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ABA committee begins evaluation of Supreme Court nominee Elena Kagan

The ABA Standing Committee of the Federal Judiciary (FJC) is conducting its evaluation of the professional qualifications of Solicitor General Elena Kagan, President Obama's choice to succeed Justice John Paul Stevens on the Supreme Court.

The ABA rating will be released prior to June 28, when Kagan is scheduled to appear before the Senate Judiciary Committee to begin her confirmation hearings. The FJC, currently chaired by Kim Askew, is traditionally invited to testify at the hearings to present the ABA committee's rating after a Supreme Court nominee has completed his or her testimony.



FJC Chair Kim Askew explains the ABA committee's evaluation process during a media briefing June 3.

"The ABA Standing Committee's independent peer review will provide the Senate with a thoughtful, thorough evaluation of Kagan's professional credentials for serving on the nation's highest court as the Senate fulfills its critical constitutional role in the confirmation process," ABA President Carolyn B. Lamm said in a statement issued May 11, the day after the president announced Kagan's nomination.

Prior to assuming her current position as solicitor general in March 2009, Kagan served as dean of the Harvard Law School. A graduate of Harvard Law School, she clerked for Supreme Court Justice Thurgood Marshall, worked as an associate at the law firm of Williams & Connolly, was a professor at the University of Chicago Law School, and served under President Clinton as an associate White House counsel and deputy director of the White House Domestic Policy Council.

In accepting the nomination, Kagan, who has no judicial experience, emphasize "Kagan nomination," page 3



LEGISLATIVE BOXSCORE

ABA LEGISLATIVE PRIORITY	HOUSE	SENATE	FINAL	ABA POSITION
<p>Independence of the Legal Profession. On 7/29/09, the Federal Trade Commission (FTC) announced a 90-day delay until 11/1/09 for a "Red Flags Rule" that would include attorneys in the definition of "creditor" and require lawyers to implement programs to detect, identify and respond to activities that could indicate identity theft. The ABA filed a lawsuit against the FTC on 8/27/09 and a motion for partial summary judgment on 9/23/09 to block the Rule's application to lawyers. On 10/30/09, the court ruled that the FTC has exceeded its authority, and the FTC announced 2/26/10 that it would appeal the decision. The FTC has delayed implementation of the rule for all entities until 12/31/10.</p>				<p>Opposes the application of the FTC's "Red Flags Rule" to lawyers. Supports preservation of the attorney-client privilege and work product doctrine and opposes governmental policies, practices and procedures that erode these protections, including the routine practice by government officials of seeking to obtain a waiver of the attorney-client privilege or work product doctrine through the granting or denial of any benefit or advantage.</p>
<p>Health Care Law. P.L. 111-148 (H.R. 3590), the Patient Protection and Affordable Care Act, and P.L. 111-152 (H.R. 4872), the Health Care and Education Reconciliation Act, overhaul the nation's health care system. The president held a Forum on Health Reform at the White House on 3/5/09. S. 1347 and H.R. 1478 would repeal the <i>Feres</i> Doctrine, which prohibits members of the armed forces and their families from suing the military for negligent medical care during their service.</p>	<p>Judiciary subcommittee held a hearing on H.R. 1478 on 3/25/09 and approved the bill on 5/19/09. House passed the final version of H.R. 3590 on 3/21/10 and the final version of H.R. 4872 on 3/21/10.</p>	<p>Senate passed H.R. 3590 on 12/24/09 and the final version of H.R. 4872 on 3/25/10.</p>	<p>President signed P.L. 111-148 (H.R. 3590) on 3/23/10 and P.L. 111-152 (H.R. 4872) on 3/30/10.</p>	<p>Supports increased access to health care for all Americans. Opposes federal legislation to preempt state medical liability laws or legislation to require patients injured by malpractice to use "health courts" that take away jury trials. Supports S. 1347 and H.R. 1478.</p>
<p>Judicial Independence. No cost-of-living adjustment was provided for federal judges for fiscal year 2010. S. 220 and H.R. 486 would create an inspector general for the judicial branch. S. 1653 and H.R. 3362 would authorize new federal judgeships.</p>	<p>H.R. 486 was referred to the Judiciary Cmte. on 2/9/09. H.R. 3362 was referred to the Judiciary Cmte. on 9/29/09.</p>	<p>S. 220 was referred to the Judiciary Committee on 1/13/09. Judiciary subc. held a hearing on S. 1653 on 9/30/09.</p>		<p>Supports increased judicial pay. Opposes initiatives that infringe upon the separation of powers between Congress and the courts.</p>
<p>Legal Services Corporation. P.L. 111-117 (H.R. 3288) includes \$420 million for the LSC in fiscal year 2010 and lifts a restriction on collection of statutorily authorized attorneys' fees by LSC lawyers. S. 718 and 3467 would reauthorize the LSC and lift several restrictions.</p>	<p>House passed H.R. 2847 on 6/18/09. Judiciary subc. held LSC reauthorization hearing on 10/27/09 and 4/27/10.</p>	<p>Senate passed H.R. 2847 on 11/5/09. S. 718 was referred to Health, Education, Labor and Pensions Committee on 4/1/09.</p>	<p>President signed P.L. 111-117 (H.R. 3288) on 12/16/09.</p>	<p>Supports an independent, well-funded LSC.</p>

