



Coming Attractions

Preview of the 2009 IACA Conference, Denver, Colorado **Crossing the Divide: *Services in an e-World***

The 2009 IACA Annual Conference will be held Sunday, May 17, 2009 through Thursday, May 21, 2009 at the Grand Hyatt in Denver, Colorado. We're looking forward to seeing you in Denver for another great conference with exceptional information and opportunities for collaboration. We encourage you to start planning early. Hotel reservations can be made through the Grand Hyatt at <http://www.granddenver.hyatt.com/groupbooking/denrdiacm2009>.

Additional conference registration information is available on the IACA website at <http://www.iaca.org/node/121>.

Joint Section Meetings:

World Bank – There are certain best practice principles that guide donors such as the [World Bank Group](#), [USAID](#), [EBRD](#), [ADB](#), etc. that support development of secured transactions laws and filing offices. The speakers will address how those principles apply in various situations. That would include problems encountered in different types of legal systems.

Report of the IACA Indexing Standards Workgroup (IISW) – The IISW consists of representatives from the Information Technology Section, the Business Organization Section, the Secured Transaction Section and the International Relations Section. This session will focus on reviewing the member jurisdictions' current practices for indexing names on BOS and STS filings. Additionally, the workgroup will report on its progress since our last IACA conference. We have learned a great deal about the treatment of special characters this year, and the workgroup will share the membership survey results. We also plan to establish the best, or model, practices for indexing to encourage consistency and predictability among our membership.

International Relations Section:

Julian Lamb, Jersey Channel Islands, Chair
Paul Robinson, Canada Federal Gov't, Vice-Chair

A New IACA Strategy! – This year, IACA's International Relations Section has decided to implement a new strategy. We plan to integrate our section members into the session meetings of the Business Organization Section, Information Technology Section and the Secured Transaction Section. IACA welcomes you as we cross the divide.

Secured Transactions Section:

Kelly Kopyt, Massachusetts, Chair

Kathleen Vasquez, California, Vice-Chair

Scott Primeau, Colorado, Second Vice-Chair

Cautionary Tales: Review of Non-Uniform Legislation – An STS Panel will review non-uniform legislation and present an update on the states that are reviewing, or have enacted, non-uniform changes to UCC Article 9. What were the motivating factors and can they be accommodated in another manner? What are the consequences of these changes and what difficulties do they present? STS will encourage participation from the membership throughout this discussion, especially from states confronted with non-uniform legislation.

Report on Article 9 Review Committee – NCCUSL's Joint Review Committee on UCC Article 9 is meeting in February and March 2009 to discuss a number of potential amendments to Article 9. The Review Committee plans to address concerns regarding the UCC statutory forms, transmitting utilities, correction statements, the public record definition and a safe harbor for individual debtor names. In May, IACA will explain IACA's participation in the review and present the Review Committee's progress.

Electronic Filing and UCC Forms – How many jurisdictions are accepting filings electronically? Are the electronic filing processes in line with the requirements of the IACA Model Forms? STS uncovered inconsistencies regarding the UCC 9-521 forms, also. In this session we will discuss the need for consistency between the 9-521 forms, the IACA Model Forms and our electronic filing processes. We will also review the proposals, if any, from NCCUSL's Joint Review Committee on Article 9 and incorporate any necessary changes to the IACA Model Forms.

Secured Transaction Updates and Developments – There have been a variety of developments since our last conference, which have an impact on the operations in IACA's membership jurisdictions. We will be discussing the following developments:

- ◆ **Indexing Concerns** – How can we best accommodate special characters and the determinations of the IACA Indexing Standards Workgroup?
- ◆ **Character Field Lengths** – How many characters may be data entered into your individual and organization debtor name fields? How about the collateral fields? Are they the same length for paper and electronic filings?
- ◆ **Model Administrative Rules** – Has your state adopted a version of the Model Administrative Rules? If so, is it the most recent version?
- ◆ **Standard Search Logic** – Let's review the Standard Search Logic in the Model Administrative Rules and compare it to what our membership jurisdictions have in effect today.

Jurisdiction Guidelines for Accepting a UCC Record Presented for Filing Chart (Filing Chart) – The success and importance of the filing chart has become increasingly significant to STS, its filers and searchers! Thirty-four jurisdictions verified their responses last year, and we continue to encourage consistency in filing procedures throughout our member jurisdictions. This interactive session will focus discussion on some new additions and continue to talk about the actions with the greatest variation among our membership. Take an opportunity to take a look at the filing chart and its corresponding examples on the STS website at www.iaca.org. The success of the filing chart is dependent upon membership participation!

Jurisdiction Guidelines for the Processing and Reporting of a UCC Search Request Survey - As we know, the IACA Model Administrative Rules set forth procedures for the processing and reporting of UCC search requests; however, jurisdictions provide varying services to their customers. STS compiled the results of the first survey at last year's conference. We have refined your responses and continue make this a living reference document. The overall objective is to provide an opportunity for education, discussion and, at the end of the

day, uniformity across state lines. This will provide our customers with greater predictability and confidence in the UCC searches and results in each jurisdiction.

Business Organization Section:

Beth Laliberte, Ohio, Chair

Sarah Steinbeck, Colorado, Vice-Chair

Cheri Myers, North Carolina, Second Vice-Chair

Mandy Harlan, Louisiana, Recording Secretary

Beneficial Ownership – Beneficial ownership and the role of the federal government in entity formation was widely discussed at the 2007 and 2008 conferences. This year, in Denver, we will discuss the Record Owners of Business Act (“ROBA”) that NCCUSL is currently drafting and hear from individuals with the latest developments and updates on the status of federal legislation. Will new federal legislation be introduced by Senator Levin and other sponsors, and is this on the new President’s agenda? What impact will ROBA have on our filing offices? Are there membership jurisdictions that have already enacted changes similar to those included in ROBA? Will the changes provided in ROBA satisfy the federal government? This session will address these questions and more.

Entity Law Update – Bill Clark of NCCUSL will join us again to discuss entity laws currently in the drafting stage. We will continue our discussion of the Business Organization Act (“BOA”) from the Salt Lake City conference. A joint ABA/NCCUSL Business Law Committee met in October to continue drafting the BOA, which is scheduled to be finalized following the Denver conference. We will discuss the latest revisions to the Act and have an opportunity to present our members’ perspectives on those revisions. A brief overview of the Uniform Statutory Trust Act will also be presented to guide our members’ understanding of the Act, which is nearly final.

Federal Legislative Update – In addition to beneficial ownership, there are other issues being taken up at the federal level that impact our member jurisdictions. BOS will provide a status update on pending federal legislation impacting our members.

Model Registered Agent Act (MoRAA) Review and Guide to Implementation – Some time has passed since our members were first introduced to the Model Registered Agent Act (“MoRAA”) and several member jurisdictions have enacted and implemented MoRAA. BOS, with the help of ITS and a panel of members who have implemented MoRAA, will provide a brief overview of MoRAA and discuss the technical changes required to implement the Act. Join our very own Tim Poulin as he demonstrates the system used in Maine!

Day-to-Day Filing Issues and BOS List Serve Discussions – Back by popular demand, BOS will dedicate one session to an open mic forum where our members can discuss new projects or practices in their offices, and draw upon the wisdom and experience of fellow members for problem solving ideas. Additionally, we’ll catalog and review the discussions that developed on the BOS list-serve over the past year. Please be ready to share your problems, successes, unique experiences and perspectives for the benefit of fellow members!

Implementing Electronic Filing – Many of our member jurisdictions have begun accepting filings electronically. Join BOS and ITS as we discuss the legal and technical framework required to implement electronic filing. A panel of our members, with varying degrees of experience with electronic filing systems, will also provide us with tips and insight into the world of e-filing.

The Ups and Downs of Electronic Filing – What do you do when the server crashes? Join BOS and ITS as we discuss the technical problems that can arise with electronic filing systems and how to be prepared to deal with those problems.

“Illicit: The Dark Trade” (The Growing Problem of Piracy) – Most of our member jurisdictions register trademarks, and those registrations are an important part of protecting the rights of trademark registrants. North Carolina is one member jurisdiction that actually enforces trademarks. Join BOS as we view a National Geographic presentation on the growing, global problem of piracy and engage our panel in a discussion regarding what filing offices can do to help prevent infringement.

Registration of Foreign Entities in the U.S. – What do you do when an international entity attempts to register in your jurisdiction but cannot provide a certificate of good standing from its country of organization? Join a joint panel from IRS and BOS as we discuss ways to prevent undue delays in the registration of international entities.

Information Technology Section: Jeff Schulkind, New York, Chair
 Brick Morff, Missouri, Vice-Chair
 Diane Silver, Texas, Second Vice-Chair

ITS has scheduled four independent breakout sessions, and will participating in a number of joint sessions during the conference. We are excited about the IT agenda and look forward to seeing you in Denver.

Agile Development – We have been fortunate to get Bob Hartman to provide a session on Agile Development. Agile is an iterative and incremental (evolutionary) approach to software development which is performed in a highly collaborative manner by self-organizing teams with “just enough” ceremony that produces high quality software in a cost effective and timely manner which meets the changing needs of its stakeholders.
<http://www.agilemodeling.com/essays/agileSoftwareDevelopment.htm>

“Bob Hartman is an Agile trainer and coach with over 30 years of experience developing software ... Over the past 10 years he has grown from being an early adopter of Agile to his current status as a Certified Scrum Master (CSM) and Certified Scrum Practitioner (CSP).” <http://www.agileuniversity.org/trainer.jsp?id=648>

Information Technology Service Management – New Horizons of Colorado has agreed to provide an instructor for a session on ITIL. “ITIL is best practice in IT Service Management, developed by OGC and supported by publications, qualifications and an international user group. ITIL is intended to assist organizations to develop a framework for IT Service Management. Worldwide, ITIL is the most widely used best practice for IT Service Management.” <http://www.itil-officialsite.com/faq.asp#1>
<http://www.nhcolorado.com/>

Collaboration in the Workplace: Putting the “I” Back in Team – Chip Bullock, one of the founders of CCIS, has over 25 years of experience in the IT industry and is CEO. He is responsible for the company's overall strategic direction, including market segmentation, partnerships, alliances and growth strategy.
<http://www.ccis-inc.com/people.php>

ITS Round Table Discussion – Automated Systems – Existing and Planned – This session will be devoted to sharing information about the different technologies that are being used in different states to support the business of Business and Public Filings. The attendees will exchange information about their current automated systems, plans for, or experiences in migrating to new platforms, re-writing applications using newer development languages, etc., with special focus on “lessons learned.” This has always been a successful and popular session.