

ABA DIVISION FOR BAR SERVICES

Miscellaneous *Memo*



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ABA Urges State and Local Bars To File Briefs Against FTC's Interpretation of Gramm-Leach-Bliley Act

The ABA is encouraging state and local bars to file amici curiae briefs in the ABA's lawsuit against the Federal Trade Commission's interpretation of the Gramm-Leach-Bliley Act. The goal of the suit is to obtain a judgment declaring the FTC's interpretation of the privacy provisions of the GLBA should not include lawyers.

The brief is due to be filed in court on January 10, 2003. If you are interested in participating as amici, please contact Ellen McBarnette, ABA Legislative Counsel, at elenamia@yahoo.com or 202/662-1767 no later than December 24, 2002.

For more information about the lawsuit and the ABA's efforts regarding Gramm-Leach-Bliley, please visit the Governmental Affairs Office at www.abanet.org/poladv/new.html or contact Ken Goldsmith at Goldsmithk@staff.abanet.org or 202/662-1780

Register Your Bar's Opinion on the Sarbanes-Oxley Act by December 18

The Securities and Exchange Commission is completing its review of the Sarbanes-Oxley Act of 2002 and is nearing a decision on implementing rules based on the act. The law calls on the SEC to enforce "minimum standards of professional conduct for attorneys appearing and practicing before the SEC in any way in the representation of issuers." The proposed standards include a rule requiring an attorney to report evidence of material violations of the securities laws, breaches of fiduciary duty, or similar violations by the company "up the ladder" to the company's CLO and CEO. Absent an "appropriate response," the attorney must report the information to the company's board of directors or a board committee of independent directors.

This rule closely resembles a mandatory version of ABA Model Rule 1.13, and the SEC will make its ruling by January 26, 2003. The deadline for submitting written comments is December 18, 2002.

The SEC's proposed rules can be found at www.sec.gov/rules/proposed.shtml. The SEC will accept submissions by email at rule-comments@sec.gov. For more information on submitting responses, please visit www.sec.gov/rules/submitcomments.htm.

Tort Reform Coming Soon

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ABA staff members who work in the Governmental Affairs Office in Washington, D.C. are predicting that the Republican-controlled Congress will begin work on tort reforms, especially medical malpractice, class action suits and product liability issues in the upcoming legislative session.

To stay abreast of current legislative issues, visit the ABA's Governmental Web site at www.abanet.org/poladv/home.html. For more information, please contact Ken Goldsmith at Goldsmithk@staff.abanet.org 202/662-1780

Death Penalty Moratorium Urged by ABA President to State Governors

On November 20, ABA President A.P. Carlton, Jr, sent letters to 33 of the 38 governors or governors-elect of states that allow capital punishment urging them to call for and/or implement a moratorium in their state and launch a comprehensive review of their state's capital punishment processes and procedures.

For more information about the letters, please contact ABA Death Penalty Moratorium Implementation Project Director Deborah T. Fleischaker at 202/662-1595 or fleischd@staff.abanet.org.

New NABE Staff Director!

Jill Werner has joined the NABE family as staff director. Jill has a background in association management as well as journalism experience. Although she is new to the bar association world, she is quickly coming up to speed and has been contacting NABE members directly to introduce herself, but she is always available to talk if you are interested in saying hello. Jill can be reached at 312/988-6006 or wernerj@staff.abanet.org.

Review of Ethics 2000 to be held on December 18th and 19th

The changes made by the Ethics 2000 process were the most comprehensive review and revision of the ABA Model Rules of Professional Conduct since they were adopted in 1983. Several ABA sections and committees are sponsoring a teleconference that will address the issues covered by the changes and discuss the impact of them on practicing lawyers. The teleconference will be held at 1:00 p.m. EST. To register for the teleconference, please call 800/285-2221 or <https://www.abanet.org/cle/connectreg.html>

For more information on the teleconference, please visit www.abanet.org/cle/connection.html or contact John Holtaway at jholtaway@staff.abanet.org or 312/988-5298

The December issue of the ABA Journal also covers the topic extensively.

Commission on Racial and Ethnic Diversity in the Profession Looking to Build Scholarship Database

The ABA Commission on Racial & Ethnic Diversity in the Profession is building an online database of links pertaining to scholarships for minority law students. Scholarships may be of a general nature or specific to minority students. If you bar association sponsors any scholarships or you simply know of some, please forward the link to Doug Knapp at knappd@staff.abanet.org or 312/988-5679.