Justices testify in support of ACUS revival

In a rare appearance at a congressional hearing, Justices Antonin Scalia and Stephen Breyer testified May 20 about the past success of the Administrative Conference of the United States (ACUS) in improving government agency procedures and practices and applauded revival of the conference.

ACUS became operational in 1968 and enjoyed success and bipartisan support for more than 25 years before being terminated by Congress in 1995 because of budget concerns. Although reauthorized in 2004 for three years, no funding was appropriated before the reauthorization expired. The current reauthorization in the annual amount of \$3.2 million through fiscal year 2011 was signed into law in July 2008.

Both Scalia and Breyer, who testified before the House Judiciary Subcommittee on Commercial and Administrative Law, worked with ACUS before they assumed their seats on the Supreme Court. Scalia served as the third ACUS chairman from 1992-94, and Breyer was the liaison from the U.S. Judicial Conference from 1981 to 1994.

In his statement, Scalia noted that as many as three-fourths of the conference's approximately 200 recommendations were implemented to some degree from 1968 to 1995.

"The respect the conference earned over time for its careful work, and its corresponding ability to attract able members to volunteer their time (which would otherwise come at an extraordinary price), enabled it to continue its successful course," according to Scalia.

Breyer emphasized that governments around the world have sought an answer to the question of "who will regulate the regulators?" He said that "our nation has devel-

oped this rather special approach – drawing together scholars, practitioners and agency officials – to bring about reform of a sort that is more general than the investigation of individual complaints, but less dramatic than that normally needed to invoke congressional processes."

Paul Verkuil, who was sworn in as ACUS chairman in April 2010, is currently setting up the new operation and awaiting confirmation of ACUS Council members.

The Council, comprised of the chairman and 10 other members appointed by the president for three-year terms, operates like a board of directors. The conference's entire membership of between 75 and 101 members – the Assembly – comes from federal agencies, independent regulatory boards or commissions, academia and the practicing bar.

Verkuil noted in his testimony to the subcommittee that, since ACUS closed its doors 15 years ago, there have been many changes in the administrative law landscape, including creation of new agencies, e-rulemaking, federal preemption of state regulations, and agency authority to issue waivers. He said ACUS has received numerous suggestions for research, including many specific recommendations from the ABA Section of Administrative Law and Regulatory Practice that were submitted to the Office of Management and Budget last August.

ABA Governmental Affairs Director Thomas M. Susman, in a letter to the subcommittee, provided the section's 18-page list of recommended study topics for the record of the hearing. He noted that the ABA was proud to help lead the effort that resulted in ACUS being reauthorized during the 110th Congress and ultimately re-established during the current Congress.

The recommendations begin with two short-term projects:

- an "Agency Best Practices Forum" to allow federal agencies to share best practices, obtain sound advice regarding them, and formulate proposals for facilitating broader adoption of such practices; and
- a retrospective look at administrative law recommendations issued since ACUS became inactive.

Other areas covered by the ABA section recommendations include: the rulemaking process, regulatory policy, administrative adjudication, judicial review of agency action; and openness and transparency. ■

Kagan nomination

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sized her love of teaching and the law.

