

PRELIMINARY AGENDA

**AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2009 MIDYEAR MEETING
BOSTON, MASSACHUSETTS**

REPORT # SUBJECT

- 10A NEW YORK STATE BAR ASSOCIATION**
Urges U.S. courts to grant to detainees all rights granted to habeas petitioners consistent with Federal statutory habeas criminal law principles where applicable, appropriate to the facts and circumstances of that petitioner's case.
- 10B CONNECTICUT BAR ASSOCIATION**
Urges Congress to enact legislation amending Title 28, of the United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims.
- 11-1 AMENDMENT TO HOUSE RULES OF PROCEDURE**
Amends §45.2(d) of the House Rules of Procedure to provide that the Committee on Rules and Calendar shall ensure that reports which accompany Reports with Recommendations conform with the final language of the recommendation as adopted by the House of Delegates.
- 11-2 AMENDMENT TO HOUSE RULES OF PROCEDURE**
Amends §45.2 of the House Rules of Procedure to provide that, where appropriate, all recommendations adopted by the House of Delegates which urge state legislatures, courts or bar associations to take action shall be understood to include legislatures, courts and bar associations of territories, tribes, local governments, the Commonwealth of Puerto Rico and the District of Columbia.
- 100 STANDING COMMITTEE ON PARALEGALS**
Grants approval, reapproval and the extension of the term of approval to several paralegal education programs.

- 101A** **CRIMINAL JUSTICE SECTION**
COMMISSION ON YOUTH AT RISK
Urges Congress and state legislatures to re-examine and revise laws, policies and practices that require youth to register as sex offenders or be subject to community notification provisions otherwise imposed upon adult sex offenders, based upon a juvenile court adjudication.
- 101B** **CRIMINAL JUSTICE SECTION**
SECTION OF DISPUTE RESOLUTION
Urges federal, state, territorial and local governments to initiate, continue and expand the use of mediation as a means to resolve criminal matters, specifically at a time prior to actual case filing.
- 101C** **CRIMINAL JUSTICE SECTION**
COMMISSION ON IMMIGRATION
Supports legislation and/or administrative standards to ensure due process and access to appropriate legal assistance for persons arrested or detained in connection with immigration enforcement actions and encourages bar associations to raise awareness of the rights available to individuals taken into custody during workplace immigration enforcement actions.
- 101D** **CRIMINAL JUSTICE SECTION**
Urges federal, state, tribal, local and territorial governments to ensure that child victims of criminal conduct have prompt access to legal advice and counsel and to specialized services and protections such as those provided by child advocacy centers approved and accredited by the National Children’s Alliance.
- 102A** **NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM**
STATE LAWS
SECTION OF INTERNATIONAL LAW
Approves the Uniform Unsworn Foreign Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
- 102B** **NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM**
STATE LAWS
SECTION OF INTERNATIONAL LAW
Approves the Revised Uniform Unincorporated Nonprofit Association Act (2008), promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

- 102C NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
Approves the Uniform Common Interest Owners Bill of Rights Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
- 102D NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
Approves the Uniform Common Interest Ownership Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
- 102E NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
SECTION OF INTERNATIONAL LAW
Approves the 2008 Amendments to the Uniform Interstate Family Support Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
- 103 SECTION OF ENVIRONMENT, ENERGY AND RESOURCES**
STANDING COMMITTEE ON ENVIRONMENTAL LAW
Urges law firms and other law organizations to adopt the ABA-EPA Law Office Climate Challenge and adopts the Model Sustainability Policy and Implementation Guidelines for Law Organizations.
- 104 STANDING COMMITTEE ON SPECIALIZATION**
Reaccredits the Juvenile Law – Child Welfare program of the National Association of Counsel for Children in Denver, Colorado and extends accreditation of the Family Law Trial Advocacy program of the National Board of Trial Advocacy, a division of the National Board of Legal Specialty Certification of Wrentham, Massachusetts, as designated specialty certification programs.
- 105 SECTION OF STATE AND LOCAL GOVERNMENT LAW**
Urges Congress to enact and the President to sign legislation that would allocate general revenue sharing funds to the several states of the United States of America and their respective local governments and political subdivisions applying certain standards.