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Seattle Midyear Meeting Highlights

NABE, NCBP and NCBF will meet in conjunction with the ABA Midyear Meeting in Seattle, beginning:

Monday, February 3 - The NABE Administration and Finance Section will be taking a field trip to Redmond-based Microsoft Corp. This trip will include an exclusive V.I.P. tour of their "Home of the Future" exhibit, and kicks off the Technology Show that continues through Tuesday, February 4.

Tuesday, February 4 - John Maley, noted time management and technology expert and past president of the Indianapolis Bar Association, will be giving a series of presentations on personal productivity. Other presentations that day cover web commerce, security issues and technology tools.

Wednesday, February 5 - The keynote speaker for the meeting will be Nancy Friedman, president of Telephone Doctor and an expert in customer service training and response. She will present her famous Five Forbidden Phrases...the FIVE things your members never want to hear...and of course, she'll share the positive recommended phrases. Then don't miss the Wednesday evening event at the Experience Music Project, an interactive museum devoted to popular music.

Thursday, February 6 - Organizational expert Marc Smiley will help you discover how to attract and make effective use of committed leaders and volunteers. Mr. Smiley will also "stay over" and present a repeat workshop on Friday on the role of boards and staff in non-profit management and governance.

Friday, February 7 - Ward Bower, a principal with the international legal consulting firm of Altman and Weil, Inc., is the keynote speaker for the joint meeting. He will discuss law firm growth and implications for the legal profession and the organized bar. The luncheon speaker is world-class climber and author, Adrian Burgess, who will share some of his experiences climbing Mt. Everest.

Terry Axelrod, founder of Raising More Money and author of *Raising More Money--A Step-by-Step Guide to Building Lifelong Donors*, will present NCBF members with a high-energy training session for a practical, do-able system for long-term fundraising success.

Saturday, February 8 - Lawrence Marshall, a Northwestern University Law School professor and Legal Director for the Center on Wrongful Convictions, will speak about the challenge of Gideon in its 40th anniversary and the role bar associations can play in ensuring effective defense representation.

Spring 2003 National Legal Malpractice Conference

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The ABA Standing Committee on Lawyers' Professional Liability will host its Spring 2003 National Legal Malpractice Conference at the Astor Crowne Plaza Hotel, New Orleans, on April 23-25, 2003. This bi-annual conference provides information and education on issues surrounding professional liability, professional responsibility, legal ethics and law practice management. The Conference also provides updates on current insurance issues and developments, and an opportunity to network with other professionals in the field. Complete details and registration information may be found at www.abalegalservices.org/lpl/conference.html Or, for more information, contact Edna Driver at 312/988-5763 or drivere@staff.abanet.org.

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Nominations Sought for 2003 Harrison Tweed Award

The ABA Standing Committee on Legal Aid and Indigent Defendants and the National Legal Aid and Defender Association invite nominations for the 2003 Harrison Tweed Award. The Tweed Award recognizes extraordinary achievements of state and local bar associations that develop or significantly expand projects or programs to increase access to civil legal services to poor persons or criminal defense services to indigents.

The award will be presented in August at the 2003 ABA Annual Meeting in San Francisco in recognition of work accomplished during the year beginning April 1, 2002. Projects which began prior to that date will be considered if substantial services have been provided between April 1, 2002 and March 31, 2003. Nominations must be postmarked by April 1, 2003.

A full description of the award, past recipients and nominating procedures are available at www.abanet.org/legalservices/sclaid/harrisonweedmain.html or by calling 312/988-5767.

Pro Bono Publico Award Nominations Being Sought

The ABA Standing Committee on Pro Bono and Public Service invites nominations for the 2003 ABA Pro Bono Publico awards. The awards seek to identify and honor individual lawyers and small and large law firms, government attorney offices, corporate law departments and other institutions in the legal profession that have enhanced the human dignity of others by improving or delivering volunteer legal services to our nation's poor and disadvantaged.

Nominate candidates using the form at www.abanet.org/legalservices/probono/2003nominationsolicitweb.pdf. For more information on the award, please visit www.abaprobono.org or contact Dorothy Jackson at 312/988-5766 or jacksond@staff.abanet.org

Gambrell Professionalism Awards Seeking Applications

The Standing Committee on Professionalism is seeking applications for its twelfth annual award competition for projects aimed at enhancing professionalism among lawyers. Up to three awards, in the amount of \$3,500 each, will be presented. State and local bar associations, law schools, law firms and not-for-profit law related organizations are eligible for the awards. Programs submitted for consideration must be ongoing for at least one year prior to the entry deadline of March 31, 2003. The awards will be presented in August at the ABA Annual Meeting in San Francisco. Complete details, including an application form and guidelines, are available at www.abanet.org/cpr/gambrell.html. For further information, contact

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Grace Kang, 312/988-5312, or Kangg@staff.abanet.org

Applications Now Available for Thurgood Marshall Award

The ABA's Section of Individual Rights and Responsibilities is accepting nominations for the ABA's 2003 Thurgood Marshall Award until Monday, Jan. 6, 2003, and particularly invites nominations from state and local bars. The award recognizes individuals' long-term contributions to advancing civil rights, civil liberties, and human rights in the United States.

