

## DAILY JOURNAL

### AMERICAN BAR ASSOCIATION HOUSE OF DELEGATES

2010 MIDYEAR MEETING  
ORLANDO, FLORIDA  
FEBRUARY 8-9, 2010

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">10A</a>	NEW YORK STATE BAR ASSOCIATION	Urges the ABA President to examine the efforts of U.S. News and World Report to publish a rankings of law firms.	Approved as Revised and Amended*
<a href="#">100</a>	STANDING COMMITTEE ON SPECIALIZATION	Extends the accreditation of the Social Security Disability Advocacy program of the National Board of Social Security Disability Advocacy, division of the National Board of Legal Specialty Certification of Wrentham, Massachusetts.	Approved
<a href="#">101</a>	MARITIME LAW ASSOCIATION OF THE UNITED STATES TORT TRIAL AND INSURANCE PRACTICE SECTION SECTION OF INTERNATIONAL LAW SECTION OF SCIENCE AND TECHNOLOGY LAW	Urges the United States Senate to ratify the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Seas, also known as the "Rotterdam Rules."	Approved
<a href="#">102A</a>	CRIMINAL JUSTICE SECTION COMMISSION ON HOMELESSNESS AND POVERTY STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS COALITION ON RACIAL AND ETHNIC JUSTICE	Urges federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems and to prevent the continuing discrimination against those who have been involved with these systems in the past by limiting the collateral consequences of juvenile arrests, adjudications and convictions.	Approved as Revised*

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">102A</a> cont'd	JUDICIAL DIVISION SECTION OF FAMILY LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES		
<a href="#">102B</a>	CRIMINAL JUSTICE SECTION COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW COMMISSION ON YOUTH AT RISK SECTION OF SCIENCE AND TECHNOLOGY LAW SECTION OF FAMILY LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COALITION FOR JUSTICE	Urges federal, state, territorial and local legislative bodies and governmental agencies to support the development of simplified <i>Miranda</i> warning language for use with juvenile arrestees.	Approved
<a href="#">102C</a>	CRIMINAL JUSTICE SECTION COMMISSION ON HOMELESSNESS AND POVERTY	Urges federal, state, local and territorial governments to undertake a comprehensive review of the misdemeanor provisions of their criminal laws, and, where appropriate, to allow the imposition of civil fines or nonmonetary civil remedies instead of criminal penalties, including fines and incarceration.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">102D</a>	CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NEW YORK STATE BAR ASSOCIATION COALITION FOR JUSTICE	Urges federal, state, local and territorial courts to adopt a procedure whereby a criminal trial court shall conduct, at a reasonable time prior to a criminal trial, involving felony or serious misdemeanor charges, a conference with the parties to ensure that they are fully aware of their respective disclosure obligations under applicable discovery rules, statutes, ethical standards and the federal and state constitutions and to offer the court's assistance in resolving disputes over disclosure obligations.	Approved as Revised*
<a href="#">102E</a>	CRIMINAL JUSTICE SECTION COMMISSION ON YOUTH AT RISK COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF FAMILY LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COALITION FOR JUSTICE	Urges federal, state, local and territorial governments to ensure that judicial, administrative, legislative and executive authorities expand, as appropriate in light of security and safety concerns, initiatives that facilitate contact and communication between parents in correctional custody and their children in the free community.	Approved
<a href="#">102F</a>	CRIMINAL JUSTICE SECTION COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW	Urges bars associations and law schools to consider and expand, as appropriate, initiatives to assist criminal defendants and prisoners in avoiding undue consequences of arrest and conviction on their custodial and parental rights and urges Congress to eliminate restrictions that prohibit recipients of Legal Services Corporation funds from providing legal assistance to prisoners on family law issues.	Approved

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">102F</a> cont'd	COMMISSION ON YOUTH AT RISK STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF FAMILY LAW STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COALITION FOR JUSTICE		
<a href="#">102G</a>	CRIMINAL JUSTICE SECTION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION YOUNG LAWYERS DIVISION	Urges the President and the Attorney General to assure that lawyers in the Department of Justice do not make decisions concerning investigations or proceedings based upon partisan political interests and do not perceive that they will be rewarded for, or punished for not, making a decision based upon partisan political interests.	Approved
102H	CRIMINAL JUSTICE SECTION AMERICAN JUDICATURE SOCIETY GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION NEW YORK STATE BAR ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS	Urges federal, state, local and territorial governments to provide sufficient funding, infrastructure, equipment and other legislative efforts necessary to strengthen the forensic science community in its mission of providing accurate, timely, reliable and scientifically valid evidence to the nation's criminal justice system.	Withdrawn

