



The Uniform Law Commission: A Small Organization with a Big Legal Impact

Thanks to the time and effort of countless Americans over more than a century, the Uniform Law Commission has encouraged coordination among U.S. states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands in areas of law that cross territorial boundaries.

BY CALE BATTLES, LYNNE DAVIS, AND DEVIN MARTIN

In 1892, as interstate commerce was expanding across the U.S., states were struggling with a patchwork of laws that varied greatly when trying to operate a business or move products from state to state. To promote a more unified and practical set of laws, the American Bar Association recommended that a Uniform Law Commission (ULC) be created.¹

That foresight proved to be invaluable as people continued to migrate across the country, impacting areas of law such as trusts and estates, family law, and numerous other civil matters, along with occasional criminal matters. Today, if a person conducts business, signs a contract, buys or sells goods, transfers property, or handles a family matter, a uniform law is likely applied, easing the transaction.

With a mission to provide clarity and stability to state statutes, the ULC membership includes commissioners from every state as well as representatives from the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each individual jurisdiction appoints its commissioners, all of whom must be members of the bar, who are then tasked with researching, drafting, and promoting the enactment of uniform state laws.

In Wisconsin, the Commission on Uniform State Laws was created by Wis. Stat. section 13.55. The Wisconsin commission consists of eight appointed members: two public members appointed by the governor, four legislative members (two from each house and from different political parties), the director of the Legislative Council or a staff designee, and the chief of the Legislative Reference Bureau or

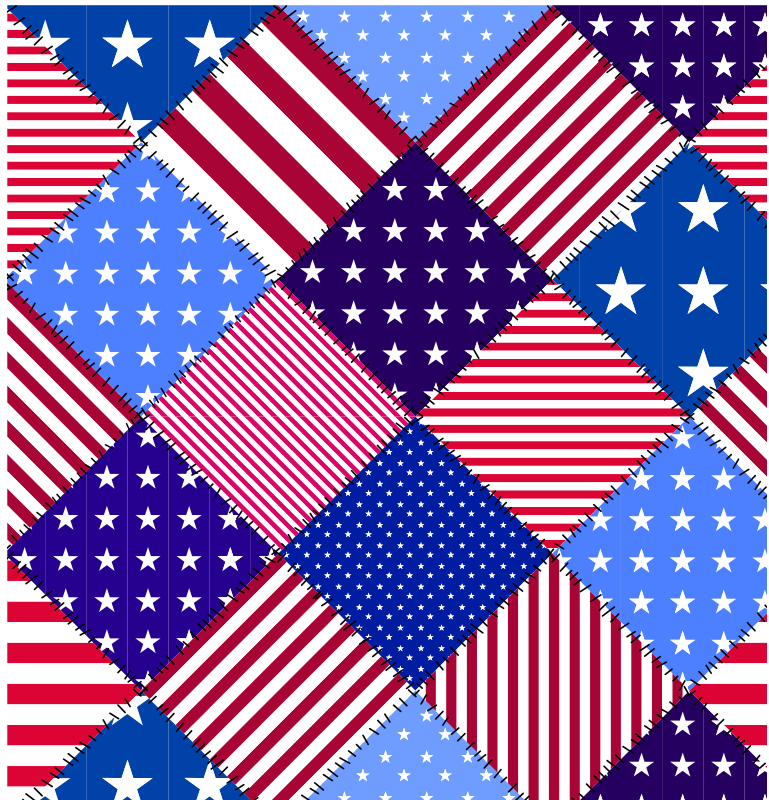
a staff designee. A legislative seat can also be filled by a former legislator if no current legislator meets the criteria or if no eligible legislator is willing or able to accept the appointment. Additional members of the delegation include life members who can then be appointed as a full member of the commission by the other eight appointees. Presently, one of the life members is also a full member, bringing the total number of members on Wisconsin's Commission on Uniform State Laws to nine.

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The Wisconsin commission meets annually to review all current and previous uniform acts passed by the ULC. Because its membership includes sitting legislators, they can request Wisconsin drafts and introduce the bills themselves. In most cases, however, the commission

which sometimes results in a working group recommendation to retain current Wisconsin law rather than adopt a proposed uniform act. This may be because current state laws adequately address or are substantially similar to the uniform proposal or the proposal

widely adopted acts include the Uniform Commercial Code, the Uniform Sales Act, the Uniform Partnership Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Electronic Transactions Act.

The development of a draft act is a time-consuming, extensive, meticulous process. First, proposals are submitted from a variety of sources, including state bar associations, governmental entities, private groups, ULC commissioners, and individuals. Once an issue has been identified, a study committee then researches the topic to determine whether they will recommend drafting an act. From there, various committees within the ULC review and approve the recommendations before ultimately creating a drafting committee. The drafting committee then begins the multi-year process of consulting with experts in the field of law and meeting to seek input from various stakeholders. Draft acts are then presented to and debated by the entire ULC at no fewer than

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will forward the proposed bills to specific practice sections of the State Bar of Wisconsin for further review and input.

