a Uniform Desertion and Non-Support Act in 1910 and a Uniform Marriage Act in 1911.<sup>39</sup>

The Commission also made several changes to its internal structure. When the Commission adopted the Uniform Warehouse Receipts Act in 1906, it marked the first time that an act was adopted by a roll call of the states.<sup>40</sup> As President Amasa M. Eaton called out the name of each state, a delegate for that state announced whether the state voted in the affirmative or negative.<sup>41</sup> The vote tally showed

that 20 states voted in favor and two states abstained.<sup>42</sup> The Commission has adopted acts by a roll call vote of the states ever since.

The decade 1911 to 1920 was a significant time for the Commission. During these years, the Commission passed 19 acts, including two important acts related to organization of business entities—the Uniform Partnership Act in 1914 and the Uniform Limited Partnership Act in 1916—initiating the Conference’s work in adopting business entity acts that has continued to the present time.<sup>43</sup> These acts and the subsequent other business entity acts will be discussed in chapter 3.

Also during this decade, Woodrow Wilson was elected President of the United States.<sup>44</sup> Wilson had been a uniform law commissioner from New Jersey from 1901 until 1908, a period during which he was also a professor and President at Princeton University.<sup>45</sup> Wilson is the only uniform law commissioner to later become President of the United States.

The Commission endorsed several acts that it did not itself prepare. In addition to the acts drafted by the divorce congress,<sup>46</sup> the Commission recommended that states pass the Federal Pure Food Act of 1906, and the Standard Bill for Occupational Diseases Reports and the Standard Bill for Industrial Accident Reports in 1914.<sup>47</sup>

In 1915, the Commission revised its constitution and bylaws and changed its formal name to the National Conference of Commissioners on Uniform State Laws.<sup>48</sup> The name change had been proposed three years earlier by Commissioner Nathan William MacChesney (a future Conference president), but at that time the resolution was “unceremoniously tabled.”<sup>49</sup>

One of the constitutional revisions changed the procedure for how the Commission considered and adopted acts.<sup>50</sup> The new procedure required that the Commission, acting as a Committee of the Whole, consider proposed acts, section by section, at no fewer than two annual meetings.<sup>51</sup> This is still required by the Commission’s constitution, although the Executive Committee has the power to waive the two-meeting requirement.<sup>52</sup> The debates on adoption of acts traditionally have been stimulating, as evidenced by the comment of the late Chief Justice William Rehnquist, a commissioner from 1963 to 1969, who said, “To me the thing that has been most impressive about the National Conference has been what I consider to be the quality of the debate in the Committee of the Whole.”<sup>53</sup>

In 1915, the Commission took another important step when it created the Committee on Scope and Program to facilitate its work.<sup>54</sup> When a proposal for a uniform act is presented, the proposal is referred to this committee, which then studies the proposal, often appointing a study committee that may hear testimony from interested parties, and then recommend to the Executive Committee whether the proposed act should be drafted as a uniform law.<sup>55</sup> In 1920, the Commission took another important step when it began publishing the “Handbook,” the annual report of the Commission’s work, which has continued to the present day.<sup>56</sup>

The year 1915 was important for the Commission for another reason. The first female commissioner was appointed: Mrs. W.K. Freudenberger of Nevada.<sup>57</sup>

During these years, several legal scholars debated the philosophical foundation of the Commission: specifically whether it should act in a conservative manner—slowly and deliberately—or progress at a more rapid rate. Conference president Charles T. Terry discussed his view of the organization’s

position in his annual address in 1914:

The Conference has always been characterized by conservatism and doubtless its best traditions in this regard will be preserved, as they should. Conservatism is the condition of soundness within, and of confidence without. But it is error to suppose that conservatism consists in inaction. True conservatism may on occasion, require the most positive and most courageous action. To hesitate to take a clear cut and decided position when the circumstances warrant it is no longer conservatism. It is timidity, or still worse, cowardice.<sup>58</sup>

John Bassett Moore, a distinguished authority on international law, cautioned against moving too fast: “In the effort to ameliorate confusion and gain a rational uniformity of law, it is always necessary specially to beware of that haste and superficiality which so often characterize proposals for codification.”<sup>59</sup>

Terry replied to an article Moore wrote in the *Pennsylvania Law Review*, in which Moore had compared the attempt to convert more adherents to the idea of uniformity to “be akin to the fury which caused the bodies of three religious zealots, after they had been murdered and mutilated, to be hung in iron cages on the front of the Cathedral of Munster, as a warning to others who like them should be tempted to torture and kill unbelievers, in an effort to reduce all people to a uniformity of faith.”<sup>60</sup> Terry wrote:

[T]he fatal error into which our friend has fallen is clearly indicated by his confusion of ardor for religious creeds and the perpetration of disorder in their behalf, on the one hand, and the enthusiasm to reduce all disorder to order, by law, and to make impossible the destruction of liberty by force, such as the very instance he cites, on the other. The incorrectness of his conclusion was foreordained by the significant misconception embodied in the very title of his treatise, “The Passion for Uniformity.”<sup>61</sup>

During the First World War, the Conference embraced the wave of national patriotism and adopted the Uniform Flag Act, which attempted to protect the American flag from desecration.<sup>62</sup> This act was withdrawn in 1966 at the beginning of the Vietnam War.<sup>63</sup>

The Conference was busy during the first postwar year of 1919, approving four uniform acts, and shortening the long names of two 1892 acts to the Uniform Execution of Wills Act and the Uniform Foreign Probated Wills Act, leaving the texts the same.<sup>64</sup> The Conference also withdrew several acts that had been rejected by the state legislatures; several other acts were declared to be obsolete.<sup>65</sup>

During this period, the Conference encountered challenges to its work when many state legislatures failed to enact uniform laws in acceptable form.<sup>66</sup> According to a legal scholar and author of a book on state constitutions, W. Brooke Graves:

Why is there this lack of interest on the part of the legislatures in matters which are not only of tremendous importance, but which are now suffering severely from a great divergence of legislative provisions? The answer to this question is to be found in a number of more or less obvious, but nevertheless important facts. The customs and traditions which are a part of the national and racial heritage of the majority element of the population in one state may be quite different from which [sic] one finds in another



state. Religious bias, and prejudices of various sorts, are important factors. Again, the adoption of a uniform law in some states may mean relatively few changes, while in others, the changes might be so great and sweeping as to make their adoption at one time unwise, and perhaps even impossible.<sup>67</sup>

Former president Lyman D. Brewster noted another obstacle blocking uniformity—state pride:

Then too, there is a great deal of state pride, often very laudable, in holding on to the traditional law of the state. That state pride regards uniformity, in general, a good deal as did Chief Justice Doe of New Hampshire, who was addressed by your committee, and asked if in his view more uniformity was not desirable. He replied “Yes, indeed, quite so, and I can tell you how it ought to be brought about, in a very simple way. Our New Hampshire laws are about as good as can be found anywhere. There are none better. Just let all the other states copy our New Hampshire laws and the thing is done.”<sup>68</sup>

Frederic Stimson, the Conference’s first secretary, expressed a similar view:

We find it commonly said to us by members of the several State legislatures—and even by members of the national conference of commissioners—“Why, that is not the law in my State,” as if that objection were final; even when the State referred to is alone, or almost alone, in its treatment of the law, and the new law, proposed by the commissioners, is identical to that of the bulk of the States. Of course if objections on this score are to prevail, when there is no real objection arising from the circumstances or condition of the people, the whole movement will come to an end.<sup>69</sup>

Lewis N. Dembitz pointed out the advantage of overcoming this obstacle:

As soon as the people began to enjoy the benefits of uniform State laws, the sentiment that uniformity once attained must not be rashly disturbed upon a light motion, or to gratify the whim or the private interests of a State legislator, could be relied on to block the way of reckless, and still more of selfish innovators.<sup>70</sup>

The 1920s were a flurry of activity for the Commission, including adoption of 25 acts on subjects including motor vehicles, aeronautics, contracts, taxation, public utilities, mortgages, securities, and fiduciaries.<sup>71</sup> The first two – motor vehicles and aeronautics – reflected the changes that had occurred in society and the economy in the three decades since the Commission was established.

Perhaps because of all this activity, the Commission’s 1921 annual meeting was animated by a lively discussion on the report of the Committee on Scope and Program, the committee created by the Commission in 1915.<sup>72</sup> The controversial section of the Committee’s report read:

After careful consideration, your committee concluded in favor of a general policy of not bringing forward at the present session of the Conference any new subjects for its consideration, and submits that the Conference can best devote its money, energy, and ability to perfecting the measures now pending, and devising ways and means of securing favorable action by state legislation on those subjects already considered and approved by the Conference.<sup>73</sup>

One of the commissioners called this a proposal to “place the gag upon the... Conference... as to taking up any new matter.”<sup>74</sup> A later president of the Commission reported

that “[t]he debate ended without casualties.”<sup>75</sup>

Two significant external events connected to the Conference occurred in the early 1920s. In 1922, the Edward Thompson Co. published a ten-volume set of *Uniform Laws Annotated* that the Conference approved the following year and has been in continuous publication ever since.<sup>76</sup> In 1923, the American Law Institute (“ALI”) was founded.<sup>77</sup> The stated purpose of the ALI was “to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work.”<sup>78</sup> The ALI has done this mainly by the development and publication of *Restatements of the Law*.<sup>79</sup> As we will see, the ALI has played an important role in the history of the Conference.

The Conference revised its internal structure in 1925 when it organized itself into “sections.”<sup>80</sup> The sections included: Commercial Acts Section; Property Acts Section; Social Welfare Acts Section; Public Law Acts Section; Corporation Acts Section; Torts and Criminal Law Acts Section; and Civil Procedure Acts Section.<sup>81</sup>

The sections did not draft, but had an advisory role in the drafting committees under them.<sup>82</sup> Every drafting committee was assigned to a specific section.<sup>83</sup> Sections would meet in-person in the spring before an annual meeting to review drafts assigned to their section. Sections would also meet at annual meetings to review the acts that were scheduled for debate on the floor.<sup>84</sup>

Sections often gave explicit drafting directions to the committees and would report those suggestions at an annual meeting.<sup>85</sup> In doing this, it was hoped that many points would already be debated before a draft got to an annual meeting, thus saving floor time.<sup>86</sup>

The ULC Constitution stated that no draft shall be considered at an annual meeting until it has been considered in detail by the relevant section.<sup>87</sup> In reality, this meant that many drafting committees worked for years before their draft was considered at an annual meeting.

Legal scholar W. Brook Graves acclaimed this division of the Conference into sections as “a great step in advance” because “[p]rior to this time, there was little evidence in the Proceedings that the Conference possessed any well defined plan or that it had any clear conception of its scope and purpose.”<sup>88</sup>

Although the Conference was working on important and timely issues, critics of the Conference’s purpose appeared from time to time. In May 1925, a Philadelphia lawyer, John Hemphill, wrote an article in a popular magazine, *The American Mercury*, entitled “The Uniform Laws Craze,” in which he criticized “the sovereign horde of yokels within and without the state legislatures (who) continue to doff their hats to (the Conference) and do its bidding,” “the mad desire to make everything uniform,” and the “wholesale production of nonsense” by this “new imbecilic child” of the American Bar Association.<sup>89</sup> He then added:

Each and every piece of uniformity jockeyed through the dull legislatures of the several States is, in the final analysis an attack upon decentralized government and to that extent a theft from the States. The greater the uniformity, the greater will be the demand for more uniformity, until eventually the States will be but townships of the American Empire, and the people will be led and cajoled and driven like soldiers. It may be argued, perhaps, that this tendency should not be curbed, for the eradication of individualism and local

government will be best for the rank and file, but it is submitted that this argument should not prevail unless and until the American experiment has definitely proven to be a failure. Mr. Madison's ideas of the rights of the States are still worth fighting for; it is not yet futile to contend against federal larceny by constitutional amendment, and it is still worth while to give battle against the half-brother of the federal larceny, the pressure for uniformity.<sup>90</sup>

Conference President Nathan William MacChesney responded to Hemphill's comments and to an article in the *Detroit Free Press* that appeared in June 1925.<sup>91</sup> He first reiterated two questions that had been raised by the newspaper article: "Is there no way to make laws uniform and yet sufficiently elastic to cover local situations? Is there no great blue pencil that we can run through nine laws out of every ten?"<sup>92</sup> and then responded:

This but represents one of the inaccuracies and lack of clear definition in this article by Mr. Hemphill. He confuses the desire for uniformity with the desire for unification of our law. The latter leads to Federal amendment and the only effective method by which this tendency to unification may be met is by the development of the powers of the State through uniform State legislation....

I say that there is no way by which a united or federal law can be sufficiently elastic to cover local situations. But it is the peculiar merit of our constitutional system that State legislation does give this elasticity and through uniform laws in the various States much can be done to bring about an affirmative answer to the second question for whenever the law is made in the fifty-three jurisdictions represented in the National Conference it means that a national business interest or organization has to bear in mind the provisions of but one law on that subject instead of the provisions of fifty-three....<sup>93</sup>

As we shall see in the next chapter, much of the Conference's endeavors in the coming decades was devoted to Hemphill's question: "Is there any real need for uniformity in the matters which are now being forced on us?" From its earliest days, the Conference attempted to limit its work to only those subjects where uniformity would be beneficial.<sup>94</sup> In 1895, Frederic Stimson wrote,

The root framework of society must be left to our forty-four independent sovereign States to determine for themselves; and the results of their determination will probably be more instructive in their very diversity than any inconveniences fairly resulting therefrom are injurious....[T]here are many statutes, such as those upon limited partnership, where the law throughout the whole United States is now nearly identical. This, therefore, would be a very easy subject on which to obtain uniformity; and, at the worst, you have but to bring the minority of the States into harmony with the laws of the majority, provided the laws of the majority are open to no obvious objection.<sup>95</sup>

More than a half century later, however, Frank E. Horack, Jr., expressed a different view:

The assumption that the Conference should propose a uniform act only after agreement has been reached among the states has, perhaps, been the greatest single retarding force in the success of the Conference. While there will certainly be controversy between those who see the lawyer as a skilled artisan and those who visualize the lawyer's function as participating in and giving direction to policy, there will be little argument over the fact that the Conference has not achieved results when it has proposed uniform

laws in advance of the crystallization of policy within the states.... If the Conference is correct in its conclusion that its effectiveness is limited primarily to the narrow field where local conditions do not require variation in legal rule, where policy has stabilized, and where jurisprudential innovations are not involved, what then is left?<sup>96</sup>

In 1924, the Conference provided assistance to a National Committee on Uniform Street and Highway Safety, a committee established by a national conference called by Secretary of Commerce Herbert Hoover.<sup>97</sup> As a result of this work, the Commission prepared and in 1926 approved the Uniform Motor Vehicle Code, which provided uniformity relating to the licensing and operation of the 53 million automobiles and other motor vehicles in use at that time, and the registration of the tens of millions of individuals who drive them.<sup>98</sup> This code was revised several times in later years by changes endorsed by the Conference.<sup>99</sup>

In the last two years of the 1920s, a Committee on Obsolete Acts recommended that several acts previously endorsed by the Commission be withdrawn, including Workmen's Compensation, the Occupational Disease Acts, the Cold Storage Act, and the Vital Statistics Act.<sup>100</sup> A committee to review ULC acts continues to perform the function of reviewing existing acts up to the present time.

The annual meeting in 1930 held another interesting debate over whether the Commission should change its name to the National Conference on Uniform State Laws.<sup>101</sup> The commissioners turned down the proposal.<sup>102</sup> They also turned down a proposal to amend the constitution to sanction the promulgation of "model" as distinguished from "uniform" acts.<sup>103</sup> That issue would return in later years.

The Commission's successful endeavors during the first three decades of the 20th century set the stage for some of its major triumphs in the years immediately ahead.

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#### Footnotes:

1 Walter P. Armstrong, Jr., *a Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 29 (1991).

2 *Id.*

3 Lewis N. Dembitz was an uncle of Louis Dembitz Brandeis, who was an Associate Justice of the United States Supreme Court from 1916 to 1939.

4 Lewis N. Dembitz, *Uniformity of State Laws*, 168 N. Am. R. 84, 87 (1899).

5 Armstrong, *supra* note 1, at 30.

6 *See* appendix C.

7 Proceedings of the 15th Annual Conference of Comm'rs on Unif. State Laws 3 (1905) [hereinafter 1905 Handbook].

8 William A. Schnader, Address at the National Conference of Commissioners on Uniform State Laws – Fiftieth Conference 11 (Sept. 2-7, 1940).

9 1905 Handbook, *supra* note 7, at 6.

10 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 25th Annual Conference i (1915) [hereinafter 1915 Handbook].

11 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 115th Annual Conference (2006).

12 *See* p. 7 in Chapter 1.

13 Comm'rs on Unif. State Laws of the 18th Annual Conference 5 (1908).

- 14 *Id.*
- 15 *See* appendix A.
- 16 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 56th Annual Conference 62 (1947).
- 17 Viscount James Bryce, *The American Commonwealth* 346 (1910).
- 18 *Id.* at 31.
- 19 *See* Secretary Stimson's comments on the diversity of state marriage laws, p. 8-9 *supra*. A similar view was later expressed by Frank Horack, Jr., who said that "[U]niformity may frequently imply excessive stability in that it places a heavy sanction on the retention of the uniform law and an avoidance of experimentation with new and perhaps better legal controls." Armstrong, *supra* note 1, at 31.
- 20 Uniform Law Commission, Constitution and Bylaws, Art. III, Sec. 2, as amended in 1923, 1924, and 1925; Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 35th Annual Conference (1925) [hereinafter 1925 Handbook].
- 21 Uniform Law Commission, Constitution and Bylaws, Art. III, Sec. 2, as amended in 1923, 1924, and 1925; *see also* 1925 Handbook, *supra* note 20.
- 22 *See* Comm'rs on Unif. State Laws of the 19<sup>th</sup> Annual Conference 151 (1909).
- 23 1905 Handbook, *supra* note 7, at 29.
- 24 *Id.*
- 25 Comm'rs on Unif. State Laws of the 20th Annual Conference 142 (1910) [hereinafter 1910 Handbook].
- 26 Comm'rs on Unif. State Laws of the 24th Annual Conference 2 (1914).
- 27 *Id.* at 167-68
- 28 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 34th Annual Conference 14 (1924) [hereinafter 1924 Handbook].
- 29 Armstrong, *supra* note 1, at 32.
- 30 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 33rd Annual Conference 67 (1923) (referencing Williston's work on *The Law of Contracts*); 1910 Handbook, *supra* note 25, at 16.
- 31 *ABA Timeline*, The American Bar Association, [http://www.americanbar.org/utility/about\\_the\\_aba/timeline.html](http://www.americanbar.org/utility/about_the_aba/timeline.html) (last visited Nov. 27, 2012).
- 32 *See* appendix G.
- 33 Robert A. Stein, *Causes of Popular Dissatisfaction with the Administration of Justice in the Twenty-First Century*, 30 *Hamline L. Rev.* 499, 502 (2007)
- 34 *Id.*
- 35 Armstrong, *supra* note 1, at 32.
- 36 1905 Handbook, *supra* note 7, at 3.
- 37 Schnader, *supra* note 8, at 10.
- 38 Comm'rs. on Unif. State. Laws of the 17th Annual Conference 35 (1907).
- 39 Comm'rs on Unif. State Laws and Proceedings of the 21st Annual Conference 43 (1911).
- 40 Schnader, *supra* note 8, at 11.
- 41 *See* Comm'rs on Unif. State Laws of the 16<sup>th</sup> Annual Conference 1 (1906) (referencing Amasa M. Eaton as President).
- 42 Schnader, *supra* note 8, at 12.
- 43 *Id.*
- 44 *Woodrow Wilson*, The White House, <http://www.whitehouse.gov/about/presidents/woodrowwilson> (last visited Feb. 9, 2013).
- 45 *Id.*; *see* appendix G.
- 46 *See supra* page 8.
- 47 Schnader, *supra* note 8, at 14.
- 48 *Id.* at 13.

- 49 *Id.*
- 50 *Id.*
- 51 *Id.*
- 52 Uniform Law Commission, Constitution and Bylaws, as amended in 1923, 1924, and 1925.
- 53 Armstrong, *supra* note 1, at 37.
- 54 Schnader, *supra* note 8, at 13.
- 55 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 25th Annual Conference 78-79 (1915).
- 56 *Id.*
- 57 *See* appendix G.
- 58 Comm'rs on Unif. State Laws of the 24th Annual Conference 118 (1914) [hereinafter 1914 Handbook].
- 59 John Bassett Moore, *The Passion for Uniformity*, 62 U. Pa. L. Rev. 540, 541 (1913).
- 60 1914 Handbook, *supra* note 58, at 113.
- 61 *Id.*
- 62 1915 Handbook, *supra* note 10, at 2.
- 63 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 75th Annual Conference (1966).
- 64 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 29th Annual Meeting 154-55 (1919). The original names were Validating Wills Lawfully Executed Without the State and Recognizing as Valid Wills Act and Recognizing as Valid Wills Probated in Another State, respectively.
- 65 *Id.* at 61.
- 66 Armstrong, *supra* note 1, at 38.
- 67 *Id.*
- 68 Lyman D. Brewster, *Uniform State Laws*, 57-58 Albany L.J. 184, 190 (1898).
- 69 State Bds. of Comm'rs for Promoting Unif. of Laws in the U.S., Report of the 9th Nat'l Conference 35 (1899).
- 70 Dembitz, *supra* note 4, at 89.
- 71 Schnader, *supra* note 8, at 14.
- 72 *Id.*
- 73 *Id.*
- 74 *Id.*
- 75 *Id.*
- 76 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 33rd Annual Conference 139 (1923).
- 77 *American Law Insitute*, Hein Online, [heinonline.org/HeinDocs/ali2.pdf](http://heinonline.org/HeinDocs/ali2.pdf), (last visited Mar. 10, 2013).
- 78 *ALI Overview*, ALI, [www.ali.org/index.cfm?fuseaction=about.creation](http://www.ali.org/index.cfm?fuseaction=about.creation) (last visited Mar. 10, 2013).
- 79 *Id.*
- 80 1925 Handbook, *supra* note 20, at 7-10.
- 81 *Id.*
- 82 1924 Handbook, *supra* note 28, at 272 & 395 (recommending sections and voting on their creation); *See also* 1925 Handbook, *supra* note 20 (putting the section structure into place for the first year).
- 83 Armstrong, *supra* note 1, at 77.
- 84 *Id.*
- 85 *Id.*
- 86 *Id.*
- 87 *Id.*

88 *Id.* at 41.

89 John Hemphill, *The Uniform Laws Craze*, *The American Mercury*, 59-61 (1925).

90 *Id.*

91 Armstrong, *supra* note 1, at 41-42.

92 *Id.*

93 *Id.* at 42-43.

94 *Id.* at 44.

95 F.J. Stimson, *National Unification of Law*, 6-7 *Harv. L. Rev.* 92, 92 (1893-94).

96 Armstrong, *supra* note 1, at 44-45.

97 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 36th Annual Conference 19 (1926).

98 *Id.*

99 Armstrong, *supra* note 1, at 45.

100 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 39th Annual Conference 112 (1920).

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102 *See id.*

103 Schnader, *supra* note 8, at 15.

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## BIOGRAPHIES FOR CHAPTER 2

**Louis D. Brandeis** was a commissioner from Massachusetts from 1900 to 1905.<sup>1</sup> Brandeis was a crusader for social justice, defending workplace and labor laws and helping establish the Federal Reserve and the Federal Trade Commission.<sup>2</sup> Appointed to the U.S. Supreme Court in 1916,<sup>3</sup> he authored many opinions, including *Erie Railroad Co. v. Tompkins*, which overruled *Swift v. Tyson* and its aspirations for a unified federal commercial common law.<sup>4</sup> Justice Brandeis wrote the famous pro-federalism line, “It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”<sup>5</sup>

**Amasa M. Eaton** was a commissioner from Rhode Island from 1896 to 1913, and was President of the Conference from 1901 to 1909.<sup>6</sup> Descended from the preeminent Brown family of Providence, Eaton fought in the Civil War before twice serving in the Rhode Island State House.<sup>7</sup> After finishing his political career, Eaton headed to Harvard Law School on his way to becoming a prominent Providence attorney.<sup>8</sup> He was passionate about state constitutional reform, and helped establish Rhode Island’s modern court system.<sup>9</sup> Eaton served as Conference President for a record eight successive one-year terms, longer than any other individual.<sup>10</sup>

**Nathan William MacChesney** was a commissioner from Illinois from 1908 to 1954 and Conference President from 1922 to 1925.<sup>11</sup> Along with John Wigmore, he was one of the principal founders of the Northwestern University Law Review.<sup>12</sup> He was often referred to as General MacChesney for his service in the U.S. Army in the Spanish-American War, World War I, and World War II.<sup>13</sup> MacChesney served as President of the Illinois Bar Association, President of the American Institute of Criminal Law and Criminology, and general counsel of the National Association of Real Estate Boards.<sup>14</sup>

**Roscoe Pound** was a commissioner from Nebraska from 1906 to 1907.<sup>15</sup> Though Pound never finished law school, Harvard Law School Dean Erwin Griswold called him “the preeminent legal scholar of his time.”<sup>16</sup> Pound was a prolific author, and a leader in the field of legal realism.<sup>17</sup> One of his most famous and influential addresses was a 1906 speech, *The Causes of Popular Dissatisfaction with the Administration of Justice*.<sup>18</sup>

**John H. Wigmore** was a commissioner from Illinois from 1908 to 1924, and again from 1933 to 1942.<sup>19</sup> Wigmore was one of the foremost evidence scholars and authored an authoritative treatise on the common law of evidence.<sup>20</sup> He also wrote many articles on international law.<sup>21</sup> Wigmore was a professor of law and dean at Northwestern University School of Law.<sup>22</sup>

**Samuel Williston** was a commissioner from Massachusetts from 1910 to 1928.<sup>23</sup> Williston, a professor at Harvard Law School, authored the authoritative treatise on the law of contracts.<sup>24</sup> Williston drafted several acts for the Conference, including the 1906 Uniform Sales Act, the 1906 Uniform Warehouse Receipts Act, the 1909 Uniform Stock Transfer Act, and the 1909 Uniform Bills of Lading Act, all predecessors to the Uniform Commercial Code.<sup>25</sup> Williston’s well-known treatise, *The Law of Contracts*, was first published in 1920.<sup>26</sup> He was the reporter for the *Restatement of*



**Woodrow Wilson** was the 28th President of the United States and a commissioner representing New Jersey from 1901 to 1908.<sup>28</sup> President Wilson served in the Conference while he was a professor of political science and President of Princeton University.<sup>29</sup> He won election as governor of New Jersey in 1910, and two years later became President of the United States.<sup>30</sup> Among the challenges of Wilson's two terms were passing legislation on antitrust and child labor and managing America's entry and participation in the first World War.<sup>31</sup> After the Armistice ended the war in 1918, Wilson unsuccessfully pushed for American participation in the League of Nations.<sup>32</sup>

#### COMMISSIONERS WHO WERE ALSO ABA PRESIDENTS

**William A. Blount** served as a commissioner from Florida from 1911 to 1920, and was ABA President from 1920 to 1921.<sup>33</sup> Blount made his name litigating for railroad companies before being elected to a single term in the Florida State Senate.<sup>34</sup> Blount was the first Floridian to serve as ABA President.<sup>35</sup>

**Frederick W. Lehmann** served as a commissioner from Missouri from 1913 to 1915, and was ABA President from 1908 to 1909.<sup>36</sup> Before ascending to the presidency of the ABA, Lehmann worked in private practice in St. Louis.<sup>37</sup> After stepping down as ABA President, Lehmann served as Solicitor General of the United States under President William H. Taft.<sup>38</sup>

**Charles F. Libby** was a commissioner from Maine from 1895 to 1909 and President of the ABA from 1909 to 1910.<sup>39</sup> Libby served as mayor of Portland, Maine, and became a state senator in 1889.<sup>40</sup> In 1891, the state Senate chose him to become President.<sup>41</sup> Libby lobbied to create the Maine Bar Association, of which he served as the first president.<sup>42</sup>

**Chester I. Long**, served as a commissioner from Kansas from 1922 to 1928, and was ABA President from 1925 to 1926.<sup>43</sup> Long was elected to the U.S. House of Representatives and Senate.<sup>44</sup> After leaving politics in 1909, Long went into private practice and chaired a commission to revise the general statutes of Kansas.<sup>45</sup>

**Gurney E. Newlin** served as a commissioner from California from 1908 to 1932 and was ABA President from 1928 to 1929.<sup>46</sup> Newlin was attorney for a number of corporations, including the Los Angeles Pacific Company, and was director for many others, such as the United States Fidelity and Guaranty Company.<sup>47</sup> He was also heavily involved in the Red Cross in both California and France before and after World War I.<sup>48</sup>

**Robert E. Lee Saner** served as a commissioner from Texas from 1920 to 1937 and was ABA President from 1923 to 1924.<sup>49</sup> Saner was president of the Texas Bar Association and coordinated international meetings between the ABA and its English and French counterparts.<sup>50</sup>

**Cordenio A. Severance** served as a commissioner from Minnesota from 1910 to 1924 and was ABA President from 1921 to 1922.<sup>51</sup> A railroad and corporate lawyer,<sup>52</sup> Severance's Twin Cities firm Davis, Kellogg and Severance rose to national prominence, in part by representing U.S. Steel before the U.S. Supreme Court.<sup>53</sup> Severance's civic work included helping found the American Law

**Henry Upson Sims** served as a commissioner from Alabama from 1920 to 1938, and was ABA President from 1929 to 1930.<sup>55</sup> Sims, a lecturer at the University of Alabama Law School, specialized in real property law and equity matters, authoring several treatises and articles on the subjects.<sup>56</sup>

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**Footnotes:**

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- 4 *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938).
- 5 *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting).
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- 7 *Amasa Eaton*, R.I. Heritage Hall of Fame, [http://www.riheritagehalloffame.org/inductees\\_detail.cfm?iid=617](http://www.riheritagehalloffame.org/inductees_detail.cfm?iid=617) (last visited Nov. 12, 2012).
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- 12 *Foreword*, 100 *Nw. U. L. Rev.* i, i (2006).
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- 16 James J. Alfini, *Centennial Reflections on Roscoe Pound's 1906 Address to the American Bar Association: Fanning the Spark That Kindled the White Flame of Progress*, 48 *S. Tex. L. Rev.* 849, 849 (2007).
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# The Uniform Partnership Act and Other Uniform Business Entity Acts

## PARTNERSHIPS

By the time the National Conference of Commissioners on Uniform State Laws was created in 1892, the partnership was an established business entity form.<sup>1</sup> A partnership is a business run by two or more persons in which all partners share the management and profits.<sup>2</sup> Justice Joseph Story, for example, as part of his series of Commentaries on the Law, had written a treatise on the subject in 1841: *Commentaries on the Law of Partnership*.<sup>3</sup> Though Great Britain had comprehensively codified its partnership laws in 1890, the same was not widely true in the United States.<sup>4</sup> Thus the partnership was a natural subject for a uniform act.

In 1902, Commissioner James Barr Ames, Dean of the Harvard Law School, volunteered to draft a Uniform Partnership Act which would codify inveterate common law and civil law principles.<sup>5</sup> The project got off to a rocky start.

A central debate in drafting this act was to what degree the U.S. should follow England's lead. The choice before the Conference was whether to employ the "aggregate" or "legal" theory of partnerships or the "mercantile" or "entity" theory of partnerships. The latter views partnerships as legal entities distinct from their partner members.<sup>6</sup> The aggregate theory views partnerships as wholly the same as its constituent partners.<sup>7</sup> English and American common law had long espoused the aggregate theory and saw partnerships as collections of persons jointly and severally liable for all debts and obligations of the partnership.<sup>8</sup>

Sir Mackenzie Dalzell Chalmers, who had drafted both the Bills of Exchange Act and the Sales of Goods Act, spoke at the Conference's 1902 meeting in Saratoga Springs.<sup>9</sup> He suggested adopting the aggregate theory and modeling the American Uniform Partnership Act after its English counterpart.<sup>10</sup> The next year, Sir Frederick Pollock, the English jurist and scholar who wrote his country's partnership act, reported to the Uniform Law Commission that "the code on [partnership] in England having been in force about twelve years and having proven so satisfactory, would be an excellent working model for an American statute."<sup>11</sup>

Commissioner Ames strongly disagreed, going so far as to say, "I feel that so strongly that, if the Conference thinks my plan undesirable, I should much prefer to have someone else draw the act; I should have no heart in drawing an act on any other theory...."<sup>12</sup> As to the attractiveness of modeling an American statute off the British common law and experience, he observed:

The English draftsman has a very different problem from the American draftsman because he is dealing substantially with the law of one jurisdiction, and his object is to make a digest which shall receive Parliamentary sanction, while our attempt is to bring about uniformity in the laws of between forty-five and fifty jurisdictions.<sup>13</sup>

Though an ardent Anglophile, Dean Ames did not think the Conference's task was to unify English and American commercial law.<sup>14</sup> He submitted two drafts implementing the entity theory for

partnerships.<sup>15</sup> The first draft was submitted for the Conference's consideration on August 22, 1906.<sup>16</sup> Section 1 explicitly defined a partnership as an entity: "A partnership is a legal person formed by the association of two or more individuals for the purpose of carrying on business with a view to profit."<sup>17</sup> Section 5 of the same draft stated: "Persons who have entered into partnership with one another are for the purposes of the act called collectively a firm."<sup>18</sup> The section was also entitled, "Firm an Entity Distinct from the Partners."<sup>19</sup>

The second draft of the Uniform Partnership Act did not appear again until 1909.<sup>20</sup> In both 1907 and 1908, Dean Ames asked that consideration of the Act be postponed.<sup>21</sup> Dean Ames explained the delay in drafting: "Two years ago ... I was instructed to recognize the commercial conception of a partnership, and to deal with it as an entity or legal person .... I intended to present this year a revised and annotated draft, but I find to my surprise that there are in several states constitutional provisions which seem to me to create a difficulty ...."<sup>22</sup>

On January 8, 1910, Dean Ames passed away at the age of 64.<sup>23</sup> At the 1910 annual meeting, Commissioner Talcott H. Russell of Connecticut made the following resolution, which was passed:

On behalf of the Committee on Commercial Law I move that any resolution that may heretofore have been adopted by the Conference tending to limit the committee in its consideration of the partnership law, now under consideration, to what is known as the entity theory, be, and the same is, hereby rescinded, and the Committee on Commercial Law be allowed and directed to consider the subject of partnership at large as though no such resolution had been adopted by the Conference.<sup>24</sup>

From that point forward, drafting work was directed away from the entity theory and toward the aggregate theory of partnerships.

William Draper Lewis, then dean of the University of Pennsylvania Law School and later a commissioner from Pennsylvania, replaced Ames.<sup>25</sup> Dean Lewis completed two drafts for consideration in 1910: the first drawn on the same lines as the drafts submitted by Dean Ames, the second "embodying the theory that a partnership is an aggregate of individuals associated in business, which is that at present accepted in nearly all the states of the union."<sup>26</sup>

The Conference did not immediately adopt his work.<sup>27</sup> Instead, it first called a two-day conference of professors and distinguished practitioners of business law to more fully consider the Act later that same year.<sup>28</sup> Among the participating luminaries were Samuel Williston and Francis M. Burdick.<sup>29</sup> At that meeting, the Commercial Law Committee voted that Dean Lewis "be requested to prepare a draft of the Partnership Act upon the so-called common law theory," that is, the aggregate theory.<sup>30</sup> Dean Lewis' act withstood professorial scrutiny and the Conference officially adopted his Uniform Partnership Act ("UPA") in 1914.<sup>31</sup>

The final product incorporated the aggregate theory of partnerships in perpetuation of the shared Anglo-American legal tradition.<sup>32</sup> The UPA thus viewed partnerships as one and the same as their members.<sup>33</sup> Operating within this framework, UPA outlines the nature of the partnership, relations of partners to third parties, relations of partners to one another, the property rights of partners, and the termination of a partnership.<sup>34</sup> It is one of the Conference's most successful products: every state but

Louisiana adopted the UPA or its progeny to some degree.<sup>35</sup> More than 85 years after Dean William Draper Lewis concluded drafting the Act, Professor Thomas R. Hurst wrote:

It is one of the most successful pieces of uniform legislation ever drafted .... It is a concise, highly conceptual act which left many details to be fleshed out by the courts. This may be one reason for its longevity since it lends itself to evolutionary change through the process of interpretation by the courts.<sup>36</sup>

While the UPA was generally a success, suggestions for revisions increased over the years.<sup>37</sup> Eventually, the ABA created a subcommittee to study the act.<sup>38</sup> The subcommittee's work culminated in a 1986 report that rejected patchwork UPA amendments in favor of a total redrafting.<sup>39</sup> The report critically reviewed the UPA section by section, signifying where modifications were necessary.<sup>40</sup>

The Uniform Law Commission was also considering changes to the 1914 UPA in the late 1980s.<sup>41</sup> The Conference appointed a drafting committee in 1987, with Professor Donald Weidner of Florida as reporter and Commissioner H. Lane Kneedler of Virginia as chair.<sup>42</sup> The ABA appointed a committee to assist the Conference's drafting committee.<sup>43</sup> Work was slow and drew the UPA revision process out until 1992, when the Conference approved a new version of the UPA.<sup>44</sup> However, the ABA committee expressed objections to the 1992 promulgation and work continued for another two years.<sup>45</sup>

Finally, the first complete overhaul of the UPA was finished in 1994.<sup>46</sup> Provisions for limited liability partnership, which provide the same limited liability protection for partners as exist for corporate shareholders, were added in 1997, completing the UPA (1997), also popularly known as the Revised Uniform Partnership Act.<sup>47</sup> Most significantly, the 1997 UPA adopts the entity theory of partnerships, which provides continuity for the partnership in the event that, say, a partner dies or leaves the firm.<sup>48</sup> The 1997 UPA also changed prior law by elucidating the partners' fiduciary duties of loyalty and care, on which the 1914 UPA was silent.<sup>49</sup> The 1997 UPA also provides that the partners have a duty of good faith and fair dealing which they owe to each other and the partnership.<sup>50</sup> The Act allows the partnership in many cases to modify or eliminate these duties.<sup>51</sup> The statutory authority for this drafting flexibility was quite uncertain under the original 1914 UPA.<sup>52</sup>

Thus, the work on partnership law came full circle. Dean Ames started the work in 1902 using the entity theory of partnership, and more than 90 years later, the Revised Uniform Partnership Act was promulgated using, at its core, the same entity theory.

Approximately 40 jurisdictions have adopted the 1997 UPA.<sup>53</sup> The Conference most recently revised the Uniform Partnership Act in 2011, as part of the Harmonization of Business Entity Acts project.<sup>54</sup>

## LIMITED PARTNERSHIPS

Another form of business entity that became the subject of a uniform act is the limited partnership. The fundamental difference between general and limited partnerships is that the latter has not just general partners, but also limited partners, who are not held personally liable like general partners.<sup>55</sup> In the early 20<sup>th</sup> century, because partnerships were defined using the aggregate theory of

partnerships, the limited partnership was the primary way to avoid total personal liability while still avoiding the double taxation inherent in the corporate form.

The 1914 UPA stated that it “shall apply to limited partnerships except in so far as the statutes relating to such partnerships are inconsistent herewith.”<sup>56</sup> Limited partnerships received their due soon enough, however, when the Conference adopted the Uniform Limited Partnership Act (“ULPA”) in 1916.<sup>57</sup> With few and minor variations, almost every state adopted the 1916 ULPA.<sup>58</sup>

The ULPA defines a limited partnership as a bona fide “partnership,” and explicated the rights and duties of both general partners and limited partners.<sup>59</sup> It embraces the common law view that general partners owe their limited counterparts fiduciary duties.<sup>60</sup> The 1916 ULPA held that a limited partner would not be personally liable for the obligations of the limited partnership unless the limited partner took part in the control of the business.<sup>61</sup> A future version of the ULPA would make clear that where that act was silent, “the provisions of the [UPA] would govern.”<sup>62</sup>

Just as it significantly revised the UPA, through the years the Conference has made several changes to its limited partnership act. The Conference revised the ULPA first in 1976, then in 1985; the resulting Act is sometimes referred to as the Revised Uniform Limited Partnership Act (“RULPA”).<sup>63</sup> The Conference modified the 1976 ULPA (with 1985 amendments) again in 2001, this time as the so-called Re-RULPA.<sup>64</sup> The 1985 amendments created safe harbor provisions for limited partners that allowed them to engage in certain activities without jeopardizing their limited liability.<sup>65</sup>

The 2001 ULPA did not use linkage to other uniform acts like its predecessors did.<sup>66</sup> That is, the 2001 Act did not borrow other uniform laws to “fill in the blanks,” like the 1976 ULPA (with 1985 amendments) did when it incorporated the UPA into any statutory silences.<sup>67</sup> This was a matter of some debate among the drafting committee, and the Act’s Prefatory Note spends time explaining why the committee drafted the 2001 ULPA as a stand-alone act.<sup>68</sup> For one, the drafting committee did not see linkage as a successful concept when evaluating other acts’ linkage to the UPA.<sup>69</sup> Hinting at the dangers of linking to legislation that does not last forever, the drafting committee also noted concerns with the UPA.<sup>70</sup> The 2001 ULPA is a much longer piece of uniform legislation, but it is arguably more stable and coherent because it stands on its own.<sup>71</sup>

The 2001 ULPA finally eliminated restrictions on limited partners to participate in the control of the business.<sup>72</sup> Under this Act, a limited partner can vote and manage the business without forfeiting his protection from personal liability.<sup>73</sup> States using this version of the Act no longer need to employ a “participation in control” test to determine whether a limited partner has exceeded the traditional role of a passive investor, because 2001 ULPA limited partners are always immune from personal liability.<sup>74</sup>

The other major change in the 2001 Act is the authorization of limited liability limited partnerships (“LLLP”), which have increased in popularity in recent years.<sup>75</sup> General partners, as well as limited partners, have limited liability protection with an LLLP. However, most jurisdictions that use the Conference’s limited partnership legislation still use the 1985 RULPA.<sup>76</sup> Although limited partnerships were popular earlier in the 20th century for their deflection of personal liability off the limited partners, other unincorporated business forms, such as limited liability companies, have overtaken limited partnerships in popularity.<sup>77</sup> At the same time, limited partnerships have lost their

appeal as tax shelters since Congress passed the Tax Reform Act of 1976, though they are still well-suited for real estate and family estate planning purposes.<sup>78</sup> The Conference most recently revised the Uniform Limited Partnership Act in 2011 as part of its Harmonization of Business Entity Acts project.<sup>79</sup>

## CORPORATIONS AND THE ABA

Corporations are something altogether different from partnerships. For much of American history, starting a business beyond a sole proprietorship involved forming either a partnership or a corporation.<sup>80</sup> The Conference took notice of corporations in 1903, when it organized a Committee on Uniform Corporation Law.<sup>81</sup> An important debate for the committee was whether to effectuate its goals at the state or federal level. The committee's 1904 report stated: "The first thing to be done, it seems to us, is to secure the passage by Congress of a National Incorporation Law, and to require that a corporation to carry on interstate commerce under the Constitution should conform to the provisions of the national law."<sup>82</sup> The ensuing debate was extensive. Committee Chairman Walter S. Logan, for one, did not support federal corporation legislation.<sup>83</sup> After thorough debate, the matter was postponed indefinitely.<sup>84</sup> In its 1905 report, the committee had tempered its optimism about its chances on Capitol Hill: "A national incorporation law would secure uniformity so far as it goes, but the field of national action in respect to corporations is at the best exceedingly limited."<sup>85</sup>

The Conference began work on a uniform corporations act for the states in 1908; work was to continue for 20 years.<sup>86</sup> In 1928, the Conference approved the Uniform Business Corporation Act, which was eventually enacted by Louisiana, Kentucky, Washington, and in part by Idaho (in 1943, the Conference renamed this act the Model Business Corporation Act).<sup>87</sup>

Meanwhile, the Committee on Business Corporations of the ABA Section of Commercial Law began drafting a Federal Corporation Act in 1940.<sup>88</sup> The Committee reported a Draft Federal Act in 1943 and reported a Draft Model for State Business Corporations Acts three years later.<sup>89</sup> Finally, in 1950, the ABA Committee on Business Corporations promulgated the Model Business Corporation Act ("MBCA"), which was published by the American Law Institute.<sup>90</sup> The primary purpose of the MBCA was "to provide state commissions and bar association committees with a working model for revision and modernization of their corporate laws."<sup>91</sup> A foreword to the 1950 MBCA further remarked, "Uniformity of corporation laws among the states would be of inestimable value to business and our profession. The Committee believes that its Model Act is worthy of uniform adoption."<sup>92</sup> In this regard, the Committee's goals dovetailed perfectly with those of the Uniform Law Commission. The ABA published its fourth iteration of the MBCA in 2007.<sup>93</sup>

Seeing how successful the ABA was in having its MBCA adopted by states, in 1958 the Conference withdrew its own Model Business Corporation Act.<sup>94</sup> Since then, the Conference has generally confined its work to unincorporated business associations, while the ABA has spearheaded the drafting of model corporation acts.<sup>95</sup> The Conference has long recognized this implicit division, and its drafting committees have cited it as a reason for cross-organization collaboration when specific acts touch upon both incorporated and unincorporated entities.<sup>96</sup>

Another ABA foray into uniform business entity acts is its Nonprofit Corporations Act. The Model



Nonprofit Corporation Act was completely revised in 1987, and then again in 2008. Twenty-nine states adopted the 1964 version of the Model Nonprofit Corporation Act, but only two states have adopted the 1987 Revised Model Nonprofit Corporation Act. The ABA also prepared a Prototype Limited Liability Company Act, which played into the Conference's preparation of its own Limited Liability Company Act.

## LIMITED LIABILITY COMPANIES

A new unincorporated business organization appeared and expanded quickly in the 1990s: the limited liability company ("LLC"). The LLC is the first unincorporated business organization to confer limited liability for all participants while giving those partners flow-through tax benefits under Subchapter K of the Internal Revenue Code.<sup>97</sup> LLC members are owners of the firm and all enjoy limited liability.<sup>98</sup> The entity form is quite flexible, allowing both member-managed and manager-managed structures.<sup>99</sup>

LLCs took off after the Internal Revenue Service ruled in 1988 that LLCs could be taxable as partnerships.<sup>100</sup> By 1996, a mere eight years later, all fifty states had authorized LLCs.<sup>101</sup>

As the Prefatory Note to the Conference's eventual uniform act on the subject rationalized:

Practitioners and entrepreneurs struggle to understand the law governing limited liability companies organized in their own State and to understand the burgeoning law of other States. Simple questions concerning where to organize are increasingly complex. Since most state limited liability company acts are in their infancy, little if any interpretative case law exists. Even when case law develops, it will have limited precedential value because of the diversity of the state acts.<sup>102</sup>

Because LLCs arose so swiftly, the Uniform Law Commission did not have a uniform act in place before every jurisdiction had enacted LLC legislation.<sup>103</sup> Rather, in a reflection of the LLC's dual nature, many states had modeled their LLC laws in part on their general or limited partnership acts and in part on their general business corporation law.<sup>104</sup> Other states followed the Prototype Limited Liability Company Act, which was drafted and released by a working group organized under the Subcommittee on Limited Liability Companies of the ABA Section of Business Law in the fall of 1993.<sup>105</sup>

The ABA Prototype Act's modest success notwithstanding, the Conference considered and drafted uniform legislation with some urgency. The Conference adopted the Uniform Limited Liability Company Act ("ULLCA") in 1995, with amendments approved in 1996 and 2006.<sup>106</sup> The 2006 ULLCA had several significant changes, including expanding provisions concerning operating agreements, providing remedies for oppressive conduct by members and managers, and authorizing structural reorganization transactions between LLCs and all other types of business entities.<sup>107</sup>

Relatively few states have adopted the ULLCA, although it is increasing in popularity.<sup>108</sup> Six jurisdictions use the 1996 ULLCA and another eight currently use the 2006 iteration.<sup>109</sup> The last revision to the ULLCA was in 2011 as part of the Conference's Harmonization of Business Entity Acts project.<sup>110</sup>

## UNINCORPORATED NONPROFIT ASSOCIATIONS

A nonprofit organization is an entity that includes nonprofit corporations, charitable trusts, and nonprofit associations.<sup>111</sup> Some states allow limited liability companies for nonprofit purposes.<sup>112</sup> Before Conference involvement, unincorporated nonprofits had not seen widespread, comprehensive regulation.<sup>113</sup> In most states, nonprofit associations have been subject to what the Prefatory Note to the Revised Uniform Unincorporated Nonprofit Association Act (“UUNAA”) called a “hodgepodge of common law principles and statutes governing some of their legal aspects.”<sup>114</sup>

Accordingly, in 1992 the Conference adopted the Uniform Unincorporated Nonprofit Association Act.<sup>115</sup> The Conference approved minor revisions to the UUNAA four years later.<sup>116</sup> This version of the law was very narrow in scope; among the topics covered were tort and contract liability of members, owning and conveying of property, and suits by and against an unincorporated nonprofit association.<sup>117</sup> In 2005, the Conference decided that the UUNAA should be expanded, and so set about completely updating the act.<sup>118</sup> The resulting act was approved in 2008, the result of a joint project between the Conference, the Uniform Law Conference of Canada, and the Mexican Center for Uniform Laws.<sup>119</sup> As of 2013, 12 states have enacted the 1996 UUNAA, while another four enacted the 2008 UUNAA, also known as the Revised Uniform Unincorporated Nonprofit Association Act.<sup>120</sup>

The committee that drafted the 2008 UUNAA aimed to provide a more modern and comprehensive legal framework for unincorporated nonprofit associations.<sup>121</sup> The new act addressed many more facets of nonprofit operation, such as internal governance, dissolution, winding up, and merger.<sup>122</sup> The 2008 UUNAA filled many legal interstices, going beyond what most states’ common law and statutes provide.<sup>123</sup> The Prefatory Note to the 2008 UUNAA cautioned that the Act is limited in scope and was intended to provide only a very basic legal framework for nonprofit associations that could not incorporate for legal and financial reasons.<sup>124</sup> There are thousands of unincorporated nonprofit associations in every state.<sup>125</sup> Most have little or no formal structure and their members are unaware that they have potential personal liability for the debts and other obligations of the association.<sup>126</sup> The ABA Model Nonprofit Corporation Act, first written in 1952 and last updated in 2008, covers nonprofit corporations.<sup>127</sup> In contrast, the 2008 UUNAA covers nonprofits that have not incorporated.<sup>128</sup> The Uniform Unincorporated Nonprofit Association Act was amended in 2011, like the Conference’s other business entity acts, as part of the Harmonization of Business Entity Acts project.<sup>129</sup>

## STATUTORY TRUSTS

Statutory trusts have also become popular in recent years, principally in the mutual fund and structured finance industries.<sup>130</sup> Statutory trusts differ from common law trusts in many important ways.<sup>131</sup> Private action creates common law trusts regardless of its purpose.<sup>132</sup> Thus, common law trusts operate through a trustee, who sues and transacts on behalf of the trust.<sup>133</sup> In contrast, statutory trusts are wholly separate from their trustees and beneficiaries and can sue and transact in their own right.<sup>134</sup> As the Prefatory Note to the Conference’s 2009 Uniform Statutory Trust Entity Act notes in justifying an act separate from the Uniform Trust Code, “leading compilations of the common law of trusts tend to exclude business trusts from their coverage.”<sup>135</sup>

As more businesses have organized as statutory trusts, it has been increasingly apparent that the status of such trusts is unclear because the relevant law is obsolete or indeterminate.<sup>136</sup> Coupled with a paucity of case law, attorneys and entrepreneurs alike have struggled to understand the operative law surrounding statutory trusts.<sup>137</sup>

In 2003, the Conference recognized this confusion and authorized the preparation of a uniform business trust act.<sup>138</sup> The drafting committee had its first reading at the Conference's 2006 annual meeting.<sup>139</sup> The Committee examined a wide variety of materials for guidance: state business trust acts, model and uniform acts, and statistical data on the use of statutory trusts in various states.<sup>140</sup> The committee found most helpful state statutory trust acts, particularly Delaware's, which had been in force since 1988.<sup>141</sup> Through this research, the drafting committee thought it best to change the name of its anticipated act from a business trust act to a statutory trust entity act.<sup>142</sup> In 2009, the Conference officially adopted the Uniform Statutory Trust Entity Act ("USTEA").<sup>143</sup> By 2012, USTEА had two adopters: the District of Columbia and Kentucky.<sup>144</sup> The Conference updated USTEА in 2011 as part of the Harmonization of Business Entity Acts project.<sup>145</sup>

## UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT

Cooperatives are another form of business organization. Whereas for-profit organizations focus on profits and nonprofit associations focus on public benefit, cooperatives exist to benefit their members.<sup>146</sup> The four basic tenets of cooperatives are democratic ownership and control by users, limited returns on capital, return of benefits to users on the basis of use, and the obligation of user-owner financing.<sup>147</sup> The most common uses are electric cooperatives and farm product marketing cooperatives, companies such as Land O' Lakes and Sunkist.<sup>148</sup> Hardware companies like Ace and True Value were also organized as cooperatives.<sup>149</sup> In recent years, cooperatives have been used for a broader range of activities, such as ethanol plants and health care.<sup>150</sup>

To assist states considering new cooperative statutes that allow the increased capital, management, and tax flexibility required by these new broader based cooperatives, the Conference adopted the Uniform Limited Cooperative Association Act ("ULCAA") at its 2007 annual meeting.<sup>151</sup> The Act complements—but does not replace—existing state cooperative laws by allowing any type of business, for- or non-profit, to form as a cooperative.<sup>152</sup> The drafting committee used the word "limited" in the Act's title to signify that the Act would not conflict with traditional state law cooperatives, although a traditional cooperative could elect to organize under the Act.<sup>153</sup> The Conference approved minor amendments to ULCAA in 2011 as part of the Harmonization of Business Entity Acts project.<sup>154</sup>

## CHANGING BUSINESS ENTITY TRANSACTIONS

Another area of concern for the Conference is changing business entities. With all the new entity forms that have spread across the states in the late 20th century, and the concomitant advantages to each entity form, transactions between two different types of business forms have grown in number and complexity.<sup>155</sup> As many states' laws now offer great flexibility in form and structure in business organization, managers and members often consider switching entity types or governing jurisdictions.<sup>156</sup>

As with so many other subjects in business law, when the Conference began examining this issue in the early 21st century, there was no comprehensive statutory framework for changing entity form.<sup>157</sup> No single top-down statute governed restructuring transactions like mergers, conversions from one entity type to another, interest exchanges, or interstate relocations.<sup>158</sup> That is not to say that some restructuring transactions were not addressed in other uniform or model acts.<sup>159</sup> The 1997 RUPA and 2001 ULPA, for example, spoke limitedly to the subject.<sup>160</sup> Similarly, the ABA modified its Model Business Corporation Act to govern some of these transactions.<sup>161</sup>

So the Uniform Law Commission sprang into action. The Conference appointed a committee to draft a uniform intra- and inter-entity merger act in 2000.<sup>162</sup> While that committee began work, the ABA Business Law Section created an Ad Hoc Committee on Entity Rationalization, which gained permanent status in 2001.<sup>163</sup> Soon, both the Conference and the Committee on Corporate Laws of the ABA Section of Business Law—the same Committee that drafted the Model Business Corporation Act—recognized that “a better approach would be for states to enact a single statute covering all types of restructuring transactions by and among all types of entity forms.”<sup>164</sup> So, the two organizations came together to jointly draft the Model Entity Transactions Act (“META”).<sup>165</sup>

Though the Conference has drafted most of its business entity laws on its own, the joint effort between the Conference and the ABA on META is not surprising. Every drafting committee appointed by the Conference has the benefit of ABA advisors.<sup>166</sup> By teaming up, the Conference and the ABA were formalizing this cooperative relationship.<sup>167</sup> Such formalization was sensible for entity transactions because the subject matter deals with both corporate law, traditionally within the domain of the ABA, and unincorporated organizations, where the Conference acts have prevailed.<sup>168</sup>

That is not to say that the process was entirely smooth. One memorandum circulated at a drafting conference noted, “We are sensitive to the fact that preceding discussion could be seen simply as an endorsement of MITA [the ABA’s draft act] at the expense of UEnTA [the Conference’s draft act]. The last thing we want to do is to cause problems between the two drafting committees working on META.”<sup>169</sup>

Notwithstanding, the collective effort culminated in the adoption of the Model Entity Transactions Act in 2007.<sup>170</sup> By 2012, META had been adopted in Connecticut, Idaho, Kansas, and the District of Columbia, and had been introduced in several other states.<sup>171</sup>

META provides the legal framework for four types of restructuring transactions.<sup>172</sup> The first two are mergers and conversions from one entity type to another.<sup>173</sup> META also governs when two entities establish an interest exchange, whereby one controls the other without formal merger.<sup>174</sup> Finally, the Act contains provisions for domestication, for entities that want to change their jurisdiction of organization.<sup>175</sup> One major issue that META does not address is divisions, which is when an entity splits itself into multiple other entities.<sup>176</sup> The drafting committee noted during the floor debate in 2004 that unresolved creditors’ rights issues were the primary obstacle to developing a sound provision on divisions.<sup>177</sup> The committee ultimately abandoned legislation on that topic, perhaps to take it up at a future date.<sup>178</sup> META was revised slightly in 2011 for the Harmonization of Business Entity Acts project.<sup>179</sup>

## MODEL REGISTERED AGENTS ACT

The Conference addressed service of process for business entities in 2006, when it passed the Model Registered Agents Act.<sup>180</sup> The purpose of the Act is to provide consistent rules regarding service of process on entities.<sup>181</sup>

The Act arose out of discussions between corporation service companies and the International Association of Commercial Administrators (“IACA”), an organization of state corporation bureaus in North America.<sup>182</sup> Corporation servers of process wanted to address several filing problems they had encountered in various states.<sup>183</sup> IACA, which had been independently ruminating on service filing issues within various jurisdictions, approached the ABA’s Section on Business Law.<sup>184</sup> The ABA agreed to help IACA draft new uniform legislation, and in that vein entreated the Conference leadership to join the drafting effort.<sup>185</sup>

The most revolutionary component of the Model Registered Agents Act is the single registration procedure it provides for registered agents, regardless of the type of business entity the agent represents.<sup>186</sup> The Act affects virtually all business associations because every state requires entities doing business there to designate registered agents for service of process in legal proceedings.<sup>187</sup> States adopting this Act will only need one registered agent database, which simplifies registration procedures.<sup>188</sup> The Conference updated the Model Registered Agents Act in 2011 as part of the Harmonization of Business Entity Acts project.<sup>189</sup>

## HARMONIZED UNIFORM BUSINESS ORGANIZATIONS CODE

Another effort by the Uniform Law Commission has been the creation of a Harmonized Uniform Business Organizations Code.<sup>190</sup> This is a collection of all the Conference’s state entity laws in one single code.<sup>191</sup> The purpose of the Code is to encourage adoption of more entity laws by conveniently aggregating the Conference’s acts.<sup>192</sup> Further, it synchronized the language of each of the eight constituent acts.<sup>193</sup> States are free to adopt the entire Code, any of the individual harmonized acts, or just the procedural, administrative body of law.<sup>194</sup>

A harmonized code had been sought for years. Commissioner Harry J. Haynsworth, IV of Minnesota wrote about the need for a Unified Business Organizations Code in the *Delaware Journal of Corporate Law* in 2004:

Not only has the enactment of the recently promulgated uniform unincorporated organization acts been spotty, but these acts also contain material differences in wording for similar provisions. Some of the states that have enacted them have made significant non-uniform amendments, many of which may have unintended adverse consequences that can create traps for the unwary.... My suggestion for reform is to create a unified business organizations code.<sup>195</sup>

Commissioner Haynsworth chaired the Code drafting committee, with Commissioner William H. Clark, Jr. serving as vice chairperson.<sup>196</sup> The act employs a “hub and spoke” model.<sup>197</sup> The spokes revolve about a hub—the body of administrative legislation that deals with secretary of state filing requirements, registered agents, administrative dissolutions, names of entities, and other administrative matters.<sup>198</sup> The drafters took care to delete duplicative portions of the acts so that the

necessary language is either in the hub or a spoke.<sup>199</sup> At the same time, “huge gaps” had to be closed, especially in the definitions section.<sup>200</sup> The process was complicated by the fact that some universal provisions, moved to the hub, were cross-referenced within spoke acts.<sup>201</sup>

The Conference approved the Code in 2011.<sup>202</sup> Considering that the Code combined over 1,000 pages of text, it is remarkable that the Conference’s Committee of the Whole was able to consider and approve it in its entirety.<sup>203</sup> The harmonization process used the Model Registered Agents Act in Article I—the hub—and attached seven other updated uniform acts as spokes:

Article 2: Harmonized Model Entity Transaction Act

Article 3: Harmonized Uniform Partnership Act

Article 4: Harmonized Uniform Limited Partnership Act

Article 5: Harmonized Uniform Limited Liability Company Act

Article 6: Harmonized Uniform Limited Cooperative Associations Act

Article 7: Harmonized Uniform Unincorporated Nonprofit Association Act

Article 8: Harmonized Uniform Statutory Trust Entity Act

Articles 9 and 10 are reserved for a business corporation act and nonprofit corporation act.<sup>204</sup> Now, all the entity acts are available in a single Code with a convenient hub to facilitate their administration.

## JOINT EDITORIAL BOARD

Just as the Conference has consolidated all of its business entity acts into a Harmonized Uniform Business Organizations Code, it has also established, together with the ABA Business Law Section, a group to monitor developments in the business organizations area to keep uniform acts in this area up to date. The Conference and the ABA Business Law Section created the Joint Editorial Board for Uniform Unincorporated Organizations Acts (“JEB/UUOA”) in 1995.<sup>205</sup> The Joint Editorial Board has four stated purposes. First, it seeks to promote uniform unincorporated organizations acts to the bar, the public, and state legislatures.<sup>206</sup> Second, the JEB/UUOA reviews proposed amendments to these uniform acts and monitors developments that might make revisions necessary.<sup>207</sup> Third, the JEB/UUOA reviews pertinent court decisions, and writes commentaries and journal articles encouraging uniform judicial interpretation of Conference unincorporated organization acts.<sup>208</sup> Lastly, it makes recommendations to the Conference about amending existing acts or drafting new unincorporated business entity acts.<sup>209</sup>

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## BIOGRAPHIES FOR CHAPTER 3

**James Barr Ames**, a commissioner from Massachusetts from 1902 to 1909, was a professor and dean of the Harvard Law School.<sup>1</sup> Dean Ames popularized the casebook method of legal instruction.<sup>2</sup> He believed that law professors should use actual legal cases, and not abstract principles, to teach the law, a novel idea at the time.<sup>3</sup> In the Conference, Ames volunteered to undertake the drafting of a Uniform Partnership Act in 1902.<sup>4</sup> Though he worked vigorously on the project, it was not completed until after his death in 1910.<sup>5</sup>

**Harry J. Haynsworth, IV** has been a commissioner from Minnesota since 1995, and was a commissioner from Illinois from 1992 to 1995.<sup>6</sup> Haynsworth taught at the University of South Carolina and Southern Illinois University Schools of Law before serving as president, dean, and professor at the William Mitchell College of Law from 1995 to 2004.<sup>7</sup> Haynsworth, whose committee assignments tend toward business entity acts, chaired the successful Uniform Business Organizations Code drafting committee.<sup>8</sup>

**William Draper Lewis** was a commissioner from Pennsylvania from 1924 to 1926.<sup>9</sup> Dean of the University of Pennsylvania Law School, Lewis succeeded James Barr Ames as drafter of the Uniform Partnership Act in 1910.<sup>10</sup> His Act was adopted within four years.<sup>11</sup> Lewis was a founder and first Executive Director of the American Law Institute, an organization that partnered with the Conference to draft legislation of common interest, including the Uniform Commercial Code.<sup>12</sup>

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### Footnotes:

<sup>1</sup> See appendix G.

<sup>2</sup> Mary Brigid McManamon, *The History of the Civil Procedure Course: A Study in Evolving Pedagogy*, 30 *Ariz. St. L.J.* 397, 415-17 (1998).

<sup>3</sup> *Id.* at 417-22.

<sup>4</sup> Nat'l Conference of Comm'rs on Unif. State Laws, *Handbook of the National Conference of Commissioners on Uniform State Laws, Proceedings of the 1908 Annual Meeting* 102 (1908).

<sup>5</sup> Nat'l Conference of Comm'rs on Unif. State Laws, *Handbook of the National Conference of Commissioners on Uniform State Laws, Proceedings of the 1910 Annual Meeting* 72-73 (1910).

<sup>6</sup> Nat'l Conference of Comm'rs on Unif. State Laws, 2011–2012 Reference Book 44 (2011) [hereinafter 2011–2012 Reference Book]; Nat'l Conference of Comm'rs on Unif. State Laws, *Proceedings July 7–13, 2011*, at 205-07 (2011).

<sup>7</sup> *Harry Haynsworth*, William Mitchell Sch. of Law, <http://web.wmitchell.edu/biography/harry-haynsworth> (last visited Jan. 9, 2013).

<sup>8</sup> 2011–2012 Reference Book, *supra* note 6, at 44; *Uniform Harmonized Business Code Approved*, Unif. Law. Comm'n (July 12, 2011), <http://www.uniformlaws.org/NewsDetail.aspx?title=Uniform%20Harmonized%20Business%20Code%20Approved>.

<sup>9</sup> See appendix G.

<sup>10</sup> Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 32 (1991).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 53, 57.

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# Through a Depression and a Second World War into a Time of Triumph: 1931-1960

The United States was well into the Great Depression in 1931, following the stock market crash of 1929. A year after the crash, four and a half million people were unemployed, which was roughly 8% of the labor force.<sup>1</sup> By 1931 the unemployment rate stood at 15%, climbing to nearly 25% by 1933.<sup>2</sup> Notwithstanding these difficult times for the nation, the Conference continued to have an active and productive program. Commenting on that decade in his presidential address of 1940, President William A. Schnader remarked that:

During the decade ending with the present meeting, the Conference has already broken all records for volume of product. Thirty-four acts have been adopted, of which only two supersede earlier acts on the same subject.... The subjects of these acts have covered a still wider range than the subjects of the previous decade. New fields into which the Conference entered were evidence, mechanics' liens, torts, trusts, firearms, machine guns, and limitations of actions. And after a lapse of many years, it again devoted its attention to insurance.<sup>3</sup>

Even more American lawyers became aware of the Conference's work in 1931 when Martindale-Hubbell began to publish in its directory the full text of all current uniform and model acts; this practice has continued to the present day.<sup>4</sup>

In 1935, the Uniform Law Commission's Executive Committee adopted a resolution that laid out a framework for cooperation with the American Law Institute in drafting acts in which both organizations shared a common interest.<sup>5</sup> The American Law Institute ("ALI") was co-founded in 1923 by Uniform Law Commissioner William Draper Lewis, who was also the first director of the Institute.<sup>6</sup> The ALI's mission, as set out in its charter, was "to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work."<sup>7</sup>

ULC President Orie L. Philips said in his annual address at the 1935 annual meeting:

A plan of cooperation between the Conference and the American Law Institute is being worked out whereby the two organizations will cooperate in the drafting of certain acts. The primary thought underlying the plan is that the Institute shall furnish skilled advisers in technical matters and research work not now available to this Conference, and that the Conference shall contribute experienced and skilled services in the final drafting of acts. It is believed that the plan will result in advantage to both organizations.<sup>8</sup>

The final agreement between the ULC and the ALI was adopted first by the Executive Committee of the ALI Council at a meeting on December 17, 1935.<sup>9</sup> The ULC's Executive Committee then adopted the resolution at its meeting on January 13, 1936.<sup>10</sup>

One of the first joint endeavors undertaken under this agreement was a Uniform Aeronautical Code, which was never subsequently officially promulgated by the Conference. This project was a joint

drafting committee with members from ULC, the ABA, and the ALI. In 1938, William Schnader, who was the chair of the joint committee, reported on the floor of the 1938 ULC annual meeting that, while the ALI was supposed to approve the draft at its 1938 annual meeting, instead: “[A] strange thing happened. Not the Institute, not its officers, but somebody to whose voice the Institute must give heed for very practical reasons made the point that the Institute had been financed to restate the law and not to engage in controversial matters of legislative drafting.”<sup>11</sup> After 1938, there is no mention of the ALI having anything more to do with this project, and there is no identification in the record of the mysterious “voice” that Schnader mentioned.

The ULC, at the 1938 annual meeting, and after much debate, approved three portions of the so-called Aeronautics Code – the Uniform Aviation Liability Act, the Uniform Law of Airflight Act, and the Uniform Air Jurisdiction Act. Then a motion was made and approved that the Conference authorize the Executive Committee to withhold promulgation of the three Acts if on or before December 1, 1938, anything was brought to the attention of the Executive Committee that in its judgment warranted withholding the act from promulgation.<sup>12</sup>

At the 1939 annual meeting, it was reported that the drafting committee and members of the ULC Executive Committee had met with representatives of the federal Civil Aeronautics Authority.<sup>13</sup> The committee was convinced that the Civil Authority would be making a serious study of the matter, and accordingly recommended that the promulgation of the 1938 uniform acts be again postponed.<sup>14</sup> In 1940, 1941 and 1942, the committee again recommended that official promulgation be postponed.<sup>15</sup> Finally, in 1943, the Committee on Review and Revision of Uniform Acts recommended that the Aeronautics Code be considered “withdrawn,” and so it was.<sup>16</sup> In its report, the committee stated: “[I]n 1938, namely, the Uniform Aviation Liability Act, the Uniform Air Flight Act, and the Uniform Air Jurisdiction Act... were withheld by the Executive Committee because Congress in the same year (1938) had created the Civil Aeronautics Board which was making a comprehensive study of the whole subject.”<sup>17</sup> It is an unusual story, and the Aeronautics Code may be the only act that was approved by the Committee of the Whole, but with the Executive Committee having authority to withhold official promulgation.

An initial joint project with the ALI that was successful was a Uniform Estates Act, which was ultimately titled the Uniform Property Act, and was approved by both the ALI and the ULC in 1938.<sup>18</sup> The chairman of the drafting committee, Commissioner Henry Upson Sims of Birmingham, Alabama, said at the 1938 annual meeting:

The Estates Act up to 1935 had received the work of our section and the work of various property law experts over the country who were working voluntarily and represented the best we could do at the time, but in 1935, the Executive Committee of the Conference and the Executive Committee of the American Law Institute reached a concordat by which there was to be an effort and an experiment in trying to produce jointly uniform acts to be offered to the profession as the work of both. That work was begun first on the Uniform Estates Act ... and I am very proud, in fact I am bragging to say that the Law of Property Act obtained the approval last year of both the Council and the annual meeting of the American Law Institute, so that it comes to us representing our work and their work as a product offered to meet your criticism...as the joint product of the American Law Institute and the Conference of Commissioners on Uniform State Laws.<sup>19</sup>

Thus, the Uniform Property Act became the first act to be cooperatively drafted and then approved by both the ALI and the ULC. In 1939, the Uniform Contribution Among Joint Tortfeasors Act was promulgated following the establishment in 1936 of a joint drafting committee of the ULC and ALI.<sup>20</sup> This working relationship would be solidified in just a few years when both organizations began working cooperatively on the Uniform Commercial Code.

The Conference emphasized the importance of uniformity when it amended its constitution in 1936 with a revision that President William Schnader later called, perhaps with some hyperbole, “a revolutionary change.”<sup>21</sup> Article I, Section 2, which described the primary purpose of the organization – the promotion of uniformity in state laws on all subjects where uniformity is deemed desirable and practicable – was changed to add two objectives: first, the drafting of model acts on subjects suitable for interstate compacts, or on subjects in which uniformity will make more effective the exercise of state powers and promote interstate cooperation; and second, the promotion of uniformity of judicial decisions throughout the United States.<sup>22</sup>

The Conference amended its constitution again in 1937: the directors or other chief administrative officers of the various state legislative reference bureaus were made ex officio associate members of the Conference; and emergency acts could be adopted after consideration at only one annual meeting of the Conference.<sup>23</sup>

In 1938, the U.S. Supreme Court opinion in *Erie Railroad Co. v. Tompkins* strengthened the importance of state legislation and abolished the unifying factor of federal common law for commercial law, overruling its 1842 decision in *Swift v. Tyson*.<sup>24</sup> The opinion was written by Justice Louis Brandeis, a former commissioner from Massachusetts.<sup>25</sup> In his opinion Justice Brandeis wrote:

Except in matters governed by the Federal Constitution or by Acts of Congress, the law to be applied in any case is the law of the state. And whether the law of the state shall be declared by its Legislature in a statute or by its highest court in a decision is not a matter of federal concern.<sup>26</sup>

This decision led in a relatively short time to the adoption of the Uniform Commercial Code, a set of uniform state laws to govern commercial activity throughout the United States.<sup>27</sup>

The Conference constitution and bylaws were again revised extensively in 1938.<sup>28</sup> The revision provided for creation of a Committee on Style with specific duties in order to, according to one historian of the Conference, “avoid discussion of matters of punctuation and minor phraseology during annual meetings.”<sup>29</sup> The Committee on Style was to become a central part of the work of the Conference in the years to come.

Another bylaws revision provided for commissioners’ memberships to be terminated if they were absent from two consecutive annual meetings without a valid excuse.<sup>30</sup> Two years later President William Schnader explained that “This amendment was regretfully adopted because a few members of the Conference by habitually absenting themselves had for years deprived their states of representation at our meetings. Our work is of such importance that every jurisdiction should be actively represented in our deliberations.”<sup>31</sup>

Although the relationship between the Conference and the American Bar Association had been cordial from the time of its creation, a conflict between the two organizations arose at the end of the



1930s.<sup>32</sup> In 1938 the Conference constitution was amended, deleting the provision that the outgoing Conference president request the ABA's endorsement of any uniform acts approved and recommended by the Conference for enactment by the states.<sup>33</sup> The new amendment required that the Conference "file for the records of the American Bar Association copies of uniform acts finally approved and recommended by the National Conference for enactment by the several States."<sup>34</sup>

As a result of the change in the Constitution, the House of Delegates of the ABA refused to ratify any enactments with which it or one of its committees was not familiar, reversing a tradition in which the ABA had routinely approved acts adopted by the Conference.<sup>35</sup> After an acrimonious debate, the House of Delegates referred the uniform acts reported by the Conference to the ABA Board of Governors for investigation and with power to act.<sup>36</sup>

Apparently there was a substantial misunderstanding between the Board of Governors and the Conference Executive Committee about the function of the Conference, which came to light when they met together soon after the Conference annual meeting. Both organizations appointed committees of their members to confer about mitigating any misunderstandings. After meeting, the committees produced a report, which provided in part, that:

The completed acts of the Conference will be reported to the Bar Association from time to time, and during the consideration of acts which come within the scope of the work of the several Committees and Sections of the Bar Association, the Conference will keep such Committees and Sections posted on the progress of its work, and will welcome their active cooperation.<sup>37</sup>

When the Conference submitted its report to the House of Delegates at the next meeting, it only reported the acts that had been adopted and made no request for approval of those acts.<sup>38</sup> The House continued to insist on the right to review all of the acts and declined to approve the acts until after it had studied them.<sup>39</sup> Consequently, at the request of the Conference, the ABA Board of Governors appointed a committee to study proposed acts.<sup>40</sup> As a result of the committee's work, the ABA House of Delegates, at its meeting in January 1939, approved several acts proposed by the Conference.<sup>41</sup> Another act was approved with modifications of form.<sup>42</sup> Two other acts were referred back to the Conference for further study, but were subsequently approved.<sup>43</sup> At the same meeting the ABA House of Delegates adopted a resolution proposed by the Board of Governors:

Resolved, that the Board of Governors recommends to the House of Delegates that all proposed Acts prepared by the Commissioners on Uniform State Laws be presented by the Commissioners direct to the Board of Governors for its consideration, and by it, the Board of Governors, transmitted to the House of Delegates with the recommendation of the Board of Governors.<sup>44</sup>

This procedure was also approved by the Conference and, following the new procedure at the next annual meeting, it adopted and the House of Delegates approved six uniform acts.<sup>45</sup>

At the 50th annual meeting of the Conference, held in Philadelphia in 1940, President William A. Schnader spoke in his presidential address about the accomplishments of the Conference in its first half-century.<sup>46</sup> He also discussed the problem of state legislatures not passing enough of the uniform acts proposed by the Conference:

The first fifty years of the effort for uniformity of state law has seen the production of scores of excellent acts, admirably suited for adoption by all jurisdictions. In its production department, this Conference has been highly successful.<sup>47</sup>

But we cannot feel satisfied with our efforts in obtaining the passage of our acts. And that is just as much our responsibility, as is the drafting, criticism, and adoption of the acts. Our sales department has fallen down....<sup>48</sup>

It seems apparent that in a great many instances, the Conference has undertaken the preparation of uniform acts for which there was no general demand.<sup>49</sup>

Schnader also discussed the possibility that the Conference had recommended too many laws for the state legislatures to absorb, with the consequence that:

Unfortunately, we have reached a point where, assuming that most of our acts are desirable for uniform enactment, it will be physically impossible for many of our jurisdictions to catch up with us.

Undoubtedly we have been instrumental in greatly improving the statutory law of many states, but we have, I fear, lost sight of uniformity as our primary goal.<sup>50</sup>

Speaking at the outbreak of the Second World War, Schnader told the representatives to the 1940 Conference that “if we still believe in the form of government established by the Constitution of the United States, the need for uniformity of state law is more acute than ever.”<sup>51</sup> He reasoned:

If we are to be preserved from the epidemic of totalitarianism, which seems to be sweeping the world, the powers reserved to the states must be retained by them. But in order to be retained, they must be exercised wisely and efficiently. And, certain in matters affecting the conduct of business on a nation-wide scale, efficient state government can be conducted only under uniform state laws.<sup>52</sup>

Commissioners at the 1940 Conference engaged in another “spirited debate” over whether to change the name of the organization but then declined to do so.<sup>53</sup> The Conference also reinstated its relationship with the Council of State Governments, which had been terminated the previous year because it was too expensive; the Council had been founded by Commissioner Henry W. Toll of Colorado in 1933.<sup>54</sup>

The most important action taken by commissioners at the 1940 meeting, however, was the decision to draft a Uniform Commercial Code. This idea had been around for some time. In 1892, the year the Conference was established, William L. Snyder of New York (who later served for several years as Chairman of the Conference Executive Finances Committee) said that “the only mode in which to secure uniformity on matter of commercial law is for the sovereign States of the Union to follow the example of every commercial Nation in the world, and adopt an Interstate Commercial Code.”<sup>55</sup>

The Conference undertook this endeavor in cooperation with the American Law Institute, working on the project for the next ten years.<sup>56</sup> President Schnader reported in 1941:

This is a tremendous task. It was the feeling of your officers, which you endorsed, that the American Law Institute can contribute much towards the consideration and preparation of such a Code. Happily, the invitation of the Conference has been accepted

by the Institute, and the cooperation between the two bodies has already begun....I regard this as the most important and the most far-reaching project on which the Conference has ever embarked.<sup>57</sup>

His prophecy proved true. With this project the Conference was entering the time of its greatest triumph.

Several months after the Japanese attack on Pearl Harbor on December 7, 1941, President Schnader contacted the U.S. Attorney General to offer the Conference's service in drafting or revising any uniform acts relating to the war effort that the federal government or its agencies wanted state legislatures to pass.<sup>58</sup> The Attorney General replied:

As you know, this service is now being performed by a Drafting Committee of representatives of various states and of the Council of State Governments and we have been working with them over a period of more than a year. The work of this Drafting Committee has met the approval of the various Federal agencies and the measures it has recommended have been extensively adopted by the states. The National Conference of Commissioners on the Uniform State Laws is represented on this Drafting Committee by a Special Committee .... I do not believe it advisable to disturb the present procedures, but rather to supplement them if the Drafting Committee finds it necessary.... I am informed that the members of the Special Committee of the National Conference of Commissioners on Uniform State Laws have been very helpful in this work and I hope that your organization will continue to make their services available and to support their recommendations.<sup>59</sup>

To support their offer, the Conference created a Special Committee on Emergency War Measures, the purpose of which was:

1. To cooperate with the Council of State Governments in preparing any emergency legislation which it is believed all the states should enact, to further the conduct of the war or to aid in National Defense, and, upon invitation, to serve as members of the Council's Drafting Committee, or of any other Committees or agency which may take its place.
2. To draw up such emergency war or defense measures as in their judgment are necessary for uniform adoption by the states, and to submit such measures either to the Drafting Committee or its successor, to be promulgated by it, or to the next annual meeting of the Conference.<sup>60</sup>

The ULC's Special Committee on Emergency War Measures remained in place through the end of World War II, and its members, working with committees from the Council of State Government and with various Federal war agencies including the Office of Civilian Defense, the Office of Defense Transportation and the War Department, helped draft legislation on Control of Explosives, State Home Guard Mobilizations, Military Traffic Control, Emergency Health and Sanitation Areas, and Defense Housing.<sup>61</sup>

Notwithstanding the war, the Conference continued its work. It enabled work on the Uniform Commercial Code to begin in earnest in 1942 with a grant of \$10,000 from the Conference endowment to complete work on the Revised Uniform Sales Act.<sup>62</sup> President Schnader supplemented

that grant with a personal guarantee of \$5,000 for the work.<sup>63</sup>

The 1942 annual meeting, held in Detroit, was joined by members of the Canadian Commission on Uniformity of Legislation, an organization established in 1917.<sup>64</sup> The President of the Canadian Commission described his organization as the “child” of the U.S. National Conference.<sup>65</sup> He asked a question about laymen’s perception of the efficiency of administration of law:

I wonder if you find, as we do in Canada, that the administration of justice and the members of the Bar are severely criticized by the layman for failure to simplify the law, to bring about uniformity, and to make for the absence of technicalities. That seems to me is one thing that we can do in connection with these meetings, to make our administration more efficient.<sup>66</sup>

The 1943 annual meeting was presided over by ULC Vice President W.E. Stanley.<sup>67</sup> The President, John Carlisle Pryor of Iowa, was in London during the meeting serving in the capacity of Legal Adviser to the Economic Warfare Division of the American Embassy.<sup>68</sup> President Pryor sent a letter to the assembled commissioners, which said that his work in London “includes representation of our Government at various conferences, and on various committees, including our Blockade Committee. Obviously, it is impossible for me to give you further detail.”<sup>69</sup>

He went on to say:

I have learned on most reliable authority, that there is not in all England, a set of Uniform Laws Annotated. I would like to suggest, for the consideration of the Executive Committee and the Conference, that a gift of this work be made to the Library of the Middle Temple, London, whose Librarian is H.A.C. Sturgess, known to American lawyers for his ‘London Letters’ in the American Bar Association Journal. I have no doubt the publishers of the Uniform Laws Annotated will be glad to cooperate in this enterprise.<sup>70</sup>

Also in 1943, the Conference lost one of its most prominent members when Wiley B. Rutledge of Iowa was appointed to the U.S. Supreme Court.<sup>71</sup> Upon the occasion of Rutledge taking the oath of office as a member of the Supreme Court, President Pryor sent him a bouquet of roses to congratulate him.<sup>72</sup> Justice Rutledge then sent him back a letter of thanks, which said:

Dear President Pryor,

Before their loveliness fades and they wither away, I want to tell you and through you my fellow Commissioners (I still feel that I belong) how much your gracious gesture in roses brought me in pleasure – and in regret that I cannot longer be actively one of you.