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">102I</a>	CRIMINAL JUSTICE SECTION COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW COMMISSION ON IMMIGRATION COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES	Adopts the black letter of the ABA Criminal Justice Standards on the Treatment of Prisoners, dated February 2010, to supplant the ABA Criminal Justice Standards on the Legal Status of Prisoners.	Approved as Revised*
<a href="#">102J</a>	CRIMINAL JUSTICE SECTION TORT TRIAL AND INSURANCE PRACTICE SECTION YOUNG LAWYERS DIVISION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS	Urges Congress to ensure that funding for the John R. Justice Prosecutors and Defenders Incentive Act of 2008 (Section 951 of PL 110-315) is expanded beyond its original authorization of \$25 million to cover the actual national need.	Approved
<a href="#">103A</a>	TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS	Adopts the Model Act Governing Standards for the Care and Disposition of Disaster Animals, dated February 2010, and recommends its adoption by state and territorial legislative bodies.	Approved as Revised*
<a href="#">103B</a>	TORT TRIAL AND INSURANCE PRACTICE SECTION	Opposes the adoption of legislation by Congress that merges medical payment components of workers compensation and medical payment components of automobile insurance with health insurance, commonly referred to as "Universal 24-Hour Health Coverage."	Approved

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">104</a>	SECTION OF LITIGATION CRIMINAL JUSTICE SECTION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTERNATIONAL LAW DEATH PENALTY REPRESENTATION PROJECT COMMISSION ON IMMIGRATION	Urges the United States, state and territorial governments to work to ensure that the fundamental protections of Article 36 to the Vienna Convention on Consular Relations ("Article 36") are extended fully and without obstacle to foreign nationals within United States borders.	Approved
<a href="#">105A</a>	COMMISSION ON HOMELESSNESS AND POVERTY CRIMINAL JUSTICE SECTION NATIONAL CONFERENCE OF SPECIALIZED COURT JUDGES STANDING COMMITTEE ON ARMED FORCES LAW COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW STANDING COMMITTEE ON SUBSTANCE ABUSE JUDICIAL DIVISION TORT TRIAL AND INSURANCE PRACTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES	Supports the development of comprehensive, systemic approaches to address the special needs of veterans through programs that connect veterans to appropriate housing, treatment and services through partnerships with the local Veterans Administration Medical Centers, community-based services and housing providers.	Approved as Revised*

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">105B</a>	COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON YOUTH AT RISK COMMISSION ON DOMESTIC VIOLENCE CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SECTION OF FAMILY LAW NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY	Urges Congress to increase funding for programs under the Runaway and Homeless Youth Act and other laws in order to more effectively intervene and end homelessness for youth, ages 12 through 24.	Approved
<a href="#">106</a>	STANDING COMMITTEE ON PARALEGALS	Grants approval and reapproval to several paralegal education programs, withdraws the approval of two programs at the requests of the institutions and extends the term of approval to several paralegal education programs.	Approved
<a href="#">107</a>	COMMISSION ON WOMEN IN THE PROFESSION COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY COALITION ON RACIAL AND ETHNIC JUSTICE SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF LITIGATION SENIOR LAWYERS DIVISION BEVERLY HILLS BAR ASSOCIATION	Urges Congress to enact legislation that would provide more effective remedies, procedures and protections to those subjected to pay discrimination, including discrimination on the basis of gender, and would help overcome the barriers to the elimination of such pay discrimination that continue to exist.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">107</a> cont'd	NATIONAL LGBT BAR ASSOCIATION BAR ASSOCIATION OF SAN FRANCISCO NEW YORK COUNTY LAWYERS ASSOCIATION PHILADELPHIA BAR ASSOCIATION TORT TRIAL AND INSURANCE PRACTICE SECTION NEW YORK STATE BAR ASSOCIATION NATIONAL CONFERENCE OF WOMEN'S BAR ASSOCIATIONS STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY SECTION OF INTELLECTUAL PROPERTY LAW		
108A	SECTION OF INTERNATIONAL LAW	Urges the United States to ratify the Comprehensive Nuclear Test Ban Treaty.	Not Approved
<a href="#">108B</a>	SECTION OF INTERNATIONAL LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES CENTER FOR HUMAN RIGHTS COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW COMMISSION ON LAW AND AGING TORT TRIAL AND INSURANCE PRACTICE SECTION	Urges the United States to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">108C</a>	SECTION OF INTERNATIONAL LAW	Urges that legislation be enacted to provide procedures for implementing on an expedited basis commitments in existing treaties where the President reports to the Congress that binding measures are necessary to avoid the imminent risk of breach by the United States.	Approved
<a href="#">109</a>	SECTION OF INTELLECTUAL PROPERTY LAW SECTION OF SCIENCE AND TECHNOLOGY LAW SECTION OF INTERNATIONAL LAW SECTION OF LITIGATION	Urges courts to interpret the statutory first sale doctrine in Section 109(a) of the U.S. Copyright Act and the copyright owner's importation right in Section 602(a) to exclude application of the first sale doctrine to the importation of goods embodying a copyrighted work that were not manufactured in the United States.	Approved
<a href="#">110</a>	COMMISSION ON YOUTH AT RISK COMMISSION ON HOMELESSNESS AND POVERTY COALITION ON RACIAL AND ETHNIC JUSTICE COMMISSION ON DOMESTIC VIOLENCE GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF FAMILY LAW	Urges federal, state, tribal, local and territorial governments to enact child welfare financing laws and/or implement policies to reform the current child welfare financing structure to end the current fiscal incentives to place children in foster care.	Approved as Revised*
<a href="#">111A</a>	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Real Property Transfer on Death Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2009, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">111B</a>	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Collateral Consequences of Conviction Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2009, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
111C	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Collaborative Law Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2009, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Withdrawn
<a href="#">111D</a>	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Statutory Trust Entity Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2009, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
112	SENIOR LAWYERS DIVISION	Recommends that dues for lawyers age 60 and above shall be one-half of the regular dues for Class 7 members; and that dues for lawyers age 75 and above shall be waived.	Withdrawn
<a href="#">113</a>	GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION SECTION OF LABOR AND EMPLOYMENT LAW SENIOR LAWYERS DIVISION STANDING COMMITTEE ON LAW AND NATIONAL SECURITY TORT TRIAL AND INSURANCE PRACTICE SECTION SECTION OF FAMILY LAW	Supports a correction to existing deficiencies in government sponsored debt relief for lawyers serving our nation in uniform.	Approved as Revised*

