

From: Blackburn,Rex [mailto:RBlackburn@idahopower.com]
Sent: Wednesday, November 18, 2009 11:28 AM
To: John Sebert; Lucy Grelle; 'Phelan, Marilyn'
Cc: 'Hypernia2@aol.com'; 'lteitz@rwu.edu'
Subject: RE: Hague Convention on Choice of Court Agreements -- Post Meeting Report

Dear John, Marilyn and Lucy,

I write as Chair of the Hague Convention on Choice of Court Agreements Drafting Committee to report on the committee's progress. The Committee met in Chicago on October 16 and 17, 2009. The Committee is scheduled to meet next in Chicago on March 5 through 7, 2010.

- 1. Members, Advisors and Observers Absent From the Meeting.** Not attending the meeting were: Commissioners Henry Gabriel, Jr., Harriet Lansing, Harvey Perlman and Martha Walters; Observers Kieran Marion, Michael Kerr, Ray Pepe, Robert Smit, and Peter Trooboff.
- 2. Recommendations for Extension of Invitations to Additional Observers and Advisors.** None identified.
- 3. Progress Made and Significant Developments During the Meeting.** Overall, the meeting was very productive. The Committee completed a review of the entire draft of the Act. The Committee is successfully aligning the language of the draft to the treaty language and to the anticipated language of the federal implementing statute. The Reporters have significantly expanded their notes to the substantive provisions of the draft which will facilitate ultimate preparation of official comments and will serve as a useful interpretive guide to the act. The reporters were charged with returning with a draft for the March 2010 meeting that even further conforms the draft to the treaty and expected federal legislation.

Following the March 2010 drafting committee meeting the draft will be ready for final consideration of the Conference at its 2010 Annual Meeting. That said, the decision of the Department of State whether to utilize a joint state/federal adoption mechanism has yet to be made, although Kieth Loken of the DOS's Office of Legal Advisor reports that the decision will be made before year end. Even if the cooperative federalism approach to treaty adoption is utilized in this instance, it is questionable whether the federal implementing statute will be completed by the summer of 2010. If it is not completed ULC leadership will need to decide whether to take the state act "final" next summer. The value of permitting revisions to the state statute in order to align its language with the federal statute may warrant delay of final reading.

I have reported separately on my participation in the International Law Weekend panel discussions regarding the treaty implementation.

- 4. Recommendations Concerning Further Actions by the Committee.** The Committee recommends that the name of the Act be changed to "Uniform International Choice of Court Agreements Act" ("UICCAA").

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