The message will not fade or whither. It will be bound with others, and kept among my most sacred possessions. I could not forget it or the sentiment which sent it. But it will be an evergreen in my memory book. I shall not work again in such a delightful group as the Conference.

Sincerely, Wiley Rutledge<sup>73</sup>

The Conference again amended its constitution in 1943.<sup>74</sup> The revisions created life memberships, limited to members who had been commissioners for 20 years or more, and authorized the president

of the Conference to call special meetings on recommendation of the Executive Committee.<sup>75</sup>

At the 1944 annual meeting, the Conference approved a Model Act to Provide for the Appointment of Commissioners, which contained an authorization of an appropriation for support of the Conference and a provision for reimbursement to commissioners for their travel expenses.<sup>76</sup> It continued the tradition that commissioners should receive no other benefit than reimbursement of expenses.<sup>77</sup>

Many years before, in 1914, Conference President Charles T. Terry commented:

When it is said, then, as it has been said, that high compensation should be paid to permanent experts to perform these tasks, it is answered that this body is amply permanent, and that its high standing and wide influence are gained largely from the very fact that the state representatives composing it serve their states and their fellow-men without pay and without reward or the hope of it, and, therefore, without fear or favor; that they render services which could not be bought nor paid for; that the high sense of patriotism and the deep spirit of civic duty which actuate them would be lost or impaired by any admixture of mercenary consideration; and that the very absence of the monetary element tends largely, if not entirely, to remove the work from the devastating evil of political variations and hazards.<sup>78</sup>

Developments related to the Uniform Commercial Code moved ahead in 1944 when the Falk Foundation provided a grant of \$150,000, payable in installments of \$50,000 for each of three years.<sup>79</sup> Further development of the Uniform Commercial Code will be discussed in chapter 5 of this book.

The Conference's annual meeting was cancelled in 1945, the last year of World War II, because of civilian transportation difficulties and because the federal Office of Defense Transportation requested that all non-essential civilian transportation be curtailed.<sup>80</sup> That was the only year since the founding in 1892 that the Conference did not have an annual meeting.

The Conference was not idle that year, however; in June the Executive Committee appointed a subcommittee to investigate the effectiveness of the Conference's work.<sup>81</sup> At the 1946 annual meeting this subcommittee submitted a report, recommending the following tests to determine if proposed uniform acts were appropriate:

- a) Is the subject matter proposed an appropriate one, in view of the powers granted by the Constitution to the Congress, for state legislation? If it properly falls within the jurisdiction of the Congress, it is not ordinarily an appropriate one for uniform legislation by the several states.
- b) Is it a matter primarily of local or state concern and without substantial interstate implication? If the answer to this question is in the affirmative, the subject is not an appropriate one for uniform legislation.
- c) The appropriateness of a proposed subject for state legislation having been determined, is it one which through its uniform enactment into legislation by the several states would promote the interests (economic, social and political) of the people of each of the states that enact that legislation? Subjects of this sort are proper

ones for uniform legislation.<sup>82</sup>

The report further provided that if the act is proposed as a model act, the test should be whether it either:

- a) provides, on a matter of interstate interest, a comprehensive well-worked-out model whose provisions can be lifted in whole or in part by a state, or
- b) provides uniformity of underlying principle on a point of importance; but in the absence of interstate implications acts of this sort are definitely discouraged; or
- c) provides a model for handling an emergent need to keep emergent legislation sane and harmonious.<sup>83</sup>

The Conference adopted this report, with the addition of procedures for applying these tests.

The Conference again amended its constitution in 1947 to provide for a single two-year term for the president, which has continued to be the rule for presidential terms thereafter up to the present time.<sup>84</sup> The Conference also authorized hiring a full time assistant to the elected secretary and divided the Conference into two sections when it sat to consider the Uniform Commercial Code.<sup>85</sup>

The Conference met jointly with the American Law Institute to consider the Uniform Commercial Code in May of 1942.<sup>86</sup> The joint meetings were continued in May of 1948 and 1949. In 1950, the Conference had two joint sessions with the American Law Institute, in May and again during the Conference annual meeting in September.<sup>87</sup>

Possibly because of memories of the conflict with the ABA in 1938, the 1949 annual meeting of the Conference amended the bylaws to provide for notification to and consultation with appropriate sections or committees of the ABA or with its secretary when the Conference was considering a uniform act.<sup>88</sup>

At the annual meeting of the Conference in 1950, President Howard L. Barkdull announced that for the first time the Conference had designated a full-time Executive Secretary, Frances D. Jones, who was an assistant to the Conference Secretary, Barton H. Kuhns, in Omaha. President Barkdull also announced that the Conference office which had been in the Secretary's office would move into the First National Bank Building in Omaha, with a hint that the office might move to Chicago (which it in fact eventually did in 1954).<sup>89</sup> When he announced the appointment of an Executive Secretary, President Barkdull said:

It is only the President and Chairman of the Executive Committee who, over a period of years, have been in a position to realize the extent to which the Secretary of the Conference has been overburdened with work. I wish to pay great tribute here and now to the outstanding contribution made to the Conference by Barton H. Kuhns, our Secretary, who for many years has given unstintingly of his time and effort to the cause of this organization. This has gone forward to the point where practically all of his evenings, weekends, holidays and vacation periods have been devoted to the interests of the Conference along with the conduct of an active law practice. How he has been able to do this without a serious breakdown of health and without a vigorous protest from his wife and family is difficult to understand. The past eight months have brought him the

relief which is long overdue.<sup>90</sup>

President Barkdull praised Frances Jones, saying that “While she has had the title and responsibility of Executive Secretary only since the beginning of the present calendar year, the results have already exceeded our expectations.”<sup>91</sup> Her appointment, indeed, brought a new look to the Conference. After she assumed her position, annual meetings became more family friendly as both spouses and children were encouraged to attend with the initiation of the President’s reception and luncheons and activities for spouses.<sup>92</sup> She also changed the annual dinner dance “from a stodgy formal event to an enjoyable evening of relaxation.”<sup>93</sup> The superb staff of the Conference through the years will be discussed in chapter eleven.

Also in 1950 a number of changes in Conference procedure were made. The Vice President was assigned the responsibility of supervising the sections and committees of the Conference, a duty that continues to the present time.<sup>94</sup> The Monday afternoon of the annual meeting was set aside for section meetings.<sup>95</sup> Any distinction between standing and general committees was eliminated.<sup>96</sup>

A significant act of the Conference—the Uniform Reciprocal Enforcement of Support Act—was one of four acts approved in 1950.<sup>97</sup> This very successful act was one of the core groups of uniform acts in the family law area that will be discussed in chapter nine.

Of course, the Uniform Commercial Code work dominated the agenda of the Conference in 1950, as it appeared to be coming closer to final approval. President Howard Barkdull announced to the Conference:

It had been hoped and believed that final action on the Commercial Code could be taken at the joint session in Washington during May of the present year, but the requests of various organizations of the bar and of state and national bodies interested in the Code, such as bankers, warehousemen, security dealers, etc., for further time in which to study and digest the various articles of the Code, were so persuasive that action was deferred.

In May 1951 there will be another joint meeting of the Conference and the American Law Institute at Washington for the taking of final action on the Code, including the vote by states in the Conference. In September 1951 the Code will be presented to the House of Delegates for approval, and the Code will be ready for introduction in New York and such other states as hold legislative sessions in 1952. As to most states, the introduction will be in the 1953 legislative session.<sup>98</sup>

His prediction proved to be true, and on May 18, 1951, the Uniform Commercial Code—the crown jewel of the Uniform Law Commission—was approved.<sup>99</sup> Later that year the ABA House of Delegates added its approval.<sup>100</sup>

The development and enactments of the UCC and other commercial law uniform acts will be discussed in chapter 5.

During this time of intensive UCC developments, other activities of the Conference had suffered from neglect, as President Martin Dinkelspiel pointed out in his annual presidential address in 1952:

A careful study and analysis of the statistics, as shown in our handbook, of the adoptions by the legislatures of the states of our uniform acts and model acts is disappointing ...

There have been very few acts promulgated by the Conference over the years that have had universal adoption. We always point with pride to the Negotiable Instruments Law with its 52 adoptions, to the Stock Transfer Act with 51 adoptions, and to the Narcotic Drug Act with 45 adoptions, but after that the record sags, and the adoption curve drops to zero, as in the case of the Uniform Statute of Limitations Act which was promulgated by the Conference in 1937.<sup>101</sup>

The Conference did, however, approve the Uniform Rules of Criminal Procedure in 1952, a project that had its roots as a reexamination of the American Law Institute Model Code of Criminal Procedure of 1931.<sup>102</sup> In approving that act, the Conference decided not to heed a warning by Commissioner Frederic Stimson in the early days of the Conference that “in criminal law it may be doubted whether any effort to bring the states together may wisely be attempted.”<sup>103</sup>

On November 1, 1954, the Conference moved its executive offices from Omaha to the new building of the American Bar Association on the campus of the University of Chicago.<sup>104</sup> The location of the office of the Uniform Law Commission at various times throughout its history will be discussed in chapter 11.

For several years there had been a discussion about research facilities for the Conference. The subject had first been raised by President Albert J. Harno in 1949, although as early as 1940 he wrote a letter to the alumni of the University of Illinois Law School, of which he was dean, stating that “Legislative enactments should be preceded by a thorough understanding of the social problem for which relief through legislation is sought.”<sup>105</sup> When Commissioner Harno was chairman of the Committee on Scope and Program in 1945, he wrote in a report about the necessity of research:

Often acts are approved that are poorly drawn. Expert draftsmanship is lacking. What is more, some bills show a want of study of background materials and research. The Conference should find means through which every question considered by it would be given thorough study and every bill proposed by it would be expertly drafted.<sup>106</sup>

A research facility became feasible for the first time when the American Bar Center opened in Hyde Park in Chicago, and the American Bar Foundation was created.<sup>107</sup> In November 1955, Commissioner Harno wrote to the President of the Conference that he had unofficially discussed with one of the officials of the Ford Foundation the possibility of that organization providing funds for the Conference’s research work.<sup>108</sup> It turned out, however, that the Conference was ineligible to receive Foundation funding because its activities involved promoting legislation.<sup>109</sup> As a result, Conference President Barton Kuhns proposed to the American Bar Foundation Board of Directors that the Ford Foundation might make grants to the American Bar Foundation that would be especially earmarked to assist in research on projects in which the Conference was interested.<sup>110</sup> Later, in 1961, the Research Committee and Board of Directors of the American Bar Foundation approved a project for research on proposed legislation in the areas of installment rates, consumer credit, and small loans.<sup>111</sup>

As the Conference concluded the decade of the fifties, it could celebrate its approval and initial enactment of its greatest triumph—the Uniform Commercial Code. And other major triumphs lay just ahead in the new decade.



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- 7 Governance, ALI, <http://www.ali.org/index.cfm?fuseaction=about.charter> (last visited Oct. 18, 2012).
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- 12 *Id.* at 171-72.
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- 15 Nat’l Conference of Comm’rs on Uniform State Laws and Proceedings of the 52nd Annual Conference 161 (1942); Nat’l Conference of Comm’rs on Uniform State Laws and Proceedings of the 51st Annual Conference 115-18 (1941); Nat’l Conference of Comm’rs on Uniform State Laws and Proceedings of the 50th Annual Conference 275-76 (1940) [hereinafter 1940 Handbook].
- 16 Nat’l Conference of Comm’rs on Uniform State Laws and Proceedings of the 53rd Annual Conference 67 (1943) [hereinafter 1943 Handbook].
- 17 *Id.*
- 18 1938 Handbook, *supra* note 11, at 260.
- 19 *Id.* at 127-28.
- 20 1939 Handbook, *supra* note 13, at 136-39.
- 21 Schnader, *supra* note 3, at 15.
- 22 *Id.*
- 23 *Id.* at 16.
- 24 *See generally* [Erie R.R. Co. v. Tompkins, 304 U.S. 64 \(1938\)](#).
- 25 *Id.*
- 26 *Id.* at 78.
- 27 Armstrong, *supra* note 4, at 53.
- 28 Schnader, *supra* note 3, at 16.
- 29 Armstrong, *supra* note 4, at 53.
- 30 Schnader, *supra* note 3, at 16.
- 31 *Id.*
- 32 Armstrong, *supra* note 4, at 54.
- 33 1938 Handbook, *supra* note 11, at 145; Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 47th Annual Conference 384 (1937).
- 34 1938 Handbook, *supra* note 11, at 145.

35 Armstrong, *supra* note 4, at 54.

36 *Id.*

37 1938 Handbook, *supra* note 11, at 134.

38 1939 Handbook, *supra* note 13, at 34.

39 *Id.*

40 *Id.* at 35.

41 *Id.*

42 *Id.*

43 *Id.*

44 *Id.*

45 Armstrong, *supra* note 4, at 56.

46 Schnader, *supra* note 3.

47 *Id.* at 20.

48 *Id.*

49 *Id.* at 23.

50 *Id.* at 24.

51 *Id.*

52 *Id.*

53 1940 Handbook, *supra* note 15, at 47.

54 *Id.* at 57.

55 William L. Snyder, *The Problem of Uniform Legislation in the United States*, in Report of the 15th Annual Meeting of the Am. Bar Ass'n 308 (1892).

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57 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 52nd Annual Conference 49 (1942) [hereinafter 1942 Handbook].

58 *Id.* at 47.

59 *Id.* at 55.

60 *Id.* at 91.

61 1943 Handbook, *supra* note 16, at 135-36.

62 1942 Handbook, *supra* note 57, at 51.

63 *Id.*

64 *Id.* at 74.

65 *Id.* at 84.

66 *Id.*

67 1943 handbook, *supra* note 16, at 31.

68 *Id.* at 31.

69 *Id.*

70 *Id.* at 35. A set was sent in 1943. *See id.* at 77.

71 *Id.* at 38.

72 *Id.*

73 *Id.*

74 *Id.* at 41.

75 *Id.*

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80 Index Handbook of the Nat'l Conference of Unif. State Laws 19 (1945) [hereinafter 1945 Handbook].

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83 *Id.* at 58.

84 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 56th Annual Conference 69 (1947).

85 *Id.* at 71.

86 1942 Handbook, *supra* note 57, at 49.

87 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 59th Annual Conference 36 (1950) [hereinafter 1950 Handbook].

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89 1950 Handbook, *supra* note 87, at 81.

90 *Id.* at 46.

91 *Id.*

92 Armstrong, *supra* note 4, at 72.

93 *Id.*

94 1950 Handbook, *supra* note 87, at 47.

95 *Id.* at 55.

96 *Id.*

97 *Id.* at 102.

98 *Id.* at 47.

99 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 60th Annual Conference 164 (1951).

100 *Id.*

101 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 61st Annual Conference 51 (1952).

102 *Id.* at 102.

103 Armstrong, *supra* note 4, at 80.

104 *Id.*

105 *Id.*

106 1945 Handbook, *supra* note 80, at 43.

107 Armstrong, *supra* note 4, at 83.

108 *Id.*

109 *Id.*

110 *Id.*

111 *Id.* at 88.

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## BIOGRAPHIES FOR CHAPTER 4

**Martin J. Dinkelspiel** was a commissioner from California from 1944 to 1977, and was Conference President from 1951 to 1953.<sup>1</sup> He chaired numerous Conference committees, including the Section Committee on the Uniform Arbitration Act,<sup>2</sup> the Uniform Civil Procedure Acts Section,<sup>3</sup> the Committee on a Uniform Act on Facsimile Signatures by Public Officials,<sup>4</sup> and the Uniform Antitrust Act.<sup>5</sup>

**Albert J. Harno** was a commissioner from Illinois from 1934 to 1965,<sup>6</sup> and was Conference President from 1947 to 1949.<sup>7</sup> He chaired the Uniform Torts and Criminal Law Acts Section,<sup>8</sup> the Uniform Expert Testimony Act Committee,<sup>9</sup> the Committee on Administration of Criminal Justice,<sup>10</sup> the Section Committee on the Uniform Act Conferring Upon Joint Tortfeasor Discharging Liability the Right of Contribution from His Joint Tortfeasors,<sup>11</sup> the Committee on Review and Revision of Uniform and Model Acts,<sup>12</sup> and the Committee on Law School Research. Harno was a professor and dean of the University of Illinois College of Law from 1922 to 1957 and University provost from 1931 to 1944.<sup>13</sup>

**Barton H. Kuhns** was a commissioner from Nebraska from 1937 to 1970,<sup>14</sup> and was Conference President from 1955 to 1957.<sup>15</sup> He chaired the Committee on Appointment of and Attendance by Commissioners,<sup>16</sup> the Committee on the Uniform Estate Tax Apportionment Act,<sup>17</sup> and the Committee to Recommend Permanent Research Facilities.<sup>18</sup>

**Orie L. Phillips** was a commissioner from New Mexico from 1925 to 1974,<sup>19</sup> and was Conference President from 1933 to 1936.<sup>20</sup> Phillips was a United States District Judge for the District of New Mexico from 1923 to 1929, before becoming a judge on the U.S. Court of Appeals for the Tenth Circuit, where he served as Chief Judge from 1940 to 1955.<sup>21</sup>

**John Carlisle Pryor** was a commissioner from Iowa from 1933 to 1978,<sup>22</sup> and was Conference President from 1942 to 1943 and 1944 to 1946.<sup>23</sup> He chaired the Uniform Public Law Acts Section,<sup>24</sup> the Committee on Uniform Aeronautical Code,<sup>25</sup> and the Committee on Uniform Rules of Evidence.<sup>26</sup> Pryor was State Administrator of the Iowa State Emergency Relief Administration and Assistant General Counsel of the Farm Credit Administration.<sup>27</sup>

**Wiley B. Rutledge** was a Justice on the Supreme Court of the United States who was a uniform law commissioner from Missouri from 1931 to 1934, and a uniform law commissioner from Iowa from 1937 to 1942.<sup>28</sup> In the Conference he served as Chairman of the Committee on Uniform Letters of Credit Act.<sup>29</sup> Rutledge was professor of law and dean of the University of Iowa Law School before being appointed to the United States Court of Appeals for the District of Columbia Circuit in 1939.<sup>30</sup> Four years later, in 1943, President Roosevelt appointed Rutledge to the Supreme Court of the United States.<sup>31</sup>

**Bruce W. Sanborn** was a Commissioner from Minnesota from 1925 to 1977, and Treasurer of the Conference from 1929 to 1937.<sup>32</sup> He came from a long line of Minnesota attorneys, and was honored by the St. Paul Bar for over 70 years of service.<sup>33</sup> Upon joining the Conference, Sanborn served on at least a dozen committees, and chaired the Committee on Scope and Program and the Committee on

Uniform Child Labor Act.<sup>34</sup>

**Henry W. Toll** was a commissioner from Colorado from 1931 to 1975.<sup>35</sup> He was a member of the Legislative Committee, and chaired the Public Information Committee.<sup>36</sup> While a uniform law commissioner, Toll founded the Council of State Governments.<sup>37</sup>

## COMMISSIONERS WHO WERE ALSO ABA PRESIDENTS

**Walter P. Armstrong, Sr.** was a Commissioner from Tennessee from 1921 to 1948, and was ABA President from 1941 to 1942.<sup>38</sup> An editor of the *ABA Journal*, Armstrong was a successful trial lawyer both before and after his presidency.<sup>39</sup> His son, Walter Jr., went on to become a Commissioner himself, and became President of the Conference in 1961.<sup>40</sup>

**Howard L. Barkdull** was a commissioner from Ohio from 1940 to 1962.<sup>41</sup> He was Conference President from 1949 to 1951, and President of the ABA from 1951 to 1952.<sup>42</sup> He chaired the Committee on the Revised Uniform Act Relating to Bills of Lading and Warehouse Receipts,<sup>43</sup> the Committee to Recommend Permanent Research Facilities,<sup>44</sup> and the Committee on Acts Pertaining to Administration of Estates.<sup>45</sup> Barkdull served as chair of the ABA House of Delegates prior to becoming President of the ABA.<sup>46</sup>

**Earle W. Evans** was a commissioner from Kansas from 1920 to 1928, and 1932 to 1939,<sup>47</sup> and was President of the ABA from 1933 to 1934.<sup>48</sup> In the Conference he served as Chairman of the Committee on the Uniform Trust Receipts Act.<sup>49</sup> In the ABA, he served as a Chairman of the General Council before becoming President.<sup>50</sup>

**E. Smyth Gambrell** was a commissioner from Georgia from 1938 to 1941, and President of the ABA from 1955 to 1956.<sup>51</sup> Gambrell practiced law in Atlanta from 1922 until 1986, where he established the Legal Aid Society.<sup>52</sup> Subsequently, the ABA established the “E. Smyth Gambrell Professionalism Awards” honoring excellence and innovation in professionalism programs.<sup>53</sup>

**William J. Jameson** was a commissioner from Montana from 1944 to 1956, and President of the ABA from 1953 to 1954.<sup>54</sup> He was a judge in the U.S. District Court for Montana from 1957 to 1969 and Senior Judge from 1969 to 1990.<sup>55</sup> He was President of the Montana Bar Association, the American Bar Association, and the American Judicature Society.<sup>56</sup> In 1973, Jameson was selected to receive the ABA Medal, the highest award conferred by the ABA, in honor of his public service and leadership.<sup>57</sup>

**Scott M. Loftin** was a commissioner from Florida from 1933 to 1935, and President of the ABA from 1934 to 1935.<sup>58</sup> He served in the Florida House of Representatives in 1903, and was appointed County Prosecutor by the Governor in 1904.<sup>59</sup>

**Clarence E. Martin** was a commissioner from West Virginia in 1925, and 1931 to 1940,<sup>60</sup> and President of the ABA from 1932 to 1933.<sup>61</sup> He served as chairman of the Committee on the Uniform Act to Establish Wills Before Death of Testator, the Section Committee on the Uniform Ancillary Administration of Estates Act, and the Section Committee on the Uniform Act Concerning the Release and Substitution of Sureties in Fiduciary Bonds.<sup>62</sup>

## Footnotes:

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- 7 *See* appendix A.
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- 21 Robert B. Yegge, *Dedication: The Honorable Orie L. Phillips*, 52 *Denv. L. J.* 3, 4 (1975).
- 22 *See* appendix G.
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- 24 1936 Handbook, *supra* note 9, at 11.
- 25 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 57th Annual Conference 14 (1948).
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- 27 *Papers of John C. Pryor*, Univ. of Iowa Libraries, [http://www.lib.uiowa.edu/spec-coll/msc/tomsc400/msc377/msc377\\_pryor.html](http://www.lib.uiowa.edu/spec-coll/msc/tomsc400/msc377/msc377_pryor.html) (last visited Feb. 21, 2013).
- 28 *See* appendix G.
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- 30 *Wiley B. Rutledge*, The Supreme Court Historical Society, <http://www.supremecourthistory.org/history-of-the-court/associate-justices/wiley-rutledge-1943-1949/> (last visited Feb. 20, 2013).
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- 33 Nat'l Conference of Comm'rs on Unif. State Laws, Handbook of the National Conference of Commissioners on Uniform State Laws, Proceedings of the Eighty-Seventh Annual Conference Meeting 132 (1978).
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- 35 See appendix G.
- 36 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 53rd Annual Conference 7 (1943) [hereinafter 1943 Handbook].
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- 40 See appendix G; appendix A.
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- 57 *Id.*
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### The Uniform Commercial Code

Chief Justice Lemuel Shaw of the Massachusetts Supreme Judicial Court was among the first to recognize a need for uniform commercial law in the United States. In the 1840 case of *Staples v. Franklin Bank*, Shaw compared the approaches of England and several other states to determine whether a commercial note entitled to grace was payable on demand on the last day of grace.<sup>1</sup> Shaw concluded:

Nothing is more important to a commercial community, than to have all questions relative to the rights and duties of holders, and all other parties to negotiable bills and notes, definitely settled. And it is greatly desirable, that throughout all the States of the Union, which, to many purposes, constitute one extended commercial community, the rules upon this subject should be uniform.<sup>2</sup>

Shaw's contemporaries embraced his vision of "one extended commercial community." John William Wallace, a Pennsylvania attorney and future reporter of decisions for the U.S. Supreme Court, addressed the Law Academy of Philadelphia in 1851:

A uniformity in our home commercial law, is closely connected with "that unity of Government which constitutes us one people;" with that Union on which rest "all our animating prospects, all our solid hopes for future greatness." ... Inter-commercial in this united way, our law is essentially defective ... where in the North, professing the principles of the English common law, a merchant shall have a contract interpreted in one way in Pennsylvania, another way in New York, and a third way in Boston: and when he goes South with it next week, shall find it open to new constructions;—in Florida, by the Partidas of Spain; in Louisiana, by the Code Civil of France, and in Texas and California, by something which is neither and both; half code, half custom ... where in fact, law is a science of geography, almost as much as of justice.<sup>3</sup>

When the National Conference of Commissioners on Uniform State Laws was formed in 1892, its founders explicitly recognized that commercial law should be codified and should be uniform. Commissioner William L. Snyder addressed the American Bar Association that year, "The only mode in which to secure uniformity on matter of commercial law is for the sovereign States of the Union to follow the example of every commercial Nation in the world, and adopt an Interstate Commercial Code."<sup>4</sup>

The Conference quickly set about fulfilling Commissioner Snyder's vision, adopting the Uniform Negotiable Instruments Law in 1896.<sup>5</sup> It then passed the Uniform Warehouse Receipts Act in 1906; the Uniform Bills of Lading Act and Uniform Stock Transfer Act in 1909; the Uniform Conditional Sales Act in 1918; and the Uniform Trust Receipts Act in 1933.<sup>6</sup> But perhaps the most significant commercial act of the Conference's early days was its Uniform Sales Act in 1906.<sup>7</sup> That Act's primary drafter was Harvard Law School Professor and Massachusetts Commissioner Samuel Williston.<sup>8</sup> The Act achieved substantial success; 37 state legislatures enacted some version of it.<sup>9</sup>



The first great attempt to harmonize commercial law came not through state statutory law, but through the imposition of federal authority over diversity cases. This resort to the judicial system seemed to foreclose legislative achievement of uniformity. One proponent of using a singular federal common law in diversity cases was Justice Joseph Story. Story was a one-term Massachusetts state legislator in 1811 when President James Madison nominated him, at age 32, to the U.S. Supreme Court.<sup>10</sup> During his long tenure on the bench, Story served concurrently as a professor at Harvard Law School.<sup>11</sup> Story was also well-known for his *Story's Commentaries on the Law*, extensive treatises on various legal subjects.<sup>12</sup>

Story believed that common law commercial principles should be codified. In a letter to Supreme Court Reporter Henry Wheaton, he wrote:

I have long been an advocate of codification of the common law, at least of that part, which is most reduced to principles & is of daily & extensive application.... What would be our gain, if our principles of shipping, insurance, and bills of exchange were reduced to a code, as they are in a most admirable form in the French Code of Commerce?<sup>13</sup>

Justice Story actively worked to realize his vision of unified and codified commercial law. It was in his capacity as Supreme Court Justice that Story altered how the judiciary conceptualized the relationship between codified law and the common law. In 1842, he wrote the majority opinion in *Swift v. Tyson*, holding that in federal diversity cases judges had to follow state statutes, but not the state's judicial interpretations of its own statutes.<sup>14</sup> In essence, federal judges could supply their own views of the common law.<sup>15</sup>

The *Swift* decision seemed to eliminate the possibility of uniform commercial legislation at the state level. *Swift* recognized commercial law in particular as an area of law that had evolved through the common law.<sup>16</sup> Accordingly, courts were to interpret "contracts and other instruments of a commercial nature" by "the general principles and doctrines of commercial jurisprudence," and not by any state's common law.<sup>17</sup> In fact, the Court over the next century occasionally suggested that *Swift* applied *only* to general commercial law. Sometimes, the Justices eschewed state commercial law for the sole reason of uniformity, instead of resting their decision on the theoretical legal underpinnings articulated by Justice Story. For example, in *Railroad Co. v. National Bank* in 1880, Justice Nathan Clifford used *Swift* as the means to serve the end of national uniformity in commercial law, writing: "Uniformity of decision is a matter of great public convenience and universal necessity, acknowledged by all commercial nations. [To use state precedent over the federal common law would give rise to] as many different rules ... as there are States in the Union."<sup>18</sup>

*Swift* persisted over the next century, but the countervailing perspective on federal common law finally won out. The 1938 U.S. Supreme Court decision *Erie Railroad Co. v. Tompkins* rang *Swift*'s death knell.<sup>19</sup> Justice Louis D. Brandeis, a former commissioner on uniform state law from Massachusetts, wrote in his *Erie* opinion:

Except in matters governed by the Federal Constitution or by Acts of Congress, the law to be applied in any case is the law of the State. And whether the law of the State shall be declared by its Legislature in a statute or by its highest court in a decision is not a matter of federal concern.<sup>20</sup>

The effect of *Erie* was not a simple swing of the federalism pendulum back toward states' rights. *Erie* was decided at the dawn of the regulatory era. In the 1930s, Congress began aggressively legislating in areas it had formerly written off as within the purview of the states.<sup>21</sup> The Supreme Court, in cases like *NLRB v. Jones & Laughlin Steel Corp.*, upheld this expansion of federal power under the authority of the **Commerce Clause**.<sup>22</sup>

Amidst this backdrop, several well-known scholars clamored for a federal sales bill to essentially supersede the Uniform Sales Act. The American Bar Association and Commissioner Williston had drafted such a bill in 1922 which expanded upon the Uniform Sales Act.<sup>23</sup> The Conference eventually amended the Uniform Sales Act in 1922, and the enthusiasm for a federal bill quieted for the next decade.<sup>24</sup> Among the supporters of a national commercial bill at that time were the ABA and the Merchants' Association of New York City, which was influential in part because of New York State's great commercial stature.<sup>25</sup> Another advocate was the distinguished commercial law expert and Commissioner from New York, Karl N. Llewellyn.<sup>26</sup> By 1937, a federal sales bill that mirrored the Uniform Sales Act fairly closely had been formulated.<sup>27</sup> The bill was put before Congress, but died in committee.<sup>28</sup> This defeat and the demise of the *Swift* doctrine in 1938 only hardened the resolve of the Merchants' Association to pursue federal legislation as a way of effecting uniform commercial law.<sup>29</sup>

Commissioner Llewellyn supported the federal bill because he believed it was the most efficient way to implement the reforms needed in the law of sales.<sup>30</sup> Llewellyn agreed that the Uniform Sales Act needed reform, but he felt federal legislation was more efficient than the uniform law process.<sup>31</sup> Essentially, he believed that uniform state laws would not be comprehensive enough.<sup>32</sup> Llewellyn believed a state commercial act would require the same long, confusing process of piecemeal adoption by various states that had plagued the Conference's work on its previous commercial acts.<sup>33</sup> In fact, Llewellyn compared the state of commercial law at that time to an "old New England farmhouse, added to, patched, rearranged, 'modernized'—and still with no closets, where closets are wanted, with the kitchen occupying the best prospect, with upstairs traffic clogged by corners and sudden shifts of level, with plumbing and heating 'in,' but unhappily cumbersome in placement, use, and repair."<sup>34</sup>

Llewellyn thought the Conference should partner with the backers of the failed Congressional bill.<sup>35</sup> He convinced Hiram Thomas, Chair of the Merchants' Association, to come work with him and the Conference.<sup>36</sup> Llewellyn then moved at the Conference's 1937 annual meeting in Kansas City to cooperate in drafting a new federal sales act.<sup>37</sup> The motion lost.<sup>38</sup>

Many in the Conference, including President William A. Schnader, saw a federal bill as an unnecessary rival to the Uniform Sales Act.<sup>39</sup> Schnader, a Pennsylvania Commissioner, had been Attorney General of Pennsylvania, and he was frequently referred to as General Schnader.<sup>40</sup> Schnader was "suspicious of moves which might increase the influence of Congress over commercial law."<sup>41</sup> Further, by drafting a state act instead of a federal act, the Conference could cover all sales, and not just interstate sales. The Conference rejected Llewellyn's motion, and instead resolved to revise its own Uniform Sales Act.<sup>42</sup> Llewellyn capitulated and, with Hiram Thomas's help, began the ambitious revisions.<sup>43</sup> Meanwhile, another federal sales bill was introduced to Congress in 1939, but was never

enacted.<sup>44</sup>

Within a few years, President Schnader began rethinking merely revising the Conference's existing stock of commercial acts. According to future Illinois Commissioner Soia Mentschikoff, in 1940 Schnader asked Llewellyn, "Would it be possible, instead of asking for piecemeal amendment or piecemeal enactment of amended statutes, to put them all together into something that would be coherent and that could be known as the Uniform Commercial Code so that we could make all of the changes with one act of the legislature?"<sup>45</sup> To which Llewellyn readily replied, "No problem at all. I'll draw you up a little outline of what it would look like."<sup>46</sup>

Schnader delivered a major Presidential Address at that year's meeting, the Conference's 50<sup>th</sup>.<sup>47</sup> On the basis of Llewellyn's statement, Schnader proposed a Uniform Commercial Code to replace all of the commercial acts the Conference had previously adopted.<sup>48</sup> Llewellyn was anointed Chief Reporter for the Uniform Commercial Code ("UCC").<sup>49</sup>

And thus did the Conference manage to seize the momentum for a uniform commercial act away from federal sales bill supporters. Nineteen forty was the beginning of a tremendous undertaking for the Conference that dominated its attention for the next several decades.<sup>50</sup> President Schnader reported in 1942, "I regard this as the most important and the most far-reaching project on which the Conference has ever embarked."<sup>51</sup> Future President Walter P. Armstrong, Jr. later wrote, "[V]irtually every member was involved to a greater or lesser extent during the years of its formulation ...."<sup>52</sup>

The project's size prompted the Conference to seek drafting assistance from the American Law Institute ("ALI"), a recent uniform law collaborator.<sup>53</sup> The ALI, formed in 1923 with the leadership of William Draper Lewis, dean of the University of Pennsylvania Law School and a Uniform Law Commissioner from Pennsylvania, is an organization of lawyers, judges, and law professors whose mission is "to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work."<sup>54</sup> The Conference and ALI became UCC co-sponsors. President Schnader reported in 1942:

This is a tremendous task. It was the feeling of your officers, which you endorsed, that the American Law Institute can contribute much towards the consideration and preparation of such a Code. Happily, the invitation of the Conference has been accepted by the Institute, and the cooperation between the two bodies has already begun.<sup>55</sup>

In addition to outside partnerships, the Conference needed funding. A major source of UCC funding came from the Maurice and Laura Falk Foundation of Pittsburgh, Pennsylvania, which provided a \$150,000 grant.<sup>56</sup> The Conference solicited another \$100,000 from law firms, banks, and businesses.<sup>57</sup> The Falk Foundation continued its support throughout the Code drafting phase. In 1944, it issued a \$150,000 grant payable over three years, and gave another \$100,000 in 1946.<sup>58</sup> Also in 1946, 99 other businesses, concerns, and law firms, including the Beaumont Foundation of Cleveland, gave another \$100,000. Individual giving was significant; President Schnader personally contributed \$5,000 towards the drafting effort.<sup>59</sup>

The Code drafters were an interesting bunch. There was of course William Schnader, who conceived the idea and provided leadership until the Code's completion despite suffering a

debilitating stroke in 1940.<sup>60</sup> The stories about Schnader are legendary. When his stroke caused him to lose the use of much of his right side and the use of his writing hand, he learned to write left-handed to keep up with his work.<sup>61</sup> Sometimes working 18 hours a day for the Conference, Schnader proudly deemed the UCC “among the American Bar’s most notable achievements” that was the “most comprehensive act dealing with commercial law that has ever been prepared in any English-speaking jurisdiction.”<sup>62</sup> Schnader was not only hard-working, but also had a fun side. He hated derby hats and felt they were snooty.<sup>63</sup> As such, he would smash or defenestrate—throw out the window, that is—any derby hats he found lying about (but always paying restitution to the hat’s owner).<sup>64</sup>

Karl Llewellyn was the UCC’s Chief Reporter. Then a professor at Columbia Law School and later at the University of Chicago, Llewellyn was a prolific author of books, treatises, articles, and poems, some of which he wrote in German.<sup>65</sup> He was an expert in contracts, commercial law, and jurisprudence, and is often associated with the legal realism movement.<sup>66</sup> Llewellyn shared reporter duties with New York attorney Soia Mentschikoff, whom he would eventually marry.<sup>67</sup> President Walter Armstrong, Jr. wryly noted in his book *A Century of Service*, undoubtedly incorrectly, that it was “probably the only romance ever engendered by the Conference.”<sup>68</sup> That statement is incorrect, as at least one other marriage of commissioners resulted from jointly working on the UCC.<sup>69</sup>

Karl Llewellyn had a profound influence on the UCC. One writer even called the Code “Lex Llewellyn.”<sup>70</sup> Llewellyn believed the best commercial code would be developed by examining actual commercial practice. He firmly believed that the law should consider its impact upon the conduct of ordinary people in their ordinary lives.<sup>71</sup> He wanted the Code to “capture the feel of commercial transactions” and “afford material guidance to the layman in the doing of his business.”<sup>72</sup> Section 1-102 of the Code reflects Llewellyn’s beliefs, announcing that the Code endeavors “to permit the continued expansion of commercial practices through custom, usage and agreement of the parties.”<sup>73</sup> A persistent theme in the final version of the act was the freedom of parties to override the Code’s default contract provisions.<sup>74</sup> The UCC also makes frequent distinctions between merchants—presumed business-savvy parties—and consumers.<sup>75</sup>

To ensure that his work was indeed capturing popular customs, Llewellyn would often perform firsthand research. In his biography *Karl Llewellyn and the Realist Movement*, William Twining shared an anecdote:

After meetings of Code committees [Llewellyn] could be seen in the bar cross-examining distinguished bankers or businessmen tenaciously . . . .

His questioning tended to be specific, guided principally by a concern with function and process. “If I were a cheque and I arrived in our bank where would I go? . . . What would be done to me first? Why?”<sup>76</sup>

Commissioner Allison Dunham later described a particular Llewellyn field trip:

He sat in a bank in New York in the foreign department for a couple weeks in order to get a feel for the way banks did things. When he came out we all said to him, “Well, what did you discover?” And he said, “I discovered the only thing dumber than the domestic bank is a foreign bank.”<sup>77</sup>

Of course, Llewellyn did not always get his way. He once reflected:

I am ashamed of [the UCC] in some ways; there are so many pieces that I could make a little better; there are so many beautiful ideas I tried to get in that would have been good for the law, but I was voted down. A wide body of opinion has worked the law into some sort of compromise after debate and after exhaustive work. However, when you compare it with anything that there is, it is an infinite improvement.<sup>78</sup>

The process was fairly simple. The UCC project team included the Chief Reporter (Llewellyn), Assistant Chief Reporter (Mentschikoff), Editorial Board members, reporters for each Article, and draft advisors.<sup>79</sup> Reporters for each of the articles prepared drafts, which were submitted to advisors.<sup>80</sup> Once they were approved, drafts went to the ALI and Conference.<sup>81</sup> The drafters worked on nine articles that composed the Code. The 1957 UCC listed them as:

Article 1 - General Provisions

Article 2 - Sales

Article 3 - Commercial Paper

Article 4 - Bank Deposits and Collections

Article 5 - Letters of Credit

Article 6 - Bulk Transfers

Article 7 - Warehouse Receipts, Bills of Lading and Other Documents of Title

Article 8 - Investment Securities

Article 9 - Secured Transactions; Sales of Accounts, Contract Rights and Chattel Paper<sup>82</sup>

The Editorial Board was composed of a chair and two representatives each from the Conference and the ALI.<sup>83</sup> Judge Herbert F. Goodrich chaired the Board, which included legal luminaries like Commissioner William L. Prosser, law professor at Minnesota and Berkeley and author of *Prosser on Torts*.<sup>84</sup> (In another of his works, *The Judicial Humorist*, Prosser wrote that “Justice has been described as a lady who has been subject to so many miscarriages as to cast serious reflections upon her virtue.”<sup>85</sup>) Fairfax Leary, Jr., Fredrick Kessler, Charles Bunn, Louis B. Schwartz, Allison Dunham, and Grant Gilmore also served on the Board.<sup>86</sup>

There were six advisors: three from the Conference and three that represented the ALI.<sup>87</sup> One advisor from the Institute was Thomas Swan, former dean of Yale Law School and then a judge of the U.S. Court of Appeals for the Second Circuit.<sup>88</sup> Another was Professor Arthur Corbin, reporter for the Restatement of the Law of Contracts and whom Llewellyn called his “father in the law.”<sup>89</sup> A third advisor was Hiram Thomas, chairman of the Merchants’ Association of New York for 25 years, whom Mentschikoff affectionately claimed “knew everything.”<sup>90</sup>

The Conference’s advisors included Charles R. Hardin of Newark, New Jersey, who represented banks.<sup>91</sup> Another was Sterry R. Waterman, a Vermont lawyer involved with the dairy and milk industries who later served on the Second Circuit.<sup>92</sup> A third Conference Commissioner writing the Code was Willard Luther of Boston, who strove to eliminate the drafts’ unnecessary verbiage: the so-called “Lutherization” of the Code.<sup>93</sup>

The drafters met intensively and frequently, producing a multitude of drafts.<sup>94</sup> As Soia Mentschikoff recalled years later, “Each of these people performed a particular function at which they gradually became adept, and the functions grew by accident. It was an extraordinary group.”<sup>95</sup>

With Llewellyn’s encouragement, interest groups helped guide the drafting process. Interest groups were represented both formally, through article advisory committee appointments, and informally, via face time with the drafters.<sup>96</sup> The drafts asked for commentary on completed drafts from organizations like the Association of American Railroads, the American Bankers’ Association, the National Cannery Association, and the American Warehousemen’s Association.<sup>97</sup> Working closely with business interests aligned with Llewellyn’s belief that the UCC should reflect the realities of the commercial law world.<sup>98</sup>

Interest group feedback also ensured that state legislatures would favorably receive the completed UCC. It allowed the drafters early on to identify and quell objections that would surely arise once UCC-modeled bills were introduced in the statehouses.<sup>99</sup> The drafters tried wherever possible to implement compromises in the form of exclusions.<sup>100</sup> For example, Article 9 was silent on certificate of title provisions because the National Association of Motor Vehicle Commissioners threatened to block the Code if those provisions made it into the final Code.<sup>101</sup>

Exclusions were not always possible. For example, buyers of farm products were specifically exempted from the protections available to normal buyers, in deference to the Farm Credit Administration and the National Grange.<sup>102</sup> The drafters feared at times that “the whole Code would be held up” as the process became “bogged down indefinitely in a fight between [spokesmen].”<sup>103</sup> Because of the Code’s commercial law nature, the banks were heavily invested.<sup>104</sup> Their powerful state lobbies meant the drafters had to reckon with the banks.<sup>105</sup> Article 4, on bank collections, was called “the bloodiest battleground in the entire history of the Code.”<sup>106</sup> Editorial Board member Fairfax Leary, Jr. was the original reporter for Article 4.<sup>107</sup> He explained:

[T]here’s no way you can have a Bank Collection Code and exempt banks. Hence that part of the Code had to be drafted so as not to produce united opposition.<sup>108</sup>

The compromises did not please everyone. Professor Frederick K. Beutel at the University of Nebraska, arguing against adoption of the UCC, stated that the “Uniform Commercial Code is a misnomer; it should be called the Lawyers and Bankers Relief Act.”<sup>109</sup>

Drafting difficulties aside, a full draft of one UCC article was ready by September 1943.<sup>110</sup> Article 2, then called the Uniform Revised Sales Act, went before the Committee of the Whole at the Conference’s annual meeting held in Chicago in September 1944.<sup>111</sup> The Conference adopted the draft, and a final agreement between the Conference and the ALI to plow forward was executed in December 1944.<sup>112</sup>

By the end of the decade, the UCC neared completion.<sup>113</sup> The Conference and the ALI had been holding joint sessions to consider the Code, often separate from the Conference’s own single annual meeting.<sup>114</sup> The Conference and ALI approved the Uniform Commercial Code on May 18, 1951, “with the power nevertheless in the Editorial Board to approve the comments and to make such further changes in style and other editorial changes as may be required for clarity and consistency in

the Code.”<sup>115</sup> The ABA House of Delegates added its approval later in the year.<sup>116</sup>

The first state to adopt the UCC was Pennsylvania in 1953.<sup>117</sup> Pennsylvania enacted the UCC in its entirety.<sup>118</sup> Conference President Schnader, who had been a Pennsylvania Attorney General, strongly recommended the Code to the Pennsylvania legislature, and so it was adopted there quickly without much independent scrutiny.<sup>119</sup>

New York was a different story. The banks there still took issue with the Code in its final form. Chase Manhattan National Bank, through its general counsel Emmett F. Smith, had unsuccessfully tried to forestall UCC passage in Pennsylvania.<sup>120</sup> Smith then persuaded the Association of the Bar of the City of New York and the New York State Bar Association to jointly recommend that the Code be referred to the New York Law Revision Commission for a full-scale study.<sup>121</sup> Faced with direct petitioning from Chase Manhattan President Nelson Aldrich, Governor Thomas E. Dewey sent the UCC bill to the Law Revision Commission.<sup>122</sup> During the three years that the Commission reviewed the bill, a moratorium precluded further attempts to enact the Code in New York.<sup>123</sup> The result of the review was a multivolume analysis including recommended revisions, some of which became incorporated into the text of the UCC when New York finally adopted it in 1962.<sup>124</sup>

Meanwhile, the UCC was gaining a following elsewhere. Future Conference President Walter D. Malcolm and Harvard Professor and Commissioner Robert Braucher helped pass the UCC in Massachusetts in 1957.<sup>125</sup> Connecticut, Kentucky, and New Hampshire followed suit by 1960.<sup>126</sup> Nine more states adopted the UCC in 1961, and more after that, until 49 states, the District of Columbia, and the U.S. Virgin Islands had passed the UCC by 1968.<sup>127</sup> The lone holdout, Louisiana, saw the UCC as incompatible with its Civil Code, but did adopt several articles of the Code in 1974, with amendments.<sup>128</sup>

Even though the Code was adopted by every state as well as the District of Columbia and the U.S. Virgin Islands, Karl Llewellyn was dismayed at the number of variations in the enacted laws. To him, this defeated the point of having a uniform code.<sup>129</sup> Llewellyn wrote in his 1967 book *Jurisprudence*, “[The UCC] has already been mutilated by conditions and by the ignorance of the bar, and will take a quarter-century to come into dominant force.”<sup>130</sup> President Schnader, a supporter of decentralized government, nonetheless used the specter of federal legislation to threaten states to adopt the UCC without further amendments:

I think that the time has come for making *extraordinary* efforts to have State Legislatures eliminate from their Codes all non-uniform variations, except those made necessary to conform to local procedure.... If the State and other jurisdictions having the Code on their books fail to render their Codes uniform by the end of 1968, it may become necessary to have Congress enact the Code in order to have the commercial law of the United States uniform throughout the nation. Perhaps the very proposal to prepare the Code for federal enactment will expedite the *cleaning up of the Codes* of the states and other jurisdictions so as to make the Code substantially uniform everywhere and thus render federal action unnecessary.<sup>131</sup>

The Conference continued to tweak the Code even after states began to adopt it. It approved amendments in 1955 after reviewing Pennsylvania’s experience with the Code.<sup>132</sup> The committee

reported:

That the Commercial Code, with or without amendments, is a workable piece of legislation, that it will be more workable with the amendments which we are proposing, that there is much in the Code that is an improvement over the prior law, and that the fact that changes are proposed by this Committee should not be construed as detracting from the opinion expressed above.<sup>133</sup>

Commissioner James W. Day of Florida emphasized the need to continue perfecting legislation, its popularity notwithstanding:

At times, too, the functioning of an act after its adoption in one or more jurisdictions focuses attention upon matters that were overlooked in its preparation and leads the Conference to amend the act or replace it with a more perfect version.<sup>134</sup>

In 1961, the Conference and ALI received another grant from the Falk Foundation to establish a Permanent Editorial Board (“PEB”) for the Uniform Commercial Code.<sup>135</sup>

It took more than ten years from the inception of the concept of a Commercial Code in 1940 to its promulgation in 1951, and another two decades for every jurisdiction to adopt it. In the 30 years from inception to full enactment, sales increasingly moved from a paper-based system to electronic records. By the 1960s, the volume of paper certificates needed to be surrendered and replaced were overwhelming the securities markets, and it was costly and time-intensive for the banking system to return the large volume of checks.<sup>136</sup> In 1974, the PEB created an internal committee, called the 348 Committee, to consider amendments to UCC Articles 3 and 4 for checks and Article 8 for securities.<sup>137</sup> An ABA committee concurrently recommended amendments to Article 8 for uncertificated securities.<sup>138</sup> The 348 Committee reviewed the ABA committee’s findings, and recommended certain amendments to Article 8 to the ALI and Conference, which were approved in 1977.<sup>139</sup>

The 1977 amendments to Article 8 permit the use of so-called uncertificated securities of any kind between the issuer and buyer, and among any owner, another buyer, and the issuer.<sup>140</sup> Such securities are not evidenced by any piece of paper, but exist only in an issuer’s records.<sup>141</sup> The 1977 amendments do not require uncertificated securities, but allow the issuer to choose between certificated and uncertificated.<sup>142</sup>

The 1977 amendments met quick criticism on the basis that they were not addressing the real problems. Professor Peter F. Coogan, who was a member of the PEB, called for withdrawing the amendments and wrote a critique of the amendments published in the *Harvard Law Review*.<sup>143</sup> The 348 Committee responded directly to Professor Coogan the next year in the same journal.<sup>144</sup> In pleading their case, the proponents of the 1977 amendments wrote, “The ‘paperwork crunch’ in the securities industry in the 1960s almost brought that industry to a standstill.”<sup>145</sup> Notwithstanding the scholarly opposition, the 1977 amendments to UCC Article 8 went on to be enacted in nearly every state.<sup>146</sup> The Conference further revised Article 8 in 1994.<sup>147</sup>

The 348 Committee continued its battle against a paperwork crunch in negotiable instruments, which was causing both delays and costs in returning checks to the payee bank for inclusion in the statements to the bank’s customers. Electronic and computer technologies were being developed to



reduce these costs.<sup>148</sup> The Conference proposed the same scholarly process for this undertaking. William Pierce, the Executive Director of the Conference, appointed an additional two Commissioners to the 348 Committee, thus bringing Conference participation to three members on the Committee.<sup>149</sup> The 348 Committee recommended a comprehensive “New Payments Code” to cover all payment systems (e.g., checks, credit cards, debit cards, and wire transfers) in one Code so the legal rules would be fundamentally the same and the payment system employed would be on the merits of the particular system employed.<sup>150</sup> Hal Scott, professor at Harvard Law School, was selected as the Reporter.<sup>151</sup> The concept was presented and approved at a meeting held in Williamsburg, Virginia, in 1978.<sup>152</sup> Over the next years, the 348 Committee prepared a preliminary draft of the New Payments Code.<sup>153</sup> The Committee returned to Williamsburg in 1983 for a second meeting.<sup>154</sup> However, the Payments Code met strong opposition from all quarters: consumers, business users, scholars, regulatory agencies, and bankers.<sup>155</sup> The proposal for a comprehensive New Payments Code ultimately collapsed.<sup>156</sup>

Meanwhile, the Conference and the ALI began discussions on a project suggested by the ABA to draft provisions for personal property leasing.<sup>157</sup> However, ALI Executive Director Herb Wechsler contacted the Conference Executive Committee chair and informed him that the ALI was not willing to devote the resources and time necessary for such a project under the UCC.<sup>158</sup> Therefore, the Conference Executive Committee on January 23, 1982, authorized appointment of a drafting committee on a Personal Property Leasing Act with consultation with the PEB of the UCC throughout the project.<sup>159</sup> The Conference promulgated the Personal Property Leasing Act as a stand-alone act in 1985, but withheld adoptions until the organization could finalize new arrangements with the ALI.<sup>160</sup> As the Conference was proceeding with a freestanding act for personal property leasing, the ALI Executive Director post was in transition from Wechsler to Geoffrey C. Hazard, Jr., who did support the ALI’s participation on UCC projects.<sup>161</sup>

President Carlyle C. “Connie” Ring optimistically addressed the Conference’s annual meeting in July 1984:

Let me say a word about the Payments Code. It is *not* here this year, but I am confident it will be back next year. In the next five to ten years a major element of the UCC—Articles 3 and 4—will be antiquated by new computer and electronic technology. It would be a tragedy if our principal achievement became outmoded .... Our expanding economy will demand the new technology. Will we be there with the necessary law reforms? I hope so—I believe so. The gap between differing interests appears to be closing .... With dedication the remaining gap can be bridged to make possible the consensus essential to obtain uniform adoptions necessary for any payment system.<sup>162</sup>

After many meetings over the next year, the Conference and the ALI agreed to draft a wholesale wire transfer act.<sup>163</sup> Future amendments and revisions would be undertaken not by the PEB, but under the procedures of the Conference to include stakeholders from the outset through open meetings with the drafting committee.<sup>164</sup> The two organizations also agreed to rotate the PEB chairmanship between the ALI and Conference.<sup>165</sup> These changes in process and procedure were reflected in a new charter between the two organizations.<sup>166</sup>

The project for wholesale wire transfers—Article 4A—became the test as to whether the new charter, with its open and transparent process for developing a consensus, would provide an opportunity to modernize and update the UCC.<sup>167</sup> From January 1986 through July 1989, the drafters held 12 three-day meetings, four readings at the Conference’s annual meetings, and two readings before the ALI.<sup>168</sup> The final Article 4A was promulgated in 1989.<sup>169</sup> It was first available for state enactment in 1990 and was rapidly enacted by all jurisdictions shortly thereafter, the final few states enacting 4A in 1993.<sup>170</sup>

Article 4A was endorsed by the American Bankers Association that had originally opposed any such project.<sup>171</sup> That Association approvingly reported:

[T]he existing law governing such transactions is a make shift framework of private agreement, system rules, federal regulation and case law. The patch-work quilt of rules creates uncertainty, litigation and unnecessary expense when problems occur in the course of such transfers... Article 4A represents a concerted effort by the Uniform Law Commissioners, the providers of funds transfer services and the corporate users of the system to draft uniform rules which equitably balance the interests of the affected parties.<sup>172</sup>

In 1987, Article 2A for personal property leasing was promulgated after some changes to the free standing Uniform Act approved by the Conference in 1985.<sup>173</sup> That UCC addition was also enacted by all states except Louisiana.<sup>174</sup>

Also in the late 1980s, the Conference recommended revising or withdrawing as obsolete Article 6, which dealt with bulk sales.<sup>175</sup> To date, 50 jurisdictions have repealed their Article 6, and one has adopted the revised Article 6.<sup>176</sup>

Involving stakeholders in this open and transparent process from the outset was off to a very good start. In the same pattern, legislative success followed with amendments to Articles 3 and 4 for electronic records in 1990,<sup>177</sup> Article 8 for indirect holding of securities in 1994, Article 5 for letters of credit in 1995, Article 9 for secured transactions in 1999, Article 7 for warehouse receipts in 2003, and Article 1 dealing with definitions and general provisions in 2001.<sup>178</sup> All these revisions were rapidly and fully enacted by various states.<sup>179</sup>

And then came the “terrible twos.” After lengthy study, a revision of Article 2 for sale of goods began in the late 1990s.<sup>180</sup> The revision efforts were expanded to encompass a “hub and spoke” model.<sup>181</sup> The hub was to include rules for contract formation with the spokes to include goods, leasing, computer information, services and others.<sup>182</sup> But like the New Payments Code, the Article 2 amendments proved to be too much. The multiplicity of stakeholders made it impossible to forge any consensus.<sup>183</sup>

Ultimately, amendments to Articles 2 and 2A were approved by both the Conference and the ALI in 2003.<sup>184</sup> However, no states adopted those amendments, so in the face of widespread opposition the organizations withdrew the amendments in 2011.<sup>185</sup> UCC Article 2 now corresponds to what most states have enacted.<sup>186</sup>

Controversy between the Conference and the ALI arose around the computer information

transactions project that had started as a free standing Uniform Act. When work began on it subsequently as “Article 2B” of the Code, the drafters’ primary concern was software: in particular, so-called “shrink wrap” licenses.<sup>187</sup> Conference President Gene Lebrun said, “But as technology changed, we figured that eventually software would go the way of the 78-rpm record, and the law would probably be outdated.... [W]e started working on contracts governing all copyrighted information.”<sup>188</sup> The Conference soon produced a 200 page act that legislated the sale of virtually all kinds of digital information, including data, text, images, sounds, computer programs, and databases.<sup>189</sup>

The ALI was less fond of Article 2B. Professor Geoffrey Hazard, director of the ALI, said:

What does the text say? It is difficult to follow in many respects.... When I’m talking to you on the telephone, for example, we’re exchanging information—we’re even doing it electronically. Is that governed by this law? They say no, but I say why not? It’s not clear....<sup>190</sup>

The ALI rejected the final draft of Article 2B.<sup>191</sup> Because both the Conference and ALI must agree to any revision of the UCC, Article 2B was not approved as a new UCC article.<sup>192</sup> The Conference responded by approving Article 2B as a stand-alone act, adopting it as the Uniform Computer Information Transactions Act (“UCITA”) in 1999, with amendments in 2000 and 2002.<sup>193</sup> As of 2013, only Maryland and Virginia have adopted UCITA,<sup>194</sup> but it has also been cited approvingly by federal appellate courts for providing insight into the rest of the UCC.<sup>195</sup>

Since the UCC’s adoption, the federal government has been very hesitant to displace Code provisions, even where interstate commerce is involved. For example, the Federal Reserve has been granted the authority “to regulate ... any aspect of the payment system, including the receipt, payment, collection, or clearing of checks.”<sup>196</sup> This power could completely preempt Article 4, yet enacted regulations mostly leave Article 4 intact.<sup>197</sup> Similarly, the Market Reform Act of 1990 allows the Securities and Exchange Commission to preempt state law on the transfer and pledge of securities if the absence of a federal rule impedes the efficiency of the national system.<sup>198</sup> The Conference and ALI revised Article 8 in response in 1994, and no federal regulation was ever adopted.<sup>199</sup> When Congress has encroached on Code territory, the Conference and ALI have sometimes incorporated federal law into UCC revisions, as happened with the Food Security Act of 1985 and Article 9.<sup>200</sup>

Commercial law has come a long way since *Swift* opened the door to its regulation by federal common law. All told, the UCC has been described as “the most spectacular success story in the history of American law,” its provisions finding near-universal acceptance in the United States.<sup>201</sup> In a way, the UCC has helped realize Chief Justice Lemuel Shaw’s ideal of “one extended commercial community.” An incredibly important commercial law, the UCC owes much to its first drafters. But the challenges of the 21st century ensure that the Code will long be an ongoing project for the Conference and ALI alike.

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**Footnotes:**

<sup>1</sup> *Staples v. Franklin Bank*, 42 Mass. 43 (1840).

<sup>2</sup> *Id.* at 47.

- 3 Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 56 (1991); Samuel Issacharoff & Catherine M. Sharkey, *Backdoor Federalization*, 53 *UCLA L. Rev.* 1353, 1398 (2006).
- 4 Armstrong, *supra* note 3, at 57.
- 5 *Id.* at 165.
- 6 *Id.* at 165–68.
- 7 *Id.* at 165.
- 8 *Id.* at 32.
- 9 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 120th Annual Conference 648 (2011).
- 10 John Morey Maurice, *A New Personal Limited Liability Shield for General Partners: But Not All Partners Are Treated the Same*, 43 *Gonz. L. Rev.* 369, 377 (2008).
- 11 *Id.*
- 12 *Id.*
- 13 Charles A. Bane, *From Holt and Mansfield to Story to Llewellyn and Mentschikoff: The Progressive Development of Commercial Law*, 37 *U. Miami L. Rev.* 351, 365 (1983).
- 14 *Swift v. Tyson*, 41 *U.S. (16 Pet.)* 1 (1842).
- 15 *Id.*
- 16 *Id.* at 18–20.
- 17 *Id.* at 19.
- 18 *Brooklyn City & N.R. Co. v. Nat'l Bank of the Republic*, 102 *U.S.* 14, 57–58 (1880) (Clifford, J., concurring).
- 19 *Erie R.R. Co. v. Tompkins*, 304 *U.S.* 64 (1938).
- 20 *Id.* at 78.
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- 121 *Id.*
- 122 Mentschikoff, *supra* note 45, at 544. Current Life Member Boris Auerbach worked for Soia Mentschikoff in the summer between his second and third year of law school researching cases relevant to the New York Law Revision study. He subsequently worked for the Conference from 1959 to 1961 helping Commissioners with enactments in their state.
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- 152 Carlyle Conwell Ring, Jr., *A New Era: Cooperative Federalism—Through the Uniform State Laws Process*, 33 Hamline L. Rev. 375, 388–89 (2010).
- 153 *Id.*
- 154 *Id.*

- 155 *Id.*; Fred H. Miller, *Report on the New Payments Code*, 41 Bus. Law. 1007, 1008 (1986).
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- 157 Amelia H. Boss, *The History of Article 2A: A Lesson for Practitioner and Scholar*, 39 Ala. L. Rev. 575, 588–89 (1988).
- 158 *Id.* at 593.
- 159 Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 91st Annual Conference 95 (1982).
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- 161 *Id.* at 593 n.86.
- 162 Address, Carlyle Conwell Ring, Jr., President, Uniform Law Comm’n, July, 1984.
- 163 Boss, *supra* note 157, at 609–11.
- 164 *Id.*
- 165 *Id.*
- 166 *Id.* The Minutes of the midyear meeting of the Executive Committee report that “a draft of a new agreement drafted by Fred Miller was discussed and several changes were recommended. Commissioners Miller, Ring and Carroll, and the Executive Director William J. Pierce were directed to continue negotiations with the ALI until an agreement satisfactory to both organizations is executed.” Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 93rd Annual Conference 116 (1984).
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## BIOGRAPHIES FOR CHAPTER 5

**Boris Auerbach** has been a commissioner from Ohio since 1966.<sup>1</sup> Auerbach was hired by the Conference right out of law school to work with Commissioner William A. Schnader and Reporter Karl Llewellyn on the Code. After becoming a commissioner, he chaired the Article 1 Drafting Committee,<sup>2</sup> and is now a member of the Permanent Editorial Board for the Code.<sup>3</sup> Auerbach served as Treasurer of the Conference for a record 17 years from 1968 until 1985<sup>4</sup> and also served as Chair of the Uniform Law Foundation.<sup>5</sup>

**Robert Braucher** was a commissioner from Massachusetts from 1955 to 1970, and vice president of the Conference from 1967 to 1970.<sup>6</sup> A professor at the Harvard Law School, Braucher helped persuade Massachusetts to become the second state to adopt the Uniform Commercial Code, with revisions, in 1957.<sup>7</sup> Braucher was also the original reporter for the Restatement (Second) of Contracts, serving from 1962 to 1971.<sup>8</sup> He left that position when he was appointed a justice of the Supreme Judicial Court of Massachusetts.<sup>9</sup>

**Karl Llewellyn** was the chief reporter for the UCC.<sup>10</sup> Although born in America, Llewellyn fought in World War I for the Germans, winning the Iron Cross.<sup>11</sup> Injured in the war, he returned to the United States and enrolled in Yale Law School in 1915.<sup>12</sup> Llewellyn was on the faculty of Columbia Law School from 1925 until 1951.<sup>13</sup> A commissioner from New York, Llewellyn was a distinguished commercial law scholar.<sup>14</sup> This led to his appointment as principal drafter of the UCC, where he met his future wife and fellow law professor Soia Mentschikoff.<sup>15</sup> They later both became professors at the University of Chicago Law School and Llewellyn became a commissioner from Illinois.<sup>16</sup> Llewellyn is also well known for his contributions to the field of legal realism.<sup>17</sup>

**Soia Mentschikoff** immigrated to the United States from Russia during its Revolution.<sup>18</sup> After a successful career in private practice,<sup>19</sup> Mentschikoff became the first woman law professor at Harvard Law School<sup>20</sup> She was the associate reporter for the UCC,<sup>21</sup> and played a large role in the Code's passage in several states.<sup>22</sup> After marrying Karl Llewellyn, the two both became professors at the University of Chicago.<sup>23</sup> After her husband's death, Mentschikoff joined the faculty of the University of Miami Law School, serving as its dean from 1974 until 1982.<sup>24</sup>

**Carlyle C. "Connie" Ring, Jr.**, was appointed a Commissioner from Virginia in 1970.<sup>25</sup> He served as Conference President from 1983 to 1985,<sup>26</sup> and is a member of the Permanent Editorial Board of the UCC.<sup>27</sup> Ring chaired numerous UCC drafting committees, including the committees for Articles 4A, 3 and 4, and 5.<sup>28</sup> He also chaired the drafting committees for the Uniform Computer Information Transactions Act and the Revised Uniform Anatomical Gift Act.<sup>29</sup> Ring practices law in Washington, DC, specializing in information technology.<sup>30</sup>

**William A. Schnader** was a commissioner from Pennsylvania from 1924 to 1967 and was Conference president from 1939 to 1942, and also was ALI vice-president.<sup>31</sup> Schnader twice served as the attorney general of Pennsylvania,<sup>32</sup> and was an unsuccessful candidate for governor.<sup>33</sup> He is considered the "father" of the UCC, devoting nearly 20 years of his life to its development.<sup>34</sup> Pennsylvania was the first state to adopt the UCC, in part because of Schnader's intensive effort in

support of its enactment.<sup>35</sup> An authoritarian figure, the former attorney general often went by the title “General Schnader.”<sup>36</sup>

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#### Footnotes:

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- 2 Sarah Howard Jenkins, *Introduction to Symposium on Revised Article 1*, 54 SMU L. Rev. 469, 469 (2001).
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- 7 Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 77 (1991).
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- 23 *Id.* at 173.
- 24 *Id.*
- 25 See appendix G.
- 26 See appendix A.
- 27 *ARHA Employee Intranet*, Alexandria Redeveloping & Hous. Auth., [http://arha.us/index.php?option=com\\_content&view=article&id=40](http://arha.us/index.php?option=com_content&view=article&id=40) (last visited Jan. 10, 2013).
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31 Armstrong, *supra* note 7.

32 Lawrence J. Bugge, *Commercial Law, Federalism, and the Future*, 17 Del. J. Corp. L. 11, 25 (1992).

33 Ted Stellwag, *The Pennsylvania Bar Association: A Brief History*, Pa. Law., Jan./Feb. 2010, at 18, 23.

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### A Time of Continuing Great Achievements: 1961–1990

The Conference continued to be active and productive throughout the three decades beginning in 1961. Despite periodic controversies with the American Bar Association and with some states that were reluctant to provide support for the work of the Conference, its output and visibility continued to grow. After the substantive drafting work on the Uniform Commercial Code was completed, the Conference began work during this time on another important and comprehensive “code” – the Uniform Probate Code (“UPC”).<sup>1</sup> The UPC would ultimately be approved in 1969, and its influence would lead to the development of many other uniform trust and estate statutes that completely changed this traditional area of law.<sup>2</sup>

The Conference again amended its constitution and bylaws in 1961.<sup>3</sup> One amendment required that commissioners be members of the bar; surprisingly, this had not been required before.<sup>4</sup> Another amendment required commissioners who believed that any uniform acts were either unsuitable or impractical for their state to report this fact to the Secretary of the Conference.<sup>5</sup>

That same year, the ABA produced a publication with a lengthy title: *A Manual for the Use of Members of the Committee on State Legislation of the American Bar Association and the Commissioners on Uniform State Laws Relative to the Preparation, Introduction and Passage of Uniform State Laws in the Several States*.<sup>6</sup> The publication was written with the help of Commissioners James C. Dezendorf of Oregon, a former president of the Conference, and George Bogert of Michigan.<sup>7</sup> Its long title notwithstanding, the manual was only 12 pages long.<sup>8</sup> It contained several practical suggestions, including the first one, which was a continuing reminder:

The work of the Conference is academic unless its product is sold. The only way to sell it is to get its acts adopted in the various states. This will not be done by spontaneous combustion. It needs real effort, thought and work.<sup>9</sup>

The Conference approved several uniform acts and one model act in 1961; the latter, the Model Nuclear Facilities Liability Act, reflecting a sign of the changing times.<sup>10</sup> Conference President George Richter praised the Conference in his annual address:

We can be justly proud of our record that no uniform act has ever been declared unconstitutional. We would, I am sure, be even prouder if we could say that every uniform act promulgated by this Conference has been adopted in every state.<sup>11</sup>

President Richter’s statement was true, but it is uncertain whether the Uniform Flag Act, which attempted to protect the American flag from desecration (approved in 1917 and subsequently adopted in 17 states before it was withdrawn in 1966), would have been found to be constitutional in the 1960s.<sup>12</sup> The Uniform Flag Act, although withdrawn, would later be cited in a dissenting opinion by Chief Justice William Rehnquist – a former commissioner – in the Supreme Court case of *Texas v. Johnson* of 1989.<sup>13</sup>

To analyze its success in state enactments, the Committee on Scope and Program in 1962 presented a statistical analysis of the Conference’s success in enacting uniform and model acts by classification,

according to the following descending order of success: acts that filled a need; acts dealing with highly interstate situations; acts designed to produce uniformity where much variation or confusion in the law existed; acts designed to correct or modernize archaic rules; and acts designed to improve the law.<sup>14</sup>

After a lengthy discussion during the 1962 annual meeting about the basic policies and objectives of the Conference, including whether to propose small acts or major projects like the Uniform Commercial Code, the Conference approved a major project to ascertain whether it was practical to draft and have enacted a Uniform Probate Code.<sup>15</sup> Almost a half century before, in 1895, Frederic J. Stimson had expressed his skepticism about such a probate project because he doubted that “there is anything more to do in this direction.”<sup>16</sup>

In his Presidential Address in 1962, Conference President Walter P. Armstrong, Jr. of Tennessee called attention to one of the major problems of the Conference that had recurred throughout the years: the lack of public recognition and acceptance.<sup>17</sup> He stated:

I have no doubt that our Conference can show more positive accomplishment per capita membership and per dollar spent than any other legal organization in the world. And yet when the President of the United States recently referred to the Conference in a public utterance, a great many people apparently did not know exactly what he was talking about.<sup>18</sup>

President John F. Kennedy, in a special message to Congress on April 5, 1962, had requested:

[T]he National Conference of Commissioners on Uniform State Laws, in cooperation with the Interstate Commerce Commission, to develop and urge adoption of uniform state registration laws for motor carriers operating within States but handling interstate commerce. The Congress should, consistent with this effort, give the Interstate Commerce Commission authority to enter into cooperative enforcement agreements with the various States, covering both the economic and safety aspects of highway transportation.<sup>19</sup>

President Armstrong’s comment was not the first – nor would it be the last – time this subject was raised. Almost 30 years earlier, Commissioner W. Brooke Graves remarked that “outside of legal circles, neither the Conference nor its work are well known.”<sup>20</sup>

Possibly in order to facilitate wider recognition and understanding, the Conference, in 1962, recommended establishing a subcommittee of the Editorial Board of the Uniform Commercial Code to help courts and members of the bar properly interpret the Code.<sup>21</sup>

That same year, the Committee on Compacts and Agreements Between States urged the Conference to: more actively consider the use of compacts for promotion of uniform state laws, cooperate with the Council of State Governments and other public agencies in the promotion of such compacts, and offer its drafting assistance upon request to states or public agencies.<sup>22</sup> In urging this, the Conference was adopting recommendations that had previously been made by Commissioner John H. Wigmore of Illinois in 1921 and James M. Landis of Massachusetts in 1932 on the same subject.<sup>23</sup>

The 1962 annual meeting of the Conference was the first to be held at a different location than that of the ABA’s annual meeting.<sup>24</sup> This was one of several developments around that time that caused a

new strain on the relationship between the Conference and the American Bar Association.<sup>25</sup> This strain caused the ABA House of Delegates to not approve any of the six Conference acts submitted to it in 1962.<sup>26</sup> After several discussions between the Conference President and the ABA Board of Governors about the relationship, especially the procedure for House approval of uniform acts, the Board of Governors decided to maintain the existing procedure and to take specific steps to better implement it. This was reflected in resolutions adopted by both the Conference and the ABA Board of Governors that emphasized the importance of the relationship and the need for both organizations to continue to work closely together.<sup>27</sup>

Two significant developments in 1963 helped to strengthen the Conference. First, rulings were obtained from the Internal Revenue Service that contributions to the Conference could be deducted for income, estate, and gift tax purposes.<sup>28</sup> Within the next two years, over \$200,000 was contributed to the Conference to assist various projects.<sup>29</sup> The second major development in 1963 was an amendment of Conference bylaws to provide for the appointment of an Executive Director.<sup>30</sup> The first person to hold this position, on a part-time basis, was Professor Allison Dunham of the University of Chicago Law School, later an Illinois Commissioner.<sup>31</sup> The Executive Directors and senior staff of the Conference through the years will be discussed in chapter 11.

The Conference became more involved in acts relating to consumer credit in 1963, starting with the appointment of a special committee to draft legislation in the consumer credit field. The Conference also instructed this committee to explore availability of financing and organization of the necessary staff to carry out the drafting of this legislation.<sup>32</sup>

On September 22, 1966, Conference President William A. McKenzie of Ohio died midway through his two year term as President – the only Conference President to die in office.<sup>33</sup> He was succeeded by Commissioner William J. Pierce of Michigan, who was then the chair of the Executive Committee.<sup>34</sup> President Pierce served out the final year of the McKenzie two-year term, and then served his own two-year Presidential term from 1967 to 1969 to which he was elected.<sup>35</sup> When Allison Dunham resigned as Executive Director in 1969, Bill Pierce was the obvious choice to succeed him. Commissioner Pierce went on to serve a 23-year term as Executive Director of the Conference from 1969 to 1992.<sup>36</sup>

In 1968, Commissioner Boris Auerbach of Ohio began his 17 years as Treasurer of the Conference, the longest consecutive service of any officer in Conference history.<sup>37</sup>

In 1968, the Conference held a longer than normal ten-day meeting, mostly to discuss the near-completion of two major projects: the Uniform Consumer Credit Code and the Uniform Probate Code.<sup>38</sup> The Conference felt that it was important to accelerate completion of the Uniform Consumer Credit Code because, on May 29, 1968, President Lyndon Johnson signed into law the Federal Consumer Credit Protection Act.<sup>39</sup>

In 1968, the Conference approved the Uniform Child Custody Jurisdiction Act.<sup>40</sup> This act received the attention of *The Wall Street Journal*, which featured it in a front page story, reporting:

The act is aimed at preventing the fairly common legal standoff whereby a parent gains legal custody of a child in one state and the other parent manages to take the child to a “haven state” where the original order is meaningless. “The custody problem in this

country is like a game of tag,” explains one assistant U.S. attorney. “If you can make it to the base with the child, you’re home free.”<sup>41</sup>

Subsequently, the Uniform Child Custody Jurisdiction Act was adopted in every state, the District of Columbia, and the U.S. Virgin Islands.<sup>42</sup>

In 1969, the Conference approved the Uniform Probate Code.<sup>43</sup> In his presentation of the Code to the ABA House of Delegates, Conference President Pierce discussed the importance of the Code, noting, “The newspapers have been filled with attacks upon the probate system in the United States, and we in the Conference have worked diligently in order to protect the interests of the public in orderly process, and the interest of the bar in this area of law.”<sup>44</sup> The approval of the Uniform Probate Code was a major accomplishment of the Conference, and chapter 7 will discuss in more detail the development of the UPC and other uniform trust and estate acts.

In 1969, the Conference’s first Executive Director, Allison Dunham, announced his retirement after holding the position for six years.<sup>45</sup> Upon retirement, he became an Illinois commissioner. In his retirement announcement, he said:

Our accomplishment during this six-year period, even if there have been no others, is the fact that the press no longer can print an occasional news story about the work of the Conference and refer to it as a “little known but prestigious organization.” ... Increase in public awareness during the past six years has come because we have chosen to participate in law reform on matters of major significance to the future life of the country.<sup>46</sup>

Commissioner and former President William J. Pierce resigned as commissioner from Michigan in order to succeed Allison Dunham as Executive Director, a position he was to hold for the next 23 years.<sup>47</sup>

The decade of the 1970s got off to a busy start. Among the acts with which the Conference was concerned were two reflecting the turbulent times: the Uniform Controlled Substances Act, which the Conference approved in 1970, and a Uniform Act Pertaining to Public Demonstrations and Meetings, for which the Conference appointed a committee for further consideration.<sup>48</sup> Conference President Albert E. Jenner of Illinois characterized the latter act as “a subject matter very much alive in the minds of the people of this country,” referring to the students killed or injured at Kent State University during anti-war demonstrations in May, 1970.<sup>49</sup>

A significant change in the structure of the Conference came about at this time as well. Prior to 1970, the Conference had been organized into “sections.”<sup>50</sup> Every member of the Conference was assigned to a section, and the sections met separately at every annual meeting during what would become known as “section days.”<sup>51</sup> The purpose of section days was for members of a particular section to review drafts prepared by committees assigned to their section before the draft would be considered in the Committee of the Whole.<sup>52</sup>

However, as a result of the deliberations of a Special Subcommittee on Scope and Program Recommending Changes in Procedures, which had been appointed in 1970, the Conference adopted amendments to the constitution and bylaws in 1971 intended to alleviate four problems:



1. The Sections are not performing the function that the Constitution has assigned to them.
2. The processes of the National Conference are often too slow.
3. Deliberations by the Committee of the Whole are unnecessarily prolonged, and often made tedious, by many suggestions of minor changes in phrasing.
4. Commissioners who are experts in the areas of the law in which special committees are working are not effectively utilized in the review of the work of these special committees.<sup>53</sup>

To remedy these problems, the changes to the constitution and bylaws abolished Conference sections and authorized the Executive Committee to designate as many “divisions” as it determined would be appropriate, assigning each special drafting and study committee to one of the divisions.<sup>54</sup> The Chairman of each division would provide a liaison between the committees assigned to that division and the Executive Committee.<sup>55</sup> The changes also authorized the President to appoint a review committee to examine acts before they were presented to the Committee of the Whole.<sup>56</sup> The changes provided that, “To the extent feasible, the review committees shall include members who have special experience in the area of law covered by the act to be reviewed as well as members specially competent in the critical analysis of legislative drafts.”<sup>57</sup>

The Conference made an effort to improve communications in 1970 when it launched a new publication, the *Uniform Law Memo*.<sup>58</sup> The purpose of the publication was to explain uniform acts to legislators and the media, and it was sent to all state legislators across the country.<sup>59</sup> The Conference was able to announce in the first issue a grant of \$121,000 from the U.S. Law Enforcement Administration to help revise the Uniform Rules of Criminal Procedure.<sup>60</sup>

An important step in the history of the Conference was the appointment in 1972 of a Conference Legislative Director.<sup>61</sup> The first person to hold this position was John M. McCabe, previously the assistant dean of Montana University Law School.<sup>62</sup> Mr. McCabe served with distinction in this position for 35 years, until his retirement in 2007.<sup>63</sup>

Conference members exhibited justifiable pride in 1972 when former commissioner William H. Rehnquist of Arizona was appointed to the United States Supreme Court.<sup>64</sup> Justice Rehnquist had served as a commissioner from 1963 to 1969.<sup>65</sup> He followed in the footsteps of two other commissioners who were also appointed to the Supreme Court: Louis D. Brandeis of Massachusetts in 1916 and Wiley B. Rutledge of Iowa in 1943.<sup>66</sup> Former Commissioner David H. Souter of New Hampshire was subsequently appointed to the U.S. Supreme Court in 1990.<sup>67</sup>

The Conference had a noteworthy accomplishment in 1972 when it approved the Uniform Motor Vehicle Accident Reparations Act (“UMVARA”).<sup>68</sup> Conference President Eugene A. Burdick of North Dakota described the intensive work that preceded the approval of the act in this way:

The UMVARA project is a shining example of the ability of the Conference to undertake a herculean research and drafting task and bring it to a conclusion in a little over a year. Members of the Special Committee and the Review Committee, along with the advisory committee, the project director, reporters and consultants extended themselves beyond belief in preparing the final tentative draft with comments. It is utterly fantastic how

dedicated commissioners, working without any expectation of remunerative compensation, can be so completely devoted to the work of the Conference and give so much of their time and effort!<sup>69</sup>

Amidst the accomplishments, however, problems with the ABA again arose. In 1971, President Burdick reported that the ABA House of Delegates did not approve the Uniform Marriage and Divorce Act.<sup>70</sup> President Burdick discussed why he thought this happened:

Last fall the Council of the Family Law Section of the ABA offered to withdraw its disapproval of our Act if we would publish their comments as a part of our official comments to the Act. Of course, we could not accede to this proposition. Their objections must have little merit if disapproval can be so easily dissipated. Now the Family Law Council feels that their ace draftsman, given a little more time, can draft a superior act. This is sheer nonsense.... His views were also considered by the Conference in the Committee of the Whole last year. There is simply no reason to believe that a draft reflecting his rejected views would ever be approved by the Conference or even by the House of Delegates of the ABA. The American public has long awaited needed and sensible reform in the law of marriage and divorce. We have met the challenge and produced an Act which received overwhelming Conference approval.<sup>71</sup>

This refusal by the ABA to approve an act occurred again in 1973 when the ABA House of Delegates turned down the Uniform Motor Vehicle Accident Reparations Act because delegates believed that the act was premature and inconsistent with the official policy of the ABA, especially its provisions relating to damages and tort exemption.<sup>72</sup> Prior to this, however, the Secretary of Transportation had sent the Conference a congratulatory telegram when the organization adopted the act the year before:

In voting approval of the Uniform Motor Vehicle Accident Reparations Act, the national conference has provided a superbly drawn legislative vehicle which can serve as a useful tool for the states. Not only has the conference given fresh vigor to the federal principle but it has given renewed confidence to those who believe that major social reforms can be affected without resort to preemption by the national government.<sup>73</sup>

The ABA House of Delegates later adopted a less stringent resolution, approving in principle “no fault” insurance, opposing federal legislation in the field, and recommending state legislation.<sup>74</sup> The Conference eventually re-designated UMVARA as a Model Act; unfortunately, it has not been adopted in any state.<sup>75</sup> To quote an earlier historian of the Conference, “Thus, what was heralded as one of the Conference’s greatest achievements turned out, despite its good intentions, to be one of its greatest failures.”<sup>76</sup>

In 1973, the Conference was on the move physically: it moved its headquarters from the American Bar Center in Hyde Park to 645 N. Michigan Avenue in Chicago.<sup>77</sup> The 1973 annual meeting was the first one not attended by the organization’s Executive Secretary, Frances Jones, since her appointment in 1947, due to a heart attack.<sup>78</sup>

There was more conflict between the Conference and the ABA in 1973 when the ABA Section of Criminal Law criticized the proposed Uniform Duties to Disabled Persons Act and the Uniform

Public Assembly Act; the ABA House of Delegates refused to approve the latter act.<sup>79</sup> Commenting on this, Conference President Burdick said:

While we are not above criticism and have found it necessary from time to time to revise many of our Conference Acts in the light of experience and changing times, we can no longer expect to receive pro forma approval of our work products by the ABA or by anyone else. The new attitude of the ABA in focusing a critical eye on our prideful work products makes it all the more necessary that we intensify our liaison with appropriate committees, sections, and divisions of the ABA.<sup>80</sup>

But not everything was negative. At its 1974 midyear meeting, the ABA House of Delegates finally approved an amended version of the Uniform Marriage and Divorce Act plus four other acts, including amendments to the Uniform Controlled Substances Act and a revised Uniform Abortion Act, on the heels of the U.S. Supreme Court decision in *Roe v. Wade*.<sup>81</sup>

The Conference could congratulate itself for having several other successes in 1974 when it completed four important projects: the Uniform Consumer Credit Code, the Uniform Rules of Criminal Procedure, the Uniform Rules of Evidence, and the Uniform Eminent Domain Code; the first three were revisions of codes the Conference had adopted earlier.<sup>82</sup> In addition, the Conference adopted a new constitution, bylaws, and rules of procedure in 1974.<sup>83</sup>

An additional Conference success in 1974 occurred at the ABA annual meeting that year when U.S. Supreme Court Chief Justice Warren E. Burger, in his remarks to the House of Delegates, expressed his support for the Uniform Probate Code and the Uniform Land Transactions Act.<sup>84</sup>

The shadow of Watergate appeared in Executive Director Bill Pierce's annual report in 1974:

The political events of the last several months have served to increase the responsibilities of this organization in my opinion. Public opinion polls within the United States continue to indicate major dissatisfaction with our governmental institutions, and there appears to be a growing belief that possibilities of reform are withering within the present system....

