

**POTENTIAL AGENDA ITEMS FOR THE 2010 MIDYEAR MEETING  
OF THE HOUSE OF DELEGATES  
OF THE AMERICAN BAR ASSOCIATION**

**NOTE:** This list includes issues that may be presented for consideration at the 2010 Midyear Meeting or a future meeting of the House of Delegates. Please remember that the filing deadline for submission of Reports with Recommendations by Association entities and affiliated organizations is **Wednesday, November 18, 2009.**

**CLIENT PROTECTION**

1. Model Rule on Financial Recordkeeping  
Amends the ABA Model Rule on Financial Recordkeeping to address issues related to electronic transfer of funds and electronic access to records. **Standing Committee on Client Protection.** Contact: Selina Thomas\*, Phone: 312/988-6721, E-mail: [thomass@staff.abanet.org](mailto:thomass@staff.abanet.org).

**CRIMINAL JUSTICE**

2. Alternatives to Incarceration for Pregnant or New Mothers  
Urges states, territories, and the federal government to ensure that judicial, administrative, legislative, and executive authorities consider and expand, consistent with considerations of justice and public safety, the use of alternatives to incarceration, community correction alternatives, reduction of sentence, and similar initiatives for prisoners convicted of nonviolent offenses and for defendants who do not have a previous criminal conviction for an offense related to children in any of the following cases: (a) the defendant or convicted prisoner is pregnant; or (b) the convicted prisoner has a minor child, was the primary caregiver to the child just prior to arrest, and incarceration would result in substantial disruption of the child's living circumstances; or (c) the defendant's crime was directly related to poverty and an effort to provide essentials for minor children. **Criminal Justice Section.** Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).
3. Attorney Error v. "Attorney Misconduct"  
Urges trial and appellate courts to distinguish between lawyer "error" and lawyer "misconduct" when describing a lawyer's action, and to recognize that use of the term "misconduct" to describe a lawyer's action that would more accurately be characterized as "error" may result in unfairly damaging a lawyer's reputation and impairing a lawyer's professional advancement. **Criminal Justice Section.** Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).

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## CRIMINAL JUSTICE (cont'd)

4. Impact of Incarceration on the Mother-Child Relationship  
Urges states, territories, and the federal government 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.  
**Criminal Justice Section.** Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).
  
5. Judicial Role in Avoiding Wrongful Convictions  
Urges federal, state, local and territorial courts to conduct a conference within a reasonable time before a criminal trial to seek to assure that the prosecutor and defense counsel are fully aware of their respective disclosure obligations, that they have complied with all disclosure obligations under applicable discovery rules, statutes, ethical standards and the federal constitution and that they will comply with all future disclosure obligations, and to offer the court's assistance in resolving any disputes over disclosure obligations. **Criminal Justice Section.** Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).
  
6. Lawyers and Politics  
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 neither rewards for decisions to initiate, continue, or decline to initiate proceedings or to conduct proceedings in a particular manner because of partisan political interests nor punishments for refusing to make such decisions because of partisan political interests. **Criminal Justice Section.** Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).
  
7. Legal Services for Prisoners on Family Law Issues  
Urges state and territorial bar associations, and law schools to consider and expand, as appropriate, initiatives that assist criminal defendants and prisoners in avoiding undue consequences of arrest and conviction on their custodial and parental rights.  
**Criminal Justice Section.** Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).
  
8. Misdemeanor Prosecutions  
Urges local, state, territorial and federal governments to undertake a comprehensive review of the misdemeanor provisions of their criminal codes, and, where appropriate, to subject conduct to civil fines or nonmonetary civil remedies instead of criminal sanctions regardless of immigration status. **Criminal Justice Section.** Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).

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## **CRIMINAL JUSTICE (cont'd)**

### 9. Standardized Miranda Warning

Urges all federal, state, territorial and local legislative bodies and governmental agencies to support the development of appropriately simplified *Miranda* warning language for use with juvenile arrestees. **Criminal Justice Section**. Contact: Robert Snoddy\*\*, Phone: 202/662-1516, E-mail: [snoddyr@staff.abanet.org](mailto:snoddyr@staff.abanet.org).

### 10. Standards on Treatment of Prisoners

Adopts the *ABA Criminal Justice Standards on Treatment of Prisoners* dated February 2010 to supplant the Second Edition *ABA Criminal Justice Standards on the Legal Status of Prisoners*. **Criminal Justice Section**. Contact: Susan W. Hillenbrand\*\*, Phone: 202/662-1503, E-mail: [hillenbrands@staff.abanet.org](mailto:hillenbrands@staff.abanet.org).

## **IMMIGRATION**

### 11. Immigration Adjudication

Recommends various reforms to the immigration adjudication system. **Commission on Immigration**. Contact: Megan H. Mack\*\*, Phone: 202/662-1006, E-mail: [mackm@staff.abanet.org](mailto:mackm@staff.abanet.org)

## **LITIGATION**

### 12. Vienna Convention on Consular Relations (VCCR)

Encourages federal, state and territorial authorities to uphold Vienna Convention principles domestically through political action and improved domestic compliance. **Section of Litigation**. Contact: JoAnne Epps, Temple University Beasley School of Law, 1719 N. Broad Street, Philadelphia, PA 19122, Phone: 215/204-8993, E-mail: [joanne.epps@temple.edu](mailto:joanne.epps@temple.edu).

## **LEGAL EDUCATION**

### 13. Paralegal Education Programs

Grants approval, reapproval and/or extension and withdrawal of the term of approval to several paralegal education programs. **Standing Committee on Paralegals**. Contact: Peggy C. Wallace\*, Phone: 312/988-5618, E-mail: [wallacep@staff.abanet.org](mailto:wallacep@staff.abanet.org).

## **MEMBERSHIP**

### 14. Dues Structure

The House will be asked to consider a report with recommendation regarding the ABA dues structure. **Board of Governors**. Contact: Office of the Secretary, Phone: 312/988-5155.

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## **SPECIALIZATION**

### **15. Social Security Disability Law Specialist Program**

Recommends extension of the Accreditation of the National Board of Legal Specialty Certification's Social Security Disability Law Specialist Program until the August 2010 Annual Meeting of the Association. **Standing Committee on Specialization.**

Contacts: Timothy W. Bouch, Leath Bouch & Crawford, LLP, 92 Broad St., PO Box 59, Charleston, SC 29402, Phone: 843/937-8811, E-mail: [tbouch@leathbouchlaw.com](mailto:tbouch@leathbouchlaw.com); Tori Jo Wible\*, Phone: 312/988-5753, E-mail: [wiblet@staff.abanet.org](mailto:wiblet@staff.abanet.org).

## **UNIFORM ACTS**

### **16. Uniform Collaborative Law Act**

Approves the Uniform Collaborative Law Act, promulgated by the Uniform Law Commission in 2009, which standardizes the most important features of collaborative law practice, mindful of ethical concerns as well as questions of evidentiary privilege. The Act encourages the development and growth of collaborative law as an option for parties that wish to use it as a form of alternative dispute resolution. **National**

**Conference of Commissioners on Uniform State Laws.** Contacts: Michael Kerr, Uniform Law Commission, 111 N. Wabash Ave., Suite 1010, Chicago, IL. 60602, Phone: 312/450-6620, E-mail: [michael.kerr@nccusl.org](mailto:michael.kerr@nccusl.org); Carlton D. Stansbury, Burbach & Stansbury SC, 10850 W Park Place, Suite 530, Milwaukee, WI 53224, Phone: 414/359-9100, E-mail: [cstansbury@burbach-stansbury.com](mailto:cstansbury@burbach-stansbury.com); Peter K. Munson, 123 S. Travis St., Sherman, TX 75090.

