

THE HOUSE OF REPRESENTATIVES  
Wednesday, February 24, 2010

House Bill No. 3102

HOUSE BILL NO. 3102 - By: TREBILCOCK of the House.

An Act relating to civil procedure; creating the Uniform Collaborative Law Act; providing short title; defining terms; providing that the Uniform Collaborative Law Act applies to certain agreements; providing requirements for collaborative law participation agreements; providing for beginning and concluding a collaborative law process; providing for collaborative law participation agreements for proceedings pending before a tribunal; providing for issuance of certain protective orders; disqualifying certain attorneys from representing parties in proceedings related to collaborative matter; authorizing certain attorneys to represent parties without fee; providing for representation when a government entity is a party; requiring certain disclosure of information; providing for standards of professional responsibility and certain mandatory reporting requirements; providing process for determining appropriateness of collaborative law process; providing for situations involving coercive or violent relationships; providing that collaborative law communications are confidential, privileged, not subject to discovery, and not admissible in evidence; authorizing waiver or privilege; providing that certain persons may not assert privilege; limiting privilege; providing the authority of a tribunal in case of noncompliance; providing for uniformity of application and construction; providing for relation to certain federal act; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1       SECTION 1.   NEW LAW   A new section of law to be codified in the Oklahoma  
2 Statutes as Section 1891.1 of Title 12, unless there is created a duplication in numbering,  
3 reads as follows:

4       SHORT TITLE.

5       This act may be cited as the "Uniform Collaborative Law Act".

1 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 1891.2 of Title 12, unless there is created a duplication in numbering,  
3 reads as follows:

4 DEFINITIONS.

5 In the Uniform Collaborative Law Act:

6 (1) “Collaborative law communication” means a statement, whether oral or in a  
7 record, or verbal or nonverbal, that:

8 (A) is made to conduct, participate in, continue, or reconvene a  
9 collaborative law process; and

10 (B) occurs after the parties sign a collaborative law participation  
11 agreement and before the collaborative law process is concluded.

12 (2) “Collaborative law participation agreement” means an agreement by persons to  
13 participate in a collaborative law process.

14 (3) “Collaborative law process” means a procedure intended to resolve a  
15 collaborative matter without intervention by a tribunal in which persons:

16 (A) sign a collaborative law participation agreement; and

17 (B) are represented by collaborative lawyers.

18 (4) “Collaborative lawyer” means a lawyer who represents a party in a collaborative  
19 law process.

20 (5) “Collaborative matter” means a dispute, transaction, claim, problem, or issue for  
21 resolution described in a collaborative law participation agreement. The term includes a  
22 dispute, claim, or issue in a proceeding.

1 (6) “Law firm” means:

2 (A) lawyers who practice law together in a partnership, professional  
3 corporation, sole proprietorship, limited liability company, or  
4 association; and

5 (B) lawyers employed in a legal services organization, or the legal  
6 department of a corporation or other organization, or the legal  
7 department of a government or governmental subdivision, agency, or  
8 instrumentality.

9 (7) “Nonparty participant” means a person, other than a party and the party’s  
10 collaborative lawyer, that participates in a collaborative law process.

11 (8) “Party” means a person that signs a collaborative law participation agreement  
12 and whose consent is necessary to resolve a collaborative matter.

13 (9) “Person” means an individual, corporation, business trust, estate, trust,  
14 partnership, limited liability company, association, joint venture, public corporation,  
15 government or governmental subdivision, agency, or instrumentality, or any other legal  
16 or commercial entity.

17 (10) “Proceeding” means:

18 (A) a judicial, administrative, arbitral, or other adjudicative process before  
19 a tribunal, including related prehearing and post-hearing motions,  
20 conferences, and discovery; or

21 (B) a legislative hearing or similar process.

1 (11) "Prospective party" means a person that discusses with a prospective  
2 collaborative lawyer the possibility of signing a collaborative law participation  
3 agreement.

4 (12) "Record" means information that is inscribed on a tangible medium or that is  
5 stored in an electronic or other medium and is retrievable in perceivable form.

