

**DAILY JOURNAL**  
**AMERICAN BAR ASSOCIATION**  
**HOUSE OF DELEGATES**  
**2011 ANNUAL MEETING**  
**TORONTO, CANADA**  
**AUGUST 8-9, 2011**

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
10A	BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA STANDING COMMITTEE ON GUN VIOLENCE COMMISSION ON DOMESTIC VIOLENCE	Urges applicable governmental entities to take all appropriate measures to ensure that the National Criminal Instant Background Check System (NICS) is as complete and accurate as possible, so that all persons properly categorized as prohibited persons under 18 U.S.C. § 922(g) are included in the NICS system.	Approved
10B	NEW YORK STATE BAR ASSOCIATION NEW YORK CITY BAR ASSOCIATION OHIO STATE BAR ASSOCIATION YOUNG LAWYERS DIVISION	Recommends that law schools, law firms, CLE providers and others concerned with continued professional development provide the knowledge, skills, and values, that are required of the successful modern lawyer.	Approved as Amended (see attached)
11-1	CONSTITUTIONAL AMENDMENT	Amends §1.2 of the Constitution to include the following language as one of the purposes of the Association: "to defend the right to life of all innocent human beings, including all those conceived but not yet born."	Postponed Indefinitely
11-2	CONSTITUTIONAL AMENDMENT	Amends §2.2 and §6.2 of the Constitution and various other sections of the Constitution and the House Rules of Procedure, to provide that each territory, as defined, shall have a seat in the House of Delegates.	Approved
11-3	CONSTITUTIONAL AMENDMENT	Amends §7.2 of the Constitution and various other sections of the Bylaws to change the Law Student member-at-large from a non-voting member of the ABA Board of Governors to a voting member.	Approved
11-4	AMENDMENT TO BYLAWS	Amends §30.5 of the Bylaws to provide that non-U.S. lawyer associates may serve as officers of the Section of Business Law.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
11-5	AMENDMENT TO BYLAWS	Amends §32.1 (d) of the Bylaws to provide that non-U.S. lawyer associates may serve on the Governing Committee of the Forum on Construction Law.	Approved
11-6	AMENDMENT TO BYLAWS	Amends §31.7 of the Bylaws to eliminate the Standing Committee on Environmental Law.	Approved
100	STANDING COMMITTEE ON PARALEGALS	Grants approval and reapproval to several paralegal education programs, withdraws the approval of three programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.	Approved
101A	SECTION OF LITIGATION SECTION OF FAMILY LAW CRIMINAL JUSTICE SECTION COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON YOUTH AT RISK GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS LOS ANGELES COUNTY BAR ASSOCIATION PHILADELPHIA BAR ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW COMMISSION ON IMMIGRATION YOUNG LAWYERS DIVISION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION	Adopts the <i>Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings</i> , dated August 2011.	Approved
101B	SECTION OF LITIGATION	Adopts the <i>Standards of Conduct For Experts Retained By Lawyers</i> , dated August 2011, and urges counsel to incorporate the Standards in lawyer engagement agreements with experts.	Withdrawn

