

LAW AND CONTEMPORARY PROBLEMS

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FOREWORD

When this symposium on the Uniform Commercial Code¹ was originally planned about a year ago, it was thought that the Code would be in final form, ready for adoption by State legislatures and the Federal Congress, by the time of publication of the symposium, so that it might well be of value to those interested in both the interpretation of the Code's provisions and the arguments over the merits of its enactment.

Although events have postponed adoption of a final draft of the Code by the American Law Institute and the National Conference of Commissioners on Uniform State Laws until later this year, it was thought desirable not to delay publication of the symposium, since much of the material in it related to current debates and discussions over the present language and approach of various provisions in the latest drafts of the Code, even in tentative form.

For example, as the articles in this issue show, there is serious question whether the sections of the Code relating to conflict of laws and federal enactment should not be changed, perhaps drastically, before approval of the final draft. Professor Beutel also points out serious difficulties in the basic structure and approach of the entire Code itself. And the Sales and Secured Transactions Articles of the Code, also discussed in this issue, raise important questions of policy, language, and inter-relationship with other fields of law, such as bankruptcy. Further discussion of these and other issues arising out of the drafting and adoption of the Code will, of course, be continued in the following issue containing Part II of this symposium.

In a project of this magnitude, which attempts to reduce to one coherent uniform legislative form fields of law hitherto covered by a multitude of often conflicting laws and court decisions, it is hardly surprising that complete agreement cannot easily be reached on many points and topics. The complexity of the task is increased by the impact of the Code on related fields of law, such as bankruptcy, and the

¹In two parts, of which the present issue is the first.

sensitive issues raised in such areas as conflict of laws when the attempt is made to make the Code a truly uniform one in our federal system.

Whatever may be the fate of the present draft of the Code, there can be no doubt that the fields of the law covered or touched by it have greatly benefited from the labor and explorations for the last few years of the many draftsmen, advisers, and others who have participated in the work on the Code. Much has been accomplished, much no doubt still remains to be done.

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