

STATE OF CONNECTICUT



ANNUAL REPORT

for 2020 of the

CONNECTICUT COMMISSION ON UNIFORM LEGISLATION

December 2021

Room 5100  
Legislative Office Building  
Hartford, CT 06106-1591

**CONNECTICUT  
COMMISSION ON UNIFORM LEGISLATION**

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**COMMISSIONERS**

**2020**

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David D. Biklen, *Chair*

Mary M. Ackerly

William R. Breetz, Jr

Abbe R. Gluck

Barry C. Hawkins

John H. Langbein

Louise M. Nadeau

Francis J. Pavetti

Suzanne Brown Walsh

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# **ANNUAL REPORT FOR 2020**

**December, 2021**

## **I. PREAMBLE**

To the Honorable Edward Miner Lamont, Jr., Governor of the State of Connecticut and the Honorable Members of the Connecticut General Assembly. The Connecticut Commissioners on Uniform State Laws respectfully submit this annual report.

## **II. OVERVIEW OF UNIFORM LAW COMMISSION**

The Uniform Law Commission (ULC), also known as the National Conference of Commissioners on Uniform State Laws, has worked for the uniformity of state laws since 1892. It is comprised of state commissions on uniform laws from each state, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. Each jurisdiction determines the method of appointment and the number of commissioners appointed. Most jurisdictions provide for their commission by statute. The longstanding statutory authority governing Connecticut's uniform law commission can be found at Section 2-80 of the Connecticut General Statutes.

There is only one fundamental requirement for the more than 300 uniform law commissioners: that they are members of the bar. While some commissioners serve as state legislators and other state officials, most are practitioners, judges and law professors. Uniform law commissioners serve for specific terms and receive no salaries or fees for their work with the Uniform Law Commission.

Commissioners study and review the law of the states to determine which areas of law should be uniform. The commissioners promote the principle of uniformity by drafting and proposing specific statutes in areas of the law where uniformity between the states is desirable. The ULC can only propose – no uniform law is effective until a state legislature adopts it.

The work of the ULC simplifies the legal life of businesses and individuals by providing rules and procedures that are consistent from state to state. Representing both state government and the legal profession, it is a genuine coalition of state interests. It has sought to bring uniformity to the divergent legal traditions of more than 50 jurisdictions – and has done so with significant success.

### **III. HISTORY**

On August 24, 1892, representatives from seven states – Delaware, Georgia, Massachusetts, Michigan, New York, New Jersey and Pennsylvania – met in Saratoga Springs, New York, to form what is now known as the Uniform Law Commission. By 1912, every state was participating in the ULC. The U.S. Virgin Islands was the last jurisdiction to join, appointing its first commission in 1988.

Very early on the ULC became known as a distinguished body of lawyers. The ULC has attracted some of the best of the profession. In 1901, Woodrow Wilson became a member. This, of course, was before his more notable political prominence and service as President of the United States. Several persons, later to become Justices of the Supreme Court of the United States, have been members: former Justices Brandeis, O'Connor, Rutledge, and Souter, and former Chief Justice Rehnquist. Legal scholars have served in large numbers, including Professors Wigmore, Williston, Pound and Bogert. Many more distinguished lawyers have served since 1892.

In each year of service, the ULC steadily increased its contribution to state law. Since its founding, the ULC has drafted more than 200 uniform laws on numerous subjects and in various fields of law, setting patterns for uniformity across the nation. Uniform Acts include the Uniform Probate Code, the Uniform Partnership Act, the Uniform Limited Partnership Act, the Uniform Anatomical Gift Act, the Uniform Interstate Family Support Act, the Uniform Child Custody Jurisdiction and Enforcement Act, and the Uniform Prudent Management of Institutional Funds Act.

Most significant was the 1940 ULC decision to attack major commercial problems with comprehensive legal solutions – a decision that set in motion the project to produce the Uniform Commercial Code (UCC). Working with the American Law Institute, the UCC took ten years to draft and another 14 years before it was enacted across the country. It remains the signature product of the ULC.

Today the ULC is recognized primarily for its work in commercial law, family law, the law of probate and estates, the law of business organizations, health law, and conflicts of law.

The Uniform Law Commission arose out of the concerns of state government for the improvement of the law and for better interstate relationships. Its sole purpose has been, and remains, service to state government and improvement of state law.