6 (13) "Related to a collaborative matter" means involving the same parties,  
7 transaction or occurrence, nucleus of operative fact, dispute, claim, or issue as the  
8 collaborative matter.

9 (14) "Sign" means, with present intent to authenticate or adopt a record:

10 (A) to execute or adopt a tangible symbol; or

11 (B) to attach to or logically associate with the record an electronic symbol,  
12 sound, or process.

13 (15) "Tribunal" means

14 (A) a court, arbitrator, administrative agency, or other body acting in an  
15 adjudicative capacity which, after presentation of evidence or legal  
16 argument, has jurisdiction to render a decision affecting a party's  
17 interests in a matter; or

18 (B) a legislative body conducting a hearing or similar process.

19 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma  
20 Statutes as Section 1891.3 of Title 12, unless there is created a duplication in numbering,  
21 reads as follows:

22 APPLICABILITY.

1 Except as provided in Section 20 of this act, the Uniform Collaborative Law Act  
2 applies to a collaborative law participation agreement that meets the requirements of  
3 Section 4 of this act signed on or after November 1, 2010.

4 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma  
5 Statutes as Section 1891.4 of Title 12, unless there is created a duplication in numbering,  
6 reads as follows:

7 COLLABORATIVE LAW PARTICIPATION AGREEMENT; REQUIREMENTS.

8 (a) A collaborative law participation agreement must:

9 (1) be in a record;

10 (2) be signed by the parties;

11 (3) state the parties' intention to resolve a collaborative matter through a  
12 collaborative law process under the Uniform Collaborative Law Act;

13 (4) describe the nature and scope of the matter;

14 (5) identify the collaborative lawyer who represents each party in the process; and

15 (6) contain a statement by each collaborative lawyer confirming the lawyer's  
16 representation of a party in the collaborative law process.

17 (b) Parties may agree to include in a collaborative law participation agreement  
18 additional provisions not inconsistent with the Uniform Collaborative Law Act.

19 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma  
20 Statutes as Section 1891.5 of Title 12, unless there is created a duplication in numbering,  
21 reads as follows:

22 BEGINNING AND CONCLUDING A COLLABORATIVE LAW PROCESS.

1 (a) A collaborative law process begins when the parties sign a collaborative law  
2 participation agreement.

3 (b) A tribunal may not order a party to participate in a collaborative law process  
4 over that party's objection.

5 (c) A collaborative law process is concluded by a:

6 (1) resolution of a collaborative matter as evidenced by a signed record;

7 (2) resolution of a part of the collaborative matter, evidenced by a signed record, in  
8 which the parties agree that the remaining parts of the matter will not be resolved in the  
9 process; or

10 (3) termination of the process.

11 (d) A collaborative law process terminates:

12 (1) when a party gives notice to other parties in a record that the process is ended;

13 or

14 (2) when a party:

15 (A) begins a proceeding related to a collaborative matter without the  
16 agreement of all parties; or

17 (B) in a pending proceeding related to the matter:

18 (i) initiates a pleading, motion, order to show cause, or request for  
19 a conference with the tribunal;

20 (ii) requests that the proceeding be put on the tribunal's active  
21 calendar; or

22 (iii) takes similar action requiring notice to be sent to the parties; or

1 (3) except as otherwise provided by subsection (e) of this section, when a party  
2 discharges a collaborative lawyer or a collaborative lawyer withdraws from further  
3 representation of a party.

4 (e) A party's collaborative lawyer shall give prompt notice to all other parties in a  
5 record of a discharge or withdrawal.

6 (f) A party may terminate a collaborative law process with or without cause.

7 (g) Notwithstanding the discharge or withdrawal of a collaborative lawyer, a  
8 collaborative law process continues, if not later than thirty (30) days after the date that  
9 the notice of the discharge or withdrawal of a collaborative lawyer required by paragraph  
10 (3) of subsection (d) of this section is sent to the parties:

11 (1) the unrepresented party engages a successor collaborative lawyer; and

12 (2) in a signed record:

13 (A) the parties consent to continue the process by reaffirming the  
14 collaborative law participation agreement;

15 (B) the agreement is amended to identify the successor collaborative  
16 lawyer; and

17 (C) the successor collaborative lawyer confirms the lawyer's representation  
18 of a party in the collaborative process.

