



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

JOE T. MAY
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LEESBURG, VIRGINIA 20177
THIRTY-THIRD DISTRICT

COMMITTEE ASSIGNMENTS:
SCIENCE AND TECHNOLOGY (CHAIRMAN)
TRANSPORTATION
APPROPRIATIONS

January 10, 2003

Dear ABA Delegate:

I am writing to urge your support for the Resolution before the ABA House of Delegates affirming that UCITA is appropriate for consideration by the various state legislatures.

I am chair of the Virginia Joint Committee on Technology and Science (JCOTS). Our committee followed the drafting of UCITA for several years. In 1999 we set-up a special advisory committee to study UCITA in some depth. The Advisory Committee included cross-section of diverse views. A number of meetings were held during which a multitude of issues and concerns were discussed at length. The Advisory Committee voted to recommend enactment of UCITA in Virginia. That recommendation was approved by JCOTS unanimously by its 5 Delegate and 5 Senator members from both parties. In the legislative process, further hearings were held and each issue examined by the legislative fora. UCITA was enacted in 2000 with a deferred effective date of July 2001 to afford another JCOTS Advisory Committee to consider deliberately any and all additional suggested amendments.

The second Advisory Committee held four public hearings in different parts of the state, each of which lasted a day and considered several amendments. As a result, the Advisory Committee recommended a number of amendments, and JCOTS approved those amendments in December 2000. A Bill was introduced in the 2001 to make those amendments. They were adopted by a vote of 96 to 1 in the House of Delegates; and a vote of 38 to 0 in the Senate.

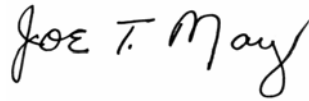
To my knowledge, Virginia has experienced so far no litigation under UCITA. This indicates that rules that give certainty over common law decisions case by case make litigation unnecessary. We believe that UCITA has provided an environment where new information technology can develop with clear guidance on the rules that will apply.

Thus, I would urge you to act favorably on a resolution on uniform rules for the new Information Age for those states interested in doing so. As provided in the Protocol between the ABA and NCCUSL, the uniform laws resolution before the ABA House does not establish policy for the ABA or bind the ABA to endorse or actively support the act, but instead merely states that the law in question (UCITA) is an appropriate statute for consideration by states.

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By enacting UCITA, the Legislature of Virginia determined that the substantive law is appropriate for action by a state looking to legislate in this area. The recognition of several federal courts that UCITA provides an appropriate guide for the common law affirms this judgment. We urge you, to vote in favor of the resolution coming before the house, which will help preserve the prerogative of states to carefully consider the enactment of UCITA, as Virginia did.

Sincerely,

A handwritten signature in black ink that reads "Joe T. May". The signature is written in a cursive, slightly slanted style.

Joe T. May

JTM/ucita