The State Bar's role in the review process usually consists of the creation of a working group of interested attorneys that reviews proposals line by line, often working in conjunction with other professional and trade organizations that will be affected by the proposed bill. While the goal of such working groups is to promote interstate uniformity, prior law, unique state conditions, and other factors also are considered,

runs counter to current practice and would upend years of precedent.

How Does the National Commission on Uniform State Laws Work?

ULC commissioners meet annually as a Committee of the Whole at a national conference to review, debate, study, and amend uniform drafts. As previously noted, most uniform act proposals focus on specific areas of law, including family law, estates, probate and trusts, real estate, commercial law, and alternative dispute resolution. Some of the most



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Current Wisconsin Commission of Uniform State Law Members

Senator Eric Wimberger
(Senate-Majority)

Senator Jodi Habush Sinykin
(Senate-Minority)

Representative Ron Tusler
(Assembly-Majority), chairperson

Representative Andrew Hysell
(Assembly-Minority)

David Zvenyach (Public Member)

Senator Fred Risser (Public Member)

Margit Kelley (Legislative Council Staff)

Aaron Gary (Legislative Reference Bureau), secretary

Senator Joanne B. Huelsman
(appointed under Wis. Stat. section 13.55(1)(a)1.f.)

Life Members

Representative David Cullen

Peter J. Dykman

Shaun P. Haas

Senator Joanne Huelsman

Senator Fred Risser **WL**

two annual meetings of the Committee of the Whole. Most drafts are amended further during this process.

After the Committee of the Whole approves a proposal, it must be voted on by each individual state. There is only one vote per jurisdiction, and a majority must be present to vote. At least 20 jurisdictions must vote to approve a proposal before it is officially adopted as an “act” and disseminated for consideration by the jurisdictions. The act can take the form of either a “Uniform Act,” which must be adopted exactly as written by the ULC, or a “Model Act,” which serves as a guide for states and other jurisdictions.

The ULC has produced more than 300 uniform acts since its inception in 1892. Recent projects include updates to the Uniform Commercial Code, revisions to the Uniform Fiduciary Access to Digital Assets Act, and creation of the new Uniform Act on the Prevention of and Remedies for Human Trafficking.

Uniform Law Commission Acts to Be Considered by the Wisconsin Legislature

Several recently passed acts have enjoyed bipartisan support and favorable votes by the legislature and were signed by the governor. These include a number of large updates, such as 2021 Wis. Act 258² (Senate Bill 566), an initiative of the State Bar’s Business Law Section, which adopted two uniform laws and brings uniformity to five chapters of business entity laws. The Real Property, Probate and Trust Law (RPPT) Section has worked on a number of acts with the ULC, including the Uniform Remote Notarization Act (2019 Wis. Act 125).³

Current projects in the works or that will be introduced soon include the RPPT Section’s work on the adoption of the Uniform Powers of Appointment Act and trailer legislation on the Uniform Trust Act (2013 Wis. Act 92⁴) and Wisconsin’s Digital Property Act (2015 Wis. Act 300⁵), both passed with the RPPT Section’s support. The section also is reviewing changes to remote notarization and witnessing of estate planning documents and the Uniform Partition of Heirs Act.

The Business Law Section is dedicating much of its work this fall to reviewing the Uniform Commercial Code in regard to emerging technologies and virtual currencies. The section is also reviewing the Uniform Foreign-Country Money Judgments Recognition Act and the Uniform Voidable Transactions Act.

More than a Century of Impact

For more than 130 years, the Uniform Law Commission has worked to facilitate interstate commerce and to simplify life for people who live, work, or

travel in multiple states or jurisdictions. Its work is nonpartisan and driven by professional, licensed bar members. These efforts, the result of countless volunteer hours donated across generations, have strengthened and grown the national economy, reduced legal and administrative burdens on individuals and businesses, and streamlined the legal process for millions of Americans.

For more questions or comments about uniform laws, or to get more involved in the process of adopting, reviewing, or recommending uniform laws, reach out to your relevant practice section board⁶ or contact State Bar Government Relations Program Manager Cale Battles at cbattles@wisbar.org. **WL**

ENDNOTES

¹<https://www.uniformlaws.org/home>.

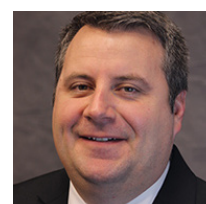
²<https://docs.legis.wisconsin.gov/2021/related/acts/258>.

³<https://docs.legis.wisconsin.gov/2019/related/acts/125>.

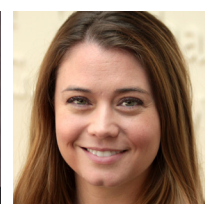
⁴<https://docs.legis.wisconsin.gov/2013/related/acts/92>.

⁵<https://docs.legis.wisconsin.gov/2015/related/acts/300>.

⁶<https://www.wisbar.org/sections>. **WL**



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