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
101C	SECTION OF LITIGATION STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS SECTION OF INTERNATIONAL LAW SECTION OF BUSINESS LAW SECTION OF ANTITRUST LAW	Adopts as best practices the <i>Protocol on Court-to-Court Communications in Canada-U.S. Cross-Border Class Actions</i> and <i>Notice Protocol: Coordinating Notice(s) to the Class(es) in Multijurisdictional Class Proceedings</i> , dated August 2011 and urges courts and counsel in cross-border class action cases involving the United States and Canada to adopt the <i>Protocols</i> .	Approved
102	NATIONAL NATIVE AMERICAN BAR ASSOCIATION CENTER FOR RACIAL AND ETHNIC DIVERSITY COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW NATIONAL BAR ASSOCIATION NATIONAL HISPANIC BAR ASSOCIATION NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION JUDICIAL DIVISION LAWYERS CONFERENCE STANDING COMMITTEE ON PUBLIC EDUCATION COMMISSION ON RACIAL AND ETHNIC DIVERSITY IN THE PROFESSION LAW STUDENT DIVISION	Urges the Law School Admissions Council and ABA-approved law schools to require additional information, including Tribal citizenship, Tribal affiliation or enrollment number, and/or a “heritage statement”, from individuals who indicate on their applications for testing or admission that they are Native American.	Approved
103A	COMMISSION ON YOUTH AT RISK CENTER FOR HUMAN RIGHTS RULE OF LAW INITIATIVE SECTION OF LABOR AND EMPLOYMENT LAW COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON DOMESTIC VIOLENCE CRIMINAL JUSTICE SECTION COMMISSION ON IMMIGRATION	Urges state legislatures to enact laws that effectively aid minors who are victims of human trafficking.	Approved as Revised (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
103A cont.	SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTERNATIONAL LAW COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY SECTION OF FAMILY LAW		
103B	COMMISSION ON YOUTH AT RISK COMMISSION ON IMMIGRATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTERNATIONAL LAW SECTION OF FAMILY LAW	Urges Congress to modify immigration laws to take into account the best interests of minor children who may be affected by a parent, legal guardian, or primary caregiver's immigration detention or removal.	Approved as Revised (see attached)
103C	COMMISSION ON YOUTH AT RISK COMMISSION ON IMMIGRATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTERNATIONAL LAW SECTION OF FAMILY LAW COMMISSION ON DOMESTIC VIOLENCE	Urges the Department of Homeland Security to revise its policies so that detained parents, legal guardians, and primary caregivers of children have meaningful participation with their attorneys at judicial proceedings involving their children; and that those involved in family and juvenile courts be educated regarding the connection between state child welfare laws and immigration laws.	Approved
103D	COMMISSION ON YOUTH AT RISK COMMISSION ON IMMIGRATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTERNATIONAL LAW SECTION OF FAMILY LAW	Urges that unaccompanied and undocumented immigrant children in the United States, upon their apprehension by immigration authorities, be screened by independent experts to determine if they are eligible for immigration relief.	Approved as Revised (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
104A	SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE COMMISSION ON IMMIGRATION NEW YORK STATE BAR ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTERNATIONAL LAW	Supports application of the Immigration and Nationality Act to allow persons outside the United States to pursue motions to reopen or motions to reconsider removal (deportation) proceedings on the same basis and subject to the same restrictions that apply to persons who file such petitions from within the United States.	Approved
104B	SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE	Urges Congress to update and strengthen federal lobbying laws by requiring fuller reporting of lobbying activities, forbidding certain conflicts of interest, and providing for more effective enforcement of the Lobbying Disclosure Act of 1995.	Approved as Revised (see attached)
105A	CRIMINAL JUSTICE SECTION COMMISSION ON IMMIGRATION SECTION OF SCIENCE AND TECHNOLOGY LAW	Urges the U.S. Sentencing Commission to complete a comprehensive assessment of the guidelines for child pornography offenses, taking into account the severity of each offense.	Approved as Revised (see attached)
105B	CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES	Adopts the <i>Key Requirements for the Certification of Correctional Accrediting Entities</i> , dated August 2011, and urges governments to require that public and private facilities in which adults or juveniles are confined for violations or alleged violations of criminal, juvenile, or immigration laws be accredited by one or more federally-certified accrediting entities.	Approved
105C	CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COMMISSION ON DOMESTIC VIOLENCE	Urges the Bureau of Prisons, the U.S. Marshals Service, Immigration and Customs Enforcement, and state, tribal and local correctional authorities to develop and implement gender-responsive needs assessments that account for women's specific needs, including parenting responsibilities, the importance of their relationships, their histories of domestic violence and abuse, and their distinctive patterns and prevalence of mental health issues.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
105D	CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS DEATH PENALTY REPRESENTATION PROJECT NEW YORK STATE BAR ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COMMISSION ON IMMIGRATION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION	Urges governments to adopt disclosure rules in courts requiring the prosecution to obtain from its agents and to make timely disclosure to the defense before the commencement of trial or a guilty plea all information known to the prosecution that tends to negate the guilt of the accused, mitigate the offense charged or sentence, or impeach the prosecution's witnesses or evidence, except when relieved of this responsibility by a protective order.	Approved
105E	CRIMINAL JUSTICE SECTION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTERNATIONAL LAW GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION	Urges the President and the United States Department of Defense to assure that there is an opportunity for public notice and comment with respect to the issuance of the rules for the periodic review of continued law of war detention cases required by the President's Executive Order No. 13567, 76 Fed. Reg. 13277 (2011).	Approved
106A	COMMISSION ON LAW AND AGING SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW YOUNG LAWYERS DIVISION SENIOR LAWYERS DIVISION	Urges Congress, and all federal, state and territorial administrative bodies to continue efforts to expand the availability of home and community based services as a viable long term option.	Approved
106B	COMMISSION ON LAW AND AGING	Urges the United States Department of Health and Human Services to ensure that all health care providers that participate in Medicare and Medicaid refrain from providing treatment not wanted by patients and seeking reimbursement for such treatment.	Withdrawn

