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Appropriate committees of the bar association should be designated to make a continued study, on a permanent basis, of the code and recommendations of the permanent editorial board, and to recommend, from time to time, changes in the District of Columbia Uniform Commercial Code.

COMMENTS

The committee has concluded that the interests of the District of Columbia and its citizens would be better served by an early adoption of the UCC in its presently revised form with only the necessary modifications indicated above rather than by a delayed adoption after a comprehensive section-by-section study of the UCC.

The latter method would extend over a period of years, and to be handled properly would require a substantial appropriation and some full-time personnel. It is not realistic to suppose that regular committees of the bar association composed of busy lawyers actively engaged in practice could accomplish the stupendous task of thoroughly analyzing the entire UCC within any reasonable period of time.

The UCC in its present form has been in the process of development since 1945. The drafting of the UCC has been performed by the joint efforts of hundreds of highly competent lawyers and professors of law all over the United States. It has been tried and tested as an enacted statute in Pennsylvania (over 8 years), Massachusetts (almost 4 years), and Kentucky (over 2 years). It is no longer a theoretical dream, but a statute that has proved itself in practice.

A number of the uniform acts have been enacted in the District of Columbia with few, if any, modifications. The experience with these acts has been highly satisfactory. The UCC is actually just another uniform act which, however, is more comprehensive and more thoroughly developed than any of the other uniform acts.

The UCC does not represent an abrupt change in commercial law concepts. It codifies commercial law in its present stage of development, filling many gaps and settling a number of questions raised by conflicting judicial decisions.

Although uniformity with the statute law of other jurisdictions should not be the sole criterion, nevertheless, it is extremely important in this age of quick transportation and communication when every commercial lawyer is constantly coming into contact with transactions involving the law of one or more other jurisdictions with the resulting problems of what and which. The adoption of the UCC in the District of Columbia would certainly tend to minimize conflict of laws problems in situations involving the District and other code jurisdictions. Moreover, with the relative paucity of judicial decisions on commercial law matters in the District of Columbia, the feature of uniformity would make more pertinent the more numerous decisions of other jurisdictions and assist District of Columbia lawyers in their interpretations of the UCC.

The comprehensiveness of the UCC will prove extremely helpful to the practicing lawyers and the people they represent. At the present time, a District lawyer faced with a commercial law problem often finds a complete void in both the District of Columbia Code and the reported District of Columbia opinions. He is then forced to resort to standard texts on the subject, law review articles, legal encyclopedias or digests, and then to follow the references to judicial opinions of other jurisdictions. At the conclusion of extensive and time-consuming research he is often still in doubt. On the other hand, the UCC with its reasonably good coverage of the whole field will by itself answer many of the questions. This does not mean, however, that the UCC is a universal panacea or that it is without fault. There is no doubt that, if enacted in the District, defects requiring correction will be found both before and after its effective date. And also there is no doubt that lawyers will differ in their interpretations of the UCC, and that such differences will on occasion be resolved through judicial interpretation.

The following is a brief review of the 10 articles of the UCC:

Article 1

This article deals with matters of general application, and contains general definitions and principles of interpretation.

Article 2

This article would completely supersede the Uniform Sales Act as contained in chapters 11 through 16 of title 28 of the District of Columbia Code. The Uniform Sales Act has been completely rewritten and much new material added, to conform to present day commercial practices.