19 (h) A collaborative law process does not conclude if, with the consent of the parties,  
20 a party requests a tribunal to approve a resolution of the collaborative matter or any part  
21 thereof as evidenced by a signed record.

1 (i) A collaborative law participation agreement may provide additional methods of  
2 concluding a collaborative law process.

3 SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma  
4 Statutes as Section 1891.6 of Title 12, unless there is created a duplication in numbering,  
5 reads as follows:

6 PROCEEDINGS PENDING BEFORE TRIBUNAL; STATUS REPORT.

7 (a) Persons in a proceeding pending before a tribunal may sign a collaborative law  
8 participation agreement to seek to resolve a collaborative matter related to the  
9 proceeding. Parties shall file promptly with the tribunal a notice of the agreement after  
10 it is signed. Subject to subsection (c) of this section and Sections 7 and 8 of this act, the  
11 filing operates as a stay of the proceeding.

12 (b) Parties shall file promptly with the tribunal notice in a record when a  
13 collaborative law process concludes. The stay of the proceeding under subsection (a) of  
14 this section is lifted when the notice is filed. The notice may not specify any reason for  
15 termination of the process.

16 (c) A tribunal in which a proceeding is stayed under subsection (a) of this section  
17 may require parties and collaborative lawyers to provide a status report on the  
18 collaborative law process and the proceeding. A status report may include only  
19 information on whether the process is ongoing or concluded. It may not include a report,  
20 assessment, evaluation, recommendation, finding, or other communication regarding a  
21 collaborative law process or collaborative law matter.

1 (d) A tribunal may not consider a communication made in violation of subsection (c)  
2 of this section.

3 (e) A tribunal shall provide parties notice and an opportunity to be heard before  
4 dismissing a proceeding in which a notice of collaborative process is filed based on delay  
5 or failure to prosecute.

6 SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma  
7 Statutes as Section 1891.7 of Title 12, unless there is created a duplication in numbering,  
8 reads as follows:

9 EMERGENCY ORDER. During a collaborative law process, a tribunal may issue  
10 emergency orders to protect the health, safety, welfare, or interest of a party or family or  
11 household member authorized to seek a protective order pursuant to the Protection from  
12 Domestic Abuse Act.

13 SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma  
14 Statutes as Section 1891.8 of Title 12, unless there is created a duplication in numbering,  
15 reads as follows:

16 APPROVAL OF AGREEMENT BY TRIBUNAL. A tribunal may approve an  
17 agreement resulting from a collaborative law process.

18 SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma  
19 Statutes as Section 1891.9 of Title 12, unless there is created a duplication in numbering,  
20 reads as follows:

21 DISQUALIFICATION OF COLLABORATIVE LAWYER AND LAWYERS IN  
22 ASSOCIATED LAW FIRM.

1 (a) Except as otherwise provided in subsection (c) of this section, a collaborative  
2 lawyer is disqualified from appearing before a tribunal to represent a party in a  
3 proceeding related to the collaborative matter.

4 (b) Except as otherwise provided in subsection (c) of this section and Sections 10 and  
5 11 of this act, a lawyer in a law firm with which the collaborative lawyer is associated is  
6 disqualified from appearing before a tribunal to represent a party in a proceeding related  
7 to the collaborative matter if the collaborative lawyer is disqualified from doing so under  
8 subsection (a) of this section.

9 (c) A collaborative lawyer or a lawyer in a law firm with which the collaborative  
10 lawyer is associated may represent a party:

11 (1) to ask a tribunal to approve an agreement resulting from the collaborative law  
12 process; or

13 (2) to seek or defend an emergency order to protect the health, safety, welfare, or  
14 interest of a party or family or household member authorized to seek a protective order  
15 pursuant to the Protection from Domestic Abuse Act if a successor lawyer is not  
16 immediately available to represent that person. In that event, subsections (a) and (b) of  
17 this section apply when the party or family or household member is represented by a  
18 successor lawyer or reasonable measures are taken to protect the health, safety, welfare,  
19 or interest of that person.