Established in 1992 in honor of the first African-American justice of the United States Supreme Court and leading attorney during the early years of the civil rights movement, both new nominations and re-nominations of individuals nominated in past years are encouraged; nomination packages may be updated as necessary and re-submitted.

The award will be presented at the 2003 Thurgood Marshall Award Dinner on Saturday, August 9, during the ABA's 2003 Annual Meeting in San Francisco. Please contact the Section of Individual Rights and Responsibilities at 202/662-1030 or via email at irr@abanet.org for more information or a nomination packet.

Outstanding Law Day Activity Awards Presented to Six Programs

Six programs recently won awards for their excellent efforts to celebrate Law Day 2002. The winning entries showed creativity in putting together strong community teams and reaching out to various segments of the public to convey the importance of the rule of law. In addition, the programs showed great promise in continuing activities throughout the year and adding activities for the next Law Day. For more on how your bar can enter the competition for Law Day 2003, see www.abanet.org/publiced/lawday/oa/home.html. The winners for Law Day 2002 are:

Alaska Court System and the State Bar of Alaska

"The Us in Justice...is Everyone" photo-text exhibit put a face on justice in Alaska. The exhibit featured 37 portraits of diverse Alaskans and their personal statements about what equal justice means to them. Approximately 40,000 Alaskans had the opportunity to view the exhibits at schools, courthouses, and other public venues throughout May 2002. The project succeeded in raising public awareness about our legal system and the work of judges, attorneys, legal organizations, and others in a quest for fairness and equality. The "rule of law" is no longer abstract when a dedicated person gives it a face and a voice.

Louisiana Center for Law and Civic Education

Middle and high school students and their teachers from all over the state came to New Orleans to attend the Law Day Summit on "Assuring Equal Justice for All." They interacted with lawyers, judges, and law-enforcement officers. The day began with a mock city council meeting debate of a local teen curfew law. Students presented their recommendations to improve the existing ordinance before a group of local elected officials and city leaders. Breakout sessions followed on assuring equal justice in the workplace, school, and home.

Minnesota Supreme Court

With the help of a diverse group of co-sponsors, the Minnesota Judicial Center, home of the state's Judicial Branch and appellate courts, hosted 1,500 people during its first-ever public open house. About half were K-12 students and their teachers. Others were from senior citizens groups, business and social clubs, and the general public. Participants took guided tours of the building, and had opportunities to chat with judges and justices. Other activities included an information fair about law-related topics and court/law careers with more than 20 organizations; multimedia presentations about Minnesota's courthouses and the structure of the courts; and hands-on activities about fingerprinting and the trial process.

Nebraska State Bar Foundation and the Nebraska Supreme Court

For the state's third annual Law Day essay contest, students in grades 7-12 submitted essays examining whether the word "equality" should be added to the Pledge of Allegiance. The essays were judged by sitting Nebraska jurists on the basis of understanding the topic, originality, and creativity, among other criteria. Winners for each grade level, their teachers, administrators, and families were invited to a special Law Day Recognition Luncheon in Lincoln. The Nebraska Supreme Court's Chief Justice presented the awards, and the Governor gave his Law Day proclamation at the luncheon.

Pennington County (South Dakota) Bar Association

The Bar reached out to the community through an Ask-a-Lawyer program that answered more than 300 calls. Almost 1,000 grade school students participated in coloring and poster contests. About 200 high school students attended such activities as a death penalty debate and mock trial, a family law discussion, and a session introducing careers in the law. The play "Impeach Justice Douglas" was presented to audiences of high school students and the general public, and a "Dialogue on Freedom" included many issues raised by the terrorist attacks of September 11, 2002.

Uintah County (Utah) Justice Court

In its first-ever Law Day celebration, the court conducted an ambitious program of mock trials for grade school students and adults, newspaper articles by the judge providing information and answering questions, and an open house and "ask-the-judge" program. The court also sponsored an art contest and a presentation by the Uintah County Sheriff's Office. Plans are underway to expand Law Day next year into the government and criminal justice courses of the high school.