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
106C	COMMISSION ON LAW AND AGING SECTION OF INTERNATIONAL LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW YOUNG LAWYERS DIVISION SENIOR LAWYERS DIVISION	Encourages the United States Department of State and the United Nations and its member states to support the ongoing processes at the United Nations and the Organization of American States to strengthen protection of the rights of older persons, including the efforts and consultations towards an international and regional human rights instrument on the rights of older persons.	Approved
107	STANDING COMMITTEE ON JUDICIAL INDEPENDENCE AMERICAN JUDICATURE SOCIETY JUDICIAL DIVISION APPELLATE JUDGES CONFERENCE THE MISSISSIPPI BAR ASSOCIATION THE MISSOURI BAR ASSOCIATION ILLINOIS STATE BAR ASSOCIATION SAN DIEGO BAR ASSOCIATION OHIO STATE BAR ASSOCIATION YOUNG LAWYERS DIVISION SECTION OF LITIGATION SECTION OF ANTITRUST LAW TORT TRIAL AND INSURANCE PRACTICE SECTION	Urges states to establish clearly articulated procedures for judicial disqualification determinations and prompt review of denials of requests to disqualify a judge.	Approved
108	SECTION OF DISPUTE RESOLUTION SECTION OF ANTITRUST LAW SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW SECTION OF STATE AND LOCAL GOVERNMENT LAW	Affirms the principle of civility as a foundation for democracy and the rule of law and urges lawyers, ABA member entities and other bar associations to take meaningful steps to enhance the constructive role of lawyers in promoting a more civil and deliberative public discourse.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
108 cont.	JUDGE ADVOCATES ASSOCIATION GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION SECTION OF SCIENCE AND TECHNOLOGY LAW SECTION OF INTELLECTUAL PROPERTY LAW NEW YORK STATE BAR ASSOCIATION SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR SAN DIEGO COUNTY BAR ASSOCIATION INDIANA STATE BAR ASSOCIATION AMERICAN JUDICATURE SOCIETY SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE DELAWARE STATE BAR ASSOCIATION YOUNG LAWYERS DIVISION SECTION OF TORT TRIAL AND INSURANCE PRACTICE SECTION OF BUSINESS LAW NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY		
109	COMMISSION ON DOMESTIC VIOLENCE CRIMINAL JUSTICE SECTION COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES	Urges governments to enact legislation and appropriate funds to protect sexual crime victims' rights by eliminating the substantial backlog of rape kits collected from crime scenes and convicted offenders.	Approved as Revised (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
109 cont'd	SECTION OF TORT TRIAL AND INSURANCE PRACTICE SECTION OF SCIENCE AND TECHNOLOGY LAW		
110A	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Revised Uniform Law on Notarial Acts, promulgated by the National Conference of Commissioners on Uniform State Laws in 2010, as appropriate legislation for those states desiring to adopt the specific substantive law suggested therein.	Approved
110B	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Collaborative Law Rules/Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2010, as appropriate legislation or rules for those states desiring to adopt the specific substantive law suggested therein.	Not Approved (154;298)
111A	YOUNG LAWYERS DIVISION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF TORT TRIAL AND INSURANCE PRACTICE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS LAW STUDENT DIVISION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION	Urges Congress to enact legislation that assists individuals who are experiencing financial hardship due to excessive levels of student loan debt but are not covered by the provisions of the student loan overhaul passed into law on March 30, 2010.	Approved as Revised (see attached)
111B	YOUNG LAWYERS DIVISION NEW YORK STATE BAR ASSOCIATION LAW STUDENT DIVISION SECTION OF ANTITRUST LAW	Urges all ABA-Approved Law Schools to report employment data that identifies whether graduates have obtained full-time or part-time employment within the legal profession, whether in the private or public sector, or whether in alternative professions and whether such employment is permanent or temporary.	Approved as Revised (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
112	SECTION OF ENVIRONMENT, ENERGY, AND RESOURCES SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION	Urges the United States Government to ensure that federally-recognized Indian tribes (Tribes) listed pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a, may participate fully in policy discussions on the issue of climate change domestically and in international fora.	Approved
113A	SECTION OF INTERNATIONAL LAW NEW YORK CITY BAR ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW SECTION OF TORT TRIAL AND INSURANCE PRACTICE SECTION OF BUSINESS LAW SECTION OF LITIGATION CENTER FOR HUMAN RIGHTS COMMISSION ON WOMEN IN THE PROFESSION SECTION OF DISPUTE RESOLUTION SECTION OF ANTITRUST LAW	Opposes federal or state laws that impose blanket prohibitions on consideration or use of foreign or international law and opposes federal or state laws that impose blanket prohibitions on consideration or use of the entire body of law or doctrine of a particular religion.	Approved
113B	SECTION OF INTERNATIONAL LAW SECTION OF BUSINESS LAW	Urges Congress to fund U.S. participation in capital increases and replenishments for the World Bank, the Inter-American Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development.	Approved
114	HEALTH LAW SECTION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SPECIAL COMMITTEE ON BIOETHICS AND THE LAW SECTION OF SCIENCE AND TECHNOLOGY LAW SECTION OF ANTITRUST LAW	Urges governments to assure that predictive and diagnostic medical genetic testing provided on-line, via the telephone, or by any other direct-to-consumer means complies to certain requirements.	Approved as Revised (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
115	STANDING COMMITTEE ON GUN VIOLENCE COMMISSION ON DOMESTIC VIOLENCE CRIMINAL JUSTICE SECTION	Supports federal, state, territorial and local laws that give law enforcement authorities broad discretion to determine whether a permit or license to engage in concealed carry should be issued in jurisdictions that allow the carrying of concealed weapons, and opposes laws that limit such discretion by mandating the issuance of a concealed carry permit or license to persons simply because they satisfy minimum prescribed requirements.	Approved as Revised (see attached)
116	SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF LAW PRACTICE MANAGEMENT SECTION OF TORT TRIAL AND INSURANCE PRACTICE LOUISIANA STATE BAR ASSOCIATION NEBRASKA STATE BAR ASSOCIATION BEVERLY HILLS BAR ASSOCIATION LOS ANGELES COUNTY BAR ASSOCIATION GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION STANDING COMMITTEE ON ENVIRONMENTAL LAW STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE SECTION OF SCIENCE AND TECHNOLOGY LAW DELAWARE STATE BAR ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW	Urges all lawyers to regularly assess their practice environment to identify and address risks that arise from any natural or manmade disaster that may compromise their ability to diligently and competently protect their clients' interests and maintain the security of their clients' property.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
116 cont.	YOUNG LAWYERS DIVISION COMMISSION ON DOMESTIC VIOLENCE GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION		
117	SECTION OF INTELLECTUAL PROPERTY LAW SECTION OF SCIENCE AND TECHNOLOGY LAW	Supports the continued application by courts of the legal principles to determine if an issued patent claim meets the definiteness requirement under 35 U.S.C. section 112.	Approved as Revised (see attached)
118	COMMISSION ON IMMIGRATION NEW YORK STATE BAR ASSOCIATION BEVERLY HILLS BAR ASSOCIATION AMERICAN IMMIGRATION LAWYERS ASSOCIATION COMMISSION ON DOMESTIC VIOLENCE SECTION OF INTERNATIONAL LAW SECTION OF LITIGATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION SECTION OF TORT TRIAL AND INSURANCE PRACTICE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS	Supports measures to improve access to counsel for individuals in immigration removal proceedings.	Approved
119	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments to Standards 512, 306 and 105, and to Rules 20 and 24 of the ABA <i>Standards and Rules of Procedure for Approval of Law Schools</i> , dated August 2011.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
120	STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL STANDING COMMITTEE ON ARMED FORCES LAW GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION	Urges Congress to amend the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA" or "the Act"), 38 U.S.C. §§ 4301–4335, by adding provisions to require employers to provide certain reasonable accommodations for returning veterans with combat injuries that may not manifest themselves until after a return to work.	Approved
121	STANDING COMMITTEE ON ELECTION LAW SECTION OF STATE AND LOCAL GOVERNMENT LAW SECTION OF SCIENCE AND TECHNOLOGY LAW	Supports efforts to improve voter registration practices and urges federal legislation or administrative action creating incentives to encourage election jurisdictions to adopt such improvements.	Approved as Revised (see attached)
122	STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES CRIMINAL JUSTICE SECTION COMMISSION ON IMMIGRATION COMMISSION ON DOMESTIC VIOLENCE NATIONAL LEGAL AID & DEFENDER ASSOCIATION HISPANIC NATIONAL BAR ASSOCIATION NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION NATIONAL ASSOCIATION OF WOMEN JUDGES GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION AMERICAN IMMIGRATION LAWYERS ASSOCIATION COALITION ON RACIAL AND ETHNIC JUSTICE SECTION OF LITIGATION	Adopts the <i>ABA Standards for Language Access in Courts</i> , dated August 2011, and urges courts and other tribunals to give high priority to the prompt implementation of these <i>Standards</i> .	Postponed Indefinitely

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
122 cont.	STANDING COMMITTEE ON LAWYER REFERRAL AND INFORMATION SERVICE STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES STANDING COMMITTEE ON JUDICIAL INDEPENDENCE STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW PHILADELPHIA BAR ASSOCIATION PENNSYLVANIA BAR ASSOCIATION WASHINGTON STATE BAR ASSOCIATION CENTER FOR RACIAL AND ETHNIC DIVERSITY SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS		
123	NATIONAL CONFERENCE OF STATE TRIAL JUDGES NATIONAL CONFERENCE OF SPECIALIZED COURT JUDGES STANDING COMMITTEE ON JUDICIAL INDEPENDENCE JUDICIAL DIVISION YOUNG LAWYERS DIVISION SECTION OF TORT TRIAL AND INSURANCE PRACTICE SECTION OF LITIGATION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION	Adopts the <i>Model Time Standards for State Courts</i> , dated August 2011, and urges state judicial systems to adopt and implement the <i>Standards</i> .	Approved as Revised and Amended (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
124	NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY JUDICIAL DIVISION SENIOR LAWYERS DIVISION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE TORT TRIAL AND INSURANCE PRACTICE SECTION NATIONAL CONFERENCE OF SPECIALIZED COURT JUDGES	Urges the President, Congress, the Chair and Commissioners of the Equal Employment Opportunity Commission (EEOC) to adopt measures to provide that employment discrimination hearings conducted by the EEOC comply with the Administrative Procedure Act.	Approved as Revised (see attached)
125	SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW STANDING COMMITTEE ON MEDICAL PROFESSIONAL LIABILITY SPECIAL COMMITTEE ON BIOETHICS AND THE LAW SECTION OF TORT TRIAL AND INSURANCE PRACTICE SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS	Opposes federal, state, territorial and tribal laws that would alter the duty of care owed to victims of a natural or manmade disaster by relief organizations and health care practitioners and supports programs to educate relief organizations and health care practitioners about their duty of care owed to victims in natural or manmade disaster.	Approved as Revised (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
300	COMMISSION ON CIVIC EDUCATION IN THE NATION'S SCHOOLS SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES JUDICIAL DIVISION SECTION OF TORT TRIAL AND INSURANCE PRACTICE STANDING COMMITTEE ON PUBLIC EDUCATION	Recommends that state, local, and territorial bar associations urge state and local legislatures, education commissions and school boards to mandate civic education classes/courses in elementary, middle and secondary public schools.	Approved
301	SECTION OF BUSINESS LAW NEW YORK STATE BAR ASSOCIATION SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW SECTION OF INTERNATIONAL LAW	Supports development and harmonization of international trade and commerce and the establishment of predictable systems of secured lending through the adoption of secured transactions reform in developing countries and encourages lawyers to support and participate in efforts to have secured transactions reform adopted in developing countries.	Approved
302	TASK FORCE ON PRESERVATION OF THE JUSTICE SYSTEM SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS JUDICIAL DIVISION STANDING COMMITTEE ON JUDICIAL INDEPENDENCE SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW BAR ASSOCIATION OF SAN FRANCISCO	Urges state, territorial, and local bar associations to document the impact of funding cutbacks to the judicial systems in their jurisdictions, to publicize the effects of those cutbacks to create coalitions to address and respond to the ramifications of funding shortages to their justice systems.	Approved
303	COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF LITIGATION	Urges Congress to reject any resolution proposing an amendment to the United States Constitution that would alter, in any way, the granting of United States citizenship under the Fourteenth Amendment to any persons born in the United States (including territories, possessions and commonwealths) based upon the citizenship or immigration status of one or both parents at the time of the person's birth.	Approved as Revised (see attached)

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
303 cont'd	COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY COMMISSION ON IMMIGRATION YOUNG LAWYERS DIVISION STANDING COMMITTEE ON PUBLIC EDUCATION BAR ASSOCIATION OF SAN FRANCISCO COMMISSION ON RACIAL AND ETHNIC DIVERSITY IN THE PROFESSION		
304A	SECTION OF INTELLECTUAL PROPERTY LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE	Adopts policy relating to the right of a patent applicant to obtain judicial relief after being denied a patent by the U.S. Patent and Trademark Office.	Approved
304B	SECTION OF INTELLECTUAL PROPERTY LAW	Adopts policy supporting the principle that laws of nature, physical phenomena, and abstract ideas are not eligible for patenting under 35 U.S.C. §101.	Approved
305	ROBERT J. GAUDET, JR., ROYCE MURRAY, HEATHER HODGES, JOSEPH FEDERICI, BENJAMIN G. DAVIS, BRANT MCGEE, SHARON PAYANT	Encourages the European Commission to adopt rules allowing for class actions within the 27 Member States.	Postponed Indefinitely
306	ROBERT J. GAUDET, JR., ROYCE MURRAY, HEATHER HODGES, BENJAMIN G. DAVIS, BRANT MCGEE, SHARON PAYANT	Amends the Blanket Authority policy to prohibit sections, divisions, and other Association entities from submitting statements or comments under Blanket Authority to any foreign governmental entity including the European Commission or any other foreign government.	Not Approved
400	RESOLUTION WITH REPORT ON ARCHIVING	Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.	Approved

# 10B (Fox Amendment)

## AMERICAN BAR ASSOCIATION NEW YORK STATE BAR ASSOCIATION

### REPORT TO THE HOUSE OF DELEGATES

#### RESOLUTION

1 RESOLVED, That the American Bar Association take steps to assure that law schools, law  
2 firms, ~~law examiners~~, CLE providers and others concerned with ~~continued~~ professional  
3 development provide the knowledge, skills, and values, ~~habits and traits~~ that ~~make-up~~ are  
4 required of the successful modern lawyer.