"And through most of my professional life, I've had the simple joy of teaching – of trying to communicate to students why I so love the law not just because it's challenging and endlessly interesting – although it certainly is that – but because law matters, because it keeps us safe, because it protects our most fundamental rights and freedoms, and because it is the foundation of democracy," she said. ■



Elena Kagan

ABA opposes investigations of lawyers representing detainees at Guantanamo Bay

ABA President Carolyn B. Lamm urged Congress last month to reject a proposal to direct the Department of Defense (DoD) Inspector General to investigate military or civilian lawyers who represent Guantanamo Bay detainees in proceedings relating to habeas corpus or before military commissions.

The language — passed May 28 by the House as part of H.R. 5236, its version H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011 — would require an investigation when there is a “reasonable suspicion” that the lawyers have engaged in any conduct or practice that interfered with the operations of the Department of Defense at Guantanamo, violated any law of the United States, or generated any material risk to a member of the U.S. Armed Forces.

Rep. Jeff Miller (R-Fla.), who introduced the language during markup of the bill by the House Armed Services Committee, directed the provisions toward a joint project of the American Civil Liberties Union and the National Association of Criminal Defense Lawyers. That effort, the John Adams Project, provides assistance to military lawyers defending detainees being tried before military commissions. Miller’s concern is that lawyers working with the project may have disclosed the identities of Central Intelligence Agency operatives they believed had illegally tortured their clients.

In a May 26 letter to the Senate Armed Services Committee, Lamm said the legislation “would compromise the professional independence of counsel and divert already starved defense resources from defending clients to defending the conduct, practices and actions of their lawyers.”

“The American system of justice depends on the essential role of

lawyers in counseling their clients,” she said. “This includes providing zealous and effective counsel even to those accused of heinous crimes against this nation in the name of causes that evoke our contempt.”

Lamm explained that lawyers are subject to the disciplinary authority of the jurisdictions in which they are admitted to practice and

that the Department of Justice, not the Defense Department, is the appropriate agency to investigate and prosecute allegations of legal wrongdoing.

The Senate version of the bill, which cleared the Senate Armed Services Committee May 27 and was introduced June 4 as S. 3454, does not include the provisions. ■

DoD bills include repeal of “Don’t Ask, Don’t Tell” policy

Both the House and the Senate Armed Services Committee voted last month in favor of repealing the “Don’t Ask, Don’t Tell” policy so that the military would no longer be allowed to discriminate against its members on the basis of sexual orientation.

The policy, enacted in 1993 as 10 U.S.C. §654, prohibits military commanders from asking about a recruit’s sexual orientation as part of the process to accession in the U.S. Armed Forces, but the statute also codified the military ban on homosexual conduct or open declaration of homosexual conduct by military personnel.

The repeal language is included in Department of Defense (DoD) authorization measures now moving through Congress: H.R. 5136, passed by the House May 28, and S. 3454, legislation approved by the Senate Armed Services Committee the day before. Both bills would provide that the “Don’t Ask, Don’t Tell” policy would be repealed 60 days after the president, secretary of Defense, and the chairman of the Joint Chiefs of Staff certify to Congress that they have considered the report of a DoD comprehensive review of implementation of repeal of the policy; that DoD has prepared the necessary policies and regulations to implement the repeal; and that the implementation of the policies and regulations is consistent with the standards of military readiness, military effectiveness, unit cohesion, and recruiting and retention.

Release of the DoD’s comprehensive review of the policy is expected in December.

In a statement released after the votes, President Obama said he was pleased by the important bipartisan steps toward repeal of the policy.

“This legislation,” he said, “will help make our Armed Forces even stronger and more inclusive by allowing gay and lesbian soldiers to serve honestly and with integrity.”

ABA President Carolyn B. Lamm expressed the ABA’s support for repeal of the policy to the House and Senate in April, noting the association’s long tradition of actively opposing discrimination, such as the intolerable denial of a person’s civil rights based solely on his or her identity as a member of a minority group.

“Subjecting a person to discharge from military service on the basis of sexual orientation is, and always has been, a denial of the very constitutional protections that the oath administered to military members calls upon servicemembers to protect,” Lamm said.

DoD report opposes legislation to address child custody

Report agrees with ABA view

A comprehensive report released May 14 by the Department of Defense (DoD) on military child custody cases since 2003 concluded that effective legislation at the state level – not federal legislation – more appropriately addresses the issue.

