

PRELIMINARY AGENDA

**AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2010 MIDYEAR MEETING
ORLANDO, FLORIDA**

REPORT # SUBJECT

- 100 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.
- 101 MARITIME LAW ASSOCIATION OF THE UNITED STATES
TORT TRIAL AND INSURANCE PRACTICE SECTION
SECTION OF INTERNATIONAL 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."
- 102A CRIMINAL JUSTICE SECTION
COMMISSION ON HOMELESSNESS AND POVERTY
STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS**
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.
- 102B CRIMINAL JUSTICE SECTION
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW**
Urges federal, state, territorial and local legislative bodies and governmental agencies to support the development of simplified *Miranda* warning language for use with juvenile arrestees.
- 102C 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.

- 102D** **CRMINAL JUSTICE SECTION**
STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS
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, a conference with the parties to ensure that they are fully aware of their respective disclosure obligations under applicable discovery rules, statues, ethical standards and the federal and state constitutions and to offer the court's assistance in resolving disputes over disclosure obligations.
- 102E** **CRMINAL JUSTICE SECTION**
COMMISSION ON YOUTH AT RISK
COMMISSION ON HOMELESSNESS AND POVERTY
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS
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.
- 102F** **CRMINAL JUSTICE SECTION**
COMMISSION ON HOMELESSNESS AND POVERTY
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS
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 supports legislation that would allow Legal Services to provide prisoners with legal assistance on family law issues and other constitutionally guaranteed rights.
- 102G** **CRMINAL JUSTICE SECTION**
Urges the President and the Attorney General to assure that decisions to appoint, promote, assign and terminate United States Attorneys and other lawyers in the Department of Justice are not based upon decisions concerning investigations or proceedings involving partisan political interests.
- 102H** **CRMINAL JUSTICE SECTION**
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.

- 102I** **CRIMINAL JUSTICE SECTION**
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
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.
- 102J** **CRIMINAL JUSTICE SECTION**
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.
- 103A** **TORT TRIAL AND INSURANCE PRACTICE SECTION**
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.
- 103B** **TORT TRIAL AND INSURANCE PRACTICE SECTION**
Opposes legislation that would merge medical payment components of workers compensation and medical components of automobile insurance with health insurance, commonly known as the “Universal 24-Hour Health Coverage.”
- 104** **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.
- 105A** **COMMISSION ON HOMELESSNESS AND POVERTY**
CRIMINAL JUSTICE SECTION
Supports the development of comprehensive, systemic approaches to address the special needs of veterans through diversionary 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.

- 105B** **COMMISSION ON HOMELESSNESS AND POVERTY**
COMMISSION ON YOUTH AT RISK
 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.
- 106** **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.
- 107** **COMMISSION ON WOMEN IN THE PROFESSION**
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
COUNCIL ON RACIAL AND ETHNIC DIVERSITY
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
SECTION OF LITIGATION
SENIOR LAWYERS DIVISION
BEVERLY HILLS BAR ASSOCIATION
NATIONAL LGBT BAR ASSOCIATION
BAR ASSOCIATION OF SAN FRANCISCO
NEW YORK COUNTY LAWYERS ASSOCIATION
PHILADELPHIA 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.
- 108A** **SECTION OF INTERNATIONAL LAW**
 Urges the United States to ratify the Comprehensive Nuclear Test Ban Treaty.
- 108B** **SECTION OF INTERNATIONAL LAW**
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
CENTER FOR HUMAN RIGHTS
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
 Urges the United States to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities.
- 108C** **SECTION OF INTERNATIONAL LAW**
 Urges that Congress enact legislation 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.

- 109 SECTION OF INTELLECTUAL PROPERTY LAW**
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.
- 110 COMMISSION ON YOUTH AT RISK**
Urges Congress, states, 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.
- 111A 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.
- 111B 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.
- 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.
- 111D 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.
- 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.

- 113** **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
Supports a correction to existing deficiencies in government sponsored debt relief for lawyers serving our nation in uniform.
- 114A** **COMMISSION ON IMMIGRATION**
Urges the Department of Homeland Security (“DHS”) to implement the 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.
- 114B** **COMMISSION ON IMMIGRATION**
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.
- 114C** **COMMISSION ON IMMIGRATION**
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.
- 114D** **COMMISSION ON IMMIGRATION**
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.
- 114E** **COMMISSION ON IMMIGRATION**
Supports measures to improve access to legal representation and legal information for noncitizens in the immigration removal system.
- 114F** **COMMISSION ON IMMIGRATION**
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.

115 **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

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.

116 **BRUCE WILDER, ABA MEMBER**

Urges the government of the United States and specifically the Secretary of 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.

177B **BOARD OF GOVERNORS**

Recommends a new dues structure for members of the Association effective for dues commencing with the 2010-2011 fiscal year and each year thereafter.