

**ABA YLD Midyear Meeting Assembly  
August 6, 2010**

**Call to Order**

The YLD Assembly was called to order by the Speaker at 9:12 am.

**Presentation of Colors**

Color Guard from Orlando, FL

**National Anthem**

The National Anthem was sung by Paul Neese, YLD Liaison to ABA TIPS Section, Portland, OR.

**Pledge of Allegiance**

The Assembly was lead in the Pledge of Allegiance by Jill Hasegawa, District 33 Representative, Honolulu, HI.

**Invocation**

The invocation was delivered by Maurice Ruffin, District 14 Representative, New Orleans, LA.

**Overview of Assembly Agenda**

Speaker Tidmore provided an overview of the Assembly Agenda.

**Special Guest Presentations**

President Lamm and President-elect Zack were featured in the YLD 75th Anniversary video, a clip of which was shown to Assembly attendees prior to President Lamm's addressing the Assembly.

*Carolyn Lamm, President, American Bar Association*

President Lamm acknowledged the YLD Officers and Constitutional Representatives and thanked them for their service. President Lamm discussed the membership initiatives currently being undertaken, particularly the dues reduction proposal that will be debated before the YLD Assembly and the ABA House of Delegates. Lamm provided an overview of the aspects of the proposed dues reduction which initially would impact solo, government and public interest lawyers. She also explained some of the other initiatives being undertaken, including marketing and segment value propositions. Lamm talked about her diversity initiatives to promote diversity within the bench and bar. A report has been issued based on last year's diversity roundtable discussions, which includes recommendations for achieving diversity within the bench and bar. A distance learning program focused on diversity issues has been undertaken. Lamm also discussed the Ethics 20/20 Commission. Lamm has asked YLD Chair Clarke to recommend a young lawyer to serve on the Commission. The Commission will focus on the impact of technology and globalization in the practice of law and whether those changes necessitate the development of new ethics rules or best practices to guide lawyers in light of the changing nature of our practice. Lamm talked

about the Association's advocacy efforts in Washington, DC and recent successes. Finally, Lamm talked about the special Commission to Address the Impact of the Economic Crisis on the Profession and the various efforts being undertaken to respond to the crisis.

*Stephen Zack, President-elect, American Bar Association*

President-elect Zack reported on the initiatives he is developing as part of his pending administration. Zack has been in regular contact to coordinate with YLD Chair-elect Wolfe as they each plan for their year of leadership. He noted that one of his priorities is disaster preparedness and response. Recognizing the YLD's leadership in the area of disaster legal services and indicated that he wants to work to develop a comprehensive program for the entire Association. Zack also talked about his public education initiative to increase the understanding of United States laws and legal system through the ABA Academy to be launched next bar year. Zack is proposing that states adopt an annual "opening of the courts" much like is held in Canada and Europe to celebrate the Rule of Law and to raise the public's awareness of the legal system. Zack also attends to establish a Commission on Hispanic Legal Needs. Finally, Zack encouraged young lawyers to consider applying for a Presidential Appointment for the 2010-11 bar year.

**Credentials Report:**

YLD Clerk, Carlos Escurel, reported that 180 delegates have been certified as of that time with 91 delegates constituting quorum. Motion to reopen delegate certification was seconded and approved.

**Approval of Minutes of the 2009 YLD Annual Meeting Assembly**

Michael Bergmann, YLD Secretary-Treasurer, was recognized and moved to waive the reading of the minutes and to approve them as presented which was seconded and approved.

**Special Presentation**

Eric Koester of Seattle, WA, YLD Membership Director, was recognized to deliver a Membership Report. Eric noted the critical issue of membership recruitment and retention that the whole of the ABA is focused on at present. Koester explained a new YLD membership recruitment initiative, Touch 10,000 to reach out to new bar admittees to welcome and engage these new members in the Association and the YLD. The initiative was recently piloted and was very successful. It is anticipated that the full program will be launched in April 2010. Young lawyers are needed to participate in the program as an ambassador to reach out to 10 new lawyers twice a year as part of this program.

**Explanation of Mission of the Assembly, Duties of Delegates, and Standing Rules; Adoption of Agenda**

Speaker Tidmore provided an overview of the rules of the Assembly and debate protocols. Two of the resolutions being dates before the Assembly today were drafted by young lawyer/YLD leaders. A motion was made and seconded to accept the Rules

of the Assembly as posted on the YLD website. The motion passed. Speaker Tidmore noted that Resolution 177B was amended this morning to strike the first WHEREFORE clause in the resolution so in light of that change, the same change needs to be made to the YLD agenda. A motion was moved and seconded to approve the agenda as amended, which was approved. When debated, Resolution 177B will be debated as amended.

### **Consent Calendar**

Several Resolutions were placed on the Consent Calendar. Unless an objection is raised, those Resolutions will be adopted by the YLD. No objections were raised.

### **Debate of Resolution 1YL**

YLD Membership Director, Eric Koester from the State of Washington, was acknowledged to introduce and move 1YL. This resolution urges Congress to enact laws that provide for a Startup Visa, which would allow foreign citizens who form bona fide businesses that spur innovation and employment in the United States to obtain permanent residency. The resolution was moved and seconded. District 2 Representative, Jeff Sklarz, spoke in opposition of the Resolution. The Resolution failed.

### **Special Presentation**

Peter Fruin, Co-Chair of LITT, addressed the Assembly to explain and invite young lawyers to the Section of Litigation Institute for Trial Training (LITT), which will be held in Chicago, IL from July 9-10, 2010 and is cosponsored by ABA YLD.

### **Debate of Resolution 2YL**

Asa Baker of Memphis, TN, Co-Chair YLD Litigation Comm., was acknowledged to introduce and move Resolution 2YL. This resolution urges Congress to amend the Medicare, Medicaid and SCHIP Extension Act of 2007 to create a safe-harbor provision from civil penalties when responsible reporting entities rely on a claimant's verified representations regarding his or her receipt of Medicare benefits. The resolution was moved and seconded. Ryan Reed of Bowling Green, KY, ABA Nominating Committee Representative addressed the Assembly in opposition to the Resolution. The Resolution was debated with delegates speaking in favor of the Resolution. The Resolution passed.

### **Special Guest Presentation**

William Hubbard, Chair of the ABA House of Delegates, addressed the Assembly. Hubbard provided an overview of the agenda for the upcoming meeting of the House of Delegates as well as some of the notable resolutions to be debated before the address. In addition to chairing the House, Hubbard also is serving as chair of the Executive Director Search Committee and delivered a status report on the search which is currently under way. There were over 100 applications and the Committee has narrowed its focus to about 25 candidates and will be meeting with some of them at the Midyear Meeting. It is anticipated that a new Executive Director will be in place by May.

### **Special Presentation**

YLD Chair, Kelly-Ann Clarke, was recognized to report on the undertakings of the Division. Ms. Clarke acknowledged the recipients of the Star of the Quarter, which were presented at the Midyear Dinner. She noted the importance of disaster legal services and the leadership role that the YLD has played in this area. She explained the Affiliate Wheel which she is working on during the year to serve as a repository of information about affiliate programming and other information. Ms. Clarke spoke about the 2009-10 public service project, They Had a Dream Too, which was launched at the Fall Conference in Birmingham, AL and has been implemented on an ongoing basis, including in Orlando.

Ms. Clarke also delivered the report of the Chair-elect, David Wolfe, who was unable to attend the Midyear Meeting. Appointment applications are due February 15<sup>th</sup> and all interested young lawyers are encouraged to apply for appointment to a YLD leadership position. Ms. Clarke provided an overview of the member and public service projects to be undertaken under Mr. Wolfe's leadership during the 2010-11 bar year. The 2010 Fall Conference will be held in Santa Fe, NM from October 14-17, 2010. The Midyear Meeting will be held in Atlanta, GA from February 10-13, 2011. The Spring 2011 Conference will be held in Las Vegas, NV with final dates soon to be announced. The 2011 Annual Meeting will be held in Toronto, Canada from August 8-7, 2011.

### **Debate of Resolution 111C**

David Hoffman, ABA Section of Dispute Resolution was acknowledged to introduce and move the Resolution. This resolution urges the ABA to approve the Uniform Collaborative Law Act, which seeks to standardize collaborative law practice and encourages the development and growth of collaborative law as a form of alternative dispute resolution. The resolution was moved and seconded. Larry Fox of Philadelphia, PA, Past Chair of Section of Litigation, addressed the Assembly in opposition to the Resolution. The Resolution was debated with additional speakers addressing pros and cons of the Resolution. The Resolution Failed. A motion was made and seconded to accept the negative. The motion passed.

### **Presentation of National Outstanding Young Lawyer Award**

Lizz K. Acee of New Haven, CT, YLD Immediate Past Chair and House of Delegates Rep., introduced the National Outstanding Young Lawyer Award and recognized this year's recipient, Justin L. Heather of Chicago, IL. Two finalists for this award were also recognized. Keathan Frink of Florida and Cheryl Camin of Texas were the finalists.

### **Special Guest Presentation**

Laurel Bellows, Chair of the 2010 ABA Day, addressed the Assembly to share details about this year's ABA Day in Washington, DC where members of the Association will gather to lobby Congress on a variety of issues relating to law and the legal system. The YLD is a co-sponsor of this event, which will be held from April 20-22, 2010.

### **Debate of Resolution 177B**

Danny Van Horn of Memphis, TN, ABA House of Delegates Rep., was acknowledged to introduce and move the Resolution. This resolution recommends a new dues structure for members of the ABA beginning in the 2010-2011 fiscal year. Jay E. Ray of Dallas, TX, ABA House of Delegates Rep., addressed the Assembly in opposition to the Resolution. The Resolution was debated with additional speakers addressing pros and cons of the Resolution. The motion was approved.

### **Presentation by European Young Bar Association (EYBA)**

Peter Wright of Sheffield, United Kingdom, Honorary Secretary of the EYBA, addressed the Assembly to explain the EYBA which is a federation of young lawyer bar associations from across Europe. Mr. Wright invited young lawyers to attend the EYBA Annual Meeting in Sheffield, England in June 10-12, 2010.

### **Introduction of Uncontested Candidates for YLD Offices**

The uncontested candidates for YLD offices were announced as follows:

Chair: David B. Wolfe, Livingston, NJ

Chair-Elect: Michael G. Bergmann, Chicago, IL

Secretary-Treasurer: Christopher A. Rogers, Dallas, TX

Assembly Speaker: Carlos A. Escurel, Detroit, MI

Assembly Clerk: Latanishia D. Watters, Birmingham, AL

Board of Governors Representative: Michael Pellicciotti, Seattle, WA

House of Delegates Representatives: Kelly-Ann Clarke, Galveston, TX

Ethan Tidmore, Birmingham, AL

### **Presentation Regarding Spring 2010 YLD Conference**

Lynlee Wells Palmer of Birmingham, AL, Conference and Program Director, provided an overview of the Spring 2010 YLD Conference in St. Thomas, United States Virgin Islands from May 13-15, 2010.

### **Adjournment**

A motion was made and seconded to adjourn. The motion passed. The meeting was adjourned at 11:20 am.

Respectfully submitted,

Michael G. Bergmann  
ABA YLD Secretary-Treasurer