The report, which analyzed state responses to military child custody cases, emphasized that such cases involve complex fact patterns and are extremely fact sensitive. “Few of the patterns repeat themselves from case to case, calling into question the effectiveness of ‘one size fits all’ legislation that fails to comprehensively deal with the many issues presented in child custody determination.”

The report concluded that the most effective measure to minimize potential disruption of child custody litigation involving deployed or deploying servicemembers is development of an appropriate Family Care Plan (FCP), a non-legal document that emphasizes early consultation with the non-custodial parent concerning custody arrangements in the event of deployment.

FCPs must ensure that a child is well taken care of through arrangements that will remain constant and strong through the duration of the deployment. On April 29, the under secretary of Defense for personnel and readiness signed a new FCP Instruction that improves on the outdated 1992 Instruction. The report states that the most important administrative action the secretary of Defense can take is already in process: getting the new FCP Instruction to the services and closely monitoring the implementing regulations.

The DoD report echoed the ABA’s concerns, which were expressed for the record of hearings in February before the House Veter-

ans’ Affairs Subcommittee on Economic Opportunity. The subcommittee was considering H.R. 4469, legislation introduced by Rep. Michael Turner (R-Ohio) that would amend the Servicemembers Civil Relief Act (SCRA) as a way to try to protect the custody rights of those deployed overseas by the military.

The provisions of H.R. 4469 were subsequently included in H.R. 5136, the House-passed version of DoD authorization legislation for fiscal year 2011. The Senate version of the legislation approved by the Senate Armed Services Committee, S. 3454, does not include the provisions.

In written ABA testimony submitted to the subcommittee, Patricia E. Apy, chair of the ABA Family Law Section Military Law Committee and a former member of the ABA Standing Committee on Legal Assistance for Military Personnel (LAMP), said that enactment of the provisions of H.R. 4469 would “unintentionally but surely introduce federal litigation to a matter reserved to the states and in which the federal government has no expertise.”

“In our view, this proposed law will result in considerable complexity, cost and delay without foreseeable benefit for military parents at a time of their personal crisis,” Apy said. Provisions in the bill stating that nothing in the act shall create a federal right of action cannot avoid problems with the proposal, she emphasized.

In addition, she noted that the legislation would apply only to certain child custody cases and claims, leaving others in question. Explaining that the nature and extent of child custody disputes are as diverse as families themselves, Apy said that these matters are best reserved to the states where a trier of

fact can consider all variables, consult with experts, require the production of all reliable information and testimony, and produce a result that insures the protection of the servicemembers and their families as well as the needs of their minor children.

In its report, the DoD found no evidence of any trend in family courts to remove custody of minor children from servicemembers solely as a result of deployment or the prospect of deployment.

The report acknowledged the ABA’s work on the military child custody issue through LAMP, the Family Law Section and the Military Pro Bono Project, a joint project of LAMP and the Section of Litigation. Of the 183 cases referred to the ABA’s pro bono project in its first 18 months, 121 cases were family law matters.

The DoD report also noted that the Military Department Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps have been directed by the Defense secretary to ensure they are doing all that they can to work with the ABA to publicize, emphasize and support the ABA’s Military Pro Bono Project.

In addition to the Defense Department, the ABA is joined in its opposition to federal legislation by several other organizations, including the National Military Families Association, the National Conference of Commissioners on Uniform State Laws, the National Governors Association, and the Adjutants General Association of the United States. ■

**ABA
Annual Meeting
Aug. 5-10, 2010
San Francisco, CA**

ABA urges exemption in financial reform package

Bill should protect attorney-client privilege and state court supervision of lawyers

As the House and Senate prepare to go to conference on financial reform legislation, the ABA is urging conferees to include language to ensure that the legislation does not impose burdensome new federal regulations on lawyers that would interfere with core aspects of the confidential attorney-client relationship or undermine traditional state court regulation of the legal profession.

The ABA favors provisions in the House-passed version of H.R. 4173 that would largely exclude the practice of law from the expanded regulatory authority of the Consumer Financial Protection Agency proposed in the bill. The Senate version of the legislation passed May 20 would create a similar Bureau of Consumer Financial Protection within the Federal Reserve.

The proposed bureau in the Senate bill, however, would have extensive authority to regulate lawyers who provide any consumer financial product or service to their clients, including many bankruptcy lawyers, consumer lawyers, litigators, real estate lawyers, tax lawyers, family lawyers, and general practitioners.

The Senate bill also would authorize the bureau to regulate any other lawyer, regardless of legal specialty, with client trust accounts.

In correspondence to the Senate Banking, Housing and Urban Affairs Committee during consideration of the legislation, the ABA stated that it does not oppose allowing a proposed agency or bureau to regulate law-

yers to the same extent that they are currently regulated under the enumerated consumer laws identified in the bills. The association objects to extensive new regulations that would result from the Senate provisions, according to the letter.

The ABA letter pointed out that the broad definition of “consumer financial product or service” would allow the new bureau to regulate and interfere with core aspects of the confidential lawyer-client relationship, including the attorney-client privilege.

Under the Senate bill, the bureau also could regulate any routine lawyer activities that are merely incidental to providing legal services to their clients. Such services include providing real estate settlement services; providing financial advisory services, transmitting or exchanging funds, and acting as a custodian of funds, whether by establishing a client trust account or otherwise.

The expanded lawyer regulation provisions also threaten to undermine the ability of state courts to effectively supervise and discipline lawyers, according to the ABA, which maintains that overlapping federal-state regulations could cause confusion over the standards that lawyers must follow in dealing with their clients.

The association asserts that the House-passed practice of law exclusion “would protect consumers while also preserving the confidential attorney-client relationship, traditional state court regulation and supervision of lawyers, and the continued availability of quality legal services that consumer clients need.” ■

Judicial Vacancies/Confirmations — 111th Congress (as of 6/9/10)

<u>Court</u>	<u>Current Vacancies</u>	<u>Pending Nominations</u>	<u>Confirmations</u>
US Supreme Court (9 judgeships)	0	1	1
US Courts of Appeals (179 judgeships)	17	11	9
US District Courts (678 judgeships)	84	33	19
Court of International Trade (9 judgeships)	0	0	0
Totals	101	44	28

Washington News Briefs

MENTAL HEALTH PARITY AND ADDICTION EQUITY: H. Robert Fiebach, chair of the ABA Standing Committee on Substance Abuse, submitted ABA comments May 3 regarding implementation of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act (MHPAEA) of 2008. The statute requires parity between mental health or substance use disorder benefits and medical/surgical benefits with respect to financial requirements and treatment limitations under group health plans and health insurance coverage offered in connection with a group health plan. The ABA's comments were in response to an invitation from the Department of Labor, Department of Health and Human Services, and the Internal Revenue Service, which issued interim final rules in February. The interim final rules, which went into effect April 5, generally apply to group health insurers and group health insurance issuers for plan years beginning on or after July 1, 2010.

ATTORNEY-CLIENT PRIVILEGE: The ABA urged the Internal Revenue Service (IRS) last month to withdraw its proposals requiring disclosure of uncertain tax positions that the association believes would undermine the protections of the attorney-client privilege, attorney work product doctrine and the 26 U.S.C. Section 7525 tax practitioner's privilege. In a May 28 letter to the IRS, ABA Governmental Affairs Director Thomas M. Susman explained that the proposals included in three IRS announcements would require taxpayers to identify information that inherently is based on the advice of counsel and tax preparers and to share the mental impressions of their legal and tax advisors. "These requirements are directly contrary to the protections so clearly recognized by the U.S. Supreme Court," Susman wrote, adding that the protections also have been recognized by Congress in Rule 26 of the Federal Rules of Civil Procedure. "Not only would the disclosure proposals in the announcements require taxpayers to share their protected information with the Service, a potential adversary, but they could expose taxpayers to total loss of the protections through broader subject-matter waiver as a result of such disclosure," he said. He urged the IRS to withdraw the proposals and instead rely on existing methods of obtaining information.

PRISON RAPE: The ABA submitted comments May 5 for the Department of Justice to consider as Attorney General Eric H. Holder Jr. develops mandatory standards for the prevention and punishment for the crime of rape in federal prisons and state correctional institu-

tions that receive federal funds. The department is weighing the recommendations of the National Prison Rape Elimination Commission, a panel created by the Prison Rape Elimination Act of 2003 that released its report in June 2009 following a five-year study. The ABA Criminal Justice Section provided detailed comments to the attorney general on the report in December 2009 that were based on proposed *ABA Criminal Justice Standards on the Treatment of Prisoners*, which were subsequently adopted by the ABA House of Delegates in February 2010. Responding to three specific questions posed by the department in March, the ABA said the use of the term "sexual abuse" in the standards is consistent with ABA policy and denotes both prohibited sexual behavior between prisoners and prohibited sexual behavior between staff and prisoners. The comments also said the ABA supports a reasonableness principle in applying the standards. The ABA standards provide that jurisdictions should establish internal and external mechanisms for investigation and oversight that could be an effective way of dealing with sexual abuse as well as other important areas of prison and jail operations. A rule of reason approach also is appropriate when applying the audit requirement since small facilities like lockups will require a less sophisticated audit setup than larger prison facilities, according to the comments. Now that comments have been received, the attorney general must decide within the next few months whether to implement the standards.

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ABA supports refugee protection legislation

ABA President Carolyn B. Lamm last month urged enactment of S. 3113, the proposed Refugee Protection Act of 2010, which she said would renew the United States' commitment to fulfilling the letter and spirit of our obligations under the 1951 Refugee Convention and restore this country's position as a "beacon of hope to so many suffering persecution around the world."

In a May 19 statement for the record of a Senate Judiciary Committee hearing on the legislation, Lamm emphasized that the United States has historically served as a leader in global efforts to ensure the protection of refugees but that policies adopted over the past 15 years have seriously undermined meaningful access and protection for refugees and asylum seekers in this country.

Lamm highlighted several important steps the legislation takes, including eliminating the one-year time limit for filing asylum claims. Since the imposition of this deadline in 1998, Lamm said, U.S. asylum officers have initiated removal proceedings for asylum applicants in more than 35,000 cases solely because of the applicants' inability to file or to prove that they filed within one year of arriving in the country. Lamm cited several reasons refugee fail to file their claims immediately, including language barriers, lack of familiarity with the law, and great difficulty finding legal representation.

The legislation also would help ensure an effective and humane system of immigration detention, Lamm said, by providing for prompt and reviewable parole determinations, full implementation and enforcement of detention standards, and secure alternatives to detention for individuals who are eligible.

For more than two decades, the ABA has recommended detaining asylum seekers only in extraordinary circumstances and in the least restrictive environment necessary to ensure appearance at court proceedings. According to the ABA, detention imposes a significant financial burden on the public and scarce public resources should be directed toward detaining only those who pose a threat to public safety or national

security or who prevent a substantial flight risk.

For those detained, the ABA maintains that uniform and consistent standards governing conditions of detention are necessary to ensure that detention facilities are safe and humane. During the late 1990s, the ABA and several organizations worked with the government to develop standards to govern the conditions for those in immigration detention, but problems continue, including: inadequate or prohibitively expensive access to telephones, including access to pro bono or retained counsel; inadequate access to legal materials; and delayed or denied medical treatment.

The ABA supports provisions in the Refugee Protection Act that address these problems by requiring detention standards to be strengthened and promulgated into legally enforceable regulations with an emphasis on improving legal access standards.

"Legal assistance is critical for a variety of reasons, including a lack of understanding of our laws and procedures due to cultural, linguistic or educational barriers," Lamm said, emphasizing that statistics show that asylum seekers and others who have legal representation are significantly more likely to achieve success in their immigration cases.

Committee Chairman Patrick J. Leahy (D-Vt.) emphasized that the original Refugee Act turned 30 this year, and he introduced S. 3113 because he said the law has evolved in ways that place unnecessary and harmful barriers before genuine refugee and asylum seekers. His bill, he said, corrects the law without diluting the bars to admission for dangerous terrorists and criminals.

Witnesses appearing in support of the legislation included Dan Glickman, president of Refugees International, and Patrick Gianantonio, executive director of Vermont Immigration and Asylum Advocates.

Igor V. Timofeyev, former special advisor for refugee and asylum affairs in the Department of Homeland Security during the Bush administration, cautioned that he believed the proposed legislation would deprive the executive branch of the necessary flexibility and discretion in refugee matters. ■

The monthly *Washington Letter* reports news of national public interest to the legal profession, including congressional, executive branch and ABA activities concerning the association's legislative priorities. The newsletter is published by the Governmental Affairs Office as a service to ABA members and national, state and local bar associations. Full text is available on the Internet at <http://www.abanet.org/poladv/publications.shtml>. © 2010 American Bar Association. All rights reserved. Please address correspondence to:

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