Judge Edward R. Finch Law Day 2002 Speech Awards Announced

The Judge Edward R. Finch Law Day Speech Awards will go to three speakers this year. All gave their remarks at Law Day Luncheons sponsored by bar associations. The awards were established in 1968 by Edward R. Finch, Jr., in honor of his father, a member of the ABA Adjunct Committee on Law Day and a Justice of the Supreme Court of New York. The goals of the competition are to expand the public's understanding of the rule of law and appreciation of the

positive role law plays in our society. Visit www.abanet.org/publiced/lawday/finch/ to find out how you can enter your Law Day 2003 speaker.

First Place

Gene Nichol
Dean, University of North Carolina School of Law.
"The Command of Equal Justice" Speech given at the Mecklenburg County (North Carolina) Bar Association Law Day Luncheon, May 1, 2002

Second Place

Arthur J. England, Jr.
Partner, Greenberg Traurig, P.A.
Speech given at the El Paso County (Colorado) Bar Association Law Day Luncheon, May 2, 2002
"Assuring Equal Justice for All"

Third Place

Deborah Hankinson
Justice, Texas Supreme Court
"Assuring Equal Justice for All"
Speech given at the Travis County (Texas) Bar Association's Law Day Luncheon, May 1, 2002

The 2003 Law Day Planning Guide is now online and at the printers. If you've ordered one, it should be on your desks shortly. If not, you can order online at www.abanet.org/publiced/lawday/ldform.html
Can't wait? Visit www.lawday.org/guidemain.html for a PDF of the guide, which you can download and use in your planning meetings.

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"...And Justice for All" National Issues Forum Program

The Coalition for Justice is offering a low-cost program, "...And Justice for All": Ensuring Public Trust and Confidence in the Justice System, designed to help bars and courts foster public trust and confidence. The program engages the public in a discussion about whether the justice system provides equal access to fair and impartial justice. Small discussion groups are led by a moderator and utilize a short video as the means to stimulate discussion. The program materials--an issue book, video, and moderator's guide--are free and available on the Web at www.abanet.org/justice/nif/home.html. After you have set a date for your forum, use the Web site or call Deidra Franklin at 312/988-6138 or via email at dfranklin3@staff.abanet.org to request a copy of the video.

The Coalition will gather "Post-Forum Reports" from all the forums across the nation to compile a final report on the "And Justice for All" Program in 2004. The resulting summary report will provide an important voice for the many community members who participated in the program. The summary report will be shared with the courts and bar associations and appropriate policy makers.

Legal Services Booklet Examines New Ideas in Providing Legal Services

The ABA Standing Committee on Delivery of Legal Services has published a new booklet, *Innovations in the Delivery of Legal Services*, outlining creative ways lawyers are providing legal services. Collaborative lawyering, micro-niche practices and unbundling are among the ideas advanced in the publication.

The booklet is an update of the committee's 1983 publication, *Model Lawyers' Guide to Legal Services*, written to acquaint lawyers with new, pilot ways to deliver legal services. *Innovations* looks at recent developments in some of the mechanisms that were advanced in the 1983 booklet, and examines newer innovations.

Innovations in the Delivery of Legal Services is available for downloading free of charge. To obtain the booklet, visit www.abanet.org/legalservices/delivery/home.html. For more information, please contact William Hornsby at 312/988-5761 or whornsby@staff.abanet.org.

New Book Available Through ABA Book Publishing Program

Your bar association can save 40% on select ABA publications by participating in the ABA Book Publishing Discount Program. The program is targeted exclusively

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to bar associations and gives you the opportunity to generate additional revenue, enhance CLE programming or increase the value of your association membership.

One publication available through this program is *Collecting Your Fee: Getting Paid from Intake to Invoice*. In the book, author Ed Poll outlines the basics your members need in order to set in place a billing system to ultimately increase your bottom line and keep your clients happy while doing it. For a list of recent publications, please visit www.abanet.org/lpm/catalog/home.html

For a complete listing of titles available through this program, go to www.ababooks.org. For detailed information on the program please visit www.abanet.org/abapubs/discountprogram.html or, to place an order, contact Jill Nuppenau at 312 988-5764, or e-mail: nuppenaj@staff.abanet.org.

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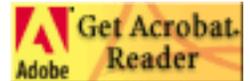
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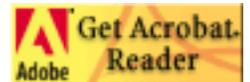
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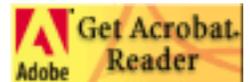
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