20 SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma  
21 Statutes as Section 1891.10 of Title 12, unless there is created a duplication in  
22 numbering, reads as follows:

1           LOW INCOME PARTIES.

2           (a) The disqualification of subsection (a) of Section 9 of this act applies to a  
3 collaborative lawyer representing a party with or without fee.

4           (b) After a collaborative law process concludes, another lawyer in a law firm with  
5 which a collaborative lawyer disqualified under subsection (a) of Section 9 of this act is  
6 associated may represent a party without fee in the collaborative matter or a matter  
7 related to the collaborative matter if:

8           (1) the party has an annual income that qualifies the party for free legal  
9 representation under the criteria established by the law firm for free legal  
10 representation;

11           (2) the collaborative law participation agreement so provides; and

12           (3) the collaborative lawyer is isolated from any participation in the collaborative  
13 matter or a matter related to the collaborative matter through procedures within the law  
14 firm which are reasonably calculated to isolate the collaborative lawyer from such  
15 participation.

16           SECTION 11.   NEW LAW   A new section of law to be codified in the Oklahoma  
17 Statutes as Section 1891.11 of Title 12, unless there is created a duplication in  
18 numbering, reads as follows:

19           GOVERNMENTAL ENTITY AS PARTY.

20           (a) The disqualification of subsection (a) of Section 9 of this act applies to a  
21 collaborative lawyer representing a party that is a government or governmental  
22 subdivision, agency, or instrumentality.

1 (b) After a collaborative law process concludes, another lawyer in a law firm with  
2 which the collaborative lawyer is associated may represent a government or  
3 governmental subdivision, agency, or instrumentality in the collaborative matter or a  
4 matter related to the collaborative matter if:

5 (1) the collaborative law participation agreement so provides; and

6 (2) the collaborative lawyer is isolated from any participation in the collaborative  
7 matter or a matter related to the collaborative matter through procedures within the law  
8 firm which are reasonably calculated to isolate the collaborative lawyer from such  
9 participation.

10 SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma  
11 Statutes as Section 1891.12 of Title 12, unless there is created a duplication in  
12 numbering, reads as follows:

13 DISCLOSURE OF INFORMATION. Except as provided by law other than the  
14 Uniform Collaborative Law Act, during the collaborative law process, on the request of  
15 another party, a party shall make timely, full, candid, and informal disclosure of  
16 information related to the collaborative matter without formal discovery. A party also  
17 shall update promptly previously disclosed information that has materially changed.  
18 Parties may define the scope of disclosure during the collaborative law process.

19 SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma  
20 Statutes as Section 1891.13 of Title 12, unless there is created a duplication in  
21 numbering, reads as follows:

1           STANDARDS OF PROFESSIONAL RESPONSIBILITY AND MANDATORY  
2 REPORTING NOT AFFECTED. The Uniform Collaborative Law Act does not affect:  
3           (1) the professional responsibility obligations and standards applicable to a lawyer  
4 or other licensed professional; or  
5           (2) the obligation of a person to report abuse or neglect, abandonment, or  
6 exploitation of a child or adult under the law of this state.

7           SECTION 14.   NEW LAW   A new section of law to be codified in the Oklahoma  
8 Statutes as Section 1891.14 of Title 12, unless there is created a duplication in  
9 numbering, reads as follows:

10          APPROPRIATENESS OF COLLABORATIVE LAW PROCESS. Before a  
11 prospective party signs a collaborative law participation agreement, a prospective  
12 collaborative lawyer shall:

13          (1) assess with the prospective party factors the lawyer reasonably believes relate to  
14 whether a collaborative law process is appropriate for the prospective party's matter;

15          (2) provide the prospective party with information that the lawyer reasonably  
16 believes is sufficient for the party to make an informed decision about the material  
17 benefits and risks of a collaborative law process as compared to the material benefits and  
18 risks of other reasonably available alternatives for resolving the proposed collaborative  
19 matter, such as litigation, mediation, arbitration, or expert evaluation; and

20          (3) advise the prospective party that:

- 1 (A) after signing an agreement if a party initiates a proceeding or seeks  
2 tribunal intervention in a pending proceeding related to the  
3 collaborative matter, the collaborative law process terminates;
- 4 (B) participation in a collaborative law process is voluntary and any party  
5 has the right to terminate unilaterally a collaborative law process with  
6 or without cause; and
- 7 (C) the collaborative lawyer and any lawyer in a law firm with which the  
8 collaborative lawyer is associated may not appear before a tribunal to  
9 represent a party in a proceeding related to the collaborative matter,  
10 except as authorized by subsection (c) of Section 9 of this act,  
11 subsection (b) of Section 10 of this act, or subsection (b) of Section 11 of  
12 this act.

13 SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma  
14 Statutes as Section 1891.15 of Title 12, unless there is created a duplication in  
15 numbering, reads as follows:

16 COERCIVE OR VIOLENT RELATIONSHIP.

17 (a) Before a prospective party signs a collaborative law participation agreement, a  
18 prospective collaborative lawyer must make reasonable inquiry whether the prospective  
19 party has a history of a coercive or violent relationship with another prospective party.

20 (b) Throughout a collaborative law process, a collaborative lawyer reasonably and  
21 continuously shall assess whether the party the collaborative lawyer represents has a  
22 history of a coercive or violent relationship with another party.

1 (c) If a collaborative lawyer reasonably believes that the party the lawyer represents  
2 or the prospective party who consults the lawyer has a history of a coercive or violent  
3 relationship with another party or prospective party, the lawyer may not begin or  
4 continue a collaborative law process unless:

5 (1) the party or the prospective party requests beginning or continuing a process;  
6 and

7 (2) the collaborative lawyer reasonably believes that the safety of the party or  
8 prospective party can be protected adequately during a process.

9 SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma  
10 Statutes as Section 1891.16 of Title 12, unless there is created a duplication in  
11 numbering, reads as follows:

12 CONFIDENTIALITY OF COLLABORATIVE LAW COMMUNICATION. A  
13 collaborative law communication is confidential to the extent agreed by the parties in a  
14 signed record or as provided by law of this state other than the Uniform Collaborative  
15 Law Act.

16 SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma  
17 Statutes as Section 1891.17 of Title 12, unless there is created a duplication in  
18 numbering, reads as follows:

19 PRIVILEGE AGAINST DISCLOSURE FOR COLLABORATIVE LAW  
20 COMMUNICATION; ADMISSIBILITY; DISCOVERY.

21 (a) Subject to Sections 18 and 19 of this act, a collaborative law communication is  
22 privileged under subsection (b) of this section, is not subject to discovery, and is not

1 admissible in evidence.

2 (b) In a proceeding, the following privileges apply:

3 (1) A party may refuse to disclose, and may prevent any other person from  
4 disclosing, a collaborative law communication.

5 (2) A nonparty participant may refuse to disclose, and may prevent any other  
6 person from disclosing, a collaborative law communication of the nonparty participant.

7 (c) Evidence or information that is otherwise admissible or subject to discovery does  
8 not become inadmissible or protected from discovery solely because of its disclosure or  
9 use in a collaborative law process.

10 SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma  
11 Statutes as Section 1891.18 of Title 12, unless there is created a duplication in  
12 numbering, reads as follows:

13 WAIVER AND PRECLUSION OF PRIVILEGE.

14 (a) A privilege under Section 17 of this act may be waived in a record or orally  
15 during a proceeding if it is expressly waived by all parties and, in the case of the privilege  
16 of a nonparty participant, it is also expressly waived by the nonparty participant.

17 (b) A person that makes a disclosure or representation about a collaborative law  
18 communication which prejudices another person in a proceeding may not assert a  
19 privilege under Section 17 of this act, but this preclusion applies only to the extent  
20 necessary for the person prejudiced to respond to the disclosure or representation.