Perhaps the current public sentiments have arisen because of a basic assumption that the possibilities for legal reform lie only in Washington. As anyone familiar with the product of the National Conference would recognize, that assumption is not warranted as this organization has assisted the states in undertaking major responsibility for legal reform

....<sup>85</sup>

Also in 1974, Frances D. Jones announced she was retiring as the first Executive Secretary of the Conference, a position she had held since 1950.<sup>86</sup> The Conference recognized her outstanding contributions by making her an Honorary Member.<sup>87</sup> In her farewell speech, Ms. Jones said, "When I started with the Conference in 1947 I thought it was the greatest organization in the country and 27 years later, I am still of the same opinion."<sup>88</sup>

In 1975, the Conference travelled across the border and held its annual meeting in the city of Quebec, Canada.<sup>89</sup> The Honorable William Tetley, QC, Minister of Public Works for the Province of Quebec, addressed the Conference and urged it to be innovative, while at the same time producing acts acceptable to often conservative state legislatures.<sup>90</sup> He expressed the challenge in the following

words:

The first problem in any uniform legislation or drafting of laws is trying to be uniform and trying not to be mediocre. Uniformity can mean mediocrity. It can mean no experimentation .... The solution for you and us—you in particular, I think—is to be daring in your uniform laws, so that they will be accepted, so that they will lead, and you will raise your membership above the common level, above mediocrity.<sup>91</sup>

These words were especially relevant to issues the Conference was continuing to face with enactment of some of its major products. The Uniform Motor Vehicle Accident Reparations Act, which the ABA House of Delegates had disapproved, still had no enactments in any state.<sup>92</sup> It later was re-designated a Model Act.<sup>93</sup>

The Uniform Land Transactions Act was approved in 1974, and the ABA Real Property, Probate and Trust Law Section requested the Conference to defer presenting it to the House of Delegates to permit further study.<sup>94</sup> In 1976, the Conference was advised that the section was likely to oppose the act in the House of Delegates, even though James E. Murray, General Counsel for the Federal National Mortgage Association, urged its approval.<sup>95</sup>

At the annual meeting of the Conference in 1976, the Uniform Simplification of Land Transfers Act was approved.<sup>96</sup> This act had originally been one of the six articles of the Uniform Land Transactions Act and had been eliminated from the ULTA prior to its approval in 1974.<sup>97</sup>

Following the 1976 annual meeting, discussions between the Conference and the ABA Section of Real Property, Probate and Trust Law resulted in the appointment of a special committee to draft proposals for specific changes in the Uniform Land Transactions Act and the Uniform Simplification of Land Transfers Act.<sup>98</sup> The proposals were reviewed by both organizations in April and May 1977; some were accepted, some were rejected, and some were revised.<sup>99</sup> The two acts, as so modified, were approved by the Conference at its 1977 annual meeting and by the ABA House of Delegates in 1978.<sup>100</sup> The vote on both acts was very close: the Uniform Land Transactions Act passed by six votes and the Uniform Simplification of Land Transfers Act by one vote.<sup>101</sup>

Also approved in 1978 was another real property act—the Uniform Condominium Act, which had the support of the U.S. Department of Housing and Urban Development and of the ABA Section of Real Property, Probate and Trust Law.<sup>102</sup> Henry Judy, General Counsel of the Federal Home Mortgage Corporation, published an article about the difficulties of enacting uniform acts reforming the real property law of the states.<sup>103</sup> Addressing specifically the Uniform Land Transactions Act, he wrote that efforts to enact it will “confront possibly the most entrenched, and diverse (or entangled) legal system within the U.S. and its territories.”<sup>104</sup> He warned, “Increasing federal action is likely if states fail to adopt the Uniform Land Transactions Act.”<sup>105</sup> Eventually, the Uniform Land Transactions Act was withdrawn as a recommended Uniform Act, though it is still kept on the Conference rolls under the heading “Other Acts” for historical purposes.<sup>106</sup>

The Conference encountered problems with the ABA over two other acts approved in 1976—the Uniform Class Actions Act and the Uniform Exemptions Act.<sup>107</sup> The subject of class actions had been controversial in the House of Delegates even before the Conference began the project.<sup>108</sup> The

objections to the Uniform Exemptions Act related to the exemption limit amount on certain assets.<sup>109</sup> Both acts, however, were ultimately approved.<sup>110</sup>

In 1978, President George C. Keely of Colorado addressed some of the difficulties in getting acts that were promulgated by the Conference later approved by the ABA House of Delegates and enacted by state legislatures:

Too many members of the Bar and too many legislators seem to have a prejudice against Uniform Acts. They suggest that our Acts are visionary, impracticable, unnecessary, and too numerous.... I realize our Acts are not perfect. There are errors and omissions, perhaps some inconsistencies, and sometimes the Acts are complicated. Nevertheless, I think that our Acts are unequalled, and I think this is true because this organization is unique. It is unique because of the background, the knowledge, the intellectual capacity, and the intellectual independence of its members; the absence of self-interest and most political pressures; the dedication of the Commissioners, the reporters, and the staff; the thought spent in drafting committees and in the Conference itself; the thoroughness of the discussions and debate and the willingness of members to listen to one another; and the blending of disparate points of view—liberal, conservative, and moderate—to reach constructive solutions to problems.<sup>111</sup>

The Conference was also suffering from another problem: obtaining adequate economic support from states, foundations and other sources.<sup>112</sup> President John C. Deacon of Arkansas discussed this issue in his 1979 Presidential Address, indicating that four states had either not contributed their annual dues to the Conference or had not paid the expenses of their commissioners, while nonetheless adopting uniform acts.<sup>113</sup> The President reported that the Conference had received only one grant that year, from the Department of Transportation for the Uniform Conservation Easement Act.<sup>114</sup>

Also in 1979, the Public Information Committee, under the chairmanship of Commissioner Charles Joiner of Michigan, made several recommendations that were adopted by the Conference.<sup>115</sup> One of the recommendations was to retain the services of media consultants.<sup>116</sup> Shortly thereafter, Gabrielle Bamberger of New York and Charlotte Moulton of Washington, DC, were retained for this purpose.<sup>117</sup> Moulton and Bamberger joined Ed and Suzy Randegger, who were already employed by the ULC on a part-time basis, to work on public relations for the Conference.<sup>118</sup> The Randeggars had been with the ULC for a number of years and were responsible for the newsletter—the *Uniform Law Memo*—and all press releases.<sup>119</sup> Gabrielle Bamberger served the Conference as a part-time media consultant for the next 28 years.<sup>120</sup>

The ABA House approval process began to operate much more smoothly in the late 1970s and early 1980s. Several acts adopted by the Conference were all approved by the ABA, with the exception of the Uniform Information Practices Code.<sup>121</sup> Conference President Deacon reported at the 1981 annual meeting:

Despite our efforts to get full input from people that would be affected by that Act, and primarily from media interests, the media representatives did not participate fully in the drafting effort, and we heard from them after our Act was promulgated. In particular, we heard from them loud and long on the floor of the ABA House of Delegates as they carried the vote on the motion to defer.<sup>122</sup>

Four new acts were adopted by the Conference in 1981, of which two were particularly significant.<sup>123</sup> A new Model State Administrative Procedure Act was approved to replace the 1946 act (as revised in 1961).<sup>124</sup> Also adopted was a new Uniform Unclaimed Property Act to replace a 1954 version that had been made obsolete by a decision of the U.S. Supreme Court in *Texas v. New Jersey*.<sup>125</sup> A historian of the Conference has called this act the “W.C. Fields Act,” in reference to the famous comedian who opened so many bank accounts that 30 were found after his death.<sup>126</sup>

At the 1982 annual meeting, three acts previously adopted by the Conference—the Uniform Condominium Act of 1977, the Uniform Planned Community Act of 1980 and the Model Real Estate Cooperative Act of 1981—were revised and combined in a new Uniform Common Interest Ownership Act.<sup>127</sup> The Drafting Committee noted that the large rise in land costs and “the desire of many consumers to own housing and recreational amenities which they could not afford except jointly with others had led to an extraordinary development of various forms of shared or ‘common’ ownership of real estate.”<sup>128</sup> Despite many efforts and excellent statutes, the Conference’s uniform real property acts have not enjoyed as much enactment success as the Conference’s uniform acts in many other areas.

President M. King Hill, Jr. of Maryland returned to a concern about Conference budget issues in his President’s Address in 1982:

We have been threatened in a number of states this year with the loss of our appropriations. We have had bills introduced, and almost enacted in some states this year, abolishing the Uniform Law Commissioners from that state.... Some states have eliminated the reimbursement of expenses for Commissioners attending our meetings because of restrictions on out-of-state travel. Many states have simply applied across-the-board reductions in appropriations for the support of the Conference and the expense of their Commissioners. I am happy to report that no bill passed in any state to abolish the state Commissioners, and in some instances, with a great deal of assistance from our local Commissioners, we were able to restore budget appropriations to the Conference.

We were saved by the skin of our teeth in many states, but that experience has indicated to me and others of the Conference that we need to address immediately the state budget processes. I am afraid that many of us have thought of those processes as something that proceeds by magic: “It’s always been there, it will always be there, because we do good work, because we have a Conference that has existed for a long time. Everyone respects us.” That’s just not so.<sup>129</sup>

In the following year, 1983, he was able to present a more positive report – the Conference had experienced significant financial improvement.<sup>130</sup>

Problems again arose in 1983, however, over the ABA House of Delegates’ lack of approval of another uniform act, the Uniform Transboundary Pollution Reciprocal Access Act.<sup>131</sup> When the act was submitted to the House of Delegates for approval, the chair of the ABA Section of Natural Resources requested a deferral.<sup>132</sup> The Conference anticipated the request would be granted and withdrew the act.<sup>133</sup>

Another project that ran into ABA difficulty in 1983 was a revision of the Uniform Securities Act

of 1958.<sup>134</sup> President King Hill of Maryland advised the Conference:

You should also know that there has been severe criticism of our drafting effort in the outside world, and position papers have been authored and, to some extent, adopted within sections of the American Bar Association and within the National Associations of Security Administrators suggesting that our drafting effort ought to be abandoned and that the security laws of this country ought to be revised in accordance with models adopted by organizations other than this Conference.<sup>135</sup>

Four new acts were approved by the Conference in 1983, and all were subsequently approved by the ABA House of Delegates.<sup>136</sup> They included the Uniform Marital Property Act, which provided a form of marital community property law in an adopting state.<sup>137</sup> That act has been enacted only in the State of Wisconsin, and it was subsequently re-designated a Model Act.<sup>138</sup> Another very significant uniform act approved in 1983 was the Uniform Transfers to Minors Act, which replaced the Uniform Gifts to Minors Act of 1956.<sup>139</sup>

President Carlyle C. Ring of Virginia issued a new challenge to the Conference in 1984 regarding its most celebrated product—the Uniform Commercial Code:

In the next 5 to 10 years a major element of the UCC—Articles 3 and 4—will be antiquated by new computer and electronic technology. It would be a tragedy if our principal achievement became outmoded. A representative of the Federal Reserve Board recently pointed out that two billion dollars each year is expended in processing paper that could be saved by available technology—but the inadequacies of existing law are the major roadblock. Our expanding economy will demand the new technology. Will we be there with the necessary law reforms? I hope so—I believe so. The gap between differing interests appears to be closing. The Committee has agreed to change the format and to preserve the present terminology and existing UCC provisions for paper transactions. With dedication, the remaining gap can be bridged to make possible the consensus essential to obtain uniform adoptions necessary for any payment system.<sup>140</sup>

The Conference responded to the challenge by undertaking, with the American Law Institute, a project of major revisions to the UCC over several years. These developments are discussed in chapter 5.

The year 1985 saw a greater number of introductions and enactments of uniform laws (196 introductions and 71 enactments) than in any prior year in the Conference's history, which, coupled with various news articles, made the public more aware of the Conference.<sup>141</sup> As President Connie Ring indicated in his annual Presidential Address, this was a mixed blessing:

While we were not well known, we were free from outside pressure, which gave us an opportunity to work deliberately. Appointments to the Conference were not sought for the honor of it, but for the chance to participate in the hard work of achieving genuine reform in the law.

As we achieve greater recognition, we must be sure that we maintain the same high level of commitment from our Commissioners and assure that our deliberations are still guided by the beacon of the public interest.<sup>142</sup>

Among the four acts and three revisions of acts approved by the Conference in 1985 was approval of the revisions to the Uniform Securities Act of 1956.<sup>143</sup> After that approval, NASAA (the North American Securities Administrators Association, the organization of state securities administrators), which had participated in the drafting, withdrew its support because of differences of opinion with the ABA advisors.<sup>144</sup> The drafting committee made a diligent effort to address the concerns of the administrators, but in doing so encountered strong resistance from the ABA advisors.<sup>145</sup> They recommended to the Council of the ABA Section of Corporation, Banking and Business Law that the section oppose the act, which it voted to do.<sup>146</sup> As a result of all these negative developments, the Executive Committee of the Conference withdrew the act to try to reconcile the differences.<sup>147</sup>

The Conference had an extremely productive year in 1987 with the adoption of nine acts and amended acts, including such major acts as the revised Uniform Anatomical Gift Act, Article 2A of the Uniform Commercial Code, the revised Uniform Rules of Criminal Procedure, and the Uniform Custodial Trust Act.<sup>148</sup>

Two acts approved in 1988 would have either puzzled or shocked earlier generations of Commissioners: the Uniform Putative and Unknown Fathers Act and the Uniform Status of Children of Assisted Conception Act.<sup>149</sup> Conference President Michael P. Sullivan of Minnesota discussed the Uniform Status of Children of Assisted Conception Act in this way:

The cold hard reality is that there are children being born by aided conception methods. They're there. These children need status. They need rights. They need parents. And without regard for how you feel about the methodology, there is justice required in terms of dealing with the situation. There has to be some way of minimizing the disputes that are growing, the expenses, the trauma. There needs to be uniformity.<sup>150</sup>

In 1988, the Conference once again moved its offices, this time to 676 N. St. Clair Street in Chicago.<sup>151</sup> Although the new office was only a block away from the previous office, President Sullivan noted that "it took all the work and worry of a many-mile move."<sup>152</sup>

The Conference concluded the three decades ending in 1990 on a high note. In 1989 and 1990, the Conference approved more than ten uniform acts, including important revisions to the Uniform Commercial Code (Revised UCC Articles 3 and 4, Revised UCC Article 6, and a new UCC Article 4A), as well as important revisions to the Uniform Probate Code (which included a new Uniform TOD Security Registration Act, which went on to be adopted in every state but two).<sup>153</sup>

An especially noteworthy development in 1990 was the establishment of the Uniform Law Foundation ("ULF").<sup>154</sup> The Foundation was created with the goal of raising private funds from Commissioners, foundations, publishers, law firms, and bequests.<sup>155</sup> The Foundation is governed by a board of trustees, consisting of a commissioner chair and four other commissioner trustees appointed by the Conference President.<sup>156</sup> Commissioner Boris Auerbach of Ohio served as the first ULF chair, followed by Commissioner Chairs Robert A. Stein of Minnesota, Timothy Berg of Arizona and Carl H. Lisman of Vermont.<sup>157</sup> The Foundation has been highly successful, raising an endowment of nearly \$5 million in its first 20 years.<sup>158</sup> It annually makes grants to support the work of the Conference.<sup>159</sup> The Foundation has adopted an initial policy of making grants to support the work of the Conference not to exceed 2.5% of the average balance of the Foundation's unrestricted assets over the preceding



four years; when the average value of the Foundation's unrestricted assets increases to exceed \$5,000,000, measured by a trailing average over the preceding four years, qualified grants each year may increase to up to 5% of unrestricted assets.<sup>160</sup>

The Foundation also established a tradition at the annual meeting, beginning in 2002, of scheduling a ULF Gala, to which all commissioners and guests are invited, to raise funds for the Foundation to benefit the Conference.<sup>161</sup> The Galas are now traditionally held on the evening of the second day of the annual meeting at an attractive and unique venue that reflects the culture or history of the city where the annual meeting is held. For example, the ULF Gala at the 2003 annual meeting in Washington, DC, was held in a beautiful and ornate U.S. House of Representatives Hearing Room in the Capitol, where many historic hearings have been held.<sup>162</sup> And at the 2004 annual meeting in Portland, the Gala was held on a boat cruising up the Columbia River for a salmon bake.<sup>163</sup> The Galas have been a great success in raising funds for the Foundation and attracting the attendance of nearly all of the commissioners and guests at the annual meeting, with the result that it is usually one of the best attended events of the meetings.

As the Conference concluded the three decades ending in 1990, it was well poised to celebrate its centennial and begin its second century with a strong record of success.

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#### Footnotes:

1 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 71st Annual Conference 12 (1962) [hereinafter 1962 Handbook].

2 Robert A. Stein, Joseph Trachtman Lecture: *Probate Reformation: The Impact of the Uniform Laws*, 23 *The Probate Lawyer* 1 (1997).

3 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 70th Annual Conference 68 (1961).

4 *Id.*

5 *Id.* at 96.

6 William W. Evans, George Gleason Bogert, James C. Dezendorf, *A Manual for the Use of Members of the Committee on State Legislation of the American Bar Association and the Commissioners on Uniform State Laws Relative to the Preparation, Introduction and Passage of Uniform State Laws in Several States*, ABA (1961).

7 *Id.*; see appendix G; appendix A.

8 *Id.*

9 *Id.*

10 See appendix F.

11 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 69th Annual Conference 49 (1960).

12 Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 88 (1991).

13 *Texas v. Johnson*, 491 U.S. 397, 428 (1989).

14 1962 Handbook, *supra* note 1, at 55.

15 *Id.* at 55.

16 Armstrong, *supra* note 12, at 55.

17 1962 Handbook, *supra* note 1, at 56.

18 *Id.*

19 1962 Handbook, *supra* note 1, at 103.

20 Armstrong, *supra* note 12, at 90.

- 21 1962 Handbook, *supra* note 1, at 84.
- 22 *Id.* at 158.
- 23 *See, e.g.*, Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 42nd Annual Conference 67 (1932).
- 24 1962 Handbook, *supra* note 1, at 41.
- 25 *Id.*
- 26 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 72nd Annual Conference 50 (193) [hereinafter 1963 Handbook].
- 27 Armstrong, *supra* note 12, at 91.
- 28 1963 Handbook, *supra* note 26, at 52.
- 29 Armstrong, *supra* note 12, at 95.
- 30 1963 Handbook, *supra* note 26, at 104.
- 31 *Id.* at 135.
- 32 *Id.* at 134.
- 33 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 76th Annual Conference 47 (1967).
- 34 *Id.*
- 35 *See History and Traditions: William J. Pierce, Michigan Law*, [http://www.law.umich.edu/historyandtraditions/faculty/Faculty\\_Lists/Alpha\\_Faculty/Pages/WilliamJPierce.aspx](http://www.law.umich.edu/historyandtraditions/faculty/Faculty_Lists/Alpha_Faculty/Pages/WilliamJPierce.aspx) (last visited Nov. 10, 2012).
- 36 *See* appendix A.
- 37 *See* Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 77th Annual Conference 138 (1968) [hereinafter 1968 Handbook].
- 38 *Id.* at 52.
- 39 *Id.*
- 40 *See* appendix F.
- 41 Armstrong, *supra* note 12, at 98.
- 42 Nat'l Conference of Comm'rs on Unif. State Laws, 2011–2012 Reference Book 134 (2011-2012); appendix F.
- 43 *See* appendix F.
- 44 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 78th Annual Conference 131 (1969) [hereinafter 1969 Handbook].
- 45 *Id.* at 58.
- 46 Armstrong, *supra* note 12, at 100.
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- 77 1973 Handbook, *supra* note 72, at 53.
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## BIOGRAPHIES FOR CHAPTER 6

**Walter P. Armstrong, Jr.** was a commissioner from Tennessee from 1947 to 1995,<sup>1</sup> and was Conference Vice President from 1957 to 1958 and Conference President from 1961 to 1963.<sup>2</sup> He served as chair of the Committee on Uniform Marriage Health Acts,<sup>3</sup> the Committee on Uniform Divorce and Marriage Laws,<sup>4</sup> and the Committee to Review the Model Act for Appointment of Commissioners.<sup>5</sup> He authored *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* in 1991.<sup>6</sup> Armstrong had a national reputation for expertise in legal ethics, corporate and business law, inspiring the Walter P. Armstrong, Jr. Award for Leadership in Corporate Ethics.<sup>7</sup>

**M. King Hill** has been a commissioner from Maryland since 1959,<sup>8</sup> and was Conference President from 1981 to 1983.<sup>9</sup> He chaired a number of committees, including the Committee on Uniform Automobile Accident Claims Act,<sup>10</sup> and the Committee on Model Punitive Damages Act.<sup>11</sup>

**Albert E. Jenner** was a commissioner from Illinois from 1950 to 1987,<sup>12</sup> and was Conference President from 1969 to 1971.<sup>13</sup> He chaired the Committee on the Uniform Anti-Solicitation Act,<sup>14</sup> the Committee on the Uniform Anti-Trust Act,<sup>15</sup> and the Committee on the Uniform Class Actions Act.<sup>16</sup> Mr. Jenner practiced as a name partner of a large Chicago law firm and served as counsel to the Warren Commission investigating the assassination of President John F. Kennedy, and later as counsel to the House Judiciary Committee during the Nixon impeachment inquiry.<sup>17</sup>

**James M. Landis** was a commissioner from Massachusetts from 1932 to 1933.<sup>18</sup> He was the principal drafter of the Securities Act of 1933 and the Securities Exchange Act of 1934, and he served as dean of Harvard Law School.<sup>19</sup>

**Walter D. Malcolm** was a commissioner from Massachusetts from 1955 to 1978,<sup>20</sup> and was Conference President from 1963 to 1965.<sup>21</sup> He was active on a variety of committees, and was a long-time member of the Permanent Editorial Board for the Uniform Commercial Code. He was a lawyer in private practice in Massachusetts, specializing in commercial law and banking, and was an active participant in the process of achieving state enactments of the Uniform Commercial Code.<sup>22</sup>

**William A. McKenzie** was a commissioner from Ohio from 1950 to 1966.<sup>23</sup> He served as Treasurer from 1959 to 1963 and Conference President from 1965 to 1966.<sup>24</sup>

**William H. Rehnquist** was Chief Justice of the Supreme Court of the United States who was a uniform law commissioner from Arizona from 1963 to 1969.<sup>25</sup> In the Conference he was a member of the Drafting Committee on Uniform Land Sales Practices Act and was chairman of the Committee to Revise the Uniform Acknowledgment Act.<sup>26</sup> After clerking with Supreme Court Justice Robert Jackson, he entered private practice in Arizona.<sup>27</sup> From 1969 to 1971 he was Assistant U.S. Attorney General in charge of the Office of Legal Counsel. He was appointed Associate Justice of the Supreme Court of the United States in 1971, and he became Chief Justice in 1986.<sup>28</sup>

**George R. Richter** was a commissioner from California from 1951 to 2001,<sup>29</sup> and was Conference President from 1959 to 1961.<sup>30</sup> He chaired numerous committees including the Committee

on Cooperation with American Bar Association, the Committee on Uniform Motor Vehicle Certificate of Title Act,<sup>31</sup> and the Committee on Uniform Act Limiting Liability for Misuse of Unsolicited Credit Cards.<sup>32</sup> Richter was in private practice as the founding partner of a large Los Angeles law firm where he specialized in labor, banking, and financial law.<sup>33</sup>

**David H. Souter** was a Justice on the Supreme Court of the United States who was a commissioner from New Hampshire from 1976 to 1979.<sup>34</sup> He began his career as Assistant Attorney General of New Hampshire, moving to Attorney General and then became a trial judge.<sup>35</sup> In 1983, Souter was appointed to the New Hampshire Supreme Court. Shortly thereafter, in 1990, President George H.W. Bush appointed Souter to the U.S. Court of Appeals for the First Circuit where he served for less than a year, before being appointed to the Supreme Court.<sup>36</sup>

**Michael P. Sullivan** has been a commissioner from Minnesota since 1971,<sup>37</sup> and was Conference President from 1987 to 1989.<sup>38</sup> He served as chair of the Millennium Committee,<sup>39</sup> and the Joint Editorial Board for International Law.<sup>40</sup> He practices law in Minneapolis and was President and CEO of International Dairy Queen, Inc.<sup>41</sup>

#### COMMISSIONERS WHO WERE ALSO ABA PRESIDENTS

**John C. Satterfield** was a commissioner from Mississippi from 1950 to 1955, and President of the ABA from 1961 to 1962.<sup>42</sup> He served as Chairman of the Committee on the Uniform Aeronautical Code and the Uniform Aircraft Financial Responsibility Act.<sup>43</sup> Satterfield's legal career includes service in the Mississippi House of Representatives.<sup>44</sup>

**William B. Spann** was a commissioner from Georgia from 1965 to 1980, and President of the ABA from 1977 to 1978.<sup>45</sup> He chaired the Committee on Federal-State Relationships,<sup>46</sup> the Committee on Rules and Procedure for Conference,<sup>47</sup> and the Committee on Liaison with the American Bar Association.<sup>48</sup>

**Edward L. Wright** was a commissioner from Arkansas from 1945 to 1956, and President of the ABA from 1970 to 1971.<sup>49</sup> He chaired the Resolutions Committee,<sup>50</sup> and the Committee to Review Proposed Amendments to Uniform Enforcement of Foreign Judgments Act.<sup>51</sup> Wright was active in the American College of Trial Lawyers, serving as President from 1965 to 1966.<sup>52</sup>

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#### Footnotes:

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<sup>2</sup> See appendix A.

<sup>3</sup> See, e.g., Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 58th Annual Conference 13 (1949).

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<sup>6</sup> Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 220 (1991).

<sup>7</sup> *AutoZone Named the Winner of the First Walter P. Armstrong Award for Leadership in Corporate Ethics*, FullFleet,

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- 28 *Id.*
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- 33 Dennis McLellan, *George Richter Jr., 92; Wrote Business Laws*, L.A. Times (July 18, 2002), <http://articles.latimes.com/2002/jul/18/local/me-richter18>.
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44 *Biographical Note*, *supra* note 42.

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## The Uniform Probate Code and Other Uniform Trust and Estate Acts

Probate administration is the process by which the affairs of a decedent are settled.<sup>1</sup> The probate process involves collecting and inventorying the property of a decedent, paying outstanding debts and taxes, and distributing the remaining property to those so entitled.<sup>2</sup> The Uniform Law Commission's signature estate administration act is the Uniform Probate Code, promulgated in 1969.<sup>3</sup>

The Conference has focused on trust and estate issues since its very beginning. Two of the first uniform acts passed by the Conference were an Act Relating to the Execution of Wills and an Act Relative to the Probate in this State of Foreign Wills, both from 1895.<sup>4</sup> Since those first acts, the Conference also adopted a number of other uniform acts in this area, including a Uniform Principal and Income Act in 1931, a Uniform Trustees' Accounting Act in 1936, and a Uniform Trust Act in 1937.<sup>5</sup> In 1938, the Uniform Estates Act and the Uniform Common Trust Fund Act were approved.<sup>6</sup> The Uniform Simultaneous Death Act was approved in 1940.<sup>7</sup> Two related acts—the Uniform Interstate Arbitration of Death Taxes Act and the Uniform Compromise of Death Taxes Act—were both adopted in 1943.<sup>8</sup> In 1956, the Conference adopted the Uniform Gifts to Minors Act, and the Uniform Estate Tax Apportionment Act was approved in 1958.<sup>9</sup> The Uniform Testamentary Additions to Trusts Act was adopted in 1960, and the Uniform Trustees' Powers Act was adopted in 1964.<sup>10</sup> Although all of these acts were frequently re-evaluated and amended, the Conference had not adopted a comprehensive probate administration statute before the adoption of the Uniform Probate Code in 1969.

### UNIFORM PROBATE CODE

By the 1960s, the probate laws in the United States were seriously out of date.<sup>11</sup> No uniformity existed between the laws of most of the 50 states.<sup>12</sup> Yet, Americans increasingly began to move between states for employment or other personal reasons.<sup>13</sup> In many states, the laws were not updated to reflect the shift of emphasis from ownership of real property, such as houses or farms, to ownership of personal property and other contractual relationships.<sup>14</sup> More and more people were having multiple marriages as well as having children with more than a single spouse, a situation not adequately addressed in the existing laws.<sup>15</sup> In many states, the probate administration process had not been updated in decades. In general, the probate law was generally ill-equipped to justly address issues relating to wealth succession and disability.<sup>16</sup>

By the 1960s, many lay people felt that “probate” was a broken and needlessly costly system. A large movement arose that espoused the avoidance of probate altogether.<sup>17</sup> Several successful commercial publications loudly proclaimed the legal profession was the problem, and in fact perpetuated the costly probate structure.<sup>18</sup> One of the most famous of these publications was Norman F. Dacey's *How to Avoid Probate!*, first published in 1965.<sup>19</sup> In his book, Dacey, a mutual fund salesman who immodestly proclaimed on his book's back cover to be “American's best-known professional estate planner,” bemoaned “extortionate legal fees” and the delays of probate and recommended creating revocable trusts to avoid probate entirely.<sup>20</sup> Dacey wrote:

The probate system, conceived generations ago as a device for protecting heirs, has now become their greatest enemy. Almost universally corrupt, it is essentially a form of private taxation levied by the legal profession upon the rest of the population. All across the land, both large and small estates are being plundered by lawyers specializing in ‘probate practice.’<sup>21</sup>

*How to Avoid Probate!* was a best-selling nonfiction book of 1966, and was on the bestseller list for 47 weeks.<sup>22</sup> *How to Avoid Probate!* had sold two million copies by the time Dacey died in 1992.<sup>23</sup>

The reaction to Dacey’s book by the legal profession was swift and hostile; the New York County Lawyers’ Association promptly sued him for the unauthorized practice of law.<sup>24</sup> But Dacey was not the only critic of the probate system. Among the critical articles written in the latter half of the 1960s was *The Mess in Our Probate Courts* in *Reader’s Digest*, *Personal Finance: How to Avoid a Costly Probate* in the *New York Times*, and *Probing the Source of Probate Pains* in the *Wall Street Journal*.<sup>25</sup>

Attempts to fix the problems of the country’s probate laws began well before the 1960s. Professor Thomas E. Atkinson suggested to the American Bar Association Section of Real Property, Probate and Trust Law (“Probate and Trust Section”) in 1940 that it prepare a Model Probate Code.<sup>26</sup> The Chief Reporter of this model code was Professor Lewis M. Simes of the University of Michigan Law School.<sup>27</sup> The Model Probate Code was adopted by the ABA in 1946.<sup>28</sup> The Model Probate Code was a collection of probate statutes: states were free to adopt an entire constituent statute or to add a single provision into their own statute.<sup>29</sup>

By 1962, the ABA began to evaluate the continued efficacy of the Model Probate Code. J. Pennington Straus, the Chairman of the Probate and Trust Section of the ABA, oversaw the program to update the Model Probate Code.<sup>30</sup> He later wrote of the Model Code, “In its day, it had considerable impact on the development of probate law, but it was narrow in its concept and clearly needed review.”<sup>31</sup>

During this process, Straus and Harrison J. Durand approached the Uniform Law Commission on behalf of the ABA with a proposal that it should undertake the drafting of an updated Code.<sup>32</sup> The Conference was just coming off its success in drafting and promulgating the Uniform Commercial Code and agreed to take on the field of probate law.<sup>33</sup> Given the Conference’s objectives, it undertook to draft uniform legislation rather than another model code.

The Conference’s Uniform Probate Code (“UPC”) project began in 1962 with a 15 member drafting committee chaired by Commissioner Charles Horowitz of Washington, a Justice of the Washington Supreme Court, with Commissioner Tom Martin Davis of Texas later appointed as co-chair.<sup>34</sup> Among the drafters was Paul Basye, who had been a reporter on the Model Probate Code with Lewis Simes.<sup>35</sup> The Chief Reporter was, first, Professor William Fratcher of the University of Missouri Law School, and then Richard V. Wellman of the University of Michigan Law School after Fratcher left the country on a sabbatical.<sup>36</sup>

Wellman spearheaded the UPC drafting effort. He had co-authored a casebook on trusts and succession.<sup>37</sup> He later served as advisor for the ALI Restatement (Third) of Property: Wills and Other

Donative Transfers, and the Restatement (Second) of Property: Donative Transfers.<sup>38</sup> Wellman subsequently became a ULC Commissioner, first from Michigan and later from Georgia when he joined the University of Georgia Law School faculty.<sup>39</sup>

Commissioner Wellman set out to simplify probate law so a testator who planned his estate in one jurisdiction could have his intent effectuated upon death, even if he subsequently moved to another state.<sup>40</sup> The Code was based upon a simplified process for informally transferring property at death, but offering more formal processes if necessary to address issues in the estate.

The drafting process proceeded quickly, thanks to an intensive drafting session held in Boulder, Colorado, for six weeks in the summer of 1968, for nine to ten hours each weekday.<sup>41</sup> After seven years of extensive research and discussion, the Conference approved an official text of the Code at its 1969 annual meeting.<sup>42</sup> Idaho was the first state to adopt the UPC in substantial part in March 1971.<sup>43</sup>

The Code provided the states with a comprehensive treatment of probate law. Article I began with the General Provisions, Definitions, and Jurisdictional Statement; Article II detailed the Law of Intestate Succession and Wills.<sup>44</sup> Article IV covered Ancillary Administration; Article V governed Protection of Persons Under a Disability and Their Property; Article VI dealt with Non-Probate Transfers; and Article VII concerned Trust Administration.<sup>45</sup> The centerpiece of the Uniform Probate Code, however, was its Article III, on Probate of Wills and Administration.<sup>46</sup> Article III introduced new concepts like supervised and unsupervised administration, and formal and informal probate and appointment proceedings.<sup>47</sup>

The Conference had been successful implementing a Permanent Editorial Board (“PEB”) for the UCC, so it did the equivalent for the Uniform Probate Code.<sup>48</sup> The Joint Editorial Board for the UPC (“JEB/UPC”), made up of representatives from the Conference, the ABA Section of Real Property, Probate and Trust Law, and the American College of Probate Counsel (later renamed the American College of Trust and Estate Counsel, or “ACTEC”), was charged with updating the UPC and other uniform trust and estates legislation.<sup>49</sup> Commissioner Wellman was named the Executive Director for the JEB/UPC, while J. Pennington Straus, the Chairman of the Real Property, Probate and Trust Law Section of the ABA, became the JEB/UPC Chair.<sup>50</sup>

State bar associations did not quickly embrace the UPC, which offered an option of eliminating the court’s role in supervising the administration of a decedent’s estate.<sup>51</sup> This has led to varying degrees of success for the Code.<sup>52</sup> While proponents of probate reform cited high fees, unreasonable delays, and corrupt patronage practices as evils that needed to be combatted, reform opponents vigorously defended the status quo as necessary to protect widows and orphans from losing their rightful inheritance.<sup>53</sup> Opponents included bonding companies, loosely organized groups of senior bar members, and occasionally newspaper publishers.<sup>54</sup> Those groups had some success in lobbying state lawmakers to resist the UPC.<sup>55</sup>

A case study of the organized opposition to the UPC occurred in Minnesota. Melvin Peterson, a powerful probate judge, and the real estate bar strongly opposed the uniform code.<sup>56</sup> Judge Peterson resisted the extensive probate reform offered by the UPC, fearing fraud could occur if courts did not carefully review estates.<sup>57</sup> The foundation for opposition from Minnesota real estate attorneys were concerns about the quality of real estate title that passed without a probate court decree.<sup>58</sup>

Competing probate reform measures were coming from unexpected sources. In the early 1970s, Minnesota State Representative Neil Haugerud introduced his own bill to reduce the costs of probate.<sup>59</sup> Haugerud, a former county sheriff, openly disliked lawyers; the *Minneapolis Star-Tribune* would later refer to his bill as “essentially ... a model statute that had been clipped out of a magazine.”<sup>60</sup> He would later author a book called *Do It Yourself Probate*.<sup>61</sup>

Representative Haugerud was aware that his estate-reform bill had a steep hill to climb.<sup>62</sup> This was in no small part because the bill had to first pass through the Judiciary Committee, which consisted of lawyers who were not amenable to the bill.<sup>63</sup> Remarkably, Haugerud was able to bypass the Judiciary Committee and bring his bill directly to the floor of the House.<sup>64</sup> However, when the bill hit the floor, representatives who were lawyers eviscerated the bill, section by section, arguing it was wholly unworkable.<sup>65</sup> Representative Haugerud responded, “You saw what they just did .... They’re trained like animals to do that.” Though his bill was later passed, the Minnesota Legislature repealed it before it ever took effect.<sup>66</sup>

Eventually, the enormous political pressure for probate reform propelled the UPC through the Minnesota Legislature, which enacted UPC Articles I, III, and IV, and half of Article II in 1974.<sup>67</sup> The Legislature delayed the effective date of the new laws to allow the Minnesota State Bar Association time to review the legislation and make recommendations for how the UPC might be adapted to other Minnesota laws.<sup>68</sup> The resulting Bar Association committee counted among its members future ULC President Robert A. Stein, ACTEC President Everett Drake, and Judge Melvin Peterson.<sup>69</sup>

In 1975, the state legislature enacted the state bar committee’s recommendations, and thus did the UPC become Minnesota law on January 1, 1976.<sup>70</sup> Although initially a strong opponent of the UPC, once it was enacted in Minnesota, Judge Peterson devoted the next 15 years to making the UPC a success.<sup>71</sup> The real estate bar was represented on the committee, and lessened its opposition when the legislature included an optional probate court decree passing real estate title in the Minnesota amendments to the UPC.<sup>72</sup>

A similar experience occurred in Nebraska. Charles Wright, an attorney from Lincoln, described his initial resistance to implementing the Uniform Probate Code in his home state:

When a somewhat modified version of the Code was introduced in the State Legislature [as LB 354 in 1973], the membership of NSBA (Nebraska State Bar Association), through an initiative procedure, got up in arms and adopted a resolution opposing enactment of the Code in the following language:

Resolved that the Nebraska State Bar Association actively oppose the adoption of the Uniform Probate Code by the Legislature of Nebraska (LB354, 83rd Leg. 1st Sess.) or any other legislation providing for “informal probate” or “informal administration” of estates without notices to heirs and creditors; and actively embark upon a campaign to inform the citizens of Nebraska concerning the protections afforded the citizen, creditors, and individual property rights by the normal Nebraska system of probate and administration of estates.

This was the basic attitude of Nebraska lawyers and I was at the forefront of the opposition. I thought what we had at the time was not broke and shared most Nebraskans’

perception of the Committee on Uniform State Laws and the joint Editorial Board that they were probably a bunch of ivy league [sic] professors who were educated beyond their intellect and knew nothing about the realities of daily life on the plains. After all, we had the Big Red, two National Championships and Bob Devaney, and why should they try to foist off the UPC, with its ill conceived concept of “informal probate” and a whole new set of statutory definitions that we would all have to learn.<sup>73</sup>

Nebraska eventually adopted the Code in 1974, providing for an effective date three years later.<sup>74</sup> Wright eventually changed his mind about the UPC and became a vigorous supporter.<sup>75</sup>

Some states felt pressure to reverse course with regard to the UPC. South Dakota adopted the UPC, but repealed it so quickly that it was in effect for only six months.<sup>76</sup> (South Dakota eventually enacted a modified UPC in 1995, which has greatly outlasted its predecessor.)<sup>77</sup> The Wyoming State Legislature passed the UPC twice—only to have the governor veto the Code each time.<sup>78</sup>

The American Bar Association felt similar opposition from the legal community. At its 1972 meeting in Washington, DC, the Assembly voted on rescinding its approval of the UPC.<sup>79</sup> The effort was defeated by voice vote.<sup>80</sup> ACTEC, on the other hand, has always supported the UPC.<sup>81</sup> In fact, many ACTEC members toured the country promoting the Code and explaining its intricacies to probate attorneys, bar associations, and legislators.<sup>82</sup> As early as 1972, the regents of ACTEC adopted a resolution approving the Code and recommending its adoption by the states.<sup>83</sup> Following that important precedent, ACTEC leadership has thereafter continuously supported the UPC.<sup>84</sup>

Such debates have slowed the pace of UPC adoptions. For example, in 1994 California created a committee to study the UPC that received over 100 written responses from lawyers, judges, and bar associations throughout the state, in addition to innumerable oral comments.<sup>85</sup> Sixteen years after the Conference approved the UPC in 1969, only 15 states had adopted it.<sup>86</sup> Even in 2012, less than half of the states have adopted, in substantial measure, both the substantive law and procedural provisions of the UPC.<sup>87</sup>

Nevertheless, the UPC has greatly influenced probate reform in the United States. Even states that have not adopted the UPC in its entirety have been influenced by portions of it. The Code’s Prefatory Note remarked that it had been “influential in virtually all [states].”<sup>88</sup> Some courts have concluded that their state’s probate statute was “drawn from” the UPC, even in the absence of specific language.<sup>89</sup> Other state courts have cited the UPC as persuasive authority in deciding cases involving estate succession.<sup>90</sup> For example, although the Texas Probate Code predates the UPC, the Texas Court of Civil Appeals has extolled the Conference as comprising “distinguished legal scholars,” and thus concluded that “their determination of sound legislative policy confirms our conclusion that the construction we have given [a Texas Probate Code provision] is in accordance with the legislative intent.”<sup>91</sup> Illinois has not yet adopted the UPC, yet an Illinois Appellate Court has relied on the UPC as a source of definitions.<sup>92</sup> Essentially treating the UPC as a source of law, that Court cited UPC § 1-201(4) to establish that a “claim” does not include a proceeding which places in issue decedent’s title to specific assets.<sup>93</sup>

The Conference substantially revised the UPC in the years after its enactment under the leadership of Commissioner Richard V. Wellman.<sup>94</sup> The Conference completed significant reforms in Article II, the law of wills and intestacy, in 1990.<sup>95</sup> The 1990 UPC superseded the original 1969 UPC, and is the result of drafting efforts by the UPC Joint Editorial Board (“JEB/UPC”), the ABA, and ACTEC extending through the 1970s and 1980s.<sup>96</sup>

The 1990 UPC left intact the original Code’s articles on probate procedures, Articles III and IV.<sup>97</sup> These articles allow courts to process uncontested estates in probate just as efficiently as they can be processed with probate-avoiding living trusts.<sup>98</sup> The Conference has proudly noted that “[t]hese UPC procedural reforms work very well in the enacting states and have served to reduce delays and public distrust of lawyers and probate courts.”<sup>99</sup>

The 1990 UPC also provides greater protection for surviving spouses when the decedent has no will.<sup>100</sup> This is partially because of the newfound prevalence of living trusts and other will-substitute devices.<sup>101</sup> Relatedly, Article VI updates the list of legally effective will substitutes.<sup>102</sup>

Some of the hesitance in some states to adopt the UPC in total is because of its comprehensiveness in scope and size.<sup>103</sup> Accordingly, the Conference and JEB/UPC began to spin off a number of freestanding uniform acts from the 1990 UPC to facilitate gradual state probate reform.<sup>104</sup> The Uniform Guardianship and Protective Proceedings Act and the Uniform Durable Power of Attorney Act reflect provisions of Article V of the 1990 UPC.<sup>105</sup> Legislatures can also easily adopt the substantive provisions of Article VI by enacting the Uniform Nonprobate Transfers at Death Act, Uniform Multiple-Person Accounts Act, and the Uniform TOD Securities Registration Act.<sup>106</sup>

The UPC has been amended several times since 1990, most recently in 2010.<sup>107</sup> Whereas the focus of the UPC in 1969 was its simplification of the probate procedure, the UPC today goes well beyond its original goal of probate simplification. The focus of subsequent revisions has been on Article II—intestacy, wills, and donative transfers—and Article VI—nonprobate transfers on death.

Professor Lawrence Waggoner of the University of Michigan Law School was the reporter for major 2008 amendments, as he was for the 1990 UPC changes.<sup>108</sup> One goal of the 2008 amendments was to harmonize the laws governing probate and nonprobate transfers, and to reflect changing family structures.<sup>109</sup> Chief among the innovations of the 2008 amendments was a revised elective share provision that better implements the economic-partnership theory of marriage.<sup>110</sup> UPC 2008 also had a new approach to parent-child relationships in intestacy and class gifts, employing numerous new provisions on adoption, illegitimate children, children conceived with artificial reproductive technology, and posthumously conceived children.<sup>111</sup> Antilapse-type protections were extended to wills and certain nonprobate transfers.<sup>112</sup> Finally, the most recent UPC amendments move away from strict compliance with testamentary formalities, for example the harmless-error rule of UPC § 2-503.<sup>113</sup>

All in all, the Uniform Probate Code is a comprehensive and high-quality piece of legislation that has enormously reformed and updated the probate laws throughout the United States, even in states where it has not been enacted in total. As Commissioner John H. Langbein wrote in the *Georgia Law Review*:

Although the UPC's system of unsupervised administration continues to be resisted in states in which political forces have not been strong enough to overcome the self-interest of those who profit from dysfunction in probate procedure, the UPC has become the benchmark of good practice in American law. Whenever a state that does not have the UPC undertakes to improve any aspect of its probate procedures, the UPC is always the starting point.<sup>114</sup>

## UNIFORM TRUST CODE

The Conference approved the final text of the Uniform Trust Code ("UTC") in August 2000.<sup>115</sup> The prefatory note of the UTC proclaims its animating philosophy to be the treatment of the revocable trust as the functional equivalent of a will.<sup>116</sup> The impetus for the UTC was the much greater use of trusts in recent years.<sup>117</sup>

The Conference was spurred to action by what it saw as interstitial gaps in most states' statutory and case law, the most notable examples being California and Texas.<sup>118</sup> The eventual drafters also realized that no existing uniform law comprehensively covered the law of trusts.<sup>119</sup> Most states had turned to the ALI's Restatement of Trusts or multivolume trust law treatises, which influenced court decisions when trust issues were litigated.<sup>120</sup> The Conference had adopted a Uniform Trusts Act in 1937, but this largely ignored act never gained traction within the states.<sup>121</sup> Despite a title suggesting comprehensive coverage of trusts, this act actually addressed a narrow subset of trust topics.<sup>122</sup>

So, in 1993, the Conference created a study committee, chaired by Commissioner and Delaware Supreme Court Justice Maurice Hartnett, to determine the potential for drafting a Uniform Trusts Act.<sup>123</sup> The study committee recommended in 1994 that the Conference go forward with a comprehensive uniform trust law.<sup>124</sup> Respecting the importance of such an undertaking, the Conference deliberately planned for the drafting to take a period of six years.<sup>125</sup>

Justice Hartnett chaired the UTC Drafting Committee.<sup>126</sup> David M. English of the University of Missouri School of Law served as Reporter for the project.<sup>127</sup> The drafting process involved the ABA Section of Real Property, Probate and Trust Law, ACTEC, the American Bankers Association, and the state bar associations of California and Colorado.<sup>128</sup> The committee also consulted with the JEB for Uniform Trust and Estate Acts, and the ACTEC Committee on State Laws.<sup>129</sup> After the Conference adopted the Uniform Trust Code in 2000, the ABA House of Delegates added its approval in February 2001.<sup>130</sup>

The UTC explicitly supersedes several older uniform acts, including Article VII of the UPC (except for its provisions on trust registration), the Uniform Prudent Investor Act (1994) (although it remains a separate free-standing act), the Uniform Trustees' Powers Act (1964), and the original Uniform Trusts Act (1937).<sup>131</sup> The Code complements other uniform trusts acts such as the Uniform Common Trust Fund Act (1938), the Uniform Custodial Trust Act (1987), the Uniform Management of Institutional Funds Act (1972), the Uniform Principal and Income Act (1997), the Uniform Probate Code (1990), the Uniform Statutory Rule Against Perpetuities (1986), the Uniform Supervision of Trustees for Charitable Purposes Act (1954), and the Uniform Testamentary Additions to Trusts Act (1960 and 1991 versions).<sup>132</sup>



Twenty-five jurisdictions have enacted the Uniform Trust Code since it was originally adopted in 2000.<sup>133</sup> It continues to be enacted in additional states each year.<sup>134</sup> The Conference amended the UTC in 2001, 2003, 2004, and 2005.<sup>135</sup>

## UNIFORM STATUTORY RULE AGAINST PERPETUITIES

The common law Rule Against Perpetuities emerged in 17<sup>th</sup> century England, and has endured in the United States as the primary way to limit a person's ability to control enjoyment of his property long after his death.<sup>136</sup> The Rule extinguishes dead hand controls by invalidating future interests that vest too remotely.<sup>137</sup> John Chipman Gray summed up the Rule in this way: "No interest is good unless it must vest, if at all, not later than twenty-one years after some life in being at the creation of the interest."<sup>138</sup>

The Uniform Law Commission entered this fray when it passed the Uniform Statutory Rule Against Perpetuities ("USRAP") in 1986.<sup>139</sup> USRAP codifies the common law, with a significant modification. Under USRAP, if a property disposition would violate the Rule Against Perpetuities, then a 90 year wait-and-see period commences.<sup>140</sup> After that time, a court may modify the disposition of any interest that has not yet vested "in the manner that most closely approximates the transferor's manifested plan of distribution and is within the 90 years allowed."<sup>141</sup>

An early proponent of this wait-and-see approach was Harvard Professor W. Barton Leach, who asked in 1952: "Why should we not 'wait and see' to determine whether the contingency happens within the period of the Rule?"<sup>142</sup> Twenty-seven years later, Harvard Professor A. James Casner, the Reporter for the Restatement (Second) of Property, convinced the ALI to adopt a version of the wait-and-see approach.<sup>143</sup>

The Conference began work on USRAP in the next decade. The drafting committee, with Professor Lawrence Waggoner as Reporter, worked for three years until the Conference adopted USRAP in 1986.<sup>144</sup> The ABA House of Delegations and the Board of Regents of ACTEC were among the organizations to approve USRAP.<sup>145</sup>

Critics such as UCLA Professor Jesse Dukeminier immediately pounced, arguing that USRAP was a radical departure from the common law.<sup>146</sup> Alternatively, a number of states completely abolished the common law Rule.<sup>147</sup> However, several jurisdictions quickly adopted the Act.<sup>148</sup> Twenty-eight jurisdictions have now enacted USRAP.<sup>149</sup>

Professors Mary Louise Fellows and Gregory S. Alexander wrote, "USRAP remains the best and most workable statutory reform proposal addressing the problems caused by the operation of the common law Rule."<sup>150</sup> Commissioner and Professor Lynn Foster of Arkansas wrote, "The beauty of USRAP is that it does not require lawyers to modify their current practices or to learn anything new in the way of perpetuities analysis."<sup>151</sup>

## UNIFORM PRUDENT INVESTOR ACT

In 1991, the Conference began work on a uniform act that would provide rules of investment that help protect a trust's assets.<sup>152</sup> The Uniform Prudent Investor Act ("UPIA") was the product of three years of drafting that partially codified the ALI's Restatement on the subject.<sup>153</sup> The Conference

adopted the Act in 1994, and the ABA added its approval at its February 1995 midyear meeting.<sup>154</sup> As of 2013, 45 jurisdictions have enacted the UPIA.<sup>155</sup> The Uniform Trust Code encourages states that have adopted the UPIA to recodify the Act into Article 9 of the UTC.<sup>156</sup>

The Conference undertook the UPIA project because of new empirical and theoretical knowledge about the behavior of capital markets that had developed since the 1960s.<sup>157</sup> The UPIA requires trustees to follow this theory, known as the “modern portfolio theory,” and invest as a prudent investor would: using “reasonable care, skill, and caution” and “considering the purposes, terms, distribution requirements, and other circumstances of the trust.”<sup>158</sup> The modern portfolio theory is robust enough that four Nobel Prizes in Economics have gone to economists who have developed the theory.<sup>159</sup>

The UPIA eliminates the old Prudent Man Rule.<sup>160</sup> That rule was stated early by the Massachusetts Supreme Judicial Court in *Harvard College v. Amory*:

All that can be required of a trustee to invest, is, that he shall conduct himself faithfully and exercise a sound discretion. He is to observe how men of prudence, discretion and intelligence manage their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income, as well as the probable safety of the capital to be invested.<sup>161</sup>

The UPIA more strictly requires that trustees employ modern portfolio theory, emphasizing total return on capital, and that they implement the theory’s principles in their investment strategies.<sup>162</sup>

## UNIFORM PRINCIPAL AND INCOME ACT

Until 1931, courts were the sole source of legal standards governing the allocation of receipts and expenses between capital and income for trusts.<sup>163</sup> Two divergent viewpoints had emerged on corporate dividends: one from the courts of Massachusetts and one from the courts of Pennsylvania, with courts fairly evenly divided between them.<sup>164</sup> The so-called Massachusetts Rule allocated dividends by form of the distribution, putting dividends payable in stock in capital and cash dividends in income.<sup>165</sup> The Pennsylvania Rule focused on the source and effect of the distribution.<sup>166</sup> Courts adhering to that theory gave the remainderman however much distribution was required to preserve the original book value of the trust’s stock, and credited whatever distribution remained to the income beneficiaries.<sup>167</sup>

The Uniform Law Commission first focused on this subject in the late 1920s.<sup>168</sup> Dean Charles E. Clark of Yale Law School prepared a Uniform Principal and Income Act (“UPAIA”), and the Conference and ABA approved it in 1931.<sup>169</sup> UPAIA mostly restated the existing law, consistently applying the same rules for principal and income to both trusts and legal estates for years or for life.<sup>170</sup> As to corporate distributions, UPAIA adopted the Massachusetts Rule, for the sake of simplicity and fairness.<sup>171</sup>

Problems with the 1931 UPAIA quickly became apparent. For example, that act inadvertently did not address the disposition of probate income received by an executor and turned over to a testamentary trustee who was given a sum of money, specific other property, the residue, or a part thereof.<sup>172</sup> New amendments were adopted in 1958 to remedy this mistake, and UPAIA then covered

the allocation of probate income.<sup>173</sup>

However, the Conference decided the very next year that recent shifts in law and business practices necessitated a complete revision of the UPAIA.<sup>174</sup> For one, corporations' accounting and financing practices had grown much more complex and varied.<sup>175</sup> Further, some felt that the 1931 UPAIA was unreasonably favorable to the remainderman with regard to distributions from natural resources like oil and gas.<sup>176</sup>

University of Chicago Law Professor Allison Dunham prepared most of the new act, with the Conference drafting committee and the ABA.<sup>177</sup> Three years after Dunham began the drafting process, the Conference approved the Revised Principal and Income Act at its 1962 annual meeting.<sup>178</sup>

In 1997, the Conference once again approved a revision to the UPAIA, with two clear goals in mind.<sup>179</sup> First, the Conference sought to harmonize the 1931 and 1962 acts.<sup>180</sup> Second, the Prefatory Note to the UPAIA makes clear the Act's intent to "provide a means for implementing the transition to an investment regime based on principles embodied in the Uniform Prudent Investor Act."<sup>181</sup> The UPAIA "deals conservatively with the tension between modern investment theory and traditional income allocation."<sup>182</sup> Tax-related amendments followed in 2008 to help trusts qualify for an Internal Revenue Service estate tax marital deduction safe harbor.<sup>183</sup> Another 2008 change allows certain trusts that own an entity to retain enough funds from distributions to satisfy their tax obligations.<sup>184</sup>

At the time the Conference began the project to draft the Uniform Probate Code in the 1960s, the probate laws throughout the country were seriously out of date and subject to wide-spread criticism. The adoption of the Uniform Probate Code in 1969, its subsequent amendments, and adoption of numerous related uniform trusts and estates acts in subsequent years together represent a "uniform laws revolution" in probate and trust law, producing a modern, up-to-date system of transferring wealth from one generation to the next.<sup>185</sup>

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#### Footnotes:

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- 13 *Probate Code*, Unif. Law Comm'n, <http://uniformlaws.org/Act.aspx?title=Probate%20Code> (last visited Nov. 25, 2012).

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- 15 *Id.*
- 16 *Id.*
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- 18 *Id.*
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- 34 *Id.*
- 35 *Id.* at 1087-88.
- 36 *Id.*
- 37 *Id.* at 1089.
- 38 *Id.*
- 39 *See* appendix G.
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- 41 *Id.* at 1090.
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- 44 Stein, *supra* note 30, at 10.
- 45 *Id.*
- 46 *Id.*
- 47 *Id.*; Unif. Probate Code, art. 3 (amended 1993).
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- 49 *Id.* at 1089.

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- 51 Stein, *supra* note 30, at 10.
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- 84 *Id.* at 16.
- 85 *Id.* at 15.
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- 90 Andersen, *supra* note 78, at 609–12.
- 91 *Smith v. Smith*, 519 S.W.2d 152, 155 (Tex. Civ. App. 1974); *see also* Andersen, *supra* note 78, at 611.
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## BIOGRAPHIES FOR CHAPTER 7

**David M. English** has been a commissioner from Missouri since 2000.<sup>1</sup> He is a professor at the University of Missouri School of Law and previously was a professor of law at the University of South Dakota and Santa Clara University.<sup>2</sup> He served as Reporter for the Drafting Committee for the Uniform Trust Code (1994 to 2000), and Executive Director (1998 to present) and Reporter (1994 to 1998) for the Joint Editorial Board for Uniform Trust and Estate Acts.<sup>3</sup> In addition to serving as a Uniform Law Commissioner, he has been a member of the Council of the ABA Section of Real Property, Probate and Trust Law, and a member of the ABA Commission on Legal Problems of the Elderly.<sup>4</sup>

**Thomas P. Gallanis** is a professor at the University of Iowa Law School and a nationally-recognized scholar in the areas of trusts and estates.<sup>5</sup> Gallanis is the Associate Executive Director of the Joint Editorial Board for Uniform Trust and Estate Acts.<sup>6</sup> He has been Reporter for two acts—the Uniform Powers of Appointment Act and the Uniform Real Property Transfers on Death Act.<sup>7</sup> Gallanis also was Associate Reporter for the Restatement (Third) of Trusts for the ALI.<sup>8</sup>

**John H. Langbein** has been a commissioner from Connecticut since 1991, and before that was a commissioner from Illinois from 1984 to 1991.<sup>9</sup> He is a professor at Yale Law School and an emeritus member of the Joint Editorial Board for Uniform Trust and Estate Acts.<sup>10</sup> Langbein served as Reporter for the Uniform Prudent Investor Act.<sup>11</sup> He was also the co-reporter, with Lawrence Waggoner, of the ALI's Restatement (Third) of Property: Wills and Other Donative Transfers.<sup>12</sup>

**Eugene F. Scoles** was a commissioner from Oregon from 1971 to 1984.<sup>13</sup> He was a Reporter for the original Uniform Probate Code in 1969, and is an emeritus member of the Joint Editorial Board for Uniform Trust and Estate Acts.<sup>14</sup> Scoles was dean of the University of Oregon School of Law, where he continued as a distinguished professor of law until his retirement.<sup>15</sup>

**Lawrence W. Waggoner** is a professor at the University of Michigan Law School and was the principal drafter of the Uniform Probate Code revisions in the 1990s. He has been involved in the work of the Conference since 1985, when he was appointed a Reporter.<sup>16</sup> He served as Executive Director and Director of Research for the Joint Editorial Board for Uniform Trust and Estate Acts.<sup>17</sup> Throughout his career, he has been a leading figure in law reform in both the ULC and the ALI in the fields of wills, trusts, and future interests.<sup>18</sup>

**Richard V. Wellman** was a commissioner from Michigan from 1969 to 1973, and a commissioner from Georgia from 1974 to 2005.<sup>19</sup> He served as Vice President of the Conference from 1983 to 1985.<sup>20</sup> He was a professor at both the University of Michigan Law School and the University of Georgia School of Law.<sup>21</sup> Wellman was the Reporter and Chief Drafter of the Uniform Probate Code, and later served as the Educational Director and Executive Director of the Joint Editorial Board for the Uniform Probate Code, giving him the nickname of the “Father of the Uniform Probate Code.”<sup>22</sup> He worked tirelessly for enactment of uniform state laws governing donative transfers of wealth until his death in 2005.<sup>23</sup>

## Footnotes:

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### Into a Second Century: 1991–2013

The most recent two decades have been a time of significant change and growth for the ULC. The Conference developed new and expanded sources of revenue to supplement the state contributions. With the establishment of the Uniform Law Foundation in 1990, private gifts (predominantly by commissioners) became a significant source of support; grants from private foundations funded many projects; new and expanded royalty agreements with publishers of uniform law materials provided a very significant source of additional support.<sup>1</sup>

Also during this period, considerable attention was given to international projects, including closer relationships with the Uniform Law Conference of Canada (“ULCC”) and the Mexican Center for Uniform Law. Upon the invitation of the U.S. Department of State Office of Private International Law, the Conference began to give considerable attention to implementation of private international law treaties. This development will be covered in detail in chapter 10.

The demographic composition of the Conference also underwent change. Significantly more women were appointed as commissioners and more minority commissioners also became part of the Conference. Major milestones were the election of the first woman President of the Conference, Martha Lee Walters, in 2007, and the election of the first African-American Vice President of the Conference, James A. Wynn, Jr. in 2009.<sup>2</sup>

A significant change in the staff of the Conference occurred in 2007 when John A. Sebert was appointed the first full time Executive Director in residence in the offices of the Conference.<sup>3</sup>

New technologies also had a major impact on operations of the Conference. The advent and expansion of email made communication between the Chicago office and commissioners much more extensive than had ever before been possible. Email between Reporters and drafting committees permitted the creation and consideration of many more drafts of an act under development.

The establishment of the first Conference website in 1998 enabled enormously more efficient operations of the Conference.<sup>4</sup> The website has undergone almost continuous development and improvement in the subsequent years. The website informs commissioners and the public about the status of all of the projects under development, and it now enables efficient registration for meetings of the Conference, including drafting meetings and the annual meeting.

A major milestone in Conference history occurred in 1992 with the celebration of the Centennial of the Conference. The Centennial annual meeting was held in San Francisco during the presidency of Commissioner Dwight Hamilton of Colorado (1991 to 1993).<sup>5</sup> *Diversity of Thought; Uniformity of Law* was the motto of the Centennial annual meeting.<sup>6</sup> The first written history of the Conference, *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws*, was published, authored by Commissioner and former Conference President Walter P. Armstrong, Jr. of Tennessee (1961 to 1963).<sup>7</sup> The Uniform Health Care Decisions Act was approved in 1993.<sup>8</sup>

President Richard C. Hite of Kansas led the Conference during 1993 to 1995, and a number of

significant acts were approved during this time: the Revised Article 8 of the Uniform Commercial Code (1994), the Revised Uniform Partnership Act (1994), the Uniform Prudent Investor Act (1994), the Revised Article 5 of the Uniform Commercial Code (1995), and the Revised Uniform Unclaimed Property Act (1995).<sup>9</sup>

Commissioner Bion M. Gregory of California was President of the Conference during 1995 to 1997, when a number of important acts were approved: the Uniform Interstate Family Support Act (1996) (subsequently enacted in every state); the Revised Uniform Principal and Income Act (1997); and the Uniform Child Custody Jurisdiction and Enforcement Act (1997) (subsequently enacted in every jurisdiction except Massachusetts).<sup>10</sup>

The two year period of the leadership of President Gene N. Lebrun of South Dakota (1997 to 1999) saw a number of noteworthy developments. In 1999, the Conference adopted Revised Article 9 of the Uniform Commercial Code, which was subsequently enacted in every one of the Conference's 53 jurisdictions.<sup>11</sup> The same year, the Conference approved an act made necessary by the rapidly developing new technological age, the Uniform Electronic Transactions Act.<sup>12</sup> This act has also been widely adopted by the states and forms the basis for the procedures related to electronic commerce included in other Conference Acts in subsequent years.

A controversial act approved in 1999, which has not had many enactments, is the Uniform Computer Information Transactions Act ("UCITA").<sup>13</sup> This act was the culmination of a very contentious project that began in partnership with the ALI as a proposed new Article 2B of the Uniform Commercial Code.<sup>14</sup> The ALI decided to drop out of the project after two years of work, and so the act continued and was promulgated as a free-standing act—UCITA.<sup>15</sup> The law relating to computer information transactions was still in a very early state of common law development at the time of the project and UCITA has subsequently been enacted in only two states—Virginia and Maryland.<sup>16</sup> The act has, however, had an influence on the development of the law through court decisions. The lack of enactments of UCITA and the Uniform Consumer Credit Code has prompted one ULC President to conclude: "There are lessons to be learned here and two might be: (1) do not do acts before their time—even though that otherwise would be desirable, and (2) do not do an act that sets up a turf battle between large opposing forces, at least not without a firm commitment of support from forces that can bring the opposing elements to compromise."<sup>17</sup> The controversial UCITA project is discussed further in chapter 5, The Uniform Commercial Code, and chapter 12, Relations with Other Organizations.

In anticipation of the new Millennium in 2000, the Conference established a committee of all of the former presidents of the Conference, known as the Millennium Committee.<sup>18</sup> The Millennium Committee was asked to review all of the operations of the Conference and make recommendations as to how the work of the Conference could be accomplished more efficiently and more successfully. The Committee issued its report in 2000, and its recommendations have been the basis of several Executive Committee actions in the subsequent years.<sup>19</sup> Also in 2000, the Uniform Athlete Agents Act was approved; it was drafted at the request of the National Collegiate Athletic Association.<sup>20</sup>

The Conference enjoyed one of its most memorable annual meetings in 2001 when it met at the historic Greenbrier Resort in West Virginia under the leadership of President John L. McClaugherty of West Virginia (1999 to 2001).<sup>21</sup> In addition to enjoying the wide array of social activities at this

beautiful resort, the Conference approved a number of uniform acts at the meeting, including the Revised Article 1 of the Uniform Commercial Code, the Revised Uniform Limited Partnership Act, and the Uniform Mediation Act.<sup>22</sup>

The 2002 annual meeting of the Conference was held in Tucson during the presidency of Commissioner K. King Burnett of Maryland (2001 to 2003) and produced approval of the “unsuccessful twos”—Revised Articles 2 and 2A of the Uniform Commercial Code.<sup>23</sup> The ALI added its approval of these amendments the following year, so the official promulgation date of the amendments to Articles 2 and 2A is 2003.<sup>24</sup> No states adopted these amendments in the following eight years, so, in the face of industry opposition, the Conference and the ALI withdrew the amendments in 2011.<sup>25</sup> Revised Articles 3 and 4 of the Uniform Commercial Code were also approved at the 2002 annual meeting.<sup>26</sup> The difficulty with these articles is discussed more fully in chapter 5 on the Uniform Commercial Code. The annual meeting in 2002 also resulted in approval of the Uniform Securities Act, a project that had taken several years.<sup>27</sup>

The first attendance at an annual meeting by the President of the Mexican Center for Uniform Law occurred in 2002, and President Jorge Sanchez Cordero has attended the annual meeting nearly every year since 2002. The President of the Uniform Law Conference of Canada (“ULCC”) began attending the ULC annual meeting in 1946 and each ULCC President has attended nearly every year for the past several decades. In return, the ULC President has been an invited guest to the Canadian Conference annual meeting for many decades.<sup>28</sup>

The Uniform Law Foundation held its first annual Gala at the annual meeting in 2002, and established the precedent of having the Gala in a venue that reflected the culture and tradition of the location of the annual meeting. The first Gala was held in a recreated Wild West Frontier town that had been built in Tucson as a movie set some years before. After strolling through the town and witnessing “shootouts” between bandits and the law, the commissioners retired to the Frontier Saloon for music, dancing and the annual dinner.

In 2003, the Conference met in Washington, DC, and a highlight of the meeting was an address by Justice Ruth Bader Ginsburg at the opening session of the meeting.<sup>29</sup> Justice Ginsburg noted that her Supreme Court colleague, Chief Justice William H. Rehnquist, had been a Uniform Law Commissioner from Arizona who highly valued the work of the Conference, and then she offered this commendation of the work of the Conference:

A federal system like ours cannot endure if uniformity is exclusively imposed on the constituent states by the central government. No doubt Congress can, within constitutional bounds, achieve national uniformity in an area of the law by enacting a federal statute that preempts the field, making federal courts the sole or the leading interpreters of the legislative design. In contrast to the uniformity a federal measure commands, a Conference-drafted and approved uniform law or model act gives the states the opportunity voluntarily to bind themselves closer as harmoniously functioning components of one nation. States can achieve this voluntary linkage by adopting a Conference-produced uniform law as state law or by looking to a Conference-produced model act for guidance. In either case, state courts, not federal tribunals, will maintain controlling interpretive responsibility. In short, by taking the lead in promoting voluntary improvement of state law, the Conference safeguards a non-coercive quarter of our

vibrant federal system.

At the same time, the Conference's commitment to uniformity, where uniformity is appropriate, works to prevent a vibrant federal system from degenerating into a chaotic one. If the various laws of the states bearing on issues of multi-state dimension were not constrained by rule of law values—in particular, consistency and stability—the diversity of our federal system would render it extremely difficult for individuals and businesses to order their lives. This consideration becomes ever more critical as technology continues to telescope geography; concomitantly, relationships and transactions among legal and natural persons increasingly implicate the laws of more than one state....

Mindful that only quality products will sell in the market you serve, you have spent years developing each of your uniform and model acts. Through tireless attention to detail in each of your several committees, you have devoted your fine minds and professional expertise to the production of drafts of uncommon excellence. And after the Conference has approved a uniform or model act, you have taken on the arduous chore of endeavoring to secure adoption of the Conference text in your home jurisdictions.

You have earned the trust of state legislatures, in part because the Conference has an admirable track record, one you are striving to maintain. You are devoted to problem solving, not political partisanship. You know that uniformity ought not override in areas best left for state-by-state evolution and experiment, for state individuality and diversity, too, are part of the genius of our federal system.<sup>30</sup>

Again in 2003, UCC revisions were on the agenda, and Revised Article 7 of the Uniform Commercial Code was approved.<sup>31</sup> The Conference again enjoyed a Uniform Law Foundation Gala, this time in an historic meeting room of the House of Representatives where many famous hearings had been held, such as hearings investigating the sinking of the Titanic, the Army-McCarthy hearings, and hearings on the nomination of Judge Robert Bork to be a Justice of the Supreme Court of the United States. After this second annual event, the ULF Gala became a fixture of every annual meeting thereafter, attracting the attendance of nearly all of the commissioners, observers and guests each year.

During the presidency of President Fred H. Miller of Oklahoma (2003 to 2005), the Uniform Real Property Electronic Recording Act was approved at the 2004 annual meeting.<sup>32</sup> At the 2005 midyear meeting the Executive Committee approved a "Diversity Policy" regarding appointment of commissioners that urged the appointing authority in the various states to consider ethnic, race and gender diversity when making appointments of commissioners.<sup>33</sup> The Executive Committee also approved a policy urging ULC presidents to consider diversity when making committee appointments.<sup>34</sup>

At the 2005 annual meeting, an important initiative in Native American law was undertaken with the approval of the Model Tribal Secured Transactions Code.<sup>35</sup>

The process of appointing commissioners to drafting and study committees became more transparent in 2005 when President Howard J. Swibel of Illinois (2005 to 2007) instituted a process whereby all commissioners were asked to complete a committee interest survey.<sup>36</sup> Further improvements in the process occurred in subsequent years, and the installation of a new computer

database in 2009 especially helped with commissioner profile tracking and appointment of commissioners to committees based on expertise and experience.<sup>37</sup>

The 2006 meeting tied a record for the drafting and adoption of a uniform act in the shortest amount of time. As a result of the disastrous consequences of Hurricane Katrina in New Orleans in 2005, it became apparent that a serious problem was caused by the inability of many health care workers to assist in the emergency care of victims because they were not licensed in the states that had experienced the disaster.<sup>38</sup> The Conference undertook a project to remedy this problem in early 2006, and the result was the adoption of the Uniform Emergency Volunteer Health Practitioners Act after only one reading at the 2006 Annual Meeting.<sup>39</sup> While the quick response time was certainly appropriate under the circumstances, the process surfaced some issues that needed to be addressed regarding when and how the Constitutional requirement of two readings would be waived. The Constitution was amended in the following year to clarify those issues.<sup>40</sup>

The following year, 2007, was a year of many changes and developments. In January, the Conference added a full time Executive Director in residence with the appointment of John A. Sebert.<sup>41</sup> John Sebert had previously been Consultant on Legal Education for the ABA Section of Legal Education and Admissions to the Bar.<sup>42</sup> Prior to that Sebert had been dean of the University of Baltimore Law School.<sup>43</sup> In addition, to strengthen the enactment process in the states, the legislative staff of the Conference was expanded by the addition of two more full time legislative counsel, bringing the number of full time legislative counsel at that time to five.<sup>44</sup>

That same year, the Executive Committee approved a recommendation from the Public Information Committee that the Conference adopt the informal name of the “Uniform Law Commission” as a means of broadening public visibility and understanding of the work of the Conference.<sup>45</sup> The change, however, affected only informal usage, and the official name of the Conference continues to be the National Conference of Commissioners on Uniform State Laws.<sup>46</sup> The initials ULC make communications easier than the initials of the official name—NCCUSL.

In 2007, the Conference renewed and expanded blanket royalty agreements it had with West Publishing, LexisNexis, and other publishers covering publication of Conference acts.<sup>47</sup> These agreements expanded the printed and electronic publication of Conference products, as well as established a significantly increased stream of revenue to support the work of the Conference.

The drafting process of the Conference was strengthened in the fall of 2007 by the initiation of a Drafting Workshop for chairs and reporters of drafting committees and division chairs.<sup>48</sup> The weekend meeting, which includes a presentation by the Style Committee chair, assists the drafting committee chairs in leading the work of their committees to a successful result in the coming year. The Drafting Workshop has become an annual fall event in each year thereafter.

The Executive Committee in that year strengthened the study committee process by authorizing greater use of stakeholder meetings to identify issues in a proposed project, as well as probable support or opposition to a proposed act.<sup>49</sup> The study committee process had been previously enhanced by initiation of annual grants from the Uniform Law Foundation for “Uniform Law Scholars” to assist study committees in their examination of a proposed project. The first ULF Scholar grant was awarded in January 2003.<sup>50</sup>

A major development in the location of the Conference office occurred in 2007 when the Uniform Law Foundation purchased an office condominium at 111 N. Wabash Avenue in Chicago, the current home of the Conference.<sup>51</sup> The Foundation financed the acquisition by issuing tax exempt bonds to be redeemed over a period of years, and entered into a 30 year lease with the Conference to make the premises available for the Conference office on favorable terms. The move to the new office location occurred in December of 2007. The location of the Conference office through the years and the staff of the Conference will be covered in more detail in chapter 11.

The year 2007 was an historic year for the Conference: Commissioner Martha Lee Walters of Oregon became the first woman to serve as President of the Conference, serving from 2007 to 2009.<sup>52</sup> To strengthen the enactment process, President Walters established a Task Force to review and make recommendations on ways to improve the process of state enactments of uniform acts approved by the Conference.<sup>53</sup> The Task Force consisted of members of the Legislative Council, the Public Information Committee, the Committee on Relations with Other Organizations, and the State Delegations Committee.<sup>54</sup> The Task Force reported in 2009 with several recommendations for improving the enactment process, many of which were subsequently adopted by the Executive Committee.<sup>55</sup> In 2009, state enactments of Conference approved acts totaled 130, which tied the previous record for enactments set in 1997.<sup>56</sup>

The Conference was invited by the Private International Law Office of the State Department on several occasions to assist in the implementation of private international law treaties through uniform legislation in the states.<sup>57</sup> This initiated a procedure for implementing a private international law treaty by combined federal and uniform state laws, a process that has been described as “Cooperative Federalism.” This subject will be discussed in more detail in chapter 10.

Continuing the process of reviewing and improving Conference procedures, President Robert A. Stein of Minnesota (2009 to 2011) established a committee to review and make recommendations about improving the Conference drafting process.<sup>58</sup> After a two year study, the Committee to Review the ULC Drafting Process reported in 2011 and made several recommendations that the Executive Committee adopted through changes in the Conference bylaws and constitution.<sup>59</sup>

The ULC experienced another of the periodic controversies with the ABA in 2010 when the Conference, faced with objections from some sections of the ABA, found it necessary to withdraw its resolution for ABA House of Delegates support of the Uniform Collaborative Law Act at the ABA midyear meeting.<sup>60</sup> After amendments to the act were added later that year to meet objections that had been expressed, the act was resubmitted to the ABA House of Delegates at the ABA’s annual meeting in August 2011. Section objections were again expressed and the House of Delegates voted to not approve the Uniform Collaborative Law Act.<sup>61</sup> The opposition to the act, which provided rules and ethical standards governing a new form of dispute resolution that had emerged primarily in the family law area, was led by delegates from the Litigation Section and the Tort Trial and Insurance Practice Section of the ABA. The act has subsequently had a number of state enactments notwithstanding it was not approved by the ABA.<sup>62</sup>

In an effort to improve relations with the ABA, former ABA President Roberta Cooper Ramo and ABA House of Delegates Chair William Hubbard were invited to address the Conference annual meeting in 2009, and ABA President Carolyn Lamm was invited to deliver remarks to the Conference



in 2010.<sup>63</sup> William Hubbard agreed to read a statement about the ULC at future ABA House of Delegates meetings prior to consideration of approval of uniform acts. This statement, which has been read by the Chair in each House of Delegate meeting thereafter, briefly covers the history of the relationship between the ABA and the ULC and the process by which uniform laws are developed and brought for approval to the House of Delegates.<sup>64</sup>

The debate on uniform acts under consideration at the Conference annual meeting was improved in 2010 by the creation of an amendments desk, with a projector and screen that showed the language of proposed amendments to the commissioners prior to voting on the amendments. Commissioners intending to offer an amendment were requested to bring the written language of the proposed amendment to the amendments desk before moving to a microphone to offer the amendment. When a Commissioner moved an amendment, the text of the amendment would be shown on large screens in the front of the meeting room.

The 2010 annual meeting was held in the historic and ornate Palmer House hotel in the Chicago Loop.<sup>65</sup> Following the opening of Millennium Park in Chicago, the loop had undergone a significant renewal and that included a \$200 million renewal of the Palmer House. While the commissioners enjoyed the debate of the Committee of the Whole in the beautiful, chandeliered and mirrored Grand Ballroom and the function meetings in the gold gilded Empire Room and the lovely Bertha Palmer Ballroom, a serious mishap occurred midway through the meeting when a section of the Grand Ballroom ceiling came crashing to the floor. Fortunately, the plaster, which was weakened by water from a leak in the air conditioning system, fell during the lunch recess so no commissioners were injured by the plaster falling from the ceiling which was several stories above the floor of the Grand Ballroom.

In 2009, a Federalism Committee was established to promote a better public and professional understanding of the importance of state law in our federal system of government.<sup>66</sup> The committee, which was chaired by Commissioner Ray Pepe of Pennsylvania, developed a Statement of Principles of Federalism that was subsequently approved by the Executive Committee.<sup>67</sup> The committee organized a Symposium on Federalism in 2010.<sup>68</sup> Other state government organizations, including the National Conference of State Legislatures, the Council of State Governments, the National Governors Association, the National Center for State Courts, the Conference of Chief Justices, the National Association of Attorneys General, and the National Association of Secretaries of State agreed to cosponsor the Symposium.<sup>69</sup> The first Symposium on Federalism, held in Washington, DC, in 2010, was very successful and was followed up by a second Symposium in 2013.<sup>70</sup> Many of the other state organizations looked to the Conference as a leader in this initiative to support federalism by programs designed to educate leaders in both state and federal governments about the important balance to be maintained between state and federal law. One of the initiatives of the Federalism Committee is to develop a better understanding of preemption of state law by federal law. On many occasions, preemption may be unintentional or ambiguous as a result of the imprecise wording of federal statutes or regulations.<sup>71</sup> The committee has undertaken a program to make Congressional and administrative agency staff more aware of this issue.<sup>72</sup>

The process of appointing commissioners to drafting and study committees was improved again in 2010. With the assistance of the new electronic communication capabilities, especially email, commissioners are now more quickly advised of the creation of each new committee and given an

opportunity to apply for appointment to the committee.<sup>73</sup> The new technology also enables the Conference to maintain a more comprehensive list of the expertise of each commissioner.

The relationship between the Conference and the Uniform Law Conference of Canada and the Mexican Center for Uniform Law has been significantly strengthened in recent years.<sup>74</sup> Each year the current President of the Canadian Conference and the President of the Mexican Center, who are advisory members of the ULC, are invited to attend the annual meeting of the Conference. In return, the President and Chair of the Executive Committee of the ULC attend the annual meeting of the Canadian Conference. Beginning in 2011, the chair of the ULC International Developments Committee also attends the Canadian annual meeting with the other officers of the ULC. Former ULCC President Peter Lown, the Chair of the ULCC Program Committee, has also attended the ULC Scope and Program Committee meeting in recent years, enabling the two conferences to collaborate on development of joint projects. This international cooperation will be discussed in more detail in chapter 10.

One of the uniform acts approved at the 2010 annual meeting was quite unique—the Uniform Faithful Presidential Electors Act.<sup>75</sup> State law governs elections, including elections to federal office, and there have been occasions when an elector, elected to the Electoral College in a Presidential election, has failed to vote in the Electoral College for the Presidential candidate to whom he or she was pledged to support.<sup>76</sup> States have attempted to deal with this problem in a number of varying and unsatisfactory ways, such as finding the elector guilty of a crime.<sup>77</sup> The uniform act enables states to ensure that the electors will vote for the presidential candidate they are pledged to support.<sup>78</sup> Members of the drafting committee had several meetings surrounded by copies of the U.S. Constitution in order to solve this problem in an effective way, consistent with the provisions of the Constitution.