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">114A</a>	<p>COMMISSION ON IMMIGRATION SECTION OF INTERNATIONAL LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF LITIGATION JUDICIAL DIVISION BAR ASSOCIATION OF ERIE COUNTY AMERICAN IMMIGRATION LAWYERS ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY STANDING COMMITTEE on FEDERAL JUDICIAL IMPROVEMENTS CHICAGO BAR ASSOCIATION</p>	<p>Urges the Department of Homeland Security to implement specific policies and procedures within the immigration removal adjudication system and urges Congress to amend the Immigration and Nationality Act regarding the removal of noncitizens convicted of certain crimes.</p>	<p>Approved</p>
<a href="#">114B</a>	<p>COMMISSION ON IMMIGRATION SECTION OF INTERNATIONAL LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF LITIGATION AMERICAN JUDICATURE SOCIETY NEW YORK STATE BAR ASSOCIATION JUDICIAL DIVISION BAR ASSOCIATION OF ERIE COUNTY</p>	<p>Supports measures to improve immigration courts and create a more professional, independent and accountable immigration judiciary, including a provision to increase the number of immigration judges by at least 100, increase the number of law clerks to a ratio of one clerk per judge, increase the number of support personnel and increase the number of Assistant Chief Immigration Judges, and expand their deployment to regional courts.</p>	<p>Approved as Revised*</p>