5  
6 FURTHER RESOLVED, That the American Bar Association urges legal education providers to  
7 implement curricular programs intended to develop practice-ready lawyers including, but not  
8 limited to, enhanced capstone and clinical courses that include client meetings and court  
9 appearances.

10  
11 ~~FURTHER RESOLVED, That the constituent bodies of the American Bar Association, consider~~  
12 ~~the requirements for the success of future lawyers as they carry out their responsibilities.~~

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

## RESOLUTION

1 RESOLVED, That the American Bar Association urges state, tribal, and territorial legislatures to  
2 aid minors who are victims of human trafficking by:

- 3 a) ~~Prohibiting arrest and/or~~ Permitting their immediate protective custody as dependent  
4 children in suitable residential environments and, except in extreme and compelling  
5 circumstances, not charging children under the age of 18 with the crimes of engaging  
6 in prostitution, solicitation or soliciting themselves, or loitering with the intent to  
7 engage in prostitution, or ~~(or other offenses including~~ status offenses that are incident  
8 to their trafficking situation), ~~and instead permitting their immediate protective~~  
9 ~~custody as dependent children in suitable residential environments;~~
- 10 b) Amending juvenile dependency laws by:
- 11 1) Making suspicion of trafficking victim status a basis for mandated reporting to  
12 child protective services agencies and requiring their services, for both citizen and  
13 non-citizen children, through specialized child trafficking victim units; and
- 14 2) Requiring screening and risk assessment for trafficking victimization whenever a  
15 youth enters a runaway or homeless youth facility, juvenile justice system, or  
16 child welfare agency custody;
- 17 c) Establishing programs of specialized short and long term safe housing, residential  
18 care facilities, and other services for prompt access by law enforcement, public health  
19 officials, and child protective services;
- 20 d) Authorizing courts to issue and enforce protective orders prohibiting harassment or  
21 intimidation of child trafficking victims; and
- 22 e) Providing a civil cause of action for child victims to receive ~~reparations~~ compensation  
23 and services.

24  
25 FURTHER RESOLVED, That the American Bar Association urges state, tribal, territorial and  
26 local governments to ensure:

- 27 a) Law enforcement, child protective services, and family and juvenile court training to  
28 address identification and risk assessment of child trafficking victims and the process  
29 of obtaining aid for the victims;
- 30 b) Prompt health, mental health, substance abuse treatment, educational and vocational  
31 training, residential care, and other victim services;
- 32 c) Those providing health, mental health, substance abuse treatment, education and  
33 vocational training, residential care, and other victim services report aggregate data  
34 on victims served to a designated state agency;
- 35 d) When a child is missing from foster care or residential placement, immediate  
36 notification to federal, state, and local law enforcement, with annual aggregate  
37 reporting of this data; and
- 38 e) Special attention in the development of programs to provide services for the unique  
39 needs of girls, boys, and gay and transgendered youth.
- 40  
41

# 103A Revised

42 FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation  
43 that:

- 44 a) Enhances state, tribal, territorial, and local efforts to combat trafficking of minor  
45 children through supporting legal services to victims, shelter and rehabilitative care,  
46 and prosecution of adults who are trafficking in minor children; and
- 47 b) ~~Treats~~ Helps assure all non-citizen children who have been exploited for labor,  
48 services or commercial sex acts are properly identified as “victims of a severe form of  
49 trafficking in persons” as specifically authorized in federal law and:
  - 50 1) ~~Prohibits their being charged, under federal law, with a prostitution-related~~  
51 ~~offense or with other crimes~~ Permits their immediate protective custody as  
52 dependent children in suitable residential environments and, except in extreme  
53 and compelling circumstances, not charging children under the age of 18 with the  
54 crimes of engaging in prostitution or soliciting themselves, loitering with the  
55 intent to engage in prostitution, or status offenses that are incident to their  
56 trafficking situation;
  - 57 2) Mandates, and financially supports, data collection and reporting on their  
58 immigration relief eligibility and status;
  - 59 3) Requires their prompt referral to local child protective services and other suitable  
60 provider(s) for services and support, identification of immigration relief options,  
61 and ~~prompt notification to~~ the right to communicate promptly with their national  
62 consulate;
  - 63 4) Reimburses government entities, pursuant to existing authorization granted in  
64 federal law, for foster care costs related to services to children who are victims of  
65 human trafficking; and
  - 66 5) Assures that their cross-border repatriation ~~is~~ should only be accomplished  
67 through application of ~~recognized~~ best practices developed by experts.

68  
69  
70 FURTHER RESOLVED, That the American Bar Association urges the education of lawyers,  
71 judges and other justice system professionals regarding the legal issues pertaining to the  
72 trafficking of minor children, and urges state, tribal, and territorial legislatures, and bar  
73 associations, to improve laws addressing the trafficking of children, including the development  
74 and adoption of model or uniform anti-trafficking laws.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

# 103B Revised

## RESOLUTION

- 1 RESOLVED, That the American Bar Association urges Congress to enact legislation, and the  
2 Department of Homeland Security to adopt policies, that:
- 3 a) Assure information pertaining to location and transfer either of immigration detainees  
4 who are parents, legal guardians or primary caregivers of minor children, or of the minor  
5 children themselves, or of changes of placement of those minor children, is shared among  
6 immigration authorities, state and local child welfare agencies, and state courts;
  - 7 b) Assure the length of one's status as an immigration detainee, or one's removal or pending  
8 removal from the country, can not be the sole basis for a state not to provide legally  
9 mandated reasonable efforts to reunify children with their parent, legal guardian, or  
10 primary caretaker; and
  - 11 c) Mandate the Department of Homeland Security to collect and report aggregate annual  
12 data on the number of U.S. citizen children impacted by the detention or deportation of a  
13 parent, legal guardian, or primary caregiver and resulting cost to child welfare agencies.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