- 106 SECTION OF FAMILY LAW
STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY
PERSONNEL
STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS**
Opposes the enactment of federal legislation that would create a federal-question jurisdiction in child custody cases, including cases involving servicemember-parents and urges states to enact legislation prohibiting denial of child custody to a servicemember based solely on the absence due to military deployment.
- 107A TORT TRIAL AND INSURANCE PRACTICE SECTION**
Urges Congress, state and territorial governments to enact legislation with appropriate funding that would enable participants in the private insurance and reinsurance markets to provide broadened insurance protection for property damage arising from storms, including damage from wind, wind-driven rain and flood caused by storm surge, but excluding damage arising from other types of floods.
- 107B TORT TRIAL AND INSURANCE PRACTICE SECTION**
Urges Congress to address the consequences of natural catastrophes by developing programs that increase availability of affordable insurance in areas highly-exposed to catastrophes while not competing with the private market.
- 107C TORT TRIAL AND INSURANCE PRACTICE SECTION**
Urges the federal government to take steps to encourage capital markets to finance catastrophic risk by: a) undertaking a study through the U.S. Treasury Department to determine what changes in federal laws and regulations would reduce barriers to the issuance of catastrophe (CAT)-linked securities in the United States; and b) enacting legislation as needed to encourage the issuance of catastrophe (CAT)-linked securities.
- 107D TORT TRIAL AND INSURANCE PRACTICE SECTION**
Urges the federal government to address several approaches for meeting the liquidity needs of individuals and businesses in the aftermath of future natural catastrophes to reduce some of the losses by residents affected by the catastrophes.
- 107E TORT TRIAL AND INSURANCE PRACTICE SECTION**
Urges state, territorial and local governments to use specific tools to mitigate losses from future catastrophes to ensure the ongoing availability and affordability of insurance for natural disasters.

- 107F TORT TRIAL AND INSURANCE PRACTICE SECTION**
 Urges the federal government to use specific tools to mitigate losses from future catastrophes by influencing building codes and land-use in certain situations.
- 107G TORT TRIAL AND INSURANCE PRACTICE SECTION**
 Recommends that national, state and territorial governments adopt standards for handling residential and small business insurance claims for property damages resulting from hurricanes or storms.
- 108 SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
 COMMISSION ON IMMIGRATION
 COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
 AMERICAN IMMIGRATION LAWYERS ASSOCIATION
 ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK
 BAR ASSOCIATION OF SAN FRANCISCO
 BEVERLY HILLS BAR ASSOCIATION
 SECTION OF FAMILY LAW**
 Supports the enactment of legislation and the implementation of public policy to enable a United States citizen or lawful permanent resident who shares a mutual, interdependent, committed relationship with a non-citizen of the same sex to sponsor that person for permanent residence in the United States.
- 109 STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY**
 Amends Model Rule of Professional Conduct 1.10 (“Imputation of Conflicts of Interest: General Rule”) to permit the screening of a lawyer who moves laterally from one private law firm to another, so that conflicts of interest that apply to the moving lawyer under Model Rule 1.9 (“Duties to Former Clients”) are not imputed to all the other lawyers in the new law firm.
- 110 SECTION OF LITIGATION**
 Amends Model Rule of Professional Conduct 1.10 (“Imputation of Conflicts of Interest: General Rule”) and related Comments by adding new subsections to permit certain lawyers whose participation was not significant and who did not learn material confidential information to go to work for an adversary law firm without client consent so long as the transferring lawyer is screened and provides appropriate certification of compliance with the screen.
- 111A COMMISSION ON LAW AND AGING
 STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS**
 Encourages the federal government to provide funding and support for training, research, exchange of information on practices, consistent collection of data, and development of state, local and territorial standards regarding adult guardianship.

- 111B** **COMMISSION ON LAW AND AGING**
Opposes the use of mandatory, binding, pre-dispute arbitration agreements between a long-term care facility and a resident of such facility or person acting on behalf of such resident, and opposes legislation and regulations that would authorize, encourage or enforce such agreements.
- 112** **JUDICIAL DIVISION**
NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW
JUDICIARY
Encourages the Office of Personnel Management to require that applicants for Administrative Law Judge positions be either licensed attorneys in good standing, or those with judicial status in good standing, under the applicable governing law of a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territorial court established under the United States Constitution.
- 113** **STANDING COMMITTEE ON JUDICIAL INDEPENDENCE**
NATIONAL CONFERENCE OF STATE TRIAL JUDGES
APPELLATE JUDGES CONFERENCE
OHIO STATE BAR ASSOCIATION
Urges state, local and territorial bar associations and the highest court of each state to establish, for those who have an interest in serving on the judiciary, a voluntary pre-selection/election program designed to provide individuals with a better appreciation of the role of the judiciary and to assist them in making a more informed decision regarding whether to pursue a judicial career.
- 114** **STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY**
PERSONNEL
Urges Congress to amend the federal Servicemembers Civil Relief Act (the SCRA) to clarify that a private right of action exists under the SCRA and to provide that a prevailing plaintiff in such an action may recover reasonable attorney's fees.