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">114B</a> cont'd	AMERICAN IMMIGRATION LAWYERS ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS CHICAGO BAR ASSOCIATION		
<a href="#">114C</a>	COMMISSION ON IMMIGRATION SECTION OF INTERNATIONAL LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF LITIGATION AMERICAN JUDICATURE SOCIETY NEW YORK STATE BAR ASSOCIATION JUDICIAL DIVISION BAR ASSOCIATION OF ERIE COUNTY AMERICAN IMMIGRATION LAWYERS ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY	Supports improving the efficiency, transparency and fairness of administrative review by the Board of Immigration Appeals through increasing the resources available to the Board, including additional staff attorneys and additional Board members.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">114C</a> cont'd	STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS CHICAGO BAR ASSOCIATION		
<a href="#">114D</a>	COMMISSION ON IMMIGRATION SECTION OF INTERNATIONAL LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF LITIGATION AMERICAN JUDICATURE SOCIETY NEW YORK STATE BAR ASSOCIATION JUDICIAL DIVISION BAR ASSOCIATION OF ERIE COUNTY AMERICAN IMMIGRATION LAWYERS ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS CHICAGO BAR ASSOCIATION	Supports the restoration of federal judicial review of immigration decisions and urges Congress to enact legislation to ensure that noncitizens are treated fairly in the adjudication process and also to provide oversight for the government's decision making process.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
114E	COMMISSION ON IMMIGRATION SECTION OF INTERNATIONAL LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF LITIGATION AMERICAN JUDICATURE SOCIETY JUDICIAL DIVISION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES	Supports measures to improve access to legal representation and legal information for noncitizens in the immigration removal system.	Withdrawn
<a href="#">114F</a>	COMMISSION ON IMMIGRATION SECTION OF INTERNATIONAL LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF LITIGATION AMERICAN JUDICATURE SOCIETY JUDICIAL DIVISION BAR ASSOCIATION OF ERIE COUNTY SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS CHICAGO BAR ASSOCIATION	Supports the creation of an Article I court, with both trial and appellate divisions, to adjudicate immigration cases, which should have features substantially consistent with specific guidelines, or as an alternative to an Article I court, supports the creation of an independent agency for both trial and appellate functions.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">115</a>	<p>COMMISSION ON DOMESTIC VIOLENCE SECTION OF FAMILY LAW CRIMINAL JUSTICE SECTION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON WOMEN IN THE PROFESSION COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW COMMISSION ON YOUTH AT RISK COMMISSION ON IMMIGRATION NATIONAL ASSOCIATION OF WOMEN LAWYERS COMMISSION ON LAW AND AGING AMERICAN JUDICATURE SOCIETY TORT TRIAL AND INSURANCE PRACTICE SECTION NEW YORK STATE BAR ASSOCIATION YOUNG LAWYERS DIVISION STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES</p>	<p>Urges Congress to reauthorize and fully fund the Violence Against Women Act and similar legislation that promotes access to justice and safety for victims of domestic violence, dating violence, sexual assault, and stalking within the United States.</p>	<p>Approved</p>

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
116	BRUCE WILDER, ABA MEMBER	Urges the government of the United States and specifically the Department of Health and Human Services to undertake measures which would ensure the least possible disclosure of patients' personally identifiable information contained in the electronic health record, except in specific instances as required by law.	Withdrawn
<a href="#">177B</a>	STANDING COMMITTEE ON MEMBERSHIP	Recommends a new dues structure for certain categories of members of the Association effective for dues commencing with the 2010-2011 fiscal year and each year thereafter.	Approved as Revised*
<a href="#">300</a>	SECTION OF LITIGATION JUDICIAL DIVISION CONNECTICUT BAR ASSOCIATION PUBLIC CONTRACT LAW SECTION APPELLATE JUDGES CONFERENCE BUSINESS LAW SECTION NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES NATIONAL CONFERENCE OF SPECIALIZED COURT JUDGES STANDING COMMITTEE ON JUDICIAL INDEPENDENCE NEW YORK STATE BAR ASSOCIATION REAL PROPERTY, TRUST AND ESTATE LAW SECTION TORT TRIAL AND INSURANCE PRACTICE SECTION  SECTION OF	Amends the current method by which Federal Judges are given cost-of-living adjustments (COLAs) to their salaries.	Approved

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\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">300</a> cont'd	INTELLECTUAL PROPERTY LAW STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS		
<a href="#">301</a>	COMMISSION ON THE IMPACT OF THE ECONOMIC CRISIS ON THE PROFESSION AND LEGAL NEEDS LAW STUDENT DIVISION TORT TRIAL AND INSURANCE PRACTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS YOUNG LAWYERS DIVISION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES	Urges Congress, the Executive Branch and/or Commercial Lenders to develop and implement programs to assist law students and recent law school graduates experiencing financial hardship due to deferred or lack of employment during a period of economic crisis.	Approved

# REVISED AND AMENDED 10A

AMERICAN BAR ASSOCIATION

NEW YORK STATE BAR ASSOCIATION

REPORT TO THE HOUSE OF DELEGATES

TO THE HOUSE OF DELEGATES

## RECOMMENDATION

RESOLVED, That the American Bar Association examine the any efforts by ~~U.S. News & World Report, working with Best Lawyers,~~ to publish a national, state, territorial and local rankings of law firms and law schools.

~~FURTHER RESOLVED, That the American Bar Association examine the methodology being used to develop the rankings to determine the accuracy and validity of any such rankings, examine the ethical issues involved in lawyers and law firms responding to requests for information for the rankings and examine all issues relevant to the rankings.~~

~~FURTHER RESOLVED, That a report of the examination be presented to the House of Delegates at the 2010 Annual Meeting.~~

~~FURTHER RESOLVED, That pending completion of the final report and its recommendations, the American Bar Association urges lawyers and law firms to exercise caution in determining whether to provide information for the purpose of ranking law firms.~~

**(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)**

# REVISED 102A

## RECOMMENDATION

RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems and to prevent the continuing discrimination against those who have been involved with these systems in the past by limiting the collateral consequences of juvenile arrests, adjudications, and convictions.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to adopt and enforce laws and policies which:

Prohibit employers, colleges, universities, vocational and technical schools, financial aid offices, licensing authorities and similar agencies from inquiring about or considering an arrest of a juvenile that did not lead to a finding of guilt, an adjudication or a conviction, or basing the denial of educational or vocational opportunities to applicants on such arrest;

~~Prohibit colleges, universities, financial aid offices, and other educational institutions from inquiring about or considering any juvenile adjudication(s) or convictions that occurred as a juvenile when determining whether a student is a candidate for admission;~~

Prohibit employers and educational institutions from considering any records pertaining to an arrest, adjudication or conviction of an applicant that occurred while the applicant was a juvenile if such records have been sealed or expunged by the court;

Prohibit colleges, universities, financial aid offices, other educational institutions and employers and employment licensing authorities:(1) from considering juvenile adjudications or criminal convictions unless engaging in the conduct underlying the adjudication or conviction would provide a substantial basis for denial of a benefit or opportunity even if the person had not been adjudicated or convicted, and (2) if the underlying conduct does provide such a basis:(a) from considering a juvenile adjudication, if three years have passed following the applicant's discharge from custody or supervision without being adjudicated or convicted of a subsequent offense; and (b) from considering a criminal conviction, if five years have passed following the applicant's release from custody or supervision without being convicted of a subsequent offense.

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial and local governments to adopt and enforce policies encouraging employers, colleges, universities, financial aid offices, licensing authorities and other agencies to give consideration to a juvenile's successful completion of a community re-entry program or the terms of their probation.

FURTHER RESOLVED, That the American Bar Association urges federal, state territorial and local governments to adopt and enforce policies encouraging employers, colleges, universities, financial aid offices, licensing authorities and other agencies to include on applications clear definitions of legal terms such as arrest, adjudication, and conviction.

**(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)**

**RECOMMENDATION**

RESOLVED, That the American Bar Association urges ~~policy making bodies of~~ federal, state, local and territorial courts to adopt, a procedure whereby a criminal trial court shall conduct at a reasonable time prior to a criminal trial, involving felony or serious misdemeanor charges, a conference with the parties to ensure that they are fully aware of their respective disclosure obligations under applicable discovery rules, statutes, ethical standards and the federal and state constitutions and to offer the court's assistance in resolving disputes over disclosure obligations.

**(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)**

RECOMMENDATION

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**Standard 23-2.8 Segregated housing and mental health**

...

(c) The mental health of prisoners in long-term segregated housing should be monitored as follows:

...

(v) At least every [90 days], a qualified mental health professional should perform a comprehensive mental health assessment of each prisoner in segregated housing, unless a qualified mental health professional deems such assessment unnecessary in light of observations made pursuant to subdivisions (ii)-(iv).

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**Standard 23-2.9 Procedures for placement and retention in long-term segregated housing**

(a) A prisoner should be placed or retained in long-term segregated housing only after an individualized determination, by a preponderance of the evidence, that the substantive prerequisites set out in Standards 23-2.7 **and 23-5.5** for such placement are met. In addition, if long-term segregation is being considered either because the prisoner poses a credible continuing and serious threat to the security of others or to the prisoner's own safety, the prisoner should be afforded, at a minimum, the following procedural protections:

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**Standard 23-5.6 Use of force**

(e) Correctional authorities should not be assigned responsibilities potentially requiring the use of force unless they are appropriately trained for the anticipated ~~level~~ **type** of force, and are initially and periodically evaluated as being physically and mentally fit for such hazardous and sensitive duties.

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**Standard 23-6.2 Response to prisoner ~~requests for~~ health care needs**

102I-Page 35

**Standard 23-6.11 Services for prisoners with mental disabilities**

(b) Correctional officials should implement a protocol for identifying and managing prisoners whose behavior is indicative of mental illness, mental retardation, or other cognitive impairments. In addition to implementing the mental health screening

# REVISED 102I

required in Standard 23-2.1 and mental health assessment required in Standard 23-2.5, this protocol should require that the signs and symptoms of mental illness or other **cognitive** impairments be documented and that a prisoner with such signs and symptoms be promptly referred to a qualified mental health professional for evaluation and treatment.

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## Standard 23-6.12 Prisoners with chronic ~~and~~ **or** communicable diseases

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## Standard 23-6.15 Involuntary mental health treatment and transfer

...

(c) In an emergency situation requiring the immediate involuntary transfer of a prisoner with serious mental illness to a dedicated mental health facility because of a serious and imminent risk to the safety of the prisoner or others, the chief executive of a correctional facility should be authorized to order such a transfer, but the procedural protections set out in subdivision ~~(e)~~ **(b)** of this Standard should be provided within [7 days] after the transfer.

