

Q&A: Charles Trost

The Uniform Law Commission is holding its annual meeting in Nashville through Thursday. To find out more about the influential 121-year-old nonprofit legal organization, we talked to ULC treasurer and commissioner Charles Trost, of Nashville's Waller firm.

The average person doesn't understand what the ULC is and does. Can you describe its purpose?

It's been around ... since 1892, and it was an effort by states to get together periodically to consider acts that could then be taken back to legislatures of the various states for their consideration, with the intent to create a body of uniform laws where uniformity was desirable or important to the states. There are a lot of areas of the law that are not pre-empted by federal law and are governed by state law, and it's useful to have uniform laws so that when you travel from one state to another you're operating under [similar] laws.

What are some of the big acts up for consideration at the conference?

[The Uniform Deployed Parents Custody and Visitation Act concerns] uniformed military services ... because when members of the military deploy overseas, issues can arise involving custody of their children, and the laws vary from state to state. The intent was to come up with a body of laws that the states that adopt it would create a uniformity on which courts would have jurisdiction, how would these matters be handled. ... One thing to remember: At the end of the day, we merely recommend. Nothing we do actually becomes a law until a state legislature picks it up, enacts it, and the governor signs it. Until then it's just a proposal.

What does the ULC do in cases where states' laws vary widely on issues, such as the act on premarital and marital agreements (including gay marriage)?

We start off sometimes with the idea that these acts as they are adopted will be basically the same from one state to another. And sometimes we end up with the understanding that we're not going to get uniformity.

—James Nix