The 2010 legislative year tied another record for state enactments of uniform laws, when it tied the previous record for most enactments in an even-numbered year (the previous record had been set in 1996) with 93 enactments.<sup>79</sup> More state legislatures meet and meet for a longer time in odd-numbered years, so the enactments record tied in the even-numbered year of 2010 was very impressive, and a number higher than in many odd-numbered years.

In early 2011, the Executive Committee of the Conference amended the policy adopted in 2005 recommending diversity in the appointment of commissioners and directed that it be published in future editions of the Reference Book.<sup>80</sup> While each individual jurisdiction determines who will represent it as commissioners, this statement of policy encourages each jurisdiction to consider racial, ethnic and gender diversity in making their commissioner appointments.<sup>81</sup> This policy statement joins another 2005 policy statement of the Conference directing the President of the Conference to consider racial, ethnic and gender diversity in making appointments to the Conference committees.

The 2011 annual meeting of the Conference saw the addition of more large screens in the front of the meeting room. The new screens show a close-up of the person speaking on the podium, so that the speaker can be viewed and followed more easily by commissioners who are seated further back in the large ballroom where the meeting is held.

A very ambitious project to approve a Uniform Business Organizations Code was successfully

concluded at the 2011 annual meeting.<sup>82</sup> This project, which had been underway for several years, combined into one code a comprehensive and uniform wording of eight business entity acts, including the Model Entity Transactions Act; the Model Registered Agents Act; the Uniform Partnership Act; the Uniform Limited Partnership Act; the Uniform Limited Liability Company Act; the Uniform Statutory Trust Entity Act; the Uniform Limited Cooperative Association Act; and the Uniform Unincorporated Nonprofit Association Act. This project, which was successfully led over several years by Commissioner Harry Haynsworth of Minnesota, combined these eight acts in a code of over 1,000 pages. It took a creative parliamentary approach to read from the podium the individual wording of each unique section of the comprehensive act and have it approved during one annual meeting.

A uniform act related to new electronic technologies was approved at the 2011 annual meeting—the Uniform Electronic Legal Material Act.<sup>83</sup> The act is intended to provide a means of authenticating the wording of a particular electronic statute or other legal material on a particular date and time. When this uniform act was brought to the ABA House of Delegates for approval in early 2012, an objection was raised by a former President of the ABA. After debate, the House of Delegates overwhelmingly gave its approval to the act.<sup>84</sup>

In 2012, Conference President Michael Houghton of Delaware (2011 to 2013) established a committee to review and make recommendations for improvement in the Scope and Program process of the Conference.<sup>85</sup> This committee met for two years and brought in its final recommendations to the 2013 annual meeting. With this report, the Conference completed a review over six years of the major areas of work of the Conference—the state enactment process during 2007 to 2009; the drafting process during 2009 to 2011; and the Scope and Program process during 2011 to 2013.

President Houghton also initiated and developed financial support for a project to better record the history of the Conference. The initiative had three parts: a video history project, a written history project, and an oral history project.<sup>86</sup> The video project was concluded in 2012 with three videos of varying lengths to describe the work of the Conference. The videos are designed to be shown to legislative committees considering enactment of uniform laws and to other public gatherings to describe the work of the Uniform Law Commission. The videos, which feature commentary by Associate Justice (Retired) Sandra Day O'Connor of the Supreme Court of the United States, have also been posted on the website of the Conference.<sup>87</sup> The written history project is reflected in this book reviewing the history of the Conference. The oral history project is a continuation and expansion of the interviews of long time commissioners to record, through their experience, the work of the Conference over the years.

As the Conference concludes its 120th year, it is more influential than ever and firmly dedicated to its mission to strengthen and protect federalism in the United States by promoting a system of strong and effective uniform state laws.

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## BIOGRAPHIES FOR CHAPTER 8

**Timothy Berg** has been a commissioner from Arizona since 1993.<sup>1</sup> He has chaired the Uniform Law Foundation and currently chairs the Conference Committee on Liaison with American Indian Tribes and Nations.<sup>2</sup> Berg is a director at a large law firm in Phoenix, and a past president of the American Academy of Appellate Lawyers.<sup>3</sup>

**K. King Burnett** has been a commissioner from Maryland since 1979, and was President of the Conference from 2001 to 2003.<sup>4</sup> Burnett has served on numerous Conference committees, and most recently chaired the committee that drafted the Model Protection of Charitable Assets Act.<sup>5</sup> Burnett is an elected Fellow of the American College of Trial Lawyers.<sup>6</sup>

**Bion M. Gregory** was a commissioner from California from 1976 to 2004, and President of the Conference from 1995 to 1997.<sup>7</sup> He chaired the Cyberpayments Working Group of the Drafting Committee for the Uniform Money Services Act.<sup>8</sup> As legislative counsel for the State of California for over 25 years, Gregory supervised the drafting of hundreds of thousands of bills, amendments, and legal opinions in California.<sup>9</sup>

**Dwight A. Hamilton** was a commissioner from Colorado from 1965 to 2005, and President of the Conference from 1991 to 1993.<sup>10</sup> He received a Purple Heart for his service in the Korean War.<sup>11</sup> Hamilton served as honorary consul of the Republic of Korea for Colorado and Wyoming.<sup>12</sup>

**Richard C. Hite** has been a commissioner from Kansas since 1975 and Conference President from 1993 to 1995.<sup>13</sup> Hite chaired the Drafting Committee on the Uniform Athlete Agents Act.<sup>14</sup> Hite served for eight years as chairman of the Kansas Supreme Court Nominating Commission.<sup>15</sup> He cofounded a firm in Wichita, where he practices business, commercial, and oil and gas litigation.<sup>16</sup>

**Michael Houghton** has been a commissioner from Delaware since 1995, and was President of the Conference from 2011 to 2013.<sup>17</sup> He was chair of the Conference Legislative Committee. In private practice, Houghton represents governmental entities and banks, trust companies, insurance and other companies and public utilities in commercial transactions and before regulatory authorities.<sup>18</sup>

**Harriet Lansing** has been a commissioner from Minnesota since 1993, and is currently chair of the Conference Executive Committee.<sup>19</sup> She will become President of the Conference in 2013.<sup>20</sup> She was a judge on the Minnesota Court of Appeals from 1983 until 2011.<sup>21</sup>

**Carl H. Lisman** has been a commissioner from Vermont since 1976.<sup>22</sup> Lisman is currently chair of the Uniform Law Foundation.<sup>23</sup> He is a practicing lawyer in Vermont and an adjunct professor, teaching in the areas of commercial law and the Uniform Commercial Code.<sup>24</sup> Lisman has served as Treasurer of the Conference, and chair of the Joint Editorial Board for Uniform Real Property Acts.<sup>25</sup>

**Gene N. Lebrun** has been a commissioner from South Dakota since 1976, and was President of the Conference from 1997 to 1999.<sup>26</sup> He chairs the Public Information Committee, and was chair of the committee that drafted the Uniform Apportionment of Tort Responsibility Act.<sup>27</sup> Lebrun was a South Dakota state representative and served as Speaker of the House from 1973 to 1974.<sup>28</sup>

**John L. McClaugherty** was a commissioner from West Virginia from 1976 to 2003, and was President of the Conference from 1999 to 2001.<sup>29</sup> McClaugherty chaired the West Virginia Chamber of Commerce and was president of the West Virginia Bar Association.<sup>30</sup>

**Wm. T. (Bill) Robinson III** has been a commissioner from Kentucky since 2012, and was President of the American Bar Association from 2011 to 2012.<sup>31</sup> Robinson practices law in the areas of corporate transactions and litigation, and has been president of the Kentucky Bar Association and the Kentucky Bar Foundation.<sup>32</sup>

**Robert A. Stein** has been a commissioner from Minnesota since 1973, and was President of the Conference from 2009 to 2011.<sup>33</sup> Stein was Executive Director and Chief Operating Officer of the ABA from 1994 to 2006.<sup>34</sup> He is currently the Everett Fraser Professor of Law at the University of Minnesota, where he served as dean from 1979 to 1994.<sup>35</sup> He was chair of the Uniform Law Foundation from 2001 to 2008, and currently chairs the Committee on International Legal Developments. Stein is a member of the Council of the American Law Institute and has served on the Executive Committee of the ALI Council.<sup>36</sup>

**Howard J. Swibel** has been a commissioner from Illinois since 1976, and was President of the Conference from 2005 to 2007.<sup>37</sup> He was chair of the Drafting Committee on the Uniform Limited Partnership Act and was Vice Chair of the International Legal Developments Committee.<sup>38</sup> He practices corporate transactions and litigation in Chicago.<sup>39</sup>

**Martha Lee Walters** has been a commissioner from Oregon since 1992, and was President of the Conference from 2007 to 2009.<sup>40</sup> She is the first woman to serve as President of the Conference.<sup>41</sup> Walters has chaired the International Legal Developments Committee of the Conference.<sup>42</sup> She has been a justice of the Oregon Supreme Court since 2006, and practiced law in Eugene, OR, before being appointed to the court.<sup>43</sup>

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### Uniform Family Law Acts

At various points since its founding in 1892, the Uniform Law Conference has grappled with issues surrounding family law, including the problems of child support and family maintenance, as well as marriage and divorce.<sup>1</sup> Although the Conference has not adopted a single, comprehensive uniform act in family law, as it has in both commercial and probate law, it has, from its beginning, addressed family law through numerous Acts tackling specific discrete issues.

#### CHILD SUPPORT – EARLY DEVELOPMENTS

One important area of family law to which the Conference has given sustained attention is the issue of interstate child support. A parent's obligation to provide for the financial and emotional wellbeing of his or her child has been recognized since at least the time of William Blackstone.<sup>2</sup> But enforcement of this inherent obligation is challenging in a federal system like the United States. Whereas divorce proceedings require a court to have personal jurisdiction over only one spouse, due process demands personal jurisdiction over both spouses in child support proceedings.<sup>3</sup> Thus, if a noncustodial parent wants to avoid support payments, he or she need only move out of the state where the court is located.<sup>4</sup> The parent seeking to collect payments must then find the fugitive parent and also hope that the forum state can acquire personal jurisdiction over him or her.<sup>5</sup>

The **Full Faith and Credit Clause** provides little assistance. **Article IV of the Constitution** requires that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State."<sup>6</sup> However, this compels states to recognize only unmodifiable, final judgments registered in another state.<sup>7</sup> Child support orders are always subject to modification in the event of changed circumstances, so the forum state cannot use the **Full Faith and Credit Clause** to enforce a child support order against the out-of-state, noncustodial parent.<sup>8</sup>

The Conference first addressed the problem of non-support in 1909, when it began work on what would become the Uniform Desertion and Non-Support Act ("UDNA"), which was promulgated in 1910.<sup>9</sup> Twenty-four jurisdictions eventually adopted UDNA,<sup>10</sup> which made it a crime for any husband to willfully neglect or refuse to support his wife or any of his children under 16 years of age.<sup>11</sup> UDNA criminalized this activity only by men.<sup>12</sup>

UDNA was not effective at deterring family desertion. Adopting jurisdictions could not directly enforce UDNA across state lines.<sup>13</sup> The only remedy was a criminal prosecution in the state that issued the original order; interstate extradition was cumbersome and expensive.<sup>14</sup> Even if a husband was convicted of desertion, that did not solve the root problem of nonpayment to a wife and minor children, because a criminal record made finding a job difficult.<sup>15</sup> But despite its serious flaws, UDNA was an important first step in enforcing support obligations.

In light of an increasingly mobile society, the Conference revisited the problems of interstate support in 1942.<sup>16</sup> Although the Conference appointed a committee to review the UDNA, progress was slow. When it became evident that no new revision would be forthcoming anytime soon, the New

York Joint Legislative Committee on Interstate Cooperation drafted the Uniform Support of Dependents Law (“USDL”) in 1948.<sup>17</sup> That act became law in New York in 1949 and was then enacted the same year in ten more states.<sup>18</sup> USDL was a civil remedy against men who failed to support their wives, children, or even poor relatives.<sup>19</sup> It required an obligor who moved out of the jurisdiction to continue to pay support if his new state of residency had laws that substantially resembled USDL.<sup>20</sup> The USDL, for the first time, created the two-state procedure for support.<sup>21</sup>

Though a step forward, USDL was not wholly successful in tackling the problem of non-support. Because so few jurisdictions adopted USDL, the requirement that the deadbeat parent’s new state of residency had to also have enacted USDL created a burden that was hard to overcome. Another issue with USDL was that it purported to create duties of support that did not previously exist. For example, in addition to spouses and children, USDL required people to support their parents and grandchildren.<sup>22</sup>

Meanwhile, the problem of non-support worsened. The Social Security Administration reported in June 1949 that it remitted \$205 million a year to states to support dependents who had absent fathers who did not pay support.<sup>23</sup> A California state court cited a 1949 estimate that almost 100,000 persons annually escaped their support duties by desertion, and that nearly 1,000,000 American women and children were victims of this social problem.<sup>24</sup>

Around this time, the federal government first involved itself in child support. The federal Aid to Dependent Children program, originally passed in 1935 to help widows, was used increasingly to help divorced mothers. Reasoning that divorced fathers ought to be supporting their children, the federal government passed its first law dealing with child support in 1950.<sup>25</sup>

## CHILD SUPPORT – REFORM GAINS MOMENTUM

Confronted with the increasing urgency of the problem and the shortcomings of the current state law approaches, the Conference drafted a new act to address comprehensively the concerns of interstate support.<sup>26</sup> This effort led to the Uniform Reciprocal Enforcement of Support Act (“URES A”), which was adopted by the Conference in 1950.<sup>27</sup> Although URES A borrowed some of the language from USDL—such as the provisions for interjurisdictional reciprocity—it also eliminated some of USDL’s more innovative components, such as the previously unheard-of obligation to support grandparents.<sup>28</sup>

URES A was drafted to reach obligors who fled one county or state to escape paying child support. Its stated purpose was to “improve and extend by reciprocal legislation the enforcement of the duties of support and to make uniform the law with respect thereto.”<sup>29</sup> URES A not only provided for interstate reciprocity, but also applied when the person seeking support relocated to a different county.<sup>30</sup> Under URES A, dependents could pursue child support from their home states without having to travel to a distant forum.<sup>31</sup>

Because URES A was a procedural act, it did not create support duties. Rather, it was a civil enforcement mechanism for the duties imposed by jurisdictions’ separate substantive laws.<sup>32</sup> URES A facilitated enforcement of orders and transfer of cases between states.<sup>33</sup> It did this in part by allowing governors to demand interstate rendition of obligors who had been criminally charged,<sup>34</sup> but URES A and its successor directly provided only civil remedies.<sup>35</sup>

The Conference amended URESA two years after its adoption.<sup>36</sup> The Act was amended again six years later to emphasize that “under the act not only current support but also arrearages may be recovered” under URESA’s mechanisms.<sup>37</sup> URESA, or substantially similar legislation, had been adopted in every state by 1957.<sup>38</sup>

The Conference comprehensively updated URESA in the next decade by promulgating the Revised Uniform Reciprocal Enforcement of Support Act (“RURESA”) in 1968.<sup>39</sup> Obligees can recover support in two ways under RURESA: the initiation of a two-state proceeding and the process of registration.<sup>40</sup> The drafters added five new sections to RURESA “to plug loop holes and cure defects in the enforcement procedure.”<sup>41</sup> Not every state evenly enforced 1950 URESA, so RURESA redesigned the enforcement procedures.<sup>42</sup> Primary among these improvements were provisions on locating obligors, trial procedure, and how to proceed with contested paternity.<sup>43</sup> RURESA also provided a civil remedy for interference with visitation rights, and simplified the procedure for registration of support orders.<sup>44</sup> RURESA was still an imperfect act. Multiple child support orders could result in different amounts in different states.<sup>45</sup> Individuals seeking support under RURESA still had to go to court, which foreclosed recent innovations like administrative wage withholdings.<sup>46</sup>

## CHILD SUPPORT – CREATIVE FEDERALISM ARRIVES

Although family law has traditionally been in the domain of the states, Congress continued to address child support problems in the 1970s by mandating federal supervision of state programs.<sup>47</sup> For example, in 1975 Congress passed the Child Support Enforcement Program, as Part D of Title IV of the Social Security Act.<sup>48</sup> This slow federalization creep did not go unnoticed. As Justice Harry Blackmun remarked in a 1992 Supreme Court case concerning federal abstention on a domestic relations case:

Whether the interest of States remains a sufficient justification [for federal courts’] abstention is uncertain in view of the expansion in recent years of federal law in the domestic relations area. I am confident, nonetheless, that the unbroken and unchallenged practice of the federal courts since before the War Between the States of declining to hear certain domestic relations cases provides the very rare justification for continuing to do so. It is not without significance, moreover, that, because of this historical practice of the federal courts, the States have developed specialized courts and institutions in family matters, while Congress and the federal courts generally have not done so. Absent a contrary command of Congress, the federal courts properly should abstain, at least from diversity actions traditionally excluded from the federal courts, such as those seeking divorce, alimony, and child custody.<sup>49</sup>

Nevertheless, in 1988 Congress passed the Family Support Act,<sup>50</sup> creating the U.S. Commission on Interstate Child Support.<sup>51</sup> This Commission’s mandate was to evaluate, in conjunction with the Uniform Law Commission, whether RURESA required a fundamental overhaul.<sup>52</sup>

The Conference decided that RURESA did indeed require an overhaul and adopted the Uniform Interstate Family Support Act (“UIFSA”) in July 1992.<sup>53</sup> With UIFSA, the drafters endeavored to limit child support orders to a single state order, in contrast to the “multiple order system” facilitated

by URESA and RURESA.<sup>54</sup> Meanwhile, the U.S. Commission issued its report, with 120 recommendations, in August 1992.<sup>55</sup> The report endorsed a state-based child support system, and specifically recommended to Congress that each state be required to adopt UIFSA verbatim.<sup>56</sup> It proposed effectuating this directive by withholding federal funding of child support enforcement unless a state enacted UIFSA.<sup>57</sup> Congress included a similar requirement in its welfare reform bill, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.<sup>58</sup> (Congress responded positively to many of the U.S. Commission's other recommendations, such as passing the Child Support Recovery Act of 1992 and certain support-related provisions of the Omnibus Budget Reconciliation Act of 1993.<sup>59</sup>)

The Conference adopted a new UIFSA in 1996 to supersede the original.<sup>60</sup> Every state has adopted the 1996 or a later version of UIFSA.<sup>61</sup> UIFSA provides procedural and jurisdictional rules for essentially three types of interstate child support proceedings: establishment, enforcement, and modification of child support orders.<sup>62</sup> Among UIFSA's more notable provisions is its broad long-arm statute.<sup>63</sup> UIFSA permits more expansive withholding of income, relaxes the rules of evidence, and allows attorneys' fees to be awarded in certain instances.<sup>64</sup> Most importantly, UIFSA eliminates multiple orders by enshrining a single state's continuing, exclusive jurisdiction over child support establishment and modification.<sup>65</sup> Thus, until a change in the 2008 UIFSA amendments, only the forum court or administrative agency could modify the order under the Act.<sup>66</sup> This scheme prevents the confusion that often existed with URESA when two or more states had differing support orders in effect simultaneously, allowing the obligor in another state to simply ignore the order.<sup>67</sup>

The Conference amended UIFSA in 2001 and again in 2008.<sup>68</sup> **The UIFSA 1996** is in force in all the states, and many states have adopted the 2001 amendments as well as the 2008 amendments.<sup>69</sup>

## CHILD SUPPORT – DEALING WITH INTERNATIONAL CASES

The most recent amendments to UIFSA came in July 2008, when the Conference approved language designed to fulfill obligations under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague in November 2007.<sup>70</sup> The United States has signed but not yet ratified that convention.<sup>71</sup>

**UIFSA 2008** is an outgrowth of a process in which a treaty's implementing statutes are state, not federal.<sup>72</sup> States had to amend their own UIFSA statutes for the United States to fully accede to the Convention, though the Conference amended only those provisions necessary to implement the Convention.<sup>73</sup> As with the original UIFSA, conditioning payment of federal funding of the child support program upon adoption of **UIFSA 2008** is an effective way to encourage states to adopt the Act.<sup>74</sup>

Most of the changes in **UIFSA 2008** are the addition of "or a foreign country" to references to tribunals "of a state."<sup>75</sup> This was done to make explicit the fact that the foreign jurisdictions relevant to UIFSA include not just other states, but also foreign countries.<sup>76</sup> To date, ten states have adopted **UIFSA 2008**.<sup>77</sup> Some states have enacted the newest version with a disclaimer as to when the act will become effective. Wisconsin, for example, has riddled its UIFSA with dual provisions: text that is explicitly marked as "eff. *until* date of treaty ratification for the Hague Convention on the

International Recovery of Child Support” and a slightly altered text that is “eff. *on* date of treaty ratification for the Hague Convention on the International Recovery of Child Support.”<sup>78</sup>

## CHILD CUSTODY

Related to child support enforcement is the issue of interstate custody disputes.<sup>79</sup> Scholars and practitioners began clamoring for a new uniform act in response to the phenomenon of “child snatching,” the practice in which a noncustodial parent abducts his or her children and transports them to a different state in order to secure a more favorable custody result.<sup>80</sup> Custody decrees encounter the same problem as child support decrees: constitutional full faith and credit attaches only to “final” judgments, and custody determinations are typically modifiable, nonfinal orders.<sup>81</sup> So, noncustodial parents dissatisfied with an adverse custody decree can move to another jurisdiction and seek a more favorable custody determination there.<sup>82</sup>

Professor Leonard G. Ratner was among the first to propose a uniform law to remedy this problem.<sup>83</sup> In the mid-1960s, the Committee on Child Custody of the American Bar Association’s Family Law Section requested that Ratner draft a statute.<sup>84</sup> At its midyear meeting in February 1965, the Conference voted to appoint a committee to draft a Child Custody Jurisdiction Act.<sup>85</sup> Over the next few months, various proposals were generated and circulated and, after the ABA meeting in the summer of 1965, at least one proposal was shared with the chairman of the Conference’s committee.<sup>86</sup> In 1966, the committee presented to the Conference committee of the whole a “First Tentative Draft of the Uniform Child Custody Act.”<sup>87</sup> The Conference adopted the Uniform Child Custody Jurisdiction Act (“UCCJA”) in 1968.<sup>88</sup>

The Conference drafted UCCJA to bring state custody decrees into the aegis of the **Full Faith and Credit Clause**.<sup>89</sup> The Act requires non-forum courts to recognize out-of-state child custody decrees.<sup>90</sup> The Act met with rapid widespread acceptance and every state had enacted UCCJA by 1983.<sup>91</sup>

UCCJA had its supporters, among them Conference President Walter P. Armstrong, Jr., who wrote that it “was to become one of the Conference’s most successful accomplishments.”<sup>92</sup> Detractors pointed out that jurisdictions that were slow to adopt UCCJA, or enacted it with modifications, became havens for child snatching.<sup>93</sup> The Oregon Supreme Court once called it “a schizophrenic attempt to bring about an orderly system of decision and at the same time to protect the best interests of the children who may be immediately before the court.”<sup>94</sup> UCCJA had a large loophole as well. While Section 13 compelled states to recognize as conclusive other states’ custody decrees, Section 14 permitted the court assessing enforcement to modify the custody decree if it had jurisdiction and the original court had been divested of UCCJA jurisdiction.<sup>95</sup>

Congress moved in to address the shortcomings of UCCJA by passing the Parental Kidnapping Prevention Act (“PKPA”) in 1980.<sup>96</sup> Among the legislative findings were that parties involved in interstate child custody jurisdiction disputes “frequently resort to the seizure, restraint, concealment, and interstate transportation of children, the disregard of court orders, [and] excessive relitigation of cases” because “the courts of such jurisdictions [failed] to give full faith and credit to the judicial proceedings of the other jurisdictions.”<sup>97</sup> PKPA was designed not only to extend full faith and credit to state custody determinations, but also to provide clear guidance on identifying which jurisdiction

was best suited to decide the merits of a child custody case.<sup>98</sup> For example, UCCJA allowed either the “home state” of the child or any state with a “significant connection” to initiate or modify decrees.<sup>99</sup> PKPA favors the “home state” over all others, regardless of significant connections.<sup>100</sup> PKPA explicitly mandates that jurisdiction continues if the decree was made consistent with PKPA and applicable state law.<sup>101</sup> Because PKPA is federal law, it trumps conflicting state enactments of UCCJA.<sup>102</sup>

## UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

Notwithstanding federal intrusion into interstate child custody orders, the Uniform Law Commissioners sought to amend UCCJA. The Conference was concerned that UCCJA and PKPA, even taken together, did not produce uniformity in child custody outcomes.<sup>103</sup> So, the Conference prepared a new act specifically to revise UCCJA: the Uniform Child Custody Jurisdiction and Enforcement Act (“UCCJEA”).<sup>104</sup> Adopted in 1997, UCCJEA incorporates all major principles of its predecessor and much of the same text verbatim.<sup>105</sup> UCCJEA has new language intended to address various problems with UCCJA, including the “almost thirty years of inconsistent case law” and the UCCJA-PKPA conflict.<sup>106</sup> Accordingly, UCCJEA provides standards to clarify which state may exercise original jurisdiction and the operation of continuing jurisdiction and modification jurisdiction.<sup>107</sup> Another important improvement is that the UCCJEA adds enforcement provisions to the jurisdictional provisions.<sup>108</sup> Nearly every state has adopted UCCJEA, though sometimes with significant modifications.<sup>109</sup>

## UNIFORM CHILD ABDUCTION PREVENTION ACT

While UCCJA and its progeny provide jurisdictional tools to fight child abduction, these acts are not drafted in such a way as to *prevent* it. The seminal convention on international child abduction is the Hague Convention on the Civil Aspects of International Child Abduction, completed in October 1980, to which the United States is a signatory.<sup>110</sup> Article 1 of the Convention states its mission is “to secure the prompt return of children wrongfully removed to or retained in any Contracting State; and ... to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.”<sup>111</sup>

The Conference passed a Uniform Child Abduction Prevention Act (“UCAPA”) in 2006 to deter some of the hundreds of thousands of annual child abductions.<sup>112</sup> Now adopted in 12 jurisdictions,<sup>113</sup> the UCAPA identifies risk factors for abduction and requires courts to impose appropriate prevention measures if there is a “credible risk” of abduction.<sup>114</sup> UCAPA emphasizes that “every abduction case may be a potential international abduction case”<sup>115</sup> and defines “abduction” more broadly than the Hague Abduction Convention, in recognition of the Convention’s limitations.<sup>116</sup> Some remedies suggested by UCAPA include travel prerequisites—such as registering a custody order or obtaining a mirror order in the country of destination—passport restrictions, travel restrictions, and conditions on the exercise of custody or visitation, such as agreeing to supervised visits, posting a bond, or even receiving education on the harms of abduction.<sup>117</sup> UCAPA directs courts to consider whether the country to which the parent is petitioning to travel with the child is a party to the Convention.<sup>118</sup> The Act extends remedies when the parent wants to travel to a country that is a Convention signatory, but



is out of compliance with its treaty obligations.<sup>119</sup>

## PARENTAGE—A LONG JOURNEY OF REFORM

The Conference has also worked tirelessly to accord children born out of wedlock the same fundamental rights as marital children. At common law, an illegitimate child had no familial rights<sup>120</sup>—not even the mother had a duty to support the illegitimate child.<sup>121</sup> As a federal appellate court wrote as late as 1930, “Under the common law an illegitimate child was held to be *filius nullius* or *filius populi*, it was without right even to the name of its natural father, and, being without inheritable blood it could acquire nothing except by its own efforts.”<sup>122</sup>

The states gradually softened the harsh rule over the 19th century,<sup>123</sup> and the Conference saw fit early on to promulgate a uniform law on the subject.<sup>124</sup> The Uniform Illegitimacy Act was passed in 1922.<sup>125</sup> Eventually adopted in seven states, the Uniform Illegitimacy Act required both parents to support their illegitimate children, effectively derogating the common law.<sup>126</sup> It also eliminated state bastardy proceedings.<sup>127</sup> To complement this Act, the Conference passed other uniform acts, like the Uniform Blood Tests to Determine Paternity Act in 1952, the Uniform Paternity Act in 1960, and certain parts of the Uniform Probate Code in 1969.<sup>128</sup> Except for the Probate Code, none of the other Acts was adopted widely.<sup>129</sup> The Paternity Act was an important first step toward establishing equal rights for both legitimate and illegitimate children by imposing an obligation on the father to support all of his children.<sup>130</sup> Six states have adopted this Act.<sup>131</sup>

Even after the promulgation of the Uniform Illegitimacy Act and its progeny, full equality for illegitimate children was available in only a very few states.<sup>132</sup> This hesitant progress created conflict of laws problems with ascertaining the rights of a child considered “legitimate” in the jurisdiction of birth, but deemed “illegitimate” in a state to which the child moved.<sup>133</sup> As Professor Harry D. Krause of the University of Illinois pointed out, even within a single jurisdiction, many states approached the issue with “an uncertain mixture of old English common law tempered with occasional flashes of modern thought—limited, narrow statutes which are directed at only selected aspects of illegitimacy.”<sup>134</sup> Professor Krause, a member of the Council of the Section of Family Law of the American Bar Association and liaison between the Family Law Section and the Conference’s committee on this Act,<sup>135</sup> continued:

This situation, not unique to the subject of illegitimacy, is less tolerable here than in other areas of our law, because the common law of illegitimacy is unusually unsuited to modern conditions. Piecemeal judicial development has not brought about the necessary drastic change in the law of illegitimacy, and broad statutory solutions seem indispensable. But few states have undertaken a comprehensive review of their position on illegitimacy, and sporadic statutes are the common denominator. The typical state has a paternity or bastardy act, scattered provisions among succession statutes regulating the illegitimate’s right to inherit, and provisions defining illegitimacy and providing for methods of legitimation. Proposed uniform legislation also has failed to treat the subject broadly.<sup>136</sup>

However, by the 1970s, legal perceptions of illegitimacy began to shift as the U.S. Supreme Court found several discriminatory laws unconstitutional under the [Equal Protection Clause](#).<sup>137</sup> In a 1972

decision, *Stanley v. Illinois*, the Court struck down a law terminating parental rights on the sole basis of marital status, without taking into consideration parental fitness.<sup>138</sup> The *Stanley* Court recognized that the right to conceive and raise one's own children is a fundamental right.<sup>139</sup> The next year, in *Gomez v. Perez*, the Justices invalidated a Texas statute that required fathers to support only their children born in wedlock.<sup>140</sup> Denying illegitimate children substantial benefits simply because their parents were not married at the time of birth, the Court held, violated the **Fourteenth Amendment**.<sup>141</sup>

## UNIFORM PARENTAGE ACT

Spurred by Professor Krause's article, the Conference started the process of revising its existing family law acts.<sup>142</sup> However, irreconcilable points of view quickly made clear that the drafters should start completely over.<sup>143</sup> (Years later, the commissioners voted to withdraw the Uniform Illegitimacy Act.<sup>144</sup>) Early drafts of this completely new act referred to a Uniform Legitimacy Act, though the final product, approved in 1973, was called the Uniform Parentage Act ("UPA").<sup>145</sup> The name change was explained in part by the comments of Commissioner Lewis C. Green of Missouri when presenting a draft of the Uniform Legitimacy Act at the Conference's 1972 annual meeting:

I will begin with Section 1:

Relation of Child to Parents. A child is the legitimate child of his natural parents, regardless of their marital status, and a legitimate relative of their relatives.

I might say, by explanation, that this one sentence we view as the heart of the Act. It's our purpose here to do away with the status of illegitimacy, and the stigma associated with illegitimacy, and, of course, with the various disqualifications which have been attendant upon that status under the laws of the several states.<sup>146</sup>

Another scholar extolled this Act as "reflect[ing] the enlightened social policy espoused by Professor Krause."<sup>147</sup>

The 1973 UPA is much broader and more detailed than the old 1960 Uniform Paternity Act.<sup>148</sup> It completely eliminated the parents' marital status from consideration in determining the child's legal rights.<sup>149</sup> In fact, it exclusively used the term "child with no presumed father" instead of "illegitimate child."<sup>150</sup> The 1973 UPA also simplified procedures for establishing paternity.<sup>151</sup> Nineteen states had adopted the Uniform Parentage Act by 2000, with other states adopting select portions of the Act.<sup>152</sup>

Within 15 years, however, problems had arisen with the UPA. For one, it did not instruct courts on how to determine parentage in connection with divorce proceedings.<sup>153</sup> Also, the Act did not address emerging technologies it could not have anticipated, like improved paternity testing and assisted reproduction.<sup>154</sup> But seeing no need to completely redo UPA, the Conference drafted two complementary acts in 1988.<sup>155</sup> The Uniform Putative and Unknown Fathers Act created state paternity registries and the Uniform Status of Children of Assisted Conception Act provided rules on the legal determination of the parentage of children conceived using assisted conception methods, as well as rules governing surrogacy agreements.<sup>156</sup>

However, no state adopted the Uniform Putative and Unknown Fathers Act and only two states adopted the Uniform Status of Children of Assisted Conception Act.<sup>157</sup> Accordingly, the Conference

modernized UPA in 2000 to incorporate and replace these two 1988 acts.<sup>158</sup> The 2000 UPA squarely addresses technological changes, especially the development of DNA identification.<sup>159</sup> UPA was most recently amended in 2002 to address parentage in nonmarital circumstances.<sup>160</sup> Now, the 2002 Act is the only uniform act on parentage currently recommended for state enactment by the Conference.<sup>161</sup>

## MARRIAGE AND DIVORCE

Marriage and divorce laws have been an area of uniform law focus since even before the Conference was formed. In 1890, the New York legislature passed an act which charged the governor with appointing three commissioners “to examine the subject of marriage and divorce, insolvency, the form of notarial certificates, and other subjects.”<sup>162</sup> Within its first 15 years of existence, the Conference passed many acts on marriage and divorce, including a Uniform Divorce Procedure Act (officially known as the Act to Establish a Law Uniform with the Law of Other States Relative to Divorce Procedure and Divorce from the Bonds of Matrimony of 1900), an Act Regulating Annulment of Marriage and Divorce, an Act Providing for the Return of Marriage Statistics, and an Act Providing for the Return of Divorce Statistics.<sup>163</sup> All of these old uniform acts have long since been superseded or declared obsolete.<sup>164</sup>

The Conference adopted the Uniform Marriage and Divorce Act (“UMDA”) in 1970 to completely and comprehensively update the laws relating to marriage and divorce.<sup>165</sup> UMDA superseded older uniform marriage acts, like the Uniform Marriage and Marriage License Act, passed in 1911 and since rendered obsolete,<sup>166</sup> and the Uniform Marriage Evasion Act, which was first passed in 1912,<sup>167</sup> withdrawn in 1943, and which had been adopted in only five states.<sup>168</sup>

While the Conference was drafting UMDA, the American Bar Association appointed a liaison committee to work with the Conference.<sup>169</sup> Conflicts quickly arose between the liaison committee and the Conference drafting committee. At one point, each was circulating competing drafts of the same act.<sup>170</sup> Wrote one observer, “It is unclear who was responsible for the enmity between the two committees, but its presence was obvious from the beginning.”<sup>171</sup>

As a result, the ABA refused to approve the UMDA at its 1971 meeting of the House of Delegates.<sup>172</sup> Conference President Eugene A. Burdick explained his thoughts on this development:

The Council of the Family Law Section of the ABA has recommended that the House of Delegates postpone further consideration of the Act until the Midyear Meeting in 1973. Last fall the Council of the Family Law Section of the ABA offered to withdraw its disapproval of our Act if we would publish their comments as a part of our official comments to the Act. Of course, we could not accede to this proposition. Their objections must have little merit if disapproval can be so easily dissipated. Now the Family Law Council feels that their ace draftsman, given a little more time, can draft a superior act. This is sheer nonsense. His views are well known. He was a member of our advisory committee and was consulted freely by our Special Committee. His views were also considered by the Conference in the Committee of the Whole last year. There is simply no reason to believe that a draft reflecting his rejected views would ever be approved by the Conference or even by the House of Delegates of the ABA. The

American public has long awaited needed and sensible reform in the law of marriage and divorce. We have met the challenge and produced an Act which received overwhelming Conference approval.<sup>173</sup>

The ABA House of Delegates finally gave the UMDA its approval in 1974, after the Conference's Executive Committee made several amendments.<sup>174</sup> Eight states have since adopted UMDA.<sup>175</sup>

## PREMARITAL AND MARITAL AGREEMENTS

Another major area of family law which the Conference has addressed is marital agreements. For centuries, wealthy English fiancés have negotiated agreements on how their finances will operate after marriage.<sup>176</sup> In the United States, couples often sign such agreements to clarify inheritance rights regarding children from previous relationships.<sup>177</sup> As a genre, wrote Professor Judith T. Younger in the late 1980s, prenuptial agreements

exhibit a fascinating duality: on the plane of time, they are venerable, yet voguish; in terms of social policy, they are, at once, favorites and black sheep; and in order to be valid, they must comply with two sets of rules, those applicable to ordinary contracts and those designed especially for them.<sup>178</sup>

A recent innovation in premarital agreements is their use to alter the parties' respective rights and obligations in the event of divorce.<sup>179</sup> Divorce has become an increasingly common result of marriage, and accordingly more and more of the people at the altar are not entering their first marriage.<sup>180</sup> Until the 1970s, these types of premarital agreements were rarely enforced because state courts believed they encouraged divorce and altered the terms of the marital status.<sup>181</sup> But that began to change in 1970, with the Florida Supreme Court case *Posner v. Posner*.<sup>182</sup> The Court explained why it would, for the first time in the United States, recognize an antenuptial agreement setting forth rights and obligations after a divorce:

There can be no doubt that the institution of marriage is the foundation of the familial and social structure of our Nation and, as such, continues to be of vital interest to the State; but we cannot blind ourselves to the fact that the concept of the 'sanctity' of a marriage—as being practically indissoluble, once entered into—held by our ancestors only a few generations ago, has been greatly eroded in the last several decades. This court can take judicial notice of the fact that the ratio of marriages to divorces has reached a disturbing rate in many states ....

With divorce such a commonplace fact of life, it is fair to assume that many prospective marriage partners whose property and familial situation is such as to generate a valid antenuptial agreement settling their property rights upon the death of either, might want to consider and discuss also—and agree upon, if possible—the disposition of their property and the alimony rights of the wife in the event their marriage, despite their best efforts, should fail.... We know of no community or society in which the public policy that condemned a husband and wife to a lifetime of misery as an alternative to the opprobrium of divorce still exists.<sup>183</sup>

After *Posner*, nearly every state changed its law, and today every state allows for divorce-focused premarital agreements, although the standards for recognizing such agreements' validity vary widely

among jurisdictions.<sup>184</sup> In recognition of this seismic shift, the Conference appointed a drafting committee in the early 1980s to write a uniform law to govern the enforceability of such agreements.<sup>185</sup> The Conference approved the resulting Uniform Premarital Agreement Act (“UPAA”) in 1983.<sup>186</sup> UPAA has since been enacted in 26 jurisdictions, with roughly half of those jurisdictions making significant amendments.<sup>187</sup>

UPAA provides a more certain framework for complete and enforceable premarital agreements.<sup>188</sup> Its core principle is that competent parties entering marriage should be free to modify many of their state law’s default terms of marriage.<sup>189</sup> Conflict soon arose over whether parties could alter the right to spousal support, and what contract rules of enforceability should apply.<sup>190</sup> While UPAA maintains that no review of the fairness of the agreement at divorce is appropriate, states have disagreed on what the procedural requirements should be in entering into a premarital agreement.<sup>191</sup> This difference often results from the fact that states adopt UPAA with significant variations.<sup>192</sup> As Professor J. Thomas Oldham argued:

The UPAA’s most glaring problem is that it has sanctioned oppressive bargaining. Courts have often enforced agreements where the more sophisticated party first presented the agreement a day or two before the wedding and informed the other (normally unsophisticated) party that the agreement must be signed or the wedding will be called off. This places the other party in an extremely difficult situation. It is quite unlikely that independent counsel can be located and consulted on such short notice. In addition, there is little time to consider any advice received or to reflect upon the agreement’s terms and negotiate changes. The (normally unsophisticated) party being asked to waive rights therefore is forced to decide, frequently once wedding festivities have already begun and without the benefit of independent counsel, whether to sign the agreement as presented or cancel the wedding. If a waiver of substantial rights in a premarital agreement is to be enforceable, a fairer system must be put in place to guarantee the waiver was freely and knowingly signed without undue pressure.<sup>193</sup>

This was common of the criticisms leveled against the Uniform Premarital Agreement Act.<sup>194</sup> While favoring the enforcement of antenuptial agreements, UPAA notes that some broad protections do apply, such as due process in formation and minimal standards of substantive fairness.<sup>195</sup> Acknowledging that a minority of states authorize a fairness review based on the parties’ circumstances at the time of enforcement, UPAA Section 9(f) includes an optional provision to refuse enforcement based on a finding of substantial hardship at the time of enforcement.<sup>196</sup>

The Uniform Probate Code also provides for marital agreements and has a lower bar for enforcement. The UPC will enforce premarital agreements unless to do so would be unconscionable.<sup>197</sup> UPAA has a higher standard for enforcement, requiring that a party knowingly waive their rights and interests in writing.<sup>198</sup> To address this conflict, the Conference in 2010 established a committee to draft a Uniform Premarital and Marital Agreements Act (“UPMAA”).<sup>199</sup>

Brian Bix, the Reporter for the UPMAA, pointed out to drafters that the absence of consultation with an attorney should not be fatal to a prenuptial agreement:

[T]here inevitably will be parties who enter agreements without counsel (or with less

than optimally able counsel). There should be provisions that allow enforcement of agreements by parties who might not have met strictly all the procedural or formal rules, but who have substantially complied, and whose agreements are generally fair. The Act should, I believe, respond to both sorts of parties and both sorts of situations (the current draft, it is conceded, at best, begins that process).<sup>200</sup>

At its 2012 annual meeting, the Conference approved UPMAA.<sup>201</sup> Many states treat premarital agreements and marital agreements differently, establishing a higher burden to enforce the latter.<sup>202</sup> UPAA originally treated these agreements differently,<sup>203</sup> but UPMAA now applies the same set of principles and requirements to both.<sup>204</sup>

## MARITAL PROPERTY

Marital property is another area of interest to the Conference, and it began to explore a community property regime in the 1980s. In community property jurisdictions, property acquired during a marriage belongs to both spouses unless the spouses jointly agree to alter its nature or unless the property was a gift from one spouse to the other.<sup>205</sup> Although the notion of community property is descended from civil law countries and is prevalent in the American West and Southwest by virtue of their Spanish heritage,<sup>206</sup> the presumption of separate property dominates everywhere else in the country.<sup>207</sup>

The Conference began drafting a uniform community property act in 1979,<sup>208</sup> believing that “during marriage each spouse should have a legally defined and substantial right in the earnings of the other spouse and in the real and personal property acquired as a result of such earnings, as well as in the management of such earnings and property,” and that this right should outlive the marriage.<sup>209</sup> The Uniform Marital Property Act (“UMPA”) was adopted by the Conference in 1983 and approved by the American Bar Association in 1984.<sup>210</sup> UMPA was drafted to give both spouses joint and equal ownership of all property acquired after a date,<sup>211</sup> which is the later of the date of marriage, the effective date of UMPA in that jurisdiction, or when the couple established domicile in the enacting state.<sup>212</sup> William Winter, a former reporter for the *ABA Journal*, described UMPA as an effort to “standardize the nation’s crazy quilt of marital property laws in the United States.”<sup>213</sup>

Noting that a community property scheme empowered women who worked in the home or who worked but made less than their husbands, Wisconsin adopted UMPA in 1984, with an effective date of 1986.<sup>214</sup> Wisconsin is the only state that has adopted UMPA, though it has been considered in several other states.<sup>215</sup>

Several special interest groups have taken an interest in preventing enactment of UMPA bills. For example, the North Dakota Bankers’ Association strongly opposed the Act when it was introduced there in the late 1980s.<sup>216</sup> Among the issues the Bankers’ Association had were the potential difficulties creditors would have following property and the difficulties parties would have working with unclear definitions in the Act.<sup>217</sup> A Bankers’ Association attorney, however, insisted that the group was not opposed to the idea of community property generally.<sup>218</sup> Even in Wisconsin, the state bar association opposed the law’s passage because it feared the transitional problems would be too great.<sup>219</sup> But with the help of groups like the Wisconsin Women’s Network, a collaboration of various

women's rights organizations, UMPA eventually did become law in Wisconsin.<sup>220</sup> The League of Women Voters and the National Organization for Women were key proponents of UMPA in North Dakota, though it failed to pass in that state.<sup>221</sup>

## JOINT EDITORIAL BOARD

Although the Conference does not have a central and comprehensive family law act, it has created a board to monitor and recommend projects to establish uniform acts in this area of law. The Conference, the ABA Family Law Section, and the American Academy of Matrimonial Lawyers created the Joint Editorial Board for Uniform Family Law in 1999.<sup>222</sup> The Joint Editorial Board ("JEB/UFL") has six stated purposes. First, it promotes education about uniform family law acts to state legislatures and to the public at large.<sup>223</sup> Second, it timely reports back to its member organizations on JEB/UFL actions.<sup>224</sup> Third, the JEB/UFL considers legislative suggestions from state legislatures or the Bar.<sup>225</sup> Fourth, it reviews and analyzes court decisions on uniform family law acts.<sup>226</sup> Fifth, the JEB/UFL recommends—to the Conference alone—amendments to uniform acts or possible new uniform acts.<sup>227</sup> Lastly, the JEB/UFL monitors trends and developments in family law that could influence the Conference's family law activities.<sup>228</sup>

The Joint Editorial Board for Uniform Family Law has produced the very positive result that the Conference regularly undertakes family law projects in order to keep the uniform acts in this area of the law up to date.

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## BIOGRAPHIES FOR CHAPTER 9

**Barbara A. Atwood** has been a commissioner from Arizona since 2006.<sup>1</sup> She chaired the Drafting Committee for the Uniform Premarital and Marital Agreements Act and was reporter for the Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act.<sup>2</sup> Atwood specializes in Indian law and family law, and teaches law at the University of Arizona.<sup>3</sup>

**Paul M. Kurtz** has been a commissioner from Georgia since 2001.<sup>4</sup> He chaired the Drafting Committee for the Uniform Deployed Parents Custody and Visitation Act and has served as a member of the JEB for Uniform Family Law.<sup>5</sup> Though he became a commissioner in 2001, Kurtz served twice as a reporter before his appointment: for the Uniform Interstate Family Support Act and for the Uniform Status of Children of Assisted Conception Act.<sup>6</sup> Kurtz is professor and assistant dean at the University of Georgia Law School, and has coauthored two casebooks on family law.<sup>7</sup>

**Harry L. Tindall** has been a commissioner from Texas since 1995.<sup>8</sup> He chaired the Drafting Committee for the Revised Uniform Parentage Act. He was among the first attorneys in the state of Texas to become board certified in the area of family law.<sup>9</sup> He is a founding member of his firm, which he helped establish in 1973.<sup>10</sup> A passion throughout his career has been updating the family laws of Texas, including both lobbying for and co-authoring the updated Texas Family Code.<sup>11</sup> Tindall has served as the Chair of the Joint Editorial Board on Uniform Family Law.<sup>12</sup>

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### Footnotes:

<sup>1</sup> 2011–2012 Reference Book 37 (2011); *see* appendix G.

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### An International Outreach

There has been an international dimension to the work of the Conference from its earliest days. The underlying reason for this is that in order for state law to be most effective in our federal system, it must be able to cross not only state borders, but national borders as well. This is particularly true in the increasingly globalized community that is the world today. In the interstate context, the Conference speaks of “uniform” law; in the international context, it refers to “harmonized” law, recognizing the differences in the legal systems of the various nations.

From the beginning, the Conference’s principal focus has been on uniformity among the states of the Union. Its first written constitution declared, “[The Conference’s] object shall be to promote uniformity of state laws.”<sup>1</sup> Its current constitution, in Section 1.2, reaffirms this domestic focus: “It is the purpose of the Conference to promote uniformity in the law among the several States on subjects as to which uniformity is desirable and practicable.”<sup>2</sup>

From its outset, however, the Conference did not limit itself to quelling conflict of state law issues. In his annual Presidential Address in 1916, Commissioner William H. Staake spoke of how the Constitution limited the federal government’s ability to effectively harmonize private international law. He said:

It is hardly necessary to remind you that under our Constitution and because of the apportionment of powers between sovereign states and the Federal government, it is not within the province of the latter to legislate on this subject. Nor do I need to remind you that each state, under our Federal Constitution, is assured of its complete independence and is charged with the enforcement within its borders of contract obligations (including even the instrumentalities of foreign and interstate commerce as distinguished from such commerce itself) as though it were a sovereign nation, except that no state may by its constitution or through legislation take property without due process of law.<sup>3</sup>

John Henry Wigmore, dean of Northwestern Law School and a commissioner from Illinois, concurred in that view in an article published the next year in the *Virginia Law Review*:

The Federal Legislature of the United States has no power to adopt a uniform international rule which shall be actually effective throughout the country; it has only two very limited powers, each of which will still leave at least two distinct rules of law in operation within each State: (a) The first is its power over interstate and foreign commerce; (b) The second is its power to make treaties for solving conflicts of law.<sup>4</sup>

Another reason given by leaders of the Conference for involvement in uniform or harmonized international laws over the years is, simply, the worthiness of the goal. In a report to the Conference’s Executive Committee in 1956, President Barton H. Kuhns stated:

I realize that the Conference’s agenda is full with our own program and projects, but I am not sure that the real basis for better international understanding among all the Nations of the World may not rest in more uniformity of laws on an international basis. This may be our service toward World Peace, and I think we should not pass over it lightly.<sup>5</sup>

At the same time, the commissioners recognized the federalism problems presented by acting on international issues. President Kuhns remarked at the 1956 annual meeting:

The problem of preserving through uniformity our state and local governments on the one hand, while seeking uniformity at an international level on the other, presents a sort of obstacle course into which one may tread only with extreme caution. The somewhat obvious method of unifying international law by treaty or convention might, at the same time, destroy the very sovereignty of the states which uniformity of state laws is designed to protect. And yet, as the far corners of the world are gathered closer and closer together we will soon be reaching a point where the desirability of uniformity of the laws of different nations will become more and more apparent.<sup>6</sup>

Other commissioners have been less sanguine about the possibilities of harmonizing domestic and foreign law. In 1911, President Walter George Smith quoted a statement made at a Hague Conference in 1910:

[T]here is great reluctance in America to undo the long and arduous work which has brought about uniformity in thirty-five American states, four territories, and in Great Britain and her dependencies. The scope and policy of American laws differ in some respects from the systems of the countries of the continent. We have no code of commerce distinct from the common law, we recognize no distinction between merchants and others who draw bills or sign notes, and we have no separate tribunals for dealing with commercial cases.<sup>7</sup>

While the Conference had legitimate reservations, international cooperation among legal associations was not unprecedented. In fact, much early activity in international and transnational law came from the American Bar Association (“ABA”). As early as 1881, the ABA sent representatives to a meeting of the Association for Reform and Codification of the Law of Nations, the predecessor of the International Law Association.<sup>8</sup> Four years later, the Association for Reform convened a committee specifically to “inquire into and collate facts relative to the movement now in progress to further a uniform system of legal procedure, and the study of comparative legislation on that subject throughout the English-speaking world.”<sup>9</sup> As many commissioners were also members of the ABA, they were surely exposed to this foreign-focused work.

Early on, the Conference may not have promulgated any legislation designed for international issues, but it was certainly cognizant of them. In his 1903 address, President Amasa M. Eaton compared the European and American methods of achieving uniformity of law, noting the greater latitude central governments have in Europe.<sup>10</sup> After the United Kingdom codified its commercial code, Conference President Lyman D. Brewster read an 1895 letter from the Lord Chancellor of England, who declared that “a similar code for the United States of America would be a boon for the commercial community of both countries.”<sup>11</sup> Indeed, the Conference eventually borrowed heavily from English partnership laws in drafting the Uniform Partnership Act.<sup>12</sup>

After the Spanish-American War, the United States acquired control of Puerto Rico and the Philippine Islands.<sup>13</sup> Both territories joined the Conference: the Philippines in 1909 and Puerto Rico in 1910.<sup>14</sup> Developing uniform laws to work with the civil law used in those territories gave the Conference experience working with non-English common law.<sup>15</sup> Though the Philippines became an



independent nation in 1946, Puerto Rico continues to be a member of the Conference today.

Also in the 1910s, the Conference began its longstanding association with our neighbor to the north. For the first time, in 1913 the Conference met in Canada, when it held its annual meeting in Montreal.<sup>16</sup> In 1917, Canada formed its own conference to promote uniform laws, the Canadian Commission on Uniformity of Legislation, which is today the Uniform Law Conference of Canada.<sup>17</sup> Sir James Aikens, the Canadian Commission's first president, modeled it after the American Conference.<sup>18</sup> Indeed, the President of the Canadian Commission once called his organization "a child" of the Conference.<sup>19</sup>

In 1915, a resolution was introduced to appoint a special committee to coordinate with the Committee on Uniform Laws of the Pan-American Conference.<sup>20</sup> President William H. Staake was unsure whether the Conference could officially send representatives to the Pan-American Conference.<sup>21</sup> The annual meeting referred the resolution to the Executive Committee.<sup>22</sup> The next year, the International High Commission contacted the Conference about working toward world uniformity of commercial law.<sup>23</sup> President Staake was again reluctant, stating, "[I]n the judgment of your President, organic connection of the Conference with the Commission is not feasible."<sup>24</sup> The Committee on Commercial Law, chaired by past President Walter George Smith, agreed. The Committee concluded that the Conference had no authority to work on foreign laws or to seat delegates from other countries.<sup>25</sup> However, the Committee recognized that the "uniformication and coordination of law is a consummation that has enlisted the attention of the world," and so recommended letting the High Commission know of the Conference's strong interest in its work.<sup>26</sup>

International activity by the Conference quieted after the Great Depression began and through the Second World War.<sup>27</sup> In general, the references to foreign law in official Conference proceedings and reports dwindled or were given negative treatment.<sup>28</sup> In 1948, the Conference turned down an invitation to join the newly-organized Inter-American Bar Association.<sup>29</sup>

The Conference did specifically cite the "lack of statutory law governing foreign transactions and especially the inability of foreign business men to obtain in small compass an authoritative exposition of American commercial law among the most serious deterrents to the expansion of our foreign commerce" in its application to the Falk Foundation for a grant to draft the Uniform Commercial Code.<sup>30</sup> However, this argument was ancillary to the Conference's primary stated justifications for the grant.<sup>31</sup>

A major exception during this period was the strengthening of relations between the Conference and Canada. The Conference sent its handbooks and transcripts of proceedings to its Canadian counterpart and proposed joint meetings, the first of which occurred in 1942.<sup>32</sup> During another concurrent meeting in 1950, the President of the Canadian Conference, Antoine Rivard, addressed the Conference:

The boundary between our two countries has never been an obstacle to a complete understanding. Our two nations have fought on the battlefields of the world for the sake of democracy and liberty. They are still fighting today side by side against aggression and tyranny, but, above all, in times of peace as in times of war, we Americans or Canadians have always worked to see that a proper system of law would protect liberty,

justice and peace in our own lands. It is toward that common goal that we have all been working, and I think this is the main reason why our agreement is so complete.<sup>33</sup>

The Conference further cemented the two organizations' special relationship in 1976 by bestowing Advisory Member status upon the Canadian Commission president or his or her designee.<sup>34</sup> Three years later, the Canadian and American Bar Associations recommended that the Conference and the Uniform Law Conference of Canada form a liaison committee to serve "the equalization of rights and remedies of citizens in Canada and the U.S.A. affected by pollution emanating from the other jurisdiction."<sup>35</sup> The joint committee drafted a Uniform Transboundary Pollution Reciprocal Access Act, which was approved by the Conference in 1982. The Act is currently in force in seven states and three Canadian provinces.<sup>36</sup> The organizations' successful cooperation led to the Conference appointing a general standing committee in 1984 called the Committee on Liaison with the Uniform Law Conference of Canada and International Organizations.<sup>37</sup>

The Conference's period of relative international isolationism drew to a close in the late 1950s, when President Joe C. Barrett served as the Conference's official representative at meetings in Barcelona and The Hague.<sup>38</sup> The Conference soon thereafter recommended to the ABA that it create a special committee on the international unification of private law.<sup>39</sup> The ABA agreed, and when it appointed the committee in 1958, it installed Commissioner Barrett, as an ABA member, as chairperson.<sup>40</sup>

In addition to reaching out to international organizations, the Conference adopted some acts that had international implications. The Conference passed the Uniform Foreign Money Judgments Recognition Act in 1962,<sup>41</sup> which has since been adopted in most states.<sup>42</sup> This Act endeavored to facilitate international commerce by requiring the recognition of monetary judgments rendered in other countries.<sup>43</sup> The drafters noted the influence of the International Law Association on their work.<sup>44</sup> (The Conference revised the Act in 2005 when it adopted the Uniform Foreign-Country Money Judgments Recognition Act, which was also approved by the ABA.)<sup>45</sup>

Also in 1962, the Conference promulgated the Uniform Interstate and International Procedure Act ("UIIPA") to address certain procedural difficulties of entering foreign judgments or foreign parties in U.S. courts.<sup>46</sup> Specifically, UIIPA has provisions for international personal jurisdiction, service of process, and depositions, and for determining foreign law.<sup>47</sup> The Conference later withdrew the Act in 1977, though six jurisdictions currently use UIIPA.<sup>48</sup>

The Conference continued to expand its international outreach through the 1960s. At the urging of Commissioner Barrett, the Conference approved a resolution in 1963 asking the United States to join the Hague Conference on Private International Law and the International Institute for the Unification of Private Law (known as UNIDROIT).<sup>49</sup> The same year, the Ford Foundation awarded the Conference a grant to research topics of interest for those two international organizations.<sup>50</sup> The United States quickly became a member of both organizations.<sup>51</sup>

After it did so, the Secretary of State created an Advisory Committee on Private International Law.<sup>52</sup> The Advisory Committee formulates expert advice to assist the State Department in carrying out its functions.<sup>53</sup> Specifically, the Committee coordinates with outside organizations to formulate Department policy, staff delegations to meetings of international organizations, and help implement

international agreements domestically.<sup>54</sup> The Committee is comprised of representatives from the Conference; the ABA Sections of International Law and Practice, Corporations, Banking and Business Law, and Litigation; the Department of Justice; and other national legal organizations.<sup>55</sup>

In his Presidential Address at the 1964 annual meeting, Commissioner Walter D. Malcolm said:

[F]or a period of at least eight years the National Conference has been drawn upon by the State Department of the United States very heavily and significantly as the best available and perhaps the only organization in the country that can officially assist in the process of developing uniform international legislation for submission to the several states. By no means do we see or understand fully how this process will work or where our initial steps will lead. But here again, the unique organization represented here today, in a sense, gentlemen, a combination of legal scholars but at the same time having official status as a state organization, is furnished with an opportunity to serve in new fields. We shall attempt to meet this challenge with courage and determination comparable to that mustered by prior Commissioners in meeting other new challenges throughout our long history.<sup>56</sup>

Around this time, some within the Conference began to openly wonder whether the organization even had the authority to undertake private international law projects. The results of a 1964 questionnaire revealed that a “substantial number” of commissioners believed the Conference lacked this authority.<sup>57</sup> Professor Abram Chayes, formerly the Legal Adviser at the Department of State, assured the Conference that the Department would act only on private law issues at the behest of legal organizations like the Conference.<sup>58</sup> Professor Chayes said:

The State Department is interested in getting the advice of the Commissioners, as it is interested in getting the advice of every other organization which in some sense can be said to speak for American lawyerdom, but the Commissioners’ advice will be more significant and more important, and you will be more interested in giving advice on some things rather than others, depending upon what the particular item is and how it fits in with your organization’s responsibilities and interests.<sup>59</sup>

In other words, the power to act resided within the Conference.<sup>60</sup> Professor Chayes and Charles Bevans, the State Department’s then-Deputy Legal Adviser, both promised the Conference that the Department was acting with state interests in mind.<sup>61</sup>

The Conference’s international visibility increased when the International Institute for the Unification of Private Law invited the Conference to send a representative to the Institute’s 1968 meeting in Rome.<sup>62</sup> Past Conference President James C. Dezendorf attended the meeting, and reported that:

the work of the Conference is commencing to be understood and appreciated by lawyers all over the world, and I recommend that we continue to participate in the meetings of the Institute as long as we are invited to do so.<sup>63</sup>

Around this time, the Executive Director reported that the Conference’s international activity should not be limited to merely endorsing the drafts prepared by other organizations.<sup>64</sup> The Conference thus institutionalized its international focus when the Executive Committee authorized the

appointment of a Special Committee on International Uniformity of Private Law in 1965.<sup>65</sup> The committee was given the mission of making recommendations to the Conference on proposals concerning conventions and other methods of obtaining international uniformity on subjects suitable for state law in the United States.”<sup>66</sup>

The committee quickly drafted a Model Choice of Forum Act, which the Conference approved in 1969.<sup>67</sup> The Act, which was loosely based on a Hague Convention,<sup>68</sup> required enforcement of contractual forum-selection clauses so long as the clauses were reasonable, not substantially inconvenient, and not contrary to another statute.<sup>69</sup> However, the Conference soon became concerned that the Act was too broad and would be unconstitutionally violative of procedural due process.<sup>70</sup> Nebraska, New Hampshire, and North Dakota enacted the Act before the Conference withdrew it in 1975.<sup>71</sup>

The Special Committee spurred the Conference to recommend Congressional ratification of the Hague Conventions on Service and on Evidence.<sup>72</sup> The Committee also reviewed and referred two international sources of law—the Hague Convention on Adoption and the 1958 United Nations Convention on Recognition and Enforcement of Foreign Arbitral Awards—to the drafting committees of the Uniform Adoption Act and Uniform International Arbitration Act, respectively.<sup>73</sup>

By the mid-1970s, the Special Committee was no longer actively meeting.<sup>74</sup> After Commissioners Dezendorf and Barrett passed away, the Conference discharged the Committee in 1982.<sup>75</sup>

However, this did not signal a retreat from international involvement by the Conference. The Conference turned to international wills in an effort to implement the 1973 UNIDROIT Convention Providing a Uniform Law on the Form of an International Will, which allowed testators to write wills that would be recognized in all signatory countries.<sup>76</sup> By the terms of the Convention, a will that meets the requirements of the Convention that is executed in any country would be valid in any country in which the Convention is in force.<sup>77</sup> Accordingly, the Joint Editorial Board for the Uniform Probate Code, serving as a special committee, began drafting a Uniform International Wills Act.<sup>78</sup> Designed as both a part of the Uniform Probate Code and as a freestanding act, the Act was approved by the Conference in 1977.<sup>79</sup> Although the Conference ably did its part, the U.S. did not sign the Convention until 1991.<sup>80</sup> The Senate to this day has not ratified the Convention,<sup>81</sup> but the Joint Editorial Board for Uniform Trust and Estate Acts reviewed the Uniform International Wills Act in 2007 and concluded that it remained useful and did not need revision.<sup>82</sup> As of this writing, 15 jurisdictions have adopted the act and the ULC continues to seek its adoption by other states.<sup>83</sup>

Other federal delays have impeded the Conference. For instance, the Conference gave a first reading of the Uniform Recognition of Foreign Divorces Act at the 1975 annual meeting.<sup>84</sup> However, the commissioners began to worry that the Senate would not ratify the 1970 Hague Convention regarding the recognition of foreign divorces.<sup>85</sup> The Conference thus removed the Act from its agenda, discharged its standby committee, and so informed the Secretary of State’s Advisory Committee.<sup>86</sup>

In 1987, the Conference began exploring whether it should reinstate the uniform international private law committee it had discharged years earlier.<sup>87</sup> Commissioner Fred H. Miller laid out an argument against:

The Conference is aware of developments with respect to and is deeply interested in international legal unification, not only in relation to international wills but also in relation to the sales convention and other developments including those relating to payments and letters of credit. However, these matters seem better approached through other committees of the Conference relating to the subject matter involved, rather than through a general purpose standing committee. In addition, Frank Jestrab has agreed to continue to supply the Executive Committee with periodic reports to make sure no subjects are inadvertently unnoticed, and also to explore Conference representation or participation in some of the ongoing projects.<sup>88</sup>

The Conference, however, created a Committee on Liaison with the State Department's Advisory Committee on Private International Law in 1991 composed of three commissioners.<sup>89</sup> That committee was discharged in 1996.<sup>90</sup>

The Conference's international activity has continued to grow in the new millennium. In 2001, the Conference approved the Uniform Mediation Act ("UMA") to govern the dispute resolution tool of mediation.<sup>91</sup> The UMA was designed to apply to both domestic and international mediation.<sup>92</sup> After the United Nations Commission on International Trade ("UNCITRAL") adopted the Model Law on International Commercial Conciliation the next year, the Conference began drafting amendments to the UMA to implement the Model Law at the state level.<sup>93</sup> In 2003, the Conference adopted an amendment to UMA Section 11 to encourage parties from different countries to mediate commercial disputes in accordance with the Model Law.<sup>94</sup>

Numerous uniform family law acts have been modified to keep up with international issues.<sup>95</sup> The 2006 Uniform Child Abduction Prevention Act provides courts with tools to help prevent child abductions; the Act stresses that "every abduction case may be a potential international abduction case"<sup>96</sup> The Conference amended the Uniform Interstate Family Support Act in 2008 to fulfill American obligations under the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.<sup>97</sup>

The relationship between the Conference and the Uniform Law Conference of Canada has continued to grow ever closer in recent years, and a relationship has been established with the Mexican Center for Uniform Law. The President of the Uniform Law Conference of Canada has attended every annual meeting of the Conference for many decades, and the ULC President has, in turn, attended the ULCC annual meeting each year for many years.<sup>98</sup> The President of the Mexican Center for Uniform Law, Jorge Sanchez Cordero, first attended the annual meeting of the Conference in 2002 and has attended nearly every year thereafter.

More recently, former ULCC President, Peter Lown, who chairs the ULCC Program Committee, has attended the meeting of the ULC Scope and Program Committee at each annual meeting.<sup>99</sup> In late 2012, the leadership of the ULC and the ULCC met to discuss future joint projects that might be undertaken. It is anticipated that such a joint meeting of the leadership of the two conferences will continue to occur on an annual basis.

Already some joint projects have been undertaken by the neighboring conferences in recent years. The Uniform Unincorporated Nonprofit Association Act, approved in 2008, was a joint project with the ULC, the Uniform Law Conference of Canada, and the Mexican Center for Uniform Law.<sup>100</sup> More

recently, the ULC and the ULCC have begun a joint drafting committee on Interjurisdictional Recognition of Substitute Decision-Making Documents.<sup>101</sup> Now, when considering international projects, one stated criterion of the Scope and Program and Executive Committees is: “Would this project be suitable for collaboration with the Canadian and Mexican uniform law conferences?”<sup>102</sup>

The responsibility for liaising with foreign uniform law commissions, and also for liaising with the State Department, now lies with the ULC Committee on International Legal Developments (“ILDC”), which was created in 2000.<sup>103</sup> The ILDC reviews all proposed international projects and makes recommendations to the ULC Executive Committee regarding these projects and activities.

In 2007, the Conference and the ABA Section of International Law created a Joint Editorial Board for International Law.<sup>104</sup> This Joint Editorial Board (“JEB/IL”) has four stated purposes. First, it recommends adoption of uniform state laws involving international and transnational law.<sup>105</sup> Second, the JEB/IL advises and assists the federal government in treaty negotiations.<sup>106</sup> Third, it promotes education about the rule of law and the benefits of achieving harmonization of legal provisions worldwide.<sup>107</sup> Lastly, the JEB/IL generally seeks to further the goals of both the Conference and the ABA International Law Section.<sup>108</sup>

At the request of the Office of the Assistant Legal Adviser to the State Department for Private International Law, the Conference has become involved in the implementation of several private international law treaties, particularly conventions that are related to Conference acts, such as the Uniform Commercial Code and the Uniform Interstate Family Support Act. A concept of cooperative federalism has been developed to facilitate the implementation of treaties, when appropriate, through enactment of state law. Under this concept, a nearly identical federal statute and a uniform state law are drafted to implement a private international law treaty. The federal statute would implement the treaty except in those states in which the implementing uniform state law has been enacted.

Between 2006 and the present, the Conference has worked closely with the State Department and other federal agencies to assist in the implementation of private international law conventions that the President and the State Department have indicated that the United States wishes to ratify. The specific methods of implementation have differed depending on the specific treaty.

In 2008, the Conference revised the Uniform Interstate Family Support Act (“UIFSA”) to implement provisions of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.<sup>109</sup> The Senate gave its advice and consent to the Convention in 2010 and federal legislation has been proposed that would provide necessary federal implementing legislation and provide that a state that did not adopt revised UIFSA within a certain period of time could lose its right to federal funds that are available to assist states in providing child support.<sup>110</sup> The federal legislation passed the House of Representatives in 2012 and, at this writing, is pending in the Senate.<sup>111</sup>

The Conference adopted the Uniform Unsworn Foreign Declarations Act in 2008, which permits, in state court proceedings, unsworn declarations to be executed under penalty of perjury by witnesses located outside the United States in lieu of affidavits, verifications, or other sworn court filings.<sup>112</sup> To date, this act has been adopted in 18 jurisdictions.<sup>113</sup>

During 2006 to 2007, a committee of the Conference assisted the State Department in developing

materials to transmit to the Senate in connection with the UN Convention on the Assignment of Receivables in International Trade.<sup>114</sup> This Convention deals with matters covered in the United States by provisions of Article 9 (Secured Transactions) of the Uniform Commercial Code.<sup>115</sup> Because the provisions of the Convention are very similar to those of the Code, and because the primary users of the Convention will be very familiar with international commercial law, the Conference and the State Department agreed that the Convention should be self-executing and that no implementing federal or state legislation was necessary.<sup>116</sup> The State Department is planning to submit the Convention to the Senate for its advice and consent in the near future.<sup>117</sup>

The UN Convention on Independent Guarantees and Standby Letters of Credit is another Convention that contains provisions closely related to an article of the Uniform Commercial Code—Article 5 on Letters of Credit.<sup>118</sup> From 2007 to 2010, a committee of the Conference worked closely with the State Department and representatives of the affected industries to implement this Convention.<sup>119</sup> Because of the similarity of the provisions of the Convention to Article 5, substantive federal or state implementing legislation was not necessary, but the committee drafted proposed federal legislation that would provide needed guidance on some key choice of law issues.<sup>120</sup> The State Department is planning to submit the Convention to the Senate for its advice and consent, but it has not yet done so as of the date of publication of this book.<sup>121</sup>

The Hague Convention on Securities Held by Intermediaries has provisions that closely track provisions of Article 8 (Securities) and Article 9 (Secured Transactions) of the Uniform Commercial Code.<sup>122</sup> Since 2007, a committee of the Conference has worked closely with the State Department and representatives of the affected industries to develop materials that would accompany the transmittal of this Convention to the Senate for advice and consent.<sup>123</sup> As with the previous two Conventions, no substantive federal or state implementing legislation was considered necessary.<sup>124</sup> The Convention was transmitted to the Senate in the spring of 2012, and the Senate is expected to give its advice and consent soon.<sup>125</sup>

From 2007 to 2010, a committee of the Conference worked closely with the State Department on the implementation of the UN Convention on the Use of Electronic Communications in International Contracts (the E-Commerce Convention).<sup>126</sup> The provisions of this Convention are very similar to the provisions of the Uniform Electronic Transactions Act (“UETA”), which was adopted by the Conference in 1999 and has been enacted in 49 jurisdictions, and the federal E-Sign Act.<sup>127</sup> The committee concluded that no revision of UETA was necessary and drafted proposed federal legislation that would implement specific provisions of the Convention that differ in some respects from UETA and E-Sign.<sup>128</sup> The State Department is planning to submit the Convention to the Senate for its advice and consent in the near future.<sup>129</sup>

Committees of the Conference are currently working with the State Department and others to develop legislation that would implement two other important international conventions. In order to implement The Hague Convention on the Protection of Children, a Conference drafting committee is currently preparing amendments to the Uniform Child Custody Jurisdiction and Enforcement Act (1997).<sup>130</sup> Another committee of the Conference has been working with the State Department and others since 2008 to develop state and federal legislation that would implement The Hague Convention on Choice of Court Agreements.<sup>131</sup>

Efforts have also been initiated to develop connections to other nations that might enter into a project to develop a uniform or harmonized law with the Uniform Law Commission. In January 2013, a meeting was held between the leadership of the ULC and Attorneys General or their designees of several of the Caribbean Nations.<sup>132</sup> The meeting resulted in an agreement to explore four specific areas to determine if it would be appropriate to consider undertaking a project to harmonize regional law in any of those areas.<sup>133</sup> A decision as to whether to proceed with any of these potential harmonization projects is expected by early 2014.

Also, in recent months the leadership of the ULC met with representatives of the Irish Law Reform Commission to explore whether some joint projects might be undertaken.

The Uniform Law Commission certainly has more than enough work to do promoting uniformity of legislation just among the states. However, over the past twelve decades, it has taken on numerous international projects. As the world shrinks and people conduct more and more transactions across national lines, the Conference cannot ignore the implications of international activity on state law. Fortunately, the Conference is well prepared—with the help of such collaborators as the Uniform Law Conference of Canada, the Mexican Center for Uniform Law, the American Bar Association Section of International Law, the U.S. State Department, and law reform organizations of other countries—to meet the international challenges of the decades to come.

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#### Footnotes:

- 1 Nat'l Conference of Comm'rs on Unif. State Laws, Proceedings 6–7 (1905).
- 2 Nat'l Conference of Comm'rs on Unif. State Laws Const. § 1.2, *in* Nat'l Conference of Comm'rs on Unif. State Laws, 2011–2012 Reference Book 109 (2011) [hereinafter 2011 Reference Book].
- 3 Peter Winship, *The National Conference of Commissioners on Uniform State Laws and the International Unification of Private Law*, 13 U. Pa. J. Int'l. Bus. L. 227, 244 (1992).
- 4 *Id.* at 245.
- 5 *Id.* at 256.
- 6 *Id.*
- 7 *Id.* at 240–41.
- 8 *Id.* at 231.
- 9 *Id.*
- 10 *Id.* at 232.
- 11 *Id.* at 233.
- 12 *See supra* chapter 3.
- 13 Winship, *supra* note 3, at 239 n.35.
- 14 *See* appendix D.
- 15 Winship, *supra* note 3, at 239.
- 16 *Id.* at 239–40; 2011 Reference Book, *supra* note 2, at 106.
- 17 Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 60 (1991).
- 18 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 52nd Annual Conference 84 (1982).
- 19 *Id.*
- 20 Winship, *supra* note 3, at 242.



- 21 *Id.*
- 22 *Id.*
- 23 Armstrong, *supra* note 17, at 82.
- 24 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 26th Annual Conference 186 (1916).
- 25 Winship, *supra* note 3, at 243.
- 26 *Id.* at 243–44.
- 27 *Id.* at 253.
- 28 *Id.* at 253-54.
- 29 *Id.*
- 30 *Id.* at 254 n.85.
- 31 *Id.* at 254.
- 32 *Id.* at 254-55.
- 33 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 59th Annual Conference 130 (1950).
- 34 Winship, *supra* note 3, at 278.
- 35 Michael I. Jeffrey, *Transboundary Pollution and Cross-Border Remedies*, 18 Can.-U.S. L.J. 173, 177 (1992).
- 36 *Id.*; Noah Sachs, *Beyond the Liability Wall: Strengthening Tort Remedies in International Environmental Law*, 55 UCLA L. Rev. 837, 899 (2008); 2011 Reference Book, *supra* note 2, at 135.
- 37 Winship, *supra* note 3, at 278–79.
- 38 *Id.* at 257.
- 39 Armstrong, *supra* note 17, at 82.
- 40 Winship, *supra* note 3, at 259.
- 41 Unif. Foreign Money Judgments Recognition Act (1962).
- 42 Melinda Luthin, *U.S. Enforcement of Foreign Money Judgments and the Need for Reform*, 14 U.C. Davis J. Int'l L. & Pol'y 111, 120 (2007).
- 43 Prefatory Note, Unif. Foreign Money Judgments Recognition Act.
- 44 *Id.*
- 45 Melinda Luthin, *U.S. Enforcement of Foreign Money Judgments and the Need for Reform*, 14 U.C. Davis J. Int'l L. & Pol'y 111, 137 (2007).
- 46 Prefatory Note, Unif. Interstate Depositions & Discovery Act (2007).
- 47 *Id.*
- 48 *Id.*
- 49 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 72nd Conference 58 (1963).
- 50 Armstrong, *supra* note 17, at 92.
- 51 Winship, *supra* note 3, at 259–60.
- 52 *Id.* at 260.
- 53 Fred H. Miller, *International Legal Developments and Uniform State Laws: A Radical Proposal?*, 60 Consumer Fin. L.Q. Rep. 402, 405 (2006).
- 54 *Id.*
- 55 Patricia B. Rogers, *Private International Law*, 23 Int'l Law. 207, 211 (1989).
- 56 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 73rd Annual Conference 59–60 (1964).
- 57 Winship, *supra* note 3, at 260.
- 58 *Id.* at 264.
- 59 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 73rd Conference 150 (1964).

- 60 Winship, *supra* note 3, at 264.
- 61 *Id.*
- 62 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 77th Conference 175 (1968).
- 63 *Id.* at 177.
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- 89 *Id.* at 284.
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- 96 Unif. Child Abduction Prevention Act § 8 cmt (2006).
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- 117 *Id.* at 9.
- 118 Memorandum from Prof. James E. Byrne, Director, Institute of International Banking Law & Practice, to Edwin Smith, Chair, Drafting Committee for Implementation of the U.N. Convention on Independent Guarantees and Standby Letters of Credit, Oct. 22, 2007.
- 119 *Id.*
- 120 Memorandum from Edwin E. Smith, Chair, the Committee to Implement the UN Convention on Independent Guarantees and Standby Letters of Credit, to ULC International Legal Developments Committee, Nov. 9, 2009.
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- 122 Unif. Law Comm'n, ULC Drafting and Study Committee Projects (Jan. 2013), <http://www.uniformlaws.org/Shared/ProjectsList/ProjectsList.pdf>.
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127 *Id.*; 2011 Reference Book, *supra* note 2, at 139.

128 Unif. Law Comm'n, Report of the Committee to Implement the UN E-Commerce Convention 5–6 (2010).

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132 *See also* Michael Houghton, *Message from the President*, Unif. Law Comm'n, <http://uniformlaws.org/Narrative.aspx?title=QR%20Issue%2012%20%3E%20Message%20from%20the%20President> (last visited Feb. 8, 2013).

133 *See id.*

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## BIOGRAPHIES FOR CHAPTER 10

**Joe C. Barrett** was a commissioner from Arkansas from 1943 to 1979, and President of the Conference from 1953 to 1955.<sup>1</sup> Barrett represented the Conference at several international conferences in the postwar period, including the International Institute for the Unification of Private Law in Barcelona and the Hague Conference on Private International Law in the Netherlands.<sup>2</sup> Barrett also served on the Advisory Committee on Private International Law of the Secretary of State.<sup>3</sup> In 1958, Barrett was appointed chairperson of the ABA special committee on the international unification of private law.<sup>4</sup> Barrett also served as a member of the Permanent Editorial Board for the Uniform Commercial Code.<sup>5</sup>

**James C. Dezendorf** was a commissioner from Oregon from 1942 to 1977, and was Conference President from 1957 to 1959.<sup>6</sup> Dezendorf was a frequent representative of the Conference at international conferences.<sup>7</sup> He chaired the drafting committee for the Uniform Foreign Money-Judgments Recognition Act, which the Conference approved in 1962.<sup>8</sup>

**H. Kathleen Patchel** has been a commissioner from Indiana since 1998.<sup>9</sup> She was the Reporter for the Uniform Choice of Court Agreements Convention Implementation Act.<sup>10</sup> She is a professor at the Indiana University School of Law and is a member of the Conference's International Legal Developments Committee. Patchel also was the Associate Reporter for the Uniform Commercial Code Article 1 Drafting Committee.<sup>11</sup>

**Curtis R. Reitz** has been a commissioner from Pennsylvania since 1975.<sup>12</sup> He serves on the International Legal Developments Committee.<sup>13</sup> Reitz is a professor at the University of Pennsylvania Law School, and was a member of the drafting committees for several Uniform Commercial Code Articles.<sup>14</sup>

**Walter George Smith** was a commissioner from Pennsylvania from 1904 to 1923, and was the President of the ABA from 1917 to 1918.<sup>15</sup> Smith served on the Advisory Committee of the Conference for the Limitations of Armaments in 1922.<sup>16</sup> A prominent Philadelphia attorney,<sup>17</sup> he chaired the ABA's Committee on Commercial Law.<sup>18</sup> Smith went on to serve as President of the Armenia-America Society, and was appointed a Knight of the Order of St. Gregory the Great by Pope Pius X in 1910.<sup>19</sup> Smith was also the chairman of the Section on Legal Education of the ABA.<sup>20</sup>

**William H. Staake** was a commissioner from Pennsylvania from 1901 to 1923 and President of the Conference from 1915 to 1917.<sup>21</sup> In the Conference's early days, Staake vocalized concerns about the Conference's authority to engage in international affairs.<sup>22</sup> Staake chaired the National Congress on Uniform Divorce Laws,<sup>23</sup> and was also a judge of the Court of Common Pleas in Philadelphia.<sup>24</sup>

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### Footnotes:

<sup>1</sup> See appendix G; appendix A.

<sup>2</sup> Philip W. Amram et. al., *Correspondence of Joe C. Barrett (1897–1980)*, 76 Am. J. Int'l L. 372, 372 (1982).

<sup>3</sup> *Id.* at 373.