# 103D Revised

## RESOLUTION

1 RESOLVED, That the American Bar Association urges federal and state governments to enact  
2 legislation for the protection of unaccompanied and undocumented immigrant children (“such  
3 children”) and U.S. citizen children of ~~undocumented~~ noncitizen parents (“U.S. citizen  
4 children”) that would require:

- 5 a) Such children be screened promptly upon apprehension by immigration authorities or  
6 placement in foster care, or upon other entry to a child welfare system, to determine  
7 whether the child is eligible for immigration relief because he or she is a victim of crime,  
8 abuse, neglect, or abandonment or another similar basis under state law;
- 9 b) Repatriations of such children include formal intercountry child welfare agency  
10 involvement and adherence to intercountry protocols designed to address concerns  
11 regarding the safety of such children during the repatriation process and the process of  
12 returning a child to a stable family environment; and
- 13 c) U.S. citizen children have full access to their birth certificates, paternity documents, and  
14 other vital government records without regard to the ~~noncitizen~~ immigration status of a  
15 parent or guardian.

16  
17 FURTHER RESOLVED, That the ABA urges the revision of federal laws to ensure federal  
18 support for training of state and local judges, and for attorneys who work with ~~both~~  
19 ~~unaccompanied and undocumented immigrant children and with citizen~~ non-U.S. citizen parents  
20 and children of undocumented parents, regarding the intersection of state child welfare laws,  
21 immigration laws, applicable international conventions and standards, and intercountry protocols  
22 that affect children who are detained, separated from, or removed from their adult caretakers.  
23

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

# 104B Revised

## RESOLUTION

1 RESOLVED, That the American Bar Association urges Congress to:

2  
3 (1) Amend the Lobbying Disclosure Act (LDA) by:

4  
5 (a) ~~eliminating~~ narrowing the current threshold language under which a lobbying  
6 firm or organization need not register under the LDA unless it employs a person  
7 whose lobbying activities constitute twenty percent or more of the time that he  
8 or she spends in working for a particular client during a quarterly period,  
9 provided that Congress should establish reasonable threshold limitations on the  
10 obligation to list any particular individual as a federally registered lobbyist,  
11 including measures designed to avoid imposing undue financial burdens on  
12 small entities;

13  
14 (b) requiring LDA registrants and their clients to disclose in quarterly reports the  
15 lobbying support activities in which they have engaged, as well as the lobbying  
16 support activities performed by firms that they have retained, including strategy,  
17 polling, coalition building, and public relations activities;

18  
19 (c) requiring on quarterly reports the identification of (i) individuals principally  
20 involved in planning, directing, or coordinating lobbying support activities, as  
21 well as (ii) individuals with any level of involvement in such activities who have  
22 recently served as high-ranking federal officials; and

23  
24 (d) requiring LDA registrants to disclose, subject to current exemptions, on  
25 quarterly reports all congressional offices, congressional committees, and  
26 federal agencies and offices contacted by lobbyists employed by those  
27 registrants.

28  
29 (2) Provide that a federally registered lobbyist may not:

30  
31 (a) lobby a member of Congress for whom he or she has engaged in campaign  
32 fundraising during the past two years;

33  
34 (b) engage in campaign fundraising for a member of Congress whom he or she  
35 has lobbied during the past two years;

36  
37 (c) make or solicit financial contributions to the reelection campaign of a  
38 member of Congress whom the lobbyist has been retained to lobby for an  
39 earmark or other narrow financial benefit; or

40 (d) enter into a contingent fee contract with a client to lobby for an earmark or  
41 other narrow financial benefit for that client.

42 (3) Transfer authority to enforce the LDA to a suitable administrative authority and  
43 empower that agency to utilize appropriate tools such as rulemaking, investigation, and  
44 imposition of civil or administrative penalties.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

# 105A Revised

## RESOLUTION

RESOLVED, That the American Bar Association urges the U.S. Sentencing Commission to complete a comprehensive assessment of the guidelines for child pornography offenses ~~to ensure that those guidelines are proportional to,~~ taking into account the severity of each offense ~~severity,~~ and factors ~~and adequately take into consideration individual culpability and circumstances~~ pertaining to the current nature of these offenses, offenders, victims, and the role of technology in these offences.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

## RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, territorial, local,  
2 and tribal governments to enact legislation and support appropriate funding to protect  
3 sexual crime victims' rights by eliminating the substantial backlog of rape kits collected  
4 from crime scenes and convicted offenders through rape kit testing performed in  
5 accredited laboratories by qualified personnel and following standardized procedures  
6 and

7  
8 FURTHER RESOLVED, That the American Bar Association urges federal, state,  
9 territorial, local, and tribal governments to adopt policy and/or legislation supporting  
10 efforts to test every rape kit booked into police evidence, where testing may identify the  
11 unknown assailant, can confirm the presence of a known suspect's DNA, corroborate a  
12 victim's complaint or testimony, or exonerate innocent suspects, and requiring such  
13 testing be performed in accredited laboratories by qualified personnel and following  
14 standardized procedures.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

# 111A Revised

## RESOLUTION

1 RESOLVED, That the American Bar Association urges Congress to enact legislation that assists  
2 individuals who are experiencing financial hardship due to excessive levels of student loan debt  
3 but are not covered by the provisions of the student loan overhaul passed into law on March 30,  
4 2010, by:

- 5
- 6 (1) Extending federal student-loan repayment terms and federal student-loan programs to  
7 individuals who borrowed from commercial lenders to fund their education in whole or in  
8 part;
- 9 (2) Establishing repayment terms for federal student loans that allow individuals to qualify  
10 for income-based repayment, consolidation, and other forms of loan repayment  
11 assistance; and
- 12 (3) Creating loan forgiveness programs for public service lawyers similar to the Direct Loan  
13 Public Service Loan Forgiveness Program authorized by Congress for health care  
14 professionals in the Higher Education Opportunity Act (P.L. 110-315); and
- 15 ~~(4) Raising or eliminating the income level associated with the federal income tax deduction~~  
16 ~~for interest paid on qualifying student loans.~~

17

18 FURTHER RESOLVED, That the American Bar Association urges Commercial Lenders to  
19 assist individuals experiencing financial hardship due to excessive levels of student loan debt, by  
20 developing and implementing programs that:

- 21
- 22 (1) Extend federal student-loan repayment terms and federal student-loan programs (or  
23 comparable programs with comparable terms) to individuals who borrowed from  
24 commercial lenders to fund their education in whole or in part;
- 25 (2) Develop repayment terms for federal student loans that allow individuals to qualify for  
26 income-based repayment, consolidation, and other forms of loan repayment assistance;
- 27
- 28 (3) Provide loan forgiveness to public service lawyers similar to the Direct Loan Public  
29 Service Loan Forgiveness Program authorized by Congress for health care professionals  
30 in the Higher Education Opportunity Act (P.L. 110-315).

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

# 111B Revised

## RESOLUTION

1 RESOLVED, That the American Bar Association urges all ABA-Approved Law Schools to  
2 report employment data that identifies whether graduates have obtained full-time or part-time  
3 employment within the legal profession, whether in the private or public sector, or whether in  
4 alternative professions and whether such employment is permanent or temporary.

5  
6 FURTHER RESOLVED, That the American Bar Association urges all ABA-Approved Law  
7 Schools to include the above-referenced employment data, data on the actual cost of law school  
8 education on a per credit basis, and data on the average cost of living expenditures incurred  
9 while attending law school on their websites, in their catalogues, and in their acceptance notices  
10 sent to applicants for admission; alternatively, to include in each of these locations a prominently  
11 displayed notice of where one can obtain such data.

12  
13 FURTHER RESOLVED, That the American Bar Association urges all ABA-Approved Law  
14 Schools to display data regarding graduates' salaries on their websites that includes the median  
15 salaries for the state and region for graduates of all law schools, in a manner which protects the  
16 privacy of the graduates.

17  
18 FURTHER RESOLVED, That the American Bar Association urges the Section of Legal  
19 Education and Admissions to the Bar to consider revising the Standards for Approval of Law  
20 Schools to require law schools to provide on their websites, and in other reasonable methods of  
21 communication, more data on employment and placement of graduates.

22  
23 ~~FURTHER RESOLVED, That the American Bar Association urges the Section of Legal~~  
24 ~~Education and Admissions to the Bar to consider incorporation of the various provisions of this~~  
25 ~~resolution in the Section's Annual Questionnaires currently distributed to all ABA-Approved~~  
26 ~~Law Schools.~~

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

# 114 Revised (New)

## RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state and territorial  
2 governments to assure that predictive and diagnostic medical genetic testing provided  
3 on-line, via the telephone, or by any other direct-to-consumer means complies, at a  
4 minimum, with the following requirements:

5  
6 1. Test samples are received and tests are performed only in licensed laboratories that are  
7 certified under the Clinical Laboratory Improvement Amendments of 1988 to perform the  
8 category of tests requested and that comply with state and territorial requirements  
9 applicable to clinical laboratories;

10  
11 2. Before test reports and interpretations of test results are issued to consumers, they are  
12 reviewed and authorized by qualified health personnel acting in accordance with relevant  
13 professional standards of care;

14  
15 3. Consumers are fully informed of material information about the test and the test  
16 results, including but not limited to the following: the scientific evidence on which the  
17 test is based; the clinical utility of the test results, if any; the limits of the particular kind  
18 of genetic testing, including what it can and cannot tell the consumer; an explanation of  
19 what probabilities mean, in ~~plain English~~; understandable terms a statement that genes  
20 are not the only determinants of illness; a statement that genetic links to health conditions  
21 and diseases are the subject of ongoing research; and a statement that they are advised to  
22 discuss test results with a qualified health care professional before making medical  
23 decisions based upon the test results;

24  
25 4. Consumers are advised regarding potential disclosure of their personal information;

26  
27 5. Appropriate measures are in place to protect the security, privacy, and confidentiality  
28 of personal health information; and

29  
30 6. Claims made and information provided by direct-to-consumer medical genetic testing  
31 companies are truthful, accurate, and not misleading.

32  
33 FURTHER RESOLVED, That the American Bar Association urges federal, state and  
34 territorial governments to take action against companies that fail to meet applicable  
35 requirements or that make false or misleading claims about direct-to-consumer medical  
36 genetic testing.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

## RESOLUTION

1 RESOLVED, That the American Bar Association supports federal, state, territorial and local  
2 laws that give law enforcement or other appropriate authorities broad discretion, in accordance  
3 with specified state standards and subject to judicial review, to determine whether a permit or  
4 license to engage in concealed carry should be issued in jurisdictions that allow the carrying of  
5 concealed weapons, and opposes laws that limit such discretion by mandating the issuance of a  
6 concealed carry permit or license to persons simply because they satisfy minimum prescribed  
7 requirements.  
8  
9 FURTHER RESOLVED, That the American Bar Association opposes federal legislation that  
10 would force states to recognize permits or licenses to carry concealed weapons issued in other  
11 states.

