

The Arkansas Lawyer

A publication of the Arkansas Bar Association

Vol. 55, No. 1, Winter 2020
online at www.arkbar.com

Inside:

19th Amendment Centennial Celebration

Uniform Directed Trust Act

Electronic Appeal Pilot Project

20 Years After Amendment 80

Rome, Shakespeare and the Rule of Law



A REPORT FROM THE 2019 NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

By J. Cliff McKinney II

The Uniform Law Commission (ULC) held its 128th annual National Conference in Anchorage, Alaska, on July 11-18, 2019. Arkansas was represented by its commissioners, David Nixon, John Thomas Shepherd, and Cliff McKinney. Earlier in the year, Arkansas adopted two new uniform acts: the Uniform Protected Series Act (now Act 1611) and the Uniform Directed Trust Act (Act 1021).

The ULC's rules for approving proposed uniform acts typically require consideration at two consecutive annual meetings. Following is a brief description of the acts that were approved on final reading this year.

Uniform Automated Operation of Vehicles Act

The Uniform Automated Operation of Vehicles Act regulates important aspects of the operation of automated vehicles. This act covers the deployment of automated vehicles on roads held open to the public by reconciling automated driving with a typical state motor vehicle code. Many of the act's sections—including definitions, driver licensing, vehicle registration, equipment, and rules of the road—correspond to, refer to, and can be incorporated into existing sections of a typical vehicle code. This act also introduces the concept of automated driving providers (ADPs) as a legal entity that must declare itself to the state and designate the automated vehicles for which it will act as the legal driver when the vehicle is in automated operation. The ADP might be an automated driving system developer, a vehicle manufacturer, a fleet operator, or another kind of market participant that has yet to emerge. Only an automated vehicle that is associated with an ADP may be registered. In this way, the Automated Operation of Vehicles Act uses the motor vehicle registration framework that already exists in states—and that applies to both conventional and automated vehicles—to incentivize self-

identification by ADPs. By harnessing an existing framework, the act also seeks to respect and empower state motor vehicle agencies.

Uniform Electronic Wills Act

The Uniform Electronic Wills Act permits testators to execute an electronic will and allows probate courts to give electronic wills legal effect. Most documents that were traditionally printed on paper can now be created, transferred, signed, and recorded in electronic form. Since 2000 the Uniform Electronic Transactions Act (UETA), which Arkansas adopted in 2001, and a similar federal law, E-SIGN, have provided that a transaction is not invalid solely because the terms of the contract are in an electronic format. But UETA and E-SIGN both contain an express exception for wills, which, because the testator is deceased at the time the document must be interpreted, are subject to special execution requirements to ensure validity and must still be executed on paper in most states. Under the new Electronic Wills Act, the testator's electronic signature must be witnessed contemporaneously (or notarized contemporaneously in states that allow notarized wills) and the document must be stored in a tamper-evident file. States will have the option to include language that allows remote witnessing. The act will also address recognition of electronic wills executed under the law of another state. For a generation that is used to banking, communicating, and transacting business online, the Uniform Electronic Wills Act will allow online estate planning while maintaining safeguards to help prevent fraud and coercion.

Uniform Registration of Canadian Money Judgments Act

The Uniform Registration of Canadian Money Judgments Act ("Registration Act") creates an administrative procedure for the

registration and enforcement of Canadian money judgments in an enacting state. Once the Canadian judgment is successfully registered in the state, the judgment is enforceable in the same manner as a judgment rendered in that state. The Registration Act only applies to a Canadian judgment if it (1) grants or denies recovery of a sum of money; (2) is final, conclusive, and enforceable in Canada; and (3) its recognition is sought in order to enforce the judgment. The Registration Act supplements the Uniform Foreign Country Money Judgments Recognition Act ("Recognition Act"), which Arkansas has not yet adopted, by providing an alternative method to seeking recognition and enforcement of a foreign judgment. If a state has not enacted the Recognition Act, it may enact this Act at the same time it adopts the Recognition Act as a companion Act. The Registration Act offers an efficient alternative to filing a lawsuit to recognize and enforce a Canadian money judgment in the United States.

Uniform Athlete Agents Act Amendment

The Revised Uniform Athlete Agents Act (RUAAA) updates the 2000 version of the act for the ever-evolving sports commercial marketplace and the increasing activity between athlete agents and student athletes. Arkansas currently has the 2000 version of the act, which the General Assembly adopted in 2001. The RUAAA protects the interests of student athletes, academic institutions, and athlete agents by regulating the activities of

J. Cliff
McKinney II
is a Managing
Member of
Quattlebaum,
Grooms & Tull
PLLC.



athlete agents. The 2015 revision updated the definition of “athlete agent”; required reciprocal agent licensing; created a central licensing process; enhanced notice requirements to educational institutions; and revised administrative remedies arising from damages resulting from improper athlete agent conduct. An Amendment to the Uniform Athlete Agents Act, approved in 2019, applies to changes that the NCAA made to its bylaws in August of 2018 to provide student athletes playing basketball with more freedom and flexibility to explore the possibility of going professional while retaining their college eligibility. Under the new NCAA bylaws, certified sports agents can cover limited expenses of prospective or enrolled college basketball players and their family for meals, hotel and travel in connection with the agent selection process. Because the NCAA bylaw changes were in conflict with the Athlete Agents Acts, the NCAA asked the ULC to amend the two Uniform Athlete Agents Acts so they will not conflict with the bylaw changes. The Section 14 Amendment was drafted to clear up the conflict; it was also drafted so that it applies beyond the current bylaws to ensure that the ULC will not have to go to state legislatures every time the NCAA broadens its bylaws. The amendment does, however, set forth appropriate safeguards so that it only applies if the NCAA makes further changes.

Uniform Probate Code Amendments

The promulgation of the Uniform Parentage Act (2017) has necessitated amendments to the Uniform Probate Code’s intestacy and class-gift provisions. The 2019 Amendments to the Uniform Probate Code provide a more consistent formula for determining intestate shares within blended families, remove outdated terminology, and incorporate the concept of de facto parentage. The intestacy formulae will also account for the possibility that a child may have more than two parents, and therefore more than two sets of grandparents. Arkansas has not adopted the existing Uniform Probate Code or the Uniform Parentage Act.

You can find more information about each of these acts at www.uniformlaws.org. This website has a copy of each act along with supporting information. The Arkansas delegation is honored to represent our state at the Commission and is happy to assist with any questions. ■

Unsecured collections for a creditor is a vital part of daily life if you are an active thriving business wanting to expand your market presence. The Unsecured Collections team at Wilson & Associates is here to help make that happen.

OUR PRACTICE AREAS INCLUDE:

COUNSELING ON SYSTEMS AND METHODS • DEBTOR CONTACT • COLLECTION OF MONIES FROM DEBTORS • HELPING DEBTOR APPRECIATE THE IMPORTANCE OF HAVING OUR CLIENTS RECEIVE THE FIRST MONIES AND NOT THE LAST FUNDS REMAINING • ENFORCEMENT OF COURT JUDGMENTS AND ORDERS • PAYMENT AGREEMENTS • LOCATION, ATTACHMENT AND LIQUIDATION OF ASSETS TO PAY THE DEBT TO OUR CLIENTS



WILSON & ASSOCIATES
ATTORNEYS AT LAW

Pride in Practice.

The Wilson Law Group

Wilson & Associates, PLLC
Wilson+Miller, PLLC
Attorney's Title Group

400 W. Capitol Ave., Suite 1400
Little Rock, AR 72201
Immigration Direct: (501) 424-6644
www.TheWilsonLawFirm.com

FORENSIC PSYCHIATRY

GERALD S. STEIN, M.D.



Phone: 479-244-0277
FAX: 970-987-5100
e-mail: gsteinmd@gmail.com
See CV: www.geraldsteinmd.com

Office Manager Rebecca Stein
479-244-5060

645 CR 235, Eureka Springs, AR 72632