#### **IV. DIVERSITY STATEMENT**

Each member jurisdiction determines the number of uniform law commissioners it appoints to the Uniform Law Commission, the terms of uniform law commissioners and the individuals who are appointed from the legal profession of that jurisdiction. The Uniform Law Commission encourages the appointing authorities to consider, among other factors, diversity of membership in their uniform law commissions, including race, ethnicity and gender in making appointments. The Uniform Law Commission does its best work when the uniform law commissioners are drawn from diverse backgrounds and experiences.

#### **V. PROCEDURES**

The ULC is convened as a body once a year. It meets for a period of six or seven days, usually in July or August. In the interim period between these annual meetings, drafting committees composed of Commissioners meet to supply the working drafts that are considered at the annual meeting. At each annual meeting, the work of the drafting committees is read and debated. Each Act must be considered over a substantial period of years. No Act becomes officially recognized as a Uniform Act until the Uniform Law Commission is satisfied that it is ready for consideration in the state legislatures. It is then put to a vote of the states, during which each state caucuses and votes as a unit.

The governing body is the ULC Executive Committee, and is composed of the officers, certain ex-officio members, and members appointed by the ULC President. Certain activities are conducted by the standing committees. For example, the Committee on Scope and Program considers all new subject areas for possible Uniform Acts. The Legislative Committee superintends the relationships of the ULC to the state legislatures.

A small staff located in Chicago operates the national office of the ULC. The national office handles meeting arrangements, publications, legislative liaison, and general administration for the ULC.

The ULC maintains relations with several sister organizations. Official liaison is maintained with the American Bar Association, which provides advisors to all ULC drafting committees and many ULC study committees. Liaison is also maintained with the American Law Institute, the Council of State Governments, the National Conference of State Legislatures, the National Association of Secretaries of State, the Conference of Chief Justices, and the National Center for State Courts on an on-going and as-needed basis. Liaison and activities are conducted with other organizations as interests and activities necessitate.

## VI. ACTIVITIES OF THE CONNECTICUT COMMISSIONERS

### A. The Connecticut Commissioners are:

David D. Biklen, Chair	John H. Langbein
Mary M. Ackerly	Louise M. Nadeau
William R. Breetz, Jr.	Francis J. Pavetti
Abbe R. Gluck	Suzanne Brown Walsh
Barry C. Hawkins	

### B. The 2020 ULC committee assignments and other positions for Commissioners from Connecticut were:

Mary (Molly) M. Ackerly

- Chair, Division A
- Member, Drafting Committee on Disposition of Community Property Rights at Death Act
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Member, Standby Committee on Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act
- Member, Standby Committee on Uniform Parentage Act
- Member, Standby Committee on Uniform Trust Decanting Act

David D. Biklen

- Member, Study Committee on Event Data Recorders in Cars
- Member, Standby Committee on Uniform Fiduciary Access to Digital Assets Act
- Member, Standby Committee on Uniform Nonparent Custody and Visitation Act
- Chair, Standby Committee on Uniform Real Property Electronic Recording Act
- Member, Standby Committee on Uniform Unclaimed Property Act
- Chair, Drafting Committee on Unregulated Transfers of Adopted Children
- Member, Standby Committee on Uniform Wage Garnishment Act

William R. Breetz

- Vice-President, ULC
- Chair, Drafting Committee to Revise Uniform Common Interest Ownership Act
- Member, Drafting Committee on Electronic Registry for Residential Mortgage Notes
- Member, ULC Executive Committee

- Chair, Standby Committee on Uniform Home Foreclosure Procedures Act
- Emeritus Member, Joint Editorial Board for Uniform Real Property Acts
- Member, Standby Committee on Uniform Partition of Heirs Property Act

Abbe R. Gluck

- Member, Academic Partnerships Committee
- Chair, Committee to Monitor Developments in Healthcare Law
- Member, Study Committee on Telehealth

Barry C. Hawkins

- Member, Committee on Liaison with American Bar Association
- Member, Standby Committee on Uniform Arbitration Act
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Member, Standby Committee on Uniform Home Foreclosure Procedures Act
- Chair, Joint Editorial Board for Uniform Real Property Acts
- Member, ULC Legislative Committee
- Member, Standby Committee on Uniform Military and Overseas Voters Act
- Member, Standby Committee on Model Protection of Charitable Assets Act
- Member, Standby Committee on Model Veterans Treatment Court Act