**Deletions struck through; Additions underlined**

## RESOLUTION

- 1 RESOLVED, That the American Bar Association supports the continued application by courts of  
2 the following legal principles to determine if an issued patent claim meets the definiteness  
3 requirement under 35 U.S.C. section 112, second paragraph—  
4
- 5 (1) A claim meets the definiteness requirement if a person of ordinary skill in the relevant art  
6 would understand what is claimed;  
7
- 8 (2) The determination of ~~definiteness~~ whether a person of ordinary skill in the relevant art would  
9 understand what is claimed depends on whether the issued patent claim in question can be  
10 construed by a court to the extent necessary to resolve any real and concrete dispute between the  
11 parties ~~regarding infringement or invalidity~~.  
12
- 13 (3) ~~That~~ Use of relative language or words of degree in an issued patent claim does not itself  
14 render a patent claim indefinite;  
15
- 16 (4) ~~That~~ The application of different definiteness standards in the Patent Office for determining  
17 patentability and in the courts for determining validity does not conflict given the different nature  
18 of the proceedings ~~involving issued patents as compared with pending applications~~; and  
19
- 20 (5) ~~That~~ The amenability of an issued patent claim ~~that is amenable~~ to more than one reasonable  
21 construction ~~is not~~ does not itself render that claim indefinite if a court, by applying established  
22 principles of claim construction, can reasonably choose one of those possible constructions to  
23 resolve any real and concrete dispute between the parties ~~regarding infringement or invalidity~~

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

## RESOLUTION

1 RESOLVED, That the American Bar Association supports efforts to improve voter registration  
2 practices by:

3 1) Ensuring the accuracy of voter registration rolls using existing government lists or  
4 databases.

5 2) Streamlining the procedures whereby changes in voter rolls and voter registration  
6 information are made.

7 FURTHER RESOLVED, That the American Bar Association urges commitment by states and  
8 local election jurisdictions to develop the necessary compatible technology and resources to  
9 improve their voter registration practices.

10 FURTHER RESOLVED, That the American Bar Association urges federal legislation or  
11 administrative action creating incentives to encourage election jurisdictions to adopt the above  
12 improvements.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

## 123 Revised (Criminal Justice Amendment)

### RESOLUTION 123

1 RESOLVED, That the American Bar Association adopts the *Model Time*  
 2 *Standards For State Courts*, set out in the attached table and the attached  
 3 commentary.

4 RESOLVED, That the American Bar Association urges state judicial  
 5 systems to adopt and implement the *Model Time Standards For State Courts*  
 6 ~~and to provide adequate funding while avoiding any rush to case resolution~~  
 7 ~~that might compromise justice.~~ while recognizing in criminal cases that any time  
standards must acknowledge the caseloads of prosecutors and defense counsel and  
avoid any rush to case disposition that might compromise justice.

### TABLE OF MODEL STANDARDS

Case Category	Case Type	Standard
<b>CRIMINAL</b>	Felony	75% within 90 days 90% within 180 days 98% within 365 days
	Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days
<b>CIVIL</b>	General Civil	75% within 180 days 90% within 365 days 98% within 540 days
	Summary Matters	75% within 60 days 90% within 90 days 98% within 180 days
<b>FAMILY</b>	Dissolution/ Divorce/ Allocation of Parental Responsibility	75% within 120 days 90% within 180 days 98% within 365 days
	Post Judgment Motions	98% within 180 days
	Domestic Violence	98% within 10 days
<b>JUVENILE</b>	Delinquency & Status Offenses	<u>For youth in detention</u> <u>75% within 30 days</u> <u>90% within 45 days</u> <u>98% within 90 days</u>

		<b><u>For youth not in detention</u></b> 75% within 60 days 90% within 90 days 98% within 150 days
	Neglect and Abuse	Disposition 98% within 90 days of removal Permanency Plan: 75% within 270 days of removal; 98% within 360 days of removal
	Termination of Parental Rights	<del>98</del> <b>90%</b> within 120 days <b><u>after the filing of a termination petition</u></b> <b>98%</b> within 180 days <b><u>after the filing of a termination petition</u></b>
<b>PROBATE</b>	Administration of Estates	75% within 120 days 98% within 360 days
	Guardianship/ Conservator of Incapacitated Adults	98% within 90 days
	Civil Commitment	98% within 15 days
<b>POST-CONVICTION</b>	Post-conviction proceedings	98% within 180 days

## RESOLUTION

1 RESOLVED, That the American Bar Association urges the President, Congress, and the Equal  
2 Employment Opportunity Commission (“EEOC”) to adopt measures to provide that employment  
3 discrimination hearings conducted by the EEOC ~~comply with the Administrative Procedure Act~~  
4 ~~(“APA”)~~ be subject to the formal adjudication requirements of the Administrative Procedure Act  
5 (5 U.S.C. sections 554, 556, and 557).

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

## RESOLUTION

1 RESOLVED, That the American Bar Association opposes the adoption of federal, state,  
2 territorial and tribal laws that would alter the legal duty of reasonable care in the circumstances  
3 owed to victims of a natural or manmade disaster by relief organizations and health care  
4 practitioners;

5

6 FURTHER RESOLVED, That the American Bar Association supports programs to educate  
7 relief organizations and health care practitioners about their duty of care owed to victims of a  
8 natural or manmade disaster.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

AMERICAN BAR ASSOCIATION  
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES  
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges Congress to reject any resolution  
2 proposing an amendment to the United States Constitution that would alter, in any way, the  
3 grant of United States citizenship under the Fourteenth Amendment to any persons born in the  
4 United States (including territories, possessions, and commonwealths).

5  
6 FURTHER RESOLVED, That the American Bar Association urges Congress and all state  
7 territorial and local legislative bodies to reject any proposal that seeks to alter the right to United  
8 States citizenship under the Citizenship Clause of the Fourteenth Amendment to the United  
9 States Constitution through the enactment of legislation or adoption of an interstate compact.

10  
11 FURTHER RESOLVED, That the American Bar Association urges Congress, all state, territorial  
12 and local legislative bodies and governmental entities to reject any proposal that seeks to impose  
13 limits, based upon the citizenship or immigration status of one or both parents at the time of the  
14 person's birth, on the right of any person born in the United States (including its territories,  
15 possessions, and commonwealths) to claim or prove United States citizenship under the  
16 Citizenship Clause of the Fourteenth Amendment to the United States Constitution.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**