

## Uniform Collaborative Law Act — Spring 2017 Update

By Lawrence R. Maxwell, Jr. and Melanie Merkle Atha

In 2009, following a two-year drafting process, the Uniform Law Commission unanimously adopted the [Uniform Collaborative Law Act](#). The stated purpose of the Uniform Collaborative Law Act is “*to support the continued development and growth of collaborative law by making it a more uniform, accessible dispute resolution option for parties.*”

In 2010, the Commission adopted [Uniform Collaborative Law Rules](#), that mirror the Act, thereby giving states options to enact the statute, or adopt Court Rules, or a combination thereof. Also, the Commission made provision for states to enact the UCLA with no limitation on matters that would be covered by the Act, or to limit the Act’s applicability only to matters arising under the family laws of the state.

A form of the UCLA/Rules, as approved by the Uniform Law Commission, has been enacted/adopted in Utah, Nevada, Texas, Hawaii, Washington, Alabama, Maryland, Ohio, Michigan, New Jersey, Montana, Arizona, Florida, North Dakota, New Mexico and the District of Columbia. The Act and/or Rules in Hawaii, Montana, Washington, North Dakota and Utah apply to all civil disputes, while the enactments/adoptions in Michigan, New Mexico, New Jersey, Texas, Ohio, Nevada, Florida, Arizona, the District of Columbia, and Maryland apply only to family law matters. The Act/Rules in Alabama apply in family and probate matters.

Efforts are continuing in Texas to enact the Act with no limit as to scope. Pennsylvania Bar Association House of Delegates has approved the UCLA and it is anticipated that it will be introduced in the Legislature (family and related matters arising under the commercial code, and probate matters). Massachusetts and Illinois have legislation pending in 2017. Numerous other states have commissions or caucuses planning future initiatives to adopt a form of the UCLA/Rules.

Local adaptations have been made for domestic violence screening to conform to state law on this subject, and further changes have been made to conform privileged communications to be consistent with state law.

Special thanks to Uniform Law Commissioners Harry Tindall of Houston, TX, and Peter Munson, Sherman, TX, who were chair and co-chair respectively, of the Drafting Committee that drafted the UCLA/rules; and continue to assist in monitoring activities, and promoting enactment of the Act and adoption of the Rules.

For additional information on status of the UCLA/Rules, visit the Uniform Law Commission website by clicking [here](#); or by contacting Larry Maxwell ([lmaxwell@adr-attorney.com](mailto:lmaxwell@adr-attorney.com)), chair of the legislative sub-committee.

**Lawrence R. Maxwell, Jr.** *is a practitioner of collaborative law in Dallas, Texas. He served as the Section of Dispute Resolution’s Advisor to the Uniform Law Commission’s Committee that drafted the Uniform Collaborative Law Act, and currently serves on the UCLA Advisory Committee of the International Academy of Collaborative Professionals.*

**Melanie Merkle Atha** *is a collaborative lawyer in Birmingham, Alabama. She serves on the Alabama Law Institute Committee on Collaborative Law which was responsible for vetting the*

*UCLA in Alabama prior to its enactment, and which submitted Collaborative Law Rules to the Alabama Supreme Court for adoption. Those rules went into effect in February 2015.*

### **Collaborative Statutes/Rules by Jurisdiction**

June 15, 2017

Alabama: limited to family and probate  
Ala. Code 1975 §§ 6-6-26.1 to 6-6-26.21 (2014)

Arizona. limited to family  
17B A.R.S. Rules Fam.Law Proc., Rule 67.1 (2016)

District of Columbia: limited to family law  
D.C. Code §§ 16-4001 to -4022 (2011).

Florida. limited to family  
Florida Statutes, SS 61.55-61.58 (2016)

Hawaii: no limit as to scope  
Haw. Rev. Stat. §§ 658G-1 to 658G-22 (2012).

Maryland: no limit as to scope  
Md. Code, Com. Law ·§ 3-2001–3-2015 (2014). .

Michigan: limited to family law  
Mich. Comp. Laws § 691.1331-691.1354 (2015)

Montana: no limit as to scope  
MT SB 272 (2015)

Nevada: limited to family law  
Nev. Rev. Stat. §§ 38.400-38.575 (2013).

New Jersey: limited to family law  
N. J. Rev. Stat. § 2A:23D-1-23D-18 (2015)

New Mexico: limited to family law  
NMRA 1-128 - 128.13

North Dakota. no limit as to scope  
N.D.R.Ct. 8.10 (2016)

Ohio: limited to family law  
Ohio Rev. Code Ann. §§ 3105.41-3105.54 (2013).

Texas: limited to family law  
Tex. Fam. Code Ann. §§ 15.001-15.116 (2011).

Utah: no limit as to scope  
Utah Code Ann. §§ 78b-19-101 to -116 (2010).

Washington: no limit as to scope  
Wash. Rev. Code §§ 7.77.010-7.77.902 (2013).