1 SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 1891.19 of Title 12, unless there is created a duplication in  
3 numbering, reads as follows:

4 LIMITS OF PRIVILEGE.

5 (a) There is no privilege under Section 17 of this act for a collaborative law  
6 communication that is:

7 (1) available to the public under the Oklahoma Open Records Act or made during a  
8 session of a collaborative law process that is open, or is required by law to be open, to the  
9 public;

10 (2) a threat or statement of a plan to inflict bodily injury or commit a crime of  
11 violence;

12 (3) intentionally used to plan a crime, commit or attempt to commit a crime, or  
13 conceal an ongoing crime or ongoing criminal activity; or

14 (4) in an agreement resulting from the collaborative law process, evidenced by a  
15 record signed by all parties to the agreement.

16 (b) The privileges under Section 17 of this act for a collaborative law communication  
17 do not apply to the extent that a communication is:

18 (1) sought or offered to prove or disprove a claim or complaint of professional  
19 misconduct or malpractice arising from or related to a collaborative law process; or

20 (2) sought or offered to prove or disprove abuse, neglect, abandonment, or  
21 exploitation of a child or adult, unless the Department of Human Services is a party to or  
22 otherwise participates in the process.

1 (c) There is no privilege under Section 17 of this act if a tribunal finds, after a  
2 hearing in camera, that the party seeking discovery or the proponent of the evidence has  
3 shown the evidence is not otherwise available, the need for the evidence substantially  
4 outweighs the interest in protecting confidentiality, and the collaborative law  
5 communication is sought or offered in:

6 (1) a court proceeding involving a felony or misdemeanor; or

7 (2) a proceeding seeking rescission or reformation of a contract arising out of the  
8 collaborative law process or in which a defense to avoid liability on the contract is  
9 asserted.

10 (d) If a collaborative law communication is subject to an exception under subsection  
11 (b) or (c) of this section, only the part of the communication necessary for the application  
12 of the exception may be disclosed or admitted.

13 (e) Disclosure or admission of evidence excepted from the privilege under subsection  
14 (b) or (c) of this section does not make the evidence or any other collaborative law  
15 communication discoverable or admissible for any other purpose.

16 (f) The privileges under Section 17 of this act do not apply if the parties agree in  
17 advance in a signed record, or if a record of a proceeding reflects agreement by the  
18 parties, that all or part of a collaborative law process is not privileged. This subsection  
19 does not apply to a collaborative law communication made by a person that did not  
20 receive actual notice of the agreement before the communication was made.

1 SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 1891.20 of Title 12, unless there is created a duplication in  
3 numbering, reads as follows:

4 AUTHORITY OF TRIBUNAL IN CASE OF NONCOMPLIANCE.

5 (a) If an agreement fails to meet the requirements of Section 4 of this act, or a  
6 lawyer fails to comply with Section 14 or 15 of this act, a tribunal may nonetheless find  
7 that the parties intended to enter into a collaborative law participation agreement if  
8 they:

9 (1) signed a record indicating an intention to enter into a collaborative law  
10 participation agreement; and

11 (2) reasonably believed they were participating in a collaborative law process.

12 (b) If a tribunal makes the findings specified in subsection (a) of this section, and  
13 the interests of justice require, the tribunal may:

14 (1) enforce an agreement evidenced by a record resulting from the process in which  
15 the parties participated;

16 (2) apply the disqualification provisions of Sections 5, 6, 9, 10, and 11 of this act;

17 and

18 (3) apply the privileges under Section 17 of this act.

19 SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma  
20 Statutes as Section 1891.21 of Title 12, unless there is created a duplication in  
21 numbering, reads as follows:

1 UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and  
2 construing the Uniform Collaborative Law Act, consideration must be given to the need  
3 to promote uniformity of the law with respect to its subject matter among states that  
4 enact it.

5 SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma  
6 Statutes as Section 1891.22 of Title 12, unless there is created a duplication in  
7 numbering, reads as follows:

8 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL  
9 COMMERCE ACT. The Uniform Collaborative Law Act modifies, limits, and supersedes  
10 the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C.A. §  
11 7001 et seq. (2009), but does not modify, limit, or supersede section 101(c) of that act, 15  
12 U.S.C.A. § 7001(c), or authorize electronic delivery of any of the notices described in §  
13 103(b) of that act, 15 U.S.C.A. § 7003(b).

14 SECTION 23. This act shall become effective January 1, 2011.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS.