

Gray Plant Mooty Attorneys Assist with New Uniform Law Commission Digital Assets Policy

July 22, 2014

Congratulations to Gray Plant Mooty lawyer Jim Lamm, whose recent work with the Uniform Law Commission (ULC) proved instrumental in the adoption last week of the commission's Uniform Fiduciary Access to Digital Assets Act (UFADAA). Jim was assisted in his efforts by ULC commissioner, and GPM lawyer, Gene Hennig, who served on the bill's drafting committee and saw the bill through nearly three years of discussion, drafting, and revision.

Currently, service providers like Facebook and Google are under no legal obligation to allow fiduciaries (e.g., personal representatives of deceased person's estates, conservators, agents acting pursuant to a power of attorney, and trustees) access to digital assets belonging to the deceased or incapacitated. Digital assets include—but are not limited to—email accounts, social media profiles, domain names, digital media like photos and music, and online banking information. In an increasingly digital society, this is a pressing issue; under UFADAA, service providers would face stricter requirements to make these assets available at the request of representatives and families of the deceased.

ULC plans to submit UFADAA to state legislatures nationwide, in the hope that most (if not all) will adopt this new legislation. GPM lawyers Bob Stein and Mike Sullivan, Sr. also serve as ULC commissioners. More information on UFADAA and the ULC is available at the ULC's website.