John H. Langbein

- Member, Standby Committee on Uniform Directed Trust Act
- Member, Drafting Committee on Economic Rights of Unmarried Cohabitants Act
- Member, Standby Committee on Uniform Electronic Wills Act
- Member, Standby Committee on Uniform Fiduciary Income and Principal Act
- Emeritus Member, Joint Editorial Board for Uniform Trust and Estate Acts

Louise M. Nadeau

- Member, Standby Committee on Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act
- Vice-Chair, Criminal Justice Reform Committee
- Member, Standby Committee on Uniform Criminal Records Accuracy Act
- Member, Committee on Legislative Attorneys
- Member, Style Committee

Francis J. Pavetti

- Chair, Standby Committee on Uniform Arbitration Act
- Member, Standby Committee on Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act

Suzanne B. Walsh

- Member, Standby Committee on Uniform Adult Guardianship and Protective Proceedings Act
- Member, Standby Committee on Uniform Directed Trust Act

- Chair, Standby Committee on Uniform Electronic Wills Act
- Chair, Standby Committee on Uniform Fiduciary Access to Digital Assets Act
- Member, Drafting Committee on Fundraising through Public Appeals
- Member, Study Committee on Health Care Decisions
- Member, Joint Editorial Board for Uniform Trust and Estate Acts
- Member, Legislative Council
- Member, Standby Committee on Uniform Powers of Appointment Act
- Member, Standby Committee on Uniform Premarital Agreement Act
- Member, Standby Committee on Uniform Regulation of Virtual Currency Businesses Act
- Member, Standby Committee on Uniform Trust Decanting Act

### **C. Meetings**

Meetings held by the Connecticut Commissioners in the year 2020 were conducted remotely via Zoom due to the COVID-19 worldwide pandemic.

On March 11, 2020, the World Health Organization declared the novel coronavirus (COVID-19) outbreak a global pandemic. On March 10, 2020, Governor Lamont issued a Declaration of Public Health and Civil Preparedness Emergencies, and the declaration was recorded in the House and Senate Journals on March 11, 2020. The Legislative Office Building and Capitol Building (“Capitol Complex”) was closed to the public beginning on March 12, 2020, and remained closed to the public for the remainder of 2020.

The Connecticut General Assembly adjourned sine die on May 6, 2020, and convened in special session in the July 2020, and September 2020, special sessions to enact legislation. The General Assembly also convened the September 29, 2020, special session to approve judicial appointments received from the Governor.

Meetings of the Connecticut Commissioners and the ULC Annual Meeting were conducted as follows:

1. July 2020 – The in-person ULC Annual Meeting that was scheduled to take place in Madison, Wisconsin in July, 2020, was cancelled due to the COVID-19 pandemic. Instead, the ULC conducted the Annual Meeting via Zoom. Additional informal sessions were conducted to consider acts scheduled for final approval at the Annual Meeting.

The 2020 ULC annual meeting was held in two parts. The first part was the July meeting, at which time the commission debated the final acts for approval. The second part was held in September, at which time the



commission conducted first readings of acts scheduled to return for final consideration at the 2021 annual meeting.

2. The Connecticut Delegation held its legislative planning meeting remotely via Zoom on June 8, 2000.

**D. Connecticut Commissioners attending the July sessions of the ULC Annual Meeting were:**

Mary M. Ackerly	Abbe R. Gluck
David D. Biklen	Louise M. Nadeau
William R. Breetz, Jr.	Suzanne Brown Walsh
Barry C. Hawkins	

**Connecticut Commissioners attending the September sessions of the ULC Annual Meeting were:**

Mary M. Ackerly	John Langbein
David D. Biklen	Louise M. Nadeau
William R. Breetz, Jr.	Suzanne Brown Walsh
Barry C. Hawkins	

**E. Legislative appearances by the Connecticut Commissioners in the year 2020**

There were no legislative appearances by Connecticut Commissioners in 2020. Regular session public hearings scheduled to occur on or after March 12, 2020, were cancelled due to the closure of the Capital Complex.