### **17. Uniform Collateral Consequences of Conviction Act**

Approves the Uniform Collateral Consequences of Conviction Act, promulgated by the Uniform Law Commission in 2009, which improves the understanding of penalties that attach when an individual is convicted of an offense, and in appropriate circumstances, offers a mechanism to provide partial relief from the disabilities. The Act facilitates notification of collateral consequences before, during, and after sentencing. **National**

**Conference of Commissioners on Uniform State Laws.** Contacts: Michael Kerr, Uniform Law Commission, 111 N. Wabash Ave., Suite 1010, Chicago, IL. 60602, Phone: 312/450-6620, E-mail: [michael.kerr@nccusl.org](mailto:michael.kerr@nccusl.org); Margaret C. Love, Law Office of Margaret Love, 15 Seventh Street NE, Washington, DC 20002-6021, Phone: 202/547-0453, E-mail: [margaretlove@pardonlaw.com](mailto:margaretlove@pardonlaw.com); Richard T. Cassidy, 100 Main St., P.O. Box 1124, Burlington, VT 05402.

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## **UNIFORM ACTS (cont'd)**

### **18. Uniform Real Property Transfer on Death Act**

Approves the Uniform Real Property Transfer on Death Act (URPTODA) which enables an owner of real property to pass it to a beneficiary upon the owner's death by a similar mechanism – simply, directly, and without probate. **National Conference of Commissioners on Uniform State Laws**. Contacts: Michael Kerr, Uniform Law Commission, 111 N. Wabash Ave., Suite 1010, Chicago, IL. 60602, Phone: 312/450-6620, E-mail: [michael.kerr@nccusl.org](mailto:michael.kerr@nccusl.org); Thomas P. Gallanis, Jr., University of Iowa, Boyd Law Building, Iowa City, IA 52242, Phone: 319/335-9018, E-mail: [thomas-gallanis@uiowa.edu](mailto:thomas-gallanis@uiowa.edu); Nathaniel Sterling, 4180 Oak Hill Ave., Palo Alto, CA 94306.

### **19. Uniform Statutory Trust Entity Act**

Approves the Uniform Statutory Trust Entity Act (USTEA) which addresses the need for a uniform law to regulate statutory business trusts. The Act validates the statutory trust as a permissible form of business organization and brings the disparate and often inadequate existing state laws into uniformity. **National Conference of Commissioners on Uniform State Laws**. Contacts: Michael Kerr, Uniform Law Commission, 111 N. Wabash Ave., Suite 1010, Chicago, IL. 60602, Phone: 312/450-6620, E-mail: [michael.kerr@nccusl.org](mailto:michael.kerr@nccusl.org); Justin L. Vigdor, 2400 Chase Sq., Rochester, NY 14604

## **WOMEN IN THE PROFESSION**

### **20. Pay Discrimination**

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 that would help overcome the barriers to the elimination of such pay discrimination that continue to exist. **Commission on Women in the Profession**. Contacts: James R. Silkenat, Sullivan & Worcester LLP, 1290 Avenue of the Americas, New York, NY 10104, Phone: 212/660-3052, E-mail: [jsilkenat@sandw.com](mailto:jsilkenat@sandw.com); Roberta D. Liebenberg, Fine, Kaplan and Black, R.P.C., 1835 Market Street, Suite 2800, Philadelphia, PA 19103, Phone : 215/567-6565, E-mail: [rliebenberg@finekaplan.com](mailto:rliebenberg@finekaplan.com); Veronica M. Munoz\*, Phone: 312/988-5497, E-mail: [vmunoz@staff.abanet.org](mailto:vmunoz@staff.abanet.org).

## **YOUTH AT RISK**

### **21. Child Welfare System Financing**

Urges Congress, the states, and counties to enhance support for abused and neglected children and their families by changing the way laws and policies generate funding that is far greater for support of children removed from their homes than for services and supports to parents and caretakers which would help safely avoid children's placement in foster care. **Commission on Youth at Risk**. Contact: Elizabeth Thornton\*\*, Phone: 202/662-1758, E-mail: [thorntoe@staff.abanet.org](mailto:thorntoe@staff.abanet.org).

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