<sup>4</sup> Peter Winship, *The National Conference of Commissioners on Uniform State Laws and the International Unification of Private*

- Law*, 13 U. Pa. J. Int'l. Bus. L. 227, 259 (1992).
- 5 John P. Frank, *Canon 8 and a Rising Aspiration*, 48 Tex. L. Rev. 380, 381 (1970).
- 6 See appendix G; appendix A.
- 7 Winship, *supra* note 4, at 259 n.106.
- 8 Prefatory Note, Unif. Foreign Money-Judgments Recognition Act (1962).
- 9 *Hearing on Recognition and Enforcement of Foreign Judgments Before the House Comm. on the Judiciary Subcomm. on Courts, Commercial & Administrative Law*, 112 Cong., 1st Sess. (2011) (statement of H. Kathleen Patchel, Unif. Law Comm'r, Ind.).
- 10 Prefatory Note, Unif. Choice of Court Agreements Convention Implementation Act (2012).
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- 12 See appendix G.
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- 16 Fishman, *supra* note 15, at 27.
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- 22 See *supra* chapter 10.
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## Offices, Executive Staff and Operations

### OFFICES

Although the Conference was founded in 1892, it had no permanent home to call its own for more than 50 years. Prior to 1948, the “home” of the ULC headquarters office was located in the office of the Secretary of the Conference.<sup>1</sup>

In reality, however, all the Conference material was located at the headquarters of the ABA in Chicago.<sup>2</sup> Most of the administrative work of the Conference was handled by the administrative staff at the ABA.<sup>3</sup> The ABA retained all ULC Handbooks as well as copies of all ULC acts.<sup>4</sup> When a request would come in for any Conference material, the ULC Secretary would forward the request to the ABA staff and they would handle the request.<sup>5</sup> Also, the ABA meetings department took care of all the planning for the ULC annual meetings.<sup>6</sup>

The staff at the ABA was very small, however, and the work of the Conference started to become too much for them to handle.<sup>7</sup> The ABA staff asked the Conference to take its own material, but quite a lot of time passed and nothing was done.<sup>8</sup> Eventually, Olive Ricker, who was Executive Secretary for the ABA, became so unhappy with the Secretary of the Conference, Barton Kuhns, that she loaded all of the Conference material on trucks and sent it all to his office in Omaha, Nebraska.<sup>9</sup> That was in 1947.<sup>10</sup> Frances Jones later recalled, “[B]ig trucks pulled up and dumped all of the Conference material on the sidewalk outside the Bank Building.”<sup>11</sup>

Barton Kuhns’ office was located in the First National Bank Building of Omaha.<sup>12</sup> He rented an empty office in the building to store the material and hired Frances Jones, who ran a secretarial service out of the same building, as an independent contractor to organize the material.<sup>13</sup>

In 1948, the Executive Committee hired Jones, and she became the first full-time employee of the Conference. In 1950, she was given the title of Executive Secretary.<sup>14</sup> She continued to work in Omaha, so the first headquarters office of the ULC was in Omaha at the First National Bank Building; it remained in Omaha from 1948 until 1953.<sup>15</sup>

In the early 1950s, the ABA began requesting that all of its affiliated organizations move in to its new headquarters building on the south side of Chicago in Hyde Park.<sup>16</sup> When Frances Jones’ husband was transferred to Chicago for his work in 1953, the Conference also made its move to Chicago, the city where the headquarters office has remained ever since.<sup>17</sup>

On August 19, 1954, the new American Bar Center and Headquarters Building at 1155 E. 60th Street in Chicago was dedicated,<sup>18</sup> and the Center was open for occupancy on October 1, 1954.<sup>19</sup> The ULC headquarters office was housed within the ABA office and Frances Jones continued as the only full-time employee.<sup>20</sup>

The Conference remained within the ABA offices until 1972, when it moved its offices to 645 N. Michigan Avenue in Chicago.<sup>21</sup> It moved again in 1989 to 676 N. St. Clair Street in Chicago.<sup>22</sup> Nine

years later, in 1998, the Conference office moved to 211 E. Ontario Street in Chicago.<sup>23</sup> In 2007, the Conference moved to its present location in a condominium office at 111 N. Wabash Avenue.<sup>24</sup> In that year, the Uniform Law Foundation purchased the office condominium and leased it to the Conference on favorable terms, so the Conference will have a permanent home in the Chicago Loop for many years to come.<sup>25</sup>

### *Timeline of Conference offices in Chicago*

1954–1972: 1155 E. 60th Street

1972–1989: 645 N. Michigan Avenue

1989–1998: 676 N. St. Clair Street

1998–2007: 211 E. Ontario Street

2007–present: 111 N. Wabash Avenue<sup>26</sup>

## EXECUTIVE STAFF

### **Executive Secretaries/Chief Administrative Officers**

The first full-time employee of the ULC was Frances Jones, who was hired in 1948 to organize the ULC records and material.<sup>27</sup> In 1950 Jones was named Executive Secretary.<sup>28</sup>

Frances Jones retired in 1974.<sup>29</sup> Upon her retirement, her duties were taken over temporarily by her Administrative Assistant, Mr. Leslie Turner, for a year until 1975.<sup>30</sup>

In 1975, Alicia Pond was hired as Executive Secretary, and she served for 10 years until 1985.<sup>31</sup> In 1985, Martha Anne Yandle was named Executive Secretary, and she served for a year until 1986.<sup>32</sup> In 1986, Edith O. Davies was hired as Executive Secretary, and she served until 1994 when she left the position upon her marriage to Commissioner Richard Hite of Kansas, who was Conference President at the time.<sup>33</sup> In 1994, Shirley Worthy was hired as Executive Secretary, and she served until 1996.<sup>34</sup> In 1996, Ellyce Anapolsky was hired as Executive Secretary and when the Conference constitution was later changed, the title of the position became “Chief Administrative Officer.”<sup>35</sup> Ellyce Anapolsky served as CAO until 2000. From 2000 through 2001, Michael Kerr served as Interim CAO.<sup>36</sup>

In 2001, Elizabeth Cotton-Murphy was hired as Chief Administrative Officer and she continues to serve in that position with great distinction up to the present time.<sup>37</sup>

### *Timeline of Executive Secretaries/Chief Administrative Officers*

1950–1974: Frances Jones

1974–1975: Acting Executive Secretary Leslie Turner

1975–1985: Alicia Pond

1985–1986: Martha Anne Yandle

1986–1994: Edith O. Davies



1994–1996: Shirley Worthy

1996–2000: Ellyce Anapolsky

2000–2001: Michael Kerr, Interim CAO

2001–present: Elizabeth Cotton-Murphy

## **Executive Directors**

The Conference has had four part-time Executive Directors who also were law professors while they served as Executive Director. Allison Dunham, a law professor at the University of Chicago, was appointed as the first Executive Director of the Conference in 1963.<sup>38</sup> He served as Executive Director from 1963 until 1970.<sup>39</sup> He later became a commissioner from Illinois.<sup>40</sup>

William J. Pierce, a law professor at the University of Michigan and a Michigan Commissioner who had just finished his term as ULC President, was named Executive Director to replace Allison Dunham in 1970.<sup>41</sup> Bill Pierce would serve as Executive Director for 22 years until 1992, when he was named Executive Director Emeritus.<sup>42</sup> He served as Executive Director Emeritus until his death in 2004.<sup>43</sup>

In 1992, Fred H. Miller, an Oklahoma Commissioner and law professor at the University of Oklahoma, was named Executive Director.<sup>44</sup> Fred Miller served as Executive Director until 2001, when he once again became a commissioner.<sup>45</sup> He later became President of the Conference from 2003 to 2005.<sup>46</sup>

In 2001, William H. Henning, a Missouri Commissioner and law professor at the University of Missouri, was named Executive Director.<sup>47</sup> He served as Executive Director until 2007, when he became a commissioner from Alabama, as he had moved to the University of Alabama Law School faculty during the time he was Executive Director.<sup>48</sup>

In 2007, John A. Sebert was hired as the first full-time Executive Director of the Conference.<sup>49</sup> John Sebert was serving as the ABA Consultant on Legal Education before becoming Executive Director. Before that, he was Dean of the University of Baltimore Law School.<sup>50</sup> John Sebert continues to serve as Executive Director up to the present time.<sup>51</sup>

### *Timeline of Executive Directors*

1963–1970: Allison Dunham

1970–1992: William J. Pierce

1992–2001: Fred H. Miller

2001–2007: William H. Henning

2007–present: John A. Sebert

## **Legislative Directors**

Neil Butler was hired as Education Director for the Uniform Consumer Credit Code in 1968.<sup>52</sup> Although he was not technically a full-time employee of the Conference, his was the fore-runner of the

Legislative Director position. He retired in 1972.<sup>53</sup>

In 1972, John M. McCabe was hired as the first full-time Legislative Director of the Conference.<sup>54</sup> He held that position for 35 years until his retirement in 2007.<sup>55</sup> He was assistant dean at the University of Montana Law School at the time he was hired.<sup>56</sup> In 2007, Michael Kerr, who had been Legislative Counsel and Deputy Legislative Director since 2001, was appointed as Legislative Director; he served until 2011.<sup>57</sup> Prior to joining the ULC as Legislative Counsel, Michael Kerr was an attorney with the California Legislative Reference Office.<sup>58</sup>

In 2011, Katie Robinson was appointed as Deputy Legislative Director, and continues to serve with distinction in that capacity.<sup>59</sup> In January of 2013, Terry Morrow, a legislator from Minnesota and Professor at Gustavus Adolphus College, was hired as Legislative Director of the Conference.<sup>60</sup>

### *Timeline of Legislative Directors*

1968–1972: Neil Butler (Education Director for UCCC)

1972–2007: John M. McCabe

2007–2011: Michael Kerr

2011–present: Katie Robinson, Deputy Legislative Director

2013–present: Terry Morrow

## OPERATIONS AND MEETING FORMATS

The Conference has held an annual meeting each summer (or early fall) since the first meeting in 1892.<sup>61</sup> The only exception to that was in 1945, when restrictions on civilian travel during World War II made it difficult to gather for a meeting.<sup>62</sup>

The early annual meetings of the ULC lasted just two to three days, and were held immediately prior to the ABA annual meeting and in the same city.<sup>63</sup> The two to three day meetings lasted from 1892 to 1908. In 1909, the annual meetings expanded to four to five day meetings.<sup>64</sup> This format lasted from 1909 until 1914.<sup>65</sup>

Starting in 1915, annual meetings lasted six to seven days, and this continued until 1971.<sup>66</sup> In 1971, an eight day format was adopted that continued until 2010, when the meeting was shortened to seven days, which is the current format in 2013.<sup>67</sup>

Prior to 1954, all annual meeting arrangements were handled through the Meetings Department of the ABA.<sup>68</sup> After that, the Executive Secretary—now the Chief Administrative Officer—made all the meeting arrangements for the Conference.

Very early on, the ULC was divided into several Standing Committees:

1. Executive
2. Commercial Law
3. Wills
4. Marriage and Divorce

5. Insurance
6. Congressional Action
7. Appointment of New Commissioners
8. Articles of Commerce
9. Incorporation Law
10. Land Title Registration
11. Banks and Banking<sup>69</sup>

These standing committees consisted of seven commissioners each; each committee would issue an annual report of its work.<sup>70</sup> The standing committees did not draft, but reviewed drafts in their particular area.<sup>71</sup>

By 1925, the ULC Standing Committees were reduced to five:

1. Executive
2. Scope and Program
3. Public Information
4. Legislative
5. Appointment of and Attendance by Commissioners<sup>72</sup>

Also in 1925, the Conference was divided into sections to replace many of the former standing committees:

1. Commercial Acts Section
2. Property Acts Section
3. Social Welfare Acts Section
4. Public Law Acts Section
5. Corporation Acts Section
6. Torts and Criminal Law Acts Section
7. Civil Procedure Acts Section<sup>73</sup>

The sections did not draft, but had an advisory role to the drafting committees under them.<sup>74</sup> Every drafting committee was assigned to a specific section.<sup>75</sup> Sections would meet in person in the winter/spring before an annual meeting to review drafts prepared by committees assigned to their section.<sup>76</sup> Sections also would meet at annual meetings to review the acts scheduled for debate on the floor.<sup>77</sup>

Sections often gave explicit drafting directions to the committees and would report those directions at the annual meeting.<sup>78</sup> In doing this, it was hoped that many issues would already be debated before a draft got to the annual meeting, thereby saving floor time.<sup>79</sup>

During this time, drafting committees did not meet in person.<sup>80</sup> Reporters were not hired for drafting committees.<sup>81</sup> Instead, the chair of the drafting committee did the drafting.<sup>82</sup> Drafts were typically created by the chair and then distributed by postal mail to committee members for comment.<sup>83</sup> Once comments were reviewed, a new draft would be prepared and distributed.<sup>84</sup>

The chair of the section was always a member ex officio of each drafting committee assigned to that section.<sup>85</sup> Also, the chair of the section was the chair of the Committee of the Whole at annual meetings during the debate of acts drafted by that specific committee.<sup>86</sup>

Early ULC constitutions stated that no draft would be considered at an annual meeting until it had been considered in detail by the relevant section.<sup>87</sup> As a result, drafting frequently took many years.

In 1950, the sections were re-organized: sections went from “subject matter” sections to “letter” sections (i.e., Section A, Section B., etc.).<sup>88</sup> The reason, as stated by President Howard Barkdull in his address to the Conference in 1950, was:

A major change in the organization of the Conference is embodied in a proposed amendment to the Constitution which has been recommended by the Executive Committee for adoption at this present meeting. One innovation consists of the designation of various Sections by letter, from A to G, inclusive, in place of the names by which they have hitherto been known, such as Commercial Acts Section, Property Acts Section, etc.

The reason which prompts the Executive Committee to recommend this amendment is that there has been a disproportionate burden of work among the several Sections due to the fact that the subject matter of some of them is so active that numerous projects are constantly being assigned to these groups, whereas in other cases the load is extremely light. It is believed that the distribution of work can be accomplished with much greater fairness and with less overburdening of some groups, if the Sections are designated by letter only, so that the Executive Committee and the officers may spread the work evenly among the several Sections.

Many reasons to the contrary have been raised during the discussion of this proposed change in the Executive Committee and in the sub-committee which was appointed to consider it. The net result of the discussion was that, in the opinion of the Executive Committee, the proposed plan is worth a trial, and I join with the Executive Committee in recommending to the Conference the approval of the amendment which will come before you for action during the course of the present week.

Greater emphasis needs to be given to the Section, so that each Act before coming to the Conference will represent the study and approval not only of the specific committee in charge of the Act but also of the Section to which it is attached. The additional emphasis on the Section is a necessary step in the policy of improving the character of the material which comes before the Conference for detailed consideration in Committee of the Whole. The functioning of the Section in the going over of these Acts must be made more than a theory and a matter of form. The detailed consideration by the Section is certain to result in a distinct improvement in the quality of the product presented to the Conference for its consideration. The spreading of the burden in a more equal form among all seven Sections will result in none of them being over-worked, thus affording a real opportunity

for the Section to perform the function which was originally contemplated.

Under the new plan, every member of the Conference is assigned to a Section, and the program for the present meeting provides for the holding of a meeting of each Section Monday afternoon, with no session of the Conference itself scheduled for that time. This is in line with the increased emphasis which is being given to the Sections.”<sup>89</sup>

Sections were made up of 11 members and one chair.<sup>90</sup> The rest of the commissioners assigned to that section were advisory members of the section.<sup>91</sup>

The 12 section members met in person in the winter/spring before an annual meeting.<sup>92</sup> The full section, with members and advisory members, met in person at the annual meeting to go over drafts that would be debated on the floor.<sup>93</sup> At first, sections met for a half day on the first day of the annual meeting; eventually sections met for a full day.<sup>94</sup> These became known as “Section Days.”<sup>95</sup> During “Section Days”, no other work was scheduled.<sup>96</sup> There was no Committee of the Whole on “Section Days.”<sup>97</sup> Drafting committees would meet with their sections; it seems that some drafting work did get done at annual meetings during Section Days.<sup>98</sup>

In 1950, most drafting committees still did not have reporters, did not meet in person, and the chair continued to do the drafting.<sup>99</sup> (The drafting of the Uniform Commercial Code, which was a joint project with the ALI and which was primarily funded by the Falk Foundation, did have multiple paid reporters, and did meet in person.<sup>100</sup>)

By the mid-1960s, Sections A through G were still in place, and Section Days were still held at annual meetings.<sup>101</sup> However, based on the experiences drafting the UCC, committees of other large drafting projects began to meet in person and hire reporter(s).<sup>102</sup> These large projects (including the drafting of the UPC and the Uniform Consumer Credit Code) were funded by private foundations and grants, including funding from the Ford Foundation and the Rockefeller Foundation.<sup>103</sup>

By the late 1960s, more and more drafting committees were meeting in person.<sup>104</sup> Most sections were no longer meeting in person in winter/spring (though the occasional section meeting can still be seen in the various reports).<sup>105</sup> Instead, sections generally began to meet only at annual meetings.<sup>106</sup> 1970 was the last year that sections met, either in person or at annual meetings.<sup>107</sup>

In 1971, the “division” structure was set in place.<sup>108</sup> There were no more Section Days at annual meetings.<sup>109</sup> Much like today, every committee was assigned to a division.<sup>110</sup> Each division consisted of one chair.<sup>111</sup> Every division chair had to report to the Vice President on the activities of the committees assigned to that division.<sup>112</sup>

These changes in procedure were adopted upon recommendation of the Scope and Program Committee at the 1971 annual meeting.<sup>113</sup> The Scope and Program Committee reported:

The Sections are not performing the function that the Constitution has assigned to them. Article III, Sec. 3 (2) contemplates that the sections are important working units bearing major responsibility “for the investigation of the desirability of and drafting uniform and model acts.” The attendance of section members at annual section meetings has been very poor. Section members are often involved in the work of special committees and the

responsibility to their special committee seems clearer to them than their responsibility as section members. Regardless of the reasons, the section system has failed as a means of effectively reviewing the work of special committees. Section meetings now occupy one day of the annual meeting and the benefits derived from the section meetings have not warranted the time spent on them.<sup>114</sup>

By 1972, all drafting committees were meeting in person over three-day weekends, and nearly all drafting committees had reporters.<sup>115</sup>

The drafting procedures used currently were set in place during the early 1970s.<sup>116</sup> Drafting committees generally meet twice a year, once in the fall and once in the spring, over three-day weekends.<sup>117</sup> Expert reporters, usually law professors, are generally appointed to do the actual drafting and to provide additional resources for the committee.<sup>118</sup> Much of the credit for the present-day drafting committee structure—meeting in person, hiring professional reporters—must go to long-time Executive Director Bill Pierce.

A *Michigan Law Review* article in August 1991, written by then Conference President Lawrence J. Bugge of Wisconsin, noted the leadership of Executive Director Bill Pierce in developing the current drafting process:

Under his [Bill's] direction, the Conference adopted the policy of engaging professional reporters, usually law professors expert in the field at issue, who were selected by the executive director, but who serve as draftsmen and as a resource for drafting committees. Prior to his tenure, reporters had usually been engaged only for the Uniform Commercial Code project.

Similarly, Pierce inaugurated the present practice for drafting committees to meet for three-day weekend meetings two or three times a year to prepare their drafts for the annual meeting of the Conference. Previously, most committee work was conducted by correspondence and at committee meetings conducted during the annual meeting, thus limiting the time the full membership of the Conference, sitting as a Committee of the Whole, could devote to each draft. To fund honoraria for reporters and the significant additional committee expenses these procedures required, Pierce secured foundation and other grants and persuaded the states to accept increased dues assessments.<sup>119</sup>

The advent of air travel had a profound influence on the work of the Conference. Before air travel was affordable and accessible, commissioners had to rely on trains to travel, and attendance at meetings was difficult and time consuming.<sup>120</sup> Because of these constraints, almost all committee work was done by correspondence, up to and until the work began on the UCC.<sup>121</sup>

Even after in-person meetings were commonplace, drafts were still circulated via postal mail.

The Conference office got its first computers in 1993 thanks to the generosity of California commissioner (and later ULC President) Bion Gregory.<sup>122</sup> Although the computers greatly enhanced the productivity of the office and helped with the production of drafts and acts, everything was still distributed via postal mail.

By the mid-1990s, email and the Internet were becoming more commonplace. The Conference got its first email capability between 1995 and 1996.<sup>123</sup> The Conference established its first website in 1998.<sup>124</sup> By early 1997, the ULC had started to offer annual meeting drafts on diskette, and by the end

of the 1990s, the ULC had largely moved away from paper distribution.<sup>125</sup>

In 1999 the ULC upgraded its original website, and in 2010, the ULC completely overhauled the database and website functionality.<sup>126</sup> The ULC completed a formal redesign of all internal and external electronic record keeping and public data sharing in 2011 with the development of an Association Management System and new website.<sup>127</sup> The most recent upgrades allow members to register and pay for meetings through the website as well as to update their profile information via the web. Web content is automatically driven by information contained in the ULC's association management system and changes to the web are made in real-time as data is entered and updated both internally by staff, and externally by members. Now, all drafts and acts, as well as all official committee material, are posted on the ULC's website at [www.uniformlaws.org](http://www.uniformlaws.org).<sup>128</sup> It is now easy for commissioners to download and view drafts and comment via email.

Moving to electronic storage and distribution of information has dramatically changed the speed at which information is shared. This has had a significant impact on the drafting process. Committee members and observers are now able to communicate often and with the click of a button. As a result, the flow of ideas and information has exploded. The information age has afforded the ULC cost savings in paper and postage as paper record keeping becomes a thing of the past. This savings, however, is partially offset by necessary increases in staff to manage the flow of information as well as to maintain the website and related technology and equipment.

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#### Footnotes:

<sup>1</sup> Memorandum from Subcomm. on Examination of Office Staffing Issues to Millennium Comm. (June 5, 2000) (on file with Uniform Law Commission) [hereinafter Office Staffing Issues Memo].

<sup>2</sup> *Id.*

<sup>3</sup> Interview with Frances Jones, Former Executive Secretary of the National Conference, in Fremont, Neb. 2 (Sept. 8, 1989) [hereinafter Jones Interview].

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 3-4.

<sup>7</sup> *Id.* at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 3.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 5.

<sup>16</sup> See Office Staffing Issues Memo, *supra* note 1.

<sup>17</sup> See *id.*

<sup>18</sup> Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 63rd Annual Conference 41 (1954).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

- 21 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 81st Annual Conference 1 (1972) [hereinafter 1972 Handbook].
- 22 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 98th Annual Conference 1 (1989).
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- 24 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 117th Annual Conference iii (2008) [hereinafter 2008 Handbook].
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- 26 *See supra* notes 21-24.
- 27 *Id.*
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- 34 *Id.*; Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 106th Annual Conference 66 (1997) [hereinafter 1997 Handbook].
- 35 *Id.* at 66.
- 36 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 109<sup>th</sup> Annual Conference 88 (2000).
- 37 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 110th Annual Conference 87 (2001) [hereinafter 2001 Handbook].
- 38 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 72nd Annual Conference 134-35 (1963).
- 39 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 79th Annual Conference 5 (1970) [hereinafter 1970 Handbook].
- 40 *Id.* at 54.
- 41 *Id.* at 5.
- 42 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 102nd Annual Conference iii (1993).
- 43 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 113th Annual Conference 112 (2004).
- 44 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 101st Annual Conference 86-87 (1992).
- 45 2001 Handbook, *supra* note 37, at 87.
- 46 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 112th Annual Conference 84 (2003).
- 47 2001 Handbook, *supra* note 37, at 87.
- 48 *See* Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 116th Annual Conference 159 (2007) [hereinafter 2007 Handbook].
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- 50 John Sebert, VITA (last visited Jan. 23, 2013).
- 51 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 120th Annual Conference iii (2011) [hereinafter 2011 Handbook].
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- 54 *Id.*
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- 57 *Id.* at 144.
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- 60 Charley Straw, *Morrow's Quiet Leadership Will Be Missed*, Politics in Minnesota, <http://politicsinminnesota.com/2012/12/morrows-quiet-leadership-will-be-missed/> (last visited Jan. 23, 2013).
- 61 Walter P. Armstrong, Jr., *a Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 11 (1991).
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- 63 Armstrong, *supra* note 61, at 11.
- 64 *See Comm'rs on Unif. State Laws 15th Annual Conference* 1 (1905).
- 65 *Comm'rs on Unif. State Laws 24th Annual Conference* 1 (1914).
- 66 *Nat'l Conference of Comm'rs on Unif. State Laws of the 25th Annual Conference* 1 (1915).
- 67 *Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 119th Annual Conference* 1 (2010) [hereinafter 2010 Handbook]; *Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 80th Annual Conference* 1 (1971) [hereinafter 1971 Handbook].
- 68 Jones Interview, *supra* note 3, at 4.
- 69 Memorandum from Katie Robinson, ULC Commc'ns Officer to Lane Kneedler, Chair, Comm. to Review ULC Drafting Process 1 (Nov. 16, 2009) [hereinafter Robinson Memo].
- 70 *Id.* at 1.
- 71 *Id.*
- 72 *Id.* at 1-2.
- 73 *Id.* at 2.
- 74 *Id.*
- 75 *Id.*
- 76 *Id.*
- 77 *Id.*
- 78 *Id.*
- 79 *Id.*
- 80 *Id.*
- 81 *Id.*
- 82 *Id.*
- 83 *Id.*
- 84 *Id.*
- 85 *Id.*
- 86 *Id.*
- 87 *Id.*
- 88 *Id.*
- 89 *Id.* at 2-3.
- 90 *Id.* at 3.
- 91 *Id.*
- 92 *Id.*
- 93 *Id.*

- 94 *Id.*
- 95 *Id.*
- 96 *Id.* at 4.
- 97 *Id.*
- 98 *Id.*
- 99 *Id.*
- 100 *Id.*
- 101 *Id.*
- 102 *Id.*
- 103 *Id.*
- 104 *Id.*
- 105 *Id.*
- 106 *Id.*
- 107 *Id.*
- 108 *Id.*
- 109 *Id.*
- 110 *Id.*
- 111 *Id.*
- 112 *Id.*
- 113 *Id.*
- 114 1971 Handbook, *supra* note 67, at 66.
- 115 Robinson Memo, *supra* note 69, at 4.
- 116 *Id.* at 5.
- 117 *Id.*
- 118 *Id.*
- 119 Lawrence J. Bugge, *Symposium: One Hundred Years of Uniform State Laws Tribute*, 89 Mich. L. Rev. 2073, 2074 (1991).
- 120 See Lane Kneeder, Speech at the First Session of the National Conference of Commissioners on Uniform State Laws 80-81 (July 9, 2010).
- 121 *See id.*
- 122 1993 Handbook, *supra* note 42, at 129.
- 123 *See generally*, 1995 Handbook, *supra* note 33; Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 105th Annual Conference (1996) (referencing first uses of the Internet).
- 124 1998 Handbook, *supra* note 23, at 93.
- 125 *See*, e.g., 1997 Handbook, *supra* note 34, at 67 (discussing receiving acts electronically by diskette).
- 126 2010 Handbook, *supra* note 67, at 180 (referencing the database project being complete).
- 127 2011 Handbook, *supra* note 51, at 142 (discussing the Website Project Report).
- 128 *See Uniform Law Commission*, available at <http://www.uniformlaws.org/> (last visited Feb. 6, 2013).
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## BIOGRAPHIES FOR CHAPTER 11

**Allison Dunham** was the first Executive Director of the Conference, serving from 1963 to 1970 while a professor at the University of Chicago Law School.<sup>1</sup> After concluding his service as Executive Director, he became a commissioner from Illinois from 1970 to 1984.<sup>2</sup> Dunham clerked for two years for Justice Harlan F. Stone of the U.S. Supreme Court before beginning a teaching career that led him from Columbia University to Indiana University to the University of Chicago.<sup>3</sup> His scholarship and teaching were in the areas of probate and property law, including zoning, land regulation and urban development.<sup>4</sup> In the Conference, he successfully led efforts to promote state enactments of the Uniform Commercial Code.<sup>5</sup>

**William H. Henning** was a commissioner from Missouri from 1994 to 2001.<sup>6</sup> He served as Executive Director of the Conference from 2001 to 2007, while teaching at the University of Missouri Law School and subsequently at the University of Alabama Law School.<sup>7</sup> After conclusion of his service as Executive Director, Henning again became a commissioner, this time from Alabama.<sup>8</sup> As a commissioner, he has served as Chair of the Drafting Committee to Revise Uniform Commercial Code Article 2, Sales, and Article 2A, Leases,<sup>9</sup> Chair of the Permanent Editorial Board for Uniform Commercial Code,<sup>10</sup> and Division Chair overseeing committees of the Conference.<sup>11</sup>

**John M. McCabe** was the Conference's first Legislative Director and Legal Counsel beginning in 1972.<sup>12</sup> Prior to becoming Legislative Director, he was assistant dean at the University of Montana Law School.<sup>13</sup> He retired as the Conference's Legislative Director after 35 years in 2007 and was honored as an Honorary Life Member.<sup>14</sup>

**Fred H. Miller** has been a commissioner from Oklahoma since 1975, and was President of the Conference from 2003 to 2005.<sup>15</sup> He has been a law professor at the University of Oklahoma Law School for many years, and he served as Executive Director of the Conference from 1992 to 2001.<sup>16</sup> Miller has chaired the ABA's UCC Committee and worked on their Consumer Financial Services Committee.<sup>17</sup> He helped found the American College of Consumer Financial Services Lawyers.<sup>18</sup>

**William J. Pierce** was a commissioner from Michigan from 1953 to 1969, serving as President of the Conference from 1966 to 1969.<sup>19</sup> In 1969, he became the second Executive Director of the Conference and continued for a record 23 years until 1992, while continuing as a Professor of Law at the University of Michigan.<sup>20</sup> His area of teaching and scholarship was legislation and legislative drafting.<sup>21</sup>

**John A. Sebert** became the first full-time Executive Director of the Conference upon his appointment in 2007.<sup>22</sup> Immediately prior to becoming Executive Director, he was the ABA Consultant on Legal Education.<sup>23</sup> Prior to that, Sebert was dean of the University of Baltimore Law School and before that a member of the faculty of the University of Tennessee College of Law for nearly 20 years.<sup>24</sup>

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### Footnotes:

<sup>1</sup> See appendix G.

- 2 *Id.*
  - 3 *Guide to the Allison Dunham Papers 1936-1976*, University of Chicago Library, <http://www.lib.uchicago.edu/e/scrc/findingaids/view.php?eadid=ICU.SPCL.DUNHAMA> (last visited Feb 16, 2013).
  - 4 Bruce Lambert, *Allison Dunham, 78, a Professor Who Helped Make Laws Uniform*, N.Y. Times, June 28, 1992, <http://www.nytimes.com/1992/06/28/us/allison-dunham-78-a-professor-who-helped-make-laws-uniform.html> (last visited Feb. 16, 2013).
  - 5 Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 191 (1991).
  - 6 *William H. Henning*, Law School Directory, <http://www.law.ua.edu/directory/People/view/William%20H.%20Henning> (last visited Feb. 20, 2013); *see* appendix G.
  - 7 *See, e.g.*, Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 110th Annual Conference (2001).
  - 8 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 117th Annual Conference 50 (2008).
  - 9 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 109th Annual Conference 50 (2000).
  - 10 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 111th Annual Conference 52 (2002).
  - 11 *Id.*
  - 12 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 120th Annual Conference 130 (2011) [hereinafter 2011 Handbook].
  - 13 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 81st Annual Conference 46 (1972).
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  - 15 *See* appendix G; appendix A.
  - 16 Alvin C. Harrell, *Personal Tribute to Professor Fred H. Miller*, 27 Okla. City U. L. Rev. 503, 505 (2002).
  - 17 Ralph J. Rohner, *Fred H. Miller Receives American College of Consumer Financial Services Lawyers Senator William Proxmire Lifetime Achievement Award*, 59 Consumer Fin. L.Q. Rep. 188, 188 (2005).
  - 18 *Id.*
  - 19 *See* appendix G; appendix A; Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 76<sup>th</sup> Annual Conference 5 (1967).
  - 20 *See, e.g.*, Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 79<sup>th</sup> Annual Conference 5 (1970); *William J. Pierce*, Michigan Law, [http://www.law.umich.edu/historyandtraditions/faculty/Faculty\\_Lists/Alpha\\_Faculty/Pages/WilliamJPierce.aspx](http://www.law.umich.edu/historyandtraditions/faculty/Faculty_Lists/Alpha_Faculty/Pages/WilliamJPierce.aspx) (last visited Feb. 16, 2013).
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  - 22 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 116th Annual Conference iii (2007).
  - 23 *UB Law School Dean Steps Down for ABA Job*, Baltimore Business Journal, Mar. 13, 2000, <http://www.bizjournals.com/baltimore/stories/2000/03/13/story7.html?page=all> (last visited Feb. 16, 2013).
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### Relations with Other Organizations

The National Conference of Commissioners on Uniform State Laws has long enjoyed close and productive relationships with a number of other organizations committed to law reform. The most frequent collaborations have been with the American Bar Association, the American Law Institute, and several legislative and judicial organizations.

#### AMERICAN BAR ASSOCIATION

The Conference's oldest and closest relationship has been with the American Bar Association ("ABA") through the years. The Constitution of the Uniform Law Commission reflects the depth of the organizations' relationship. Article 30, entitled "Cooperation with the American Bar Association," requires every drafting committee to "notify and confer with the appropriate committee or section of the American Bar Association."<sup>1</sup> Article 7 of the Conference Constitution requires the President to file with the ABA copies of uniform acts finally approved by the Conference and recommended for enactment by the state legislatures.<sup>2</sup> In fact, the ABA is the only outside entity, public or private, referenced in the Conference Constitution.<sup>3</sup>

Throughout the years, 22 commissioners have served as president of the ABA<sup>4</sup>—from James M. Woolworth (ABA President 1896 to 1897)<sup>5</sup> to William T. (Bill) Robinson III (ABA President 2011 to 2012).<sup>6</sup> Three of those ABA presidents were also Conference presidents: Walter George Smith, William A. Blount, and Howard L. Barkdull.<sup>7</sup>

The American Bar Association is represented on all five Joint Editorial Boards of the Conference—on family law, international law, real property, trusts and estates, and unincorporated business organizations—and on the Permanent Editorial Board for the Uniform Commercial Code.<sup>8</sup> Through these Joint Editorial Boards and the PEB, the Conference and the ABA—often together with other organizations like the American Law Institute or the American College of Trust and Estate Counsel—jointly update the law in each of the respective areas.<sup>9</sup>

The relationship between the ABA and the ULC is mutually beneficial. For the ABA, the partnership with the ULC represents, perhaps, its most significant area of substantive state law reform. Through its participation in the drafting and approval of uniform laws, the ABA has substantial involvement in the development of state law with which the lawyers of this country must work. This is a valuable service to the members of the ABA.

The relationship is highly valuable to the Conference as well. The participation of ABA advisors on every drafting committee, and on all of the Joint Editorial Boards and the PEB, contributes to the high quality of the Acts promulgated by the ULC.<sup>10</sup> The review of Conference-adopted uniform laws in the ABA's House of Delegates provides the Conference an immediate evaluation by an outside deliberative body.<sup>11</sup> As Conference President Richard C. Hite stated in his annual address in 1994: "[T]he presentation of our acts to the House of Delegates is the first step outside of the collegial Conference atmosphere for our products, and we have learned from the exposure on a number of occasions."<sup>12</sup> In addition, this review by the ABA may be a good prognosticator of a uniform act's

chances for success in state legislative enactments. For example, the Uniform Motor Vehicle Accident Reparations Act, which was not approved by the ABA House of Delegates, has not been enacted in any state since its promulgation in 1972.<sup>13</sup>

The Conference's early history reveals some of the reasons for its closeness to the ABA. The ABA was formed in 1878 in Saratoga, New York, 14 years before the Conference held its first meeting in the same city.<sup>14</sup> From its inception, the ABA recognized the need for more uniformity in state laws: its first constitution called for the organization to promote uniform state laws.<sup>15</sup> Soon after it was established, the ABA appointed a Special Committee on Uniformity of State Legislation.<sup>16</sup> That Committee recommended that the ABA urge each state and Congress to pass acts governing the appointment of uniform law commissioners.<sup>17</sup> The ABA adopted the resolution at its 1890 annual meeting.<sup>18</sup> When 12 of the newly appointed commissioners met in Saratoga, New York, on August 24, 1892, that was the beginning of the Uniform Law Commission.<sup>19</sup> The meeting was held just prior to the ABA's own annual meeting and in the same city.<sup>20</sup>

Though the Conference was independent from the ABA, its ties remained strong. Starting in 1903, the ABA began providing annual grants to the Conference.<sup>21</sup> The ABA no longer makes direct appropriations to the work of the Conference, but it still funds an ABA advisor for every Conference drafting committee. In addition, sections of the ABA interested in the subject matter of an act frequently appoint section advisors to a drafting committee or to a study committee.<sup>22</sup>

Starting at its first meeting, the Conference began holding its annual meetings a few days before the ABA's own annual meetings and in the same location.<sup>23</sup> This practice allowed lawyers to participate in both organizations, and save on transportation and per diem costs.<sup>24</sup> However, at least one commissioner expressed concern that this made the Conference appear to be a "branch or committee" of the ABA.<sup>25</sup> The criticism was not entirely unfounded. The ABA kept the records of the ULC until 1947 and the ABA meetings and travel department planned and scheduled the meetings of the ULC until 1949.<sup>26</sup>

Like many good partners, the ABA and the ULC have had disagreements from time to time, often concerning ABA approval of uniform acts. In 1938, the Conference changed its constitution to delete a requirement that the Conference request ABA endorsement of uniform acts.<sup>27</sup> The new constitution simply required the Conference to file approved uniform acts with the ABA.<sup>28</sup> This rankled the House of Delegates, which had theretofore routinely approved nearly all uniform acts.<sup>29</sup> As a result, it refused to ratify any uniform acts with which the ABA was unfamiliar.<sup>30</sup> To resolve this discord, the ABA Board of Governors and the Conference Executive Committee met and agreed to cross-appoint members to a committee to mitigate future misunderstandings.<sup>31</sup> The Conference also agreed to keep the ABA posted on its work and actively cooperate with the ABA.<sup>32</sup>

This détente did not last long, as the Conference only reported its adopted acts to the ABA at the next meeting without a request for ABA approval.<sup>33</sup> The ABA then created a committee to study proposed acts.<sup>34</sup> This broke the impasse and the ABA House of Delegates subsequently resolved to consider all acts presented by the Conference.<sup>35</sup>

Another of the periodic disputes came in 1962 when the Conference broke its longstanding

tradition of holding its annual meeting in the same location as the ABA's annual meeting.<sup>36</sup> The resultant strain caused the ABA House of Delegates to refuse approval of all six Conference acts presented in 1962.<sup>37</sup> The Conference President met with the ABA Board of Governors to implement better the ABA procedures for approving uniform acts.<sup>38</sup> Subsequently, both organizations then approved identical resolutions:

The purpose of these procedures is to preserve and improve the excellent working relationship which has existed for many years in the past between the two organizations and which has proved so beneficial to both, and they will be so construed and implemented by both organizations.<sup>39</sup>

A few years later, the ABA appointed a committee to liaise with the Conference on the Uniform Marriage and Divorce Act.<sup>40</sup> Differing opinions on how to proceed soon stymied the liaison committee and the drafting committee.<sup>41</sup> Though the ABA withheld its approval of the Act in 1971, it finally acceded three years later after the Conference Executive Committee made several drafting concessions.<sup>42</sup>

Notwithstanding these occasional differences of opinion between partner organizations, the Conference has consistently had and continues to have a very close relationship with the ABA. The current relationship between the ULC and the ABA is governed by a document entitled *Participation of ABA Liaisons with National Conference of Commissioners on Uniform State Laws Drafting Committees and Procedures with Respect to the Formulation of Uniform Acts to the American Bar Association*.<sup>43</sup> Designed to “promote cooperation and better understanding” between the two organizations, the agreement covers the responsibilities of each organization to the other, such as notification, reimbursement, approval, and more.<sup>44</sup> Under this agreement, the ABA agrees to provide an ABA advisor to each drafting project of the Conference and furnish funds to cover the travel and other participation expenses of that advisor.<sup>45</sup> The Conference agrees, in return, to bring to the House of Delegates for its approval uniform laws approved by the Conference.<sup>46</sup>

## AMERICAN LAW INSTITUTE

The Conference has had an enduring relationship with the American Law Institute (“ALI”) from the very beginning of the Institute. The primary goal of the ALI is to develop and publish Restatements of the Law and Principles of the Law in a given subject matter area to guide courts in their application of the law in cases that come before them.<sup>47</sup> The Conference’s primary goal is to improve the law by drafting and working to achieve state enactment of uniform or model acts. These goals identify the ALI and the ULC as the two premier law reform organizations in the United States and make the two organizations natural collaborators.

William Draper Lewis, a commissioner on uniform laws from Pennsylvania and dean of the University of Pennsylvania Law School, was one of the founders and the initial Executive Director of the ALI in 1923.<sup>48</sup> The ALI’s certificate of incorporation—which carries the signatures of former President and Chief Justice William Howard Taft, future Chief Justice Charles Evan Hughes, and prominent statesman Elihu Root—declared the ALI’s purposes to be “to promote the clarification and simplification of the law and its better adaptation to social needs, to secure the better administration of justice, and to encourage and carry on scholarly and scientific legal work.”<sup>49</sup>

The Conference and the ALI began to collaborate on projects shortly after the ALI was created. An agreement between the Conference and the ALI on cooperating in the drafting of certain acts was first adopted in 1935 and approved the next year.<sup>50</sup> An early unsuccessful joint project was the Uniform Aeronautical Code, which the Conference and the ALI never completed.<sup>51</sup> The Uniform Property Act was much more successful. Approved by both the ALI and the Conference in 1938, the Act was the first to be cooperatively drafted and approved by both organizations.<sup>52</sup> The Uniform Contribution Among Joint Tortfeasors Act quickly followed in 1939.<sup>53</sup>

In the 1940s, as the Conference began working on the uniform act that became its “crown jewel,” the Uniform Commercial Code, it invited the ALI to be its partner on the project.<sup>54</sup> The ALI agreed, and Conference President William A. Schnader (who also served as ALI Vice President) said:

This is a tremendous task. It was the feeling of your officers, which you endorsed, that the American Law Institute can contribute much towards the consideration and preparation of such a Code. Happily, the invitation of the Conference has been accepted by the Institute, and the cooperation between the two bodies has already begun.<sup>55</sup>

During the UCC drafting process, all drafts had to be approved by both the Conference and the ALI.<sup>56</sup> The composition of the Editorial Board and advisors also reflected this power-sharing arrangement.<sup>57</sup> The Conference and ALI jointly approved the Code on May 18, 1951, with the power vested in the Editorial Board to make further editorial and style changes as further needed.<sup>58</sup> A grant from the Falk Foundation established a Permanent Editorial Board in 1961, comprised of representatives of the Conference and the ALI who make recommendations to the Conference and the ALI, which have to be approved by both organizations in order to make changes to the Code.<sup>59</sup>

As with the close partnership between the Conference and ABA, the Conference and the ALI have occasionally had disagreements. One of the disagreements arose over the Uniform Computer Information Transactions Act (“UCITA”).<sup>60</sup> Originally, the Conference wanted to draft a freestanding uniform act to regulate computer information transactions. The Conference and the ALI soon decided to incorporate the subject matter into the UCC as an Article 2B.<sup>61</sup> They formed a drafting committee to draft a complicated act addressing almost every kind of digital information, in anticipation of evolving technology.<sup>62</sup> The ALI began to have doubts about the project, finding the text of Article 2B vague and hard to understand. When the ALI rejected the final draft of Article 2B, the Conference decided to make it a separate free-standing Conference act, UCITA, in 1999.<sup>63</sup> UCITA has been adopted in only two states, Virginia and Maryland,<sup>64</sup> although it has influenced law development in the subject area through court decisions and other statutes.<sup>65</sup>

Another conflict occurred in the early 2000s regarding the Conference’s Uniform Foreign Country Money Judgments Recognition Act. The Conference had originally promulgated an act on this subject in 1962,<sup>66</sup> and that act was revised and updated in 2005.<sup>67</sup> The ALI, however, favored a federal statute to address the problem of enforcing foreign money judgments.<sup>68</sup> Conference President K. King Burnett spoke at the ALI’s annual meeting in 2003 to voice concerns about a federal statute in this area of law, which the Conference believed should be the focus of state law and where the Conference had already found success.<sup>69</sup>

Despite these periodic disagreements that arise between two close partnership organizations, the



relationship between the Conference and the ALI remains strong. Many commissioners are members of the ALI and some commissioners serve in leadership positions in the ALI. For instance, commissioner and former Conference President Robert A. Stein has served as a member of the Council and its Executive Committee of the American Law Institute and has served as an advisor to several of the Institute’s Restatements. Commissioner Harvey S. Perlman has served on the ALI Council, and was co-reporter for the ALI Restatement of Unfair Competition.<sup>70</sup> More recently, Commissioner Robert H. Sitkoff has also been elected to the Council of the ALI. In 2002, the Uniform Law Commission extended advisory membership in the Conference to the American Law Institute.<sup>71</sup>

## OTHER PARTNER ORGANIZATIONS

Other private non-governmental organizations also work closely with the Conference, though not through similar formal relationships. With this in mind, the Conference formed a Committee on Relations with Other Organizations in 2008. The Committee’s goals were “identifying organizations that have similar interests to ours [so] that we may form liaisons with them that will strengthen our legislative efforts and recommending a plan to move forward to create relationships with these organizations.”<sup>72</sup> The focus of the committee was to strategize about how to improve inter-organizational relations rather than to act as a liaison to those organizations.<sup>73</sup> The committee was replaced in 2012 by a “task force” of the Executive Committee.<sup>74</sup> That task force is comprised of a chair and a small committee membership, with each member assigned to liaise with a particular identified organization.<sup>75</sup>

### *Council of State Governments*

The Conference has long had a working relationship with the Council of State Governments (“CSG”). The CSG differs from the ULC in that the CSG—which describes itself as “our nation’s only organization serving all three branches of state government”—aims to shape public policy by networking, collaboration, and creating problem-solving partnerships.<sup>76</sup> The CSG accomplishes these goals through state legislation and in other ways.<sup>77</sup>

Commissioner Henry Toll of Colorado was a founder of the CSG in 1933.<sup>78</sup> Though the Conference dropped out of CSG membership in 1939, it rejoined a year later under a new agreement.<sup>79</sup> In the 1950s, Conference executive secretary Frances Jones met with the CSG to achieve better coordination between the groups.<sup>80</sup> The agreements covered notification and sending annual reports to each other.<sup>81</sup>

The CSG compiles drafted state legislation on a variety of important topics as “Suggested State Legislation” and often recommends specific ULC uniform acts within its Suggested State Legislation.<sup>82</sup> For example, in 2012, the CSG extended this designation to the Uniform Electronic Legal Material Act.<sup>83</sup> Now, when a CSG commission decides to adopt an act on the subject, they will find on their shelf such an act already drawn by the Conference and will be in a position to take that act and secure its adoption. The CSG was a cosponsor of the Conference’s Symposiums on Federalism, Preemption and State Law in 2010 and 2013.

The National Conference of State Legislatures (“NCSL”) is another organization of government actors with which the Conference has a continuing relationship. Founded in 1975 through the merger of smaller similarly-minded organizations, the NCSL is directed toward state legislators and their staffs.<sup>84</sup> The year after NCSL was created, the Conference changed the name of its committee from the Committee on Cooperation with Council of State Governments to the Special Committee on Cooperation with State Government Organizations to encompass both the CSG and NCSL in a single committee.<sup>85</sup> That committee, which generally reported little activity, was discharged after the 1991 annual meeting.<sup>86</sup> The relationship is now managed by the leadership of the Conference. Today, the NCSL interacts with the Conference most commonly when it requests that the Conference draft an act on a subject. The NCSL was a cosponsor of the Conference’s Symposiums on Federalism, Preemption and State Law in 2010 and 2013.

### *National Governors Association*

The National Governors Association (“NGA”) is another organization partner of the Conference. The NGA was founded in 1908 as the “Governor’s Conference” with help from President Theodore Roosevelt and Gifford Pinchot, founder of the United States Forest Service.<sup>87</sup> John Garland Pollard, president of the NGA from 1932 to 1933,<sup>88</sup> was a commissioner from Virginia from 1903 to 1908.<sup>89</sup>

NGA is a bipartisan organization that lobbies for state efforts in Washington, and its membership includes the governors of all 55 states, commonwealths, and territories of the U.S.<sup>90</sup> Unlike the partisan Republican Governors Association or Democratic Governors Association, the NGA speaks for all governors when it offers its perspective on national policy.<sup>91</sup>

The NGA has endorsed uniform acts in the past. For example, after Hurricanes Katrina and Rita devastated the Gulf Coast in 2005, many health care workers could not provide urgently needed medical care because they were not licensed in the states that had experienced the disaster.<sup>92</sup> The Conference drafted a Uniform Emergency Volunteer Health Practitioners Act and, after its approval in 2006, it was endorsed by the NGA.<sup>93</sup> The NGA was a cosponsor of the Conference’s Symposiums on Federalism, Preemption, and State Law in 2010 and 2013.<sup>94</sup>

### *National Association of Attorneys General*

Similar to the NGA, the National Association of Attorneys General (“NAAG”) is an organization centered on a specific state official, the state attorney general.<sup>95</sup> The NAAG was founded in 1907 and exists to “fulfill the responsibilities of their office and to assist in the delivery of high quality legal services to the states and territorial jurisdictions.”<sup>96</sup>

The Conference has occasionally sought NAAG participation through the years.<sup>97</sup> When the Conference began drafting a Non Depository Providers of Financial Services Act in the late 1990s, NAAG expressed strong support.<sup>98</sup> It not only offered to send an observer to drafting sessions, but also promised to assist in state adoptions through the respective state’s attorneys general.<sup>99</sup> The Act passed in 2000 as the Uniform Money Services Act.<sup>100</sup> NAAG recently worked closely with the Conference on its uniform acts relating to the Prevention of and Remedies for Human Trafficking and Collateral Consequences of Conviction, and it was also a cosponsor of the Conference Symposiums on Federalism, Preemption, and State Law in 2010 and 2013.<sup>101</sup>

## *National Association of Secretaries of State*

The National Association of Secretaries of State (“NASS”) is the oldest nonpartisan professional organization of public officials in the United States.<sup>102</sup> Since 1904, it has advanced policy on issues such as elections and business services.<sup>103</sup>

Like other partner organizations, NASS recommends uniform acts it believes will facilitate the performance of the job duties of secretaries of states. In 2007, NASS asked the Conference and the ABA to draft an act concerning confidentiality of business entity ownership, in part to forestall pending federal legislation concerning unincorporated business entities.<sup>104</sup> The Conference agreed, and drafted and approved the resulting Uniform Law Enforcement Access to Entity Information Act.<sup>105</sup> NASS’s representatives also participated in the drafting of the Uniform Military and Overseas Voters Act.<sup>106</sup>

NASS has a standing committee charged with cooperating with the Conference in particular areas of interest. Its Business Services Committee educates NASS members about business services issues like Uniform Commercial Code filings.<sup>107</sup> Within that committee, the Company Formation Task Force explicitly works with the Conference to identify state-based responses to concerns about state company formation processes.<sup>108</sup> NASS also cosponsored the Conference Symposiums on Federalism, Preemption, and State Law in 2010 and 2013.<sup>109</sup>

## *National Center for State Courts*

Turning to the third branch of government, the National Center for State Courts (“NCSC”) was created in 1971 at the urging of U. S. Supreme Court Chief Justice Warren E. Burger.<sup>110</sup> The NCSC endeavors to improve judicial administration in the United States by serving as a data clearinghouse in order to make courts fairer and more efficient.<sup>111</sup> It also offers educational services: domestically for court officials and internationally for rule of law programs.<sup>112</sup>

The NCSC provided substantial drafting assistance for the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, approved in 2007.<sup>113</sup> The drafters in turn based much of the Act’s Article 3 on interstate transfers of a guardianship or conservatorship, on a 1993 joint study conducted by the NCSC and the National College of Probate Judges.<sup>114</sup> The NCSC also was a cosponsor of the Conference Symposiums on Federalism, Preemption, and State Law in 2010 and 2013.<sup>115</sup>

## *Conference of Chief Justices*

The Conference of Chief Justices (“CCJ”) has been an occasional partner of the Conference. As its name suggests, the CCJ represents the chief justices of all the state and territorial highest courts in the United States.<sup>116</sup> The CCJ originated in 1949 from discussions between two state chief justices at meetings of the ABA and the ALI.<sup>117</sup> The CCJ develops and advocates policy on behalf of the state courts, including issues of drug courts, evidence, pro se litigation, and the salaries and selection of judges.<sup>118</sup>

The relationship between the Conference and the CCJ includes CCJ endorsement of certain relevant uniform acts. For example, the CCJ commended and endorsed the Uniform Adult

Guardianship and Protective Proceedings Jurisdiction Act in 2008.<sup>119</sup> The CCJ was also a cosponsor of the Conference Symposiums on Federalism, Preemption and State Law in 2010 and 2013.<sup>120</sup>

Shared membership between the organizations includes two state chief justices. Vincent L. McKusick was a commissioner from Maine from 1968 to 1976,<sup>121</sup> and Conference Secretary from 1975 to 1976;<sup>122</sup> he was president of the CCJ from 1990 to 1991.<sup>123</sup> McKusick also chaired the NCSC Board of Directors from 1990 to 1991.<sup>124</sup> Robert Nix, Jr. was a commissioner from Pennsylvania from 1987 to 1988<sup>125</sup> and president of the CCJ from 1991 to 1992.<sup>126</sup>

As the Conference and its partner organizations have mutually benefited from cooperation and the sharing of resources, all sides have worked very hard to maintain the relationships. Conference President Joe C. Barrett said it well in his presidential address in 1956:

I want to emphasize that the cooperative spirit between the Conference and these various organizations does not just happen. It must be fostered, and the Conference must at all times carry its share of the burden of any cooperative arrangement, or we will not be entitled to expect benefits from the other side. In cooperating with as many groups as we do, I think there are bound to be times when some of us may be tempted to question the desirability of any particular cooperative arrangement. Cooperation implies give and take, and I think we must never lose sight of the fact that regardless of our devotion to our organization or our pride of authorship in our products, we are organized primarily to perform a great public service.<sup>127</sup>

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#### Footnotes:

- 1 Unif. Law Comm'n Const. art. 30, reprinted in Nat'l Conference of Comm'rs on Unif. State Laws, 2011–2012 Reference Book 120 (2011) [hereinafter 2011–2012 Reference Book].
- 2 Unif. Law Comm'n Const. art. 7, reprinted in 2011–2012 Reference Book, *supra* note 1, at 114.
- 3 See generally Unif. Law Comm'n Const., reprinted in 2011–2012 Reference Book, *supra* note 1, at 109–21.
- 4 See appendix C.
- 5 *Id.* at 159.
- 6 *Wm. T. (Bill) Robinson III*, Frost Brown Todd LLC, [http://www.frostbrowntodd.com/professionals-bill\\_robinson.html](http://www.frostbrowntodd.com/professionals-bill_robinson.html) (last visited Feb. 25, 2013).
- 7 Armstrong, *supra* note 4, at 30.
- 8 See, e.g., Memorandum of Understanding: Joint Editorial Board for Family Law 1 (1999).
- 9 E.g., Thomas L. Jones, *Richard Vance Wellman*, 40 Ga. L. Rev. 1087, 1089 (2006).
- 10 Nat'l Conference of Comm'rs on Unif. State Laws, Handbook of the National Conference of Commissioners on Uniform State Laws and Proceedings of the Annual Conference Meeting in Its 103rd Year 93 (1994).
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*; Nat'l Conference of Comm'rs on Unif. State Laws, 2011–2012 Reference Book 139 (2011) [hereinafter 2011–2012 Reference Book].
- 14 See generally Simeon E. Baldwin, *The Founding of the American Bar Association*, 3 A.B.A.J. 658 (1917) (reprinting numerous personal letters detailing an informal meeting to be held in Saratoga, N.Y. for the purposes of discussing and establishing an American Bar Association).
- 15 Walter P. Armstrong, Jr., *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws* 16 (1991).

- 16 *Id.*
- 17 *Id.* at 19.
- 18 *Id.* at 19–20.
- 19 See Baldwin, *supra* note 14.
- 20 See *id.*
- 21 Armstrong, *supra* note 15, at 29.
- 22 Participation of ABA Liaisons with National Conference of Commissioners on Uniform State Laws Drafting Committees and Procedures with Respect to the Formulation of Uniform Acts to the American Bar Association (2011).
- 23 Armstrong, *supra* note 15, at 29.
- 24 *Id.*
- 25 *Id.*
- 26 Interview by John H. McCabe with Frances Jones, Former Executive Secretary, Unif. Law Comm’n, in Fremont, Neb. (Sept. 8, 1989).
- 27 Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 48th Annual Conference 145 (1938).
- 28 *Id.* at 82.
- 29 Armstrong, *supra* note 15, at 54.
- 30 *Id.*
- 31 Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 49th Conference 33 (1939).
- 32 *Id.*
- 33 Armstrong, *supra* note 15, at 55.
- 34 *Id.*
- 35 *Id.* at 55–56.
- 36 Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 71st Annual Conference 53 (1962).
- 37 *Id.*
- 38 Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 72nd Annual Conference 58 (1963).
- 39 *Id.*
- 40 Harvey L. Zuckman, *The ABA Family Section v. The NCCUSL: Alienation, Separation and Forced Reconciliation over the Uniform Marriage and Divorce Act*, 24 Cath. U.L. Rev. 61, 62 (1974).
- 41 *Id.*
- 42 Nat’l Conference of Comm’rs on Unif. State Laws and Proceedings of the 83rd Annual Conference 179 (1974). For other periodic disputes that have arisen between the ABA and the Conference, see *supra* chapter 6.
- 43 Participation of ABA Liaisons with National Conference of Commissioners on Uniform State Laws Drafting Committees and Procedures with Respect to the Formulation of Uniform Acts to the American Bar Association (2011).
- 44 *Id.*
- 45 *Id.*
- 46 *Id.*
- 47 Alan Schwartz & Robert E. Scott, *The Political Economy of Private Legislatures*, 143 U. Pa. L. Rev. 595, 596 (1995).
- 48 Armstrong, *supra* note 15, at 40.
- 49 Bennett Boskey, *The American Law Institute: A Glimpse at Its Future*, 12 Green Bag 2d 255, 256 (2009).
- 50 Nat’l Conference of Comm’rs on Uniform State Laws and Proceedings of the 46th Annual Conference 37 (1936).
- 51 Nat’l Conference of Comm’rs on Uniform State Laws and Proceedings of the 48th Annual Conference 82 (1938).
- 52 *Id.* at 260.
- 53 Nat’l Conference of Comm’rs on Uniform State Laws and Proceedings of the 49th Annual Conference 136–39 (1939).

- 54 See generally *supra* chapter 5.
- 55 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 52nd Annual Conference 49 (1942).
- 56 William A. Schnader, *A Short History of the Preparation and Enactment of the Uniform Commercial Code*, 22 U. Miami L. Rev. 1, 4 (1967).
- 57 *Id.*
- 58 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 60th Annual Conference 164 (1951).
- 59 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 70th Annual Conference 46 (1961).
- 60 See also *supra* chapter 5.
- 61 Denise Caruso, *A Commercial Code Revision Tries to Take on the Task of Legislating the Internet*, N.Y. Times, June 22, 1998.
- 62 *Id.*
- 63 *Id.*; *Computer Information Transactions Act*, Unif. Law Comm'n,  
<http://uniformlaws.org/ActSummary.aspx?title=Computer%20Information%20Transactions%20Act> (last visited Aug. 4, 2012).
- 64 *Computer Information Transaction Act*, *supra* note 63.
- 65 E.g., *Specht v. Netscape Commc'ns Corp.*, 306 F.3d 17 (2d Cir. 2002) ; *Rhone Poulenc Agro, S.A. v. DeKalb Genetics Corp.*, 284 F.3d 1323 (Fed. Cir. 2002).
- 66 Unif. Foreign Money Judgments Recognition Act (1962).
- 67 Melinda Luthin, *U.S. Enforcement of Foreign Money Judgments and the Need for Reform*, 14 U.C. Davis J. Int'l L. & Pol'y 111, 137 (2007).
- 68 *Id.*
- 69 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 112th Annual Conference 96 (2003) [hereinafter 2003 Handbook].
- 70 *Harvey Perlman*, Univ. of Neb.-Lincoln Office of the Chancellor, <http://www.unl.edu/ucomm/chancellr/bio.shtml> (last visited Mar. 3, 2012).
- 71 2003 Handbook, *supra* note 69, at 69.
- 72 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 117th Annual Conference 140 (2008).
- 73 *Minutes, Meeting of the Executive Committee*, Unif. Law Comm'n (July 17, 2008), available at <http://www.uniformlaws.org/Shared/Minutes/ECMin071708.pdf>.
- 74 *Annual Meeting of the Executive Committee*, Unif. Law Comm'n, (July 12, 2012), available at [http://www.uniformlaws.org/shared/docs/executive/2012jul12\\_EC\\_Min\\_2012%20annual%20meeting\\_Final.pdf](http://www.uniformlaws.org/shared/docs/executive/2012jul12_EC_Min_2012%20annual%20meeting_Final.pdf).
- 75 *Id.*
- 76 *About*, Council of State Gov'ts, <http://www.csg.org/about/default.aspx> (last visited Mar. 1, 2013) [hereinafter *About CSG*].
- 77 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 47th Annual Conference 148 (1937).
- 78 *About CSG*, *supra* note 76.
- 79 *Armstrong*, *supra* note 15, at 56.
- 80 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 64th Annual Conference 51 (1955).
- 81 *Id.*
- 82 Press Release, Unif. Law Comm'n, Council of State Governments Approves New Uniform Electronic Legal Material Act as "Suggested State Legislation (May 23, 2012), available at <http://www.uniformlaws.org/NewsDetail.aspx?title=CSG%20Approves%20Uniform%20Electronic%20Legal%20Material%20Act%20as%20%22Suggested%20State%20Legislati>
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- 84 Judith Resnik et al., *Ratifying Kyoto at the Local Level: Sovereigntism, Federalism, and Translocal Organizations of Government Actors (TOGAs)*, 50 Ariz. L. Rev. 709, 755 (2008).
- 85 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 85th Annual Conference 91 (1976).
- 86 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 101st Annual Conference 143 (1992).

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- 88 *Gov. John Garland Pollard*, Nat'l Governors Ass'n, [http://www.nga.org/cms/home/governors/past-governors-bios/page\\_virginia/col2-content/main-content-list/title\\_pollard\\_john.html](http://www.nga.org/cms/home/governors/past-governors-bios/page_virginia/col2-content/main-content-list/title_pollard_john.html) (last visited Mar. 2, 2013).
- 89 *See* appendix G.
- 90 Resnik, *supra* note 84, at 749.
- 91 *Id.* at 750.
- 92 Prefatory Note, Unif. Emergency Volunteer Health Practitioners Act (2006).
- 93 *See id.*
- 94 Unif. Law Comm'n, Symposium on Federalism, Preemption and State Law (2009), *available at* [http://www.uniformlaws.org/Shared/newsletters/QuarterlyReport/Symposium\\_Program\\_Oct10.pdf](http://www.uniformlaws.org/Shared/newsletters/QuarterlyReport/Symposium_Program_Oct10.pdf) [hereinafter Federalism Symposium].
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- 96 *About NAAG*, Nat'l Ass'n of Attorneys Gen., [http://www.naag.org/about\\_naag.php](http://www.naag.org/about_naag.php) (last visited Mar. 2, 2013).
- 97 1992 Handbook, *supra* note 86, at 99.
- 98 *Purpose and Scope of the Proposed Act*, Unif. Law Comm'n, <http://www.uniformlaws.org/shared/docs/money%20services/overview.pdf> (last visited Mar. 2, 2013).
- 99 *Id.*
- 100 Unif. Money Servs. Act (2000) (amended 2004).
- 101 Federalism Symposium, *supra* note 94.
- 102 *About NASS*, Nat'l Ass'n of Secretaries of State, [http://www.nass.org/index.php?option=com\\_content&view=article&id=190&Itemid=483](http://www.nass.org/index.php?option=com_content&view=article&id=190&Itemid=483) (last visited Mar. 2, 2013).
- 103 *Id.*
- 104 *Why States Should Adopt ULEAEIA*, Unif. Law Comm'n, <http://www.uniformlaws.org/Narrative.aspx?title=Why%20States%20Should%20Adopt%20ULEAEIA> (last visited Mar. 2, 2013).
- 105 Unif. Law Enforcement Access to Entity Info. Act (2009).
- 106 Letter from Bob Carey, Director, Federal Voting Assistance Program, to Robert A. DeLeo, Speaker of the House, State of Mass. (Mar. 22, 2011), *available at* [http://www.fvap.gov/resources/media/ma\\_rep\\_2011.pdf](http://www.fvap.gov/resources/media/ma_rep_2011.pdf).
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- 108 *Id.*
- 109 Federalism Symposium, *supra* note 94.
- 110 *About Us*, Ctr. for State Courts, <http://www.ncsc.org/About-us.aspx> (last visited Mar. 2, 2013).
- 111 *Id.*
- 112 *Id.*
- 113 Prefatory Note, Unif. Adult Guardianship & Protective Proceedings Jurisdiction Act (2007).
- 114 *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act Summary*, Unif. Law Comm'n, <http://www.uniformlaws.org/ActSummary.aspx?title=Adult%20Guardianship%20and%20Protective%20Proceedings%20Jurisdiction%20Act> (last visited Mar. 2, 2013).
- 115 Federalism Symposium, *supra* note 94.
- 116 *About CCJ*, Conference of Chief Justices, <http://ccj.ncsc.dni.us/about.html> (last visited Mar. 2, 2013).
- 117 Resnik, *supra* note 84, at 753–54.
- 118 *Id.*
- 119 Letter from Margaret H. Marshall, President, Conference of Chief Justices, to Martha Lee Walters, President, Nat'l Conference of Comm'rs on Unif. State Law, Sept. 29, 2008, *available at* [http://www.naela.org/App\\_Themes/Public/PDF/Advocacy%20Tab/Uniform%20Guardianship%20Act/CCJ%20Endorsement%20Le](http://www.naela.org/App_Themes/Public/PDF/Advocacy%20Tab/Uniform%20Guardianship%20Act/CCJ%20Endorsement%20Le)

120 Federalism Symposium, *supra* note 94.

121 *See* appendix G.

122 *See* appendix A.

123 Conference of Chief Justices, Chairmen and Presidents (2010), *available at* <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CD8QFjAC&url=http%3A%2F%2Fccj.ncsc.dni.us%2FCCJREF.DOC&ei=ELd.b2U>.

124 Ctr. for State Courts, *Courting the Future* (2004), *available at* <http://www.ncsc.org/about-us/~media/files/pdf/annual%20reports/annualreport04.ashx>.

125 *See* appendix G.

126 Conference of Chief Justices, *supra* note 123.

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### Culture and Personalities

Each state, the District of Columbia, the U.S. Virgin Islands, and the Commonwealth of Puerto Rico appoint commissioners to represent them in the Uniform Law Conference.<sup>1</sup> The number of commissioners representing each jurisdiction is determined by statute in most jurisdictions; a small handful of jurisdictions have no appointing statute and the commissioners are appointed and serve at the pleasure of the Governor.<sup>2</sup> Currently, there are 382 commissioners and, of that number, there are 114 life members of the Conference (commissioners who have served for 20 or more years).<sup>3</sup>

Commissioners have gathered every year since 1892 to attend the ULC annual meetings (the lone exception was in 1945 when no annual meeting was held due to war time travel restrictions).<sup>4</sup> At each annual meeting of the Uniform Law Commission, commissioners spend seven or more days in the ballroom of the meeting hotel debating drafts of proposed uniform or model acts.<sup>5</sup> In addition, most commissioners devote two or more weekends each year to attending a meeting of a drafting committee on which they serve.<sup>6</sup> This commitment of time, without any compensation other than reimbursement of expenses, is extraordinary in an age when lawyers are burdened with busy schedules and rapid response times.

Commissioners make this commitment of time and talent because of love for the Conference. The work is intellectually demanding and professionally satisfying. Most commissioners believe the uniform and model acts they promulgate are essential to maintaining and promoting strong, effective state law essential to preserving federalism in the United States.

But love for the Conference is also generated by the camaraderie and family culture of the Uniform Law Commission. Many commissioners bring their families with them to the annual meeting each year, making it a vacation for the family.<sup>7</sup> The annual meeting moves to a new location each year, sometimes in a bustling cosmopolitan city, other times in a vacation location in the mountains or near a beach. The executive committee works hard to schedule meetings at attractive sites that have a modest cost structure, appropriate for a governmental organization.

Many children of commissioners have literally grown up having a family vacation each year at the annual meeting of the Uniform Law Commission. Some of those children have become commissioners themselves after attending law school. In one family, the presidency of the Conference has been multi-generational. Joe C. Barrett of Jonesboro, Arkansas, served as President of the Conference from 1953 to 1955, and his son-in-law, John C. Deacon, also of Jonesboro, Arkansas, later became President from 1979 to 1981.<sup>8</sup>

The practice of commissioners bringing their families to annual meetings was not the case in the early years of the Conference. Before air travel was common, commissioners travelled to meetings by railroad, and a trip across the country was arduous and difficult. Spouses and children did not accompany the commissioners as frequently to the annual meeting. Drafting committees worked primarily by telephone and postal mail, so in-person meetings on weekends seldom occurred. The drafting of the Uniform Commercial Code, which was supported by generous grants, primarily by the Falk Foundation, initiated the process of in-person drafting meetings.<sup>9</sup>

Even in the earliest days, however, social events were planned for most annual meetings, though many of the events were simple affairs. In 1926, James Platt Rogers, the President of the Colorado Bar Association, addressed the commissioners on the first day of the annual meeting in Denver, Colorado:

We will have before the morning is over, I trust, a little printed bulletin of the entertainment arrangements for your week.... The first entertainment event occurs this afternoon, and you have on your desks the cards of Judge Platt Rogers asking you to a garden party at his home this afternoon. It doesn't make any difference whether it rains or not as there is lots of room in the house there and he is looking forward to seeing everybody there.<sup>10</sup>

Sometimes the events were much more elaborate. In the summer of 1931, for example, when the Conference met in Atlantic City, the Entertainment Committee (the New Jersey commissioners) put together a tour of New Jersey. Commissioner E.A. Armstrong of Princeton, New Jersey, described the tour to the assembled commissioners:

Our Atlantic City hosts have provided private automobiles and they want to parcel us out so that we will have some host and his wife in the car with the visitors. They are going to start early Sunday morning – that is, 8:30...

Our Secretary has arranged with Admiral Moffett, who is in charge of aeronautics, to have a captain in charge at Lakehurst to show us the “Los Angeles” and some of the blimps and the other things there. Then we go to Freehold, the site of the Battle of Monmouth. After the monument there, a drive up by Molly Pitcher's Well, the place where history says Washington swore when he met Lee retreating, and Tennent Church, and then over to Princeton and we will be received at the University there and see some of the buildings and have luncheon at Princeton Inn.

After we have finished luncheon we will interrupt our trip and go out to a plain country farm house where I live, and then go to Washington Crossing. Then to Trenton, the scene of the Battle of Trenton, and then return here.”<sup>11</sup>

This automobile trip was called a Historic Pilgrimage, and it was completed in one day!<sup>12</sup>

At the 1946 annual meeting held in Philadelphia, Peter Hagan addressed the commissioners on behalf of the Philadelphia Bar Association. He said:

Mr. Schnader informed our committee that your work this week will be so arduous that you will have little time for fun, sport and amusement. Therefore the Entertainment Committee of the Philadelphia Bar Association has confined its efforts for the most part to the entertainment of your wives.

However, we have arranged to hold your formal dinner at one of the country clubs in this city, the Philadelphia Country Club, with cocktails, dancing and music....

For the entertainment of the ladies, a committee is functioning under the chairmanship of Mrs. William A. Schnader. That committee has arranged a program somewhat as follows. This afternoon at four o'clock a tea will be given in one of the rooms at this hotel. Tomorrow at 2:00 pm there will be a sightseeing tour of historic Philadelphia,

including a visit to Independence Hall, Old Swedes Church, Betsy Ross's House, and other places of historic interest...

On Wednesday afternoon, your wives will have an opportunity, if they so desire, to witness a broadcast at WCAU, one of the outstanding chains in the nation... The same afternoon a fashion show will be on exhibition at one of our department stores.... On Thursday at two-fifteen a tour will be made of the Philadelphia Navy Yard which will include inspection of the destroyer South Dakota, and an airplane carrier. Buses will leave this hotel and bring the ladies back.<sup>13</sup>

When Frances Jones became the first Executive Secretary of the Conference in 1948, family social events began to be scheduled even more frequently.<sup>14</sup> As she scheduled more Conference dinners and lunches at the annual meetings, commissioners began to more frequently bring their spouses and children to the meetings.<sup>15</sup>

Humor and laughter were always a central part of the annual meeting. In the early days, commissioners would often perform "skits" for their fellow members (much like the performances that they might see on vaudeville). Some of the more prominent reporters and commissioners were also the merriest funmakers. Commissioner Karl Llewellyn, reporter for the Uniform Commercial Code, and members of the UCC Editorial Board, such as Commissioner William Prosser, author of *The Judicial Humorist*, often led singing of parodies of popular songs that chronicled the work of the UCC. Stories abound of some of the raucous meetings that occurred during the UCC drafting days of the fifties.

For decades, the annual meeting has featured a scheduled sing-along after dinner one evening of the meeting. An early organizer of the sing-along was Commissioner Harry Reese of Illinois. For the past several decades, it has been led each year by the talented Jane Ring, wife of Commissioner Connie Ring of Virginia, skillfully playing the piano to accompany the singing. A large number of commissioners, spouses, and children participate each year, belting out old and favorite songs. In the initial years, commissioners and spouses shouted out the name of a song they would like to sing, but through the years a substantial songbook of lyrics has been produced. Leading organizers and vocalists of the sing-along have included Commissioner Paula Tackett of New Mexico and the booming voice of Commissioner Tom Bolt of the U.S. Virgin Islands. A highlight of each year's sing-a-long has been Vermont Commissioner Peter Langrock's rendition of "Allouetta," complete with dramatic gestures.<sup>16</sup> A good time is had by all.

At the ULC centennial celebration at the 1991 and 1992 annual meetings, the sing-along became a history lesson for those involved, as a group of commissioners, led by North Carolina Commissioner Elmer Oettinger, presented "Elmer's Tunes," a selection of popular songs with new lyrics.

For example, to the tune of "All of Me," the commissioners sang:

All my time! Why not take all my time?

It's a crime to work us each moment!

Take my lunch! I never get it.

Here's my hunch: the chair has sub-let it.

Take this bill! Frankly I've had my fill.

Change it 'til it's worse off despite me.

You took apart: my uniform heart –

So why not take all of me?

Some of the most memorable humorous moments at annual meetings occurred during the debates on proposed acts. Commissioner Peter Langrock of Vermont has recalled an incident when a draft of the Uniform Trust Code was being read line by line in the committee of the whole by Commissioner John Langbein, a professor of law at Yale and commissioner from Connecticut. Commissioner Langrock has described the incident in these words:

As is the usual practice, each member of the Committee is asked to read one or more sections. John's turn came and he was asked to read the section which provided for the creation of trusts to care for animal pets after their owner had passed. The section also provided that such a trust could last for only 30 years. John started to read this section and got the giggles. He stopped and tried to read it again, and he was even less deeply into the section before the giggles came again. By this time the Committee of the Whole had the giggles. John regained his composure and tried a third time. It was worse. By this time, everyone in the Committee of the Whole was not only giggling, but almost literally rolling in the aisles. Rather than a group of serious-minded law reformers and mature lawyers, it was more like a fifth grade class where some untoward remark had put the entire class into convulsions of giggles. John dared not try to read it a fourth time and, finally, some other member of the Committee was able to take over to read it and barely managed to get through it. At this point, Commissioner Brockenbrough Lamb "Brockie" from Virginia got up and addressed the Conference of the Whole. 'About that 30-year limitation, I just want to say I come from Virginia and we have the Chesapeake Bay, and there we have turtles that live 700 years.' The resulting laughter resounded through the Committee of the Whole. After a while the giggles and guffaws subsided and the Committee returned to serious debate on the Uniform Trust Code.<sup>17</sup>

A recurring source of humor during debates on the floor of the Conference over several years were references to the autocratic ways of Commissioner Eugene Burdick of North Dakota, a long-time chair of the Style Committee. Commissioner Burdick, a former President of the Conference and a distinguished trial judge in North Dakota known in the Conference as the "Judge," would encourage these humorous references by declaring on the floor during the debate over an amendment that he had offered, "You can approve my amendment now, or it will get in the act later when the Style Committee makes styling changes following approval of the act by the Conference."

The roster of commissioners through the years represents a pantheon of luminaries in the legal profession. Commissioners through the years have included:

A commissioner who became President of the United States:

President Woodrow Wilson, commissioner from New Jersey from 1901 to 1908<sup>18</sup>

Commissioners who became Justices of the Supreme Court of the United States:

Justice Louis D. Brandeis, commissioner from Massachusetts from 1900 to 1906

Justice Wiley B. Rutledge, commissioner from Missouri from 1931 to 1934 and

commissioner from Iowa from 1937 to 1942

Chief Justice William H. Rehnquist, commissioner from Arizona from 1963 to 1969

Justice David H. Souter, commissioner from New Hampshire from 1976 to 1979<sup>19</sup>

A partial listing (up to 1975) of renowned legal scholars at leading law schools who have served as commissioners includes:

James Barr Ames, commissioner from Massachusetts from 1902 to 1909 (Dean and Professor of Law, Harvard Law School)

George G. Bogert, commissioner from New York from 1920 to 1925; Illinois from 1927 to 1951; California from 1951 to 1958; Michigan from 1959 to 1976 (Cornell Law School; University of Illinois Law School; University of Chicago Law School; Hastings Law School)

Robert Braucher, commissioner from Massachusetts from 1955 to 1970 (Harvard Law School)

Allison Dunham, commissioner from Illinois from 1970 to 1984 (University of Chicago Law School)

John C. Gray, commissioner from Massachusetts from 1898 to 1899 (Harvard Law School)

Albert J. Harno, commissioner from Illinois from 1934 to 1965 (Dean, University of Illinois School of Law)

Harold C. Havighurst, commissioner from Illinois from 1943 to 1982 (Dean, Northwestern University School of Law)

Robert Keeton, commissioner from Massachusetts from 1971 to 1978 (Harvard Law School)

James M. Landis, commissioner from Massachusetts from 1932 to 1933 (Dean, Harvard Law School)

Robert A. Leflar, commissioner from Arkansas, 1945 to 1997 (Dean, University of Arkansas Law School)

William Draper Lewis, commissioner from Pennsylvania from 1924 to 1926 (Dean, University of Pennsylvania Law School)

Karl Llewellyn, commissioner from New York from 1926 to 1950; Illinois from 1951 to 1961 (Columbia Law School; University of Chicago Law School)

Soia Mentschikoff, commissioner from Illinois from 1965 to 1969 (University of Chicago Law School; Dean, University of Miami Law School)

Maynard Pirsig, commissioner from Minnesota from 1947 to 1997 (Dean, University of Minnesota Law School)

Roscoe Pound, commissioner from Nebraska from 1906 to 1907 (Dean, University of Nebraska Law School; Northwestern University Law School; University of Chicago Law

School; Dean, Harvard Law School)

William L. Prosser, commissioner from Minnesota from 1944 to 1948; California from 1949 to 1953 (University of Minnesota Law School; Harvard Law School; Dean, University of California Law School)

John H. Wigmore, commissioner from Illinois from 1908 to 1924; 1933 to 1942 (Dean, Northwestern University Law School)

Samuel Williston, commissioner from Massachusetts from 1910 to 1928 (Harvard Law School)<sup>20</sup>

Any listing of leading scholars subsequent to 1975 would include virtually every law professor and Chancellor<sup>21</sup> currently serving as a member of the Uniform Law Commission.

And, of course, the Conference membership through the years has included many of the most well-known federal and state jurists, distinguished members of Congress and state legislatures, and leaders in the nation's most prominent law firms.

The impact of the Conference on law reform in the United States is impressively demonstrated by the legendary commissioners who have served over the past 120 years.

The work, fun, and collegiality of the Conference are expressed well by ULC President Phillip Carroll in the closing remarks of his 1987 Presidential Address.<sup>22</sup>

#### ODE TO NCCUSL

*(to be sung or read to the tune of "Battle Hymn of the Republic")*

We came to California, we're here at Newport Beach,  
We're lawyers from the 50 states, uniformity we preach.

96 times we've met like this, injustice we outmode,  
A sample of our efforts – the Uniform Commercial Code.

Our tasks are seldom easy, in fact at times it's all uphill,  
Remember Minneapolis and the Rights of the Terminally III!

We said there was a right to die and we could write the tickets,  
The locals said that we could try, but first get through our pickets.

You know I thought I would die from all that agitation,  
But soon I found that I lacked was nutrition and hydration.  
We'll kick this off this morning and our spirits will uplift,  
We will think things anatomical and how to make a gift.

Yes, once again we face the knotty issue of franchise,  
We'll do it and we'll show the world the art of compromise.

Our range is wide, we have no fear, we offer no apology,

Putative Fathers, Construction Liens, and now the New Biology.  
Some motions will be won, some lost, the outcome is foreseeable,  
Cause we know how to disagree without being disagreeable.  
We'll argue and we'll pull our hair and now and then nitpick.  
All to please the Style Committee and the Judge, Burdick.  
It's not all work, on Wednesday night be glad that you belong,  
For then we lift our voices in the annual sing-along.  
But first a word of caution lest you suffer mild shell shock,  
If you've not heard Allouetta sung by Commissioner Langrock.  
And when this week is over you will grow in confidence,  
That the USA is in better shape because of this Conference.  
Commissioners we call ourselves, we come from east and west,  
The common thread among us is we're here to do our best,  
It's not the pay that brings you here, there's other motivation,  
For some of you this week of work will be the year's vacation.  
We're searching for the fairest rule, long hours we will plod,  
You'll find the way I am convinced, because you hold the hand of God.  
Hats off to you my merry friends, I make one more perusal,  
It's all of you and your selflessness that gives meaning to NCCUSL.  
You'll give your time, your talent, and your wisdom without pause,  
Then take back home with you the best of uniform state laws.  
Roll up your sleeves, let's go to work, let's make a contribution,  
Next Friday, we can proudly say, Happy Birthday Constitution!

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**Footnotes:**

- <sup>1</sup> See Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 120th Annual Conference 1-43 (2011) [hereinafter 2011 Handbook].
- <sup>2</sup> *State ULC Appointment Statute Chart*, Uniform Law Commission, (Feb. 2013).
- <sup>3</sup> See 2011 Handbook, *supra* note 1, at 1-43.
- <sup>4</sup> Walter P. Armstrong, Jr., a Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws 11, 65 (1991).
- <sup>5</sup> See 2011 Handbook, *supra* note 1, at i, 105 (referencing the seven day time period and the ballroom, respectively).
- <sup>6</sup> *Id.* at 191 (listing the schedule of drafting committee meetings).
- <sup>7</sup> See Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 96th Annual Conference 79 (1987) [hereinafter 1987 Handbook] (referencing family vacations at annual meetings).

8 *See* appendix A.

9 Armstrong, *supra* note 4, at 65.

10 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 36th Annual Conference 57 (1926).

11 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 41st Annual Conference 71-72 (1931).

12 *Id.*

13 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 55th Annual Conference 40-41 (1946).

14 Interview with Frances Jones, Former Executive Secretary of the National Conference, in Fremont, Neb. 33 (Sept. 8, 1989).

15 *Id.*

16 *See* 1987 Handbook, *supra* note 7, at 79 (referencing Commissioner Langrock's song).

17 Memo from Peter Langrock to Robert Stein, undated (in author's possession).

18 *See* appendix G.

19 *Id.*

20 *Id.*

21 E.g., Harvey Perlman, Chancellor of the University of Nebraska—Lincoln since 2001, and Dean of the University of Nebraska College of Law for 15 years before that; Gerald Bepko, Chancellor of the University of Indiana –Indianapolis, 1986 to 2002, Dean of the University of Indiana Law School for 5 years before that.