102I-Page 40

## Standard 23-7.2 ~~Treatment of prisoners~~ **Prisoners with disabilities and other special needs**

...

(d) There should be no adverse consequences, such as loss of sentencing credit for good conduct, discipline, or denial of parole, for a prisoner who is unable to participate in employment, educational opportunities, **or programming** due to a disability or other special needs that cannot be accommodated. Such a prisoner should have the opportunity to earn an equal amount of good conduct time credit for participating in alternative activities.

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## Standard 23-7.9 Searches of prisoners' bodies

...

(f) Except as required by exigent circumstances, a digital or instrumental search of the anal or vaginal ~~cavities~~ **cavity** of a prisoner should be conducted only pursuant to a court order. Any such search should be conducted by a trained health care professional who does not have a provider-patient relationship with the prisoner, and should be conducted in a private area devoted to the provision of medical care and out of the sight of others, except that a prisoner should be permitted to request that more than one staff member be present.

(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)

RECOMMENDATION

1 RESOLVED, That the American Bar Association adopts the Model Act Governing Standards for  
2 the Care and Disposition of Disaster Animals, dated February 2010 and recommends its adoption  
3 by state and territorial legislative bodies.

\*\*\*\*\*

4 **AMERICAN BAR ASSOCIATION**  
5 **MODEL ACT GOVERNING STANDARDS FOR THE CARE AND DISPOSITION OF**  
6 **DISASTER ANIMALS**  
7 **(February 2010)**

8  
9 ...

10  
11 **Section 2. Purpose**

12  
13 The purpose of this Act is to provide certainty of ownership for disaster animals by providing an  
14 owner with a specific time frame by which the owner must reclaim companion animals following  
15 a ~~declared federal disaster or state emergency~~ Major Disaster and to provide an animal shelter  
16 with specific guidelines as to how long disaster animals must be held prior to their disposition.

17  
18 **Section 3. Definitions**

19 As used in this Act:

20  
21 ...

22  
23  
24 (2) “Disaster Animals” means domesticated companion animals that have become  
25 separated from an owner as the result of a ~~Class #1 or Class #2 Event~~ Major Disaster.  
26 Disaster animals include those found on private property or running at large, as well as,  
27 owner surrendered or relinquished companion animals. Feral animals are excluded from  
28 this Act.

29  
30 ...

31  
32 (~~8) Class #1 Event—State declared emergency for a county or portion of county requiring~~  
33 ~~companion animals’ owner to leave their residences for more than 24 hours.—~~“Major  
34 Disaster” means a major disaster or emergency declared by the President of the United  
35 States under the Robert T. Stafford Relief and Emergency Act, P.L. 93-288, as amended.

36  
37 (~~9) Class #2 Event—Federally declared disaster requiring companion animals’ owner to~~  
38 ~~leave their residences for more than 24 hours.~~

39

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40 (10) (9) “Tracking Information” means available information about the owner, physical  
41 description and health history of the disaster animal, photographs of the disaster animal,  
42 information about where the disaster animal was found and transported to, recommended  
43 course of treatment, and communications with an owner, including holding period  
44 extension by contract.

45  
46 (11) (10) “Approved Website” means a website approved by the state veterinarian.

47  
48 (12) (11) “Extension by Contract” means extensions of the mandated holding period  
49 based upon an agreement between the owner and animal shelter for an additional time  
50 period.

51  
52 (13) (12) “Shelter Animals” means companion animals living at an animal shelter before  
53 a ~~Class #1 or Class #2 Event~~ Major Disaster.

## 54 55 Section 4. Provisions for Disaster Animals

56  
57 (a) Disaster animals taken from a disaster area or delivered to an animal shelter following a ~~Class~~  
58 ~~#1 or Class #2 Event~~ Major Disaster will be kept by the animal shelter that receives the disaster  
59 animals according to the applicable holding period, unless the owner of the disaster animals  
60 agrees otherwise in writing. After the applicable holding period has passed for disaster animals,  
61 then the animal shelter has the authority to dispose of the disaster animals as allowed under state  
62 law when there is no ~~Class #1 or Class #2 Event~~ Major Disaster, unless the owner has an  
63 extension by contract with the animal shelter for additional time. An owner who does not retake  
64 possession of their disaster animals by the end of the applicable holding period plus any  
65 extension by contract thereof, has abandoned the disaster animals and any new owner shall have  
66 unencumbered title to the disaster animals.

67  
68 (b) ~~Holding periods~~ Disaster animals ~~(1) Class #1 Event~~ ~~A disaster animal brought in to an~~  
69 ~~animal shelter shall be kept by the animal shelter~~ for at least for 30 days.

