Uniform Collaborative Law Act — Spring 2016 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, thereby giving states options to enact the statute, or adopt Court Rules, or a combination thereof; and 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.

The UCLA, as approved by the Uniform Law Commission, has been enacted in Utah, Nevada, Texas, Hawaii, Washington, Alabama, Maryland, Ohio, Michigan, New Jersey, Montana, Arizona, Florida, North Dakota and the District of Columbia. The acts in Hawaii, Montana, Washington, North Dakota and Utah apply to all civil disputes, while the enactments in Michigan, New Jersey, Texas, Ohio, Nevada, Florida, Arizona, the District of Columbia, and Maryland apply only to family law matters. The enactment in Alabama applies in family and probate.

The UCLA has been introduced in Texas (all civil matters) in 2016. Pennsylvania Bar Association House of Delegates has approved the UCLA and it will be introduced in the Legislature (family matters). Court Rules are under consideration in New Mexico, and numerous other states have commissions or caucuses planning future initiatives to adopt the UCLA.

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 Harry Tindall of Houston, TX, who makes it a point to enable passage of the UCLA in American jurisdictions and to keep abreast of these developments. Without his diligence, this report would not be as timely or accurate.

For additional information on the enactment status of the UCLA, visit the Uniform Law Commission website (www.uniformlaws.org) or contact Harry Tindall (htindall@tindallengland.com), chair of the legislative sub-committee or Larry Maxwell (lmaxwell@adr-attorney.com), committee co-chair.

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. 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 submitted Collaborative Law Rules to the Alabama Supreme Court for adoption. Those rules went into effect on February, 2015.