22 1987 Handbook, *supra* note 7, at 79.

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## BIOGRAPHIES FOR CHAPTER 13

**Thomas A. Bolt** has been a commissioner from St. Thomas, VI, since 1988.<sup>1</sup> Bolt chaired the Drafting Committee on Uniform Money Services Act,<sup>2</sup> and the Committee on Liaison with the American Bar Association.<sup>3</sup> He is a long-time member of the Conference's Legislative Council.<sup>4</sup> He is Executive Director and Legal Counsel to the Virgin Islands Law Review Commission and has served as Editor of the "Revised Virgin Islands Criminal Code."<sup>5</sup>

**Eugene A. Burdick** was a commissioner from North Dakota from 1959 to 2000 and served as President from 1971 to 1973.<sup>6</sup> Burdick was a trial judge in North Dakota for nearly 30 years, and was often referred to in the Conference as "the Judge." He served as the Chair of the Committee on Style<sup>7</sup> and the Drafting Committee on Model Simplification of Real Property Transfers Act.<sup>8</sup>

**Phillip Carroll** was a commissioner from Arkansas from 1970 to 2013,<sup>9</sup> serving as President from 1985 to 1987.<sup>10</sup> He was a member of the Legislative Council,<sup>11</sup> and chaired the Drafting Committee on the Uniform Periodic Payment of Judgments Act<sup>12</sup> and the Committee on Federal Relations.<sup>13</sup> Carroll was a successful trial lawyer and brought to debate in the Conference his polished advocacy as a litigator.

**John C. Deacon** was a commissioner from Arkansas from 1967 to 2008,<sup>14</sup> serving as President from 1979 to 1981.<sup>15</sup> He chaired the Drafting Committee on the Uniform Eminent Domain Code,<sup>16</sup> the Committee on Liaison with the American Bar Association,<sup>17</sup> and the Committee on Federal Relations.<sup>18</sup> He was an active bar leader, serving as President of both the Arkansas Bar Association and the American Bar Foundation.<sup>19</sup>

**Peter F. Langrock** has been a Commissioner from Vermont since 1967,<sup>20</sup> serving as Vice President from 2002 to 2005.<sup>21</sup> He has chaired many committees, including the Drafting Committee on the Uniform Limited Cooperative Association Act,<sup>22</sup> the Drafting Committee on the Uniform Transfer of Litigation Act,<sup>23</sup> and the Special Committee on the Uniform Regulation of Detection Devices Act.<sup>24</sup> He has served on the Board of Governors of the American Bar Association, and as Chair of the ABA Section of Individual Rights and Responsibilities.<sup>25</sup>

**Elmer R. Oettinger** was a Commissioner from North Carolina from 1973 to 2009.<sup>26</sup> He was a professor of public law and government and Assistant Director of the Institute of Government at the University of North Carolina at Chapel Hill.<sup>27</sup> He chaired the Committee on the Uniform Privacy Act<sup>28</sup> and the Committee on the Uniform Information Practices Code.<sup>29</sup> In addition to law, Oettinger actively pursued careers in both theater and broadcast radio.<sup>30</sup>

**Harry B. Reese** was a commissioner from Illinois from 1973 until 1991.<sup>31</sup> He chaired the Drafting Committee on the Uniform Criminal History Records Act, and the Committee on Amendments to the Uniform Class Actions Act.<sup>32</sup> He was William Wirt Gurley professor of law at Northwestern University School of Law, where he specialized in civil procedure,<sup>33</sup> and was one of six law professors chosen nationally to appear in the film series "Great Law Teachers" to demonstrate teaching techniques.<sup>34</sup>

**Paula Tackett** has been a Commissioner from New Mexico since 1988.<sup>35</sup> She served as Chair of the Review of Conference Acts Committee and has been a member of the Legislative Council.<sup>36</sup> Tackett served as Director of the New Mexico Legislative Counsel Service for 22 years before retiring in 2010.<sup>37</sup>

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**Footnotes:**

1 See appendix G.

2 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 114th Annual Conference 69 (2005).

3 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 113th Annual Conference 62 (2004).

4 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 116th Annual Conference 50 (2007).

5 *Tom Bolt – Managing Attorney/Shareholder*, Boltnagi, <http://www.vilaw.com/attorneys-tom-bolt/> (last visited Feb. 11, 2013).

6 See appendix G; appendix A.

7 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 84th Annual Conference 24 (1975).

8 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 71st Annual Conference 20 (1962).

9 See appendix G.

10 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 95th Annual Conference iii (1986).

11 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 102nd Annual Conference 39 (1993).

12 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 86th Annual Conference 160 (1977).

13 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 103rd Annual Conference 53 (1994).

14 See appendix G.

15 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 88th Annual Conference 25 (1979) [hereinafter 1979 Handbook].

16 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 80th Annual Conference 14 (1971) [hereinafter 1971 Handbook].

17 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 90th Annual Conference 31 (1981).

18 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 105th Annual Conference 40 (1996) [hereinafter 1996 Handbook].

19 Karin Hill, *Jack Deacon Dies at 90*, Rotary Club of Jonesboro, <http://www.jonesbororotary.org/view/281> (last visited Feb. 15, 2013).

20 See appendix G.

21 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 11th Annual Conference 97 (2002).

22 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 115th Annual Conference 59 (2006) [hereinafter 2006 Handbook].

23 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 98th Annual Conference 49 (1989).

24 1971 Handbook, *supra* note 16, at 53.

25 *Peter F. Langrock*, Langrock Sperry & Wool, <http://www.langrock.com/our-firm/our-team/peter-f-langrock/> (last visited Feb. 20, 2013).

26 See appendix G.

27 *Elmer R. Oettinger Jr. Papers*, UNC University Libraries, [http://www.lib.unc.edu/mss/inv/o/Oettinger,Elmer\\_R.html](http://www.lib.unc.edu/mss/inv/o/Oettinger,Elmer_R.html) (last visited Feb. 11, 2013).

28 1979 Handbook, *supra* note 15, at 38.

29 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 92nd Annual Conference 44 (1983).

30 *Elmert R. Oettinger, Jr. Papers*, *supra* note 27.

31 *See* appendix G.

32 Nat'l Conference of Comm'rs on Unif. State Laws and Proceedings of the 96th Annual Conference 36 (1987).

33 Kenan Heise, *Professor Harry Reese, Civil Procedures Expert*, Chicago Tribune News, [http://articles.chicagotribune.com/1991-09-06/news/9103070127\\_1\\_uniform-state-laws-law-review-law-school-admissions-test](http://articles.chicagotribune.com/1991-09-06/news/9103070127_1_uniform-state-laws-law-review-law-school-admissions-test) (last visited Feb. 13, 2013).

34 *Id.*

35 *See* appendix G.

36 2006 Handbook, *supra* note 22; 1996 Handbook, *supra* note 18.

37 Steve Terrell, *State Legislature: Director Ends Reign Behind the Scenes*, Sante Fe New Mexican (Apr. 22, 2010), <http://www.santafenewmexican.com/LocalNews/State-Legislature-Director-ends-reign-behind--the-scenes#.URmLC6XAfok>.

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## CHAPTER 14

### Federalism

Writing for the Court in *Younger v. Harris* in 1971, Justice Hugo Black described Federalism with these words:

[T]he notion of comity, that is, a proper respect for state functions, a recognition of the fact that the entire country is made up of a Union of separate state governments, and a continual belief that the National Government will fare best if the states and their institutions are left free to perform their separate functions in separate ways. This, perhaps for lack of a better and clearer way to describe it, is referred to many as ‘Our Federalism,’ and one familiar with the profound debates that ushered our Federal Constitution into existence is bound to respect those who remain loyal to the ideals and dreams of ‘Our Federalism.’ The concept does not mean blind deference to ‘States’ Rights’ any more than it means centralization of control over every important issue in our National Government and its courts. The Framers rejected both these courses. What the concept does represent is a system in which there is sensitivity to the legitimate interest of both State and National Governments, and in which the National Government, anxious though it may be to vindicate and protect federal rights and federal interest, always endeavors to do so in ways that will not unduly interfere with the legitimate activities of the States.<sup>1</sup>

Justice Black’s eloquent words express the vision that inspires the work of the Uniform Law Commission. In order for our federal republic to endure, state law must be strong and effective in areas where it has traditionally been applied. That is the balance that the Framers of our Constitution sought to achieve.

And in order for state law to be strong and effective it must, when appropriate, be uniform across state borders where the transactions or actions that are the subject of the state law cross state lines. In our increasingly mobile society, more and more transactions and actions have a multi-state impact. State law applicable to such multi-state transactions and actions must be uniform if it is to be a satisfactory alternative to federal law on the subject.

And that is the goal of the Uniform Law Commission. In the words of the Conference Constitution, “It is the purpose of the Conference to promote uniformity in the law among the several States on subjects as to which uniformity is desirable and practicable.”<sup>2</sup>

It is not an overstatement to say that the mission of the Uniform Law Commission is to maintain and strengthen “federalism” in the United States. In order for state law to be a viable alternative to federal law on multi-state issues in areas of traditional state law, the law must be uniform from state to state. The law governing a transaction should not change as the transaction moves across state lines.

The Uniform Law Commission does not take the view that state law is always preferable to federal law as applied to multi-state transactions. In the words of Justice Black, “The concept [federalism] does not mean blind deference to ‘States’ Rights’ any more than it means centralization of control over every important issue in our National Government and its courts.”<sup>3</sup>

The Conference works within the U.S. Constitution's finely calibrated system of federalism to maintain the boundaries of federal and state authority. At times, the Conference has opposed proposed federal legislation that appears to intrude unnecessarily into matters that have traditionally been the province of state law. For example, in 2013 the Conference successfully opposed attempts to enact federal legislation that would federalize the law relating to child custody determinations concerning the children of deployed military personnel.<sup>4</sup>

When there is a need for federal legislation concerning matters that the states also regulate, resulting in concurrent federal/state jurisdiction, the Conference works through interactive governmental processes to forge cooperative solutions that allocate power and responsibility in a way that maintains a healthy balance of federal and state law. For example, provisions of Article 4A of the Uniform Commercial Code, which governs electronic funds transfers, have regularly been amended to accommodate federal legislation that affects the same area.<sup>5</sup>

The Conference also has worked closely with the United States Department of State to make necessary revisions to uniform acts that are affected by private international law conventions that the United States has signed and is planning to ratify. A major objective of these efforts has been to ensure that, to the extent possible, the statutory provisions necessary to implement a convention are incorporated into uniform state legislation, rather than being contained in federal legislation that would preempt long-standing areas of state law.

In 2009, the Conference created a Committee on Federalism and State Law for the purpose of developing a set of neutral principles concerning federalism and preemption and establishing a dialogue among representatives of federal, state, and local governments concerning the appropriate balance between federal and state regulation in areas of shared interest.<sup>6</sup>

As a step in creating the desired dialogue, in October 2010 the Conference held a Symposium on Federalism, Preemption, and State Law in Washington, DC, co-sponsored by a number of other state organizations, including the National Governors Association, the National Conference of State Legislatures, the Council of State Governments, the National Association of Attorneys General, the Conference of Chief Justices, and the National Center for State Courts.<sup>7</sup> The Symposium, which included presentations of papers by leading scholars on federalism and preemption, was well attended by participants that included commissioners, state legislators, judges, executive department officials, congressional and agency staff, and representatives of all of the sponsoring organizations.

A second Symposium on Federalism, Preemption and State Law was held in 2013, also in Washington, DC, to continue the dialogue arising out of the 2010 Symposium. The second Symposium provided an opportunity for leading policy makers to reflect on the diversity of culture and circumstances in the various parts of our country and craft improved strategies to address our changing society while protecting the federalism principles set forth in the Constitution.<sup>8</sup>

The Committee on Federalism and State Law has developed a set of "Principles of Federalism" that the ULC commends to organizations and individuals who, like the Conference, deal regularly with matters that lie on the boundaries of federal and state law. The Principles set forth facts and criteria that should be considered in determining when federal legislation that preempts an area might be appropriate, when it might be preferable to have federal legislation that only establishes minimum standards within which states would continue to regulate, and when it might be best to let state law regulate an area.<sup>9</sup>

The statement of Principles of Federalism sets forth the challenge:

Since the earliest days of the republic, finding the right balance between federal and state powers and responsibilities has posed a difficult challenge for our political institutions. In recent years, economic and cultural globalization, the use of fiscal and monetary policies in efforts to stabilize the economy, and the desire to use the resources of the federal government to address unmet social needs have resulted in an accelerating centralization of power with the federal government. At the same time, there is an increasing desire to preserve the uniqueness and diversity of our local communities, a recognition that the health of our democracy depends on the ability of citizens to meaningfully make decisions at the state and local level, and persistent fears that an excessive concentration of power in the federal government may threaten our basic liberties. These conflicting trends make it critical that a renewed effort be undertaken to develop policies, practices and institutions which promote an appropriate balance and efficient integration of federal and state responsibilities.<sup>10</sup>

The Conference's Principles of Federalism include recommendations to Congress and federal agencies, and urge the federal government to consider how well states have already addressed a particular issue under consideration. Where states have not adequately done so, the federal government should partner with states to develop a complementary set of laws. The Principles also encourage the federal government to be cautious about preempting state law, and preempt state law only when there is no alternative way to effectuate policy.<sup>11</sup>

The Principles, in turn, make recommendations to state and local governments, urging them to refrain from inviting preemptory federal legislation by avoiding conflicts between federal and state law, in areas such as interstate commerce. The Principles suggest that states should actively assist in developing federal laws, and that state and local governments could do this through institutions that represent state interests at the federal level both directly and through public-private partnerships. Finally, the Principles encourage non-governmental organizations and individuals to support federalism through education and advocacy.<sup>12</sup>

The Principles of Federalism go to the heart of the mission of the Uniform Law Commission. More than 120 years ago, 12 newly appointed commissioners on uniform state laws met in Saratoga, New York, to form an organization dedicated to preserving our federal system of government by promoting uniformity of state law “on subjects as to which uniformity is desirable and practicable.”<sup>13</sup> That goal continues to be as necessary and important today as it was in 1892. The future of our federal republic depends on it.

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#### Footnotes:

<sup>1</sup> *Younger v. Harris*, 401 U.S. 37, 44 (1971).

<sup>2</sup> Nat'l Conference of Comm'rs on Unif. State Laws, 2011–2012 Reference Book 109 (2011).

<sup>3</sup> *Younger*, 401 U.S. at 44.

<sup>4</sup> See, e.g., *The Role of the Uniform Law Commission in a Federal System*, Unif. Law Comm'n, <http://www.uniformlaws.org/shared/docs/federalism%20and%20state%20law/one%20pager%20on%20federalism.pdf> (last visited Feb. 26, 2013).

<sup>5</sup> Carlyle Conwell Ring, Jr., *A New Era: Cooperative Federalism—Through the Uniform State Laws Process*, 33 Hamline L. Rev. 375, 388–93 (2010).

6 Robert A. Stein, *Remarks by Robert A. Stein, President of the ULC, at the 2011 Annual Meeting*, Nat'l Conference of Comm'rs on Unif. State Laws, Handbook of the National Conference of Commissioners on Uniform State Laws and Proceedings of the Annual Conference Meeting in Its 120th Year 110 (2011).

7 *Id.*

8 Michael Houghton, *Remarks by Michael Houghton, President of the ULC, at the 2012 Annual Meeting*, Unif. Law Comm'n, <http://uniformlaws.org/Narrative.aspx?title=QR%20Issue%2012%20%3E%20Message%20from%20the%20President> (last visited Feb. 26, 2013).

9 ULC Comm. on Federalism & State Law, *Principles of Federalism* (2012), *available at* [http://www.uniformlaws.org/shared/docs/federalism%20and%20state%20law/federalism\\_principles.pdf](http://www.uniformlaws.org/shared/docs/federalism%20and%20state%20law/federalism_principles.pdf).

10 *Id.*

11 *Id.*

12 *Id.*

13 *See supra* chapter 1.

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# APPENDIX A

## Officers of the Conference

- 1892-94:** Chairman – Henry R. Beekman, New York  
Secretary – Frederic Jesup Stimson, Massachusetts  
Chairman, Executive Finance Committee – Henry A. Beekman, New York
- 1895-96:** Chairman – S. M. Cutcheon, Michigan  
Secretary – Frederic Jesup Stimson, Massachusetts  
Chairman, Executive Finance Committee – Henry A. Beekman, New York
- 1896-97:** President – Lyman D. Brewster, Connecticut  
Vice-President – Peter W. Meldrim, Georgia  
Secretary – Frederic Jesup Stimson, Massachusetts  
Assistant Secretary – Albert E. Henschel, New York  
Chairman, Executive Finance Committee – W. L. Snyder, New York
- 1897-98:** President – Lyman D. Brewster, Connecticut  
Vice-President – Charles M. Campbell, Colorado  
Secretary – Frederic Jesup Stimson, Massachusetts  
Assistant Secretary – Albert E. Henschel, New York  
Chairman, Executive Finance Committee – W. L. Snyder, New York
- 1898-99:** President – Lyman D. Brewster, Connecticut  
Vice-President – David L. Withington, California  
Secretary – Frederic Jesup Stimson, Massachusetts  
Assistant Secretary – Albert E. Henschel, New York  
Chairman, Executive Finance Committee – W. L. Snyder, New York
- 1899-1900:** President – Lyman D. Brewster, Connecticut  
Vice-President – David L. Withington, California  
Secretary – Albert E. Henschel, New York  
Assistant Secretary – J. Moss Ives, Connecticut  
Chairman, Executive Finance Committee – W. L. Snyder, New York
- 1900-01:** President – Lyman D. Brewster, Connecticut  
Vice-President – E. W. Saunders, Virginia  
Secretary – Albert E. Henschel, New York  
Assistant Secretary – J. Moss Ives, Connecticut  
Chairman, Executive Finance Committee – W. L. Snyder, New York
- 1901-02:** President – Amasa M. Eaton, Rhode Island  
Vice-President – William A. Ketcham, Indiana



Secretary – Albert E. Henschel, New York  
Assistant Secretary – J. Moss Ives, Connecticut  
Chairman, Executive Finance Committee – W. L. Snyder, New York

**1902-03:**

President – Amasa M. Eaton, Rhode Island  
Vice-President – Robert W. Williams, Florida  
Secretary – Albert E. Henschel, New York

Assistant Secretary – J. Moss Ives, Connecticut  
Chairman, Executive Finance Committee – W. L. Snyder, New York

**1903-04:**

President – Amasa M. Eaton, Rhode Island  
Vice-President – W. O. Hart, Louisiana

Secretary – Albert E. Henschel, New York  
Assistant Secretary – J. Moss Ives, Connecticut  
Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1904-05:**

President – Amasa M. Eaton, Rhode Island  
Vice-President – Walter S. Logan, New York  
Secretary – Albert E. Henschel, New York  
Treasurer – Francis B. James, Ohio

Assistant Secretary – J. Moss Ives, Connecticut  
Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1905-06:**

President – Amasa M. Eaton, Rhode Island  
Vice-President – Charles E. Shepard, Washington

Secretary – Albert E. Henschel, New York  
Treasurer – Talcott H. Russell, Connecticut  
Assistant Secretary – Glendinning B. Groesbeck, Ohio  
Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1906-07:**

President – Amasa M. Eaton, Rhode Island  
Vice-President – John C. Richberg, Illinois  
Secretary – Charles Thaddeus Terry, New York  
Treasurer – Talcott H. Russell, Connecticut

Assistant Secretary – Buchanan Perin, Ohio  
Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1907-08:**

President – Amasa M. Eaton, Rhode Island  
Vice-President – W. O. Hart, Louisiana  
Secretary – Charles Thaddeus Terry, New York  
Treasurer – Talcott H. Russell, Connecticut

Assistant Secretary – Francis A. Hoover, Ohio  
Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1908-09:**

President – Amasa M. Eaton, Rhode Island

Vice-President – Walter George Smith, Pennsylvania  
Secretary – Charles Thaddeus Terry, New York

Treasurer – Talcott H. Russell, Connecticut

Assistant Secretary – Francis A. Hoover, Ohio

Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1909-10:**

President – Walter George Smith, Pennsylvania

Vice-President – Peter W. Meldrim, Georgia

Secretary – Charles Thaddeus Terry, New York

Treasurer – Talcott H. Russell, Connecticut

Assistant Secretary – Francis A. Hoover, Ohio

Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1910-11:**

President – Walter George Smith, Pennsylvania

Vice-President – J. R. Thornton, Louisiana

Secretary – Charles Thaddeus Terry, New York

Treasurer – Talcott H. Russell, Connecticut

Assistant Secretary – M. Grunthal, New York

Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1911-12:**

President – Walter George Smith, Pennsylvania

Vice-President – A. T. Stovall, Mississippi

Secretary – Charles Thaddeus Terry, New York

Treasurer – Talcott H. Russell, Connecticut

Assistant Secretary – M. Grunthal, New York

Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1912-13:**

President – Charles Thaddeus Terry, New York

Vice-President – John Hinkley, Maryland

Secretary – Clarence N. Woolley, Rhode Island

Treasurer – Talcott H. Russell, Connecticut

Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1913-14:**

President – Charles Thaddeus Terry, New York

Vice-President – Rome G. Brown, Minnesota

Secretary – Clarence N. Woolley, Rhode Island

Treasurer – Talcott H. Russell, Connecticut

Chairman, Executive Committee – W. H. Staake, Pennsylvania

**1914-15:**

President – Charles Thaddeus Terry, New York

Vice-President – W. M. Crook, Texas

Secretary – George B. Young, Vermont

Treasurer – Thomas A. Jenckes, Rhode Island

Chairman, Executive Committee – Eugene C. Massie, Virginia

**1915-16:**

President – William H. Staake, Pennsylvania

Vice-President – Nathan William MacChesney, Illinois

Secretary – George B. Young, Vermont

Treasurer – Thomas A. Jenckes, Rhode Island

Chairman, Executive Committee – Eugene C. Massie, Virginia

**1916-17:** President – William H. Staake, Pennsylvania

Vice-President – Stephen H. Allen, Kansas

Secretary – George B. Young, Vermont

Treasurer – W.O. Hart, Louisiana

Chairman, Executive Committee – Eugene C. Massie, Virginia

**1917-18:** President – William A. Blount, Florida

Vice-President – Andrew A. Bruce, North Dakota

Secretary – George B. Young, Vermont

Treasurer – W. O. Hart, Louisiana

Chairman, Executive Committee – Eugene C. Massie, Virginia

**1918-19:** President – William A. Blount, Florida

Vice-President – Hugh H. Brown, Nevada

Secretary – Manley O. Hudson, Missouri

Treasurer – W. O. Hart, Louisiana

Chairman, Executive Committee – Eugene C. Massie, Virginia

**1919-20:** President – William A. Blount, Florida

Vice-President – Hollis R. Bailey, Massachusetts

Secretary – Eugene A. Gilmore, Wisconsin

Treasurer – W. O. Hart, Louisiana

Chairman, Executive Committee – Eugene C. Massie, Virginia

**1920-21:** President – Henry Stockbridge, Maryland

Vice-President – George B. Young, Vermont

Secretary – Eugene A. Gilmore, Wisconsin

Treasurer – W. O. Hart, Louisiana

Chairman, Executive Committee – Nathan William MacChesney, Illinois

**1921-22:** President – Henry Stockbridge, Maryland

Vice-President – John R. Hardin, New Jersey

Secretary – Eugene A. Gilmore, Wisconsin

Treasurer – W. O. Hart, Louisiana

Chairman, Executive Committee – Nathan William MacChesney, Illinois

**1922-23:** President – Nathan William MacChesney, Illinois

Vice-President – Eugene C. Massie, Virginia

Secretary – George G. Bogert, New York

Treasurer – W. O. Hart, Louisiana

Chairman, Executive Committee – George B. Young, Vermont

- 1923-24:** President – Nathan William MacChesney, Illinois  
Vice-President – Joseph F. O’Connell, Massachusetts  
Secretary – George G. Bogert, New York  
Treasurer – W. O. Hart, Louisiana  
Chairman, Executive Committee – George B. Young, Vermont
- 1924-25:** President – Nathan William MacChesney, Illinois  
Vice-President – Joseph F. O’Connell, Massachusetts  
Secretary – George G. Bogert, New York  
Treasurer – W. O. Hart, Louisiana  
Chairman, Executive Committee – Jesse A. Miller, Iowa
- 1925-26:** President – George B. Young, Vermont  
Vice-President – Jefferson P. Chandler, California  
Secretary – George G. Bogert, New York  
Treasurer – W. O. Hart, Louisiana  
Chairman, Executive Committee – Jesse A. Miller, Iowa
- 1926-27:** President – George B. Young, Vermont  
Vice-President – Samuel Williston, Massachusetts  
Secretary – George G. Bogert, New York  
Treasurer – W. O. Hart, Louisiana  
Chairman, Executive Committee – Jesse A. Miller, Iowa
- 1927-28:** President – Jesse A. Miller, Iowa  
Vice-President – Orie L. Phillips, New Mexico  
Secretary – George G. Bogert, New York  
Treasurer – W. O. Hart, Louisiana  
Chairman, Executive Committee – William M. Hargest, Pennsylvania
- 1928-29:** President – Jesse A. Miller, Iowa  
Vice-President – F. M. Clevenger, Ohio  
Secretary – John H. Voorhees, South Dakota  
Treasurer – W. O. Hart, Louisiana  
Chairman, Executive Committee – William M. Hargest, Pennsylvania
- 1929-30:** President – Jesse A. Miller, Iowa  
Vice-President – Charles R. Hollingsworth, Utah  
Secretary – John H. Voorhees, South Dakota  
Treasurer – Bruce W. Sanborn, Minnesota  
Chairman, Executive Committee – William M. Hargest, Pennsylvania
- 1930-31:** President – William M. Hargest, Pennsylvania

Vice-President – George B. Martin, Kentucky  
Secretary – John H. Voorhees, South Dakota

Treasurer – Bruce W. Sanborn, Minnesota

Chairman, Executive Committee – Ori L. Phillips, New Mexico

**1931-32:** President – William M. Hargest, Pennsylvania

Vice-President – Charles V. Imlay, District of Columbia

Secretary – John H. Voorhees, South Dakota

Treasurer – Bruce W. Sanborn, Minnesota

Chairman, Executive Committee – Ori L. Phillips, New Mexico

**1932-33:** President – William M. Hargest, Pennsylvania

Vice-President – Frank Pace, Arkansas

Secretary – John H. Voorhees, South Dakota

Treasurer – Bruce W. Sanborn, Minnesota

Chairman, Executive Committee – Ori L. Phillips, New Mexico

**1933-34:** President – Ori L. Phillips, New Mexico

Vice-President – George E. Beers, Connecticut

Secretary – John H. Voorhees, South Dakota

Treasurer – Bruce W. Sanborn, Minnesota

Chairman, Executive Committee – Alexander Armstrong, Maryland

**1934-35:** President – Ori L. Phillips, New Mexico

Vice-President – George M. Powers, Vermont

Secretary – John H. Voorhees, South Dakota

Treasurer – Bruce W. Sanborn, Minnesota

Chairman, Executive Committee – Alexander Armstrong, Maryland

**1935-36:** President – Ori L. Phillips, New Mexico

Vice-President – George B. Rose, Arkansas

Secretary – John H. Voorhees, South Dakota

Treasurer – Bruce W. Sanborn, Minnesota

Chairman, Executive Committee – Alexander Armstrong, Maryland

**1936-37:** President – Alexander Armstrong, Maryland

Vice-President – John H. Wigmore, Illinois

Secretary – William C. Ramsey, Nebraska

Treasurer – Bruce W. Sanborn, Minnesota

Chairman, Executive Committee – William A. Schnader, Pennsylvania

**1937-38:** President – Alexander Armstrong, Maryland

Vice-President – Harry P. Lawther, Texas

Secretary – William C. Ramsey, Nebraska

Treasurer – Murray M. Shoemaker, Ohio

- 1938-39:** Chairman, Executive Committee – William A. Schnader, Pennsylvania  
 President – Alexander Armstrong, Maryland  
 Vice-President – E. E. Brossard, Wisconsin  
 Secretary – Barton H. Kuhns, Nebraska  
 Treasurer – Murray M. Shoemaker, Ohio  
 Chairman, Executive Committee – William A. Schnader, Pennsylvania
- 1939-40:** President – William A. Schnader, Pennsylvania  
 Vice-President – Dix H. Rowland, Washington  
 Secretary – Barton H. Kuhns, Nebraska  
 Treasurer – Murray M. Shoemaker, Ohio  
 Chairman, Executive Committee – John Carlisle Pryor, Iowa
- 1940-42:** President – William A. Schnader, Pennsylvania  
 Vice-President – W. E. Stanley, Kansas  
 Secretary – Barton H. Kuhns, Nebraska  
 Treasurer – Murray M. Shoemaker, Ohio  
 Chairman, Executive Committee – John Carlisle Pryor, Iowa
- 1942-43:** President – John Carlisle Pryor, Iowa  
 Vice-President – W. E. Stanley, Kansas  
 Secretary – Barton H. Kuhns, Nebraska  
 Treasurer – Murray M. Shoemaker, Ohio  
 Chairman, Executive Committee – Robert T. Barton, Jr., Virginia (In Military Service)  
 Acting Chairman, Executive Committee – William A. Schnader, Pennsylvania
- 1943-44:** President – W. E. Stanley, Kansas  
 Vice-President – Howard L. Barkdull, Ohio  
 Secretary – Barton H. Kuhns, Nebraska  
 Treasurer – Murray M. Shoemaker, Ohio  
 Chairman, Executive Committee – William A. Schnader, Pennsylvania
- 1944-46:** President – John Carlisle Pryor, Iowa  
 Vice-President – Howard L. Barkdull, Ohio  
 Secretary – Barton H. Kuhns, Nebraska  
 Treasurer – Boyd M. Benson, South Dakota  
 Chairman, Executive Committee – W. E. Stanley, Kansas
- 1946-47:** President – W. E. Stanley, Kansas  
 Vice-President – Willard B. Luther, Massachusetts  
 Secretary – Barton H. Kuhns, Nebraska  
 Treasurer – Boyd M. Benson, South Dakota  
 Chairman, Executive Committee – Albert J. Harno, Illinois

- 1947-48:** President – Albert J. Harno, Illinois  
Vice-President – Sherman R. Moulton, Vermont  
Secretary – Barton H. Kuhns, Nebraska  
Treasurer – Boyd M. Benson, South Dakota  
Chairman, Executive Committee – Howard L. Barkdull, Ohio
- 1948-49:** President – Albert J. Harno, Illinois  
Vice-President – Joe C. Barrett, Arkansas  
Secretary – Barton H. Kuhns, Nebraska  
Treasurer – Boyd M. Benson, South Dakota  
Chairman, Executive Committee – Howard L. Barkdull, Ohio
- 1949-51:** President – Howard L. Barkdull, Ohio  
Vice-President – Joe C. Barrett, Arkansas  
Secretary – Barton H. Kuhns, Nebraska  
Treasurer – Boyd M. Benson, South Dakota  
Chairman, Executive Committee – Martin J. Dinkelspiel, California
- 1951-53:** President – Martin J. Dinkelspiel, California  
Vice-President – Paul W. Brosman, Louisiana  
Secretary – Barton H. Kuhns, Nebraska  
Treasurer – Boyd M. Benson, South Dakota  
Chairman, Executive Committee – Joe C. Barrett, Arkansas
- 1953-55:** President – Joe C. Barrett, Arkansas  
Vice-President – Willoughby A. Colby, New Hampshire  
Secretary – John E. Conway, Wisconsin  
Treasurer – Tom Martin Davis, Texas  
Chairman, Executive Committee – Barton H. Kuhns, Nebraska
- 1955-56:** President – Barton H. Kuhns, Nebraska  
Vice-President – Hicks Epton, Oklahoma  
Secretary – Willoughby A. Colby, New Hampshire  
Treasurer – Tom Martin Davis, Texas  
Chairman, Executive Committee – James C. Dezendorf, Oregon
- 1956-57:** President – Barton H. Kuhns, Nebraska  
Vice-President – Spencer A. Gard, Kansas  
Secretary – Willoughby A. Colby, New Hampshire  
Treasurer – Tom Martin Davis, Texas  
Chairman, Executive Committee – James C. Dezendorf, Oregon
- 1957-58:** President – James C. Dezendorf, Oregon  
Vice-President – Walter P. Armstrong, Jr., Tennessee  
Secretary – Willoughby A. Colby, New Hampshire  
Treasurer – Tom Martin Davis, Texas

Chairman, Executive Committee – George R. Richter, Jr., California

**1958-59:**

President – James C. Dezendorf, Oregon

Vice-President – Walter P. Armstrong, Jr., Tennessee

Secretary – Willoughby A. Colby, New Hampshire

Treasurer – William A. McKenzie, Ohio

Chairman, Executive Committee – George R. Richter, Jr., California

**1959-61:**

President – George R. Richter, Jr., California

Vice-President – Harold C. Havighurst, Illinois

Secretary – Willoughby A. Colby, New Hampshire

Treasurer – William A. McKenzie, Ohio

Chairman, Executive Committee – Walter P. Armstrong, Jr., Tennessee

**1961-63:**

President – Walter P. Armstrong, Jr., Tennessee

Vice-President – Harold C. Havighurst, Illinois

Secretary – Willoughby A. Colby, New Hampshire

Treasurer – William A. McKenzie, Ohio

Chairman, Executive Committee – Walter D. Malcolm, Massachusetts

**1963-65:**

President – Walter D. Malcolm, Massachusetts

Vice-President – Maurice H. Merrill, Oklahoma

Secretary – Joseph McKeown, Oregon

Treasurer – Talbot Rain, Texas

Chairman, Executive Committee – William A. McKenzie, Ohio

**1965-66:**

President – William A. McKenzie, Ohio

Vice-President – Maurice H. Merrill, Oklahoma

Secretary – Joseph McKeown, Oregon

Treasurer – Talbot Rain, Texas

Chairman, Executive Committee – William J. Pierce, Michigan

**1966-68:**

President – William J. Pierce, Michigan

Vice-President – Robert Braucher, Massachusetts

Secretary – Joseph McKeown, Oregon

Treasurer – Talbot Rain, Texas

Chairman, Executive Committee – Albert E. Jenner, Jr., Illinois

**1968-69:**

President – William J. Pierce, Michigan

Vice-President – Robert Braucher, Massachusetts

Secretary – Joseph McKeown, Oregon

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – Albert E. Jenner, Jr., Illinois

**1969-70:**

President – Albert E. Jenner, Jr., Illinois

Vice-President – Robert Braucher, Massachusetts



Secretary – Joseph McKeown, Oregon

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – Eugene A. Burdick, North Dakota

**1970-71:** President – Albert E. Jenner, Jr., Illinois

Vice-President – Robert E. Sullivan, Montana

Secretary – Thomas H. Needham, Rhode Island

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – Eugene A. Burdick, North Dakota

**1971-72:** President – Eugene A. Burdick, North Dakota

Vice-President – Robert E. Sullivan, Montana

Secretary – Thomas H. Needham, Rhode Island

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – Harold E. Read, Jr., Connecticut

**1972-73:** President – Eugene A. Burdick, North Dakota

Vice-President – Allan D. Vestal, Iowa

Secretary – George C. Keely, Colorado

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – Harold E. Read, Jr., Connecticut

**1973-74:** President – Harold E. Read, Jr., Connecticut

Vice-President – Allan D. Vestal, Iowa

Secretary – George C. Keely, Colorado

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – James M. Bush, Arizona

**1974-75:** President – Harold E. Read, Jr., Connecticut

Vice-President – Lindsey Cowen, Ohio

Secretary – George C. Keely, Colorado

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – James M. Bush, Arizona

**1975-76:** President – James M. Bush, Arizona

Vice-President – Thomas L. Jones, Alabama

Secretary – Vincent L. McKusick, Maine

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – George C. Keely, Colorado

**1976-77:** President – James M. Bush, Arizona

Vice-President – Thomas L. Jones, Alabama

Secretary – William H. Adams, III, Florida

Treasurer – Boris Auerbach, Ohio

Chairman, Executive Committee – George C. Keely, Colorado

- 1977-79:** President – George C. Keely, Colorado  
Vice-President – John W. Wade, Tennessee  
Secretary – William H. Adams, III, Florida  
Treasurer – Boris Auerbach, Ohio  
Chairman, Executive Committee – John C. Deacon, Arkansas
- 1979-81:** President – John C. Deacon, Arkansas  
Vice-President – Joshua M. Morse, III, Florida  
Secretary – Maurice A. Hartnett, III, Delaware  
Treasurer – Boris Auerbach, Ohio  
Chairman, Executive Committee – M. King Hill, Jr., Maryland
- 1981-83:** President – M. King Hill, Jr., Maryland  
Vice-President – William E. Hogan, New York  
Secretary – Richard E. Ford, West Virginia  
Treasurer – Boris Auerbach, Ohio  
Chairman, Executive Committee – Carlyle C. Ring, Jr., Virginia
- 1983-84:** President – Carlyle C. Ring, Jr., Virginia  
Vice-President – Richard V. Wellman, Georgia  
Secretary – William C. Gardner, Washington, DC  
Treasurer – Boris Auerbach, Ohio  
Chairman, Executive Committee – Phillip Carroll, Arkansas
- 1984-85:** President – Carlyle C. Ring, Jr., Virginia  
Vice-President – Richard V. Wellman, Georgia  
Secretary – William C. Gardner, Washington, DC  
Treasurer – Thomas E. Cavendish, Ohio  
Chairman, Executive Committee – Phillip Carroll, Arkansas
- 1985-86:** President – Phillip Carroll, Arkansas  
Vice-President – Jeanyse R. Snow, Oregon  
Secretary – Fred H. Miller, Oklahoma  
Treasurer – Thomas E. Cavendish, Ohio  
Chairman, Executive Committee – Michael P. Sullivan, Minnesota
- 1986-87:** President – Phillip Carroll, Arkansas  
Vice-President – Hiroshi Sakai, Hawaii  
Secretary – Fred H. Miller, Oklahoma  
Treasurer – Thomas E. Cavendish, Ohio  
Chairman, Executive Committee – Michael P. Sullivan, Minnesota
- 1987-89:** President – Michael P. Sullivan, Minnesota  
Vice-President – Hiroshi Sakai, Hawaii  
Secretary – Fred H. Miller, Oklahoma

Treasurer – Thomas E. Cavendish, Ohio  
Chairman, Executive Committee – Lawrence J. Bugge, Wisconsin

**1989-91:**

President – Lawrence J. Bugge, Wisconsin

Vice-President – Fred H. Miller, Oklahoma

Secretary – Robert C. Robinson, Maine

Treasurer – Oglesby H. Young, Oregon

Chairman, Executive Committee – Dwight A. Hamilton, Colorado

**1991-93:**

President – Dwight A. Hamilton, Colorado

Vice-President – Robert A. Stein, Minnesota

Secretary – Battle R. Robinson, Delaware

Treasurer – Oglesby H. Young, Oregon

Chairman, Executive Committee – Richard C. Hite, Kansas

**1993-95:**

President – Richard C. Hite, Kansas

Vice-President – Marion W. Benfield, Jr., North Carolina

Secretary – Michael B. Getty, Illinois

Treasurer – Oglesby H. Young, Oregon

Chairman, Executive Committee – Bion M. Gregory, California

**1995-97:**

President – Bion M. Gregory, California

Vice-President – Rhoda B. Billings, North Carolina

Secretary – Curtis R. Reitz, Pennsylvania

Treasurer – Oglesby H. Young, Oregon

Chairman, Executive Committee – Gene N. Lebrun, South Dakota

**1997-99:**

President – Gene N. Lebrun, South Dakota

Vice-President – Roger C. Henderson, Arizona

Secretary – Robert A. Stein, Minnesota

Treasurer – Oglesby H. Young, Oregon

Chairman, Executive Committee – John L. McClaugherty, West Virginia

**1999-2001:**

President – John L. McClaugherty, West Virginia

Vice-President – Harvey S. Perlman, Nebraska

Secretary – Robert A. Stein, Minnesota

Treasurer – Oglesby H. Young, Oregon

Chairman, Executive Committee – K. King Burnett, Maryland

**2001-03:**

President – K. King Burnett, Maryland

Vice-President – Peter F. Langrock, Vermont

Secretary – Robert A. Stein, Minnesota

Treasurer – Oglesby H. Young, Oregon

Chairman, Executive Committee – Fred H. Miller, Oklahoma

**2003-05:**

President – Fred H. Miller, Oklahoma

Vice-President – Peter F. Langrock, Vermont  
Secretary – Robert A. Stein, Minnesota  
Treasurer – Carl H. Lisman, Vermont  
Chairman, Executive Committee – Howard J. Swibel, Illinois

**2005-07:**

President – Howard J. Swibel, Illinois  
Vice-President – Michael Houghton, Delaware  
Secretary – H. Lane Kneedler, Virginia  
Treasurer – Charles A. Trost, Tennessee  
Chair, Executive Committee – Martha Lee Walters, Oregon

**2007-09:**

President – Martha Lee Walters, Oregon  
Vice-President – Harriet Lansing, Minnesota  
Secretary – H. Lane Kneedler, Virginia  
Treasurer – Charles A. Trost, Tennessee  
Chair, Executive Committee – Robert A. Stein, Minnesota

**2009-11:**

President – Robert A. Stein, Minnesota  
Vice-President – James A. Wynn, Jr., North Carolina  
Secretary – Richard T. Cassidy, Vermont  
Treasurer – Charles A. Trost, Tennessee  
Chair, Executive Committee – Michael Houghton, Delaware

**2011-13:**

President – Michael Houghton, Delaware  
Vice President – Rex Blackburn, Idaho  
Secretary – Anita Ramasastry, Washington  
Treasurer – Charles A. Trost, Tennessee  
Chair, Executive Committee – Harriet Lansing, Minnesota

## APPENDIX B

### Previous Annual Meetings of the Conference

1. August 24-26, 1892, Saratoga Springs, New York
2. November 15-16, 1892, New York, New York
3. August 31, 1893, Milwaukee, Wisconsin
4. August 22-23, 1894, Saratoga Springs, New York
5. August 26-27, 1895, Detroit, Michigan
6. August 15-17, 1896, Saratoga Springs, New York
7. August 23-24, 1897, Cleveland, Ohio
8. August 15-17, 1898, Saratoga Springs, New York
9. August 26-28, 1899, Buffalo, New York
10. August 25-29, 1900, Saratoga Springs, New York
11. August 19-20, 1901, Denver, Colorado
12. August 25-26, 1902, Saratoga Springs, New York
13. August 24-25, 1903, Hot Springs, Virginia
14. September 22-24, 1904, St. Louis, Missouri
15. August 18-23, 1905, Narragansett Pier, Rhode Island
16. August 22-25, 1906, St. Paul, Minnesota
17. August 22-24, 1907, Portland, Maine
18. August 21-24, 1908, Seattle, Washington
19. August 19-23, 1909, Detroit, Michigan
20. August 25-29, 1910, Chattanooga, Tennessee
21. August 24-28, 1911, Boston, Massachusetts
22. August 21-26, 1912, Milwaukee, Wisconsin
23. August 26-30, 1913, Montreal, Canada
24. October 14-19, 1914, Washington, DC
25. August 10-16, 1915, Salt Lake City, Utah
26. August 23-29, 1916, Chicago, Illinois
27. August 29-September 3, 1917, Saratoga Springs, New York
28. August 22-27, 1918, Cleveland, Ohio

29. August 27-September 2, 1919, Boston, Massachusetts
30. August 19-24, 1920, St. Louis, Missouri
31. August 24-30, 1921, Cincinnati, Ohio
32. August 2-8, 1922, San Francisco, California
33. August 21-27, 1923, Minneapolis, Minnesota
34. July 1-8, 1924, Philadelphia, Pennsylvania
35. August 25-31, 1925, Detroit, Michigan
36. July 6-12, 1926, Denver, Colorado
37. August 23-29, 1927, Buffalo, New York
38. July 17-23, 1928, Seattle, Washington
39. October 14-21, 1929, Memphis, Tennessee
40. August 11-18, 1930, Chicago, Illinois
41. September 8-14, 1931, Atlantic City, New Jersey
42. October 4-10, 1932, Washington, DC
43. August 22-28, 1933, Grand Rapids, Michigan
44. August 21-27, 1934, Milwaukee, Wisconsin
45. July 9-15, 1935, Los Angeles, California
46. August 17-22, 1936, Boston, Massachusetts
47. September 20-25, 1937, Kansas City, Missouri
48. July 18-23, 1938, Cleveland, Ohio
49. July 3-8, 1939, San Francisco, California
50. September 2-7, 1940, Philadelphia, Pennsylvania
51. September 22-27, 1941, Indianapolis, Indiana
52. August 18-22, 1942, Detroit, Michigan
53. August 17-21, 1943, Chicago, Illinois
54. September 5-9, 1944, Chicago, Illinois
- No meeting held in 1945
55. October 21-26, 1946, Philadelphia, Pennsylvania
56. September 15-20, 1947, Cleveland, Ohio
57. August 30-September 4, 1948, Seattle, Washington
58. August 29-September 3, 1949, St. Louis, Missouri

59. September 11-16, 1950, Washington, DC
60. September 10-15, 1951, New York, New York
61. September 8-13, 1952, San Francisco, California
62. August 17-22, 1953, Boston, Massachusetts
63. August 9-14, 1954, Chicago, Illinois
64. August 15-20, 1955, Philadelphia, Pennsylvania
65. August 20-25, 1956, Dallas, Texas
66. July 8-13, 1957, New York, New York
67. August 18-23, 1958, Los Angeles, California
68. August 17-22, 1959, Miami Beach, Florida
69. August 22-27, 1960, Washington, DC
70. July 31-August 5, 1961, St. Louis, Missouri
71. July 30-August 4, 1962, Monterey, California
72. August 5-10, 1963, Chicago, Illinois
73. August 3-8, 1964, New York, New York
74. August 2-7, 1965, Hollywood, Florida
75. July 30-August 5, 1966, Montreal, Canada
76. July 31-August 5, 1967, Honolulu, Hawaii
77. July 22-August 1, 1968, Philadelphia, Pennsylvania
78. August 2-8, 1969, Dallas, Texas
79. August 1-7, 1970, Clayton, Missouri
80. August 21-28, 1971, Vail, Colorado
81. August 4-11, 1972, San Francisco, California
82. July 26-August 2, 1973, Hyannis, Massachusetts
83. August 1-9, 1974, Kaanapali, Maui, Hawaii
84. August 2-8, 1975, Quebec City, Canada
85. July 31-August 6, 1976, Atlanta, Georgia
86. July 29-August 5, 1977, Vail, Colorado
87. July 28-August 4, 1978, New York, New York
88. August 3-10, 1979, San Diego, California
89. July 26-August 1, 1980, Kauai, Hawaii

90. July 31-August 7, 1981, New Orleans, Louisiana
91. July 30-August 6, 1982, Monterey, California
92. July 22-29, 1983, Boca Raton, Florida
93. July 27-August 3, 1984, Keystone, Colorado
94. August 2-9, 1985, Minneapolis, Minnesota
95. August 1-8, 1986, Boston, Massachusetts
96. July 31-August 7, 1987, Newport Beach, California
97. July 29-August 5, 1988, Washington, DC
98. July 28-August 4, 1989, Kauai, Hawaii
99. July 13-20, 1990, Milwaukee, Wisconsin
100. August 2-9, 1991, Naples, Florida
101. July 31-August 6, 1992, San Francisco, California
102. July 30-August 6, 1993, Charleston, South Carolina
103. July 29-August 5, 1994, Chicago, Illinois
104. July 28-August 4, 1995, Kansas City, Missouri
105. July 12-19, 1996, San Antonio, Texas
106. July 25-August 1, 1997, Sacramento, California
107. July 24-31, 1998, Cleveland, Ohio
108. July 23-30, 1999, Denver, Colorado
109. July 28-August 4, 2000, St. Augustine, Florida
110. August 10-17, 2001, White Sulphur Springs, West Virginia
111. July 26-August 1, 2002, Tucson, Arizona
112. August 1-7, 2003, Washington, DC
113. July 30-August 5, 2004, Portland, Oregon
114. July 22-29, 2005, Pittsburgh, Pennsylvania
115. July 7-14, 2006, Hilton Head, South Carolina
116. July 27-August 3, 2007, Pasadena, California
117. July 18-24, 2008, Big Sky, Montana
118. July 9-16, 2009, Santa Fe, New Mexico
119. July 9-16, 2010, Chicago, Illinois
120. July 7-13, 2011, Vail, Colorado



121. July 13-19, 2012, Nashville, Tennessee

## APPENDIX C

### Uniform Law Commissioners Who Were Also ABA Presidents

**JAMES M. WOOLWORTH**, Nebraska

ULC Commissioner: 1893-1905

ABA President: 1896-97

**FREDERICK W. LEHMANN**, Missouri

ULC Commissioner: 1913-15

ABA President: 1908-09

**CHARLES F. LIBBY**, Maine

ULC Commissioner: 1895-1909

ABA President: 1909-10

**PETER W. MELDRIM**, Georgia

ULC Commissioner: 1892-1933

ABA President: 1914-15

**WALTER GEORGE SMITH**, Pennsylvania

ULC Commissioner: 1904-23

ABA President: 1917-18

**WILLIAM A. BLOUNT**, Florida

ULC Commissioner: 1911-20

ABA President: 1920-21

**CORDENIO A. SEVERANCE**, Minnesota

ULC Commissioner: 1910-24

ABA President: 1921-22

**ROBERT E. LEE SANER**, Texas

ULC Commissioner: 1920-37

ABA President: 1923-24

**CHESTER I. LONG**, Kansas

ULC Commissioner: 1922-28

ABA President: 1925-26

**GURNEY E. NEWLIN**, California

ULC Commissioner: 1908-32

ABA President: 1928-29

**HENRY UPSON SIMS**, Alabama

ULC Commissioner: 1920-38

ABA President: 1929-30

**CLARENCE E. MARTIN**, West Virginia

ULC Commissioner: 1925; 1931-40

ABA President: 1932-33

**EARLE W. EVANS**, Kansas

ULC Commissioner: 1920-28; 1932-39

ABA President: 1933-34

**SCOTT M. LOFTIN**, Florida

ULC Commissioner: 1933-35

ABA President: 1934-35

**WALTER P. ARMSTRONG**, Tennessee

ULC Commissioner: 1921-48

ABA President: 1941-42

**HOWARD L. BARKDULL**, Ohio

ULC Commissioner: 1940-62

ABA President: 1951-52

**WILLIAM J. JAMESON**, Montana

ULC Commissioner: 1944-56

ABA President: 1953-54

**E. SMYTHE GAMBRELL**, Georgia

ULC Commissioner: 1938-41

ABA President: 1955-56

**JOHN C. SATTERFIELD**, Mississippi

ULC Commissioner: 1950-55

ABA President: 1961-62

**EDWARD L. WRIGHT**, Arkansas

ULC Commissioner: 1945-56

ABA President: 1970-71

**WILLIAM B. SPANN, JR.**, Georgia

ULC Commissioner: 1965-80

ABA President: 1977-78

**Wm. T. (BILL) ROBINSON III**, Kentucky

ULC Commissioner: 2012 to present

ABA President: 2011-12

# APPENDIX D

## Year Each State or Jurisdiction Joined the ULC

State or Jurisdiction	Total # Uniform/Model Year Joined the ULC	Acts Adopted *
ALABAMA	1906	101
ALASKA	1912	98
ARIZONA	1900	108
ARKANSAS	1906	118
CALIFORNIA	1897	104
COLORADO	1895	125
CONNECTICUT	1893	98
DELAWARE	1892	99
DISTRICT OF COLUMBIA	1905	97
FLORIDA	1895	81
GEORGIA	1892	69
HAWAII	1910	126
IDAHO	1909	123
ILLINOIS	1893	108
INDIANA	1900	96
IOWA	1895	99
KANSAS	1893	113
KENTUCKY	1898	89
LOUISIANA	1903	85
MAINE	1895	105
MARYLAND	1896	110
MASSACHUSETTS	1892	88
MICHIGAN	1892	105
MINNESOTA	1893	130
MISSISSIPPI	1892	79
MISSOURI	1895	79
MONTANA	1893	138
NEBRASKA	1893	111
NEVADA	1911	140
NEW HAMPSHIRE	1893	93
NEW JERSEY	1892	82
NEW MEXICO	1908	142
NEW YORK	1892	74
NORTH CAROLINA	1906	93

State or Jurisdiction	Year Joined the ULC	Total # Uniform/Model Acts Adopted *
NORTH DAKOTA	1893	155
OHIO	1898	81
OKLAHOMA	1895	139
OREGON	1908	120
PENNSYLVANIA	1892	94
PHILIPPINE ISLANDS	1909**	2
PUERTO RICO	1910	30
RHODE ISLAND	1896	98
SOUTH CAROLINA	1895	79
SOUTH DAKOTA	1893	122
TENNESSEE	1909	111
TEXAS	1907	84
U.S. VIRGIN ISLANDS	1988	69
UTAH	1907	134
VERMONT	1895	86
VIRGINIA	1895	101
WASHINGTON	1904	123
WEST VIRGINIA	1909	93
WISCONSIN	1893	135
WYOMING	1893	94

\* According to the records of the ULC; data updated through 2012.

\*\* The Philippines withdrew as a member of the Conference after it became an independent nation in 1946.

**Uniform and Model Acts Approved by Year (1892-2012)**

**2012:**

1. Uniform Manufactured Housing Act
2. Uniform Premarital and Marital Agreements Act
3. Uniform Deployed Parents Custody and Visitation Act
4. Uniform Asset-Freezing Orders Act

**2011:**

1. Uniform Certificate of Title for Vessels Act
2. Uniform Harmonized Business Organizations Code
3. **Model** Protection of Charitable Assets Act
4. Uniform Electronic Legal Materials Act
5. **Amendments** to Uniform Debt Management Services Act

**2010:**

1. **Amendments** to Uniform Collateral Consequences of Conviction Act
2. Insurable Interest **Amendments** to Uniform Trust Code
3. Uniform Military and Overseas Voters Act
4. **Revised** Uniform Law on Notarial Acts
5. Uniform Partition of Heirs' Property Act
6. Uniform Faithful Presidential Electors Act
7. Uniform Protection of Genetic Information in Employment Act
8. Uniform Electronic Recordation of Custodial Interrogations Act
9. **Revised Model** State Administrative Procedures Act
10. **Amendments** to UCC Article 9

**2009:**

1. Uniform Collaborative Law Act
2. Uniform Statutory Trust Entity Act
3. Uniform Law Enforcement Access to Entity Information Act
4. Uniform Collateral Consequences of Conviction Act
5. Uniform Real Property Transfer on Death Act

## **2008:**

1. Uniform Common Interest Owners **Bill of Rights** Act
2. **Revised** Uniform Common Interest Ownership Act
3. Uniform Interstate Family Support Act **Amendments**
4. Uniform Principal and Income Act **Amendments**
5. Uniform Probate Code **Amendments**
6. **Revised** Uniform Unincorporated Nonprofit Association Act
7. Uniform Unsworn Foreign Declaration Act

## **2007:**

1. Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
2. Uniform Rules Relating to Discovery of Electronically Stored Information
3. Uniform Interstate Depositions and Discovery Act
4. Uniform Limited Cooperative Association Act

## **2006:**

1. **Revised** Uniform Anatomical Gift Act
2. Uniform Child Abduction Prevention Act
3. Uniform Emergency Volunteer Health Practitioners Act
4. **Revised** Uniform Limited Liability Company Act
5. Uniform Power of Attorney Act
6. Uniform Prudent Management of Institutional Funds Act
7. Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act
8. **Model** Registered Agents Act

## **2005:**

1. Uniform Assignment of Rents Act
2. Uniform Certificate of Title Act
3. Uniform Debt Management Services
4. **Model** Entity Transactions Act
5. Uniform Foreign-Country Money Judgments Recognition Act

## **2004:**

1. Uniform Real Property Electronic Recording Act
2. Uniform Residential Mortgage Satisfaction Act



3. Uniform Wage Withholding and Unemployment Insurance Procedure Act

**2003:**

1. **Revised** UCC Article 7

2. Uniform Environmental Covenants Act

3. **Revised** Uniform Estate Tax Apportionment Act

**2002:**

1. **Revised** UCC Articles 2 and 2A (ULC approved in 2002; ALI approved in 2003)

2. Uniform Apportionment of Tort Responsibility Act

3. Uniform Child Witness Testimony by Alternative Methods Act

4. **Revised** UCC Articles 3 and 4

5. **Revised** Uniform Securities Act

6. Uniform Nonjudicial Foreclosure Act

**2001:**

1. **Revised** UCC Article 1

2. Uniform Interstate Family Support Act **Amendments**

3. **Revised** Uniform Limited Partnership Act

4. Uniform Mediation Act

5. Uniform Consumer Leases Act

**2000:**

1. **Revised** Uniform Arbitration Act

2. Uniform Athlete Agents Act

3. Uniform Interstate Enforcement of Domestic Violence Protection Orders Act

4. Uniform Money Services Act

5. **Revised** Uniform Parentage Act

6. Uniform Trust Code

**1999:**

1. Uniform Computer Information Transactions Act

2. Uniform Electronic Transactions Act

3. **Revised** Uniform Disclaimer of Property Interests Act

4. **Revised** Uniform Rules of Evidence

**1998:**

1. **Revised** UCC Article 9 (ULC approved in 1998; ALI approved in 1999)

## **1997:**

1. Uniform Child Custody Jurisdiction and Enforcement Act
2. **Revised** Uniform Principal and Income Act
3. **Revised** Uniform Guardianship and Protective Proceedings Act
4. Uniform Management of Public Employee Retirement Systems Act

## **1996:**

1. **Model** Punitive Damages Act
2. Uniform Interstate Family Support Act **Amendments**
3. **Revised** Uniform Partnership Act **Amendments** (Limited Liability Partnership Amendments)

## **1995:**

1. **Revised** Uniform Certification of Questions of Law [Act] [Rule]
2. **Revised** UCC Article 5
3. Uniform Limited Liability Company Act
4. **Revised** Uniform Unclaimed Property Act
5. **Model** Statute and Rule Construction Act

## **1994:**

1. **Revised** UCC Article 8
2. Uniform Controlled Substances Act **Amendments** (Civil Forfeiture Amendments)
3. **Revised** Uniform Partnership Act
4. Uniform Prudent Investor Act
5. Uniform Adoption Act
6. **Revised** Uniform Common Interest Ownership Act

## **1993:**

1. Uniform Health-Care Decisions Act
2. Uniform Correction or Clarification of Defamation Act

## **1992:**

1. Uniform Victims of Crime Act
2. Uniform Unincorporated Nonprofit Association Act

## **1991:**

1. **Revised** Uniform Simultaneous Death Act (UPC)

2. **Revised** Uniform Testamentary Additions to Trusts Act
3. **Model** Employment Termination Act
4. Uniform Transfer of Litigation Act

**1990:**

1. **Revised** UCC Articles 3 and 4
2. **Revised** Uniform Controlled Substances Act
3. Uniform Marketable Title Act
4. **Revised** Uniform Periodic Payment of Judgments Act
5. **Model** Surface Use and Mineral Development Accommodation Act

**1989:**

1. UCC Article 4A
2. **Revised** UCC Article 6
3. Uniform Foreign Money Claims Act
4. Uniform Nonprobate Transfers on Death Act
5. Uniform Multiple Person Accounts Act
6. Uniform TOD Security Registration Act
7. Uniform Pretrial Detention Act

**1988:**

1. Uniform Putative and Unknown Father Act
2. Uniform Status of Children of Assisted Conception Act
3. Uniform Statutory Form Power of Attorney Act

**1987:**

1. **Revised** Uniform Anatomical Gift Act
2. UCC Article 2A
3. Uniform Construction Lien Act
4. **Revised** Uniform Rules of Criminal Procedure
5. Uniform Custodial Trust Act
6. Uniform Franchise and Business Opportunities Act

**1986:**

1. Uniform Criminal History Records Act
2. Uniform Dormant Mineral Interests Act

3. Uniform Statutory Rule Against Perpetuities

**1985:**

1. Uniform Health-Care Information Act
2. Uniform Land Security Interest Act
3. Uniform Rights of the Terminally Ill Act
4. **Revised** Uniform Securities Act

**1984:**

1. Uniform Fraudulent Transfer Act
2. **Model** Insanity Defense and Post-Trial Disposition Act
3. Uniform Statutory Will Act

**1983:**

1. Uniform Marital Property Act
2. Uniform Premarital Agreement Act
3. Uniform Succession without Administration Act
4. Uniform Transfers to Minors Act

**1982:**

1. Uniform Common Interest Ownership Act
2. Uniform Conflict of Laws-Limitations Act
3. Uniform Guardianship and Protective Proceedings Act
4. **Model** Health Care Consent Act
5. Uniform Law on Notarial Acts
6. Uniform Transboundary Pollution Reciprocal Access Act
7. **Revised** Uniform Estate Tax Apportionment Act

**1981:**

1. Uniform Conservation Easement Act
2. **Model** Real Estate Cooperative Act
3. **Revised Model** State Administrative Procedure Act
4. **Revised** Uniform Unclaimed Property Act

**1980:**

1. Uniform Determination of Death Act
2. Uniform Extradition and Rendition Act

3. Uniform Information Practices Code
4. **Model** Periodic Payment of Judgments Act
5. Uniform Planned Community Act
6. Uniform Post-Conviction Procedure Act
7. **Model** Real Estate Time Share Act

**1979:**

1. Uniform Durable Power of Attorney Act
2. **Model** Metric Systems Procedure Act
3. Uniform Trade Secrets Act

**1978:**

1. **Model** Audio-Visual Deposition Act
2. Uniform Brain Death Act
3. Uniform Federal Lien Registration Act
4. **Model** Sentencing and Corrections Act

**1977:**

1. UCC Article 8 Amendments
2. Uniform Comparative Fault Act
3. Uniform Condominium Act
4. Uniform International Wills Act
5. **Model** Survival and Death Act

**1976:**

1. **Model** Class Actions Act
2. Uniform Exemptions Act
3. **Revised** Uniform Limited Partnership Act
4. Uniform Simplification of Land Transfers Act

**1975:**

1. Uniform Land Transactions Act

**1974:**

1. Uniform Consumer Credit Code **Amendments**
2. Uniform Controlled Substances Act **Amendments**
3. Uniform Rules of Criminal Procedure

4. **Model** Eminent Domain Code
5. **Revised** Uniform Rules of Evidence

### **1973:**

1. **Revised** Uniform Abortion Act
2. Uniform Crime Victims Reparation Act
3. Uniform Disclaimer of Property Interests Act
4. **Model** Drug Dependence Treatment and Rehabilitation Act
5. Uniform Parentage Act
6. Uniform State Antitrust Act

### **1972:**

1. UCC Article 9 **Amendments**
2. Uniform Duties to Disabled Persons Act
3. Uniform Management of Institutional Funds Act
4. **Model** Motor Vehicle Accident Reparations Act
5. Uniform Public Assembly Act
6. Uniform Residential Landlord and Tenant Act

### **1971:**

1. Uniform Abortion Act
2. Uniform Alcoholism and Intoxication Treatment Act

### **1970:**

1. **Model** Consumer Sales Practices Act
2. Uniform Controlled Substances Act
3. Uniform Escheat of Postal Savings System Accounts Act
4. Uniform Jury Selection and Service Act
5. Uniform Marriage and Divorce Act
6. **Model** Public Defender Act

### **1969:**

1. **Model** Minor Student Capacity to Borrow Act
2. Uniform Probate Code

### **1968:**

1. Uniform Anatomical Gift Act

2. Uniform Child Custody Jurisdiction Act
3. Uniform Choice of Forum Act
4. Uniform Consumer Credit Code
5. **Model** Juvenile Court Act
6. Uniform Recognition of Acknowledgments Act

**1967:**

1. Uniform Certification of Questions of Law Act
2. Uniform Rendition of Accused Persons Act

**1966:**

1. **Model** Anti-Discrimination Act
2. **Revised** Uniform Deceptive Trade Practices Act
3. Uniform Defense of Needy Persons Act
4. **Revised** Uniform Disposition of Unclaimed Property Act
5. **Model** Land Sales Practices Act
6. **Revised** Uniform Post-Conviction Procedure Act

**1965:**

1. **Revised** Uniform Gifts to Minors Act
2. **Model** Statutory Construction Act

**1964:**

1. Uniform Deceptive Trade Practices Act
2. **Revised** Uniform Enforcement of Foreign Judgments Act
3. **Revised** Uniform Estate Tax Apportionment Act
4. Uniform Special Power of Attorney for Small Property Interests Act
5. Uniform Status of Convicted Persons Act
6. Uniform Trustees' Powers Act

**1963:**

**No acts approved in 1963**

**1962:**

1. Uniform Act for Voting by New Residents in Presidential Elections
2. Uniform Federal Services Absentee Ballot Act
3. **Revised** Federal Tax Lien Registration Act

4. Uniform Foreign Money Judgments Recognition Act
5. Uniform Interstate and International Procedure Act
6. **Revised** Uniform Principal and Income Act

**1961:**

1. Uniform Death Tax Credit Act
2. Uniform Code of Military Justice
3. Uniform Nonresidents' Individual Income Tax Deduction Act
4. Uniform Nuclear Facilities Liability Act
5. **Revised** Uniform State Administrative Procedure Act

**1960:**

1. Uniform Act on Paternity
2. Uniform Securities Ownership by Minors Act
3. Uniform Testamentary Additions to Trusts Act
4. Uniform Act Providing for Unauthorized Practice of Law

**1959:**

1. Uniform Defender Act
2. Uniform Foreign Bank Loan Act
3. Uniform Perpetuation of Testimony Act

**1958:**

1. Uniform Estate Tax Apportionment Act
2. Uniform Facsimile Signatures of Public Officials Act
3. Uniform Mandatory Disposition of Detainers Act
4. Uniform Simplification of Fiduciary Security Transfers Act
5. **Model** Water Use Act

**1957:**

1. Uniform Chemical Tests for Intoxication Act
2. Uniform Division of Income for Tax Purposes Act
3. Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act
4. Uniform Rules Governing Procedures in Traffic Cases
5. Uniform State Tax Court Act
6. Uniform Statute of Limitations on Foreign Claims Act



## **1956:**

1. Uniform Arbitration Act
2. Uniform Gifts to Minors Act
3. Uniform Securities Act

## **1955:**

1. Uniform Motor Vehicle Certificate of Title and Anti-Theft Act
2. Uniform Post-Conviction Procedure Act

## **1954:**

1. Uniform Aircraft Financial Responsibility Act
2. Uniform Civil Liability for Support Act
3. Uniform Disposition of Unclaimed Property Act
4. **Model** Post-Mortem Examinations Act
5. Uniform Preservation of Private Business Records Act
6. Uniform Supervision of Trustees for Charitable Purposes Act

## **1953:**

1. Uniform Adoption Act
2. Uniform Rules of Evidence

## **1952:**

1. Uniform Anti-Gambling Act
2. Uniform Blood Tests to Determine Paternity Act
3. Uniform Crime Investigating Commission Act
4. Uniform Rules of Criminal Procedure
5. Uniform Department of Justice Act
6. Uniform Perjury Act
7. Uniform Police Council Act
8. Uniform Single Publication Act
9. Uniform State Witness Immunity Act

## **1951:**

1. Uniform Commercial Code
2. Uniform Small Estates Act

## **1950:**

1. Uniform Marriage License Application Act
2. Uniform Prenatal Blood Test Act
3. Uniform Probate of Foreign Wills Act
4. Uniform Reciprocal Enforcement of Support Act

**1949:**

1. Uniform Ancillary Administration of Estates Act
2. Uniform Photographic Copies of Business and Public Records as Evidence Act

**1948:**

1. Uniform Court Administrator Act
2. Uniform Enforcement of Foreign Judgments Act

**1947:**

1. Uniform Divorce Recognition Act

**1946:**

1. Uniform Criminal Statistics Act
2. Uniform State Administrative Procedure Act

**1945:**

**No acts approved in 1945**

**1944:**

1. Uniform Act to Provide for the Appointment of Commissioners
2. Uniform Cy-Pres Act
3. Uniform Powers of Foreign Representatives Act
4. Uniform Reverter of Realty Act
5. Uniform Rule Against Perpetuities Act
6. Uniform War Service Validation Act

**1943:**

1. Uniform Interstate Arbitration of Death Taxes Act
2. Uniform Compromise of Death Taxes Act

**1942:**

1. **Revised** Uniform Veterans' Guardianship Act
2. Uniform Vital Statistics Act

**1941:**

## **No Acts approved in 1941**

### **1940:**

1. Uniform Execution of Wills Act
2. Uniform Pistol Act
3. Uniform Power of Sale Mortgage Foreclosure Act
4. Uniform Resale Price Control Act
5. Uniform Simultaneous Death Act

### **1939:**

1. Uniform Absence as Evidence of Death and Absentees' Property Act
2. Uniform Acknowledgment Act
3. Uniform Act Governing Secured Creditors' Dividends in Liquidation Proceedings
4. Uniform Contribution Among Tortfeasors Act
5. Uniform Insurers Liquidation Act
6. Uniform Statute of Limitations Act

### **1938:**

1. Uniform Common Trust Fund Act
2. Uniform Estates Act
3. Uniform Property Act
4. Uniform Unauthorized Insurers Act

### **1937:**

1. Uniform Criminal Statistics Act
2. Uniform Expert Testimony Act
3. Uniform Trusts Act

### **1936:**

1. Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings
2. Uniform Agricultural Cooperative Association Act
3. Uniform Business Records as Evidence Act
4. Uniform Composite Reports as Evidence Act
5. **Revised** Uniform Criminal Extradition Act
6. Uniform Judicial Notice of Foreign Law Act
7. Uniform Official Reports as Evidence Act

8. Uniform Trustees' Accounting Act

**1935:**

1. Uniform Aeronautical Regulatory Act
2. Uniform Airports Act
3. Uniform Transfer of Dependents Act
4. Uniform Vendor and Purchaser Risk Act

**1934:**

1. Uniform Foreign Corporation Act

**1933:**

1. Uniform Trust Receipts Act

**1932:**

1. Uniform Automobile Liability Security Act
2. Uniform Machine Gun Act
3. Uniform Mechanics' Lien Act
4. Uniform Narcotic Drug Act

**1931:**

1. Uniform Act to Secure the Attendance of Witnesses from without a State in Criminal Cases
2. Uniform Principal and Income Act

**1930:**

1. Uniform Air Licensing Act
2. Uniform Child Labor Act
3. Uniform Divorce Jurisdiction Act
4. Uniform Firearms Act
5. Uniform Sale of Securities Act

**1929:**

**No acts approved in 1929**

**1928:**

1. Uniform Business Corporation Act
2. Uniform Public Utilities Act
3. Uniform Reciprocal Transfer Tax Act
4. Uniform Veterans' Guardianship Act

**1927:**

1. Uniform Real Estate Mortgage Act

**1926:**

1. Uniform Chattel Mortgage Act
2. Uniform Criminal Extradition Act
3. Uniform Federal Tax Lien Registration
4. Uniform Motor Vehicle Anti-Theft Act
5. Uniform Motor Vehicle Registration Act
6. Uniform Motor Vehicles Traffic on Highway Act

**1925:**

1. Uniform Arbitration Act
2. Uniform Interparty Agreement Act
3. Uniform Joint Obligations Act
4. Uniform Written Obligations Act

**1924:**

**No Acts approved in 1924**

**1923:**

**No Acts approved in 1923**

**1922:**

1. Uniform Aeronautics Act
2. Uniform Declaratory Judgments Act
3. Uniform Fiduciaries Act
4. Uniform Illegitimacy Act

**1921:**

**No Acts approved in 1921**

**1920:**

1. Act Concerning Occupational Diseases and to Make Uniform the Law with Reference Thereto
2. Uniform Act Concerning the Registration of Births, Stillbirths, and Deaths
3. Uniform Foreign Depositions Act
4. Uniform Proof of Statutes Act

**1919:**

## **No acts approved in 1919**

### **1918:**

1. Uniform Compulsory Work Act
2. Uniform Conditional Sales Act
3. Uniform Fraudulent Conveyances Act

### **1917:**

1. Uniform Flag Act

### **1916:**

1. Uniform Extradition of Persons of Unsound Mind Act
2. Uniform Land Registration Act
3. Uniform Limited Partnership Act

### **1915:**

1. Uniform Foreign Probated Wills Act

### **1914:**

1. Act to Make Uniform the Law Relating to Compensation to Employees for Personal Injuries Sustained in the Course of their Employment
2. Uniform Act to Regulate the Cold Storage of Certain Articles of Food
3. Uniform Foreign Acknowledgments Act
4. Uniform Partnership Act

### **1913:**

**No Acts approved in 1913**

### **1912:**

1. Uniform Marriage Evasion Act

### **1911:**

1. Uniform Child Labor Act
2. Uniform Marriage and Marriage License Act

### **1910:**

1. Uniform Desertion and Non-Support Act
2. Uniform Foreign Executed Wills Act

### **1909:**

1. Uniform Bills of Lading Act

2. Uniform Federal Pure Food Law

3. Uniform Stock Transfer Act

**1908:**

**No Acts approved in 1908**

**1907:**

1. Uniform Act Providing for Return of Marriage Statistics

2. Uniform Act Providing for Return of Statistics Relating to Divorce Proceedings

3. Uniform Act Regulating Annulment of Marriage and Divorce

**1906:**

1. Uniform Sales Act

2. Uniform Warehouse Receipts Act

**1905:**

**No Acts approved in 1905**

**1904:**

**No Acts approved in 1904**

**1903:**

**No Acts approved in 1903**

**1902:**

**No Acts approved in 1902**

**1901:**

1. Act to Establish a Law Uniform with the Laws of Other States Relative to Insurance Policies

2. Act to Establish a Law Uniform with the Laws of Other States Relative to Migratory Divorce

**1900:**

1. Act to Establish a Law Uniform with the Law of Other States Relative to Divorce Procedure and Divorce from the Bonds of Matrimony

**1899:**

**No Acts approved in 1899**

**1898:**

**No acts approved in 1898**

**1897:**

**No acts approved in 1897**

**1896:**

1. Uniform Negotiable Instruments Law

**1895:**

1. Uniform Act Relating to Execution of Wills
2. Uniform Act Relating to Probate in this State of Foreign Wills

**1894:**

**No Acts approved in 1894**

**1893:**

**No Acts approved in 1893**

**1892:**

1. A Table of Weights and Measures
2. Uniform Acknowledgments Act
3. Act Relating to the Sealing and Attestation of Deeds and Other Written Instruments
4. Act as to Promissory Notes, Checks, Drafts and Bills of Exchange



## APPENDIX F

### Alphabetical List of Uniform and Model Acts Approved (1892-2012)

#### A

- Uniform Act Regulating Annulment of Marriage and Divorce (1907)
- Uniform Act to Regulate the Cold Storage of Certain Articles of Food (1914)
- Act to Make Uniform the Law Relating to Compensation to Employees for Personal Injuries Sustained in the Course of their Employment (1914)
- Act to Establish a Law Uniform with the Law of Other States Relative to Divorce Procedure and Divorce from the Bonds of Matrimony (1900)
- Uniform Act Relating to Execution of Wills (1895)
- Act to Establish a Law Uniform with the Laws of Other States Relative to Insurance Policies (1901)
- Act to Establish a Law Uniform with the Laws of Other States Relative to Migratory Divorce (1901)
- Act Concerning Occupational Diseases and to Make Uniform the Law with Reference Thereto (1920)
- Uniform Act Relating to Probate in this State of Foreign Wills (1895)
- Act as to Promissory Notes, Checks, Drafts and Bills of Exchange (1892)
- Uniform Act Concerning the Registration of Births, Stillbirths, and Deaths (1920)
- Uniform Act Providing for Return of Marriage Statistics (1907)
- Uniform Act Providing for Return of Statistics Relating to Divorce Proceedings (1907)
- Act Relating to the Sealing and Attestation of Deeds and Other Written Instruments (1892)
- Uniform Abortion Act (1971)
- Revised** Uniform Abortion Act (1973)
- Uniform Absence as Evidence of Death and Absentees' Property Act (1939)
- Uniform Acknowledgments Act (1892)
- Uniform Acknowledgment Act (1939)
- Uniform Adoption Act (1953)
- Revised** Uniform Adoption Act (1994)
- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (2007)
- Uniform Aeronautical Regulatory Act (1935)
- Uniform Aeronautics Act (1922)
- Uniform Agricultural Cooperative Association Act (1936)
- Uniform Air Licensing Act (1930)

Uniform Aircraft Financial Responsibility Act (1954)  
Uniform Airports Act (1935)  
Uniform Alcoholism and Intoxication Treatment Act (1971)  
Uniform Anatomical Gift Act (1968)  
**Revised** Uniform Anatomical Gift Act (1987)  
**Revised** Uniform Anatomical Gift Act (2006)  
Uniform Ancillary Administration of Estates Act (1949)  
Model Anti-Discrimination Act (1966)  
Uniform Anti-Gambling Act (1952)  
Uniform Act to Provide for the Appointment of Commissioners (1944)  
Uniform Apportionment of Tort Responsibility Act (2002)  
Uniform Arbitration Act (1925)  
Uniform Arbitration Act (1956)  
**Revised** Uniform Arbitration Act (2000)  
Uniform Asset-Freezing Orders Act (2012)  
Uniform Assignment of Rents Act (2005)  
Uniform Athlete Agents Act (2000)  
Model Audio-Visual Deposition Act (1978)  
Uniform Automobile Liability Security Act (1932)

## **B**

Uniform Bills of Lading Act (1909)  
Uniform Blood Tests to Determine Paternity Act (1952)  
Uniform Brain Death Act (1978)  
Uniform Business Corporation Act (1928)  
Uniform Business Organizations Code (2011)  
Uniform Business Records as Evidence Act (1936)

## **C**

Uniform Certificate of Title Act (2005)  
Uniform Certificate of Title for Vessels Act (2011)  
Uniform Certification of Questions of Law Act (1967)  
**Revised** Uniform Certification of Questions of Law [Act] [Rule] (1995)

Uniform Chattel Mortgage Act (1926)

Uniform Chemical Tests for Intoxication Act (1957)

Uniform Child Abduction Prevention Act (2006)

Uniform Child Custody Jurisdiction Act (1968)

Uniform Child Custody Jurisdiction and Enforcement Act (1997)

Uniform Child Labor Act (1911)

Uniform Child Labor Act (1930)

Uniform Child Witness Testimony by Alternative Methods Act (2002)

Uniform Choice of Forum Act (1968)

Uniform Civil Liability for Support Act (1954)

Model Class Actions Act (1976)

Uniform Collaborative Law Act (2009)

Uniform Collateral Consequences of Conviction Act (2009)

**Amendments** to Uniform Collateral Consequences of Conviction Act (2010)

Uniform Commercial Code (1951)

**Revised** UCC Article 1 (2001)

**Revised** UCC Article 2 (ULC approved in 2002; ALI approved in 2003)

UCC Article 2A (1987)

**Revised** UCC 2A (ULC approved in 2002; ALI approved in 2003)

**Revised** UCC Articles 3 and 4 (1990)

**Revised** UCC Articles 3 and 4 (2002)

UCC Article 4A (1989)

**Revised** UCC Article 5 (1995)

**Revised** UCC Article 6 (1989)

**Revised** UCC Article 7 (2003)

UCC Article 8 Amendments (1977)

**Revised** UCC Article 8 (1994)

UCC Article 9 **Amendments (1972)**

**Revised** UCC Article 9 (ULC approved in 1998; ALI approved in 1999)

**Amendments** to UCC Article 9 (2010)

Uniform Common Interest Ownership Act (1982)

**Revised** Uniform Common Interest Ownership Act (1994)

**Revised** Uniform Common Interest Ownership Act (2008)

Uniform Common Interest Owners **Bill of Rights** Act (2008)

Uniform Common Trust Fund Act (1938)

Uniform Comparative Fault Act (1977)

Uniform Composite Reports as Evidence Act (1936)

Uniform Compromise of Death Taxes Act (1943)

Uniform Compulsory Work Act (1918)

Uniform Computer Information Transactions Act (1999)

Uniform Conditional Sales Act (1918)

Uniform Condominium Act (1977)

Uniform Conflict of Laws-Limitations Act (1982)

Uniform Conservation Easement Act (1981)

Uniform Construction Lien Act (1987)

Uniform Consumer Credit Code (1968)

Uniform Consumer Credit Code **Amendments** (1974)

Uniform Consumer Leases Act (2001)

Model Consumer Sales Practices Act (1970)

Uniform Contribution Among Tortfeasors Act (1939)

Uniform Controlled Substances Act (1970)

Uniform Controlled Substances Act **Amendments** (1974)

**Revised** Uniform Controlled Substances Act (1990)

Uniform Controlled Substances Act **Amendments** (Civil Forfeiture Amendments) (1994)

Uniform Correction or Clarification of Defamation Act (1993)

Uniform Court Administrator Act (1948)

Uniform Crime Investigating Commission Act (1952)

Uniform Crime Victims Reparation Act (1973)

Uniform Criminal Extradition Act (1926)

**Revised** Uniform Criminal Extradition Act (1936)

Uniform Criminal History Records Act (1986)

Uniform Rules of Criminal Procedure (1952)

Uniform Rules of Criminal Procedure (1974)

**Revised** Uniform Rules of Criminal Procedure (1987)

Uniform Criminal Statistics Act (1946)

Uniform Criminal Statistics Act (1937)

Uniform Custodial Trust Act (1987)

Uniform Cy-Pres Act (1944)

## **D**

Uniform Death Tax Credit Act (1961)

Uniform Debt Management Services (2005)

**Amendments** to Uniform Debt Management Services Act (2010)

Uniform Deceptive Trade Practices Act (1964)

**Revised** Uniform Deceptive Trade Practices Act (1966)

Uniform Declaratory Judgments Act (1922)

Uniform Defender Act (1959)

Uniform Defense of Needy Persons Act (1966)

Uniform Department of Justice Act (1952)

Uniform Deployed Parents Custody and Visitation Act (2012)

Uniform Desertion and Non-Support Act (1910)

Uniform Determination of Death Act (1980)

Uniform Disclaimer of Property Interests Act (1973)

**Revised** Uniform Disclaimer of Property Interests Act (1999)

Uniform Discovery of Electronically Stored Information, Rules Relating to (2007)

Uniform Disposition of Unclaimed Property Act (1954)

**Revised** Uniform Disposition of Unclaimed Property Act (1966)

Uniform Division of Income for Tax Purposes Act (1957)

Uniform Divorce Recognition Act (1947)

Uniform Divorce Jurisdiction Act (1930)

Uniform Dormant Mineral Interests Act (1986)

Model Drug Dependence Treatment and Rehabilitation Act (1973)

Uniform Durable Power of Attorney Act (1979)

Uniform Duties to Disabled Persons Act (1972)