70  
71 ~~(2) Class #2 Event~~ ~~A disaster animal brought to an animal shelter shall be kept for 90~~  
72 ~~days after the posting of a photograph and tracking information about the disaster animal~~  
73 ~~sufficient to give notice to an owner on an approved website, and up to six months if required by~~  
74 ~~the State Veterinarian. The holding period for the animal shelter shall be six months if posting~~  
75 ~~on an approved website does not occur. This requirement~~ for posting a photograph and tracking  
76 information on an approved website may be modified or eliminated as determined by the State  
77 Veterinarian ~~or as otherwise determined by the State Veterinarian.~~

78  
79 (c) During the holding period, the animal shelter is fully authorized to provide or arrange for  
80 necessary veterinary health services that are in the best interests of the disaster animal as may be  
81 determined by a veterinarian. Disaster animals that exhibit ownership by the presence of a tag or  
82 identification chip or ~~was~~ were removed from a private residence, including fenced adjacent  
83 land, may not be spayed or neutered without the written permission of the owner unless it is  
84 medically necessary as may be determined by a veterinarian.

85

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86 ...

87

88 (f) If an animal shelter becomes inoperative because of a ~~Class #1 Event or Class #2 Event~~ Major  
89 Disaster, then all the companion animals removed from the animal shelter shall be treated as  
90 disaster animals by whoever takes control of the companion animals. However, if, ~~unless~~  
91 records that accompany these shelter animals demonstrate that it was lawfully permissible to  
92 transfer title to the shelter animals before a ~~Class #1 Event or Class #2 Event~~ the Major Disaster.  
93 ~~If these records are available~~ those, ~~then the~~ shelter animals would not be treated as disaster  
94 animals.

95

96 (g) If the owner of a disaster animal has contacted the animal shelter responsible for the disaster  
97 animal before the end of the holding period to reclaim the disaster animal, but the animal shelter  
98 ~~or other possessor of the disaster animal~~ refuses to return the disaster animal, then any transfer of  
99 title agreement by the shelter to a new owner is voidable by court order.

...

**(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)**

# REVISED 105A

## RECOMMENDATION

1 RESOLVED, That the American Bar Association supports the development of  
2 comprehensive, systemic approaches to address the special needs of veterans within civil  
3 and criminal court contexts, including but not limited to proceedings involving veterans  
4 service-related injuries, disorders, mental health and substance abuse needs, through  
5 ~~diversionary~~ programs that connect veterans to appropriate housing, treatment and  
6 services through partnerships with the local Veterans Affairs Medical Centers,  
7 community-based services and housing providers.  
8

9 FURTHER RESOLVED, That the American Bar Association urges state, local, and  
10 territorial courts to facilitate the development of Veterans Treatment Courts, including  
11 but not limited to, specialized court calendars or the expansion of available resources  
12 within existing civil and criminal court models focused on treatment-oriented  
13 ~~diversionary~~ proceedings.  
14

15 FURTHER RESOLVED, That the American Bar Association adopts the following  
16 principles for Veterans Treatment Courts to the extent appropriate and feasible for each  
17 jurisdiction:  
18

- 19 1) Participation is voluntary and the constitutional rights of participants are retained.  
20
- 21 2) Veterans Treatment Courts or the resources devoted to veterans within existing civil and  
22 criminal court models will utilize the participation of a caseworker and legal  
23 representative with coordination from federal Veterans Affairs employees, veteran  
24 service agencies, community-based service providers, and local agencies to assess the  
25 needs of and provide veterans with appropriate housing, treatment, services, job training,  
26 and benefits.  
27
- 28 3) Veterans Treatment Courts or the resources devoted to veterans within existing civil and  
29 criminal court models include mentoring sessions with other veterans.  
30
- 31 4) In the criminal court context, participants in the ~~diversion~~ program have all qualifying  
32 charges reduced or dismissed, or traditional sanctions waived, including where  
33 appropriate and feasible, more serious charges, commensurate with completion of  
34 appropriate treatment and services. Where charges are dismissed, public access to the  
35 record is limited, where appropriate and feasible as provided by state or local law,  
36 including through expungement.  
37
- 38 5) The Veterans Treatment Courts shall address those criminal matters that involve serious  
39 violent felonies only at the discretion of local courts.  
40
- 41 6) The success of Veterans Treatment Courts or additional resources devoted to veterans  
42 within existing civil and criminal court models is measured through the following  
43 outcomes:  
44 ...