**VII. SUMMARY OF NEW ACTS ADOPTED BY THE COMMISSION IN 2020**

**1. Uniform Easement Relocation Act**

The Uniform Easement Relocation Act allows a property owner whose property is subject to an easement to obtain a court order to relocate the easement if the relocation does not materially impair the utility of the easement to the easement holder or the physical condition, use or value of the benefitted property. An access easement gives the owner of one parcel of real estate the legal authority to travel across another person's property. In many, but not all, states, the owners of both properties must consent to relocate an easement. When the owner of the burdened property asks to relocate an access easement to allow further development, an easement holder in a state that follows

the mutual consent rule can withhold consent to prevent the development or demand a ransom payment before agreeing to the change.

Under the Uniform Easement Relocation Act, the burdened property owner must file a civil action, give other potentially affected real-property interest owners notice, and bear all the costs of relocation. These conditions build on the rule in the Restatement (Third) of Property: Servitudes, whose approach to easement relocation has been fully or partially adopted in a number of states. The Uniform Easement Relocation Act excludes conservation easements and public-utility easements from its scope and contains additional safeguards, not found in the Restatement, to protect the easement holder's interest in the use and enjoyment of the easement during and after the relocation.

## **2. Uniform Pretrial Release and Detention Act**

The Uniform Pretrial Release and Detention Act provides mechanisms for states to limit the use of pretrial detention. Most states rely on cash bail as the mechanism to ensure that a defendant will appear in court. Individuals who cannot pay the bail set by the court are detained, placing a disproportionate burden on low-income defendants.

Recent studies indicate that approximately two-thirds of the 740,000 people held in local jails are awaiting trial, and at least 27% of all pretrial defendants were unable to afford bail. The Uniform Pretrial Release and Detention Act does not aim to eliminate all pretrial detention, nor to eliminate all uses of bail. The Act provisions address: (1) the use of citations in lieu of arrest for minor offenses; (2) a time limit on when a hearing must be conducted for an individual who is arrested; (3) appointment of counsel; (4) a pretrial risk determination by a court to individualize release or detention; (5) review of a defendant's financial condition so that inability to pay a fee does not lead to detention; and (6) an obligation on the court to consider restrictive conditional release as an alternative to detention.

## **3. Uniform Public Expression Protection Act**

The Uniform Public Expression Protection Act is intended to provide a remedy for defendants involved in lawsuits called "Strategic Lawsuits Against Public Participation," or "SLAPPs." SLAPPs are abusive civil lawsuits that may be brought against individuals, corporate entities, or government officials. The topics of these lawsuits range from education and zoning to politics and the environment. Although the claim of the lawsuit may be defamation, tortious interference, invasion of privacy, or something else, the real goal of a SLAPP lawsuit is to entangle the defendant in expensive litigation that stifles the defendant's ability to engage in constitutionally protected activities.

The Uniform Public Expression Protection Act creates a clear process through which SLAPPs can be challenged and their merits fairly evaluated in an expedited manner. The Act protects individuals' rights to petition and speak freely on issues of

public interest while, at the same time, protecting the rights of people and entities to file meritorious lawsuits for real injuries.

## **VIII. SUMMARY OF ACTS RECOMMENDED FOR ENACTMENT IN 2020**

The Connecticut Commissioners recommended several Uniform and Model Acts be considered in the legislative session beginning February 2020. However, the acts did not receive final approval due to the closure of the Capitol Complex.

Committees of the General Assembly voted to draft the following uniform acts. The Connecticut Commissioners supported consideration of these acts to the extent permitted given the closing of the Capitol Complex on March 12, 2020, to mitigate the spread of the COVID-19 virus.

1. An Act Concerning Adoption and Implementation of the Connecticut Parentage Act, HB 5178, was raised by the Judiciary Committee on February 19, 2020, and received a public hearing on March 6, 2020. The text of the bill varies from the uniform act adopted by the ULC, but is based in large part on the uniform act.
2. An Act Adopting the Revised Uniform Law on Notarial Acts, HB 5325, was raised by the Commerce Committee on February 13, 2020, and received a public hearing on March 10, 2020.
3. An Act Concerning the Adoption of the Uniform Real Property Transfer on Death Act.

This act was raised by two committees. The Aging Committee raised the bill on February 18, 2020, and the Judiciary Committee raised the bill on February 21, 2020. The Aging Committee held a public hearing on H.B. 5209 on February 27, 2020, and reported the bill to the Judiciary Committee on March 4, 2020.