## E

Uniform Escheat of Postal Savings System Accounts Act (1970)  
Uniform Electronic Legal Materials Act (2011)  
Uniform Electronic Recordation of Custodial Interrogations Act (2010)  
Uniform Electronic Transactions Act (1999)  
Uniform Emergency Volunteer Health Practitioners Act (2006)  
Model Eminent Domain Code (1974)  
Model Employment Termination Act (1991)  
Uniform Enforcement of Foreign Judgments Act (1948)  
**Revised** Uniform Enforcement of Foreign Judgments Act (1964)  
Model Entity Transactions Act (2005)  
Uniform Environmental Covenants Act (2003)  
Uniform Estate Tax Apportionment Act (1958)  
**Revised** Uniform Estate Tax Apportionment Act (1982)  
**Revised** Uniform Estate Tax Apportionment Act (2003)  
Uniform Rules of Evidence (1953)  
**Revised** Uniform Rules of Evidence (1974)  
**Revised** Uniform Rules of Evidence (1999)  
**Revised** Uniform Estate Tax Apportionment Act (1964)  
Uniform Estates Act (1938)  
Uniform Exemptions Act (1976)  
Uniform Execution of Wills Act (1940)  
Uniform Expert Testimony Act (1937)  
Uniform Extradition and Rendition Act (1980)  
Uniform Extradition of Persons of Unsound Mind Act (1916)

## F

Uniform Facsimile Signatures of Public Officials Act (1958)  
Uniform Faithful Presidential Electors Act (2010)  
Uniform Federal Lien Registration Act (1978)  
Uniform Federal Pure Food Law (1909)  
Uniform Federal Services Absentee Ballot Act (1962)

Uniform Federal Tax Lien Registration (1926)

**Revised** Federal Tax Lien Registration Act (1962)

Uniform Fiduciaries Act (1922)

Uniform Firearms Act (1930)

Uniform Flag Act (1917)

Uniform Foreign Acknowledgments Act (1914)

Uniform Foreign Bank Loan Act (1959)

Uniform Foreign-Country Money Judgments Recognition Act (2005)

Uniform Foreign Corporation Act (1934)

Uniform Foreign Depositions Act (1920)

Uniform Foreign Executed Wills Act (1910)

Uniform Foreign Money Claims Act (1989)

Uniform Foreign Money Judgments Recognition Act (1962)

Uniform Foreign Probated Wills Act (1915)

Uniform Franchise and Business Opportunities Act (1987)

Uniform Fraudulent Conveyances Act (1918)

Uniform Fraudulent Transfer Act (1984)

## **G**

Uniform Gifts to Minors Act (1956)

**Revised** Uniform Gifts to Minors Act (1965)

Uniform Guardianship and Protective Proceedings Act (1982)

**Revised** Uniform Guardianship and Protective Proceedings Act (1997)

## **H**

Model Health Care Consent Act (1982)

Uniform Health-Care Decisions Act (1993)

Uniform Health-Care Information Act (1985)

## **I**

Uniform Illegitimacy Act (1922)

Model Insanity Defense and Post-Trial Disposition Act (1984)

Uniform Information Practices Code (1980)

Uniform Insurers Liquidation Act (1939)  
Uniform International Wills Act (1977)  
Uniform Interparty Agreement Act (1925)  
Uniform Interstate and International Procedure Act (1962)  
Uniform Interstate Arbitration of Death Taxes Act (1943)  
Uniform Interstate Depositions and Discovery Act (2007)  
Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (2000)  
Uniform Interstate Family Support Act (1992)  
Uniform Interstate Family Support Act **Amendments** (1996)  
Uniform Interstate Family Support Act **Amendments** (2001)  
Uniform Interstate Family Support Act **Amendments** (2008)

## J

Uniform Joint Obligations Act (1925)  
Uniform Judicial Notice of Foreign Law Act (1936)  
Uniform Jury Selection and Service Act (1970)  
Model Juvenile Court Act (1968)

## L

Uniform Land Registration Act (1916)  
Model Land Sales Practices Act (1966)  
Uniform Land Security Interest Act (1985)  
Uniform Land Transactions Act (1976)  
Uniform Law Enforcement Access to Entity Information Act (2009)  
Uniform Limited Cooperative Association Act (2007)  
Uniform Limited Liability Company Act (1995)  
**Revised** Uniform Limited Liability Company Act (2006)  
Uniform Limited Partnership Act (1916)  
**Revised** Uniform Limited Partnership Act (1976)  
**Revised** Uniform Limited Partnership Act (2001)

## M

Uniform Machine Gun Act (1932)



Uniform Management of Institutional Funds Act (1972)  
Uniform Management of Public Employee Retirement Systems Act (1997)  
Uniform Mandatory Disposition of Detainers Act (1958)  
Uniform Manufactured Housing Act (2012)  
Uniform Marital Property Act (1983)  
Uniform Marketable Title Act (1990)  
Uniform Marriage and Divorce Act (1970)  
Uniform Marriage and Marriage License Act (1911)  
Uniform Marriage Evasion Act (1912)  
Uniform Marriage License Application Act (1950)  
Uniform Mechanics' Lien Act (1932)  
Uniform Mediation Act (2001)  
Model Metric Systems Procedure Act (1979)  
Uniform Military and Overseas Voters Act (2010)  
Uniform Code of Military Justice (1961)  
Model Minor Student Capacity to Borrow Act (1969)  
Uniform Money Services Act (2000)  
Model Motor Vehicle Accident Reparations Act (1972)  
Uniform Motor Vehicle Certificate of Title and Anti-Theft Act (1955)  
Uniform Motor Vehicle Anti-Theft Act (1926)  
Uniform Motor Vehicle Registration Act (1926)  
Uniform Motor Vehicles Traffic on Highway Act (1926)  
Uniform Multiple Person Accounts Act (1989)

## N

Uniform Narcotic Drug Act (1932)  
Uniform Negotiable Instruments Law (1896)  
Uniform Nonjudicial Foreclosure Act (2002)  
Uniform Nonprobate Transfers on Death Act (1989)  
Uniform Nonresidents' Individual Income Tax Deduction Act (1961)  
Uniform Law on Notarial Acts (1982)  
**Revised** Uniform Law on Notarial Acts (2010)

Uniform Nuclear Facilities Liability Act (1961)

**O**

Uniform Official Reports as Evidence Act (1936)

**P**

Uniform Parentage Act (1973)

**Revised** Uniform Parentage Act (2000)

Uniform Partition of Heirs' Property Act (2010)

Uniform Partnership Act (1914)

**Revised** Uniform Partnership Act (1994)

**Revised** Uniform Partnership Act **Amendments** (1996)

Uniform Act on Paternity (1960)

**Model** Periodic Payment of Judgments Act (1980)

**Revised** Uniform Periodic Payment of Judgments Act (1990)

Uniform Perjury Act (1952)

Uniform Perpetuation of Testimony Act (1959)

Uniform Photographic Copies of Business and Public Records as Evidence Act (1949)

Uniform Pistol Act (1940)

Uniform Planned Community Act (1980)

Uniform Police Council Act (1952)

Uniform Post-Conviction Procedure Act (1955)

Uniform Post-Conviction Procedure Act (1980)

**Revised** Uniform Post-Conviction Procedure Act (1966)

**Model** Post-Mortem Examinations Act (1954)

Uniform Power of Attorney Act (2006)

Uniform Powers of Foreign Representatives Act (1944)

Uniform Power of Sale Mortgage Foreclosure Act (1940)

Uniform Premarital and Marital Agreements Act (2012)

Uniform Premarital Agreement Act (1983)

Uniform Prenatal Blood Test Act (1950)

Uniform Preservation of Private Business Records Act (1954)

Uniform Pretrial Detention Act (1989)

Uniform Principal and Income Act (1931)  
**Revised** Uniform Principal and Income Act (1962)  
**Revised** Uniform Principal and Income Act (1997)  
Uniform Principal and Income Act **Amendments** (2008)  
Uniform Probate Code (1969)  
Uniform Probate Code **Amendments** (2008)  
Uniform Probate of Foreign Wills Act (1950)  
Uniform Proof of Statutes Act (1920)  
Uniform Property Act (1938)  
Model Protection of Charitable Assets Act (2011)  
Uniform Protection of Genetic Information in Employment Act (2010)  
Uniform Prudent Investor Act (1994)  
Uniform Prudent Management of Institutional Funds Act (2006)  
Uniform Public Assembly Act (1972)  
Model Public Defender Act (1970)  
Uniform Public Utilities Act (1928)  
Model Punitive Damages Act (1996)  
Uniform Putative and Unknown Father Act (1988)

## **R**

Model Real Estate Cooperative Act (1981)  
Uniform Real Estate Mortgage Act (1927)  
Model Real Estate Time Share Act (1980)  
Uniform Real Property Electronic Recording Act (2004)  
Uniform Real Property Transfer on Death Act (2009)  
Uniform Reciprocal Enforcement of Support Act (1950)  
Uniform Reciprocal Transfer Tax Act (1928)  
Uniform Recognition of Acknowledgments Act (1968)  
Model Registered Agents Act (2006)  
Uniform Rendition of Accused Persons Act (1967)  
Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act (1957)  
Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act (2006)

Uniform Resale Price Control Act (1940)  
Uniform Residential Landlord and Tenant Act (1972)  
Uniform Residential Mortgage Satisfaction Act (2004)  
Uniform Reverter of Realty Act (1944)  
Uniform Rights of the Terminally Ill Act (1985)  
Uniform Rule Against Perpetuities Act (1944)

## S

Uniform Sale of Securities Act (1930)  
Uniform Sales Act (1906)  
Uniform Act to Secure the Attendance of Witnesses from without a State in Criminal Cases (1931)  
Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings (1936)  
Uniform Secured Creditors' Dividends in Liquidation Proceedings, Act Governing (1939)  
Uniform Securities Act (1956)  
**Revised** Uniform Securities Act (1985)  
**Revised** Uniform Securities Act (2002)  
Uniform Securities Ownership by Minors Act (1960)  
Model Sentencing and Corrections Act (1978)  
Uniform Simplification of Fiduciary Security Transfers Act (1958)  
Uniform Simplification of Land Transfers Act (1976)  
Uniform Simultaneous Death Act (1940)  
**Revised** Uniform Simultaneous Death Act (UPC) (1991)  
Uniform Single Publication Act (1952)  
Uniform Small Estates Act (1951)  
Uniform Special Power of Attorney for Small Property Interests Act (1964)  
Uniform State Antitrust Act (1973)  
Uniform State Administrative Procedure Act (1946)  
**Revised** Uniform State Administrative Procedure Act (1961)  
**Revised** Model State Administrative Procedure Act (1981)  
**Revised** Model State Administrative Procedures Act (2010)  
Uniform State Tax Court Act (1957)

Uniform State Witness Immunity Act (1952)  
Uniform Status of Children of Assisted Conception Act (1988)  
Uniform Status of Convicted Persons Act (1964)  
Uniform Statute of Limitations Act (1939)  
Uniform Statute of Limitations on Foreign Claims Act (1957)  
Model Statute and Rule Construction Act (1995)  
Model Statutory Construction Act (1965)  
Uniform Statutory Form Power of Attorney Act (1988)  
Uniform Statutory Rule Against Perpetuities (1986)  
Uniform Statutory Trust Entity Act (2009)  
Uniform Statutory Will Act (1984)  
Uniform Stock Transfer Act (1909)  
Uniform Succession without Administration Act (1983)  
Uniform Supervision of Trustees for Charitable Purposes Act (1954)  
Model Surface Use and Mineral Development Accommodation Act (1990)  
Model Survival and Death Act (1977)

## T

A Table of Weights and Measures (1892)  
Uniform Testamentary Additions to Trusts Act (1960)  
**Revised** Uniform Testamentary Additions to Trusts Act (1991)  
Uniform TOD Security Registration Act (1989)  
Uniform Trade Secrets Act (1979)  
Uniform Traffic Cases, Rules Governing Procedures in (1957)  
Uniform Transboundary Pollution Reciprocal Access Act (1982)  
Uniform Transfer of Dependents Act (1935)  
Uniform Transfer of Litigation Act (1991)  
Uniform Transfers to Minors Act (1983)  
Uniform Trust Code (2000)  
Insurable Interest **Amendments** to Uniform Trust Code (2010)  
Uniform Trusts Act (1937)  
Uniform Trust Receipts Act (1933)

Uniform Trustees' Accounting Act (1936)

Uniform Trustees' Powers Act (1964)

## U

Uniform Unauthorized Insurers Act (1938)

Uniform Unauthorized Practice of Law Act (1960)

**Revised** Uniform Unclaimed Property Act (1981)

**Revised** Uniform Unclaimed Property Act (1995)

Uniform Unincorporated Nonprofit Association Act (1992)

**Revised** Uniform Unincorporated Nonprofit Association Act (2008)

Uniform Unsworn Foreign Declaration Act (2008)

## V

Uniform Vendor and Purchaser Risk Act (1935)

Uniform Veterans' Guardianship Act (1928)

**Revised** Uniform Veterans' Guardianship Act (1942)

Uniform Victims of Crime Act (1992)

Uniform Vital Statistics Act (1942)

Uniform Voting by New Residents in Presidential Elections Act (1962)

## W

Uniform Wage Withholding and Unemployment Insurance Procedure Act (2004)

Uniform War Service Validation Act (1944)

Uniform Warehouse Receipts Act (1906)

Model Water Use Act (1958)

Uniform Written Obligations Act (1925)

## APPENDIX G

### List of Commissioners, Life Members and Associate Members by State

(\* Indicates Life Member)

(\*\* Indicates Associate Member)

(**Bold** indicates current Member)

#### ALABAMA:

John F. Andrews, Montgomery (1991-96)

Douglas Arant, Birmingham (1935-36)

**Jerry Bassett, Montgomery (1991-present)**

Lee C. Bradley, Jr., Birmingham (1940)

Frederick G. Broomberg, Mobile (1906-19)

Leon G. Brooks, Brewton (1939-40)

E.H. Cabaniss, Birmingham (1924-34)

**John L. Carroll, Birmingham (2011-present)**

Joseph Colquitt, Tuscaloosa (2009-11)

Charles M. Crook, Montgomery (1972-2005) \*

W.C. Davis, Jasper (1915-20)

J. Kelly Dixon, Talladega (1920-34)

**William S. Donaldson, Tuscaloosa (2011-present)**

J. Pelham Ferrell, Phenix City (1972)

Mark L. Gaines, Birmingham (1993-2005)

Robert B. Harwood, Montgomery (1940-92) \*

**William H. Henning, Tuscaloosa (2007 – present)**

*Executive Director (2001-07)*

*Missouri Commissioner (1994-2001)*

**Gorman Houston, Jr., Birmingham (1996-present)**

Francis J. Inge, Mobile (1928-32)

Richard L. Jones, Birmingham (1972-88; 1993-96)

**Thomas L. Jones, Tuscaloosa (1967-present) \***

**Othni Lathram, Tuscaloosa (2011-present)**

Ted Little, Auburn (1997-2011)

Champ Lyons, Mobile (1996-99)

William Logan Martin, Birmingham (1932-39)

George F. Maynard, Birmingham (1987-92)

F.D. McArthur, Birmingham (1922-27)

Thomas C. McClellan, Montgomery (1920-23)

**Robert L. McCurley, Jr., Tuscaloosa (1993-present) \***

**Bruce J. McKee, Birmingham (2000-present)**

**Jeffrey R. McLaughlin, Guntersville (2011-present)**

John C. Payne, Tuscaloosa (1962-67)

**William S. Poole, III, Tuscaloosa (2011-present)**

C.M. Rogers, Mobile (1941-56)

William Alfred Rose, Birmingham (1941-82) \*

Ray Rushton, Montgomery (1915-19)

John B. Scott, Montgomery (1959-61)

Henry Upson Sims, Birmingham (1920-38)

J.Q. Smith, Montgomery (1920-22)

Robert E. Steiner, Jr., Montgomery (1928-32)

T.M. Stevens, Mobile (1915-21)

Henry Tonsmeire, Mobile (1906-14)

**Cam Ward, Alabaster (2005-present)**

S.D. Weakley, Birmingham (1908-14)

Stephen R. Windom, Mobile (1993-97)

## **ALASKA:**

**Deborah E. Behr, Juneau (1991-present) \***

Billy G. Berrier, Juneau (1976-86) \*\*

Edgar Paul Boyko, Juneau (1967-68)

Frank A. Boyle, Juneau (1926-32)

Fred M. Brown, Valdez (1913-16)

Alexander O. Bryner, Anchorage (2001-07)

D.A. Burr, Juneau (1966)



Jeffrey R. Bush, Juneau (1991-92)

**W. Grant Callow, Anchorage (1987-present) \***

**Walter L. Carpeneti, Juneau (2007-present)**

John A. Clark, Fairbanks (1917-30)

Warren C. Colver, Juneau (1964-65)

Tamara B. Cook, Juneau (1987-2011) \*\*

Fred O. Eastaugh, Juneau (1969-74)

G. Kent Edwards, Juneau (1969-70)

John M. Elliott, Juneau (1970-75) \*\*

Herbert L. Faulkner, Juneau (1932-50) \*

**Douglas D. Gardner, Juneau (2011-present) \*\***

Michael C. Geraghty, Anchorage (2005-12)

George B. Grigsby, Nome (1913-16)

Royal A. Gunnison, Juneau (1912-17)

John E. Havelock, Juneau (1971-74)

George N. Hayes, Juneau (1962-63)

L.S. Jerry Kurtz, Jr., Anchorage (1989-2006)

Lynn E. Levengood, Fairbanks (2005-10)

Ralph E. Moody, Juneau (1960-61)

John C. Murphy, Juneau (1919-25)

Peter D. Overfield, Fairbanks (1912)

Donna Spragg Pegues, Juneau (1971-74)

**Arthur H. Peterson, Juneau (1975-present) \***

Jay A. Rabinowitz, Fairbanks (1971-2001) \*

James N. Reeves, Anchorage (1985-88)

R.E. Robertson, Juneau (1933-60)

Paul F. Robison, Anchorage (1970-85)

**Terry L. Thurbon, Juneau (2005-present)**

James S. Truitt, Anchorage (1926-43)

W.H. Whittlessey, Seward (1917-25)

**ARIZONA:**

**Barbara A. Atwood, Tucson (2006-present)**

James A. Babbitt, Flagstaff (1935-38)

Arthur G. Baker, Prescott (1930-32)

Harold Baxter, Phoenix (1917-18)

**Timothy Berg, Phoenix (1993-present)**

Claude H. Brown, Tucson (1954-57)

Robert M. Brutinel, Prescott (1995-99)

**James M. Bush, Phoenix (1961-present) \***

Irwin Cantor, Phoenix (1959-62)

W.B. Cleary, Bisbee (1912-16)

J. Francis Connor, Prescott (1932-34)

Con P. Cronin, Phoenix (1917-32)

M.G. Cunniff, Crown King (1912-14)

Frank E. Curley, Tucson (1922-28)

George R. Davis, Tucson (1903-06)

H.A. Davis, Phoenix (1915-16)

Sandra Day, Phoenix (1974-80)

JoAnn D. Diamos, Tucson (1956-58)

James R. Dunseath, Tucson (1930-32)

Richard W. Effland, Tempe (1981-86)

E.E. Ellinwood, Flagstaff (1900-11)

Richard H. Elliott, Phoenix (1969-71)

C.C. Faires, Miami (1917-18)

L.W. Feezer, Tucson (1951-52)

W.J. Galbraith, Glendale (1919-22)

William Gordon, Tucson (1977-83)

Harry Gutterman, Phoenix (1960-76) \*\*

Michael D. Hawkins, Phoenix (1989-93)

**Roger C. Henderson, Tucson (1979-81; 1983-present) \***

Greg Jernigan, Phoenix (1981-88) \*\*

Douglas Keddie, Yuma (1965-74)

Edward Kent, Phoenix (1903-11)

F. Edward Larkin, Tucson (1975-76)

L. Gene Lemon, Phoenix (1997-2012)

George D. Locke, Phoenix (1939-76) \*

**Edward F. Lowry, Jr., Scottsdale (1972-present) \***

John R. Moffitt, Tucson (1987-88)

W.E. Patterson, Prescott (1939-41)

William H. Rehnquist, Phoenix (1963-69)

J.M. Ross, Prescott (1907-11)

J. Hubert Smith, Kingman (1935-38)

Henry B. Stevens, Phoenix (1951)

W.H. Stillwell, Phoenix (1900-02)

Fred Sutter, Bisbee (1917-18)

**Samuel A. Thumma, Phoenix (2012-present)**

Fred Blair Townsend, Phoenix (1926-29; 1939-50)

Harry J. Valentine, Superior (1932-34)

H.C. Warnock, Tucson (1951-53)

Harry M. Weakley, Phoenix (1963-73) \*\*

H.B. Wilkinson, Phoenix (1919-24)

Mulford Winsor, Phoenix (1932-52) \*\*

Charles H. Woods, Tucson (1953-55; 1959-61)

A.A. Worsley, Tucson (1912-16)

C.W. Wright, Tucson (1900-02)

## **ARKANSAS:**

W.H. Arnold, Texarkana (1917-44) \*

William S. Arnold, Crossett (1969-95) \*

LeRoy Autrey, Texarkana (1997-2009)

Joe C. Barrett, Jonesboro (1943-79) \*

Phillip Carroll, Little Rock (1970-2013) \*

Beth Carson, Little Rock (2003-2006) \*\*

Ashley Cockrill, Little Rock (1909-18; 1921-29)

John C. Deacon, Jonesboro (1967-2011) \*

Rush B. Deacon, Little Rock (1995-97)

John Fletcher, Little Rock (1906-10)

**Lynn Foster, Little Rock (2009-present)**

Marcus Halbbrook, Little Rock (1953-87) \*\*

J.H. Hamiter, Little Rock (1922-29)

**Vincent Henderson, II, Little Rock (2007-present) \*\***

Joseph M. Hill, Fort Smith (1913-15)

Larry D. Holifield, Little Rock (1990-2003) \*\*

Robert A. Leflar, Fayetteville (1945-97) \*

Herbert H. McAdams, Jonesboro (1961-66)

John M. Moore, Little Rock (1909-16)

William Nash, Little Rock (1957-61)

David G. Nixon, Fayetteville (1997-2009)

Ira D. Oglesby, Sr., Fort Smith (1917)

Frank Pace, Little Rock (1914-16; 1923-39)

Frank Pace, Jr., Little Rock (1940-44)

James R. Pender, Little Rock (1997-2009)

Louis L. Ramsey, Jr., Pine Bluff (1961-68)

George B. Rose, Little Rock (1919-41)

**John F. Stroud, Jr., Texarkana (2009-present)**

W.V. Tompkins, Prescott (1917)

Kern L. Treat, Little Rock (1970-89) \*\*

**Elisa White, Little Rock (2009-present)**

Nathan B. Williams, Fayetteville (1914-19)

Edward L. Wright, Little Rock (1945-56)

Robert R. Wright, Fayetteville (1967-69)

## **CALIFORNIA:**

Dick Ackerman, Sacramento (2007-08)

R. Thomas Allen, Sacramento (1975-78)

Richard D. Barger, Los Angeles (1973-76)

**Pamela W. Bertani, Fairfield (2007-present)**

Robert G. Beverly, Sacramento (1980-2009)

William Biddick, Jr., Stockton (1959-60)

Craig Biddle, Sacramento (1972-74)

George G. Bogert, San Francisco (1951-58) \*

*New York Commissioner (1920-25)*

*Illinois Commissioner (1927-51)*

*Michigan Commissioner (1959-76)*

**Rob Bonta, Alameda (2013-present)**

Cynthia Bosco, Sacramento (2003-07)

**Diane F. Boyer-Vine, Sacramento (2002-present)**

Arthur W. Brouillet, San Francisco (1937-40)

William M. Burke, Los Angeles (1986-2004)

W.P. Butcher, Santa Barbara (1915-20)

**Martin D. Carr, Sacramento (2010-present)**

Jefferson P. Chandler, Los Angeles (1921-32)

Allan Chickering, San Francisco (1922-24)

Pamela G. Chin, Manhattan Beach (1994-2003)

**David J. Clark, Novato (2008-present)**

James Francis Coakley, Oakland (1969-75)

Gordon Cologne, Sacramento (1971)

**Ellen Corbett, Sacramento (2009-present)**

**Robert H. Cornell, San Francisco (1969-present) \***

**John G. Cruz, Santa Ana (2010-present)**

George E. Danielson, Sacramento (1967-70)

John F. Davis, San Francisco (1904-14)

W. Jefferson Davis, San Francisco (1904-14)

Patrick A. DeBlase, Beverly Hills (2003-08)

John H. DeMouly, Palo Alto (1979-91) \*\*

Henry G. Dinkelspiel, San Francisco (1923-31)

Martin J. Dinkelspiel, San Francisco (1944-77) \*

Joseph Dunn, Sacramento (2005-06)  
E.J. Emmons, Bakersfield (1897-1900)  
Fred S. Farr, Carmel (1957-66)  
Jack R. Fenton, Sacramento (1979-80)  
Bion M. Gregory, Sacramento (1976-2004) \*  
Tom Harman, Huntington Beach (2003-06)  
**Elihu M. Harris, Berkeley (1981-present)**  
William S. Hazlett, Los Angeles (1935-39)  
**Brian Hebert, Davis (2007-present) \*\***  
Lynn Helm, Los Angeles (1907-14)  
Beverly L. Hodghead, San Francisco (1921)  
Justin Houterman, San Pedro (2008-11)  
Jarred Huffman, Sacramento (2009-13)  
C. Robert Jameson, Costa Mesa (2008-10)  
Ralph N. Kleps, Sacramento (1950-61)  
John T. Knox, San Francisco (1981-85)  
Bradner W. Lee, Los Angeles (1915-24)  
Walter R. Leeds, Los Angeles (1909-14)  
Fred H. Lindley, San Diego (1915-20)  
Percy V. Long, San Francisco (1922-27)  
David M. Madway, Berkeley (1976-79)  
Elaine Mandel, Beverly Hills (2003-07)  
Paul Mason, Sacramento (1953-61)  
William J. McVettie, Sacramento (1976)  
Charles Monroe, Los Angeles (1905-14)  
Angus C. Morrison, Sacramento (1961-64)  
George H. Murphy, Sacramento (1965-76)  
Gurney E. Newlin, Los Angeles (1908-32)  
Richard C. Olson, Los Angeles (1941-44)  
Theodore B. Olson, Los Angeles (1972-74)  
Ann I Park, Los Angeles (2003-08)

Ronald F. Phillips, Malibu (1988-2003)

Joan G. Poulos, Davis (1979-86)

William L. Prosser, Berkeley (1949-53)

*Minnesota Commissioner (1944-48)*

Max Radin, Berkeley (1941-48)

Matthew S. "Sandy" Rae, Jr., Los Angeles (1985-2010) \*

Philip R. Recht, Los Angeles (2003-07)

George R. Richter, Jr., Newport Beach (1951-2002) \*

**Daniel Robbins, Sherman Oaks (2007-present)**

Alvin J. Rockwell, San Francisco (1962-68)

James E. Rogan, Sacramento (1996-97)

Maurice Saeta, Los Angeles (1940-43)

Joseph Scott, Los Angeles (1915-16)

**Byron D. Sher, Placerville (1991-present)**

Sol Silverman, San Francisco (1960-67)

George H. Smith, Los Angeles (1897-1900)

Jerry Smith, Sacramento (1979)

Alfred H. Song, Sacramento (1975-78)

**Nathaniel Sterling, Palo Alto (1991-present)**

Oscar A. Trippett, Los Angeles (1910-14)

William B. Turner, San Francisco (1978-86)

Howard Wayne, Sacramento (1997-2003)

Casper W. Weinberger, San Francisco (1957-58)

Robert Williams, Sacramento (1989-2002)

W. Jackson Willoughby, Roseville (1987-2003)

David L. Withington, San Diego (1897-1900)

Fred B. Wood, Sacramento (1938-49) \*\*

Edwin L. Z'berg, Sacramento (1961-74)

C.P. von Herzen, Los Angeles (1958-71)

## **COLORADO:**

Susan G. Barnes, Lakewood (1975-76)

Charles E. Berry, Colorado Springs (1986-88)

Elmer L. Brock, Denver (1925-32)

Donald G. Brotzman, Boulder (1952-62)

Douglas G. Brown, Denver (1980-87) \*\*

C.M. Campbell, Denver (1895-1902)

Morgan Carroll, Aurora (2009-11)

Mike Cerbo, Denver (2005-07)

Ralph A. Cole, Denver (1977-86)

John W. Davidson, Pueblo (1911-12)

Laurence W. DeMuth, Boulder (1935-44)

Laurence W. DeMuth, Jr., Englewood (1997-2001)

Thomas H. Devine, Pueblo (1903-10)

Joseph F. Dolan, Denver (1955-65)

Donald J. Dufford, Grand Junction (1979-85)

Willis V. Elliott, Denver (1907-10)

Fred Farrar, Denver (1913-14)

Jacob Fillius, Denver (1903-06)

Bryan T. Frederickson, Canon City (2003-05)

John H. Fry, Denver (1923-34)

Robert P. Fullerton, Denver (1977-83; 1984-86)

**Robert Gardner, Colorado Springs (2011-present)**

Russell L. George, Rifle (1993-2001)

Ken Gordon, Denver (2007-09)

Anne McGill Gorsuch, Denver (1979-80)

**Thomas T. Grimshaw, Denver (1987-present) \***

Dan Grossman, Denver (2005-07)

Henry C. Hall, Colorado Springs (1911-17)

Dwight A. Hamilton, Denver (1965-2005) \*

Ralph B. Harden, Fort Collins (1977-78)

Horace N. Hawkins, Jr., Denver (1933-37)

Gerald Hughes, Denver (1907-10)



William H. Hybl, Colorado Springs (1985-86)

Jean J. Jacobucci, Denver (1950-54)

Stanley F. Johnson, Denver (1991-93)

William G. Kaufman, Denver (1996-2003; 2005-07)

George C. Keely, Denver (1967-2004) \*

Harry Eugene Kelly, Denver (1911-15)

**Stanley C. Kent, Colorado Springs (2007-present)**

Gerald H. Kopel, Denver (1975-76)

Kenneth B. Kramer, Colorado Springs (1977-78)

Douglas L. Lamborn, Colorado Springs (1999-2001; 2003-05)

**Claire Levy, Denver (2008-present)**

**Anne L. McGihon, Denver (2005-10; 2013-present)**

**Frank C. McNulty, Denver (2011-present)**

Alvin J. Meiklejohn, Denver (1987-97)

**Donald E. Mielke, Littleton (1983-93; 2001-03; 2005-present) \***

Allen Moore, Denver (1932-34)

**Thomas Morris, Denver (2011-present) \*\***

Richard F. Mutzebaugh, Denver (1989-2001; 2003-05)

Fritz A. Nagel, Denver (1964)

Forrest C. Northcutt, Denver (1927-32)

Thomas J. O'Donnell, Denver (1920-23)

Donald N. Pacheco, Denver (1975-76)

S.S. Packard, Pueblo (1915-17)

**Charles W. Pike, Buffalo Creek (1988-present) \***

Robert J. Pitkin, Denver (1903-06)

Reid C. Pixler, Montrose (1987-91)

Charles H. Queary, Denver (1937-44) \*\*

**Brandon Shaffer, Longmont (2007-present)**

William Joseph Shoemaker, Denver (1963-67; 1969-76)

Matt Smith, Grand Junction (2001-03)

A.M. Stevenson (1895-1902)

Fred W. Stow, Fort Collins (1918-30)  
Willis L. Strachan, Colorado Springs (1915-26)  
Ronald H. Strahle, Fort Collins (1968-75; 1981-86)  
John W. Suthers, Colorado Springs (1993-97)  
Willard Teller, Denver (1895-1902)  
William Thiebaut, Pueblo (2001-03)  
Henry W. Toll, Denver (1931-75) \*  
John C. Vivian, Denver (1953-63)  
Charles W. Waterman, Denver (1915-19)  
Tambor Williams, Denver (2003-04)  
Wayne Williams, Colorado Springs (2001-05)  
James C. Wilson, Jr., Denver (1968-79) \*\*

## **CONNECTICUT:**

Erliss P. Arvine, New Haven (1893-1913)  
Christopher L. Avery, Groton (1914-55) \*  
John M. Bailey, Hartford (1941-48; 1955-74) \*  
Frank P. Barrett, Stamford (1956-57)  
George E. Beers, New Haven (1916-47) \*  
William L. Beers, New Haven (1941-54)  
**David D. Biklen, West Hartford (1982-present) \***  
Trudi Bird, Stonington (1991-96)  
**William R. Breetz, Jr., Hartford (1991-present) \***  
Lyman D. Brewster, Danbury (1893-1903)  
Walter E. Coe, Stamford (1905-40) \*  
Frank E. Dully, Hartford (1958-88) \*  
Samuel S. Freedman, Hartford (1977) \*\*  
Joseph A. Geremia, Jr., Waterburg (1996-98)  
**Barry C. Hawkins, Stamford (1999-present)**  
James Heckman, Hartford (2007-10)  
David Hemond, Hartford (2001-03) \*\*  
Lawrence A. Howard, Hartford (1941-51)

Henry H. Hunt, Hartford (1943-51) \*\*

E. Henry Hyde, Jr., Hartford (1893-1904)

**John H. Langbein, New Haven (1991-present)**

*Illinois Commissioner (1984-91)*

Arthur M. Lewis, Hartford (1959-75) \*\*

Harry H. Lugg, Rockville (1952-64)

John D. Mahaney, Waterbury (1983-92)

James M. Mannion, Bethel (1988-91)

Eugene D. Micci, Hartford (1977-88) \*\*

Lisa Kelly Morgan, Hartford (1999-04)

Roger P. Morgan, Hartford (1981-2011) \*

Richard L. Nahley, Danbury (1981-87)

**Louise Nadeau, Hartford (2012-present) \*\***

David H. Neiditz, Hartford (1975-82)

**Neal Ossen, West Hartford (1981-present) \***

**Francis J. Pavetti, Waterford (1981-present) \***

Harold E. Read, Jr., Hartford (1965-92) \*

Talcott H. Russell, New Haven (1904-15)

Elmer W. Ryan, New Haven (1949-53) \*\*

Frederick A. Scott, Hartford (1938-40)

**Jesse Silverman, Hartford (2010-present)**

Robert Wall, Hartford (1954-57) \*\*

**Suzanne B. Walsh, West Hartford (2005-present)**

Robert Whitman, Hartford (1996-2000)

## **DELAWARE:**

William T. Allen, Wilmington (1978-88)

Ann E. Conaway, Wilmington (1989-2002)

*Pennsylvania Commissioner (2002-present) \**

Alexis DuPont Bayard, Wilmington (1962-64)

Thomas F. Bayard, Washington (1892-98)

Henry M. Canby, Wilmington (1962-64)

Phillip Q. Churchman, Wilmington (1910-20)

Charles M. Cullen, Georgetown (1910-18)

Anthony F. Emory, Wilmington (1950-53)

Howard T. Ennis, Jr., Georgetown (1978)

Elwyn Evans, Wilmington (1971-73)

Maurice A. Hartnett, III, Dover (1962-2009) \*

D.O. Hastings, Wilmington (1921-24)

Melvin Hopkins, Dover (1932-40)

**Michael Houghton, Wilmington (1995-present)**

James H. Hughes, III, Dover (1952-55)

Daniel J. Layton, Sr., Georgetown (1949-52)

George V. Massey, Dover (1892-1902)

**David C. McBride, Wilmington (2003-present)**

John J. McNeilly, Georgetown (1958-62)

Arlen B. Mekler, Wilmington (1974-77)

William Prickett, Wilmington (1926-63) \*

**Anne H. Reigle, Dover (2008-present)**

Judith N. Renzulli, Philadelphia, PA (2002-03)

Henry J. Ridgely, Dover (1958-60)

Alfred B. Robinson, Dover (1892-93)

**Battle R. Robinson, Georgetown (1980-present) \***

William V. Roth, Jr., Wilmington (1961-66)

G. Thomas Sandbach, Wilmington (1983-88)

James M. Satterfield, Dover (1910-25)

Philip D. Saxon, Wilmington (1971-83)

**Thomas A. Shiels, Lewes (1978-present) \***

W. Laird Stabler, III, Wilmington (1989-95)

William J. Storey, Dover (1949-53)

James M. Tunnell, Georgetown (1919-40)

James M. Tunnell, Jr., Georgetown (1941-44; 1953-54)

Joshua M. Twilley, Dover (1958-62)

John S. Walker, Wilmington (1954-55; 1958-59)

Frederick P. Whitney, Georgetown (1963-64)

**DISTRICT OF COLUMBIA:**

William H. Baldwin, Washington, DC (1913-14)

Charlotte M. Brookins-Hudson, Washington, DC (1991-2002)

Aldis B. Browne, Washington, DC (1905-12)

Corey Buffo, Washington, DC (2005-08)

Walter C. Clephane, Washington, DC (1906-14; 1921-38)

Lowry N. Coe, Washington, DC (1948-78) \*

Frederick D. Cooke, Jr., Washington, DC (1987-94)

James W. Dickey, Washington, DC (1948-49)

Ellen F. Dyke, Washington, DC (1988-2001)

*Virginia Commissioner (2003-present) \**

**Brian K. Flowers, Washington, DC (2002-present)**

Bruce Comly French, Washington, DC (1981-84) \*\*

William C. Gardner, Washington, DC (1969-99) \*

H. Prescott Gatley, Washington, DC (1919-20)

Erias A. Hyman, Washington, DC (1984-86) \*\*

Charles V. Imlay, Washington, DC (1919-56) \*

Stephanie M. Jones, Washington, DC (1990-92)

**Benny L. Kass, Washington, DC (1969-present) \***

Robert F. Kneipp, Washington, DC (1966-70) \*\*

David N. Krentel, Washington, DC (1999-2001)

**John J. McAvoy, Washington, DC (2001-present)**

**James C. McKay, Jr., Washington, DC (1980-present) \***

Ann M. Meister, Washington, DC (1986-89)

Jo V. Morgan, Washington, DC (1952-68)

Godfrey L. Munter, Washington, DC (1949-93) \*

R. Ross Perry, Washington, DC (1905)

Inez Smith Reid, Washington, DC (1981-95)

Alaire B. Rieffel, Washington, DC (1988-91) \*\*

William A. Robinson, Washington, DC (1972-82)

F.L. Siddons, Washington, DC (1905-12)

Alonzo H. Stewart, Washington, DC (1915-18)

Stephen C. Taylor, Washington, DC (2001-11)

Edward H. Thomas, Washington, DC (1913-14)

Wanda R. Tucker, Washington, DC (1989-90)

Frederick S. Tyler, Washington, DC (1919-50)

Joseph C. Waddy, Washington, DC (1971-74)

Togo D. West, Washington, DC (1986-87) \*\*

James C. Wilkes, Washington, DC (1939-48)

**Joan Zeldon, Washington, DC (1994-present)**

**V. David Zvenyach, Washington, DC (2011-present)**

## **FLORIDA:**

William H. Adams, III, Jacksonville (1968-82)

Gary W. Alexander, Jacksonville (1926-32)

John C. Avery, Pensacola (1895-1910)

Scott Baena, Miami (2007-11)

William A. Blount, Pensacola (1911-20)

Guy W. Botts, Jacksonville (1955-59)

**Randolph Braccialarghe, Fort Lauderdale (2011-present)**

J.M. Carson, Miami (1919-22)

**Louis T.M. Conti, Tampa (2011-present)**

Harold B. Crosby, Gainesville (1962-63)

Edward I. Cutler, Tampa (1974-2006) \*

Robert E. Davis, Gainesville (1913-18)

James W. Day, Gainesville (1953-61)

Joseph DeMaria, Miami (2006-07)

Gonzalo R. Dorta, Coral Gables (2006-07)

Charles W. Ehrhardt, Tallahassee (1996-2006)

Herbert U. Feibelman, Miami (1935-40)

George Cooper Gibbs, Jacksonville (1936-39)

Jane R. Harris, Tallahassee (1978-94) \*\*

John D. Harris, Sr., St. Petersburg (1953-66)

Charles Tom Henderson, Tallahassee (1957-73)

William Hunter, Tampa (1923-32)

Linda S. Jessen, Tallahassee (1986-87; 1994-2008) \*\*

Warren L. Jones, Jacksonville (1953-54)

**Henry M. Kittleson, Winter Park (1982-present) \***

R.K. Lewis, West Palm Beach (1944-51)

Scott M. Loftin, Jacksonville (1933-35)

Clinton R. Losego, Miami (2007-11)

Ralph H. Martin, Jacksonville (1959-66)

Louis C. Massey, Orlando (1895-1917; 1921-24)

Edward McCarthy, Jr., Jacksonville (1940-52)

Ernest E. Means, Tallahassee (1968-77) \*\*

M. Luther Mershon, Miami (1941-43)

**Christiana T. Moore, Tallahassee (2008-present) \*\***

Charles J. Morrow, Tampa (1919-32)

Joshua M. Morse, III, Tallahassee (1970-2012) \*

*Mississippi Commissioner (1964-68)*

Nicholas W. Romanello, Tallahassee (2006-11)

T.M. Shackelford, Jr., Tampa (1933-34)

F.M. Simonton, Tampa (1911-12)

Larry Stagg, Tampa (1996-2006)

Thomas E. Warriner, Jr., Merritt Island (1968-69)

**Donald J. Weidner, Tallahassee (2011-present)**

Robert W. Williams, Tallahassee (1895-1910)

## **GEORGIA:**

**Wayne Allen, Atlanta (2011-present) \*\***

Reuben R. Arnold, Atlanta (1907-11)

Charles J. Bloch, Macon (1954)

Sewell R. Brumby, Atlanta (1987-2011) \*\*

W. Colquitt Carter, Atlanta (1940-50)

Eugene Cook, Atlanta (1954-64)

Lindsey Cowen, Athens (1965-72)

*Ohio Commissioner (1972-95) \**

Cam D. Dorsey, Atlanta (1933-39)

Frank H. Edwards, Atlanta (1957-80) \*\*

Frank H. Edwards, Atlanta (1981-97)

C. Ronald Ellington, Athens (1990-2001)

E. Smythe Gambrell, Atlanta (1938-41)

T.A. Hammond, Atlanta (1913-32)

Rufus C. Harris, \_\_\_\_\_ (1927)

Walter B. Hill, Macon (1892-1900)

J. Alton Hosch, Flowery Branch (1940-42; 1950-79) \*

**Paul M. Kurtz, Athens (2001-present)**

Harley F. Lawson, Hawkinsville (1933-39)

**Edward H. Lindsey, Jr., Atlanta (2008-present)**

Morris W. Macey, Atlanta (1972-2012) \*

Roger G. Martin, Atlanta (1996-2012)

Peter W. Meldrim, Savannah (1892-1933) \*

Joseph Hansell Merrill, Thomasville (1913-25)

H. Abit Nix, Athens (1928-32)

F. Hodge O'Neal, Macon (1955-56)

A.C. Pate, Hawkinsville (1901-12)

**Matthew H. Patton, Atlanta (2007-present)**

John Rourke, Savannah (1934-37)

William B. Spann, Jr., Atlanta (1965-80)

Hiram K. Undercofler, Atlanta (1964)

Samuel C. Waller, Augusta (1965-71)

Richard V. Wellman, Athens (1974-2005) \*

*Michigan Commissioner (1969-73)*

**HAWAII:**



C.W. Ashford, Honolulu (1920)  
Clinton R. Ashford, Honolulu (1953-63)  
Marguerite K. Ashford, Honolulu (1923-32)  
Ebert J. Botts, Honolulu (1949-63)  
J. Russell Cades, Honolulu (1949-59; 1962-64)  
John A. Chanin, Honolulu (1970-2006)  
Charles F. Clemons, Honolulu (1910-14; 1922-25)  
Tom Dinell, Honolulu (1962-65) \*\*  
Robert G. Dodge, Honolulu (1960-61)  
Herman S. Doi, Honolulu (1964-69) \*\*  
**Lani L. Ewart, Honolulu (1977-present) \***  
**Peter J. Hamasaki, Honolulu (2005-present)**  
Harry R. Hewitt, Honolulu (1935-48)  
Joseph V. Hodgson, Honolulu (1940-48)  
David R. Hood, Honolulu (1973-74)  
Harry Irwin, Honolulu (1920-22)  
Ernest J. Kai, Honolulu (1949-52)  
Robert Kamins, Honolulu (1955-59) \*\*  
Bertram T. Kanbara, Honolulu (1965-68; 1972-76)  
**Maurice S. Kato, Honolulu (1985-present) \*\***  
Harold T. Kay, Honolulu (1926-34)  
**Elizabeth Kent, Honolulu (1998-present)**  
H. Baird Kidwell, Honolulu (1949-59; 1965-71)  
James A. King, Honolulu (1975-95)  
Henry N. Kitamura, Honolulu (1970-82) \*\*  
Kenneth K. Lau, Honolulu (1959-61) \*\*  
Masaji Marumuto, Honolulu (1949-56)  
John Albert Matthewman, Honolulu (1923-25)  
Norman Meller, Honolulu (1949-55)  
Hideki Nakamura, Honolulu (1967-74)  
Harold W. Nickelsen, Honolulu (1960-63)

C.H. Olson, Honolulu (1915-16)

Emil C. Peters, Honolulu (1926-40)

Tom L. Peterson, Honolulu (1964-66)

Patricia K. Putnam, Honolulu (1964-72)

**Hiroshi Sakai, Honolulu (1964-present) \***

Richard S. Sasaki, Honolulu (1974) \*\*

Carl S. Smith, Hilo (1910-14)

**Kevin P.H. Sumida, Honolulu (2005-present)**

Hiroma Suzawa, Honolulu (1969-85) \*\*

**Ken H. Takayama, Honolulu (1995-present)**

Frank E. Thompson, Honolulu (1935-42)

**Robert S. Toyofuku, Honolulu (1978-present) \***

James F. Ventura, Honolulu (1975-76)

E.M. Watson, Honolulu (1920-21; 1928)

A.A. Wilder, Honolulu (1915-16)

David L. Withington, Honolulu (1910-14)

Henry W.C. Wong, Honolulu (1965-69)

Ralph T. Yamaguchi, Honolulu (1957-63)

## **IDAHO:**

James F. Ailshie, Coeur D'Alene (1924-34)

George D. Ayers, Moscow (1915-16)

James E. Babb, Lewiston (1909-14)

William J. Batt, Boise (2001-06)

O.R. Baum, Pocatello (1927-32)

**Rex Blackburn, Boise (1993-present)**

**John Michael Brassey, Boise (2006-present)**

W.J. Brockelbank, Moscow (1947-84) \*

**Bart M. Davis, Idaho Falls (2001-present)**

J.L. Eberle, Boise (1944-50)

James G. Gwinn, St. Anthony (1925-26)

Oliver O. Haga, Boise (1925-42)

Alfred C. Hagan, Boise (1969-77)

Jesse B. Hawley, Jr., Boise (1951-57)

**Dale G. Higer, Boise (1990-98; 2000-present) \***

Shad L. Hodgins, Twin Falls (1919-23)

Pendleton Howard, Moscow (1936-40; 1943-45)

Miles S. Johnson, Lewiston (1919-24)

John W. Jones, Blackfoot (1919-23)

Linda Judd, Post Falls (1978-93)

Caralee Lambert, Boise (2001-07) \*\*

Peter C.K. Marshall, Boise (1997-2001)

M. Susan Mather, Boise (1993-98) \*\*

Don J. McClenahan, Boise (1961-89) \*

Michael McConnell, Boise (1998-2001) \*\*

A.L. Merrill, Pocatello (1947-60)

B.H. Miller, St. Anthony (1915-18)

John F. Nugent, Boise (1915-18)

E.A. Owen, Idaho Falls (1936-40; 1943-46)

Paige A. Parker, Boise (2007-11) \*\*

Willis E. Sullivan, Boise (1958-92) \*

Willis E. Sullivan, III, Boise (1984-2001)

George W. Tannahill, Lewiston (1915-17)

W. Allen Willis, Boise (1972-80) \*\*

Fremont Wood, Boise (1909-14)

W.W. Woods, Wallace (1909-14)

## **ILLINOIS:**

David N. Barkhausen, Chicago (1983-99)

Marion W. Benfield, Jr., Champaign (1973-90)

*North Carolina Commissioner (1990-present) \**

DeWitt C. Billman, Springfield (1939) \*\*

Loren M. Bobbitt, Springfield (1963-74)

George G. Bogert, Chicago (1927-51) \*

*New York Commissioner (1920-25)*

*California Commissioner (1951-58)*

*Michigan Commissioner (1959-76)*

C. Clay Buntain, Kankakee (1925-26)

William J. Campbell, Chicago (1969)

Rubin G. Cohn, Champaign (1967-68)

**James W. Dodge, Springfield (2011-present)**

Allison Dunham, Chicago (1970-84)

*Executive Director (1962-69)*

William L. Eagleton, Peoria (1937-47)

Richard C. Edwards, Springfield (1993-2011)

Jerome R. Finkle, Springfield (1941-73) \*

Diane Ford, Springfield (2000-07)

Ernst Freund, Chicago (1908-32)

**Steven G. Frost, Chicago (2001-present)**

**Michael B. Getty, Naples, FL (1977-present) \***

Bradley M. Glass, Northbrook (1976-80)

James M. Graham, Springfield (1916-36)

Oliver A. Harker, Champaign (1908-15; 1925-33)

Albert J. Harno, Urbana (1935-65) \*

Homer B. Harris, Lincoln (1948-59)

Harold C. Havighurst, Chicago (1943-82) \*

Harry J. Haynsworth, IV, Carbondale (1992-95)

*Minnesota Commissioner (1995-present) \**

Richard G. Hershey, Taylorville (1961-68)

George R. Hooper, Chicago (1969-72)

**Patrick D. Hughes, Chicago (2007-present)**

Albert E. Jenner, Jr., Chicago (1950-87) \*

Stanley M. Johnston, Springfield (1981-90)

**Dimitri G. Karcazes, Chicago (2004-present)**

Louis A. Kohn, Chicago (1953-64)

Harry D. Krause, Champaign (1991-97)

John H. Langbein, Chicago (1984-91)

*Connecticut Commissioner (1991-present)*

Arthur A. Leeper, Cass County (1893-1907)

**Harry D. Leinenweber, Chicago (1976-present) \***

Karl N. Llewellyn, Chicago (1951-61) \*

*New York Commissioner (1926-50)*

Soia Mentschikoff, Chicago (1965-69)

Peter H. Lousberg, Rock Island (1975-76)

Joseph R. Lundy, Chicago (1976-77)

Nathan William MacChesney, Chicago (1908-54) \*

Jeremiah Marsh, Chicago (1969-73; 1977-2004) \*

**Thomas J. McCracken, Jr., Chicago (1989-present) \***

George A. Nichols, Springfield (1975-80)

James L. O'Brien, Springfield (1991-93)

**William J. Quinlan, Chicago (2007-present)**

Randal C. Picker, Chicago (1991-2009)

George A. Ranney, Jr., Springfield (1970-72)

Harry B. Reese, Chicago (1973-91) \*

John C. Richberg, Chicago (1893-1915)

J. William Roberts, Springfield (1997-2002)

Tom Ryder, Jerseyville (2000-02)

E. Burritt Smith, Chicago (1893-1905)

Marian C. Stouder, Kankakee (1973-74)

Russell N. Sullivan, Urbana (1957-67)

**Howard J. Swibel, Chicago (1976-present) \***

Charles Jordan Tabb, Champaign (1997-2001)

**J. Samuel Tenenbaum, Chicago (2004-present)**

Joseph J. Thompson, Chicago (1916-24)

John H. Wigmore, Chicago (1908-24; 1933-42)

**A.J. Wilhelmi, Crest Hill (2009-present)**

Ferdinand J. Zeni, Jr., Chicago (1969-72)

## **INDIANA:**

Andrew A. Adams, Columbia City (1909-12)

Anthony Ard, Indianapolis (1970-79) \*\*

**William W. Barrett, Greenwood (2009-present)**

**Gerald L. Bepko, Indianapolis (1982-present) \***

**James Bopp, Jr., Terre Haute (2005-present)**

William P. Breen, Fort Wayne (1913-19)

William E. Britton, Bloomington (1922-24)

Thomas J. Brooks, New Bedford (1920)

Kevin D. Brown, Bloomington (1990-98)

Henry W. Bullock, Indianapolis (1915-19)

C. Severin Buschmann, Jr., Indianapolis (1971-76)

Thomas A. Dailey, Indianapolis (1922-32)

James Danikolas, Gary (1990-96)

Earl G. DeFur, Muncie (1933-36)

**Donald K. Densborn, Indianapolis (1998-present)**

F. Reed Dickerson, Bloomington (1958-91) \*

C. Ben Dutton, Indianapolis (1970-2004) \*

F. F. Eichhorn, Gary (1937-50)

Frederick F. Eichhorn, Jr., Bloomington (1998-2008)

Dan C. Flanagan, Indianapolis (1946-50)

**Ralph M. Foley, Martinsville (2006-present)**

Cleon H. Foust, Indianapolis (1946-50; 1963-2003) \*

Leo M. Gardner, Indianapolis (1933-36)

Bernard C. Gavit, Bloomington (1933-36)

Charles W. Harris, Indianapolis (1980-88) \*\*

B.F. Heaton, Fort Wayne (1920-32)

Frank E. Horack, Jr., Bloomington (1937-57)

Lawrence A. Jegen, III, Indianapolis (1981-91)

**John L. Kellam, Straughn (2006-present)**

William A. Ketcham, Indianapolis (1900-04)

Lex J. Kirkpatrick, Kokomo (1915-19)

Wayne C. Kreuzscher, Indianapolis (1990-94)

Samuel T. Lesh, Indianapolis (1955-62)

Robert A. Lucas, Merrillville (1966-99) \*

**Luke Messer, Shelbyville (2006-present)**

Charles W. Miller, Goshen (1907-08)

John R. Molitor, Indianapolis (1982-88) \*\*

Oscar H. Montgomery, Seymour (1900-06)

Merrill Moores, Indianapolis (1909-28)

Merrill Moores, Indianapolis (1986-2011) \*

John Morris, Fort Wayne (1905-08)

James W. Noel, Indianapolis (1909-12)

James K. Northam, Indianapolis (1951-68)

Marcia Oddi, Indianapolis (1972) \*\*

Telford B. Orbison, New Albany (1951-57)

Kurt F. Pantzer, Indianapolis (1951-54; 1959-62)

Samuel Parker, South Bend (1920-21)

**H. Kathleen Patchel, Indianapolis (1998-present)**

Samuel O. Pickens, Indianapolis (1900-06; 1909-12; 1920-21)

Dixon W. Prentice, Indianapolis (1979-91)

George W. Rauch, Marion (1955-56)

George L. Reinhard, Bloomington (1900-05)

F. Richard Rembusch, Indianapolis (1973-82) \*\*

Charles Remster, Indianapolis (1915-19)

Mark A. Scherer, Indianapolis (1988-93) \*\*

E.B. Sellers, Monticello (1909-14)

Harry C. Sheridan, Frankfort (1907-08)

John D. Shoaff, Fort Wayne (1955-57)

**Vi S. Simpson, Bloomington (1994-present)**

Ben F. Small, Indianapolis (1958-66)

Russell W. Smith, Indianapolis (1963-69)

**Martha T. Starkey, Carmel (1990-present) \***

A. Jewell Stevenson, Indianapolis (1937-45)

**John J. Stieff, Indianapolis (1993-present) \*\***

E.B. Stotsenberg, New Albany (1915-18)

Thaddeus M. Talcott, South Bend (1907-08)

Thaddeus M. Talcott, Jr., South Bend (1920-22)

Robert S. Taylor, Fort Wayne (1900-08)

R. Bruce Townsend, Indianapolis (1965-82)

E. Spencer Walton, Jr., South Bend (1990-2000)

Ferdinand H. Winter, Indianapolis (1915-19)

## **IOWA:**

William C. Ball, Waterloo (1972-84)

Randall P. Bezanson, Iowa City (1983-87)

Arthur E. Bonfield, Iowa City (1984-2000)

J.L. Carney, Marshalltown (1914-15)

Thomas A. Chesire, Des Moines (1908-13)

E.F. Dawley, Cedar Rapids (1914-17)

Paul B. DeWitt, Des Moines (1938) \*\*

H.E. Deemer, Red Oak (1914-16)

James A. Devitt, Oskaloosa (1918-20)

Richard F. Dole, Jr., Iowa City (1969-78)

Charles M. Dutcher, Iowa City (1921-32)

Serge H. Garrison, Des Moines (1970-85) \*\*

Eugene A. Gilmore, Iowa City (1932-36)

J.W. Good, Cedar Rapids (1915-17)

T.J. Harrington, Algona (1918-20)

Kathryn L. Hove, Solon (1988-2000)

L.G. Kinne, Des Moines (1895-1905)

Sheldon F. Kurtz, Iowa City (2000-12)

Mason Ladd, Iowa City (1943-79) \*



George J. Lindeman, Waterloo (1964-71)

Casey D. Mahon, Iowa City (2000-04)

Jesse E. Marshall, Sioux City (1933-42)

Wiley E. Mayne, Sioux City (1956-59)

Emlin McClain, Iowa City (1895-1912)

Edward A. McDermott, Dubuque (1960-63)

T. James McDonough, Des Moines (1988-92)

E.W. McNeil, Montezuma (1964-67)

Frederic M. Miller, Des Moines (1943-55)

Jesse A. Miller, Des Moines (1920-32)

Iris E. Muchmore, Cedar Rapids (1980-87)

Linda K. Neuman, LeClaire (2004-12)

John Carlyle Pryor, Burlington (1933-78) \*

Carroll J. Reasoner, Iowa City (1979)

Wiley B. Rutledge, Iowa City (1937-42)

*Missouri Commissioner (1931-34)*

**Rosemary S. Sackett, Okoboji (2012-present)**

C.G. Saunders, Council Bluffs (1914-20)

Hazen I. Sawyer, Keokuk (1920-32)

J.B. Sullivan, Des Moines (1908-13)

Ingalls Swisher, Iowa City (1960-63)

J.H. Trewin, Cedar Rapids (1918-20)

Allan D. Vestal, Iowa City (1964-83)

**Teresa R. Wagner, Iowa City (2012-present)**

**David S. Walker, Des Moines (1992-present)**

H.O. Weaver, Wapello (1895-1913)

J.B. Weaver, Des Moines (1914-20)

William O. Weaver, Wapello (1956-59)

## **KANSAS:**

Otis S. Allen, Topeka (1933-62) \*

Stephen H. Allen, Topeka (1909-30)

William N. Banks, Independence (1929-38)

Willard Brooks, Wichita (1929-35)

William L. Burdick, Lawrence (1915-20)

William D. Carey, Hutchinson (1940-41)

Timothy J. Carmody, Leawood (1996-99)

**James M. Concannon, Topeka (1998-present)**

Franklin Corrick, Topeka (1938-64) \*\*

Thomas P. Doran, Topeka (1925-28)

Timothy Emert, Independence (1995-2001)

Arden K. Ensley, Topeka (1982-88) \*\*

Earle W. Evans, Wichita (1920-28; 1932-39)

Albert Faulconer, Arkansas City (1939-46)

J.W. Fitzgerald, St. Mary (1893-1901)

Robert G. Frey, Liberal (1983-88)

Spencer A. Gard, Iola (1947-62)

Karl M. Geddes, El Dorado (1922-28)

A.A. Goddard, Topeka (1907-12)

Arthur H. Griggs, Topeka (1976-82) \*\*

S.N. Hawkes, Topeka (1909-19)

John F. Hayes, Hutchinson (1975-2010) \*

W.E. Higgins, Lawrence (1913-14)

**Richard C. Hite, Wichita (1975-present)**

Joseph J. Hoagland, Kansas City (1979-83)

Richard J. Hopkins, Topeka (1920)

John E. Howe, Topeka (1961-68)

Fred S. Jackson, Eureka (1911-12)

H.M. Jackson, Atchison (1907-08)

J.L. Jackson, Topeka (1909-10)

Charles L. Kagey, Beloit (1920-21)

A.M. Keen, Fort Scott (1915-20)

William A. Kelly, Lawrence (1969-74)

**Lance Kinzer, Olathe (2009-present)**

Joseph A. Knopp, Manhattan (1985-86)

B.I. Litowich, Salina (1944-46)

Chester I. Long, Wichita (1922-28)

John D. Milliken, McPherson (1895-1908)

Jerry Moran, Hays (1993-95)

Michael R. O'Neal, Hutchinson (1989-91; 1993-97; 1999-2009)

William Osmond, Great Bend (1925-32)

Thomas C. Owens, Overland Park (2009-12)

**Janice L. Pauls, Hutchinson (2008-present)**

Elwaine F. Pomeroy, Topeka (1979-2011) \*

J.E. Ruppenthal, Russell (1913-14)

R.A. Sankey, Wichita (1893-1900)

E.R. Sloan, Topeka (1937-39)

M.C. Slough, Lawrence (1959-60)

Charles W. Smith, Stockton (1906-24)

F. Dumont Smith, Hutchinson (1921-23)

**Glee S. Smith, Lawrence (1963-present) \***

John M. Solbach, Lawrence (1991-93)

William Eugene Stanley, Wichita (1936-52)

Robert Stone, Topeka (1925-36)

T.D. Thatcher, Lawrence (1893-1900)

John L. Vratil, Overland Park (2000-09)

Thomas B. Wall, Wichita (1897-1905)

John C. Weeks, Topeka (1965-75) \*\*

Paul L. Wilbert, Pittsburg (1954-2000) \*

J.O. Wilson, Salina (1893-1908)

Winton A. Winter, Jr., Lawrence (1989-93)

Robert S. Wunsch, Kingman (1987-88)

**KENTUCKY:**

Dee A. Akers, Frankfort (1957-59) \*\*

Charles W. Berger, Pineville (1980-83)

**Turney P. Berry, Louisville (2006-present)**

John B. Breckenridge, Frankfort (1960-63)

W.C. Breckenridge, Lexington (1898-1901)

James C. Brock, Harlan (1968-71)

Robert T. Caldwell, Ashland (1940-49)

**Stephen C. Cawood, Pineville (1989-present) \***

Don Cetrulo, Lexington (1999-2006)

Bradford L. Cowgill, Lexington (2010-11)

Robert K. Cullen, Frankfort (1944-51; 1952-55; 1958-67) \*\*

Kenneth C. Davis, Lexington (1974-75)

Lewis N. Dembitz, Louisville (1898-1901)

Glen W. Denham, Middlesboro (1974)

James R. Duffin, Louisville (1909-19)

T.L. Edelen, Frankfort (1909-10)

James T. Fleming, Frankfort (1956-57; 1968) \*\*

Cabell D. Francis, Stanford (1960-63)

Richard L. Frymire, Madisonville (1964-67)

**Cynthia Galvin, Frankfort (2009-present) \*\***

John S. Gillig, Frankfort (1997-2010)

Joe J. Grace, Paducah (1956-57)

John J. Greenleaf, Richmond (1932-39)

Robert L. Gullette, Nicholasville (1956-59)

John F. Hager, Ashland (1911-13)

George W. Hardy, III, Lexington (1974-75)

Vic Hellard, Jr., Frankfort (1980-96)

J. Blakey Helm, Louisville (1947-55; 1958-80) \*

John Stanley Hoffman, Henderson (1968-69)

Donald L. Johnson, Alexandria (1964-67)

William G. Kenton, Frankfort (1980-82)

Norman W. Lawson, Jr., Frankfort (1979-2006) \*\*

**Norvie L. Lay, Louisville (1982-present) \***

Arthur Y. Lloyd, Frankfort (1953-55)

John Marshall, Louisville (1898-1901)

George B. Martin, Catlettsburg (1917-38)

W.L. Matthews, Jr., Lexington (1968-73)

**John T. McGarvey, Louisville (2006-present)**

James R. Merritt, Louisville (1968-75)

Scott Miller, Jr., Louisville (1972-73)

Mel Mills, Jr., Frankfort (1969-74) \*\*

Eugene F. Mooney, Lexington (1976-86)

Bruce Morford, Frankfort (1938-40) \*\*

Robert W. Oliver, Frankfort (1961-62) \*\*

Billy R. Paxton, Central City (1970-71)

William Raines, Frankfort (1976-78) \*\*

Bobby H. Richardson, Glasgow (1976-78; 1980-85)

Marcia Milby Ridings, London (2006-10)

**Wm. T. (Bill) Robinson, III, Florence (2012-present)**

John B. Rodes, Bowling Green (1940-41)

**Gail Russell, Prospect (2011-present)**

**Mark Sandlin, Prospect (2010-present)**

Edith M. Schwab, Frankfort (1977-89)

John T. Shelby, Lexington (1909-16)

Greenberry Simmons, Louisville (1939-55)

J.B. Snyder, Harlan (1921-32)

John M. Spangler, Frankfort (1989-2001)

**Henry L. Stephens, Union (2012-present)**

Henry D. Stratton, Pikeville (1975-89)

William L. Sullivan, Henderson (1974-77)

Edward D. Summers, Frankfort (1964-67)

John Swinford, Cynthiana (1974-75)

Orba F. Taylor, Frankfort (1941-43; 1957)

James A. Tyler, Frankfort (1954-56) \*\*

Benjamin Washer, Louisville (1921-39)

Will Tom Wathen, Morganfield (1960-67; 1971-73)

Charles Wheeler, Frankfort (1961-63) \*\*

David B. Whites, Frankfort (1960-61) \*\*

Pierce Whites, Frankfort (2010-11)

Charles S. Wible, Owensboro (1972-73)

**Steve Wilborn, Shelbyville (1989-present) \***

D.W. Wright, Bowling Green (1914-18)

Ann Zimmer, Frankfort (2006-08) \*\*

## **LOUISIANA:**

Bhishma K. Agnihotri, Baton Rouge (1980-92)

Glenn Ansardi, Kenner (2001-07)

Paul Brosman, New Orleans (1938-55)

Thomas A. Casey, Baton Rouge (2000-10)

James Thomas Connor, New Orleans (1938-89) \*

William E. Crawford, Baton Rouge (1978-2009) \*\*

William L. Crowe, Sr., New Orleans (1982-86)

DeVan D. Daggett, Logansport (1970-92)

Ned E. Doucet, Jr., Abbeville (1979-85)

Norma M. Duncan, Baton Rouge (1970-86) \*\*

Adrian G. Duplantier, New Orleans (1977-78)

Ray Forrester, New Orleans (1956-62)

Henry D. Gabriel, Jr., New Orleans (1992-2009)

*North Carolina Commissioner (2009-present) \**

Marcel Garsaud, Jr., New Orleans (1979-82)

**Jerry J. Guillot, Baton Rouge (1985-present) \***

William O. Hart, New Orleans (1903-29)

William D. Hawkland, Baton Rouge (1979-93; 1999-2002)

Paul M. Hebert, Baton Rouge (1955-69)

Thomas K. Kernan, Baton Rouge (1903-10)

Howard L. L'Enfant, Jr., Baton Rouge (1979-80)  
Ellis C. Magee, Baton Rouge (1984-86)  
Wes S. Malone, Baton Rouge (1977-78)  
Henry George McMahon, Baton Rouge (1939-40) \*\*  
Ben R. Miller, Sr., Baton Rouge (1970-83)  
Cecil Morgan, New Orleans (1963-69)  
A.E. Papale, New Orleans (1966-72)  
Robert G. Pugh, Shreveport (1976-2007) \*  
**Mary Quaid, Baton Rouge (2011-present) \*\***  
Charles J. Rivet, New Orleans (1929-37)  
Charles William Roberts, Baton Rouge (1994-96)  
**Michael H. Rubin, Baton Rouge (2010-present)**  
J. Denson Smith, Baton Rouge (1941-77) \*\*  
Thomas H. Sponslor, New Orleans (1987-91)  
J.R. Thornton, Alexandria (1903-15)  
Ralph S. Thornton, Alexandria (1916-37)  
Kerry Triche, Baton Rouge (2001-10)  
R.L. Tullis, Baton Rouge (1921-54) \*  
Paul R. Verkuil, New Orleans (1979-85)  
I.D. Wall, Baton Rouge (1911-20)

## **MAINE:**

Charles P. Barnes, Houlton (1914-20)  
Carl O. Bradford, Freeport (1972-75)  
**Paul W. Chaiken, Bangor (2002-present)**  
**Bruce A. Coggeshall, Portland (1987-present)**  
Harry L. Cram, Portland (1913-43)  
John P. Deering, Saco (1926-46) \*  
L. Smith Dunnack, Augusta (1938-72) \*  
P.H. Gillen, Portland (1913-25)  
Hannibal E. Hamlin, Ellsworth (1895-1912)  
Nathaniel M. Haskell, Portland (1944-83) \*

Robert L. Hazard, Portland (1978-83)

Frank M. Higgins, Limerick (1895-1913)

John David Kennedy, Augusta (1988-94) \*\*

Charles F. Libby, Portland (1895-1909)

Herbert E. Locke, Augusta (1935-40)

Margaret E. Matheson, Augusta (1993-2009) \*\*

Vincent L. McKusick, Portland (1968-76)

H.H. Murchie, Calais (1922-34)

Frederick P. O'Connell, Augusta (1961-78; 1983-90) \*

Charles R. Priest, Augusta (1974-78) \*\*

**Ann R. Robinson, Augusta (2012-present)**

**Robert C. Robinson, Portland (1976-present) \***

David S. Silsby, Augusta (1970-88) \*\*

Levi Turner, Portland (1910)

Lewis V. Vafiades, Bangor (1976-2001) \*

Gerard Williams, Farmington (1949-54)

## **MARYLAND:**

Alexander Armstrong, Baltimore (1924-39)

Randolph Barton, Jr., Baltimore (1924-34)

**Albert D. Brault, Rockville (2003-present)**

**K. King Burnett, Salisbury (1979-present) \***

Geoffrey D. Cant, Annapolis (1978-88) \*\*

Walter L. Clark, Baltimore (1940)

C. Walter Cole, Towson (1939-58)

**M. Michael Cramer, Rockville (1977-present) \***

William P. Cunningham, Baltimore (1965-75)

William Curran, Baltimore (1940-46)

H. Vernon Eney, Baltimore (1947-50)

Carl N. Everstine, Baltimore (1953-77) \*\*

Eugene M. Feinblatt, Baltimore (1951-54)

Horace E. Flack, Baltimore (1938-52) \*\*



George W. Gaither, Jr., Baltimore (1896-1907)

**M. King Hill, Jr., Parkville (1959-present) \***

John Hinkley, Baltimore (1912-39)

Roger Howell, Baltimore (1947-58)

Earl F. Leitess, Baltimore (2003-06)

**Steven N. Leitess, Baltimore (2006-present)**

E. Paul Mason, Baltimore (1941-46)

Avrum K. Rifman, Baltimore (1955-58)

Morton M. Robinson, Baltimore (1959-79; 1976)

Jacob Rohrback, Frederick (1908-11)

George A. Shehan, Towson (1975-77)

William G. Sommerville, Annapolis (1990-99) \*\*

Henry Stockbridge, Baltimore (1912-23)

Milton G. Urner, Frederick (1896-1907)

Elizabeth Buckler Veronis, Annapolis (1987-90) \*\*

George Whitelock, Baltimore (1908-19)

Lewin W. Wickes, Chestertown (1908-11)

George Weems Williams, Baltimore (1920-23)

Stevenson A. Williams, Bel Air (1896-1907)

Harrison L. Winter, Baltimore (1959-64)

J. Purdon Wright, Baltimore (1935-38)

## **MASSACHUSETTS:**

James Barr Ames, Cambridge (1902-09)

Hollis R. Bailey, Boston (1909-33)

Joseph H. Beale, Cambridge (1929-31)

Edmund H. Bennett, Taunton (1892-1897)

Joseph G. Brady, Boston (1995-96) \*\*

Louis B. Brandeis, Boston (1900-05)

Robert Braucher, Cambridge (1955-70)

**Stephen Y. Chow, Boston (1994-present)**

Timothy J. Cronin, Jr., Boston (1980-89)

John A. Daly, Boston (1943-49)

Elaine M. Farrell, Boston (1986-2001) \*\*

George E. Gardner, Boston (1905-07)

John C. Gray, Boston (1898-99)

Charles M. Haar, Cambridge (1979-85)

Robert Haydock, Jr., Boston (1973-97) \*

**Martin W. Healy, Boston (2012-present)**

Fernald Hutchins, Boston (1938-48) \*\*

Leonard A. Jones, Boston (1892-1901)

Robert Keeton, Cambridge (1971-78)

George V. Kenneally, Jr., Boston (1984-95) \*\*

Randall L. Kennedy, Cambridge (1996-2002)

James M. Landis, Cambridge (1932-33)

Willard B. Luther, Boston (1934-61) \*

Walter D. Malcolm, Boston (1955-78) \*

James R. McIntyre, Boston (1978-85) \*\*

George E. McNeil, Cambridge (1902-05)

Paul C. Menton, Boston (1976-86) \*\*

Richard L. Morningstar, Cambridge (1990-94)

Frederick H. Nash, Boston (1906-07)

Joseph F. O'Connell, Boston (1914-42)

Joseph F. O'Connell, Jr., Boston (1949-54)

Henry Parkman, Jr., Boston (1934-44)

Allan G. Rodgers, Boston (1975-79; 1986-95)

Samuel Ross, New Bedford (1907-13)

Edward L. Schwartz, Weston (1949-2004) \*

Jean Sisson, Boston (1945-49)

**Robert H. Sitkoff, Cambridge (2008-present)**

**Edwin E. Smith, Boston (1993-present) \***

Frederic J. Stimson, Boston (1892-1904)

David E. Sullivan, Boston (1996-2007) \*\*

Steven Thomas, Boston (2007-08) \*\*

George W. Weymouth, Fitchburg (1902-05; 1907)

Henry D. Wiggin, Boston (1938-48) \*\*

Frederick B. Willis, Boston (1949-75) \*\*

Samuel Williston, Cambridge (1910-28)

## **MICHIGAN:**

Stephen Adamini, Lansing (2001-03)

Justin Amash, Lansing (2009-11)

Laura Baird, Lansing (1997-2001)

Dan H. Ball, Marquette (1911-17)

Richard A. Bandstra, Lansing (1993-95)

George W. Bates, Detroit (1903-20)

Henry M. Bates, Ann Arbor (1921-32)

John C. Bills, Detroit (1933-40)

David R. Bishop, Lansing (1965-76) \*\*

Donald. E. Bishop, Lansing (1975-83) \*\*

Cyrenius P. Black, Lansing (1965-76) \*\*

George G. Bogert, Three Oaks (1959-76) \*

*New York Commissioner (1920-25)*

*Illinois Commissioner (1927-51)*

*California Commissioner (1951-58)*

G. Elwood Bonine, Lansing (1964) \*\*

Roscoe O. Bonisteel, Ann Arbor (1944-62)

Basil W. Brown, Lansing (1972-84; 1985-86)

Linda L. Bruin, Lansing (1977-78)

William R. Bryant, Jr., Lansing (1976)

**Thomas J. Buiteweg, Ann Arbor (2004-present)**

W. Perry Bullard, Lansing (1981-93)

Willis Bullard, Jr., Lansing (1998-2003)

Edward Cahill, Lansing (1917-21)

Charles W. Casgrain, Detroit (1892-1908)

Dennis O. Cawthorne, Lansing (1975)

Mark Clodfelter, Lansing (1979-80)

Paul Condino, Lansing (2005-09)

**Kevin M. Cotter, Mt. Pleasant (2011-present)**

Andy Coulouris, Lansing (2009-10)

Alan Cropsey, Lansing (1984-86)

Alva M. Cummins, Lansing (1933-37)

S.M. Cutcheon, Detroit (1892-99)

Dan L. DeGrow, Lansing (1983-85)

Christopher D. Dingell, Lansing (1995-2003)

Tom Downs, Lansing (1969-2007) \*

Richard D. Fessler, Lansing (1977-83)

Michael Franck, Lansing (1975-94)

Lawrence C. Fyfe, Benton Harbor (1909)

Thomas Guastello, Lansing (1974)

Gary B. Gulliver, Lansing (1984-2004)

Burritt Hamilton, Battle Creek (1918-20)

Dennis M. Hertel, Lansing (1979-80)

Donald J. Hoenshell, Lansing (1966)

Donald E. Holbrook, Jr., Lansing (1972-73)

David M. Honigman, Lansing (1986-98)

Jason L. Honigman, Detroit (1963-65)

Wesley W. Hyde, Grand Rapids (1903-08)

**Charles W. Joiner, Naples, FL (1963-present) \***

Andrew Kandrevas, Lansing (2010-11)

Dean W. Kelley, Lansing (1938-52)

John F. Kelly, Lansing (1986-95)

Walter Krapohl, Flint (1966-67)

David Law, Lansing (2005-09)

Gerald H. Law, Lansing (1995-97)

**Ellen C. Lipton, Lansing (2011-present)**

A.C. Maxwell, Bay City (1892-93)  
Edward C. McCobb, Grand Rapids (1960-62)  
C.J. McNeil, Lansing (1957-63) \*\*  
Wade Millis, Detroit (1921-32)  
Ernest W. Nash, Lansing (1983-86)  
Michael E. Nye, Lansing (1991-93)  
Thomas J. O'Brien, Grand Rapids (1895-1902)  
W. Joseph Palamara, Lansing (1993-98)  
Bruce Patterson, Lansing (2003-11)  
William J. Pierce, Ann Arbor (1953-69; 1992-2004) \*  
*Executive Director (1969-92)*  
Allan E. Reyhons, Lansing (1967-79)  
Robert Richardson, Lansing (1972-74)  
Andrew Richner, Lansing (1997-2003)  
Paul A. Rosenbaum, Lansing (1975-78) \*\*  
Frances F. Royce, Lansing (1938-55) \*\*  
Arthur H. Ryall, Escanaba (1922-32)  
Kenneth E. Sanders, Lansing (1957-75) \*\*  
Eugene F. Sharkoff, Lansing (1943-56) \*\*  
Norman D. Shinkle, Lansing (1986-91)  
Elliott Smith, Lansing (1980-84)  
Frederick L. Stackable, Lansing (1973-74)  
E. Blythe Stason, Ann Arbor (1933-71)  
**John Strand, Lansing (2004-present)**  
J. Robert Traxler, Lansing (1972-73)  
**Robert B. Webster, Beverly Hills (1995-present)**  
Richard V. Wellman, Ann Arbor (1969-73)  
*Georgia Commissioner (1974-2005) \**  
**James J. White, Ann Arbor (1997-present)**  
Gretchen Whitmer, Lansing (2007-11)

**MINNESOTA:**

Howard S. Abbott, Minneapolis (1906-09)

W.W. Billson, Duluth (1893-1909)

Norman E. Bjorn, St. Paul (1951-55)

Lorna Breiter, St. Paul (1998-99)

Donald E. Bridgman, Minneapolis (1926-75) \*

Joseph J. Bright, St. Paul (1958-59) \*\*

Frederick V. Brown, Minneapolis (1905-09)

Rome G. Brown, Minneapolis (1905; 1908-25)

C.E. Chapman, Fergus Falls (1893-1902)

S.R. Child, Minneapolis (1915-27)

**Jack Davies, Minneapolis (1966-present) \***

Henry Deutsch, Minneapolis (1910)

Daniel Fish, Minneapolis (1906-09)

Charles E. Flandrau, St. Paul (1893-1907)

David L. Graven, Albert Lea (1958-60)

**Harry J. Haynsworth, IV, Williamsburg, VA (1995-present) \***

*Illinois Commissioner (1992-95)*

William B. Henderson, St. Paul (1939-51) \*\*

**Gene H. Hennig, Minneapolis (2009-present)**

**Melissa Hortman, St. Paul (2011-present)**

T.R. Kane, St. Paul (1906-09)

Duncan L. Kennedy, St. Paul (1952-57) \*\*

Richard E. Kyle, St. Paul (1937-43)

**Harriet Lansing, St. Paul (1993-present)**

Frank D. Larrabee, Minneapolis (1906-09)

Edward Lees, Winona (1911-14)

Henry C. Mackall, Minneapolis (1933-36)

Bert McMullen, Minneapolis (1960-70)

Hugh Victor Mercer, Minneapolis (1928-32)

Albert R. Moore, St. Paul (1906-09)

John W. Mooty, Minneapolis (1961-71)

Ruben N. Nelson, Breckenridge (1961-65)

John D. O'Brien, St. Paul (1906-09)

W.S. Pattee, Minneapolis (1893-98)

Maynard E. Pirsig, St. Paul (1947-97) \*

William L. Prosser, Minneapolis (1944-48)

*California Commissioner (1949-53)*

Bruce W. Sanborn, St. Paul (1925-77) \*

Cordenio A. Severance, St. Paul (1910-24)

Charles M. Start, Rochester (1893-98)

**Robert A. Stein, Minneapolis (1973-present) \***

**Michael P. Sullivan, Minneapolis (1971-present) \***

**Robert J. Tennessen, Minneapolis (1989-present) \***

Paul J. Thompson, Minneapolis (1937-38)

**Michele L. Timmons, St. Paul (1998-present)**

**Harry M. Walsh, St. Paul (1971-present) \***

## **MISSISSIPPI:**

Guthrie T. Abbott, University (1985-86)

Cheryn Baker, Brandon (2010-12)

**Mark Baker, Brandon (2012-present)**

Percy Bell, Greenville (1924)

Edward Blackmon, Canton (2004-08)

W. Joel Blass, Gulfport (1980-87)

Joel W. Bunkley, Jr., University (1970-71)

S.S. Calhoun, Jackson (1892-1908)

Neely C. Carlton, Jackson (2000-03; 2004-06)

Hugh N. Clayton, New Albany (1956-94) \*

Wiley H. Clifton, Aberdeen (1920-24)

Thomas A. Cook, Ridgeland (2004-07)

J.W. Cutrer, Clarksdale (1912-14)

**Robert Davidson, Jackson (2000-present)**

Robert N. Davis, University (1993-2000)

Samuel M. Davis, University (2000-04)

David C. Dunbar, Jackson (1996-2000)

Robert J. Farley, University (1950-63)

Joey Fillingane, Sumrall (2009-12)

John M. Harral, Gulfport (2000-04)

George P. Hewes, III, Jackson (1980-93)

William Hooper, Jr., University (1988; 1990-2006) \*\*

**Briggs Hopson, Vicksburg (2012-present)**

**Selby A. Ireland, Ridgeland (2004-present)**

O.G. Johnston, Clarksdale (1915-23)

L. Barrett Jones, Jackson (1925-59) \*

H. Colby Lane, Jackson (2007-12)

Joseph H. Loper, Jr., Ackerman (1999-2000)

Tom R. Mason, University (1986-93)

Robert N. Miller, Hazelhurst (1915-29)

Michael P. Mills, Jackson (1993-2000)

**Robert W. Moak, Bogue Chitto (2008-present)**

Joshua M. Morse, III, University (1964-68)

*Florida Commissioner (1970-2012) \**

**William A. Neely, Jr., Jackson (1988-present) \*\***

LeRoy Percy, Greenville (1915-23)

Edwin Perry, Jackson (2000-04) \*\*

Regina R. Quinn, Jackson (2000-04)

**C.J. Richardson, Jackson (2004-present) \*\***

Charles E. Ross, Jackson (2004-07)

Albert L. Sage, III, University (1988-89) \*\*

John C. Satterfield, Jackson (1950-55)

James S. Sexton, Hazelhurst (1911-28)

Audley W. Shands, Cleveland (1925-34)

Dugas Shands, Cleveland (1946-49)

Thomas B. Shepherd, III, Jackson (1993-97)



**Drew L. Snyder, Jackson (2012-present)**

Robert N. Somerville, Cleveland (1936-45)

A.T. Stovall, Okolona (1909-33)

W.V. Sullivan, Oxford (1892-1910)

R.H. Thompson, Brookhaven (1892-1911)

**Teresa A. Tiller, Jackson (1988-present) \***

Webb W. Venable, Clarksdale (1924-33)

Percy W. Watson, Hattiesburg (1988-93; 2000-04)

Parham H. Williams, Jr., University (1971-85)

**William T. Wilkins, University (2006-present)**

**Jack Wilson, Jackson (2012-present)**

Gibson B. Witherspoon, Meridian (1947-80) \*

**MISSOURI:**

**John Fox Arnold, St. Louis (1973-present) \***

Thomas E. Atkinson, Columbia (1943-44)

**Robert G. Bailey, Columbia (2001-present)**

F.M. Black, Kansas City (1895-98)

Patty Buxton, Jefferson City (2004-10) \*\*

Nick T. Cave, Columbia (1940-41)

Charlton F. Chute, Jefferson City (1944-45) \*\*

**Kenneth D. Dean, Columbia (2004-present)**

**David M. English, Columbia (2000-present)**

G.A. Ginkelburg, St. Louis (1895-98)

**Michael A. Ferry, St. Louis (2000-present)**

Paul E. Fitzsimmons, St. Louis (1946-58)

**Patricia B. Fry, Edgewood, NM (2001-present) \***

*North Dakota Commissioner (1990-2001)*

Ralph F. Fuchs, St. Louis (1936-45)

Floyd R. Gibson, Kansas City (1957-2001) \*

Thomas D. Graham, Jefferson City (1962-64)

Lewis C. Green, St. Louis (1966-2003) \*

William G. Hale, St. Louis (1929)

James H. Harkless, Kansas City (1922-23)

Patrick E. Hartigan, Kansas City (1981-83)

Timothy J. Heinsz, Columbia (1994-2004)

**Russ Hembree, Jefferson City (2010-present) \*\***

William H. Henning, Columbia (1994-2001)

*Executive Director (2001-07)*

*Alabama Commissioner (2007-present)*

S.G. Hopkins, Jefferson City (1966-77) \*\*

Robert L. Howard, Columbia (1946-72) \*

Manley O. Hudson, Columbia (1916-19)

Grover C. James, Joplin (1938)

David C. Jones, Jefferson City (1985-86) \*\*

Frederick N. Judson, St. Louis (1916-18)

Ralph C. Kidd, Jefferson City (1993-2004) \*\*

Edwin A. Krauthoff, Kansas City (1909-20)

John D. Lawson, Columbia (1909-12)

Frederick W. Lehmann, St. Louis (1913-15)

Frank M. Masters, Jefferson City (1972-93) \*\*

James P. McBaine, Columbia (1919-25)

Eugene McQuillin, St. Louis (1926-36)

Grant S. Nelson, Columbia (1983-91)

William R. Nelson, Jefferson City (1946-71) \*\*

John W. Noble, Kennett (1957-60)

William Henry Harrison Piatt, Kansas City (1921-59) \*

**Lowell Pearson, Jefferson City (2009-present)**

William W. Quigg, Jefferson City (1962-65) \*\*

Richard J. Rabbit, St. Louis (1965-77)

Patrick A. Randolph, Jr., Kansas City (2002-12)

Alexander H. Robbins, St. Louis (1931-34)

Wiley B. Rutledge, St. Louis (1931-34)

*Iowa Commissioner (1937-42)*

R. Jasper Smith, Springfield (1944-61)

Albert M. Spradling, Jr., Cape Girardeau (1961-72)

D.P. Stratton, Nevada (1895-98)

Willard L. Sturdevant, St. Louis (1920-25)

Edward D. Summers, Jefferson City (1950-61) \*\*

Seneca N. Taylor, St. Louis (1907-14)

Harry Wiggins, Kansas City (1993-2004)

Charles P. Williams, St. Louis (1939-41)

William M. Williams, Boonville (1916)

Joseph Zumbalen, St. Louis (1924-28)

## **MONTANA:**

Alex Blewett, Great Falls (1957-2003) \*

G. Steven Brown, Helena (1982-83)

J.W. Clayberg, Helena (1893-1912)

Stephen J. Cowley, Great Falls (1914-21)

Diana S. Dowling, Helena (1975-88)

**E. Edwin Eck, II, Missoula (1989-present) \***

**Todd M. Everts, Helena (2012-present) \*\***

James T. Harrison, Helena (1957-82) \*

William H. Hoover, Great Falls (1927-39)

W. J. Jameson, Billings (1944-56)

Howard A. Johnson, Helena (1944-52)

Hiram Knowles, Missoula (1908-10)

Charles R. Leonard, Butte (1922-26)

T.C. Marshall, Missoula (1893-1911)

Joseph P. Mazurek, Helena (1984-2012) \*

William P. Mufich, Helena (1970) \*\*

Raymond T. Nagle, Helena (1934-42)

James C. Nelson, Helena (1996-2008)

C.B. Nolan, Helena (1912-14)

Charles O'Donnell, Butte (1913)

W.F. O'Leary, Great Falls (1922-37)

Gregory J. Petesch, Helena (1985-2010) \*\*

**Karen E. Powell, Helena (2008-present)**

Robert C. Pyfer, Helena (1979-85) \*\*

J.B. Roote, Butte (1915-21)

Louis P. Saunders, Butte (1914-21)

C.A. Spaulding, Helena (1922-39)

J.W. Strevell, Miles City (1893-1904)

Robert E. Sullivan, Missoula (1957-2009) \*

J.H. Toelle, Missoula (1944-52)

James E. Vidal, Kalispell (1989-96)

**Michael E. Wheat, Helena (2009-present)**

H.L. Wilson, Billings (1912-13)

Margaret Young, Forsyth (1923-42)

## **NEBRASKA:**

**Jill Robb Ackerman, Omaha (2011-present)**

William H. Barnes, Fairbury (1926-34)

Robert E. Barnett, Lincoln (1967-70)

**C. Arlen Beam, Lincoln (1979-present) \***

Fred S. Berry, Wayne (1929)

Thomas W. Blackburn, Omaha (1926-27)

Ralph W. Breckenridge, Omaha (1906-12)

Bruce A. Cutshall, Lincoln (1973-80) \*\*

Clarence A. Davis, Lincoln (1922-25)

Robert W. Devoe, Lincoln (1926-34)

Thomas J. Doyle, Lincoln (1916-21)

H.D. Estabrook, Omaha (1893-98)

Herman Ginsberg, Lincoln (1971-73)

Paul F. Good, Lincoln (1935-36)

Henry M. Grether, Jr., Lincoln (1967-2003) \*

Katherine R. Hall, North Platte (1999-2000)

Fred T. Hanson, McCook (1937-90) \*

John F. Hanson, McCook (1967-70)

William G. Hastings, Wilbur (1909-10)

Richard H. Hoch, Omaha (1971)

William R. Hoppner, Lincoln (1976-78)

Walter D. James, Lincoln (1946-66) \*\*

J.A. Kennedy, Omaha (1913-21)

**Norman Krivosha, Naples, FL (1974-present) \***

Barton H. Kuhns, Omaha (1937-83) \*

Edward F. Leary, Omaha (1922-25)

Amy L. Longo, Omaha (2001-11)

T. M. Marquette, Lincoln (1893-98)

William Morrow, Scottsbluff (1935-36)

Robert D. Neely, Omaha (1928)

**Joanne M. Pepperl, Lincoln (1980-present) \***

**Harvey S. Perlman, Lincoln (1987-present) \***

Roscoe Pound, Lincoln (1906-07)

William C. Ramsey, Omaha (1929-37)

Wallace M. Rudolph, Lincoln (1971-76)

**Larry L. Ruth, Lincoln (1995-present)**

Addison E. Sheldon, Lincoln (1920-21)

Daniel Stubbs, Alliance (1938-2002) \*

Ralph A. Van Orsdel, Omaha (1919)

John L. Webster, Omaha (1905-21)

Arthur R. Wells, Omaha (1922-25)

**Steven L. Willborn, Lincoln (2007-present)**

H.H. Wilson, Lincoln (1911-15)

John J. Wilson, Lincoln (1967-73) \*\*

James M. Woolworth, Omaha (1893-1905)

**NEVADA:**

Ernest E. Adler, Carson City (1991-2001)

Mark Amodei, Reno (2004-10)

Annette Appell, Las Vegas (2006-08)

Albert D. Ayres, Reno (1935-40)

**Robert R. Barengo, Reno (1975-present) \***

J. Roger Bissett, Reno (1963-67)

**Christopher L. Blakesley, Las Vegas (2012-present)**

**Greg Brower, Reno (2001-05; 2011-present)**

B. Mahlon Brown, Las Vegas (1961-62)

David Brown, Henderson (2004-06)

Hugh H. Brown, Tonopah (1913-23)

Barbara E. Buckley, Las Vegas (1995-2001)

Perry P. Burnett, Carson City (1974)

E.E. Caine, Elko (1915-21)

**Terry J. Care, Las Vegas (1999-present)**

Alfred Chartz, Carson City (1925-26)

A. E. Cheney, Reno (1911-12)

Everett W. Cheney, Reno (1927-34)

Melvin D. Close, Jr., Las Vegas (1965-83)

G. William Coulthard, Las Vegas (1959-60)

**Frank W. Daykin, Reno (1975-present) \***

Andrew D. Demetras, Ely (1959-60)

**Brenda J. Erdoes, Carson City (1994-present)**

W.K. Freudenberger, Carson City (1915-18)

John S. Halley, Reno (1959-60)

Prince A. Hawkins, Reno (1928-31)

Robert Z. Hawkins, Reno (1932-37)

**William C. Horne, Las Vegas (2006-present)**

David E. Humke, Reno (1995-2005)

H. Walter Huskey, Reno (1926-27)

Mark A. James, Las Vegas (1995-2003)

Linda S. Jessen, Carson City (1986-87)

**Kay P. Kindred, Las Vegas (2006-present)**

A.J. Maestretti, Reno (1938-41)

Lorne J. Malkiewich, Carson City (1987-94)

Russell W. McDonald, Carson City (1954-71)

G.A. McElroy, Reno (1911)

Frank R. McNamee, Caliente (1911-14)

Joseph W. McNamee, Las Vegas (1963-64)

Homer Mooney, Carson City (1922-26)

Francis J. Mootz, III, Las Vegas (2008-12)

*Pennsylvania Commissioner (2007-08)*

H.V. Morehouse, Goldfield (1912-14)

Frank H. Norcross, Reno (1913-14; 1922-26)

**James Ohrenschall, Las Vegas (2010-present)**

**Genie Ohrenschall-Daykin, Las Vegas (2001-present)**

**Kevin C. Powers, Carson City (2006-present)**

William J. Raggio, Reno (1987-91)

**Michael Roberson, Las Vegas (2010-present)**

Sidney W. Robinson, Reno (1941-58)

William G. Ruymann, Las Vegas (1950-59)

Robert M. Sader, Reno (1983-94)

Scott Scherer, Carson City (1993-2006)

A.L. Scott, Pioche (1927-66) \*

**Richard T. Segerblom, Las Vegas (2007-present)**

Coe Swobe, Reno (1967-71)

Roy L. Torvinen, Reno (1971-74)

Scott Wasserman, Carson City (1995-2005)

**Bradley A. Wilkinson, Carson City (2006-present)**

Thomas R.C. Wilson, Reno (1983-86)

Clinton E. Wooster, Carson City (1971-73)

**NEW HAMPSHIRE:**

John P. Arnold, Concord (1989-94)

Kelly Ayotte, Concord (2004-09)

Henry E. Burnham, Manchester (1893-1911)

Ira A. Chase, Bristol (1905-25)

Willoughby A. Colby, Concord (1948-64)

Forrest B. Cole, Lebanon (1948-49)

Clyde Coolidge, Somersworth (1974-82)

Burt R. Cooper, Rochester (1934-55)

**Michael Delaney, Concord (2009-present)**

Lynn M. Dennis, Concord (1984-88) \*\*

**W. Michael Dunn, Manchester (1980-present) \***

Robert English, Hancock (1950)

Joseph W. Fellows, Manchester (1893-1905)

George M. French, Nashua (1928-40)

Kenneth F. Graf, Manchester (1938-41)

Judd A. Gregg, Nashua (1975-77)

Leonard C. Hardwicke, Rochester (1957-69)

Peter W. Heed, Concord (2003-04)

Jeffrey R. Howard, Concord (1993-2000)

Donald S. Jennings, Concord (1976-84) \*\*

Stephen S. Jewett, Laconia (1923-31)

Joseph Madden, Keene (1911-21)

Robert L. Manning, Manchester (1913-18)

Susan E. Marshall, Concord (1989-97) \*\*

Arthur G. Marx, Concord (1971-75) \*\*

William Maynard, Concord (1962-65)

John R. McLane, Manchester (1923-26)

Philip T. McLaughlin, Concord (1997-2003)

Stephen E. Merrill, Concord (1984-89)

Jack B. Middleton, Manchester (1971-74)

William Millimet, Manchester (1965-73)



Elwin L. Page, Concord (1926-33)

George S. Pappagianis, Concord (1966-69)

James P. Richardson, Hanover (1932-38)

Warren B. Rudman, Concord (1970-75)

**Michael D. Ruedig, Concord (1986-present)**

Gregory H. Smith, Concord (1984-85)

David H. Souter, Concord (1976-79)

J.L. Spring, Lebanon (1893-99)

D. Arthur Taggart, Manchester (1919-22)

Gordon M. Tiffany, Concord (1951-52)

Gardner C. Turner, Concord (1961)

Louis C. Wyman, Concord (1953-60)

## **NEW JERSEY:**

Arthur L. Abrams, Newark (1958-70)

Edward Ambler Armstrong, Princeton (1929-32)

Joseph D. Bedle, Jersey City (1895-99)

Robert K. Bell, Ocean City (1934-86) \*

Frank Bergen, Elizabeth (1895-1916)

George H. Bohlinger, Trenton (1974-77) \*\*

Joseph A. Bottitta, West Orange (1986-91)

George A. Bourgeois, Atlantic City (1917-28)

Leonard G. Brown, Orange (1956-69)

**John M. Cannel, Newark (2010-present) \*\***

James M. Coleman, Jr., Trenton (1977-80) \*\*

Otto Crouse, Jersey City (1892-93)

Mary Joan Dickson, Trenton (1984-92) \*\*

**Joseph M. Donegan, Lyndhurst (1998-present)**

John R. Emery, Morristown (1909-11)

**Barry H. Evenchick, Roseland (1981-present) \***

Wanda Williams Finnie, Freehold (1998-2000)

J. Franklin Fort, Newark (1895-1900)

Maurice E. Gold, Trenton (1981-84) \*\*

Charles R. Hardin, Newark (1929-50) \*

John R. Hardin, Newark (1900-28)

Joseph Harrison, Newark (1954-55)

Bernard Hellring, Newark (1956-91) \*

Myron W. Kronisch, Newark (1971-75)

Howard G. Kulp, Jr., Camden (1970-75)

Edward T. Moore, Passaic (1936-37)

Joseph M. Nolan, Newark (1976-80)

Daniel J. O'Hern, Newark (2001-04)

**Stephen M. Orlofsky, Princeton (2004-present)**

Alexander F. Ormsby, Jersey City (1938-42; 1946-53)

R. Wayne Parker, Newark (1892-93)

Joseph B. Perskie, Atlantic City (1929-34)

**Howard T. Rosen, Marco Island, FL (1976-present) \***

Joel D. Siegal, Newark (1991-98)

Frank H. Sommer, Newark (1952-54)

Mark A. Sullivan, Jersey City (1913-28)

Frank Transue, Trenton (1932-33)

G.D. Vroom, Trenton (1892-93)

Woodrow Wilson, Princeton (1901-08)

## **NEW MEXICO:**

J.W. Armstrong, Carlsbad (1923-24)

Felix Baca, Albuquerque (1919-21)

C.M. Botts, Albuquerque (1917-24)

Harry Bowman, Santa Fe (1922)

Homer Clay Buchanan, Santa Fe (1967-87)

John A. Budagher, Albuquerque (1983-87)

**Raul E. Burciaga, Santa Fe (2010-present)**

**John P. Burton, Santa Fe (1989-present)**

**Joseph Cervantes, Las Cruces (2007-present)**

John E. Conway, Alamogordo (1978-79)

**Zachary J. Cook, Ruidoso (2009-present)**

C.C. Davidson, Tucumcari (1940-41)

S.B. Davis, Jr., Las Vegas (1919-22)

H.C. Denny, Gallup (1927-31)

**Robert J. Desiderio, Albuquerque (1990-present)**

Hiram M. Dow, Roswell (1925-26)

John P. Eastham, Albuquerque (1959-74)

James G. Fitch, Socorro (1908-16)

Thomas P. Foy, Sr., Silver City (1987-2011) \*

A.A. Freeman, Carlsbad (1908-12)

A.L. Gausewitz, Albuquerque (1955-57)

Finis L. Heidel, Lovington (1967-70)

Judith C. Herrera, Santa Fe (1992-94)

James M. Hervey, Santa Fe (1908-18)

Reed Holloman, Santa Fe (1917-19)

Frank L. Horan, Albuquerque (1979-80)

**Daniel A. Ivey-Soto, Albuquerque (2009-present)**

Theodore E. Jones, Albuquerque (1951-58)

**Philip P. Larragoite, Santa Fe (1994-present)**

W.J. Lucas, Las Vegas (1918)

Daniel Lyon, Albuquerque (1971-78)

Fernando R. Macias, Las Cruces (1988-93)

Claud S. Mann, Albuquerque (1951-58)

W. Ken Martinez, Grants (1999-2007)

Clyde C. McCulloh, Estancia (1947-50)

**Cisco McSorley, Albuquerque (1998-present)**

Thomas E. Mears, Portales (1932-39)

Joseph H. Mercer, Albuquerque (1980-83)

Richard C. Minzner, Albuquerque (1981-84)

Tom W. Neal, Santa Fe (1938-44) \*\*

**Al Park, Albuquerque (2009-present)**

**William H. Payne, Albuquerque (2009-present)**

Orie L. Phillips, Albuquerque (1925-74) \*

Arie Poldevart, Albuquerque (1957-66)

Gary Don Reagan, Hobbs (1993-97)

C. Gene Samberson, Lovington (1984-85)

**Raymond G. Sanchez, Albuquerque (2001-present)**

Milton S. Seligman, Albuquerque (1959-66)

J.O. Seth, Santa Fe (1923-31; 1935-39)

John F. Simms, Jr., Albuquerque (1947-54)

Hal Stratton, Albuquerque (1985-86)

**Paula Tackett, Santa Fe (1988-present) \***

R.E. Thompson, Roswell (1975-77)

Thomas A. Whalen, Lovington (1932-34)

Francis C. Wilson, Santa Fe (1913-16)

## **NEW YORK:**

Carlos C. Alden, Buffalo (1910-25)

Henry R. Beekman, New York (1892-93)

Francis Bergan, Albany (1974-88)

George G. Bogert, Ithaca (1920-25) \*

*Illinois Commissioner (1927-51)*

*California Commissioner (1951-58)*

*Michigan Commissioner (1959-76)*

Irving Browne, Buffalo (1892-98)

Alfred A. Buerger, Buffalo (1952-75) \*

Francis Burdick, New York (1907-19)

Robert E. Congdon, Albany (1940-51) \*\*

John H. Conroy, Albany (1938-54) \*\*

Jason Cooper, Albany (2007-09) \*\*

A. Fairfield Dana, New York (1952-71)

Edward T. Dunleavy, Albany (1957-74) \*\*

Jamie-Lynn Elacqua, Albany (2001-07) \*\*

J. Daniel Fink, Albany (1955-56) \*\*

Henry S. Fraser, Syracuse (1937-2001) \*

**Norman L. Greene, New York (1992-97; 2000-present)**

Albert E. Henschel, New York (1893-1904)

Mendes Hershman, New York (1978-92)

William E. Hogan, New York (1974-91)

William H. Hotchkiss, Buffalo (1907-08)

E.W. Huffcut, Ithaca (1905-06)

Karl N. Llewellyn, New York (1926-50) \*

*Illinois Commissioner (1951-61)*

Walter S. Logan, New York (1902-05)

**Richard B. Long, Binghamton (1981-present) \***

Justin J. McCarthy, Albany (1970-82) \*\*

Edward Ward McMahon, Brooklyn (1923-36)

William M. O'Reilly, Albany (1966-69) \*\*

W. Hugh Peal, New York (1953-56)

Sol A. Rosenblatt, New York (1956-61)

Benton R. Rude, Albany (1938-42) \*\*

Irving P. Seidman, New York (1981-85)

Richard B. Smith, New York (1997-2003)

William L. Snyder, New York (1892-1904)

Keith St. John, Albany (1994-2000)

**Sandra S. Stern, New York (1992-present) \***

Robert E. Stevens, Ithaca (1926-67) \*

Lewis Bart Stone, New York (1997-2000)

Arthur E. Sutherland, Jr., Ithaca (1948-50)

Charles Thaddeus Terry, New York (1905-22)

**Justin L. Vigdor, Rochester (1989-present) \***

Paul L. Weafer, Albany (1982-2001) \*\*

Henry C. Wilcox, New York (1895-1904)

James A. Yates, Albany (1989-92)

## **NORTH CAROLINA:**

Isaac Mayo Bailey, Raleigh (1943-50)

James M. Baley, Jr., Asheville (1985-88)

Kemp D. Battle, Rocky Mount (1937)

**Marion W. Benfield, Jr., New Braunfels, TX (1990-present) \***

*Illinois Commissioner (1973-90)*

J. Crawford Biggs, Durham (1907-39)

**Rhoda B. Billings, Lewisville (1985-present)**

Joel K. Bourne, Tarboro (1971-72)

Richard L. Braun, Buies Creek (1985-93)

M.S. Breckenridge, Chapel Hill (1929-36)

**Caroline N. Brown, Chapel Hill (2010-present)**

James F. Bullock, Raleigh (1966-72)

Lewis G. Bulwinkle, Raleigh (1955) \*\*

J. Wilbur Bunn, Raleigh (1959)

F. Kent Burns, Raleigh (1956-57) \*\*

Fabius H. Busbee, Raleigh (1906-07)

W.P. Bynum, Greensboro (1920-25)

James Coleman, Hendersonville (1974)

Harold D. Coley, Jr., Raleigh (1961-63) \*\*

Florence Nelson Crisp, Greenville (1987-93)

**Sidney S. Eagles, Jr., Raleigh (1971-85; 1993-present) \***

Robinson O. Everett, Durham (1962-68; 1969-73; 1977-2009) \*

Carlton E. Fellers, Raleigh (1985-2009)

C. Allen Foster, Greensboro (1985-86)

**Henry D. Gabriel, Jr., Greensboro (2009-present) \***

*Louisiana Commissioner (1992-2009)*

George A. Goodwyn, Raleigh (1965) \*\*

Laurence S. Graham, Greenville (1977-85)

W.M. Hendren, Winston-Salem (1926-36)

Edward B. Hipp, Raleigh (1951-52) \*\*

H.C. Horack, Durham (1938)

George W. Jackson, Roxboro (1974-76)

Emil F. Kratt, Charlotte (1975-76)

**Floyd M. Lewis, Raleigh (1991-present)**

Henry M. London, Raleigh (1929-39) \*\*

Richard A. Lord, Raleigh (2002-11)

Harry W. McGalliard, Raleigh (1947-50; 1952-55)

Ralph R. McMillan, Charlotte (1985-89)

Cama C. Merritt, Mt. Airy (1977)

Bert M. Montague, Raleigh (1956)

Ralph Moody, Raleigh (1960-64)

Charles A. Moore, Asheville (1909-13)

J.D. Murphy, Asheville (1914-23)

Charles J. Murray, Raleigh (1981-91) \*\*

**Susan K. Nichols, Raleigh (1993-present) \***

Elmer R. Oettinger, Chapel Hill (1973-2009) \*

William L. Osteen, Greensboro (1985-86)

Frank M. Parker, Asheville (1951-54)

John R. Parker, Clinton (1974-76)

J. Lindley Patterson, Winston-Salem (1907-19)

Charles G. Powell, Raleigh (1953-54) \*\*

Steven P. Radar, Washington (1985-93)

Ann Reed, Raleigh (1974-80) \*\*

**Suzanne Reynolds, Winston-Salem (2010-present)**

Meyressa Schoonmaker, Winston-Salem (1982-85)

John F. Shuford, Asheville (1955-57)

Robert A. Spence, Smithfield (1962-66)

Fred I. Sutton, Kinston (1940-70) \*

C.W. Tillett, Jr., Charlotte (1926-28)

John W. Twisdale, Raleigh (1966) \*\*

**Russell G. Walker, Jr., Asheboro (1973; 1977-85; 1993-present) \***

Acie L. Ward, Raleigh (1977-85)

Harold L. Waters, Raleigh (1964) \*\*

Charles M. Welling, Charlotte (1968-74; 1977-85)

Winifred T. Wells, Wallace (1977-82)

Kingsland Van Winkle, Asheville (1939-50)

**James A. Wynn, Jr., Raleigh (1993-present)**

Thomas L. Young, Raleigh (1958-60) \*\*

## **NORTH DAKOTA:**

Charles F. Amidown, Fargo (1893-1904)

**Owen L. Anderson, Norman, OK (1982-present) \***

Harrison A. Bronson, Grand Forks (1917-46) \*

Andrew A. Bruce, Grand Forks (1911-18)

Eugene A. Burdick, Williston (1959-2000) \*

**Jay E. Buringrud, Bismarck (1983-present) \***

Burke Corbet, Grand Forks (1893-1904)

Harold Cunningham, Grand Forks (1967-69)

S.E. Ellsworth, Jamestown (1929-42)

Edward F. Flynn, Devil's Lake (1923)

Patricia B. Fry, Grand Forks (1990-2001)

*Missouri Commissioner (2001-present) \**

Gerald G. Glaser, Bismarck (1982-86)

R.H. Grace, Grand Forks (1920-24)

John A. Graham, Bismarck (1975-82) \*\*

John E. Greene, Minot (1906-16)

**Gail Hagerty, Bismarck (1993-present)**

John Hjellum, Jamestown (1982-86)

Donald C. Holand, Lisbon (1959-60) \*\*

**David J. Hogue, Minot (1993-present)**

Frank F. Jestrab, Williston (1956-2010) \*

Sveinbjorn Johnson, Bismarck (1925-26)



E.P. Kelley, Carrington (1913-16)

**Lawrence R. Klemin, Bismarck (1999-present)**

**William E. Kretschmar, Ashley (1987-present)**

George Longmire, Grand Forks (1961-67)

C. Emerson Murry, Bismarck (1970-75) \*\*

**Bradley Myers, Grand Forks (2007-present)**

George W. Newton, Bismarck (1893-1904)

John D. Olsrud, Bismarck (1981-83)

**Dave Nething, Jamestown (2007-present)**

Charles A. Pollock, Fargo (1926-27)

John C. Pollock, Fargo (1948-57)

Robert Rushing, Grand Forks (1970-80)

Allan L. Schmalenberger, Dickinson (1985-94)

Mary Ellen Seaworth, Grand Forks (1985-94)

Wayne K. Stenehjem, Grand Forks (1995-2001)

O.H. Thormodsgard, University (1946-61)

Thomas L. Trenbeath, Cavalier (2001-07)

H.R. Turner, Fargo (1906-12)

Michael B. Unhjem, Fargo (1981-2010) \*

George Unruh, Grand Forks (1968) \*\*

James P. White, Grand Forks (1962-66)

Hugh E. Willis, Grand Forks (1920-21)

Clyde L. Young, Bismarck (1928-55)

**Candace Zierdt, Gulfport, FL (2001-present)**

## **OHIO:**

Harry B. Arnold, Columbus (1907-11)

**Boris Auerbach, Indianapolis, IN (1966-84; 1985-present) \***

Howard L. Barkdull, Cleveland (1940-62)

**Michael Burns, Columbus (1992-present) \*\***

A.V. Cannon, Cleveland (1912-25)

Thomas E. Cavendish, Columbus (1975-97) \*

Frank M. Clevenger, Wilmington (1915-48) \*

Alfred M. Cohen, Cincinnati (1913-14)

Swift C. Corwin, Toledo (1960-72)

Lindsey Cowen, Cleveland (1972-95) \*

*Georgia Commissioner (1965-72)*

William E. Cushing, Cleveland (1902-05)

Richard E. Day, Columbus (1968-74)

Howard Dresbach, Columbus (1959-67)

William L. Evans, Ada (1992-2001)

**Jeffrey T. Ferriell, Columbus (2007-present)**

Stanley M. Fisher, Cleveland (1983-2011) \*

John W. Ford, Youngstown (1946-59)

**Larry T. Garvin, Columbus (2005-present)**

Lauren A. Glosser, Columbus (1960-65) \*\*

M.J. Hartley, Xenia (1918-22)

Francis B. James, Cincinnati (1902-09)

David Johnston, Columbus (1966-67) \*\*

William P. Lewis, Columbus (1959-74) \*\*

**Leon M. McCorkle, Jr., Dublin (1988-present) \***

William A. McKenzie, Cincinnati (1950-66)

Frederick D. Nelson, Cincinnati (2001-07)

George B. Okey, Columbus (1923)

Benton S. Oppenheimer, Cincinnati (1912)

W.L. Parmenter, Lima (1898-99)

Fred D. Puckett, Columbus (1968-74; 1977-92) \*\*

Frank P. Richter, Hamilton (1898-99; 1915-17)

Donald L. Robertson, Columbus (1976-77; 1979-86) \*\*

Nancy H. Rogers, Columbus (1998-2006)

**Alexandra T. Schimmer, Columbus (2008-present)**

Arthur A. Schwartz, Columbus (1938-58) \*\*

Murray M. Shoemaker, Cincinnati (1924-64) \*

Joseph J. Sommer, Columbus (1975) \*\*

Lawrence C. Spieth, Cleveland (1926-36)

L. Lee Walker, Columbus (1976-82) \*\*

Karl T. Webber, Columbus (1913-14)

Seth S. Wheeler, Lima (1902-12)

Aquila Wiley, Wooster (1898-99)

## **OKLAHOMA:**

Robert E. Adams, Taloga (1915-18)

C.B. Ames, Oklahoma City (1907-10)

Jari Askins, Oklahoma City (2003-04)

Bryce A. Baggett, Oklahoma City (1967-2007) \*

Duchess Bartmess, Oklahoma City (1982-85; 1995-2007)

Loyd Benson, Frederick (1996-2005; 2007-10)

Oliver C. Black, Oklahoma City (1919-22)

George H. Bowen, Tulsa (1957-66)

C.R. Brooks, Guthrie (1895-1910)

Clinton O. Bunn, Oklahoma City (1911-14)

William R. Burkett, Woodward (1967-68)

**Robert Butkin, Tulsa (2009-present)**

John L. Clifton, Jr., Oklahoma City (1982-85)

Glenn Coffee, Oklahoma City (2007-10)

Fred C. Cornish, Tulsa (1986-95)

Frank Dale, Guthrie (1919-22)

Timothy D. DeGuisti, Oklahoma City (2003-07)

**Sue A. Derr, Oklahoma City (2004-present) \*\***

John J. Dille, El Reno (1895-99)

Charles B. Duffy, Ponca City (1953-56)

Rex Duncan, Oklahoma City (2007-09)

Charles Elder, Purcell (1975-85)

Kenneth W. Elliott, Oklahoma City (1995-2006)

Hicks Epton, Wewoka (1945-58)

G.M. Fuller, Oklahoma City (1958-66)

Jay M. Galt, Oklahoma City (1992-95)

Roy E. Grantham, Ponca City (1975-80)

Terry Harrison, McAlester (2004-06)

**Robert H. Henry, Oklahoma City (1982-present) \***

**Don Holladay, Oklahoma City (2008-present)**

David Hudson, Oklahoma City (1984-86)

Mike Hunter, Oklahoma City (1999-2003)

**Tom Ivester, Oklahoma City (2010-present)**

**Gerald L. Jackson, Tulsa (2010-present)**

R.E. Jackson, Sallisaw (1911-14)

Glen D. Johnson, Jr., Oklahoma City (1985-96)

James H. Johnson, Oklahoma City (1977-82) \*\*

Matthew J. Kane, Pawhuska (1949-52)

Phil C. Kates, Tulsa (1923-27)

**Rusty N. LaForge, Oklahoma City (2011-present)**

W.A. Ledbetter, Oklahoma City (1925-27)

**Ryan Leonard, Oklahoma City (2008-present)**

Harold G. Lowrey, Woodward (1969-74)

Walter A. Lybrand, Oklahoma City (1928-40)

D.A. McDougal, Sapulpa (1911-18; 1923-42)

Bert McElroy, Tulsa (1967-83)

L.D. Melton, Oklahoma City (1948-49) \*\*

Maurice H. Merrill, Norman (1944-85) \*

**Fred H. Miller, Minneapolis, MN (1975-92; 2001-present) \***

*Executive Director (1992-2001)*

Fred Morgan, Oklahoma City (2007-10) \*\*

W. Kurt Morgan, Norman (1982-86) \*\*

John H. Mosier, Norman (1906-10)

Marian P. Opala, Oklahoma City (1982-2010) \*

David Pomeroy, Oklahoma City (2006-07)

Cheryl Purvis, Oklahoma City (2002-07) \*\*

**Mark H. Ramsey, Claremore (1990-present) \***

Jack A. Rhodes, Oklahoma City (1950-77) \*\*

Henry W. Scott, Oklahoma City (1895-1898)

J.W. Shartell, Oklahoma City (1900-10)

Patricia Sommer, Oklahoma City (1987-88; 1991-95)

Francis E. Stewart, Muskogee (1944-48)

J.C. Stone, Muskogee (1919-22)

J.C. Strang, Guthrie (1900-10)

**R. Stratton Taylor, Claremore (1984-present) \***

Andrew J. Tevington, Oklahoma City (1987-91)

Ralph G. Thompson, Oklahoma City (2007-11)

**John Trebilcock, Oklahoma City (2009-present)**

George Trice, Coalgate (1915-18)

James H. Veazey, Tulsa (1923-24)

Leo H. Whinery, Norman (1992-2009)

C. Dale Wolfe, Wewoka (1928-38)

Brent W. Wright, Tulsa (1996-99)

## **OREGON:**

**Carl S. Bjerre, Eugene (2001-present)**

Rupert R. Bullivant, Portland (1949-92) \*

Windsor Dean Calkins, Eugene (1974-78; 1983-93)

Gregory Chaimov, Salem (1998-2005) \*\*

James H. Clarke, Portland (1969-77)

Thomas G. Clifford, Salem (1987-98) \*\*

James C. Dezendorf, Portland (1942-77) \*

Henry H. Drummonds, Portland (2003-05)

H.H. Emmons, Portland (1908-21)

W.H. Fowler, Portland (1909-20)

Sam R. Haley, Salem (1961-66)

Wilbur Henderson, Portland (1940-41)

James B. Kerr, Portland (1921-22)

W.P. Lord, Jr., Portland (1920-33)

Robert W. Lundy, Salem (1967-86) \*\*

Joseph McKeown, Coos Bay (1949-74) \*

Gus C. Moser, Portland (1921-33)

Albert B. Ridgway, Portland (1925-39)

George Rossman, Salem (1934-48)

Charles J. Schnabel, Portland (1913-20)

Eugene F. Scoles, Eugene (1971-84)

**Lane Shetterly, Dallas (2005-present)**

Jeanyse R. Snow, Astoria (1977-86)

Sidney Teiser, Portland (1934-48)

**Martha L. Walters, Salem (1992-present) \***

**D. Joe Willis, Bend (1978-82; 1985-present) \***

Oglesby H. Young, Portland (1982-2003) \*

## **PENNSYLVANIA:**

Walter E. Alessandroni, Harrisburg (1963-65)

**Anthony C. Aliano, Harrisburg (2012-present)**

Anne X. Aplern, Harrisburg (1959-60)

George E. Alter, Pittsburgh (1927-31)

Henry G. Baar, Harrisburg (1986)

Harvey Bartle, III, Harrisburg (1980-86)

Christine Biancheria, Pittsburgh (2005-11)

Edward G. Biester, Harrisburg (1979)

Elliott Block, Williamsport (1908)

**Nicole M. Bordonaro, Harrisburg (2012-present)**

Charles R. Buckalew, Bloomsburg (1892-93)

Robert L. Cable, Harrisburg (1981-86) \*\*

Roger H. Caffier, Harrisburg (2008-10)

Christopher D. Carusone, Harrisburg (2011-12)

T. McKeen Chidsey, Easton (1947-49)

**William H. Clark, Jr., Philadelphia (2006-present) \*\***

Herbert Cohen, Harrisburg (1941-42) \*\*

**Ann E. Conaway, Wilmington, DE (2002-present) \***

*Delaware Commissioner (1989-2002)*

J. Shane Creamer, Harrisburg (1971-72)

Richard C. Dale, Philadelphia (1901-03)

**Vincent C. Deliberato, Jr., Harrisburg (2000-present)**

Mary Jo Dively, Pittsburgh (2003-12)

John P. Egan, Pittsburgh (1940-42)

Harvey A. Feldman, Carlisle (1999-2006)

John H. Fertig, Harrisburg (1943-49)

Marion K. Finkelhor, Pittsburgh (1976-79)

Eileen K. Flinn, Harrisburg (2003-04)

**Thomas A. French, Harrisburg (2012-present)**

Robert S. Frey, Harrisburg (1940-46) \*\*

Frank P. Garber, Harrisburg (1965-80) \*\*

**John L. Gedid, Harrisburg (2003-present)**

Burt R. Glidden, Harrisburg (1957-60) \*\*

Joseph E. Gold, Philadelphia (1972-74)

Gerald Gornish, Harrisburg (1978)

George H. Hafer, Harrisburg (1951-55)

James J. Haggerty, Harrisburg (1989)

S. Edward Hannestad, Harrisburg (1948-56) \*\*

William M. Hargest, Harrisburg (1914-47) \*

John W. Hartman, Harrisburg (1989-95) \*\*

Harry Hershey, Harrisburg (1938-39) \*\*

Harry Hershey, Harrisburg (1961-62) \*\*

David L. Hostetter, Harrisburg (1994-2007) \*\*

Thomas A. Hutton, Harrisburg (1999-2000)

**Lisa R. Jacobs, Philadelphia (2012-present)**

Ovid F. Johnson, Philadelphia (1892-93)

Robert P. Kane, Harrisburg (1975-77)

John E. Laughlin, Pittsburgh (1935-39)

William Draper Lewis, Philadelphia (1924-26)

William R. Lloyd, Jr., Harrisburg (1990-98)

Thomas D. McBride, Harrisburg (1956-58)

Carl L. Mease, Harrisburg (1987-88) \*\*

Robert E. Monaghan, Westchester (1892-93)

Francis J. Mootz, III, Carlisle (2007-08)

*Nevada Commissioner (2008-12)*

**Robert A. Mulle, Harrisburg (2011-present)**

C. LaRue Munson, Williamsport (1904-08)

Morey M. Myers, Harrisburg (1987-88)

William H. Nast, Jr., Harrisburg (1988-94) \*\*

Robert C. Nix, Jr., Philadelphia (1987-88)

Israel Packel, Harrisburg (1973-74)

Leo Pandeladis, Harrisburg (2004-05)

Thomas Patterson, Pittsburgh (1901-03)

**Raymond P. Pepe, Harrisburg (1983-99; 2001-present) \***

Anne B. Poulin, Villanova (1998-2005)

**Curtis R. Reitz, Philadelphia (1975-present) \***

Samuel J. Roberts, Erie (1981-86)

William A. Schnader, Philadelphia (1924-67) \*

**Michael S. Schwoyer, Harrisburg (2010-present)**

William R. Scott, Pittsburgh (1932-34)

William C. Sennett, Harrisburg (1968-70)

James M. Sheehan, Harrisburg (1999-2003)

Walter George Smith, Philadelphia (1904-23)

Robert Snodgrass, Harrisburg (1909-13)

Richard D. Spiegelman, Harrisburg (1990-95)

William H. Staake, Philadelphia (1901-23)

David Stahl, Harrisburg (1961-62)



Edwin W. Tompkins, Harrisburg (1963-65) \*\*

Frank Truscott, Harrisburg (1954)

Stephen F. Tuckey, Harrisburg (2000-03)

Paul A. Tufano, Harrisburg (1995-99)

Ernest R. Von Starck, Philadelphia (1968-74)

Jay C. Waldman, Harrisburg (1981-86)

**Nora Winkelman, Harrisburg (2003-present)**

William H. Wood, Harrisburg (1956-73; 1975-99) \*

Robert E. Woodside, Harrisburg (1948-53)

J. Colvin Wright, Bedford (1950-77) \*

Robert W. Zech, Harrisburg (1995-2003) \*\*

#### **PHILLIPINE ISLANDS:**

W.L. Goldsborough, Manila (1911-14)

Pedro Guevara, Santa Cruz (1932-38)

E. Finley Johnson, Manila (1909-14)

Charles S. Lobingier, Manila (1909-32)

Robert E. Manley, Camarines (1916-32)

Charles H. Smith, Manila (1909-10)

Emiliano T. Tirona, Kawit (1932-39)

Julian A. Wolfson, Manila (1915-32)

#### **PUERTO RICO:**

**Francisco L. Acevedo, San Juan (1974-present) \***

**Eduardo Arosemena-Munoz, Guaynabo (2009-present)**

James B. Beverly, San Juan (1932-32)

Foster V. Brown, San Juan (1910-11)

Salvador E. Casellas, San Juan (1967-73)

Frank Cuyar, San Juan (1947-58)

Francisco J. Domenech, San Juan (2007-09) \*\*

Antonio Reyes Delgado, Arecibo (1932-36)

**Alberto Ferrer, San Juan (1974-present) \***

**Maria del Mar Ortiz-Rivera, San Juan (2011-present) \*\***

Manuel Rodriguez Serra, San Juan (1910-26)

Guillermo San Antonio-Acha, San Juan (2006-12)

A. Cecil Snyder, San Juan (1939-46)

Juan B. Soto, San Juan (1927-38)

Robert A. Todd, San Juan (1947-72) \*

Martin Travieso, San Juan (1937-46)

Charles E. Winter, San Juan (1932)

Adolph G. Wolf, San Juan (1918-29)

Emilio del Toro, San Juan (1912-15)

## **RHODE ISLAND:**

Joseph Abbate, Providence (2005-06)

Denise Aiken, Warwick (1999-2003)

Arthur M. Allen, Providence (1939-40)

Fausto C. Anguilla, Providence (2005-12)

George C. Berk, Providence (1961-2012) \*

Samuel C. Blaisdell, Providence (1908)

Benedetto Cerilli, Providence (1966-68)

Stephen E. Cicilline, Providence (1985-97)

Sidney Clifford, Providence (1935-65) \*

Leonard F. Clingham, Jr., Providence (1979-83)

Thomas F. Cooney, Providence (1937-38)

George C. Davis, Providence (1959-60)

**Ronald W. Del Sesto, Providence (1983-85; 1985-present) \***

Charles J. Donovan, Providence (1989)

Amasa M. Eaton, Providence (1896-1913)

Robert Gates, Providence (1963-65)

William B. Greenough, Providence (1915-36)

**Patrick A. Guida, Providence (2012-present)**

**Thomas S. Hemmendinger, Providence (2005-present)**

**William C. Hillman, Boston, MA (1969-present) \***

Thomas Allen Jenckes, Providence (1910-27)

Clarke H. Johnson, Providence (1906-08)  
David P. Kerins, Newport (1989-91)  
Cay C. Massouda, Providence (1996-2006)  
John F. McDonough, Providence (1989-2001) \*\*  
Edward F. McElroy, Providence (1941-43)  
Cornelius C. Moore, Newport (1958)  
William A. Morgan, Providence (1915-23)  
Daniel H. Morrissey, Providence (1944-55)  
Angelo A. Mosca, Jr., Providence (1970-78; 1979-86)  
William W. Moss, Providence (1925-42)  
Thomas H. Needham, Providence (1963-2000) \*  
**John P. O'Connor, Providence (2001-present) \*\***  
Raymond A. Pacia, Pawtucket (1994-2006)  
M. Teresa Paiva-Weed, Newport (2003-06)  
John C. Revens, Jr., Warwick (1981-84)  
Harvey S. Reynolds, Providence (1959-62)  
Brian P. Richards, Providence (1987-95)  
**Joseph F. Rodgers, Jr., Saunderstown (2010 –present)**  
**John M. Roney, Providence (1999; 2006-present)**  
John A. Sabatini, Pawtucket (1984-88; 1991-93)  
Anthony J. Santoro, Bristol (1994-2006)  
John H. Stiness, Providence (1896-1904)  
John W. Sweeney, Providence (1929-34)  
James Tillinghast, Providence (1896-1906)  
William R. Tillinghast, Providence (1907-09)  
Clarence N. Wooley, Providence (1909-14)  
Melvin L. Zurier, Providence (1958-62)

#### **SOUH CAROLINA:**

P.H. Arrowsmith, Florence (1930)  
Frank H. Bailey, Charleston (1947-54)  
W.R. Boyd, Darlington (1895-1904)

T.F. Brantley, Orangeburg (1929)

H.B. Carlisle, Spartanburg (1919-23)

Richard E. Day, Columbia (1977-79)

Stephen T. Draffin, Columbia (2004-11)

Joseph E. Earle, \_\_\_\_\_ (1895-98)

Robert W. Foster, Columbia (1974-76)

**Robert W. Hayes, Jr., Columbia (2012-present)**

Neville Holcombe, Spartanburg (1947-52)

Coleman Karesh, Columbia (1954-76) \*\*

Henry L. Lake, Columbia (1968-73)

Harry M. Lightsey, Jr., Columbia (1974-87)

Thomas S. Linton, Columbia (1977-2010) \*

C.W. McCants, Columbia (1928)

J.E. McDonald, Winnsboro (1919-27)

**Peden B. McLeod, Walterboro (1993-present) \***

Lewie G. Merritt, Columbia (1955-67)

Lawrence T. Mills, Camden (1929)

Benjamin A. Moore, Charleston (1939-46)

T. Moultrie Mordecai, Charleston (1906-18)

R.A. Morgan, Greenville (1929)

B. Hart Moss, Orangeburg (1916-18)

**Edward W. Mullins, Jr., Columbia (2010-present)**

D.A. Ouzts, Greenwood (1920-28)

J.G. Padgett, Walterboro (1931-38)

David W. Robinson, Columbia (1947-50)

William M. Shand, Columbia (1934-47)

John C. Sheppard, Edgefield (1909-15)

R.S. Stewart, Lancaster (1925-27)

John P. Thomas, Jr., Columbia (1909-20)

John W. Thomas, Columbia (1951-2007) \*

Edgar K. Thompson, Charleston (1932-39)

J.S. Verner, Columbia (1931-32)

**H. Clayton Walker, Jr., Columbia (2012-present)**

A.F. Woods, Marion (1925-27)

H.E. Young, Charleston (1895-1908)

## **SOUTH DAKOTA:**

James R. Adams, Vermillion (1971-74)

Terry C. Anderson, Pierre (1982-91) \*\*

Alan L. Austin, Watertown (1965-67; 1970-71)

Axel J. Beck, Elk Point (1938-58)

Boyd M. Benson, Huron (1941-75) \*

Lewis Benson, Huron (1932-40)

Nancy Turbak Berry, Watertown (2009-11)

W.F. Bruell, Redfield (1919-37)

Richard K. Burke, Vermillion (1975-76)

U.S. Cherry, Sioux Falls (1907-18)

L.W. Crofoot, Aberdeen (1907-13)

Thomas J. Deadrick, Platte (2009-11)

**Michael B. DeMersseman, Rapid City (1997-present)**

James M. Doyle, Pierre (1973-75)

Barbara Everist, Sioux Falls (1997-2003)

**Marc S. Feinstein, Sioux Falls (2011-present)**

L.B. French, Yankton (1893-1905)

**Thomas E. Geu, Vermillion (2007-present)**

**Brian G. Gosch, Rapid City (2011-present)**

**Richard O. Gregerson, Sioux Falls (1983-present) \***

Gordon Gunderson, Clear Lake (1959-64)

Charles S. Hanson, Pierre (1958-72)

Scott N. Hiedepriem, Miller (1986-2002)

A.B. Kittridge, Sioux Falls (1893-1906)

Dave Knudson, Sioux Falls (2003-09)

**Gene N. Lebrun, Rapid City (1976-present) \***

Perry F. Loucks, Watertown (1914-18)

**David Lust, Rapid City (2007-present)**

Kelton Lynn, Rapid City (1965-71)

Robert G. May, Sioux Falls (1968-69)

Sean M. O'Brien, Mitchell (2002-09)

Michael P. Ortner, Pierre (1971-75) \*\*

Donald Osheim, Watertown (1976-86)

Jason E. Payne, Vermillion (1914-18)

Donald Porter, Pierre (1973-76)

Vincent J. Protsch, Howard (1981-83)

Herbert B. Rudolph, Pierre (1947-56)

Ronald G. Schmidt, Pierre (1970) \*\*

Ellison G. Smith, Pierre (1922-32)

Wesley Tschetter, Pierre (1975-82) \*\*

Thomas R. Vickerman, Pierre (1975-99) \*\*

John H. Voorhees, Sioux Falls (1907-45) \*

Charles S. Whiting, Pierre (1914-21)

A.W. Wilmarth, Huron (1907-13)

J.W. Wright, Clark (1893-1905)

## **TENNESSEE:**

Walter P. Armstrong, Memphis (1921-48) \*

Walter P. Armstrong, Jr., Memphis (1947-96) \*

Foster D. Arnett, Knoxville (1980-84)

Lemuel Banks, Memphis (1909-20)

**George H. Buxton, III, Oak Ridge (1986-present) \***

Ross B. Clark, II, Memphis (1998-2008)

James A. Clodfelter, Nashville (1981-2000) \*\*

John J. Costonis, Nashville (1994-97)

Thaddeus A. Cox, Johnson City (1915-29)

**Effie V. Cozart, Memphis (2008-present)**

**Jess O. Hale, Nashville (2006-present) \*\***

William J. Harbison, Nashville (1991-93)

H.H. Ingersoll, Knoxville (1909-14)

Thomas A. Johnson, Nashville (1971-74) \*\*

**Robert M. Lloyd, Knoxville (2011-present)**

Mitchell Long, Knoxville (1931-48)

Miller Manier, Nashville (1941-86) \*

Dorothy J. Pounders, Memphis (1991-98)

Charles O. Ragan, Jr., Chattanooga (1976-79)

Cecil Sims, Nashville (1933-39)

Irving M. Strauch, Memphis (1969-79)

Ellen C. Tewes, Nashville (2000-06) \*\*

**Charles A. Trost, Nashville (1997-present)**

John W. Wade, Nashville (1961-94) \*

John W. Wagster, Nashville (1980-91)

Grissim H. Walker, Lebanon (1960)

William H. Washington, Nashville (1909-32)

William H. Wicker, Knoxville (1949-59)

Joe W. Worley, Kingsport (1961-75)

## **TEXAS:**

Richard B. Amandes, Lubbock (1972)

Rita Arneil, Austin (2006-10) \*\*

Marianne Auld, Fort Worth (1999-2004)

**Levi J. Benton, Houston (2001-present)**

Camilla Bordie, Austin (1972-79) \*\*

Mark R. Brown, Austin (1986-96) \*\*

Oscar D. Brundidge, Dallas (1943-48)

Robert P. Coon, San Antonio (1915-18)

William M. Crook, Beaumont (1907-48) \*

T.W. Davidson, Dallas (1932-39)

Tom Martin Davis, Houston (1949-94) \*

J.B. Dibrell, Seaside (1914-18)

Richard F. Dole, Jr., Houston (1981-88)

Joe E. Estes, Dallas (1949-54)

A.J. Folley, Amarillo, 1955-62

H.M. Garwood, Houston (1908-10; 1915-18)

Hiram Glass, Texarkana (1908-13; 1915-18)

David Godbey, Dallas (1999-2004)

Cullen M. Godfrey, College Station (2004-10)

**Patrick C. Guillot, Carrollton (1982-present) \***

Richard A. Gump, Dallas (1967-69)

A.F. Hardwicke, Abilene (1911-13)

S.P. Hardwicke, Abilene (1914-18)

Julian P. Harrison, El Paso (1940)

H.W. Head, Sherman (1919-21)

Robert F. Henderson, Austin (1972-78) \*\*

Gus Hodges, Austin (1955-56)

**Eric Hougland, Austin (2010-present)**

Palmer Hutcheson, Houston (1940-48)

Julius C. Jacobs, Corsicana (1949)

Crawford Kerr, El Paso (1962-64)

S.G. Kolius, Houston (1962-66)

Harry P. Lawther, Dallas (1931-42)

**Debra H. Lehrmann, Austin (2004-present)**

L.P. Lollar, Houston (1941-42)

L. Hamilton Lowe, Edinburg (1946)

Raymond A. Lynch, Midland (1970)

J.F. Maddox, Ballinger (1911-13)

Charles T. McCormick, Austin (1950-53)

C.C. McDonald, El Paso (1914)

Lucian E. Morehead, Plainview (1944-54)

W.C. Morrow, Hillsboro (1914-18)

**Peter K. Munson, Sherman (1985-90; 1996-present) \***



E.E. Murphy, San Angelo (1941-43)

David Peeples, San Antonio (1987-99)

**Frank E. Perez, Brownsville (2010-present)**

**Marilyn E. Phelan, Granbury (1993-99; 2001-present)**

Stanley Plettman, Beaumont (1970-2010) \*

Claude Pollard, Austin (1908-10; 1920-39)

Ben H. Powell, Austin (1948-60)

Talbot Rain, Dallas (1956-72)

H.C. Randolph, Plainview (1919)

**Leonard Reese, Austin (1979-present) \***

Jimmy L. Ross, Dimmitt (1973-82)

Millard H. Ruud, Austin (1967-97) \*

Robert E. Lee Saner, Dallas (1920-37)

**Rodney W. Satterwhite, Midland (1990-present) \***

Edgar Scurry, Wichita Falls (1911-13)

James A. Showers, Hillsboro (1973-84)

Robert G. Street, Galveston (1914)

E. Wayne Thode, Austin (1962-66)

George L. Thompson, III, Lubbock (1990-97)

**Harry L. Tindall, Houston (1995-present)**

Bradley J.B. Toben, Waco (1988-95)

**Karen R. Washington, Dallas (2001-present)**

Alvan N. Wells, Jr., Killeen (1973-82)

Ike D. White, Austin (1914)

Lud Williams, Waco (1914)

Edmund R. Wood, Dallas (1977-93)

M.K. Woodard, Austin (1957-60)

**Lee Yeakel, Austin (2001-present)**

#### **U.S. VIRGIN ISLANDS:**

Elmo A. Adams, Jr., St. Thomas (1998-99) \*\*

**Tom Bolt, St. Thomas (1988-present) \***

Miguel Camacho, St. Thomas (1996-99)

Amos W. Carty, Jr., St Thomas (1994-99)

John P. deJohng, St. Thomas (1989-97)

**Trudy Fenster, St. Thomas (2011-present)**

Lisa Harris-Moorhead, St. Thomas (2007-11) \*\*

Harold D. Hatfield, St. Thomas (1989) \*\*

**Monica Howard, St. Thomas (2011-present) \*\***

Constance E. Kreiger, St. Thomas (2000-06) \*\*

**G. Hunter Logan, Jr., St. Thomas (2010-present)**

Carolyn Y. Phillips, St. Thomas (1991-94) \*\*

Denise R. Reovan, St. Thomas (1989-91)

Queen E. Terry, St. Thomas (2000-10)

Yvonne L. Tharpes, St. Thomas (2000-11)

Arturo Watlington, Jr., St. Thomas (1991-98)

## **UTAH:**

Donald T. Adams, Monticello (1955-58)

Clifford L. Ashton, Salt Lake City (1954)

L.L. Baker, Tooele (1909-14)

Wallace R. Bennett, Salt Lake City (1966-69; 1975-77)

Marvin J. Bertoch, Salt Lake City (1954-59)

Wayne Black, Salt Lake City (1965-78)

Brigitte Bodenheimer, Salt Lake City (1965)

E.R. Callister, Jr., Salt Lake City (1955-56)

Kay S. Cornaby, Salt Lake City (1987-93)

Greg J. Curtis, Sandy (1999-09)

Daniel J. Dykstra, Salt Lake City (1961-64)

John L. Fellows, Salt Lake City (2007-10) \*\*

W.H. Folland, Salt Lake City (1915-26)

**Lorie Fowlke, Provo (2009-present)**

Lionel H. Frankel, Salt Lake City (1978-88)

H. Reese Hansen, Provo (1987-95)

Glen Hatch, Heber City (1959-64)

**Lyle W. Hillyard, Logan (1995-present)**

Charles R. Hollingsworth, Ogden (1907-35)

Wade M. Johnson, Ogden (1917-20)

A. Pratt Kesler, Salt Lake City (1957-85) \*

David S. Kunz, Ogden (1977-85)

William H. Leary, Salt Lake City (1917-56) \*

Jerrold R. Letcher, Salt Lake City (1909-14)

S.H. Love, Forest Dale (1907-08)

**Reed L. Martineau, Salt Lake City (1989-present) \***

Calvin W. Rawlings, Salt Lake City (1927-92) \*

John D. Rice, Salt Lake City (1949-53)

**Rebecca Rockwell, Salt Lake City (2010-present) \*\***

Bryce E. Roe, Salt Lake City (1979-86)

Benner X. Smith, Salt Lake City (1909-14)

Ashby Snow, Salt Lake City (1907-08)

**V. Lowry Snow, St. George (2012-present)**

**M. Gay Taylor-Jones, North Salt Lake (1987-present) \***

E. Wayne Thode, Salt Lake City (1970-74)

John L. Valentine, Provo (1993-99)

**Eric Weeks, Salt Lake City (2010-present)**

L.B. Wight, Salt Lake City (1915-16)

**Michael J. Wilkins, Washington (2007-present)**

Harold N. Wilkinson, Salt Lake City (1949-53)

George W. Worthen, Provo (1936-53)

## **VERMONT:**

William H. Adams, Proctor (1951)

O.M. Barber, Bennington (1905-10)

Wallace Batchelder, Bethel (1911-12)

Emily Bergquist, Montpelier (2008-11) \*\*

Leslie G. Black, White River Junction (1992-96)

George M. Blaesi, Montpelier (1968-74) \*\*

William S. Burrage, Middlebury (1951-73)

**Richard T. Cassidy, Burlington (1994-present)**

Harrison J. Conant, Montpelier (1939-53) \*\*

Erik Fitzpatrick, Montpelier (2011-12) \*\*

Charles E. Gibson, Jr., Montpelier (1971-75)

David A. Gibson, Brattleboro (1978-2010) \*

Clarke A. Gravel, Burlington (1956-63; 1969-2002) \*

Alfred A. Hall, St. Albans (1895-98; 1905-10)

George M. Hogan, St. Albans (1918-52) \*

Lawrence C. Jones, Rutland (1952-66)

**Theodore C. Kramer, Brattleboro (2000-present)**

Joseph P. Lamson, Cabot (1905-06)

**Peter F. Langrock, Middlebury (1967-present) \***

**Carl H. Lisman, Burlington (1976-present)**

**Luke Martland, Montpelier (2012-present) \*\***

Sherman R. Moulton, Burlington (1940-48)

J. William O'Brien, Burlington (1963-77)

George M. Powers, Morrisville (1926-37)

William P. Russell, Montpelier (1975-2008) \*\*

John G. Sargent, Ludlow (1911-24)

Henry B. Shaw, Burlington (1913-17)

Linda O. Smiddy, South Royalton (1996-2001)

Lawrence J. Turgeon, Montpelier (1954-67) \*\*

Sterry R. Waterman, St. Johnsbury (1938-64) \*

Charles D. Watson, St. Albans (1911-12)

Marvelle C. Webber, Rutland (1911-12)

Louis G. Whitcomb, Springfield (1949-50)

**Stephanie J. Willbanks, South Royalton (2001-present)**

George B. Young, Newport (1911-39)

**VIRGINIA:**

John A. Banks, Jr., Richmond (1979-88) \*\*

R.T. Barton, Winchester (1903-07)

Robert T. Barton, Jr., Richmond (1935-52)

John B. Boatwright, Jr., Buckingham (1950-93) \*

J.E. Cabell, Richmond (1895-1901)

Stuart B. Campbell, Wytheville (1922-23)

John W. Carter, Jr., Danville (1925-35)

James R. Caton, Alexandria (1908-32)

Cassius M. Chichester, Richmond (1941-49) \*\*

Parke P. Deans, Windsor (1913)

Mary P. Devine, Richmond (1983-98) \*\*

**Ellen F. Dyke, Reston (2003-present) \***

*District of Columbia Commissioner (1988-2001)*

**Thomas A. Edmonds, Richmond (2003-present)**

Kenneth L. Foran, Alexandria (1998-2002)

**Jessica French, Richmond (1999-present) \*\***

John Goode, Richmond (1994-98)

Stephen G. Johnakin, Falls Church (1982-94)

J. Rodney Johnson, Richmond (1994-99)

James Keith, Warrenton (1895)

**H. Lane Kneedler, Richmond (1982-94; 2002-present) \***

**Brockenbrough Lamb, Jr., Richmond (1953-present) \***

G. McIver Lapsley, Richmond (1966-69) \*\*

Eugene S. Massie, Richmond (1907-23)

W.P. McRae, Petersburg (1896-1900)

Andrew W. McThenia, Jr., Lexington (1978-82)

William D. Medley, Arlington (1936-41)

**Esson McKenzie Miller, Jr., Richmond (1988-present) \***

H.G. Peters, Bristol (1924-26)

A.A. Phlegar, Christiansburg (1903-06)

John G. Pollard, Richmond (1903-08)

**Carlyle C. Ring, Jr., Washington, DC (1970-present) \***

Mildred W. Robinson, Charlottesville (1990-94)

Pamela Meade Sargent, Abingdon (1994-2003)

G.W. Saunders, Sydnorsville (1895-1901)

William R. Shands, Richmond (1932-41) \*\*

Thomas W. Shelton, Norfolk (1924-31)

A.E. Stephens, Smithfield (1932-34)

John W. Stephenson, Warm Springs (1917-21)

**Robert L. Tavenner, Richmond (2011-present) \*\***

Kimberly A. Taylor, Richmond (1999-2003)

Henry P. Thomas, Alexandria (1942-68)

William G. Thomas, Alexandria (1963-70; 1974-80)

J.E. Thrift, Madison (1908-10)

Hugh A. White, Lexington (1914-15)

R.H. Willis, Roanoke (1916)

Charles K. Woltz, Charlottesville (1988-89)

**WASHINGTON:**

**Marlin J. Appelwick, Seattle (1985-present) \***

Robert H. Aronson, Seattle (1989-2004)

Alfred Battle, Seattle (1904-21)

**John M. Cary, Seattle (2004-present)**

**Dennis W. Cooper, Olympia (1978-present) \***

Richard Cosway, Seattle (1966-95) \*

Arthur W. Davis, Spokane (1919-26)

Fred H. Dore, Seattle (1964-67)

Ira P. Englehart, North Yakima (1904-07)

Alfred Harsch, Seattle (1957-65)

Francis E. Holman, Seattle (1967-91) \*

Charles Horowitz, Seattle (1960-88) \*

R.J. Hudson, Tacoma (1908)

Cynthia Imbrogno, Spokane (1997-2002)

W.G. McClaren, Seattle (1940-51)

Richard S. Munter, Spokane (1928-40)

**Jamie Pederson, Olympia (2010-present)**

Rosselle Pekelis, Seattle (1990-97)

George V. Powell, Seattle (1952-63)

**Anita Ramasastry, Seattle (2002-present)**

Dix H. Rowland, Tacoma (1922-58) \*

Charles E. Shepard, Seattle (1904-27)

George N. Stevens, Seattle (1955-57; 1959)

W.B. Tanner, Olympia (1909-18)

**K. Kyle Thiessen, Olympia (2005-present)**

John B. Van Dyke, Seattle (1928-39)

Richard O. White, Olympia (1960-77) \*\*

## **WEST VIRGINIA:**

F.N. Alderson, Richwood (1919-24)

Mason G. Ambler, Parkersburg (1917-18)

Randoph Bias, Williamson (1927-36)

Reese Blizzard, Parkersburg (1915-16)

Herbert S. Boreman, Parkersburg (1951-54)

Forest W. Bowman, Morgantown (1980-86)

William W. Brannon, Weston (1909-12; 1915)

Alexander N. Breckenridge, Summersville (1917-18)

Douglas W. Brown, Huntington (1922-24)

**Vincent P. Cardi, Morgantown (2003-present)**

Frank Cox, Morgantown (1926)

Stanley E. Dadisman, Morgantown (1960-74)

John W. Davis, Clarksburg (1909-11)

Charles W. Dillon, Fayetteville (1909-16)

E.T. England, Charleston (1922-24)

**Richard E. Ford, Lewisburg (1965-present) \***

J.T. Graham, Huntington (1926)

George M. Hoffheimer, Clarksburg (1917-18)

Charles E. Hogg, Point Pleasant (1915-16)

S.C. Jackson, Clarksburg (1919-21)

H.C. Jones, Morgantown (1919-20)

Nickell Kramer, Lewisburg (1951-55)

Howard B. Lee, Charleston (1928-29)

William P. Lehman, Fairmont (1959)

Charles E. Mahan, Fayetteville (1946-50)

E.A. Marshall, Huntington (1946-49)

Clarence E. Martin, Martinsburg (1925; 1931-40)

W.G. Matthews, Charleston (1917-18)

John L. McClaugherty, Charleston (1977-2003) \*

E.F. Morgan, Fairmont (1914)

Hunter H. Moss, Jr., Parkersburg (1909-11)

J.N. Quinlan, Huntington (1957-58)

George E. Richardson, Jr., Bluefield (1937-64)

Thomas S. Riley, Wheeling (1925)

Edward G. Smith, Clarksburg (1917-18)

Harvey F. Smith, Clarksburg (1927-31)

Henry P. Snyder, Sistersville (1957-95) \*

**Frederick P. Stamp, Jr., Wheeling (1987-present) \***

Edgar B. Stewart, Morgantown (1909-24)

J.W. Vandervordt, Parkersburg (1919-26; 1931-42)

Earl M. Vickers, Charleston (1965-93) \*\*

Homer B. Woods, Charleston (1927)

J.M. Woods, Martinsburg (1917-18)

## **WISCONSIN:**

**Terry Anderson, Madison (2007-present)**

Thomas M. Barrett, Madison (1987-89)

Frank X. Boden, Milwaukee (1915-18)

Richard Bolts, Green Bay (1969-72)



Ann W. Bradley, Madison (2004-11)

Eugene E. Brossard, Madison (1932-58)

**Lawrence J. Bugge, Madison (1973-83; 1984-present) \***

James J. Burke, Madison (1953-2004) \*

**William G. Callow, Lac Du Flambeau (1967-present) \***

**Richard A. Champagne, Madison (2005-present)**

Colburne G. Cherney, Green Bay (1957-60; 1965-68)

John E. Conway, Madison (1951-54)

Thomas J. Crawford, Madison (1983-85)

**David A. Cullen, Madison (1991-present) \***

J. Mac Davis, Madison (1983-90)

J.E. Dodge, Racine (1893)

**Peter J. Dykman, Cross Plains (1975-present) \***

Susan S. Engeleiter, Madison (1981-83)

Edward W. Frost, Milwaukee (1906-14)

Gary R. George, Madison (1981-2005)

Eugene A. Gilmore, Madison (1913-21)

G.E. Green, Green Bay (1893-1902)

Mark D. Gundrum, Madison (1999-2010)

**Shaun P. Haas, Verona (1975-present) \***

Thomas A. Hauke, Madison (1990-91)

Spencer Haven, Hudson (1929-31)

Paul L. Hibbard, Watertown (1961-64)

Mary E. Hubler, Madison (1995-96)

**Joanne B. Huelsman, Waukesha (1990-present) \***

Walter Kelly, Shorewood (2005-07)

**John P. Macy, Waukesha (2012-present)**

Charles McCarthy, Madison (1909-16)

Bruce E. Munson, Madison (1990-2009)

James L. O'Connor, Milwaukee (1923)

Howard F. Ohm, Madison (1941-49) \*\*

Michael B. Olbrich, Madison (1923-28)

Jim Ott, Madison (2011-12)

Paul C. Pokorney, Madison (1973-74)

Orlan L. Prestegard, Oregon (1971-2012) \*

**David T. Prosser, Jr., Madison (1981-97; 2005-07; 2012-present)**

Harry S. Richards, Madison (1924-28)

**Fred A. Risser, Madison (2003-present)**

Sverre Roang, Edgerton (1959-66)

Julius E. Roehr, Milwaukee (1919-23)

**Patience D. Roggensack, Madison (2011-present)**

Earl Sachse, Madison (1957-70)

A. W. Sanborn, Madison (1917-22)

Max Schoetz, Jr., Milwaukee (1925-26)

E. Ray Stevens, Madison (1907-12)

H. Rupert Theobald, Madison (1964-65) \*\*

M.G. Toepel, Madison (1950-62)

Phillip J. Tuczynski, Madison (1981-83)

Michael R. Vaughan, Madison (1966-72)

Michael S. Weiden, Madison (2008-11)

John Dunne Wickhem, Madison (1929)

Stephen D. Willett, Phillips (1982-84)

Clifton Williams, Milwaukee (1927-31)

Emmert L. Wingert, Madison (1931)

G.M. Woodward, La Crosse (1893-1902)

Rich Zipperer, Madison (2011-12)

## **WYOMING:**

Marvin L. Bishop, Casper (1959)

M.L. Blake, Sheridan (1893-1902)

F.H. Blume, Sheridan (1914)

Charles E. Blydenburge, Rawlins (1893-1902; 1915-19)

L.A. Bowman, Lovelle (1957-58)

Wade Brorby, Gillette (1977-82)

David H. Carmichael, Gillette (1978-85)

Edward T. Clark, Cheyenne (1909-12)

**Vicci Colgan, Cheyenne (2002-present)**

Nellis E. Corthell, Laramie (1920-24)

Charles M. Crowell, Casper (1955-56)

Harry B. Durham, Casper (1951-54)

Harvey Gelb, Laramie (2008-12)

J.C. Hamm, Evanston (1895-1902)

J.C. Heenan, Evanston (1893)

David N. Hitchcock, Laramie (1961-63)

**Keith Kautz, Torrington (2002-present)**

Charles G. Kepler, Cody (1972-2012) \*

William C. Kinkead, Cheyenne (1919-24)

H. Glenn Kinsley, Sheridan (1944-55)

Arthur Kline, Cheyenne (1949-53)

Marion A. Kline, Cheyenne (1924-41)

Charles E. Lane, Cheyenne (1928-32; 1939-48)

Ellsworth E. Lonabaugh, Sheridan (1963-76)

**Richard J. Macy, Cheyenne (1982-present) \***

A.G. McClintock, Cheyenne (1948)

A.W. McCullough, Laramie (1927-40)

Leonard McEwan, Sheridan (1960-62)

Harold E. Meier, Dayton (1996-2008)

W.E. Mullen, Cheyenne (1909-12; 1915-23)

Frank O'Mahoney, Cheyenne (1925-26)

Alfred M. Pence, Laramie (1954-60; 1964-79)

Charles N. Potter, Cheyenne (1909-14)

E.C. Raymond, New Castle (1925-26)

W.L. Simpson, Cody (1915-18)

John B. Speight, Cheyenne (1985-88)

Clarence Swainson, Cheyenne (1956-71)

Ralph E. Thomas, Cheyenne (1986-96)

**Anthony Wendtland, Sheridan (2012-present)**

W.O. Wilson, Casper (1914)

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**Footnotes:**

<sup>1</sup> An abridged bibliography of sources cited in Armstrong, *A Century of Service: A Centennial History of the National Conference of Commissioners on Uniform State Laws*.

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Commissioners in attendance at the 1928 Annual Meeting in Seattle, Washington.



Four distinguished early 20th century scholars who were uniform law commissioners.

Top left: James Barr Ames, Dean of Harvard Law School

Top right: William Draper Lewis, Dean of the University of Pennsylvania Law School

Bottom left: Roscoe Pound, Dean of the University of Nebraska Law School, and Dean of Harvard Law School

Bottom right: Samuel Williston, Professor, Harvard Law School



Commissioners in attendance at the 1938 Annual Meeting in Cleveland, Ohio. On the podium is President Alexander Armstrong, MD, and Chair of the Executive Committee William A. Schnader, PA, and an assistant to Secretary Barton H. Kuhns. Commissioner Henry Toll of Colorado, who founded the Council of State Governments, is seen at bottom right corner.





Commissioners in attendance at the 1949 Annual Meeting in St. Louis, Missouri.



The “founders” of the Uniform Commercial Code.

Top: William A. Schnader, Commissioner from Pennsylvania from 1924 to 1967 (President, 1939 to 1942), was known as the “Father of the UCC.”

Bottom right: Karl Llewellyn, Commissioner from New York from 1926 to 1950, and Commissioner from Illinois from 1951 to 1961, was the Chief Reporter for the UCC.

Bottom left: Soia Mentschikoff, Commissioner from Illinois from 1965 to 1969, was the Associate Chief Reporter for the UCC.



Commissioners at the 1953 Annual Meeting in Boston, Massachusetts. Included in this photo are: front row, second from right, Commissioner Joe C. Barrett, AR, who was ULC President from 1953 to 1955; front row, far right, Commissioner William A. Schnader, PA, who was ULC President from 1939 to 1942 and who was known as the “Father of the UCC”; second row, second from right, Commissioner Walter P. Armstrong, Jr., TN, who was ULC President from 1961 to 1963; and second row, far right, James C. Dezendorf, OR, who was ULC President from 1957 to 1959.



Commissioners at the 1958 Annual Meeting in Los Angeles, California. From left to right are: Commissioner George R. Richter, Jr., CA, ULC President (1959 to 1961); Commissioner James C. Dezendorf, OR, ULC President (1957 to 1959); unidentified; and Commissioner William A. Schnader, PA, ULC President (1939 to 1942).



Commissioner Albert E. Jenner, Jr., IL, ULC President (1969 to 1971) in black tuxedo, center, at the 1958 Annual Meeting in Los Angeles, California. Commissioner Karl Llewellyn is at top right.



ULC Officers at the 1966 Annual Meeting in Montreal, Canada.

Front row, from left: Frances Jones, Executive Secretary; Commissioner Maurice H. Merrill, OK, Vice President; Commissioner Joseph McKeown, OR, Secretary; Allison Dunham, Executive Director.

Back row, from left: Commissioner Fred Farr, CA, Vice Chair, Legislative Committee; Commissioner Talbot Rain, TX, Treasurer; Commissioner William A. McKenzie, OH, President; and Commissioner William J. Pierce, MI, Chair, Executive Committee. McKenzie was the only ULC President to die in office; Pierce succeeded him as President in 1966, and served as President until 1969.



Commissioner Joe C. Barrett, AR, ULC President (1953 to 1955), with a Resolution from the Commercial Law League of America honoring the ULC for its work on the Uniform Commercial Code. Barrett is in his office in Jonesboro, Arkansas.



The Hawaii delegation at the 1966 Annual Meeting in Montreal, Canada. The delegation includes current Commissioner Hiroshi Sakai, fourth from left, who has been a commissioner since 1964 and is now a life member.





The North Dakota delegation at the 1966 Annual Meeting in Montreal, Canada. From left: Eugene A. Burdick, Frank F. Jestrab, and James P. White. Burdick would later be ULC President from 1971 to 1973.



The Ohio delegation at the 1968 Annual Meeting in Philadelphia, Pennsylvania. From left: Richard E. Day, Boris Auerbach, and Swift C. Corwin. Auerbach has been a commissioner since 1966, and was ULC Treasurer from 1968 until 1985.



Commissioners at the 1968 Annual Meeting in Philadelphia, Pennsylvania. From left: Charles A. Joiner, MI; Maurice H. Merrill, OK; and William J. Pierce, MI.



The ULC Executive Committee on February 22, 1975.

Front row, from left: William B. Spann, Jr., GA; Harold E. (“Ted”) Read, Jr., CT; James M. Bush, AZ; George C. Keely, CO; M. King Hill, Jr., MD; Eugene A. Burdick, ND.

Back row, from left: Jack C. Deacon, AR; John M. McCabe, ULC Legislative Director; Boris Auerbach, OH; Lindsey Cowen, OH; Glee Smith, KS; Leslie Turner, ULC Acting Executive Secretary; William J. Pierce, MI; Vincent L. McKusick, ME.



Top photo: William H. Rehnquist with the Arizona delegation at the 1966 Annual Meeting in Montreal, Canada. Rehnquist is second from right. Left of Rehnquist is Commissioner James M. Bush, who would later be ULC President (1975 to 1977).

Bottom photo: William H. Rehnquist at the 1968 Annual Meeting in Philadelphia, Pennsylvania.



Counter-clockwise from top: **Woodrow Wilson**, U.S. President, 1912 to 1920, Commissioner from New Jersey, 1901 to 1908; **Louis D. Brandeis**, Associate Justice of the U.S. Supreme Court, 1916 to 1939, Commissioner from Massachusetts, 1900 to 1905; **William H. Rehnquist**, Associate Justice of the U.S. Supreme Court, 1972 to 1986, Chief Justice of the United States, 1986 to 2005, Commissioner from Arizona, 1963 to 1969; **David H. Souter**, Associate Justice of the U.S. Supreme Court, 1990 to 2009, Commissioner from New Hampshire, 1976 to 1979; **Wiley B. Rutledge**, Associate Justice of the U.S. Supreme Court, 1943 to 1949, Commissioner from Missouri, 1931 to 1934, Commissioner from Iowa, 1937 to 1942.



Drafting committee meetings. Photo bottom left shows from left, Commissioner Peter Langrock, VT, and Commissioner Maynard Pirsig, MN. Pirsig was a commissioner for 50 years, from 1947 until 1997.



Commissioners at work at annual meetings.

Photo bottom left: Commissioner James A. Wynn, Jr., NC.





Photos from the 2010 Annual Meeting.

Top left, from left: Carolyn B. Lamm, D.C., American Bar Association President; Fernando Pelaez-Pier, Venezuela, International Bar Association President.

Bottom left, from left: Commissioner Pamela W. Bertani, CA; and Commissioner Nathaniel Sterling, CA.

Bottom right, from left: Commissioner and former ULC President Howard J. Swibel, IL; Commissioner Justin L. Vigdor, NY.



Commissioners at work at the 2011 Annual Meeting.

Top left: Commissioner and former ULC President Fred H. Miller, OK, at the podium.

Top right: Commissioner Jack Davis, MN, at the microphone.

Bottom left: the Vermont Delegation.

Bottom right: Commissioner Martha T. Starkey, IN, at the microphone.



Commissioners and guests enjoy receptions and special events at each annual meeting.

Top right, from left: Commissioner Raymond P. Pepe, PA, Commissioner Richard C. Hite, KS, Margaret Pepe.

Top left: Commissioner Gene Lebrun, SD, dances with wife Pat.

Bottom right: Commissioners John F. Hayes, KS; Tom Bolt, USVI; and Glee Smith, KS.

Bottom left, from left: Commissioner Michael Sullivan, MN, Jane Ring, Marilyn Sullivan, and Commissioner Frank F. Jestrab, ND.



Commissioners and guests enjoy receptions and special events at each annual meeting.

Top left, from left: Allan Klein, Pat Davies, Commissioner Harriet Lansing, MN.

Top right, from left: Joan Stamp, Commissioner Frederick P. Stamp, Jr., WV, Commissioner John L. McClaugherty, WV, Sallie McClaugherty, Sally Ford, Commissioner Richard Ford, WV.

Bottom left, from left: Commissioner Stanley Fisher, OH, Beverly Fisher, Commissioner Richard V. Wellman, GA.

Bottom right, from left: Commissioner Stanley Fisher, OH, Commissioner Lani L. Ewart, HI, Commissioner Robert Toyofuku, HI, Beverly Fisher.



Commissioners and guests enjoy the traditional dinner dance at each annual meeting.

Top left, from left: Leigh Houghton, Sandy Stein, John VanLandingham, Commissioner Harriet Lansing, MN.

Bottom left, from left: Katie Robinson, ULC Deputy Legislative Director, Commissioner Lane Shetterly, OR.

Bottom right: Commissioner Phil Carroll, AR, and wife Diane.



Commissioners and guests enjoy the annual sing-along.

Top left, from left: Commissioner Jack Deacon, AR, Dorine Deacon.

Top right, from left: Commissioner Harry B. Reese, IL, and Edith O. Davies, Executive Secretary.

Bottom left, from left: Commissioner Elmer Oettinger, NC, Commissioner Rhoda Billings, NC, Commissioner John Thomas, SC, Donald Billings, and Vonnie Thomas.

Bottom right: Jane Ring is at the piano.



Commissioners and guests enjoy the annual sing-along.

Top left, from left: Commissioners Richard E. Ford, WV, Richard B. Long, NY, and Peter Langrock, VT.

Top right: Sing-along at the 1992 centennial meeting.

Bottom two photos: A sing-along tradition: Commissioner Peter Langrock, VT, sings “Alouette.”



Commissioners and guests enjoy the annual sing-along.

Top left, from left: Commissioner Larry Stagg, FL, and wife Betsy Stagg, Commissioner Henry Kittleson, FL, Commissioner Tom Bolt, USVI.

Top right: Commissioner Paula Tackett, NM. Bottom left: Commissioner Phillip Carroll, AR.

Bottom right: Commissioner Carlyle C.Ring, Jr., VA.





## The ULC Staff

Top photo: Current ULC staff, front row from left: Katie Robinson, Rachel Hewitt, Nicole Julal, Casey Elliott, Leang Sou. Back row, from left: Ben Orzeske, Elizabeth Cotton-Murphy, John Sebert, Liz Cunneen, Terry Morrow.

Bottom left: ULC staff in early '80s from left: Russ Cady, John McCabe, Corinne Svoboda, Alicia Pond.

Bottom right, from left: John Sebert, Executive Director, and Elizabeth Cotton-Murphy, Chief Administrative Officer, record votes by the states.



## ULC Presidents

Front row, from left: Fred Miller, OK; Gene Lebrun, SD; King Burnett, MD; James Bush, AZ.

Second row, from left: Howard Swibel, IL; Phil Carroll, AR; Michael Sullivan, MN.



Top: Commissioner Martha L. Walters, OR, President of the ULC (2007-2009).

Bottom: Many firsts. Left, Roberta Cooper Ramo, NM, first woman president of the ABA, first woman president of the ALI; Right, Martha L. Walters, OR, first woman president of the ULC.



Most recent ULC Presidents: Robert A. Stein, MN (2009 to 2011) and Michael Houghton, DE (2011 to 2013)

Top photo: With Wm. T. (Bill) Robinson III, ABA President 2011-2012, and Commissioner from Kentucky.

Bottom photo: With Sandy Stein and Leigh Houghton.



Commissioners in attendance at the 2001 Annual Meeting at the Greenbrier Resort in Berkeley Springs, West Virginia.