(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)

RECOMMENDATION

1 RESOLVED, That the American Bar Association urges Congress, state, territorial, tribal,  
2 and local governments to enact child welfare financing laws and/or implement policies  
3 to reform the child welfare financing structure to end the current fiscal incentives to  
4 place children in foster care. These reforms in law and policy should:

5  
6 (a) Encourage keeping or reunifying children safely with their birth families  
7 by increasing the amount and flexibility of funding available for the following  
8 services:

- 9  
10 1. child abuse and neglect prevention;  
11 2. family preservation and support;  
12 3. family reunification; and  
13 4. post-permanency support.

14  
15 Services should include direct access or connection to programs for affordable  
16 housing, transportation, anti-poverty supports, substance abuse and mental  
17 health treatment, aid in addressing domestic violence, parenting instruction and  
18 peer parent support programs, and quality parent representation programs.

19  
20 (b) Maximize access to federal, state, tribal, territorial and local revenue  
21 streams so as to enhance the availability of those services by:

22  
23 1. Allowing states and tribes, if they safely reduce the number of  
24 children in foster care, to reinvest federal foster care funds that would  
25 have been expended on such placements into other child welfare services  
26 aimed at further reducing the need for foster care;

27  
28 2. Reauthorizing and expanding the federal child welfare waiver  
29 program and simplifying the waiver application process to encourage use  
30 of federal funds in testing innovative approaches to delivering child welfare  
31 services with the goal of strengthening families; and

32  
33 3. Evaluating policies and formulas for funding distribution to  
34 ensure adequate federal and state support for services to children and  
35 families at risk of becoming involved in the child welfare system, so that  
36 these services are readily available in neighborhoods with high rates of  
37 poverty, child abuse and neglect, and placements of children in foster  
38 care.

39  
40 FURTHER RESOLVED, That the American Bar Association urges ~~Congress~~ federal,  
41 ~~the states, tribal, county and territorial governments~~ the states, tribal, county and territorial governments to pass child welfare  
42 financing laws and/or implement policies that encourage all types of permanency for  
43 children, including safe and stable reunifications, by creating an enhanced federal  
44 permanency encouragement initiative that will reward states and tribes for increasing

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45 their rates of safe and stable parental reunifications and relative guardianships, as well  
46 as for adoptions.

47

48 FURTHER RESOLVED, That the American Bar Association urges Congress to amend  
49 Title IV-E of the Social Security Act consistent with the principles above.

50

51 FURTHER RESOLVED, That the American Bar Association urges state and local bar  
52 associations to actively support the development and implementation of these laws and  
53 policies.

**(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)**

RECOMMENDATION

1 ~~RESOLVED, That the American Bar Association urges Congress to amend the College Cost~~  
2 ~~Reduction and Access Act (CCRAA) to include both spouses' debt and both spouses' incomes in~~  
3 ~~calculating a total Income Based Repayment (IBR) payment cap for Direct Loans.~~

4  
5 ~~FURTHER RESOLVED, That the American Bar Association urges Congress to amend~~enact  
6 and the President to sign legislation amending the Higher Education Opportunity Act of 2008  
7 (HEOA) to expressly include "military counsel" all judge advocates as an enumerated public  
8 service position eligible for Perkins loan forgiveness.

9  
10 ~~FURTHER RESOLVED, That the American Bar Association urges Congress to amend 20~~  
11 ~~U.S.C. §§ 1078(b)(1)(M), 1087e(f), and 1097dd(e)(2), by deleting~~ enact and the President to sign  
12 legislation amending Military Deferment statutes to delete the language, "during a war or other  
13 military operation or national emergency."

14  
15 ~~FURTHER RESOLVED, That the American Bar Association urges Congress to amend I.R.C. §~~  
16 ~~108(f) to exclude~~ the Department of the Treasury and the Internal Revenue Service to issue  
17 published guidance for the exclusion from gross income of discharges of student loans pursuant  
18 to the CCRAA Public Service Loan Forgiveness Program.

19  
20 ~~FURTHER RESOLVED, That the American Bar Association urges Congress to amend I.R.C.~~  
21 ~~§108(f)(1) to exclude from gross income payments received as part of a Student Loan~~  
22 ~~Repayment Program (SLRP) authorized under 10 U.S.C. §§ 2171 and 2173.~~

(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)

RECOMMENDATION

1 ...

2

3 FURTHER RESOLVED, That the American Bar Association supports the adoption of the  
4 following measures regarding the immigration judiciary:

5

6 (a) Provide additional hiring criteria, such as additional questions on applications,  
7 interviews and reference checks designed to evaluate a candidate's background, and  
8 judicial temperament, and cultural sensitivity including the ability to understand and  
9 consider the effect of cultural differences; and allow more public input in the hiring  
10 process by permitting professional organizations to screen candidates during final-level  
11 consideration;

12

13 ...

(DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED)