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ASSOCIATION OVERVIEW AND STRUCTURE

CHAPTER 1

I. ASSOCIATION OVERVIEW

The American Bar Association is a voluntary membership association of attorneys dependent on the generous contribution of services by its members for its effectiveness. However, the acceptance of the role of leadership in the Association entails certain responsibilities, including those referred to below.

The Association is exempt from federal income taxation as a "business league" under Section 501(c)(6) of the Internal Revenue Code. As a business league, the Association is not prohibited from presenting the views of its membership to legislative bodies or the public. However, in order to avoid confusing the public or jeopardizing the confidence reposed in the Association by legislative bodies, procedures have been adopted to ensure that policies of the Association are formulated on the basis of careful study and analysis, and guidelines have been promulgated to make certain that Association policies are accurately reported only by its authorized spokesperson. (See Representation of the Association, Chapter 5; Communications, Chapter 6.) As representatives of the Association, officers, delegates, members of the Board of Governors and committee chairs should exercise care to respect the scope of their delegated authority and, at all times, should keep separate the interests of their clients and their own responsibilities to further the public purposes of the Association and the legal profession. (See Conflict of Interest and Guidelines for ABA Spokespersons, Chapter 5.) In addition, activities involving projects sponsored by the Association's Fund for Justice and Education, an exempt charitable and educational fund under Section 501(c)(3) of the Internal Revenue Code, are subject to stringent limitations regarding legislative and informational activities. (See Fund for Justice and Education, Chapter 9). Finally, representatives of the Association should adhere strictly to Association policies and procedures regarding incurring financial or contractual liabilities on behalf of the Association. (See Finances, Chapter 8.)

A. Association Goals

The following mission statement and Association goals were adopted by the House of Delegates in August 2008:

MISSION

To serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession.

GOALS

GOAL I: SERVE OUR MEMBERS
Objective: Provide benefits, programs and services which promote members’ professional growth and quality of life.

GOAL II: IMPROVE OUR PROFESSION
Objectives: 1. Promote the highest quality legal education.
2. Promote competence, ethical conduct and professionalism.
3. Promote pro bono and public service by the legal profession.

GOAL III: ELIMINATE BIAS AND ENHANCE DIVERSITY
Objectives: 1. Promote full and equal participation in the association, our profession, and the justice system by all persons.
2. Eliminate bias in the legal profession and the justice system.

GOAL IV: ADVANCE THE RULE OF LAW
Objectives: 1. Increase public understanding of and respect for the rule of law, the legal
process, and the role of the legal profession at home and throughout the world.
2. Hold governments accountable under law.
3. Work for just laws, including human rights, and a fair legal process.
4. Assure meaningful access to justice for all persons.
5. Preserve the independence of the legal profession and the judiciary.

The ABA's theme line is "Defending Liberty, Pursuing Justice". (BOG 6/11)

B. ABA Medal
The ABA Medal was established to give recognition to a member of the bench or bar in the United States who has "rendered conspicuous service in the cause of American jurisprudence." It is the highest honor the ABA can bestow. The medal is presented by the President at the opening assembly during the Annual Meeting. The Board of Governors selects the recipient, upon recommendation by the Profession, Public Service and Diversity Committee, in accordance with the following guidelines.
1. The award is given only in years when the Profession, Public Service and Diversity Committee, with Board concurrence, concludes after considering a broad national viewpoint that a leader of the bench or bar has truly "rendered conspicuous service to the cause of American jurisprudence." Annual presentation is not required.
2. Generally, such "conspicuous service" to the cause of American jurisprudence commands a broad participation in community and public service coupled with outstanding achievement as a leader on the bench, in legal education and research or in practice as a lawyer, and usually involves a combination of these.
3. The medal is not merely a past president's award although "conspicuous service" may well have included such responsibility and honor.
4. Generally, a sitting judge in active service will not be considered where there might be the appearance of attempts to curry favor or endorsement of social attitudes and philosophy.
5. Nominations both formal and informal are invited from members of the House of Delegates, section and division chairs, affiliated organization presidents as listed in the ABA Directory and presidents of state bar associations.
6. Consideration of possible recipients shall be the continuing responsibility of the Profession, Public Service and Diversity Committee in cooperation with the Board. Final recommendations for selection are to be submitted not later than the June Board of Governors Meeting.
7. Selection shall be followed by appropriate publicity, and presentation of the award shall be made in the manner and place determined by the Board. (BOG 2/91)

With the recognition that seeking office in the Association is a political process, it is the intent of these Rules to minimize the expenditures of a campaign required for office and to ensure that all members of the Association have fair access to the political process without unnecessary financial burdens or sacrifice.

1. A person seeking to serve as President-Elect, Chair of the House of Delegates, Secretary or Treasurer of the Association shall commence the campaign for office by filing a signed letter of intent setting forth the office and the term with the Policy and Planning Division at the American Bar Center. A candidate’s letter of intent shall be filed no earlier than the last January 1 occurring more than 12 months prior to the Midyear Meeting at which the nomination will be made. The letter of intent shall be in the form attached to the Rules and commits to abide by them.

2. After determining that the letter of intent meets the requirements of the Rules, the Policy and Planning Division shall forward a copy of the letter to all members of the House of Delegates. All questions of interpretation with respect to the Rules shall be directed to the Policy and Planning Division, which shall respond promptly to such questions.
3. No candidate or prospective candidate (references in this paragraph and in paragraph 6 to “candidate” shall include “prospective candidate”), and no person acting on his or her behalf, shall solicit a public or private commitment from any member of the Nominating Committee, other than from his or her State Delegate, prior to the candidate’s filing the letter of intent as required by Rule #1. Nominating Committee members (with the single exception noted above) shall not give any such commitments. Meetings by or on behalf of any member exploring or considering a candidacy for any office may be held no earlier than one year before the date that such member would be eligible to declare his or her candidacy under these guidelines. Except for the State Delegate from the prospective candidate’s state, members of the Nominating Committee or their designees may not attend the meetings referenced in the preceding sentence.

4. Each member of the Nominating Committee is personally responsible for providing each candidate who desires to meet with the member an opportunity for a meeting. Nominating Committee members are encouraged to hold such meetings during a Midyear or Annual Meeting and the member may choose to include at the meeting others whose views such member may wish to hear. If this does not prove feasible, the member should provide the candidate an opportunity to meet at the Section Officers Conference or the Nominating Committee Orientation meeting, and travel and a per diem will be paid to the candidate for such meeting (other than for a meeting held in conjunction with the Annual Meeting or Midyear Meeting). Candidates and prospective candidates are discouraged from arranging visits to Nominating Committee members in their home cities and Nominating Committee members are discouraged from accepting such visits.

5. Each member of the Nominating committee is encouraged to afford the candidate an opportunity to meet with other members of his or her delegation or constituency. Each State Delegate member is encouraged to consult with all members of his or her delegation before making a commitment.

6. A candidate shall not sponsor, or permit others to sponsor on the candidate’s behalf, any reception, or organized social function, in support of his or her candidacy. This provision is not intended to interfere with business meetings or functions not sponsored by a candidate or on a candidate’s behalf attended by a candidate and member(s) of the Nominating Committee. Staff may secure a conference room for use by a candidate for a non-social function during the Midyear and Annual Meetings. Nothing in these guidelines shall prohibit a candidate from serving non-alcoholic beverages and snacks at a meeting permitted by these guidelines.

7. After a candidate has filed his or her letter of intent, the candidate may speak at the Forums sponsored by the Nominating Committee at the immediately following Midyear and Annual Meetings. The Forums will be open to any member of the Association who wishes to attend and suitable notice will be given of the time and place of the Forums.

8. A candidate who decides to terminate his or her campaign for office promptly shall supply a signed letter to that effect to the Policy and Planning Division, which promptly will forward such letter to all members of the House of Delegates.

II. HOUSE OF DELEGATES OVERVIEW

The House of Delegates has the ultimate responsibility for establishing Association policy on professional and public issues. The House elects officers of the Association and members of the Board of Governors upon nominations by its Nominating Committee. It elects members of the Committee on Scope and Correlation of Work upon nominations by the Scope Nominating Committee. It has the sole authority to amend the Association’s Bylaws. It may amend the Constitution upon a vote of two-thirds or 150, whichever is greater, of the members present and voting. It authorizes committees and sections of the Association and discontinues them. It sets Association dues upon recommendation of the Board of Governors. The House is the judge of its own members. (See House of Delegates, Chapter 2.)
III. BOARD OF GOVERNORS OVERVIEW

The Board of Governors shall oversee the management of the Association. In between meetings of the House, the Board performs, not inconsistently with action taken by the House, the functions that the House itself might perform. It also develops methods and specific plans for making the Association and its activities useful to the members in their professional work. (See Board of Governors, Chapter 2.)

IV. ASSOCIATION MANAGEMENT OVERVIEW

The staff of the Association is responsible for implementing the programs and activities approved by the House of Delegates and Board of Governors. The Executive Director and Chief Operating Officer has the responsibility for the day to day operation of the staff. The staff of the Association believes that regardless of the position held, each staff member will provide professional assistance to the membership and public at all times. (See Association Management, Chapter 3 for a detailed discussion of the Association’s staff.)

V. OTHER ORGANIZATIONS

A. Contributions and Membership

It is generally not appropriate for the Association, or any of its entities, to contribute funds to other organizations. Members’ dues represent a contribution to the activities of the Association and should not be redistributed. A project or program involving a contribution of staff or voluntary services may be approved by the Board when it believes collaboration would be in the best interests of the Association.

The Association belongs to several international organizations whose purpose is to exchange information about the law and to promote collaboration between American lawyers and those of other nations; it will continue to support such organizations as the International and Inter-American Bar Associations and the Union Internationale des Avocats. Specific requests for authority to join other organizations will be examined carefully and conservatively. Approval can be granted if the Board is convinced that membership will benefit the Association substantially. Generally, such organizations will fall in professional categories, i.e., an organization dealing with functions which are essentially and directly related to the law. (BOG 6/81)

In furtherance of the implementation of Goal IV: To Advance the Rule of Law in the World, ABA International Guidelines which combine the various segments of Association policy on relations with international organizations have been adopted. (BOG 9/90) (See Chapter 11.)

The Association is often asked to name representatives to sit on governing groups of other organizations. ABA representation has been approved for several national legal organizations; however, it is not generally appropriate for the Association to name representatives to regional, state or local legal organizations. Each request to name an ABA representative will be carefully considered by the Board to determine the possible benefits to the Association.

For those organizations to which ABA representation has been approved, the Board requests nominations for each position from the appropriate Association entities pursuant to the following Guidelines for the Election of ABA Representatives to Outside Organizations.

The Board of Governors elects ABA representatives to the governing bodies of other organizations and to other similar positions under the following guidelines:

(1) The Profession, Public Service and Diversity Committee serves the function of a nominating committee and makes nominations to the Board for the positions to which the Board elects members.
(2) The Profession, Public Service and Diversity Committee is to solicit recommendations from the affected organizations and any other interested parties including members of the Board of Governors. The number of recommendations shall equal at least twice the number of the positions to be filled. Because of the large number of qualified members who might serve and the limited number of positions to be filled, reelection is generally not recommended after two full terms of consecutive service. Candidates seeking reappointment for a second consecutive term should be evaluated by the Committee using the same procedure as used for a new candidate. However, an alternate is not required when an entity is requesting reelection of a representative for a second consecutive term. (BOG 6/15)

(3) In furtherance of Goal IV, the committee urges all Association entities, outside organizations, and those providing proposed candidates to consider the need to reflect the diversity of the Association and the profession when making a recommendation, and to take the steps necessary to ensure gender and racial diversity, as well as the inclusion of candidates with disabilities and differing sexual orientations and gender identities.

(4) After having considered all proposed candidates, the Profession, Public Service and Diversity Committee shall make a nomination to the Board on each vacancy to be filled. If no proposed candidate is deemed qualified, the Committee shall so report to the Board.

(5) Profession, Public Service and Diversity Committee Procedures for Nominations: Except for unusual circumstances as determined by the Committee, 60 days prior to the time a position is to be filled, the following information should be submitted:
   a. current resume;
   b. name of person or persons who presented the name as a potential candidate to the entity;
   c. a statement of support from the chair of the entity or person who forwarded the recommendation with relevant documents. If the candidate is seeking reappointment this should include attendance records and statements concerning the significant contributions during the previous term and reason for seeking reappointment; and
   d. a statement from the candidate.

The Profession, Public Service and Diversity Committee member responsible for nominations should conduct a phone interview with the chair of the organization or the person who recommended the candidate prior to the meeting at which the nomination will be made. (BOG 8/97)

Copies of nomination forms are available from the Policy and Planning Division.

B. Co-sponsorship with Other Organizations

Co-sponsorship of programs with other organizations may be permitted with the Profession, Public Service and Diversity Committee approval; however, any cosponsored program which is submitted to the Board for programmatic approval does not also require Profession, Public Service and Diversity Committee action. Any negative decision of the Profession, Public Service and Diversity Committee can be appealed to the Board of Governors.

ABA co-sponsorship may be permitted under the following Guidelines for Co-sponsorship of Programs/Activities with Other Organizations:

(1) The program/activity significantly advances the purposes of the ABA and one or more ABA goals or objectives or otherwise provides identifiable benefits to the ABA, its members and/or the public in furtherance of ABA purposes and/or goals.

(2) The ABA and the other organization each have significant and meaningful participation in and responsibility for the planning and implementation of the program/activity and any resultant publication or printed work product.

(3) The program/activity will not result in policy statements which could be attributable to the ABA without prior approval of the ABA House of Delegates or the Board of Governors or which would be in conflict with any existing ABA policy.

(4) The program/activity budget is fiscally sound and is not likely to expose the ABA to liability for unanticipated expenses and/or net losses. (BOG 2/90)
Co-sponsorship of programs/activities with other organizations which is consistent with these guidelines may be permitted with prior Profession, Public Service and Diversity Committee approval. Requests for ABA co-sponsorship of programs/activities in which the ABA's participation and responsibility in planning and implementation is only minimal, but which provide identifiable benefits to the ABA, will be given serious consideration by the Committee. Any negative decision of the Profession, Public Service and Diversity Committee may be appealed to the full Board of Governors. Any program/activity which has been submitted to and received programmatic approval encompassing co-sponsorship from the Board of Governors will not require separate approval for co-sponsorship. Requests for continuing legal education (CLE) programs will continue to require approval from the Standing Committee on Continuing Legal Education in accordance with policy adopted by the ABA Board in July 1985, or as it may be amended by the Board from time to time.

The Profession, Public Service and Diversity Committee may approve requests from Association entities for co-sponsorship of programs or activities with other organizations without a vote of the full Board under the following conditions:

1. The application for co-sponsorship meets the guidelines adopted by the Board of Governors.
2. The staff person assigned to the Committee reviews the application.
3. The Committee member appointed by the Committee Chair to review applications for co-sponsorship reviews the application, verifies that it meets the Guidelines, determines that it does not raise material concerns, including concerns about the use of the ABA brand or the identity of the proposed cosponsor, and notifies the staff that the application has his or her approval.
4. The Committee's staff person shall circulate the application to the Committee with the notation that it has been approved by the designated Committee member. Any committee member may object to the application. If an objection is received, the staff person shall advise the Committee Chair who shall ask for a vote on whether the application shall be approved. The vote may be taken by electronic means such as e-mail between regular meetings of the Committee. (BOG 7/85; Amended 2/90; Amended 2/12)

C. Endorsement of Products or Publications of Other Organizations

The American Bar Association does not endorse the products or publications of other organizations, whether these organizations are nonprofit or for profit. However, the Association does support, in ways short of endorsement, products (such as films or educational materials) and publications of other organizations which are intended to:

1. improve the administration of justice; or
2. increase public respect for and understanding of the justice system, lawyers and the role played in the system by the American Bar Association; or
3. assist the public through improving the delivery of quality legal services at an affordable price and the profession through the betterment of law office practices and attorney competence.

The phrase "ways short of endorsement" includes, but is not limited to, mention in the speeches of ABA officers, review in ABA publications, and bringing the product or publication to the attention of all or certain segments of the ABA membership and/or the public.

The Board adopted an amendment to the ABA policy regarding “Endorsement of Products or Publications of Other Organizations” to permit the ABA Membership and Marketing Division to communicate the features or offerings of ABA Member Benefit programs to all or certain segments of the ABA membership and/or the public, if such communication is a statement of fact verified by the Office of the General Counsel and approved by the Executive Director, and if the applicable marketing agreement indemnifies the Association from claims arising from such communication.

At no time, however, can the ABA logo or identifying symbol be used in such a manner as to imply or state an endorsement by the Association of a product or publication. The ABA logo can be used when appropriate in the context of "ways short of endorsement," provided such usage is in accord with the foregoing
criteria, or in the context of increasing public awareness of the ABA (such as welcoming signs at Annual Meetings).

When applied to the ABA Member Benefit programs, however, the term “endorsement” shall not be construed to prohibit qualitative but non-evaluative communication from the ABA to all or certain segments of the ABA membership and/or the public regarding the features or offerings of ABA Member Benefit programs, if such communication is a statement of fact verified by the Office of General Counsel and approved by the Executive Director, and if there is a provision in the applicable marketing agreement indemnifying the Association from claims arising from such communications. Said communication may feature the ABA name and/or logo as provided in the ABA Graphics Standards if such use is included within the specific terms of the program’s royalty and marketing agreements. In addition, while an ABA Member Benefit program may not be referred to as “endorsed by” the Association, it may be referred to by phrases such as ”selected by the ABA as one of its Member Benefit programs.” Any such description of a company’s relationship with the ABA also must be a statement of fact verified by the Office of General Counsel and approved by the Executive Director.

Permission for use of the ABA logo may be granted by sending the request to Copyright@americanbar.org for review. Appeal may be taken on adverse decisions to the chair of the Member Services Committee of the Board of Governors for action by that committee, with such action to be final. (BOG 11/80, 2/06)

No ABA entity may offer discounted or free subscriptions to periodicals of outside organizations as part of any member benefit program. (See Policy on Offering of Non-ABA Periodicals as Member Benefits, Chapter 6.)
Structure of the American Bar Association
Pursuant to the Constitution and Bylaws

ABA Membership
411,490

House of Delegates
596

House Committees

Advisory Committee to the Chair of the House of Delegates
Credentials and Admissions
Drafting Policies and Procedures
Issues of Concern to the Legal Profession
Nominating Committee
Resolution and Impact Review
Rules & Calendar
Select Committee
Steering Committee of the Nominating Committee
Technology and Communications
Tellers

Officers and Board of Governors
(43 Members)

Committees of the Board of Governors
Executive Committee
Member Services
Public Service and Diversity
Improving the Profession
Finance and Internal Operations
Ad Hoc Committees and Task Force

Sections (21)
Divisions (7)
Forums (6)

Standing Committees (35)

Special Committees (17)

Joint and Ad Hoc Committees

Advisory Committees

Advisory Committees and Commissions

Task Forces and Boards
ASSOCIATION ENTITIES

I. GOVERNING ENTITIES

A. House of Delegates

The control and administration of the American Bar Association is vested, by its Constitution and Bylaws, the House of Delegates, the policy-making body of the Association to which officers, sections and committees, and employees are responsible.

The House of Delegates represents not only various groups within the Association, but also the legal profession as a whole. Its membership of approximately 596 is comprised of delegates elected by Association members in each state, delegates from every state bar association, the larger local bar associations, the sections and divisions, other national organizations of the legal profession, and delegates elected by the members of the Association registered at each Annual Meeting. The U.S. Attorney General and the director of the Administrative Office of the U.S. Courts are members of the House by virtue of their offices. The House elects Association officers and members of the Board of Governors and formulates the policy of the Association. The procedures followed by the House in formulating policy are discussed below. The House meets twice a year. The Midyear Meeting is usually held in February; the Annual Meeting in August.

1. Committees of the House of Delegates

Pursuant to Section 49.1 of the House Rules of Procedure, the Chair of the House of Delegates shall appoint the chair and members of each committee of the House, unless the House directs otherwise in the case of a particular committee. Except as otherwise provided by the House, the term of a committee chair or member is one Association year and until a successor is appointed. The Chair and the Secretary are members ex-officio.

The designation, functions, and size of the standing committees of the House of Delegates are as follows:

a. **Credentials and Admissions.** The Committee on Credentials and Admissions, consisting of seven delegates, shall consider and report on all questions relating to qualifications, selection, or credentials of delegates or relating to the compliance of an organization with the requirements for representation in the House.

b. **Drafting Policies and Procedures.** The Committee on Drafting, Policies and Procedures consisting of five delegates, shall be knowledgeable about format, language and style of resolutions and serves as a resource for all members who are interested in bringing resolutions to the House for consideration. Drafters are encouraged to seek the Committee’s assistance prior to the deadline for submission of resolutions. In addition, the Committee shall report to the House on any resolution, report, or other matter referred to it by the House or the Chair for revision as to scope, substance, or phraseology.

c. **Rules and Calendar.** In addition to duties otherwise required, the Committee on Rules and Calendar, consisting of five delegates, shall:

i) assist the Chair in the expeditious handling of the business of the House;

ii) report to the House on proposals to amend the Rules of Procedure;

iii) prepare and send to the Secretary the preliminary calendar for each meeting of the House in time for the required distribution; and

iv) make recommendations to the House on the order of business and late reports.

d. **Scope Nominating Committee.** The Scope Nominating Committee consists of the following *ex-officio* members: the Chair of the House of Delegates, as chair, the chair of the Board’s Profession, Public Service and Diversity Committee, the chair of the Committee on Scope and Correlation of Work (Scope Committee), the member of the Scope Committee with the longest continuous service on the Committee who is not the chair, and the chair of the Section Officers Conference. The Committee shall make nominations for membership on the Committee on Scope and Correlation of Work.
The House of Delegates may create such other committees of the House as it considers necessary to conduct its business. To further the consideration of a subject by the House, the Chair of the House may create a special committee to consider the subject and report to the House.

2. Policy Formulation

a. Resolutions and Reports

The Association's Constitution and Bylaws, specifically Article 5 and Article 24, and the House Rules of Procedure, Article 45, deal with Association policy concerning resolutions and reports to the Board and to the House. Those submitting reports are encouraged to consider these articles carefully.

Preambles to resolutions will not be considered by the House. Factual material is to be included in the body of the report.

b. Procedure for Submission of Resolutions with Reports

Resolutions with reports to the House of Delegates submitted by sections, committees, affiliated organizations, bar associations, delegates to the House and individual members of the Association are transmitted to the Secretary of the Association. Detailed instructions are sent to section and committee chairs, members of the House of Delegates and the Presidents and Executive Directors of state and local bar associations and affiliated organizations represented in the House well in advance of the deadline date. All resolutions with reports should be submitted directly to the Director, Policy and Planning Division, who is available to provide assistance.

Each resolution with report will be calendared at headquarters for consideration by the House. Copies of resolutions with reports will be transmitted to the Board liaison member and appropriate members of the Association staff. The House reports will be reproduced for distribution to the members of the House.

The Board is charged by the Association's Bylaws §24.1 with the duty of transmitting to the House, at its option, the resolutions with any recommendations or comments the Board may wish to make.

The Board liaison member to each section or committee may present its proposals, representing as fairly as possible the position of the section or committee. The Board's recommendation on any proposal considered is then published in the Transmittal Report of the Board of Governors to the House of Delegates, which is placed on delegates' desks at the opening session of the House.

c. Dates for Submission of Reports

The House Committee on Rules and Calendar has set the following deadline dates for receipt of reports to the House of Delegates for the 2018 Midyear and Annual Meetings:

2019 Midyear Meeting
Resolutions with Reports November 15, 2018
Informational Reports December 1, 2018

2019 Annual Meeting
Resolutions with Reports May 8, 2019
Informational Reports June 8, 2019

Approximately two months before these deadline dates, a letter from the Secretary is sent to the members of the House of Delegates, section and committee chairs, and bar association and affiliated organization executive directors. The letter contains complete instructions on the form reports should take.

The deadline dates must be strictly observed. Resort to the procedures for submission of late reports is discouraged in the absence of a compelling reason.

d. Late Resolutions

Section 45.5 of the Rules of Procedure of the House of Delegates covers generally the procedure for late resolutions.
ASSOCIATION ENTITIES 13

Section or committee chairs, affiliated organizations, or members of the House finding it necessary to file a late resolution with report shall give written notice, stating the reason therefore, to the House Committee on Rules and Calendar by the time of the last scheduled meeting of that Committee before the opening session of the House at which it is to be considered. It is advisable that a proponent of the resolution also appear in person before the Committee on Rules and Calendar to request a waiver for filing a late resolution. The Committee on Rules and Calendar meets on the Saturday and Sunday before the opening session of the House.

If the Committee on Rules and Calendar decides to recommend a waiver, it will present the matter to the House and the report may be filed upon a two-thirds affirmative vote of the delegates present and voting.

Processing of late resolutions with reports will be accomplished by filing with the Committee on Rules and Calendar a complete report in the form in which it is to be distributed to the House.

e. Release of Reports

Section 24.3 of the Bylaws provides that a resolution of a section, committee or Association member may not be released to the public before the House of Delegates or the Board of Governors considers it, unless the President, or designee, authorizes its distribution through the Association's Division of Media Relations and Strategic Communications. Prior to approval by the House, any material containing a resolution with report or proposal must at the outset display prominently the standard disclaimer that it represents the opinion of the section or committee making the resolution rather than the policy of the Association. If a section or committee of the Association desires the President or the President's designee to authorize the distribution of a report or study prior to consideration by the appropriate governing body, it shall do the following:

1. The report or study shall be approved by the section council or by the committee of the Association, as the case may be, and transmitted to the Director, Policy and Planning Division, at the headquarters office together with a letter which sets forth all pertinent information concerning the approval of the report or study by the reporting entity, and the reason for, and extent of, distribution for which authorization is requested.
2. The Director, Policy and Planning Division, shall promptly transmit the report or study to the President or designee.
3. The President or designee shall, as soon as practicable, notify the reporting entity of his or her decision, sending informational copies to the Secretary and the staff of the Division of Media Relations and Strategic Communications.
4. If the President or designee authorizes the distribution of the report or study to the news media, the Public Relations Department shall effect this distribution as promptly as possible in accordance with the authorization of the President. The reporting entity shall be responsible for any other type of distribution authorized. The restrictive statement required by §24.4 of the Bylaws shall be prominently displayed on all copies. (See Chapter 5 for the text of the appropriate disclaimer statement.)

f. Board Action on Legislative Proposals and National Issues

Between meetings of the House, when resolutions from sections and committees respecting pending or proposed legislation or national issues are received, they will be placed on the agenda of the next Board meeting. Although the Board has the power to act on these matters between meetings of the House, it will not act to create new policy if a matter feasibly can await consideration by the House of Delegates. If a resolution is of such a nature that it requires action before the next meeting of the House, the section or committee should submit the resolution in the same manner as a resolution with report is submitted to the House and should explain in full the necessity for immediate action.
B. Board of Governors

The Board of Governors shall oversee the management of the Association, and performs in between meetings of the House the functions that the House itself might perform. The Board develops methods and plans for making the Association and its activities useful to the members, administers the facilities and staff of the Association, and formulates and administers the Association’s budget and reimbursement policies.

The Board is comprised of 4 members, as follows:

- 5 officers (President, President-Elect, Chair of the House of Delegates, Secretary and Treasurer)
- 1 Immediate Past President
- 19 District Representatives
- 18 Members-at-Large (2 young lawyers, 1 judicial representative, 9 Section representatives, 1 law student, 5 Goal III Members-at-Large)

Each year, nominations for Board positions are announced at the Midyear Meeting, and the elections are conducted by the House at the Annual Meeting. Principles and Guidelines on the Election Process for Officers of the Association have been adopted by the House to minimize the expense of a campaign required for office, and to ensure that all members of the Association have fair access to the political process without unnecessary financial burdens or sacrifice. (HOD 8/94, amended 01M107, 8/08). The President and President-Elect each receive a stipend in addition to reimbursement of their expenses. Effective at the end of the Annual Meeting in 2005, and until modification by the House of Delegates, the President shall receive a stipend of $100,000 and the President-Elect shall receive a stipend of $50,000. In each subsequent year, the stipends shall be adjusted to reflect a cost of living increase as determined by the Board of Governors.

Board members may not be employed by, or retained as a consultant of, the Association or any of its affiliates. (BOG 8/96) Also, it is inappropriate for an officer of the Association or a member of the Board to be a member of a club which discriminates by policy or in practice on the basis of race, color, sex, religion, disability, national origin or sexual orientation, while serving on the Board. (BOG 4/94). The Board has adopted and each Board member must sign Business Conduct Standards (copies are available from the Policy and Planning Division) for officers and members of the Board to emphasize the Association’s commitment to high ethical standards. (BOG 6/94, 5/13)

1. Meetings

Four regular meetings have been scheduled for the Board during the 2018-2019 Association year. Sites and dates are indicated in the calendars in Chapter 12. The Board adopted a policy regarding Board meetings which provides that: a) at least one Board meeting per year shall be held in either Chicago or Washington, DC and recommends that the June Board meeting be held in Chicago; b) potential sites for stand-alone Board meetings shall be submitted by the President-elect to the Member Services Committee of the Board for consideration at the Midyear Meeting next following the election of the President-elect; and c) the request from the President-elect should include all relevant financial information and information regarding the accessibility of the proposed meeting site. (BOG 8/13)

When there is no reasonable opportunity for Board action at a regularly called meeting within the time required for action upon a matter, the President or any five members of the Board may request action to be taken by a mail or telephone vote, or by the Executive Committee.

Meetings of the Board of Governors are open to all members of the Association, except that the Board may vote at any time to exclude non-members of the Board for a specified session or portions thereof.

Any member of the Board, including the Chair, may call for an executive session. To go in to executive session, a motion must be made, seconded and approved by the Board. Only members of the Board have the right to attend an executive session, but others may be invited to attend by the Chair or by the Board. Those present in executive session must maintain the confidentiality of all discussions. Representatives of the media may only attend open sessions of the Board. (BOG 8/13) (See Open Meetings Policy, Chapter 6.)
2. **Standing Committees of the Board**

Matters submitted to the Board of Governors are frequently referred by the President to an appropriate Board committee for review and recommendation to the Board. Ordinarily, if personal appearances by proponents of recommendations are necessary, hearings will be held before a committee rather than before the Board.

Each standing committee of the Board makes recommendations to the Board within the areas of responsibility assigned to that committee. When so empowered by the Board, standing committees may take action and dispose of matters within their areas of responsibility.

The standing committees and their jurisdictions are set forth below. The Board continues to experiment somewhat with standing committee structure and relationships.

a. **Executive Committee**

The primary area of responsibility of the Executive Committee involves emergency matters.

*Emergency Matters:* The Executive Committee will act on emergency matters only when requested to do so by the President, the Board or upon a finding by any three members of the Board (including members of the Executive Committee) that action with reference to an important matter should be taken by the Association, and that such action cannot or should not reasonably be taken by the Board itself within the requisite time. The meeting of the Executive Committee shall then be called by the President, or by any three members of the Board, upon reasonable notice of the time and subject matter.

As to important policy matters and policy-level issues for which no Association policy then exists, the Executive Committee at an assembled meeting or by telephone or other electronic conference may take any action permitted of the Board not inconsistent with prior action of the Board or the House, provided that such action is concurred in by not less than two-thirds of the entire membership of the Executive Committee. All members of the Executive Committee who vote on such a matter must have participated in the meeting and heard the discussion.

As to all other important matters and policy-level decisions which can be made consistently with current Association Policy, the Executive Committee at an assembled meeting, by telephone or other electronic conference, by mailed ballot or otherwise, then may take any action permitted of the Board not inconsistent with prior action of the Board or the House, provided that such action is concurred in by not less than two-thirds of the entire membership of the Executive Committee.

The Executive Committee shall have responsibility for evaluating the performance of the Executive Director and determination of his/her compensation, with support, as necessary, from the Executive Compensation Committee.

b. **Member Services Committee**

General Scope – Develops recommendations for policies to ensure the prudent operation and management of membership entities and activities.

More specifically, the Committee shall have oversight responsibility, including review and recommendations regarding the annual plan and recommendations to the Board regarding requests from the following entities:

- All Sections/Divisions and Forums
- Standing Committee on Membership
- Standing Committee on Meetings and Travel
- Standing Committee on Bar Services and Activities and Division for Bar Services
- Division of Media Relations and Strategic Communications
- Business Services – Standing Committee on Publishing Oversight
- Center for Professional Development – Standing Committee on Continuing Legal Education
- ABA Journal
- National Conference of Commissioners on Uniform State Laws
- Professional Services Division - Chicago, DC
- Professional & Public Services Division - DC
- Legal Career Center In addition, the Committee shall have oversight responsibility for:
Meetings/Travel Programs – Monitors and makes recommendations regarding all meeting policies of the Association. Recommends the sites and dates of the Midyear and Annual Meetings and approves requests regarding the distribution of materials at these meetings.

Section and Division Bylaw Amendments – Reviews proposed amendments to section, division and forum bylaws for compliance with the Model Section Bylaws and Model Forum schedule and makes recommendations to the Board concerning their approval.

Membership – Oversees all matters pertaining to membership. Receives reports from the Standing Committee on Membership regarding membership, including recruitment and retention of members, dues structure, dues pricing, and state membership chairs. Monitors all membership eligibility procedures. Monitors policy concerning the use and control of the Association’s membership lists and related information.

Communications – Evaluates the communications needs of the Association and develops recommendations to the Board for appropriate communications to address those needs. Coordinates and monitors the effective implementation of communications to improve the standing of the profession and shape the Association’s overall messages to its members, other bar associations, and the public.

Continuing Legal Education (CLE) – Retains oversight of the continuing legal education programs and services of the Association in accordance with Board-approved policies and procedures and as administered by the Standing Committee on Continuing Legal Education. Receives status reports from the Standing Committee on Continuing Legal Education and the Center for Professional Development, which include information regarding the development of Association CLE programs and services and the financial aspects of such programs and services. Hears and makes recommendations to the Board regarding appeals of requests for co-sponsored CLE programs denied by the Standing Committee on Continuing Legal Education.

Publishing – Retains oversight of Board-approved publishing policies and procedures of the Association, as administered by the Standing Committee on Publishing Oversight and ABA Publishing. Receives status reports from the Standing Committee on Publishing Oversight and ABA Publishing, which include information pertaining to the development, marketing, and sales of ABA publications and the financial aspects of such services.

Blanket Authority and Technical Commenting Authority

ABA Advantage – In consultation with the Standing Committee on Membership, makes recommendations and monitors all economic benefit programs designed to provide a savings or other such benefit to Association members and associates.

c. The Profession, Public Service and Diversity

General Scope – Develops recommendations for policies to ensure the prudent management of entities responsible for diversity and elimination of bias, pro bono and public services activities, rule of law initiatives, public education, legal services and entities responsible for improving the profession. In addition, has oversight responsibility for the ABA Medal, awards, and contests.

More specifically, the Committee shall have oversight responsibility, including review and recommendations regarding annual plan and recommendations to the Board regarding requests from the following entities:

Diversity and Elimination of Bias
- Office of Diversity and Inclusion
- The Commission on Women
- The Commission on Sexual Orientation and Gender Identity
- The Commission on Disability rights Pro Bono and Public Services
Standing Committee on Pro Bono and Public Services
Commission on Domestic and Sexual Violence
Commission on Homelessness and Poverty
Commission on Immigration
Commission on Law and Aging
Special Committee on Death Penalty Representation
Death Penalty Due Process Review Project
Standing Committee on Disaster Response and Preparedness
Standing Committee on Law Library of Congress
Standing Committee on Election Law
Commission on Youth at Risk
Center for Human Rights
Gun Violence
Center on Children & the Law
Law & National Security
Rule of Law Initiatives
  • Rule of Law Initiatives (ROLI)
  • Africa Law Initiative Council
  • Asia Law Initiative Council
  • Central European and Eurasian Law Initiative Council
  • Latin American and Caribbean Law Initiative Council
  • Middle East and North Africa Law Initiative Council
Public Education – Standing Committee on Public Education.
Legal Services
  • Standing Committee on Legal Aid and Indigent Defendants
  • Standing Committee on Delivery of Legal Services
  • Commission on Lawyer Assistance Programs
  • Standing Committee on Group and Prepaid Legal Services
  • Standing Committee on Lawyer Referral and Information Service
  • Standing Committee on Lawyers’ Professional Liability
  • Standing Committee on Legal Assistance for Military Personnel
  • Standing Committee on Paralegals
  • Standing Committee on Interest on Lawyer Trust Accounts
  • Working Group on Unaccompanied Minor Immigrants
Public Services Division
Office of the President
Division for Policy Administration
Governance & Public Services Group
Deputy Executive Director
Senior Strategic Advisor
Executive Director
Center for Professional Responsibility
  • AA Lawyers’ Manual on Professional Conduct
  • Standing on Public Protection in the Provision of Legal Services
  • Standing Committee on Specialization
  • Standing Committee on Ethics and Professional Responsibility
  • Standing Committee on Professionalism
  • Center for Professional Responsibility Coordination Council
  • Standing Committee on Professional Discipline
  • Federal Judiciary
  • Center for Innovation
Standing Committee on Governmental Affairs Including Governmental Affairs Office

In addition, the Committee shall be responsible for the following:

Co-sponsorships – Approves Independent Jurisdiction co-sponsorship of meetings and projects by the Association and any of its entities. The Board has authorized the Standing Committee on Continuing Legal Education to approve co-sponsorship of educational program, subject to the Board’s guidelines.

Nominations – Proposes nominations to the Board for all positions to which the Board elects members.

Office of the General Counsel – Provides oversight and guidance to the Office of the General Counsel regarding retention of outside counsel under Board-approved guidelines. Approves payment of outside counsel fees.

Planning – Develops and oversees the operation of mechanisms for funding collaborative programming. Proposes and reviews the implementation of long range/strategic and short range/tactical plans of the Association. Serves as the point of contact with all Association entities relating to programs and planning. Assesses Association strengths, weaknesses, opportunities and threats by a) identifying needs, b) identifying responses to needs, and c) identifying relative priorities of responses. Evaluates the efficiency and adequacy of Association program and planning procedures and their implementation. Recommends annual Association priorities for activities to be undertaken by the Association.

Solicitation and Acceptance of Outside Contributions and Corporate Support – Considers appeals of ABA entities denied approval by the Executive Director to solicit or accept gifts, contributions or corporate support.

Program Support Funds – Will have oversight responsibility for the approval and oversight of Program Support Funds.

d. Finance Committee

General Scope – Develops recommendations for policies to ensure the prudent financial management of the Association’s resources. Upon Board approval of the recommended policies, oversees all financial activities of the Association, including, but not limited to: The General (Operating) Fund; Section Funds; Special Funds; the Fund for Justice and Education; and Long-Term Invested Assets. Ensures compliance with Board approved financial policies.

In addition, the Committee shall be responsible for oversight of Facilities, Human Resources, Insurance, Technology. This oversight shall include review of annual plans and recommendations to the Board regarding requests from these entities. More specifically:

Facilities – Considers and makes recommendations regarding all matters involving the physical facilities of the Association.

Human Resources – Recommends compensation pool for employees as part of the annual budgeting process.

Insurance – Retains oversight of the various insurance programs of the Association and recommends revisions, as appropriate.

Office of the General Counsel – Oversees payment of outside counsel fees.

Technology – Evaluates the technology needs of the Association and develops recommendations to the Board for appropriate technologies to address these needs.
In addition, the Committee shall have oversight responsibility for:

Annual Budget – Recommends overall levels of General Revenue and programmatic expenditures each fiscal year. Reviews all proposed budgets in the Annual Plan to determine appropriate levels of committed resources, compliance with Association financial policies, and the implementation of cost efficient mechanisms.

Emergency/Supplemental Requests – Makes recommendations regarding emergency and supplemental requests.

Controls – Regularly analyzes financial performance as compared to established budgets and provides reports to the Board. Develops and recommends corrective action to the Board when required.

Systems – in concert with the Audit Committee, directs the development of accounting and financial reporting systems and ensures compliance with Board approved policies.

Grant Projects and Proposals – Serves as the finance Committee of the Fund for Justice and Education and, in that capacity, reviews the financial adequacy of grant proposals in comparison to desired objectives. Monitors the financial performance of all grant-funded projects against the approved grant budget.

Revenue Enhancements – Reviews efforts proposed to enhance and encourage revenues, and considers and makes recommendations to the Board as to the financial viability of new revenue enhancement programs.

Cost Efficiencies – Reviews and recommends cost savings efforts to enhance efficiencies throughout the Association.

e. Executive Compensation Subcommittee

The primary function of the Executive Compensation Committee is to serve as a resource to the Executive Committee of the Board of Governors to assist, as necessary, regarding the evaluation of the Executive Director and the determination of his/her compensation. (BOG 6/06; 6/13; 814BOG 3.19; BOG 3.7 6/18)

f. Board Governance Committee

Reviews the operations and procedures of the Board and makes recommendations to the Board regarding its governance activities to ensure that the Board is operating in an efficient and effective manner consistent with good governance practices.

3. Ad Hoc Committees of the Board

From time to time the Board of Governors establishes ad hoc committees to address subjects of special interest that extend beyond the responsibilities of the Board’s standing committees.

4. Liaisons

A member of the Board of Governors is designated by the President as liaison to each section and division and all standing and special committees and commissions of the Association. The Executive Director designates one or more staff personnel to serve as liaison and support for each ABA entity. Guidelines for Board members’ participation in meetings of their liaison entities have been approved (copies are available from the Policy and Planning Division). (BOG 4/98; 6/12)

5. Operational Procedures and Controls

A. General

1. Scope. These Operational Procedures and Controls (“Procedures and Controls”) contain instructions and internal controls to implement, interpret, and further define the authority and limitations in the Association’s Constitution, Bylaws, and Policies and Procedures (“Greenbook”) (as outlined by category in
the attached Appendix) with the objectives of ensuring efficient and effective operations and accuracy of financial reporting. They are based on past experiences and practices intended to provide, not only objective standards for accountability and compliance, but also provisions for exceptions, deviations, monitoring, and reporting. This coverage is applicable to the Board of Governors, its committees, national officers, senior management, and staff.

2. **Application.** The Procedures and Controls supersede all prior Board of Governors policies and resolutions that are inconsistent with this document. They also apply to all future actions and resolutions by the Board of Governors unless such actions or resolutions contain express exceptions and references to these Procedures and Controls.

3. **Interpretation.** Section 29.1 of the Bylaws states that the national officers of the Association have all duties “incident to their respective offices,” and these duties impliedly include the authority to perform those duties. These are the duties incident to the customary and past performance of those offices in the American Bar Association (as described in these Procedures and Controls) and not duties incident to the same or similar offices in any other not-for-profit or other type of organization. The authority of the President and the Executive Director (the Chief Operating Officer) to sign contracts, and delegate such authority, in Section 28.6 of the Bylaws and Section II of Chapter 3 of the Greenbook means to execute contracts and other documents (manually or by electronic signature specifically approved by such person) in order to commit the Association for the expenditure of funds or incurrence of costs authorized for expenditure under the following subparagraph (Contracting Authority).

4. **Contracting Authority**

   a. All authority of officers, senior managers, employees, or other authorized representatives to obligate the Association by contract or other commitment for the expenditure of the Association’s funds (including travel expenses of officers and staff) must be based on either:

      i. The *express* authority by resolution(s) adopted by the Board of Governors or pursuant to delegated authority to the Executive Committee, the Board’s Profession, Public Service and Diversity Committee, or the Executive Director for specific actions or categories of expenditures;

      ii. The *implied* authority provided by the provisions of the Association’s annual budget approved by the Board of Governors to expend or commit Association funds for the purposes described in such budget (but this provision does not apply to sections, divisions, and other ABA entities using non-ABA general revenue funds, such as endowments and grants); or

      iii. Emergency authorizations by the Executive Director, if the amount is under $10,000, or by the President and Chair of the Profession, Public Service and Diversity Committee, if the contract or commitment exceeds such amount. Any and all emergency authorizations must be reported to the Board at its next meeting.

      iv. The President and Executive Director shall annually submit a report to the Finance Committee of all delegation of authority made by them.

b. All contractual and other financial commitments of the Association must be recorded promptly as an encumbrance on the specific budgeted amounts authorized for expenditure for the funds expected to be paid in that fiscal year and, for contracts or commitments beyond the current fiscal year, by the appropriate allocable amount(s) as an encumbrance in each succeeding fiscal year. All such encumbrances on funds for future fiscal years shall become priorities for future budgets, regardless of whether or not the original budget amount was a priority.
5. Budget Policy

a. The Association’s annual budget for General Operations shall contain, at the senior manager roll-up level, a line item for the net of total revenues over/(under) expenses for each of the Association’s divisions, departments, and separately budgeted functions subject to roll-up under a senior manager (“line items” for purposes of this policy) and shall contain separate subcategories with more specific descriptions. The Financial Services Division shall prepare, and make available to the Finance Committee and other interested Association entities approved by the Finance Committee, a monthly financial report of statements of activities and changes in net assets, reflecting comparisons to budget and prior year on a year to date basis, on a consolidated basis, and for such other operations as management determines appropriate.

b. All senior managers must monitor revenues and expenditures regularly and carefully to ensure that all actual or potential budget variances are identified promptly and managed appropriately. Senior managers shall report on a quarterly basis to the Treasurer, the Finance Committee, the Chief Operating Officer, and the Chief Financial Officer regarding any line item which reflects a fiscal year to date unfavorable variance to budget of $50,000 or 2%, whichever is greater. The report provided by the senior manager will include the reasons for the overspend, disclose if the overspend will create a permanent or temporary full fiscal year variance and the plan of action to get the temporary unfavorable variance back in line with budget. A senior manager so required to report shall deliver such report within two weeks of receipt of a monthly financial statement from the Financial Services Division for November, February, May, and August of any year. At the Finance’ request, senior managers may be required to attend and formally present during the Finance meeting. (BOG 6/15)

Senior managers’ compliance with the provisions of this section shall be evaluated each year as part of the Association’s annual performance reviews.

The actions described in this section, as well as policies for monitoring budget performance, shall be performed in accordance with policies prescribed by the Chief Financial Officer. The provisions of this paragraph shall be effective beginning in Fiscal Year 2016.

c. Senior managers’ compliance with the provisions of this paragraph 5 shall be evaluated each year as part of the Association’s annual performance reviews.

d. The actions described in this paragraph, as well as policies for monitoring budget performance, shall be performed in accordance with policies prescribed by the Chief Financial Officer. The provisions of this paragraph shall be effective beginning in Fiscal Year 2014.

6. Delegations of Authority. All delegations of authority by any person (officers, senior managers, or other representatives of the Association) shall (i) describe the scope of the delegated authority, the dollar amount(s) (if applicable), duration of the delegation, any limitations on the delegated authority, and (ii) expire when the person delegating such authority ceases to hold his/her ABA position (if not earlier, as provided by the delegation). All delegations of authority shall be reported to the Board’s Finance Committee at its next meeting.

7. Expense Reimbursement. All requests for reimbursement of expenses of each and all types (including travel, lodging, food, and business or program expenditures) by officers, Board and committee members, senior management, and employees must be in compliance with the Association’s policies for reimbursement of expenses as provided in the Greenbook and must be received by the appropriate ABA office within sixty days after the charge or expenditure is made. Any exception to this sixty day policy must be based on good cause explained in a written application to, and approved by, the Treasurer or his/her designee.
8. **Required Reports.** All unapproved exceptions to, deviations from, and violations of these Procedures and Controls shall be reported to the Board of Governors at its next regular meeting.

9. **Elected Officers.** The provisions below for the elected officers of the Association supplement the authority and responsibilities of the officers in the Constitution and Bylaws and interpret certain provisions for clarification and controls.

B. **President**

1. **Duties Incident to Office**
   
a. The provision in Section 29.1 of the Bylaws for duties normally incident to the officers’ respective offices means, for the President, the duties normally discharged by the President of the American Bar Association in accordance with the past practices and experience described in this paragraph.

b. The President is the national and international spokesperson for the American legal profession, as reflected in resolutions adopted by the House of Delegates (or the Board of Governors acting for the House). This role includes speeches, publications, media interviews, public appearances, and meetings with national, state, local, and foreign bar associations, public officials, and similar events.

c. As the Association’s top leader, the President is responsible for making all reasonable efforts to personify, by words and deeds, the highest professional and ethical standards in order to set the “tone at the top” of the Association for standards of performance and internal control with the objectives of ensuring efficient and effective operations, compliance with laws and regulations, and accuracy in financial reporting.

d. The President’s personal impact on the Association, and a significant part of his/her legacy, are the selections and appointments of the members and chairs of most of the Association’s committees, commissions, and other ABA entities (as itemized in the Appendix to these Procedures and Controls). The performance of these appointees will result in the quality, success, and failure of the Association for more than the term of each President. The consequences of these appointments emphasize the importance of each President having extensive experience and personal knowledge of numerous Association members from which to choose in making these appointments. It also emphasizes the time and due diligence required of each President-Elect before taking office as President.

2. **Relationship with Executive Director.** The President may advise and counsel the Executive Director (the “Administrative Officer” as described in Section 29.7 of the Bylaws) on matters of ABA policies and practice. The President, where authorized by the Board of Governors with regard to a specific issue, may provide direction to the Executive Director regarding administration of the Association’s staff and facilities, including the requirement to take, or refrain from, specific action as directed by the Board.

C. **President-Elect**

1. **Duties Incident to Office**
   
a. The primary responsibility of the President-Elect is to plan and prepare for her/his year as President. This includes timely preparation and submission of a President’s budget request for travel, entertainment, presidential initiatives, and all other activities of the President for which payment or reimbursement by the ABA may be requested. It also includes planning for and selecting
qualified members for presidential appointments, including those that may require approval by the Board of Governors.

b. The President-Elect performs such duties as the President assigns (in accordance with Section 29.3 of the Bylaws). These and other requested duties, as have been performed by customs and practices, include representing the Association by personal appearances, speeches, and meetings with national, state, local, and foreign bar associations, public officials, and similar events. To the extent possible and practical, the nominee each year for the office of President-Elect should consult with the then President-Elect to assist in the submission of budget requests for her/his year as President-Elect.

c. The President-Elect presides, in the absence of the President, at events at which the President would preside if present.

d. The President-Elect each year may designate one or more initiatives (such as program(s), efforts, themes, etc.) (“Initiatives”) for her/his year as President. These Initiatives must be described and approved as a line item in the annual ABA budget for the President’s year in office. Such Initiative and budgeted amounts shall expire at the close of the President’s term of office unless approved in the following year’s budget for further expenditures.

2. Presidential Duties. Under Section 29.3 of the Bylaws, the President-Elect performs the duties of the President when the President is disabled from performing the duties of that office (as determined by a two-thirds vote of the Executive Committee) or when the President is absent from any meeting of the House of Delegates (i.e., anytime not in attendance when the House is convened in Session).

D. Chair of The House of Delegates

1. General. The Chair of the House presides at meetings of the House, Nominating Committee, and (in the absence of the President) the Board of Governors as well as other events (in the absence of the President and President-Elect) at which the President would preside if present.

2. Duties Incident to Office

a. The duties normally incident to the Chair of the House are those described in the Constitution, Bylaws, and ABA Policies and Procedures.

b. The Chair, with the assistance of the Association’s staff, prepares and submits a proposed budget for the affairs of the House in the following year. The nominee for the Chair in each election year shall consult with the Chair and staff in such budget preparation.

E. Secretary

1. General. The Secretary presides over meetings of the House if the Chair is not present, or, if a temporary Chair has not been appointed, until the House selects a temporary Chair pursuant to the rules of the House.

2. Duties Incident to Office

a. The Secretary (or delegee) prepares minutes for all meetings in which he/she participates as Secretary.

b. The duties normally incident to the office of Secretary are the duties specified for the Secretary in the Constitution, Bylaws, and ABA Policies and Procedures.
c. The Secretary shall prescribe such duties for the Secretary-Elect as she/he shall deem appropriate (such as attendance of meetings, analysis of facts and other information, training requirements, approval of documents, communications to or talks with ABA entities, etc.).

F. Treasurer

1. Safekeeping Assets. In supervising the safekeeping of the funds and investments of the Association required by Section 29.6 of the Bylaws, the Treasurer shall regularly review, evaluate, and recommend to the Board such policies and controls as she/he deems required or appropriate for the custody, control, fidelity requirements, security, authorizations, and dispositions of such funds and investments. The Treasurer shall be responsible for monitoring the Board’s policies and controls for such safekeeping and may require reasonable reviews by the Director of Internal Audit of designated aspects of such safekeeping.

2. Payment of Funds. The two requirements in Section 28.2(a) of the Bylaws for Treasurer’s payment of expenses shall include the following responsibilities.

   a. The first requirement is that the payment is authorized. The Treasurer shall promulgate (and periodically review and revise) such rules, procedures, and certification requirements as he/she deems necessary or appropriate to establish to the Treasurer’s satisfaction that any requested payment has been properly authorized with respect to purpose, amount, personal approval(s), and timeliness. These rules, procedures, and certifications shall include the basis for the authority for contracts and commitments under these Procedures and Controls. These rules, procedures, and certifications shall include appropriate requirements applicable to section/division funds pursuant to Section 28.2(b) of the Bylaws.

   b. The second requirement is that the payment is within the budget appropriation. The Treasurer shall promulgate, and periodically review and revise, such rules, procedures, and certification requirements as she/he deems necessary or appropriate to establish to the Treasurer’s satisfaction that any requested payment is for a budgeted purpose and within the budgeted amount for such purpose.

3. Reimbursement Guidelines. These Procedures and Controls shall constitute delegation of authority by the Board to the Treasurer to interpret the guidelines for reimbursement of expenses in Policies and Procedures. All such interpretations of the guidelines shall be reported to the Finance (as a separate item) at its next meeting.

4. Duties Incident to Office

   a. The duties normally incident to the office of Treasurer are the duties specified for Treasurer in the Constitution, Bylaws, and ABA Policies and Procedures.

   b. The Treasurer shall prescribe such duties for the Treasurer-Elect as she/he shall deem appropriate (such as attendance at meetings, analysis of facts and other information, training requirements, approval of documents communications to or talks with ABA entities, etc.).

II. OTHER ASSOCIATION ENTITIES

Sections, divisions, standing committees, special committees and other groups report to the House of Delegates and the Board of Governors.

A. Sections and Divisions

In this handbook, the term "section," as in the Constitution and Bylaws, is intended to apply to divisions unless otherwise noted. Sections are semiautonomous entities which Association members may
join. Most sections represent a substantive area of the law. Some represent students, young lawyers or other bar or professional activities. All operate under bylaws approved by the House of Delegates or the Board of Governors. Amendments to section bylaws must be approved by the Board, to which the House delegated this responsibility. Section leadership is provided by officers and council members elected by the members of the section. Section committees are appointed by the chairs and report to the council. The Young Lawyers Division consists of all Association members that have been admitted to practice in his or her first bar bar within the past five years, or less than 36 years old at the beginning of the term, and its members do not pay section dues. The internal structure of some divisions differs from that of sections. The Law Student Division is governed by a council of 7 Officers, and has an assembly which functions only at the Annual Meeting. The Judicial Division consists of judicial conferences, several with their own delegates to the House, and a committee structure. The Young Lawyers Division has a council with 34 districts represented. The Division also has an assembly consisting of representatives of bar associations from each state, the number depending upon the number of ABA young lawyer members in each state. The Senior Lawyers Division and the Government and Public Sector Lawyers Division are governed by councils and are structured similar to the sections.

B. Committees

Association committees, consisting of Association members appointed by the President, are either standing or special depending upon the probable duration of the committee's work. Standing committees, with continuing assignments, are created within the Association's Bylaws. A commission is a special committee whose membership includes non-members of the Association. A special committee or commission is automatically discontinued at the time of the Annual Meeting each year unless continued by the House of Delegates.

C. Boards

There are several boards, such as the Board of Editors of the American Bar Association Journal and the Board of Elections, which have been created to govern any ongoing activity of the Association. Their members are elected by the Board of Governors and they are responsible to the Board and the House.

D. Task Forces

A task force is created occasionally by the Board of Governors to perform a short term assignment. It reports to the Board on its special assignment. Annually, the Board of Governors reviews each task force to determine whether the assignment has been completed or whether the task force needs to be continued.

E. Conference Groups

The membership of conference groups is divided between Association members and members of another profession or discipline with which the Association desires close communication.

F. Forums

Forums may be created by the House of Delegates to carry out, in a specified field, a responsibility that is (1) principally to educate its members in that field, (2) within the purposes of the Association, and (3) not otherwise served within the Association. Each forum has a governing committee selected by the forum.

G. Coordinating Groups

Coordinating groups may be created by the House of Delegates to coordinate the activities of all participating ABA entities having a common interest in a specified area. Unless the resolution creating it provides otherwise, a coordinating group consists of one representative of each participating entity appointed to the group by the President, and additional "at-large" members may be appointed at the discretion of the President, the number of which may not exceed one less than the number of participating entities. As a
condition to representation on the coordinating group, each participating entity contributes its pro rata share of the group's total operating budget.

H. Advisory Committees, Commissions and Councils

Advisory committees, commissions and councils may be created by the House of Delegates or the Board of Governors to advise the standing and special committees, commissions or councils to which they are respectively related and under whose direction and supervision they operate. Members of the advisory councils are appointed by the President to serve one-year terms. Members of the advisory councils may not be reimbursed from Association general revenue funds for travel or other expenses. (BOG 4/01)
CHAPTER 3

ASSOCIATION MANAGEMENT

I. INTERNAL ORGANIZATION

A. Executive Director
The Executive Director of the American Bar Association (Section 29.7 of the Constitution and Bylaws described
the position as the “Administrative Officer”) is appointed by and serves at the will of the Board of Governors.
The person appointed is charged with overall management responsibilities for the Association. The Executive
Director is responsible for recommending to the Association and its policy-making bodies both strategic and
tactical goals and objectives. The Executive Director implements the goals and business plans formally adopted
by the Board and the policies of the Association adopted by the House of Delegates. The President may advise
and consult with the Executive Director on matters of ABA policies and practice. The President, where
authorized by the Board of Governors with regard to a specific issue, may provide direction to the Executive
Director regarding administration of the Association’s staff and facilities, including the requirement to take, or
refrain from, specific action as directed by the Board.

B. Senior Management Group
The Senior Management Group is comprised of those senior members of staff as designated by the Executive
Director.

C. Staff Support of Association Entities
Among the operational responsibilities assigned to management by the Board of Governors is the responsibility
to provide staff support for sections, divisions, standing committees, special committees, and other volunteer
entities engaged in the programs, projects, and other activities of the Association.

D. Staff Organization
The management of the Association is composed of the Executive Director and, under his or her direction, the
senior staff. Management is responsible for implementing operational policies and guidelines and for achieving
the performance goals established by the Board of Governors. Management reports regularly to the Board to
permit meaningful appraisals of the results of operations in comparison with the operational policies and
guidelines and performance goals.

The staff has been organized into nine Centers organized under the four Goals of the Association:

Goal 1: Serve our Members:

CENTER FOR OPERATIONS AND FINANCE

The Center for Operations and Finance is principally involved with the operational and financial aspects of the
Association. These are primarily staff-led functions focused on the daily operations of the Association:

Administrative Services: Provides core support to the Association in five major areas: Space Occupancy,
Managed Print Services, Mail Services, Purchasing, and Facility Services. Activities include: management of
the ABA’s offices at 321 N. Clark Street; management support and administrative oversight of the ABA’s
Business Continuity Management Plan; oversight of the ABA’s Outsourced Printing Services Agreement;
receiving and distributing all incoming, interoffice, and outgoing mail and packages; coordination, setup, and
delivery of administrative services at the Midyear and Annual Meetings; and serving as the central buyer for all
Association purchases.

D.C. Operations: Provides facilities, security, administrative, and operational support to the ABA staff and
entities based in the ABA’s Washington, DC office in support of their efforts to defend liberty and deliver justice
on behalf of the ABA at the national level. DC Operations also oversees and schedules group activities for the
ABA’s DC office internship program; manages DC in-house conference rooms and event support; coordinates
diversity and employee events that enhance morale and training of the ABA’s DC staff and enhance the ABA’s diversity efforts; and helps provide ABA outreach and visibility to diverse members of the current and future legal community.

**Financial Services Division:** Performs the Association's basic accounting and financial management functions, including maintaining budgets; dues billing, financial and analytical analyses; grants administration; short-term and long-term money management; banking relations; processing payables, receivables, and payrolls; business planning and sales support; and preparing various standard and customized financial reports.

**Human Resources:** Designs the strategy for all human capital planning, management, workplace policies and procedures. The mission is to provide a high performance and inclusive culture that is necessary to create a compelling place to work. It has unique accountability for all employee systems, tools, and sustainability of processes that include talent acquisition, learning and development, total rewards and benefit programs.

**Information Technology Department:** Responsible for the planning, development, implementation, and support of the information technology, telecommunications, and office automation technologies that support the core infrastructure and substantive activities of the American Bar Association.

**Meetings and Travel:** Responsible for implementing the policy and procedures of the meetings of the Association. Negotiates hotel contracts for all Association entities, plans the Midyear and Annual meetings, negotiates all airline contracts, manages on-line travel agency, Preferred Hotel Rate Program, ABA Travel Group, ABA Leverage, and the in-house conference centers in both Chicago.

**CENTER FOR MEMBER OPERATIONS**

This Center emphasizes improving interactions with members and providing operational excellence in the areas of ABA Membership, ABA Publishing, ABA CLE, Member Advantage Programs, Corporate Sponsorship and related member benefit products and services. Its responsibilities include:

**ABA CLE:** Guided by the Standing Committee on Continuing Legal Education, works with ABA sections and other entities to present CLE programming and companion course products using multiple delivery methods, such as live, in-person programming; video seminars and conferences; telephone conferences; audio and video webcasts and other web-based programming. Researches and implements new methods of distance learning. Expedites state mandatory CLE approval of ABA programming.

**ABA Publishing:** Guided by the Standing Committee on Publishing Oversight, provides editorial and design/production services to sections, divisions, and committees for magazines, newsletters, journals, books, and electronic publishing projects. Provides management support for revenue-producing publication programs. Counsels on publication contracts and policies, processes requests for reprint permissions and Standing Committee on Publishing Oversight approvals, manages all content licensing activities, and oversees the Law Library Collection program.

**Membership Division:** Provides a high level of customer service to members, customers and the general public. Ensures accuracy and deliverability of member/customer records. Provides support to the Standing Committee on Membership.

a. **Service Center:** Fields member phone calls and emails from members and the general public; resolves member concerns; provides customer support for publications orders and inquiries; subscriptions; processes registrations for ABA entity meetings and CLE programming; inputs data and makes updates to member/customer records in the database.

b. **Data Management:** Maintains the integrity of the database while seeking opportunities or improve the quality of the information obtained on our database; to add information about members and customers; oversees upload processes, including student and lawyer recruits and practice specialty membership adds; manages the list rental business, and handles division administration.
c. **Billing Operations**: Oversees the production and delivery of membership invoices for our individual members and group participants. Individual billing targets individual Lawyers, Associates and Law Student members. Group billing provides an easier way for law firms, law schools, government offices, and legal departments to manage and pay for a collective of individual ABA memberships through one central point.

**CENTER FOR MEMBER PRACTICE GROUPS**

The Sections, Divisions, and Forums make up this Center. Sections staffed from the Chicago office include antitrust law; business law; environment, energy, and resources; family law; health law; infrastructure and regulated industries; intellectual property law; labor and employment law; litigation; public contract law; real property, trust, and estate law; science and technology law; state and local government law; and tort trial and insurance practice. Divisions supported are judicial; and solo, small firm and general practice. Forums cover affordable housing and community development law; air and space law; communications law; construction law; entertainment and sports industries; and franchising. Sections staffed from the DC Office include administrative law and regulatory practice, civil rights and social justice, criminal justice, dispute resolution, government and public-sector lawyers, international law, and taxation.

This Center also encompasses the life cycle of lawyers, supporting the members and leadership of the Law Student Division, the Young Lawyers Division, the Law Practice Division (incorporating the Legal Resource Technology Center), the Senior Lawyers Division, and the ABA Career Center.

**Goal II: Improve our Profession**

**CENTER FOR ABA POLICY AND GOVERNANCE**

The Center for Policy and Governance directly supports the leadership of the Association, including those entities responsible for the creation of Association policies. The Center also provides support to state, local, and specialty bar associations and the national organizations representing bar association leadership and staff. It is comprised of:

**Bar Services, Division for**: Provides the Association's primary contact with more than 1,000 state, metro, local and affinity bars; produces, with the Standing Committee on Bar Activities and Services, the annual ABA Bar Leadership Institute; maintains a national clearinghouse of information on bar association organization, management, programs, trends, and key issues; provides field and consulting services that include facilitation of board orientations, staff retreats, and strategic planning efforts; publishes bimonthly Bar Leader magazine, Bar Leader Weekly, and annual dues and member benefits survey of bar associations; maintains State and Local Bar Association Directory; and provides affiliate management services to the National Association of Bar Executives, National Conference of Bar Presidents, and National Conference of Bar Foundations. Provides staff support to the Standing Committee on Bar Activities and Services and the National Caucus of State Bar Associations.

**Policy and Planning Division**: Coordinates the activities of the House of Delegates and its committees, and the Board of Governors, Board Governance, Member Services, and Profession, Public Service and Diversity Committees. Provides primary support to the Chair of the House of Delegates and to the Secretary of the Association. Also provides support to the Standing Committee on Constitution and Bylaws and the Committee on Scope and Correlation of Work. Administers Association elections, the Blanket Authority Process, and the records retention program. In addition, coordinates the Association planning functions. Serves as the general information resource of the Association regarding programmatic activities. Produces the ABA Leadership Directory (Redbook).

**President, Office of the**: Provides support services to the President, President-Elect, and the Immediate Past President, including coordination of correspondence, scheduling, committee appointments, speechwriting, and budget preparation.
This Center is designed to maximize opportunities to engage in collaborative efforts to use innovative measures and enhance the delivery of legal services. It proactively addresses professional responsibility topics. Specific Center entities work to increase the Association's role to educate the public on the law and the legal profession. (See overview of special and standing committees for a detailed description of the special and standing committees referenced below, beginning on page 48.

**Innovation, Center for:** The Center is responsible for encouraging, supporting and driving innovation in the legal profession and justice system. In carrying out its function, the Center will: (1) position the ABA as a leader in innovation; (2) serve as a resource for ABA members who seek to incorporate innovations that improve how legal services are delivered and accessed; (3) maintain a comprehensive inventory of legal services innovations that are occurring both nationally and internationally; (4) operate an innovation fellowship program that provides fellows with the opportunity to work in residence at the ABA with a range of other professionals—from technologists to entrepreneurs and design professionals—to create new methods for delivering legal services and enhancing the justice system; and (5) serve as the ABA’s primary contact for third parties with respect to innovation. The Standing Committee on the Delivery of Legal Services; Standing Committee on Lawyer Referral and Information Service work closely with the Center for Innovation.

**Law and National Security Standing Committee and the Cybersecurity Task Force:** (See overview of special and standing committees for a detailed description of the special and standing committees referenced below, beginning on page 48.

**Legal Services, Division for:** Serves the public, including military personnel and veterans, by improving access to legal services. Provides staff support for the Standing Committee on Legal Aid and Indigent Defendants; Standing Committee on Legal Assistance for Military Personnel; and the Standing Committee on Armed Forces Law. Researches, analyzes, and develops policy proposals and publishes information about mechanisms for providing legal services to the public. Develops and maintains information clearinghouses and provides technical assistance. Presents awards, and fosters partnerships between the organized bar and public service providers. Offers educational programming, including training, access to justice agencies, and continuing legal education for lawyers.

**Public Education, Division for:** Promote public understanding of law and its role in society. To achieve this mission, the Division provides national leadership for law-related and civic education efforts in the United States, including educational programming for school and public audiences. The Division, develops print and digital resources, provides technical assistance and information clearinghouse services, and fosters partnerships among bar associations, educational institutions, civic organizations, and others. The Standing Committee on Public Education, assisted by an advisory commission of educators and other public members, provides policy direction and oversight for the work of the Division. The Division also provides staff support for the Standing Committee on Gavel Awards. Principal programs and publications of the Division include *Preview of U.S. Supreme Court Cases*, the National Civics and Law Academy for high school students, Law Day, Silver Gavel Awards for Media and the Arts, Summer Institute for Teachers (in collaboration with the Federal Judicial Center History Office), the National Law-Related Education Conference, Dialogue discussion series for students and community members, *Insights on Law & Society* magazine for high school teachers, *YourLaw* law firm client newsletter, the ABA legal guide book series and the Jaworski Public Program series. In addition, the Division maintains a robust website, providing access to information and resources to the public that complement these efforts.

**Professional Responsibility, Center for:** Provides national leadership, legal counsel, and policy guidance to ABA entities, including the Center for Professional Responsibility Coordinating Council; the Standing Committee on Public Protection in the Provision of Legal Services, ; the Standing Committee on Ethics and Professional Responsibility and its Judges Advisory Committee; the Standing Committee on Lawyers’ Professional Liability; the Standing Committee on Professional Regulation; the Standing Committee on Professionalism; the Commission on Interest on Lawyers’ Trust Accounts; the Editorial Board of the ABA/BNA Lawyers’ Manual on Professional Conduct; and to other legal organizations involved in the development and
The ABA provides guidance and approval for a variety of organizations that educate legal professionals. This Center coordinates those activities and facilitates greater collaboration in those efforts. It includes:

**Accreditation and Legal Education, Managing Director:** Administers the Accreditation Project and the Section-related programs and activities of the ABA Section of Legal Education and Admissions to the Bar.

a. The Accreditation Project includes all activities related to the role of the Council of the Section of Legal Education and Admissions to the Bar as the national accrediting agency, recognized by the U.S. Department of Education, for programs leading to the J.D. degree and as the entity that establishes educational standards for eligibility to sit for the bar examination accepted by all states and territories. Accreditation Project activities include: appointing and training volunteers to serve as site evaluators on teams preparing site evaluation reports on programs of ABA-approved law schools and schools seeking provisional approval; working with the site teams and schools during the site evaluation process; providing staff support to the Accreditation Committee and the Council of the Section as they make decisions concerning the status of law schools and their programs; supporting the Standards Review Committee and the Council as they promulgate the Standards and Interpretations to which ABA-approved law schools must comply; and gathering, maintaining, and disseminating data concerning ABA-approved law schools and their programs.

b. In support of the non-accreditation activities of the Section, the Managing Director works with the Section Director, staff, and volunteers to provide programs that assist law schools in improving their programs; supports committees that develop recommendations for improvements in legal education and the bar admissions process; gathers and disseminates information about legal education in the United States and around the world through Section print and electronic publications; and represents the interests of legal education in many forums.

The Center also includes the Standing Committees on Paralegals and Standing Committee on Specialization.

**Goal III: Eliminate Bias and Enhance Diversity**

**CENTER FOR DIVERSITY AND INCLUSION IN THE PROFESSION**

The Center houses the entities that provide the Association’s overall support for Goal III, and provides opportunities for effective collaboration among all groups that support Goal III. The Goal III entities are the Commission on Disability Rights; Commission on Sexual Orientation and Gender Identity; Council for Diversity in the Educational Pipeline; Commission on Hispanic Legal Rights and Responsibilities; Commission on Racial and Ethnic Diversity in the Profession; Coalition on Racial and Ethnic Justice; and Commission on Women in the Profession. (See overview of special and standing committees for detailed description of the Goal III entities.)

**Diversity and Inclusion Center:** Promotes collaboration, coordination, and communication to advance ABA Goal III – to eliminate bias and enhance diversity and inclusion throughout the Association, legal profession, and justice system. It is comprised of eight members – a Chair and the Chairs of the ABA’s seven principal Goal III entities: Commission on Disability Rights; Commission on Hispanic Rights and Responsibilities; Commission on Sexual
Orientation and Gender Identity; Council for Diversity in the Educational Pipeline; Commission on Racial and Ethnic Diversity in the Profession; Coalition on Racial and Ethnic Justice; and Commission on Women in the Profession. The Diversity Center and its respective Goal III Entities each provide a large and diverse range of research, publications, events, and initiatives to advance ABA Goal III. Key projects or services provided by the Diversity Center includes: a Central Online Compilation of ABA Diversity and Inclusion Information and Resources; a Diverse Speakers Directory; a Committee to Advance Diversity in ABA Presidential Appointments; National Affinity Bar Association Outreach, including the Joint Exhibit Program; Diversity and Inclusion Best Practices (e.g. entity diversity plans and collection of member demographic information etc.); and support for the House of Delegates’ Minority Caucus, Women’s Caucus, and LGBT Caucus. The Diversity Center works closely alongside the Diversity and Inclusion Advisory Council.

**Diversity and Inclusion Advisory Council:** Facilitates collaboration, coordination, and communication of diversity and inclusion initiatives and efforts among its membership, which includes representative(s) from many ABA Sections, Divisions, Forums, the ABA Legal Opportunity Scholarship Fund, and the National Affinity Bar Associations. The Advisory Council works closely alongside the Diversity and Inclusion Center.

**Goal IV: Advance the Rule of Law**

**CENTER FOR GLOBAL PROGRAMS**

This Center includes the ABA Representatives and Observers to the United Nations, the Center for Human Rights (and Advisory Committee), and the Rule of Law Initiative.

Supports Goal IV of the Association to advance the rule of law by implementing technical assistance programs overseas in more than 50 countries in Africa, Asia & the Pacific, Europe & Eurasia, Latin America & the Caribbean, and the Middle East & North Africa. Primarily managed by in-country offices and staff, these legal reform programs address a range of topics, including access to justice and human rights, anti-corruption, criminal law reform and anti-human trafficking, judicial reform, legal education reform and civic education, legal profession reform, and women’s rights. Host country partners include judges, lawyers, parliamentarians, law schools, and human rights groups, as well as other non-governmental organizations and members of civil society. ABA ROLI works closely with other Association entities to ensure a coordinated and coherent approach to the ABA’s overseas activities and also draws upon the expertise of existing and potential ABA members and other legal professionals, frequently on a pro bono basis.

**CENTER FOR PUBLIC INTEREST LAW**

This Center represents those who are underserved by the profession, addressing the legal issues at the root of many problems. This Center provides the infrastructure for effective legal services and systems and shares best practices with lawyers and legal services organizations, while providing an additional connection to the ABA. These entities depend substantially on external funding (often grants); accordingly, our fundraising arm, the Fund for Justice and Education, will be closely aligned to this Center. Overall, the structure provided by this Center will allow for better coordination of our activities across related areas, and it will enable us to bundle and more effectively promote our good works and “the difference we make” in these areas.

Specific entities in this Center: Center on Children and the Law; Commission on Domestic and Sexual Violence; Commission on Homelessness and Poverty; Commission on Immigration; Commission on Law and Aging; Commission on Youth at Risk; Pro Bono Asylum Representation Project (ProBAR); Special Committee on Death Penalty Representation; Standing Committee on Gun Violence; Working Group on Unaccompanied Minors; and the Standing Committee on Pro Bono and Public Service.
In addition to the nine Centers, the following five offices will be direct reports to the Executive Director due to the nature of their responsibilities:

**CHIEF MARKETING OFFICER**

The Chief Marketing Officer and her team are responsible for developing and implementing enterprise-wide strategies to raise ABA brand awareness; elevate the Association’s mission; and amplify the Association’s impact to members of the legal profession and the broader American public. This includes leading the creation of an appropriate, Association-wide branding and brand compliance culture, and developing and implementing market segment specific messaging to drive the Association’s goals.

The CMO and members of the marketing team design and execute programs to acquire new members, retain existing members, and improve the member experience. They are responsible for producing publications and other communications tools to best express the work of the ABA. Members of the team are also responsible for the development and marketing of new and existing non-dues revenue streams.

**Membership Marketing:** Executes recruitment, retention and engagement campaigns for the ABA; welcomes new members through digital and print materials; creates opportunities for members to engage with the ABA and interact with each other; communicates the value of ABA membership; solicits information from members to enrich the ABA’s database; conducts drop prevention activities; and oversees the recruitment and retention of group memberships. Leads efforts to use proven and innovative strategies to create compelling stories and share information that communicates ABA’s membership value to lawyers, law students and people interested in the legal profession. All communications are designed to help drive new member recruitment, stimulate engagement and improve retention.

**ABA Journal:** The Journal’s staff of professional journalists publishes the nation’s most read and most respected legal affairs magazine. It is read by about half of the nation’s 1.3 million lawyers every month, and it covers the trends, people, and finances of the legal profession from Main Street to Wall Street.

The Journal’s website, ABAJournal.com, is updated throughout each business day with 8-10 breaking legal news stories, columns, and essays on its Law News Now blog. It also features a directory of about 4,000 lawyer-written blogs, and an archive of the full contents of the magazine. The Journal’s weekly newsletter includes top stories from the site; it is sent to all ABA members for whom we have an e-mail address and to those who sign-up with the ABA. A free daily e-mail newsletter, featuring all the site’s blog stories, and select magazine articles, three podcasts, and a monthly legal technology newsletter are also available. The Journal’s content can be accessed through apps in iTunes and Google Play and a member-only Digital. The Journal’s products – in print and online – are supported by advertising.

**Digital Engagement Department:** Establishes standards and practices for the ABA digital communications, whether via web, email or other social medium (such as Twitter, Facebook, etc.). Maintains association-wide web content and assists entities with their digital needs.

**Fund for Justice and Education, Office of the:** Initiates activities designed to broaden the base of financial support, through grants and contributions, to the ABA Fund for Justice and Education (FJE) from law firms, individuals, foundations, governmental agencies, corporations, and the American Bar Endowment. Provides guidance and assistance to ABA entities seeking outside funding to support their public service programs. Provides staff support to the FJE Council. FJE is the Association’s 501(c)(3) entity and receives contributions for and pays expenses associated with the public service and educational programs of the ABA. FJE projects and activities are conducted under the direction of various ABA entities and their staff.

**OFFICE OF GENERAL COUNSEL**

As the ABA’s chief legal advisor, the general counsel oversees the Association’s legal affairs and works to assure regulatory compliance across all operational areas. The General Counsel provides senior management support for
and overall supervision of the Association's legal affairs and legal policies; assists the officers, the Board and its committees, and all other ABA member and internal entities in dealing with their legal matters; provides legal support for law school accreditation activities; chairs the Association’s Ethics Office and Business Continuity Task Force and provides staff support to the Standing Committee on Amicus Curiae Briefs.

**MEDIA RELATIONS AND STRATEGIC COMMUNICATIONS**

Our Media Relations staff is empowered to help develop and convey to the media and the public messaging that strengthens the ABA’s reputation and brand and focuses attention on the four goals of the Association and the work of each of the Centers. As reorganized, it will manage media relations across the Association on a broad range of media platforms and work closely with ABA leadership and the Centers to advance their priorities and programs. Media Relations develops and implements appropriate media and public relations strategies and actions on behalf of the Association and its entities. It assists the governing bodies and the officers in their efforts to publicize responses to significant matters that affect the profession through interviews, letters to the editor, presidential statements and opinion pieces (op-eds). Media Relations disseminates Association news to members, the legal profession, and the public through web stories, videos, and article placements in media outlets. It coordinates media attendance and coverage of Annual and Midyear Meetings. Media Relations provides professional communications services and strategic counseling to ABA entities.

**GOVERNMENTAL AFFAIRS OFFICE**

The Governmental Affairs Office serves as the focal point for the Association's advocacy efforts before Congress, the Executive Branch, and other federal, state, local, and international governmental entities on a wide range of issues on which the ABA House of Delegates has adopted policy. GAO works closely with ABA leadership and all ABA entities to develop Association policies, identify priorities, coordinate advocacy communications, and lobby the government. To advance ABA interests, the office works directly with ABA leadership and Media Relations, and state and local bars, allied organizations, and our members (through our grassroots organization). GAO includes the Standing Committee on Federal Judiciary.

The Governmental Affairs Office initiates and coordinates the Association’s governmental affairs activities and directly advocates ABA policies before Congress and the executive branch, with emphasis on Board-designated priority issues; approves the Association’s letters, testimony, policy statements, and other communications to Congress and governmental agencies prior to submission; coordinates ABA Day in Washington; works with the Association’s leadership and Media Relations and Strategic Communications to advance presidential initiatives and governmental priorities; provides guidance to and supports legislative activities of ABA sections, divisions, committees, and task forces; manages and utilizes the ABA’s grassroots advocacy network; publishes the monthly Washington Letter and legislative updates to members, monitors and reports on federal and state legislative and executive branch activities of interest to the legal profession and informs members and the public about ABA advocacy efforts; maintains a library that includes a vast collection of ABA publications, historic materials and policy documents; coordinates with state and local bar associations on ABA advocacy on the state and local levels on issues of national interest; and provides staff support for the Standing Committee on Governmental Affairs, the Standing Committee on Federal Judiciary, and the Standing Committee on International Trade in Legal Services.

**OFFICE OF INTERNAL AUDIT**

The internal audit function is one of great importance and its work cuts across all organizational levels and functions. It must be free from interference and improper influence in performing its audit functions and communicating results. The Institute of Internal Auditors Standards on Reporting Relationships provide that the chief audit executive should report functionally to the audit committee and, for administrative purposes (evaluations, budget, etc.), should report directly to the chief executive of an organization. The Director of Internal Audit will continue to report directly to the Executive Director for all administrative purposes, and to the Standing Committee on Audit for functional purposes.
Internal Audit is an independent appraisal activity under the supervision of the Director of Internal Audit. Assists the Audit Committee, the Finance Committee, and the Executive Director in the effective discharge of their responsibilities. The Internal Audit Department works with management and staff throughout the Association to identify major exposures, review current controls, and evaluate corresponding risks. The scope of activities and specific areas reviewed are based on priorities established for each calendar-year by the Director of Internal Audit in consultation with the Audit Committee and the Executive Director. The Audit Committee reports the approved calendar year plan of the Director of Internal Audit to the Finance Committee and to the Board of Governors. The scope and frequency of audits depends primarily on the assessment of risks.

II. CONTRACTING AUTHORITY

In accordance with Section 28.6 of the Association's Bylaws governing contracting authority, the Board of Governors approved the following Policy on Contracting Authority:

“Only the President and Executive Director have the authority to bind the Association, or any of its entities, contractually, except that (a) the Board of Governors may specifically authorize another person to execute a contract on behalf of the Association, and (b) the President or Executive Director may in writing specifically delegate the authority to bind the Association contractually to other persons under conditions set forth in the written authorization. Only contracts in writing made pursuant to this provision are valid and binding upon the Association. The President and Executive Director shall annually submit a report to the Profession, Public Service and Diversity Committee of the Board of Governors of all delegation of authority made by them.” (BOG 6/95)

The Board further approved the following guidelines to implement the Policy:

1. All contracts shall be in writing;
2. The General Counsel must review and approve all contracts prior to signing;
3. Contracts are entered into on behalf of the ABA. Sections, committees and other Association entities do not have separate legal standing to enter into oral or written contracts in their own names; and
4. All contracts will be registered in the ABA master contract registry. (BOG 8/95)

In June 2017, the Board approved the following exception to the Contract Policy:

All contracts with an aggregate value of $10,000 or less on an annual rolling basis from one source and which fall within the below-listed categories:

1. Event contracts
   a. Catering
   b. Flowers
   c. Linens
   d. Restaurants
   e. Event Planners (other than individuals – GCO must review all “independent contractor” contracts to assure proper classification)
   f. Destination management company contracts
      a. Limitation: No transportation services contracts/no high risk activities (GCO to provide definition of “high-risk activities”)
   g. Entertainment/performance contracts for events (musical or otherwise)
   h. Office Supplies and temporary office equipment rentals including:
      i. Mailing/name labels, pens/pencils/stapler/paper/ etc.
      ii. Copier/scanner/fax rental
      iii. Audio/visual support
2. Procurement of state and other local bar lists for purposes of one-time mailings from Membership & Marketing, if accompanied by an ABA pre-approved addendum
   a. Limitation: This does NOT apply to selling any ABA lists or information on ABA members.
It is limited to the purchase of one-time lists by the ABA from local bar or other organizations.

3. Storage contracts

4. Use of Space:
   a. Free use of space – short term (e.g., at a law firm, university, or library)
   b. Use of government space - short term (e.g., court rooms for moot courts)
   c. limitation: language may not state that ABA fee is a donation.
   d. Room Rental (for example museum, event space, or university)

5. Accessibility Services
   a. Sign-language interpretation
   b. Wheel-chair/scooter rental
   c. Close captioning/cart services

6. Foreign language interpreters

7. Technology, Media and Software:
   a. On-line terms and conditions for purchase of software, software licenses, advertising tools, products, research tools/materials (i.e., Westlaw, Thompson Reuters/Checkpoint, EBIA, RIA, BNA, etc.), Facebook, LinkedIn, Twitter, etc., where terms are agreed upon by clicking online and are not negotiable
   b. IT contracts for the purchase of IT software, hardware (i.e., monitors, computers, testing equipment, project management tools, etc.) and services (i.e., support and maintenance, mobile applications for testing, etc.) including renewals
   c. Annual telecom service renewals (fax lines, landlines/POTS lines, pagers, mobiles, etc.
   d. IT authorization/approval of IT services performed by third-party suppliers (low or no-dollar agreements)
   e. Periodical/newspaper subscription (hard copy or e-version)

8. All pre-approved GCO templates in GCO Document library at

Contracts expressly excluded from this exemption (in any amount) even though related to a short duration event/meeting:
   a. Transportation services (even if part of a Destination Management Company Services contract)
   b. Independent contractor agreements – of any type
   c. Security agreements
   d. Certificates of Insurance - require GCO review to assure proper completion and coverage – typically are not correctly prepared
   e. Third party hosting agreements
   f. Agreements involving the use, storage, or transmittal of personally identifiable information (PII) or credit card data (PCI)

While sections, committees and other Association entities do not have separate legal standing to enter into oral or written contracts in their own names, formal written ABA contracts are frequently drafted with the requesting entity's active assistance. The General Counsel's Office is available to provide guidance regarding contract drafting, approvals and signatures. The senior managers have received written delegation of authority from the Executive Director to sign contracts binding the Association on behalf of the sections and committees.

III. STRUCTURE OF THE ASSOCIATION

The current structure of the Association as established by the Constitution and Bylaws is set forth on the following page. Following the ABA structure is the staff structure.
Structure of the American Bar Association
Pursuant to the Constitution and Bylaws

ABA Membership
411,490

House of Delegates
596

House Committees

Advisory Committee to the Chair of the House of Delegates
Credentials and Admissions
Drafting Policies and Procedures
Issues of Concern to the Legal Profession
Nominating Committee
Resolution and Impact Review
Rules & Calendar
Select Committee
Steering Committee of the Nominating Committee
Technology and Communications
Tellers

Officers and Board of Governors
(43 Members)

Committees of the Board of Governors
Executive Committee
Member Services
Public Service and Diversity
Improving the Profession
Finance and Internal Operations
Ad Hoc Committees and Task Force

Sections (21)
Divisions (7)
Forums (6)

Standing Committees (35)

Special Committees (17) and Commissions

Joint and Ad Hoc Committees

Advisory Committees

Advisory Committees and Commissions

Task Forces and Boards
CHAPTER 4

ASSOCIATION SECTIONS, COMMITTEES AND RELATED ORGANIZATIONS

I. OVERVIEW

A. Leadership Directory
   Early in the Association year, the ABA Leadership Directory, commonly referred to as the Redbook because of its cover, is posted to the ABA’s website. Hardcopies may be purchased. It lists the names of active ABA leaders, including Association officers, members of the Board of Governors, House of Delegates, standing and special committee and commissions chairs and members, section, division, and forum officers, council members, committee chairs, and committee chairs and Association management.

B. Section Committee Appointments
   Section chairs-elect will be requested to complete by a given date appointments for the coming bar year that are to be published in the next edition of the Redbook. Any information not received or appointments not completed by the deadline date cannot be included in the Redbook except for the limited number of names determined by elections held at the Annual Meeting. To expedite the process, Section chairs-elect are urged to work closely with section staff in making their appointments. In making appointments to section committees, every effort should be made to obtain representation of differing views. (For the Board of Governors conflict of interest directive regarding appointments, see Chapter 5.)

C. Liaison Members of the Board of Governors
   Each ABA section and committee is assigned a member of the Board of Governors as a liaison. The Board liaison provides the entity with a direct means of communication with the Board of Governors. Whenever possible, the Board liaison is invited to attend the meetings of the sections and committees to which he or she is assigned. Sections and committees will find it highly desirable to keep their liaison members fully informed of their activities so that the liaisons may be effective spokespersons for recommendations originating with the section or committee. Guidelines have been adopted concerning Board liaisons’ participation in meetings of their entities.*

D. Section and Committee Stationery
   Sections and committees are provided with stationery at the beginning of each new Association year. Additional supplies may be obtained from the staff member assigned to serve the section or committee.
   Entities are no longer prohibited from listing law firm and other employment identification on ABA letterhead. The stationery is for official Association business only. It may not be used for letters to public officials or members of Congress expressing opinions other than official Association policy. Representation of the Association is discussed in Chapter 5.

E. Model Section Bylaws
   The Board of Governors has approved Model Section Bylaws for the guidance of sections in revising their bylaws.* (BOG 2/77; amended 2/94)

F. Guidelines for ABA State-Related Projects
   A number of sections have committees designed to serve as liaisons with state and local bar associations, usually in order to accomplish certain programs the sections wish to implement through the associations. The Association's Division for Bar Services has the knowledge, expertise and contacts that are essential to assist sections and committees with such projects. They are urged to seek the guidance and counsel of the division before undertaking a project directed toward the state and local bar associations.
   Guidelines have been adopted by the Board as procedures to be followed whenever any entity within the Association has received Board authority to undertake any project on a statewide basis. The guidelines

*Copies are available from the Policy and Planning Division.
provide for the procedure to establish official contact, coordinated through the Executive Director of the
Association, with the appropriate state and local bar associations. (BOG 3/74)

The guidelines also provide that testimony may be authorized under certain conditions before state
legislative bodies. However, it must be limited to matters consistent with Association policy. No testimony
may be given in support of proposals in opposition to the position of the state or local bar associations
concerned unless they have consented to such testimony.

While it is the general policy of the American Bar Association that staff members may not appear before
legislative bodies, an exception may be made by the Executive Director under the guidelines for appearances
before state legislatures by persons employed by the Association.* (See also Guidelines for ABA
Spokespersons, Chapter 5).

G. Student Involvement in Section Activities

Most Sections have law student liaisons to their councils, in some instances as voting members, and a
number have law students active in committee work. There are law student liaisons to several Association
standing committees as well.

Students have shown great interest in the activities of a number of sections. However, any attempt to
involve student members in section activities should take into account the special circumstances of the law
student. A law student will remain a student section member for one or, at the most, two years. Any project of
a duration of more than one year will probably not be appropriate.

Where possible, student committee appointments should be in the same geographic area as section
personnel with whom they might be working.

H. Awards

According to Section 24.7 of the Association's Bylaws, a section or committee may make an award or
grant a citation to a member or other person for services performed, paper read, or address delivered if it has
been approved in advance by the Board of Governors. The Profession, Public Service and Diversity Committee
considers requests for awards and makes recommendations to the Board pursuant to the guidelines established
to grant an award must submit the following information to the Profession, Public Service and Diversity
Committee at least 90 days prior to the date the award is to be made:
1. Name of individual, provide full details as to the reasons why the individual should be honored. An
   award shall not be named after a living individual. (BOG 2/17)
2. Class or classes of individuals or groups qualifying as recipients.
3. Detailed criteria of selection.
4. Nominating procedures, addressing such questions as: How are nominations solicited? Who is
   qualified to submit nominations? Who constitutes a nominating committee?
5. The names of the judges making a final decision.
6. How often the award is to be given. If it is an annual award, must it be given every year?
7. Describe the actual award (plaque, certificate, medal, etc.) including its monetary value.

Awards to be cosponsored with or funded by an outside entity, which may include gifts or donations
funded by the outside entity, shall be reviewed in conjunction with the Association's policies regarding

In addition, any award to be cosponsored must be related to and further the goals, objectives, and work
of the ABA. Final selection of the award winner must rest with the ABA. Approval of a cosponsored award
may be limited for a certain period of time. For the award to continue after the time period, it must be
resubmitted pursuant to the Association's Bylaws and their Guidelines.

The Board of Governors will carefully review awards which involve gifts or donations of considerable
cash or in-kind value. They are discouraged. In general, a plaque, certificate of appreciation or similar memento
is appropriate and an adequate means of showing recognition.

*Copies are available from the Policy and Planning Division.
Nothing in these guidelines shall apply to gifts or bequests to the Association or the Fund for Justice and Education, or in situations where the award constitutes a prize in an Association-sponsored competition.

I. Guidelines for Section Participation in Association-Wide Projects

The following Guidelines for Section Participation in Association-wide Projects were adopted to address issues related to internal relations and public perception which may arise as sections undertake projects and activities which have broad policy issues associated with them.

1) To initiate consideration of a project addressing issues of interest to the Association as a whole, the section should submit a program activity proposal to the Board of Governors. Where possible, such proposals should be submitted as part of the Association's Annual Planning Process. The Profession, Public Service and Diversity Committee will assign a programmatic priority and the Finance a funding priority for consideration by the Board.

2) In preparing the proposal, the section should:
   a) coordinate with other entities that may be interested in the project and with ABA service units;
   b) prepare an estimated budget that includes additional staff support costs where needed and sets forth proposed sources and amounts of funding, including the amount the section expects to contribute and the amount required from general revenue where appropriate; and
   c) coordinate with the Fund for Justice and Education if FJE or grant funds may be sought for the project.

3) Under normal circumstances, employees already assigned to the sponsoring entity(ies) will provide impartial and objective staff support, though the Association may provide supplementary support where needed and where the project budget so provides.

4) If approved by the Board, the President will notify the chairs of all ABA entities with an interest in the project and invite their participation in the project.

5) In selecting individuals to serve on the project committee, the President will give full consideration to the concerns of all ABA entities with an interest in the project.

6) The project committee and its members should work closely with the Division for Division of Media Relations and Strategic Communications on all matters pertaining to public relations and the media. Any expression of views is subject to the requirements of Article 25 of the Bylaws. (BOG 11/86)

II. JURISDICTIONS AND PURPOSES OF SECTIONS, FORUMS AND COMMITTEES

In the list of sections and committees which follows, the sections and their jurisdictions are given first, followed by standing and special committees and coordinating groups listed in alphabetical order with standing committees marked by an asterisk. Section jurisdiction or purpose is defined in the bylaws of the section. The jurisdiction and special tenures of standing committees are defined in §31.7 of the Association's Bylaws. The jurisdiction of special committees and coordinating groups is summarized here from the Board of Governors or House of Delegates resolution creating the committee or a later modifying resolution. Because the resolutions are not quoted in full, they may be incomplete in some instances. The full texts of these resolutions are available upon request from the Policy and Planning Division.

The figure given at the end of each section and forum jurisdiction is the membership of that section or forum as of August 31, 2018, including ABA lawyer members, law students, and associate members.

A. Sections and Divisions

Administrative Law and Regulatory Practice. The purpose of this Section shall be to promote the sound development of local, state and federal administrative law, procedure and practice; to promote regulatory reform through advancing the principles and gains made under the Administrative Procedure Act and to seek improvements thereof; to bring about improvements in the operations and procedures of local, state and federal administrative agencies; to bring about improvements in government personnel procedures, selection
and operations; to improve the skills of lawyers engaged in administrative law and regulatory practice; and to promote scholarly research in the field of administrative law and provide for the publication of such research and other helpful information, or otherwise provide for its dissemination to the bar. 7,136

**Antitrust Law.** The purpose of this Section shall be to promote the objectives of the American Bar Association with respect to the bodies of common and statutory law, policy or enforcement practices that affect the competitive process, including federal, state and international antitrust, competition trade regulation, and consumer protection laws; to further their development; to promote the public interest; to improve their administration; to make information regarding them available to the bar, bench, and regulatory and legislative entities; to improve public understanding of them; and to cooperate with other interested groups to accomplish these purposes. 8,369

**Business Law.** The mission of the Business Law Section is to serve the public, the profession and the Section by furthering the development and improvement of business law, educating Section members in business law and related professional responsibilities, and helping Section members to serve their clients competently, efficiently and professionally. To accomplish its mission, the Section will: (1) provide services which its members value, (2) enhance professional collegiality, (3) encourage diversity in the Section by fostering a welcoming environment for all lawyers and promoting full and equal participation by all lawyers, including lawyers of color, women lawyers, gay and lesbian lawyers, and lawyers with disabilities, (4) address needs of younger lawyers and law students, and (5) operate in a fiscally responsible manner. 44,030

**Civil Rights and Social Justice.** As stated in the Section Bylaws, the purpose of this Section is to provide leadership to the legal profession in protecting and advancing human rights, civil liberties, and social justice. To this end, Section activities include: educating members, the legal profession, and the public about individual rights issues; developing, recommending, and advancing Association policy on issues with respect to recognition and enjoyment of individual rights; cooperating with other bar associations, Association entities, and other organizations in achieving the mission and goals of the Section; enhancing the ability of the Section and the Association to affect public policy relating to human rights, civil liberties, and social justice; providing an opportunity for lawyers who share a commitment to individual rights to advance that commitment through collective action; and providing a community within the Association welcoming, serving, and involving those who share a commitment to the Section's vision of ensuring liberty, equality of opportunity, social justice, and human dignity for all people. 10,683

**Criminal Justice.** The purpose of this Section is to concern itself with every aspect of the substantive and procedural criminal law as it relates to both adults and juveniles. This includes matters related to law enforcement, as well as civil and administrative matters related to criminal law. These concerns are directed toward furthering the achievement of the fair, speedy and effective administration of criminal justice. In undertaking these concerns, the Section is charged with responsibility for initiating studies, reviewing and making recommendations on all aspects of the criminal justice system, the juvenile justice system, and related civil and administrative matters. It encompasses such areas as the definition of crimes, the prevention and control of crime, arrest, pretrial release, the prosecution and defense of criminal cases, trial, sentencing, appeals, postconviction procedures, corrections and the rehabilitation of offenders. Such studies include reviewing and formulating recommendations on legislative, administrative and judicial proposals pertaining to criminal law and the administration of criminal justice. 16,261

**Dispute Resolution.** The purpose of this Section shall be: (1) study existing methods for the prompt and effective resolution of disputes; (2) adapt current legal procedures to accommodate court-annexed and court-directed dispute resolution processes; (3) develop new approaches for dispute resolution; (4) assist and implement models and experiments with local, state and national programs; (5) provide comprehensive clearinghouse and technical assistance services through its 501(c)(3) National Dispute Resolution Center, to ABA entities and external groups, including hundreds of dispute resolution programs nationwide; (6) activate state and local bar involvement in dispute resolution; (7) conduct public and professional education programs; (8) develop alternative career opportunities for lawyers; (9) conduct a program of research and
development, including programmatic and legislative models; (10) develop and evaluate innovative and experimental programs such as the Multi-Door Courthouse (Dispute Resolution) Centers Project. 9,446

**Environment, Energy, and Resources.** The objectives of the Section are to monitor both developing trends and current court decisions and statutes relating to natural resources, energy and related environmental law; to inform all section members concerning such developments through official section publications; to hold institutes, seminars and workshops in appropriate regions throughout the nation; to provide adequate channels through which individual section members will be encouraged to participate in a continuing discussion as to what the aims and purposes of natural resources, energy and environmental law should be, including a full opportunity for expression of minority and differing views; to provide leadership and direction to the development of natural resources, energy and environmental law; to integrate section activities to correlate concern with environmental protection in all aspects of the development and use of natural resources and energy; to provide a means by which the section endeavors to determine how existing resources and related environmental laws are working; and through the foregoing to apply the knowledge and experience of the profession to the development of resources, energy and environmental law so that it will best serve the public interest. 9,857

**Family Law.** The purpose of this Section shall be to promote the objectives of the American Bar Association by improving the administration of justice in the field of family law by study, conferences and publication of reports and articles with respect to providing assistance and guidance to the practice of marital and family law; to provide assistance with the teaching, promulgation and improvement of the welfare and strength of the family unit and its members; as well as provide legislation and administration in all matters connected therewith. 11,519

**Government and Public Sector Lawyers Division.** Within the framework of the American Bar Association and in furtherance of its long range goals and objectives, the mission of the Government and Public Sector Lawyers Division shall be to serve: as a national advocate for government and public sector lawyers in their quest for excellence, fairness and justice in the performance of their sworn duties; as a national voice to highlight the community service roles performed by the nation’s government and public sector lawyers; as a national educator to advance public understanding about the central roles played by government and public sector lawyers in preserving freedom and ensuring domestic tranquility; as a national network system to enable government and public sector lawyers to benefit from practices and procedures successfully implemented in their counterparts’ offices; as a national network system to enhance the professional growth and the upward mobility of government and public sector lawyers; and, as a national leader in rededicating adherence - within our profession and within all of the Nation’s justice systems - to the highest standards of professional conduct and competence, fairness, social justice, diligence and civility. 9,349

**Health Law.** The ABA Health Law Section is dedicated to enhancing the practice of health lawyers and improving the understanding and development of health laws. It seeks to expand the national influence of the ABA on health law issues by serving as the voice of the health lawyer, positioning the ABA in the forefront of legislative development of the health law area and providing members and other ABA entities access to additional health law expertise; address the changing needs of members through education in the area of health law as well as providing members with a variety of health law related activities; serve the profession and the community by promoting the understanding of health law resources; and to provide health lawyers the opportunity for developing leadership. 11,247

**Infrastructure and Regulated Industries.** The purpose of this Section is to bring together for better acquaintance and mutual advantage those attorneys who are interested in the law governing public utilities, communication, and transportation; to hold meetings, conduct discussions, make studies, surveys and analyses as to the law of utility, communication, and transportation services under private or public operation; and to formulate and submit, to the Section and to the Association, such reports and recommendations as may be deemed useful to the profession and advisable to the public interest. The Section furthers the public interest as the prime factor in the development of the law of public utilities, communications and transportation, and to provide a common meeting ground and impartial forum.
for those members of the bar who are engaged in dealing with problems of utility law in any capacity, whether as members of or attorneys for public regulatory bodies, or as attorneys for corporations or investors in this field, or otherwise. 2,545

**Intellectual Property Law.** The purpose of this Section shall be to undertake the following with respect to intellectual property laws in the field of patents, trademarks, copyrights, industrial designs, literary and artistic works, scientific works and discoveries, inventions, confidential information, trade secrets, data rights, know-how and unfair competition: to further the sound development and improvement of these laws and their fair and just administration; to promote the public interest in and understanding of intellectual property rights as socially beneficial incentives to foster progress, human knowledge, economic development and competition; to apply the knowledge and experience of the profession to the examination of the impact of these laws on developments in intellectual property and to examine any changes to be made in these laws by reason of such developments; to develop and disseminate information in these fields; and to cooperate in the foregoing with all appropriate interested groups, all in furtherance of the objectives and purposes of the American Bar Association. 16,642

**International Law.** The purpose of this Section shall be to promote interest, activity and research in international and comparative law and related areas; to further its development; to diffuse knowledge thereof among members of the legal profession and others; to formulate professional opinion thereon; to promote professional relationships with lawyers similarly engaged in foreign countries; and to implement Goal IV of the Association to advance the rule of law in the world. 15,878

**Judicial Division.** The mission of the Judicial Division is to improve the administration of justice. The Division consists of judges, lawyers, court administrators and others who work together to improve the nation's courts through developing and implementing standards and policies and through organizing and presenting programs on topics such as delay reduction, trial management, judicial discipline, judicial education, court organization and unification, technology and judges' working conditions. Each member belongs to one of six specialized conferences within the Division: the Appellate Judges Conference, National Conference of Federal Trial Judges, National Conference of State Trial Judges, National Conference of Specialized Court Judges, National Conference of the Administrative Law Judiciary, and the Lawyers Conference. Each of the six conferences has its own projects, leadership and committees, as well as representation on the Judicial Division Council. With the exception of the Lawyers Conference, each Conference has representation in the ABA House of Delegates. 5,091

**Labor and Employment Law.** The purpose of this Section shall be to study and report upon continuing developments in the field of labor and employment law; to provide a forum for members of the Association interested in the field of labor and employment law to meet and confer; to assist the professional growth and development of practitioners in the field of labor and employment law; to establish and maintain working liaison with state, federal and, where applicable, multinational agencies having jurisdiction over matters affecting labor and employment law toward achieving procedural reform and administrative due process; to study and report upon proposed and necessary legislation and rulemaking; and to promote justice, human welfare, industrial peace and the recognition of the supremacy of law in labor-management relations and employment relationships; to establish, moderate and sponsor seminars, workshops, forums and other programs promoting the advancement of knowledge and practice in the field of labor and employment law. 8,272

**Law Practice Division.** The Law Practice Division is the place for both innovative and practical information on marketing, management, technology, and finance to enable professionals to better serve clients, achieve profitability and career goals, and balance their lives. Division members learn how to successfully serve the ever-changing needs of clients, market their practices, and manage the complex business of their firms. The Division produces ABA TECHSHOW®, the world’s premier legal technology conference and exposition and offers registration fees to Division members at a discount. Members receive eight issues of the award winning Law Practice magazine, and Law Practice Today Webzine. A full catalog of publications and e-products are produced covering the most requested business needs: alternative billing, law office policies
and procedures, marketing, Internet guides, career issues and special resources for women lawyers and solo/small firm practitioners. 8,997

**Law Student Division.** The purpose of the Division shall be to further the purposes and goals of the Association, particularly to promote full and equal participation in the profession by minorities, women and the disabled; to represent law students in the Association and to represent the Association to law students; to help shape the policies and priorities that affect legal education; and to create a deliberative forum for the exchange and expression of law student views, and a voice to advocate those views. 112,021

**Legal Education and Admissions to the Bar.** The mission of the ABA’s first section is to be a creative national force in providing leadership and services to those responsible for and those who benefit from a sound program of legal education and bar admissions, and to provide a fair, effective and efficient accrediting system for American law schools that promotes quality legal education, and to continue to serve, through its Council, as the nationally recognized accrediting body for American law schools. 13,523

**Litigation.** The Section provides a forum to address the concerns and interests of the trial practitioner without limitation to a particular substantive area; maintains a working liaison with the state and federal judiciary to achieve procedural reform and an administration of trials that ensures the freedom of the adversary processes, with due regard for effective resolution of civil conflict; initiates study and research in the development of improved methods, techniques and procedures in the field of litigation; supports and inspires the art of trial and appellate advocacy among the bar and prospective bar; and promotes the interest of the profession within the field of litigation. 24,509

**Public Contract Law.** The mission of the Section of Public Contract Law is to improve public procurement and grant law at the federal, state and local levels and promote the professional development of attorney and associate members in public procurement law. The Section pursues this mission through a structured committee system and educational and training programs that welcome and encourage member involvement, foster opportunities for all members of the Section, and that recognize and respond flexibly to the diverse needs, talents and interests of Section members. The Section seeks to improve the functioning of public procurement by contributing to developments in procurement legislation and regulations; by objectively and fairly evaluating such developments; by communicating the Section’s evaluations, critiques and concerns to policy makers and government officials; and by sharing these communications with Section members and the public. Legislators and policy makers rely on the Section for its knowledge and perspective on issues concerning public contract law and policy because the Section is recognized as an objective center of expertise and knowledge on acquisition policy and procurement law. 5,199

**Real Property, Trust and Estate Law.** This Section shall consist of two divisions to be designated respectively (A) Real Property Division and (B) Trust and Estate Division. The purposes of this Section shall be: (1) to consider all matters of legal interest relating to the various subjects covered by the respective divisions; (2) to communicate through the Real Property, Trust and Estate Journal, the Probate and Property magazine and otherwise with the members of the Section; (3) to engage in educational and related activities; (4) to inform and assist members of the bar in all matters pertaining to the subject matter covered by the Section; (5) to sponsor, encourage and promote scholarships in these fields; (6) to collect, analyze and disseminate information as to legislation and judicial decisions; (7) to initiate, sponsor and promote, within the Association, legislation, uniform laws and standards of conduct and competence, when necessary and appropriate in the public interest; (8) to provide, in accordance with Association policy, a forum, where appropriate, with other disciplines and with governmental and private bodies for the exchange of ideas and opinion; and (9) to serve as a spokesperson for the bar, subject to appropriate authorization.

The Real Property Division shall relate the purposes of the Section to the study of the law concerning the ownership, use, development, transfer, regulation, financing, taxation, disposition and environmental regulation of real estate and all interests therein.

The Real Property Division shall relate the mission and goals of the Section to the law concerning the ownership, use, development, transfer, regulation, financing, taxation and disposition of real estate and all interests therein.
The Trust and Estate Division shall relate the mission and goals of the Section to the law concerning the ownership, devolution, disposition, taxation and distribution of property and estates of decedents, persons under disability and missing persons, methods, procedures, and problems relating to the creation, administration, accounting, modification, reformation, revocation, and termination of trusts and the distribution thereof; drafting of wills, trusts, and other documents; estate and tax planning; employee benefits; life insurance; financial planning; and problems of taxation in connection with any of the foregoing. 24,655

**Science & Technology Law.** The purpose of this Section is to (1) to provide a forum for members of the profession to review, analyze and correlate developments in science and technology and to evaluate the impact of such developments on society and the law; (2) to study, report and make appropriate recommendations on the regulation of science and technology and related legal issues; (3) to establish and maintain liaison and cooperation between the scientific and technological communities and the organized bar, to facilitate desirable scientific and technological, and related legal, developments; (4) to contribute to public and professional understanding of the effects of science and technology on law, of the problems arising therefrom, and of the processes by which the law responds; and (5) to cooperate with and assist other ABA entities interested in associated or related areas of activity. 6,674

**Senior Lawyers Division.** The mission of the Division is to serve the interests and needs of the legal profession and the public by sharing the accumulated knowledge and experience of its members. The Division's goals are: (1) To be the voice of the senior lawyer within the American Bar Association; (2) To assist in promoting improvements in the American system of justice and to preserve and uphold the dignity and ideals of the legal profession; (3) To encourage interest in and the advancement of substantive elder law; (4) To assist the elderly and needy to obtain proper legal representation; (5) To maintain an interest in programs for the elderly; (6) To assist the legal profession to develop competent and caring lawyers through its state and local bar associations and mentor programs; (7) To provide guidance and assistance to senior lawyers in preparing for and adjusting to changes in their professional and financial activities; (8) To act as a support group to other sections and divisions of the American Bar Association (programs and activities); (9) To enhance the quality of life of the senior lawyer; (10) To provide services and publications which enhance the continued career and quality of life of its members; (11) To continually monitor, evaluate and communicate to senior lawyers: (a) The changing role of lawyers; (b) The future role of lawyers; and (c) The methods by which lawyers may deal with their environment and role in life; and (12) Increase participation of minorities, women, and people with disabilities in the membership, on committees and in the leadership of the Division. 57,086

**Solo, Small Firm and General Practice Division.** The Solo, Small Firm and General Practice Division serves, educates and speaks for the current and future “Main Street Lawyer.” The Division’s mission is to secure for its constituency the highest levels of fulfillment in the legal profession, in the justice system and in the American Bar Association. 9,825

**State and Local Government Law.** The Section serves as a collegial forum for its members, the profession and the public to provide leadership and educational resources in state and local government law and policy. This Section shall carry forward the work of the Association through (1) providing a common meeting ground and impartial forum for those members of the bar who are engaged in dealing with problems of state and local government in any capacity, whether as attorneys for units of state or local government, as attorneys in private practice, as law teachers, as students or otherwise; (2) furthering a better understanding of the law relating to municipal corporations and other public bodies through the holding of meetings, the making of studies, surveys and analyses, and the dissemination of current information concerning legislation and judicial decisions; (3) formulating and submitting to the members of the section and the Association such reports and recommendations as may be deemed useful to the profession and advisable in the public interest; and (4) furthering the public interest as the prime factor in the development of state and local government law.

The term state and local government law shall be understood to mean the law pertaining to units of state and local government, whether states, counties, cities, towns, villages, districts, authorities or other local
public bodies, whether general function or special function in character. It also shall include federal laws insofar as they affect state or local government action. 8,299

**Taxation.** The purpose of this Section shall be to serve as the national representative of the legal profession with regard to the tax system; improve public understanding of, confidence in, and respect for, the tax system; provide leadership in simplifying and improving the tax system; provide unbiased, thoughtful and timely input into legislative and administrative process; promote and maintain an active, vigorous, growing and interested Section membership; provide programs and services of unique quality which promote professionalism, competence and ethical conduct; and provide a national forum for communication among Section members and interchange with the public sector. 15,322

**Tort Trial & Insurance Practice.** The section is the source of knowledge and leadership on trial practice and critical issues of justice that involve tort and insurance law. TIPS is unique within the ABA and the legal community because of the section's focus on balance and diversity, bringing together plaintiffs, defense, corporate and in-house counsel to tackle issues confronting the profession. TIPS has 34 general committees with a broad spectrum of substantive legal subjects including animal law, fidelity & surety, automobile and aviation law, staff counsel, insurance coverage litigation and toxic torts. The section serves as a national voice for the advancement of civil justice, and works to improve the civil justice system and enhance the public’s understanding and perception of it. 16,769

**Young Lawyers Division.** The Young Lawyers Division's mission is to further the Association's goals and purposes, and thereby to serve the community and the legal profession; to represent young lawyers in the Association, and to represent the Association to young lawyers; to help shape the policies and priorities that affect young lawyers and the legal culture in which they practice; and to create a deliberative forum for the exchange and expression of young lawyers' views, and a voice to advocate those views.

The Division accomplishes its mission through the combined efforts of the Assembly, Council, Executive Board, committees, special projects, liaisons to other Association entities, and the Division's affiliated, state, local, and specialty young lawyer bar organizations. The Division's meetings and conferences include several types of programming - public service, affiliate outreach, bar leadership, member service, professional development, and continuing legal education - that benefit both affiliate organizations, and individual young lawyers. The committee structure is extensive, with over 29 substantive and standing committees that generate programs on topics as diverse as health care law, family law, dispute resolution, and programs that promote child advocacy and protection, minorities in the profession, ethics, law practice management, and women in the profession. 207,798

**B. Forums**

**Affordable Housing and Community Development Law.** The purpose of the Forum is to educate its members and the legal community in the field of housing and community development law and to investigate and study matters within its jurisdiction. The Forum serves as a clearinghouse of information and programs related to affordable housing and community development, coordinates educational and training programs within the ABA for lawyers practicing in the area and coordinates the efforts of all ABA entities whose jurisdiction pertains to affordable housing and community development law, promotes activities of state and local bar associations, ABA entities, and other legal groups that educate the legal community on affordable housing matters and provide assistance by way of special projects, and provides training programs focusing on new issues or ongoing concerns. 4,401

**Air and Space Law.** The Forum focuses on the legal, regulatory, and policy issues that arise in the air transportation and commercial space industries. Forum membership is primarily comprised of aviation and space lawyers from both the public and private sectors. They represent government agencies, including the Department of Transportation (DOT), the Federal Aviation Administration (FAA), and the National Aeronautics and Space Administration (NASA), as well as airlines, aerospace manufacturers and service providers, travel distribution companies, travel agencies, tour operators, airports, the financial and insurance
Communications Law. The purposes of the Forum are to encourage discussion of problems relating to legal counseling and representation of the print media, the telecommunications industry, and the electronic media; to promote the exchange of information among practitioners in the field; to support and promote research, forums, and publications focusing on communications law; to keep abreast of developments in the law and to discuss evolving issues; and to preserve and develop professional competence and integrity in the practice of law. The substantive aspects of communications law are illustrated by the Forum's divisions, which focus on broad areas of legal specialization within the field, as follows: print media, addressing issues of concern to lawyers who represent newspapers, magazines and other print journalists; telecommunications, addressing lawyers involved in the rapidly changing common carrier field, focusing on new technological developments; and electronic media, dealing with cable television, radio broadcasting, internet, and the many aspects of television broadcasting. 3,694

Construction Law. The Mission of the Forum on Construction Law is succinctly stated as follows: “Lawyers Serving the Construction Industry Through Education and Leadership.” The Forum accomplishes this mission by providing consistent, quality educational programming, quarterly publication of The Construction Lawyer, Under Construction, a newsletter published three times a year, and publication of numerous books on construction topics. The Forum’s website is also a valuable source of information. The primary work of the Forum is done through its twelve Divisions: Dispute Avoidance & Resolution; Contract Documents; Design; Project Delivery Systems; Contract Negotiations, Performance & Administration; Employment Law & Labor Relations; Bonds, Liens & Insurance; International Contracting; Specialty Trade Contractors & Suppliers; Legislation & Environment; Corporate Counsel; and Owners & Lenders. 6,091

Entertainment and Sports Industry. The purpose of this Forum is to educate attorneys and a large number of law students about the legal principles and transactional aspects of the entertainment, arts and sports industries, and to foster excellence in the practice of law in these fields. The Forum accomplishes this through its nine divisions: Arts & Museums; Interactive Media and New Technologies; Literary Publishing; Litigation; Merchandising and Licensing; Motion Pictures, Television, Cable, and Radio; Music and Personal Appearances; Sports; and Theater and Performing Arts. 7,508

Franchising. The purpose of the Forum on Franchising is to be the pre-eminent forum for the study and discussion of the legal aspects of franchising. The Forum strives to provide high quality educational programs and publications on the legal aspects of franchising. It stimulates discussion of the legal aspects of franchising, in order to educate the legal community and the franchising community about diverse viewpoints on issues of current concern. The Forum promotes full and equal participation of minorities, women and other under-represented groups in Forum activities. The Forum enhances the professional growth of Forum members, among other ways by encouraging practitioners in all areas of franchise practice to participate fully in Forum activities. 2,776

C. Standing and Special Committees

ABA/BNA Lawyers’ Manual on Professional Conduct Editorial Board. Consists of 12 members shall be established. The Presidents of the ABA and the BNA shall each appoint six members to the Editorial Board for three-year, staggered terms. Members shall not serve more than two consecutive terms. One member shall be elected as Chair. The Editorial Board shall: 1) meet at least yearly; 2) review the operations of the publication; and 3) make non-binding recommendations on policies and practices to the ABA and BNA.

ABA Rule of Law Initiative. Consists of a 21-member board of directors, including a chair. Five voting directors shall be the chairs of Africa Law Initiative Council, Asia Law Initiative Council, Central European and Eurasian Law Initiative Council, Latin America and Caribbean Law Initiative Council and Middle East and North Africa Initiative Council. Four voting directors shall be the Chairs or their designees of the Section of International Law, Center for Human Rights, CEELI Institute and Section of Civil Rights and Social Justice. Twelve voting directors shall be appointed as at-large members; the ABA ROLI Chair shall be
appointed from among the at-large directors who are ABA members. At-large directors may be non-lawyers. A majority of the 21 voting directors must be ABA members. There shall also be special advisor positions to ROLI. Shall: (1) oversee and provide strategic direction for ABA ROLI’s rule of law activities; (2) nominate candidates for ABA ROLI’s Board of Directors and for ABA ROLI’s regional Councils, and advise the ABA President-elect as to the priority criteria for his or her appointments to the Board and Councils; (3) provide any necessary coordination of the ABA ROLI’s regional councils and act as a clearinghouse for ABA ROLI’s rule of law activities; (4) authorize new rule of law activities, including fundraising, of ABA ROLI; (5) oversee and support implementation of grants and contracts awarded to ABA ROLI; (6) identify the best use of ABA ROLI human and financial resources, including volunteer expertise, to advance the rule of law; (7) strengthen the rule of law activities of ABA ROLI by marshalling resources and providing a unified brand for the ABA ROLI’s rule of law activities; and (8) make periodic reports to the Board of Governors, in collaboration with the regional councils, on matters relating to ABA ROLI’s rule of law activities.

Africa Law Initiative Council. Consists of six voting members including a chair, appointed by the ABA President-elect. Members may include non-lawyers. A majority must be ABA members. There shall also be a non-voting special advisor to the Council. Shall: (1) initiate, develop, coordinate and provide strategic direction and oversight to the rule of law activities, including provision of technical assistance, of ABA ROLI in the African region; (2) receive notification of all ABA activities taking place in the region and similarly will provide information about ABA ROLI programs in the region; (3) serve as a resource on substantive issues pertinent to ABA ROLI’s rule of law activities in the region; (4) raise funds and marshal human resources, including voluntary expertise, for ABA ROLI’s rule of law activities in the region; and (5) make periodic reports to the ABA ROLI Board of Directors on matters relating to ABA ROLI’s rule of law activities in the African region.

American Judicial System. Consists of 21 members as described in paragraph (a) and shall be composed of the Subcommittee on State Courts and the Subcommittee on Federal Courts, as described in paragraphs (c)–(d).

(a) The Standing Committee on the American Judicial System shall have twenty-one members appointed by the President. The members shall consist of a chair of the Standing Committee, who shall not be a currently serving judge, plus ten members designated as appointees to the Subcommittee on State Courts and ten members designated as appointees to the Subcommittee on Federal Courts. A majority of the members of each Subcommittee shall be non-judges. Annually, one non-judge member of each Subcommittee shall be designated by the President to serve as chair of that Subcommittee. The two chairs of the Subcommittees shall serve as vice-chairs of the Standing Committee. The chair of the Standing Committee and the two Subcommittee chairs shall comprise the executive committee of the Standing Committee.

(b) The Standing Committee on the American Judicial System shall: (1) coordinate activities within the Association and act as a clearinghouse for the Association’s activities relating to preservation and improvement of the judicial system, judicial independence and the preservation of fair and impartial courts, preservation of the American jury system, and methods of judicial selection and retention, including support of and coordination with the Task Force on Preservation of the Justice System and the Commission on the American Jury Project; (2) assist courts, administrative judiciaries, and bar associations to prepare for and respond to attacks on judicial independence, the ability of the courts to remain fair and impartial, and any other threats to the fair, impartial and efficient administration of justice; (3) support efforts to increase public understanding of the importance of fair and impartial courts, the role of the judicial branch, and other matters related to the fair and efficient administration of justice within American judicial systems; (4) make recommendations to improve and enhance the American judicial system, support and protect fair and
impartial courts, and ensure adequate funding of the American judicial system; and (5) maintain liaison with other persons and organizations concerned with judicial reform, with the judiciary, and with other appropriate government officials and court-related entities.

(c) The Subcommittee on State Courts shall: (1) carry out the mission of the Standing Committee with regard to state, local, and other non-federal American judicial systems; (2) support efforts to increase public understanding of judicial selection and retention methods and to increase informed citizen participation in states where judges are subject to election of any kind; (3) make recommendations regarding appropriate compensation for state and local judges, creation and filling of needed judgeships, and adequate funding of state and local judicial systems; and (4) work with state and local courts and bar associations and maintain liaison with other persons and organizations concerned with judicial reform related to state courts and judicial selection, with the Conference of Chief Justices, the National Center for State Courts, and with other appropriate government officials and court-related entities.

(d) The Subcommittee on Federal Courts shall: (1) carry out the mission of the Standing Committee with regard to the federal judicial system; (2) study, monitor, and make recommendations regarding (i) the appropriate compensation for federal judges, (ii) the adequacy of the number of federal judgeships, including authorization of additional judgeships and filling judicial vacancies, and (iii) the adequacy of the funding of the federal judicial system. (3) work and maintain liaison with the federal judiciary and other appropriate government officials and court-related entities to support and improve the fair and effective administration of justice in the federal judicial system; and (4) work with the ABA Governmental Affairs Office and maintain liaison with the Administrative Office of the United States Courts, the Judicial Conference of the United States, the Federal Judicial Center.

(e) Ex-Officio Members. The chair of the Standing Committee may designate the chair of any other ABA entity as an ex-officio member of the Standing Committee if the jurisdiction of the other entity closely aligns with that of the Standing Committee and if participation by the chair of the other entity as an ex- officio member will advance the mission of the Standing Committee.

(f) Honorary Co-Chairs. Two Honorary Co-Chairs of the Standing Committee shall be invited by the executive committee of the Standing Committee to serve one-year renewable terms. One shall be a recently retired state Supreme Court Justice or Judge of a state’s highest court of appeals. One shall be a retired federal court judge. The Honorary Co-Chairs shall have such duties as determined by the Chair.

American Jury, Commission on the. Consists of 13 members (a chair appointed by the ABA President and three members each appointed by the Judicial Division and the Sections of Criminal Justice, Litigation, and Tort Trial and Insurance Practice) and an Advisory Committee of 20 members. Shall: (1) promote and expand upon the policy work of the American Jury Project by advancing, refining, and updating the ABA Principles Relating to Juries and Jury Trials to courts, rulemaking bodies, state legislatures, and the organized bar, and further refining the principles as warranted; and (2) reach out to the public, third party interest groups, government officials, national media, and the legal profession as a whole regarding the importance of jury service and jury improvement.

* Amicus Curiae Briefs. Consists of seven Association members. Shall review and make appropriate recommendations on all proposed amicus curiae briefs, including whether the proposed brief is a fair representation of the policy position of the Association and whether the brief is of high professional quality.

Annual Meeting Program, Special Committee on. Consists of 17 members who serve to set the criteria, solicit program proposals from ABA entities and select and develop the 36 CLE programs to be presented during the Annual Meeting, beginning in 2014. The composition of the committee will include several members of the prior Section Officers Conference Annual Meeting Task Force as well as representatives from sections, committees, and commissions.

*Standing Committee
* Armed Forces Law. Consists of seven members and has jurisdiction over matters relating to law in the Armed Forces. It shall study and make recommendations on: 1) the administration of laws, regulations and practices in the Armed Forces and the court-martial system; 2) the protection of the legal rights and constitutional guarantees of personnel in the Armed Forces; and 3) the ability of lawyers and judges in the Armed Forces to practice in conformity with all applicable Association standards.

Asia Law Initiative Council. Consists of six voting members including a chair, appointed by the ABA President-elect. Members may include non-lawyers. A majority must be ABA members. There shall also be a non-voting special advisor to the Council. Shall: (1) initiate, develop, coordinate and provide strategic direction and oversight to the rule of law activities, including provision of technical assistance, of ABA ROLI in the Asian region; (2) receive notification of all ABA activities taking place in the region and similarly will provide information about ABA ROLI programs in the region; (3) serve as a resource on substantive issues pertinent to ABA ROLI’s rule of law activities in the region; (4) raise funds and marshal human resources, including voluntary expertise, for ABA ROLI’s rule of law activities in the region; and (5) make periodic reports to the ABA ROLI Board of Directors on matters relating to ABA ROLI’s rule of law activities in the Asian region.

* Audit. (Consists of seven members including the Treasurer who is a member ex officio with a vote. Three members of the committee shall be Association members who are not members of the Board of Governors. Three members of the committee, other than the Treasurer, shall be members of the Board of Governors representing each of the three Association years of the term on the Board. Members other than the Treasurer shall be appointed by the Board upon recommendation of the President. The President shall annually designate a chair. The Audit Committee shall: (1) recommend the selection, retention, and compensation of the Association’s independent auditors; (2) ascertain that the Association’s auditors are independent; (3) review the results of the annual external audits, matters required to be communicated by the independent auditors; the system of internal controls; the independent auditors’ letter of recommendations and Association management’s responses, and after such review, recommend the Board of Governors accept the Association’s audited financial statements; (4) review the internal audit function of the Association; (5) receive, investigate when necessary, and cause response to be made to inquiries or complaints by any member or employee of the Association concerning financial operations of the Association; and (6) assist the Board of Governors in fulfilling its oversight responsibility relating to the integrity of the Association's financial statements and the effectiveness of the Association's system of internal controls; the evaluation of management's processes to manage the Association's enterprise risk issues, the administration of the Association's Business Conduct Standards, compliance process and activities through the Association's Ethics Office; and such other matters as may be delegated to it by the Board of Governors from time to time.

* Bar Activities and Services. Shall consist of nine members: (1) with the assistance of the Division for Bar Services, promote and coordinate Association programs involving state or local bar associations; (2) oversee the operations of the Division; (3) maintain effective liaison and, where appropriate, collaborate with state and local bar associations; and (4) inform the officers, Board of Governors and House of Delegates of the Association about relevant problems and programs of state and local bar associations and inform state and local bar associations about relevant Association programs.

Center for Professional Responsibility, Coordinating Council for the. Consists of the chairs of the committees of the Center and one at-large member appointed by the President of the Association, who serves as chair. Shall review and provide oversight and direction for the policies and programs of the Center.
Central European and Eurasian Law Initiative Council. Consists of six voting members including a chair, appointed by the ABA President-elect. Members may include non-lawyers. A majority must be ABA members. There shall also be a non-voting special advisor to the Council. Shall: (1) initiate, develop, coordinate and provide strategic direction and oversight to the rule of law activities, including provision of technical assistance, of ABA ROLI in the European and Eurasian region; (2) receive notification of all ABA activities taking place in the region and similarly will provide information about ABA ROLI programs in the region; (3) serve as a resource on substantive issues pertinent to ABA ROLI’s rule of law activities in the region; (4) raise funds and marshal human resources, including voluntary expertise, for ABA ROLI’s rule of law activities in the region; and (5) make periodic reports to the ABA ROLI Board of Directors on matters relating to ABA ROLI’s rule of law activities in the European and Eurasian region.

* Constitution and Bylaws. Consists of seven members. Shall: (1) study and make appropriate recommendations on all proposals to amend the Constitution or the Bylaws, other than on the substantive merit of proposals submitted by the Committee on Scope and Correlation of Work to discontinue or alter the jurisdiction of Association entities; and (2) upon request of the Committee on Rules and Calendar of the House of Delegates, study and make appropriate recommendations, other than on substantive merit, on all proposals to amend the Rules of Procedure of the House of Delegates.

* Continuing Legal Education. Consists of 10 members, appointed by the President, three from nominations made by Sections. Shall organize, coordinate, conduct and implement continuing legal education activities sponsored or cosponsored by the Association or any of its entities. It shall cooperate with state or local bar associations, law schools and other organizations concerned with continuing legal education.

Death Penalty Representation, Special Committee on. Consists of 13 members appointed by the President from recommendations made by the following entities: three members from the Section of Litigation; two members from the Section of Civil Rights and Social Justice; one member from the Criminal Justice Section, the Young Lawyers Division, and the Standing Committee on Legal Aid and Indigent Defendants; and five at-large members. The President shall appoint the chair from among the members. The President may reappoint members with special expertise to serve as appropriate. Shall: (1) educate the bar, bench, and the public about the crisis for effective counsel for inmates on death row; (2) recruit, train, and support volunteer counsel; and (3) work with state and federal judiciary, state bar leaders, the criminal defense bar, and others to develop systemic solutions to the problem, including adequate compensation for counsel.

* Delivery of Legal Services. Consists of nine members. Shall have jurisdiction over innovative methods designed to enhance access to legal services and improve the delivery of civil justice to moderate income persons. In carrying out its function, the Committee shall: (1) encourage the ABA, other bar associations and other legal groups to actively respond to the unmet legal needs of moderate income persons; (2) identify the unmet legal needs of moderate income persons and develop mechanisms that better enable moderate income persons with legal needs to be served by practicing lawyers who are capable of meeting those needs in affordable ways; (3) encourage, identify and promote exemplary methods, both traditional and innovative, of meeting the unmet legal needs of moderate income persons; and (4) develop and support practices, policies, rules and laws that reduce or obviate unnecessary requirements for representation by lawyers.

Disability Rights, Commission on. Consists of not more than 15 persons. Shall promote the ABA’s commitment to justice and the rule of law for persons with mental, physical, and sensory disabilities and their full and equal participation in the legal profession.

* Disaster Response and Preparedness. Consists of up to nine members, including two co-chairs. Shall develop policy recommendations, best practices and action items to ensure that the ABA and the legal profession are positioned to respond, and prepared to withstand, both natural and manmade disasters.
Domestic and Sexual Violence, Commission on. Consists of not more than 17 members, appointed by the President in consultation with the chairs of the Family Law Section, Young Lawyers Division, Criminal Justice Section, Judicial Division, Standing Committee on Legal Aid and Indigent Defendants, Section of Civil Rights and Social Justice, and Commission on Women in the Profession; and including members of the national professional community with expertise in domestic and sexual violence reform, from the following professional fields or organizations: the American Medical Association; mental health; education; the military; law enforcement; victim services; the corporate community; and criminal prosecution. Shall: (1) identify and promote successful (a) domestic and sexual violence legal and judicial system policies, procedures, and approaches, and (b) community-based programs for the treatment of domestic and sexual violence issues, to state and local bar associations, legislatures, and the courts; (2) study and provide guidance nationally on actions to improve the administration of justice in the areas of prevention, identification, intervention, and treatment of domestic and sexual violence; (3) develop policy recommendations related to domestic and sexual violence for consideration by the House of Delegates; (4) mobilize the bar on improving the legal response to domestic and sexual violence, including implementing domestic and sexual violence-related provisions of the Federal Violence Against Women Act and related legislation; (5) work in conjunction with other ABA entities and outside organizations on the dissemination of information and education to professionals and the public on domestic and sexual violence law-related concerns, including the issues raised in The Impact of Domestic Violence on Children, the August 1994 report to the ABA President; (6) coordinate with other disciplines and organizations, including, for example, working with the American Medical Association on programs and projects to implement recommendations developed at the 1994 National Conference on Family Violence, Health and Justice; and (7) provide liaison to diverse public health, mental health, human services, and other professional efforts to improve the response to victims of domestic and sexual violence and their children.

* Election Law. Consists of seven members. Shall examine and develop ways for improving election law and voter participation.

* Ethics and Professional Responsibility. Consists of 10 members. May: (1) by the concurrence of a majority of its members, express its opinion on proper professional or judicial conduct, either on its own initiative or when requested to do so by a member of the bar or the judiciary; (2) periodically publish its issued opinions to the profession in summary or complete form and, on request, provide copies of opinions to members of the bar, the judiciary, and the public; (3) provide under its supervision informal responses to ethics inquiries the answers to which are substantially governed by applicable ethical codes and existing written opinions; (4) on request, advise or otherwise assist professional organizations and courts in their activities relating to the development, modification and interpretation of statements of the ethical standards of the profession such as the Model Rules of Professional Conduct, the predecessor Model Code of Professional Responsibility and the Code of Judicial Conduct; (5) recommend amendments to or clarifications of the Model Rules of Professional Conduct or the Code of Judicial Conduct; and (6) adopt rules relating to the procedures to be used in issuing opinions, effective when approved by the Board of Governors.

* Federal Judiciary. Consists of 15 members, two from the ninth federal judicial circuit, one from each other federal judicial circuit, one representing the Federal Circuit, and one at-large member who serves for one year. The Committee may: (1) on behalf of the Association, promote the nomination and confirmation of competent persons for appointment as judges of courts of the United States; (2) oppose the nomination and confirmation of persons who it considers insufficiently qualified; (3) report to the House of Delegates on questions relating to the behavior of federal judges and on matters relating to the sufficiency of the number of federal judges.
Fund for Justice and Education, Council of the. Consists of not more than 12 members, of which the majority must be lawyers representing the several giving constituencies of the Association such as individuals, law firms, corporations and foundations. The Chair of the House of Delegates and the President of the American Bar Foundation shall be ex officio members. Shall provide oversight of the Fund for Justice and Education (FJE), reporting to the Board of Governors on the operations, and charitable, educational and public service projects of the FJE, as well as providing leadership and counsel to the FJE Office and its staff to include direct participation in strategic planning for fundraising activities.

Future of Legal Education, Commission on. Consists of 10 members, including a chair, and would have three-year staggered terms. The Commission would have up to two honorary chairs and would be comprised of law school deans or former deans, other academics, bar examiners, employers, a representative from a state Supreme Court, a law student and other innovative legal education thinkers. The Commission chair would have appointing authority for the non-accreditation-related committees being carried over from the Section. Additional Commission subcommittees would be formed to address issues such as bar exams; length of law school; apprenticeships; technology; and alternative teaching methods. The Council and accreditation-related committees would remain with the Section on Accreditation.

Gatekeeper Regulation and the Profession, Task Force on. Consists of not more than 13 members including representatives from the sections of International Law; Litigation; Business Law; Criminal Justice; Real Property, Trust and Estate Law; and Taxation; as well as the Standing Committee on Ethics and Professional Responsibility and any other additional parties that the Board of Governors deems appropriate. Shall: (1) respond to initiatives by the U.S. Department of Justice and other organizations that would impact the attorney-client relationship in the context of money laundering enforcement; (2) review and evaluate relevant Association policies and the relevant Model Rules of Professional Conduct; (3) identify issues and programs for appropriate Association action and involvement; and (4) solicit the views of and suggest to pertinent ABA entities that they consider development of new policies as appropriate.

* Gavel Awards. Consists of 18 members. Shall supervise the Association's awards for noteworthy published articles, radio and television broadcasts, books and films that: (1) foster greater public understanding of the inherent values of the American legal and judicial system; (2) inform and educate citizens as to the roles in society of the law, the courts, law enforcement agencies and the legal profession; (3) disclose practices or procedures needing correction or improvement so as to encourage and promote local, state and federal efforts to improve and modernize the nation's laws, courts and law enforcement agencies; and/or (4) help the legal profession and judiciary to attain the goals set by the Model Rules of Professional Conduct and the Code of Judicial Conduct.

* Governmental Affairs. Consists of not more than 11 members. Has jurisdiction over matters relating to the Association’s governmental affairs program. Shall: (1) make recommendations to the Board of Governors regarding the governmental affairs program; (2) provide assistance to the Governmental Affairs Office; (3) review the legislative and governmental priorities recommendations of the Governmental Affairs Office; (4) make Committee recommendations to the Board of Governors on legislative and governmental priorities as it deems appropriate; and (5) select the members of Congress to receive recognition at ABA Day in Washington.

* Group and Prepaid Legal Services. Consists of seven members. Shall have jurisdiction over matters relating to prepaid and group legal services. In carrying out its functions, the Committee shall: (1) monitor the growth of the group and prepaid legal services industry and recommend to the House of Delegates action to be taken in removing various regulatory and other barriers which may prevent the free market development of prepaid and group legal services; (2) encourage state and local bar associations to foster lawyer and public interest in prepaid and group legal services as an effective means of assuring that legal services are more widely available to moderate-income persons at reasonable cost in their jurisdictions; (3) provide a forum for discussion of statutory and overly restrictive ethical barriers which may prevent the participation of lawyers as providers of legal services for prepaid and group legal service plans in their jurisdictions; and (4) provide oversight of and support to the American Prepaid Legal Services Institute and assist it in developing educational programs, publications and legislative activities aimed at carrying out Association policy in this area.

*Standing Committee
* **Gun Violence.** Consists of not more than nine members. Shall (1) review pending and future proposals relating to prevention and reduction of gun violence in light of existing ABA policies; (2) identify policy areas, if any, as to which new policy is needed; and (3) serve as a focal point for activity within the ABA on issues relating to gun violence.

**Hispanic Legal Rights and Responsibilities, Special Committee.** Consists of 10 members and a chair and up to three special advisors when necessary. The Special Committee is part of the Center for Racial and Ethnic Diversity and staff support for the Special Committee is provided by the existing staff of the Center for Racial and Ethnic Diversity. Shall address key issues facing Hispanics throughout the United States such as voting rights, immigration, civil rights, and access to the courts. Regional hearings will be held to inform development of ABA policy resolutions, and a comprehensive report, which will provide recommendations for Congressional and Administration policy makers, will be developed.

**Homelessness and Poverty, Commission on.** Consists of 13 members. Shall have jurisdiction over matters affecting the needs and concerns of poor and homeless people and the impact of laws, litigation and the legal profession on them. In carrying out its responsibilities, the Commission Shall: (1) encourage and assist in the development of bar and law school pro bono programs which provide legal and other services to homeless and near-homeless people; (2) educate members of the bar and the public to legal and other problems of poor and homeless people and ways in which lawyers can assist in solving or ameliorating them; (3) train lawyers in areas needed to provide pro bono legal assistance to homeless and near-homeless people; (4) work with all ABA entities on issues arising in their jurisdiction that affect poor and homeless people; and (5) engage in such further activities as may be necessary and proper for the fulfillment of these responsibilities, including working with state and federal executive branches and legislative bodies concerning matters relating to the poor and homeless.

**Human Rights, Center for.** Consists of 11 members, a Human Rights Advisory Council of up to 25 members and a chair, and a maximum of seven counselors. Shall: (1) address educational programs in the field of human rights; (2) promote a greater understanding of and belief in the importance of human rights; (3) collaborate with other ABA entities in the development and encouragement of human rights efforts, activities and programs; (4) assist in the development of human rights efforts, activities and programs; and (5) assist in the development of appropriate ABA policies.

**Immigration, Commission on.** Consists of 13 members and an Advisory Committee. Shall direct Association efforts to ensure fair and unbiased treatment, and full due process rights, for immigrants and refugees within the United States. Acting in coordination with other Association entities, as well as governmental and non-governmental bodies, the Commission shall: (1) advocate for appropriate statutory and regulatory modifications in law and governmental practice consistent with Association policy; (2) provide continuing education and timely information about trends, court decisions and pertinent developments for members of the legal community, judges, affected individuals and the public; and (3) develop and assist the on-going operation of pro bono programs that encourage volunteer lawyers to provide high quality, effective legal representation for individuals in immigration courts, with special emphasis on the needs of the most vulnerable immigrant and refugee populations.

**Interest on Lawyer Trust Accounts, Commission on.** Consists of nine members, including a chair. Shall: collect, maintain, analyze and disseminate information on programs involving the use of interest on lawyer trust accounts for the support of law-related public service activities; make recommendations for Association policy on the creation and operation of IOLTA programs; maintain liaison with state IOLTA programs; and oversee the IOLTA Clearinghouse which provides information, materials and technical assistance on IOLTA program design and operation.

*Standing Committee*
* **International Trade in Legal Services.** Consists of twelve members, shall: 1) monitor the negotiations of international trade agreements that involve the United States and the provision of legal services; 2) coordinate the Association’s positions on issues relating to the access by U.S. lawyers to the legal services markets of other countries and access by lawyers from foreign jurisdictions to the U.S. legal services market; 3) advise the U.S. Government of existing Association policies relating to these issues and of the Association’s position on relevant aspects of the negotiations; 4) develop policy recommendations for adoption by the House of Delegates; 5) assist other Association entities in the implementation of current Association policies relating to these issues; and 6) educate and engage in outreach to interested internal and external entities relating to the status of international trade agreement negotiations relevant to legal services and provide those entities with a mechanism to provide their input for consideration and study.

**Justice Center, Coordinating Council for the.** Consists of the Chairs of the Coalition for Justice, the Judicial Division, and the Standing Committees on Judicial Independence and Federal Judicial Improvements, and a chair appointed by the President from a member of the judiciary. Shall provide coordination of the activities of the entities of the ABA Justice Center engaged in justice system reform, outreach to the public on justice system issues, and improved opportunities.

**Latin America and Caribbean Law Initiative Council.** Consists of six voting members including a chair, appointed by the ABA President-elect. Members may include non-lawyers. A majority must be ABA members. There shall also be a non-voting special advisor to the Council. Shall: (1) initiate, develop, coordinate and provide strategic direction and oversight to the rule of law activities, including provision of technical assistance, of ABA ROLI in the Latin American and Caribbean region; (2) receive notification of all ABA activities taking place in the region and similarly will provide information about ABA ROLI programs in the region; (3) serve as a resource on substantive issues pertinent to ABA ROLI’s rule of law activities in the region; (4) raise funds and marshal human resources, including voluntary expertise, for ABA ROLI’s rule of law activities in the region; and (5) make periodic reports to the ABA ROLI Board of Directors on matters relating to ABA ROLI’s rule of law activities in the Latin American and Caribbean region.

**Law and Aging, Commission on.** Consists of 15 members. Approximately half of whom are practicing attorneys including those most active in the work done by ABA sections or committees, with members from other disciplines, including medicine, the social sciences and public policy, reflecting a wide variety of knowledge and experience. Shall consider: (1) the provision of legal services to the elderly; (2) discrimination against the elderly; (3) due process considerations in social security and Medicare, or other public programs serving older persons; (4) the rights of persons who are receiving long-term care; (5) housing; (6) surrogate decision making; and (7) health care decision making.

* **Law and National Security.** Consists of 11 members. Shall conduct studies, sponsor programs and conferences, and administer working groups on law and national security and related issues. The Committee's activities are designed to assist policymakers, to educate lawyers, the media and the public and to enable the Committee to make recommendations where appropriate to the American Bar Association.

* **Law Library of Congress.** Consists of seven members. Shall cooperate in maintaining and expanding the facilities of the Law Library of Congress.

*Standing Committee*
Lawyer Assistance Programs, Commission on. Consists of 10 members and a 15 member Advisory Commission. Shall have jurisdiction over matters relating to lawyer assistance programs as they provide professional assistance to lawyers, judges and law students who have alcoholism, substance abuse, addiction and mental health issues. The Commission shall: (1) support and seek to improve existing services, including diversity outreach, and, as appropriate, assist in the development of new lawyer assistance programs; (2) provide educational and training opportunities for lawyer assistance program staff and volunteers, the legal profession, the judiciary, law students, legal educators and the public; (3) disseminate information to and create and foster platforms for communications among lawyer assistance program staff and volunteers; and (4) develop and advance policies that better enable lawyers and judges to obtain assistance and return to good health, protect the integrity of the legal profession and the judiciary and protect the public.

* Lawyer Referral and Information Service. Consists of not more than 10 members. Shall have jurisdiction over matters relating to lawyer referral and information services for the purpose of assisting them in making affordable legal services more readily available to the public. The Committee shall: (1) support and seek to improve existing services and as appropriate, develop new ones; (2) seek to develop and improve materials and model standards; (3) disseminate appropriate information; (4) encourage the implementation of existing standards; and (5) encourage and otherwise help state or local bar associations and other interested organizations.

Lawyer's Role in Assuring Every Child's Right to a High Quality Education, Commission on. Consists of six members representing relevant ABA entities and others in the education and civil rights fields. Shall develop ways to propose new policies and develop resources and strategies that would help develop and implement existing ABA policies that encourage lawyers and the organized bar to advocate for access to high-quality primary and secondary education.

* Lawyers' Professional Liability. Consists of ten members. Shall: (1) study and keep the Association and state and local bar associations informed about developments in the professional liability of lawyers and the availability, coverage and cost of liability insurance and the feasibility of self-insurance; (2) work with such bar associations and the insurance industry to develop programs to assist lawyers in avoiding or dealing with professional liability claims; and (3) make appropriate recommendations concerning Association sponsorship of lawyers' professional liability programs.

* Legal Aid and Indigent Defendants. Consists of not more than eleven members. Shall have jurisdiction over matters relating to legal aid and defender services respecting: (1) the administration of justice as it affects the poor; (2) remedial measures intended to help the poor protect their legal rights; and (3) the establishment and efficient maintenance of legal aid and defender organizations and cooperation with other interested agencies, whether public or private.

* Legal Assistance for Military Personnel. Consists of up to ten members. Shall: 1) have jurisdiction over matters relating to legal assistance for military personnel and their dependents. This includes all civil legal matters related to military service, whether directly or incidentally, and whether arising during periods of active-duty service or following transition to civilian status; 2) shall foster the continued growth of the military legal assistance programs and promote the delivery of legal services to military personnel and their dependents and to persons accompanying the armed forces outside the United States, for their personal legal affairs (except those involving proceedings under the Uniform Code of Military Justice); 3) shall advocate for policies improving access to legal services and civil legal protections for military personnel and their dependents; and 4) shall maintain close liaison with the Department of Defense, the Department of Homeland Security with respect to the U.S. Coast Guard, the Department of Veterans Affairs, the military services, bar associations, and appropriate committees of the Association to enhance the scope, quality and delivery of free or affordable legal services to eligible legal assistance clients.

*Standing Committee
Meetings and Travel. Consists of seven members. Shall develop plans for the maintenance, improvement and integration of meeting and travel programs and procedures.

Membership. Consists of 10 members. Shall (1) encourage applications for membership in the Association and formulate plans for maintaining and increasing membership.

Middle East and North Africa Law Initiative Council. Consists of six voting members including a chair, appointed by the ABA President-elect. Members may include non-lawyers. A majority must be ABA members. There shall also be a non-voting special advisor to the Council. Shall: (1) initiate, develop, coordinate and provide strategic direction and oversight to the rule of law activities, including provision of technical assistance, of ABA ROLI in the Middle East and North African region; (2) receive notification of all ABA activities taking place in the region and similarly will provide information about ABA ROLI programs in the region; (3) serve as a resource on substantive issues pertinent to ABA ROLI’s rule of law activities in the region; (4) raise funds and marshal human resources, including voluntary expertise, for ABA ROLI’s rule of law activities in the region; and (5) make periodic reports to the ABA ROLI Board of Directors on matters relating to ABA ROLI’s rule of law activities in the Middle East and North African region. The Middle East and North African region shall be defined as a distinct region comprised of the following: Algeria, Bahrain, Egypt, Jordan, Kuwait, Iran, Iraq, Israel, Lebanon, Libya, Morocco, Oman, Palestine/West Bank/Gaza, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates and Yemen. Mauritania shall be included for the limited purpose of regional programs within this region.

National Conference of Lawyers. Consists of nine ABA members, including a co-chair, each to be appointed by the President for a three-year term, with one representative each from the Sections of Business Law; Litigation; and Real Property, Trust and Estate Law; and three representatives from the Section of Taxation. The remaining member will be at-large and not necessarily chosen from a Section or Division. The purpose of the conference is to foster excellence of professional performance in the public interest and to provide a forum of discussion.

National Cybersecurity, Task Force on. Is a task force of the Standing Committee on Law and National Security. Will include lawyer and non-lawyer experts from the public and private sectors involved in addressing cybersecurity issues as well as representatives from the ABA Section of Science & Technology Law and other ABA entities with an interest in cybersecurity and privacy. Will examine the legal issues pertaining to public safety, national security and individual rights during events involving cyber attacks, including cyber conflict, and will consider where gaps in law and policy exist and what expertise the ABA can contribute to fill the gaps.

Paralegals. Consists of seven members. Has jurisdiction over matters relating to the education, employment, training, and effective use of paralegals.

Pro Bono and Public Service. Consists of 10 members. Shall have jurisdiction over matters enabling and encouraging lawyers to fulfill their responsibility to provide pro bono public service without fee or at a substantially reduced fee. In carrying out its functions, the Committee shall: (1) review, evaluate and foster the development of pro bono publico programs and activities by law firms, bar associations, corporate law departments and other legal practitioners within the framework of delivery of legal services by the profession; (2) analyze and define the appropriate scope, function and objectives of pro bono publico programs; (3) establish and develop liaison with state and local bar associations and other groups interested in such programs; (4) propose and review legislation which impacts on the ability of lawyers to provide pro bono publico service; and (5) undertake such further activities as may be necessary and proper for the fulfillment of these responsibilities.

*Standing Committee
* **Professional Regulation.** Consists of nine members. Shall have responsibility for developing, promoting, coordinating and strengthening professional disciplinary and regulatory programs and procedures throughout the nation, including developing and promoting Association activities relating to professional discipline, model rules for disciplinary enforcement and standards for the imposition of sanctions. The Committee is also responsible for maintaining the ABA National Lawyer Regulatory Data Bank.

* **Professionalism.** Consists of nine members. Shall preserve and promote within the entire legal community principles of professionalism, including integrity, competence, fairness, independence, courage, respect for the legal system and a devotion to public service. It shall initiate and encourage professionalism programs, be responsible for the coordination of efforts in this area within the Association, and provide a central clearinghouse for the collection and dissemination of information on professionalism within the legal community. To accomplish these goals, the Committee shall: (1) encourage, recommend and provide assistance to ABA entities in the development and coordination of professionalism initiatives; (2) encourage and provide assistance to state and local bar associations, law schools, the judiciary and the legal community in their efforts to improve lawyer professionalism and competence; (3) educate members of the legal profession and the public about professionalism issues; and (4) evaluate and report on trends and developments affecting lawyer professionalism, competence and advertising issues and recommend initiatives and policies to address them.

* **Public Education.** Consists of 15 members, one of whom shall be a designated national Law Day chair, appointed annually by the President, and the chair of the Standing Committee on Gavel Awards, who shall serve *ex officio*. Shall: (1) provide policy direction and oversight for the Division for Public Education and coordinate the activities of its component entities; (2) assist Association activities designed to improve public understanding about the law; (3) promote activities of, and assist, state and local bar associations, other legal groups, and nonlegal organizations in educating the public about the law; and (4) foster and promote multifaceted school and community-based public education program, including the development and implementation of model public education programs for youth, college and adult audiences.

* **Public Protection in the Provision of Legal Services.** Consists of seven members. Shall: (1) promote and enhance client protection mechanisms, including programs to reimburse financial loss caused by lawyers' misappropriation of client funds and other causes of client loss, as deemed appropriate; (2) promote and enhance mechanisms for the arbitration of lawyer-client fee disputes; (3) promote and enhance mechanisms for the mediation of client-lawyer disputes; (4) identify and comment on emerging issues in the regulation of the unlicensed practice of law in conjunction with other ABA entities and, where advisable, refer appropriate matters to other Association entities; and (5) identify and comment on emerging issues in the regulation of the practice of law, including the multijurisdictional practice of law, in coordination with other ABA entities and, where advisable, refer appropriate matters to other Association entities and the House of Delegates.

* **Publishing Oversight.** Consists of 12 members, eight from recommendations from the Section Officers Conference from Sections, Divisions and Forum with existing publishing programs, and four at-large members. Shall: (1) study and recommend publishing policies and strategies to the Board of Governors and House of Delegates; (2) provide policy oversight, supervision and direction to ABA publishing, exclusive of the ABA *Journal*; and (3) work closely with the Director of ABA Publishing, who will be responsible for implementing the Association's publication policies and developing publishing and marketing initiatives designed to meet changing needs of members, produce new/increased revenues, or support other Association goals.

*Standing Committee*
Racial and Ethnic Diversity, Center for. Consists of a maximum of 15 members appointed by the President. Additionally, the Chairs of the Commission on Racial and Ethnic Diversity in the Profession, Council for Racial and Ethnic Diversity in the Educational Pipeline, Coalition on Racial and Ethnic Justice, and Commission on Hispanic Legal Rights and Responsibilities ("Constituent Entities") shall serve as ex-officio members of the Center. The Center may include liaisons from internal ABA entities and outside organizations. The Center shall: (1) review and approve as appropriate all proposed programs and budgets of the Constituent Entities; (2) assure that programs and initiatives of the Center and its Constituent Entities are effective, consistent with each entity’s jurisdictional statement, not duplicative of other programming within the Diversity Center Group; (3) encourage, coordinate, and/or provide services to facilitate cooperation, collaboration, and communication between and among the Constituent Entities, as well as other ABA entities that engage in or sponsor programs related to racial and ethnic justice and legal diversity and inclusion issues; (4) promote and collaborate with the relevant Constituent Entities with initiating and maintaining relationships with external racial and ethnic justice and legal diversity and inclusion organizations to promote ABA diversity and inclusion activities and facilitate connection to pertinent ABA entities; and (5) coordinate and collaborate with the relevant Constituent Entities for those initiatives that are not within either the jurisdiction or budgeted programming of the Constituent Entities or the Center, which Association leadership deem important to refer to the attention of the Center for the good of the mission of the Association.

Racial and Ethnic Diversity in the Educational Pipeline, Council for. Consists of up to 20 members. May include liaisons from internal ABA entities and outside organizations. Shall: (1) address the lack of ethnic and racial diversity in the educational pipeline by increasing diversity in the educational pipeline; (2) provide a holistic and comprehensive blueprint for the achievement of diversity in the educational pipeline by serving as the main resource for pipeline diversity programs, and providing the tools and strategies that expand the persistence and success of underrepresented students along the full extent of the educational pipeline, from pre-school to members of the legal profession; (3) provide the forum for businesses, educational institutions, community organizations, and legal entities to address diversity pipeline issues and build networks to effect change; (4) highlight the importance and efficacy of diversity pipeline programs and recognize exemplary leadership in diversity educational pipeline work; and (5) conduct major initiatives and projects pertaining to racial and ethnic diversity in the educational pipeline.

Racial and Ethnic Diversity in the Profession, Commission on. Consists of up to 17 members. May include liaisons from internal ABA entities and outside organizations. Shall: (1) address the lack of racial and ethnic diversity in the legal profession; (2) take concrete actions to promote the hiring, recruitment, promotion and advancement of diverse lawyers and diverse law students and graduates; (3) take specific actions to increase opportunities for diverse lawyers to serve as federal and state judges and encourage federal and state judges to increase their efforts to identify and hire diverse law clerks; (4) maintain cooperative working relationships with national, state, and local traditional and diverse bar associations to provide joint programs and projects designed to provide increased and equal professional and practice opportunities to diverse lawyers; and (5) work to ensure equal membership and employment opportunities for diverse lawyers and law students in the American Bar Association and full and equal opportunities for participation in the Association's governance and structure.

Racial and Ethnic Justice, Coalition on. Consists of 11 members, including representatives from the National Asian Pacific American Bar Association, National Bar Association, National Hispanic Bar Association, and Native American Bar Association. May include liaisons from internal ABA entities and outside organizations. Shall: (1) provide expertise and resources to develop partnerships among internal and external constituents (community groups, bar associations, businesses, governmental agencies and impact groups) for the purpose of eliminating racial and ethnic bias in the justice system; (2) promote and monitor legislation pertaining to social justice issues; (3) provide outreach services to internal ABA entities as well as internal partners/stakeholders; (4) develop an economic model for social justice programs that provide a return on investment for its partners; and (5) conduct major initiatives and projects pertaining to the elimination of racial and ethnic bias in the justice system.

*Standing Committee
Sexual Orientation and Gender Identity, Commission on. Consists of 13 members appointed by the ABA President, representing the lesbian, gay, bisexual, transgender and heterosexual communities. Shall undertake programs and activities that promote full and equal participation by persons of differing sexual orientations and gender identities in the ABA, the legal profession, and the justice system.

* Specialization. Consists of seven members. Shall have jurisdiction over matters relating to specialization in the practice of law.

* Technology and Information Systems. Consists of eleven members with a stated interest and competence in technology and digital systems who are selected by the ABA President to provide guidance and oversight by interacting and exchanging ideas with Association senior staff responsible for the Association’s technology and related digital resources. Committee appointments are ideally made to represent a diversity of member types including a variety of legal practices, Association entity relationships, and personal diversity. The Committee is responsible for: (a) providing member oversight for the Association's activities that utilize technology and digital resources, including but not limited to member oversight of the following Association departments: Information Systems, Email Management, and Digital Engagement; (b) reviewing and recommending changes to the plans and budgets of the Association's strategic technology, email marketing, and digital engagement functions; (c) providing member guidance for the implementation of structural improvements to the Association's technological and digital systems; and (d) establishing relationships with Association entities to further coordination and communication regarding Association technology efforts.

Women in the Profession, Commission on. Consists of 12 members. Shall assess the current status of women in the legal profession and identify the career paths of women lawyers and their goals with respect to practice and the organized bar; identify barriers that prevent women lawyers from full participation in the work, the responsibilities and the rewards of the profession; develop educational programs to address discrimination against women lawyers; and make recommendations to the Association for action to address problems the Commission identifies.

Youth-at-Risk, ABA Commission on. Consists of up to 16 members including a working chair and vice chair. Shall focus on at-risk children and teens; the legal issues that affect them; and increasing the capacity of those working on such issues by encouraging lawyers and others in the legal community to volunteer or provide pro bono assistance to youth and service providers, and to engage in law, policy, and practice reforms affecting these young people. The Commission's work shall build upon existing ABA policy and programming to expand and enhance ABA and lawyer activity in these areas, and shall coordinate with non-ABA organizations working in these areas.

*Standing Committee
III. RELATED ORGANIZATIONS

A. National Conference of Commissioners on Uniform State Laws.

Although a separate organization, the National Conference of Commissioners on Uniform State Laws (ULC) works in cooperation with the American Bar Association. The purpose of the Conference is to promote uniformity in the law among the several states on subjects where uniformity is desirable and practicable. ABA sections and committees are required by the Bylaws to consult with the Conference when considering matters of state legislation.

In order to promote cooperation and better understanding between the Association and the ULC, guidelines for participation by ABA advisors and procedures with respect to submission of uniform acts to the ABA have been approved by the ABA Board of Governors and the Executive Committee of the ULC.** Briefly, the guidelines and procedures provide that, when an ULC drafting committee begins to draft an act, the President of the ULC will transmit a request for ABA participation in an advisory capacity to the ABA, requesting that the ABA entity with the most direct interest and expertise in the subject of the act be involved in the drafting process. The advisor to the drafting committee will represent the Association and lend expertise in the drafting. It is recommended that the person appointed not be a commissioner.

If it is difficult to determine which ABA entity has the most direct interest in the proposed act, the chairs of all potentially interested entities will be contacted in order to determine who would best represent the interests of the entire Association. If a consensus cannot be reached promptly by the chairs, the President of the ABA will appoint the ABA advisor.

The Association will reimburse only one official ABA advisor for each drafting committee, except in unusual circumstances. ABA advisors will be reimbursed by the Association in accordance with Association policy for travel and other necessary expenses incurred in attending ULC drafting committee and annual meetings. Each section, committee or other entity of the ABA from which an advisor is not chosen, however, is invited to appoint its own advisor at its own expense.

The ABA advisor will attend all the meetings of the drafting committee and participate in its deliberations, without vote. Following each meeting, the ABA advisor is required to submit a report on the progress of the proposed act to the ABA Secretary, the Conference liaison, the chair of his or her entity, and the chairs of all other interested entities, with copies to specified individuals. It is the responsibility of the ABA advisor to make known to the drafting committee the interests of the ABA and its interested entities, not only their own interests or the interests of their particular entity. The ABA advisor will therefore solicit comments on the proposed act from all interested ABA entities and will report these comments to the drafting committee, with copies to specified individuals.

The ABA advisor is expected to attend and observe the portions of the ULC annual meetings at which the proposed act is considered by the Conference. Immediately thereafter, the ABA advisor shall submit a full report on the status of the act and its progress to the ABA Secretary, the Conference liaison, the chair of his or her entity, and to other interested Association chairs, with copies to specified individuals.

Each Fall, the Conference will send a list of the drafting committees and their advisors and other pertinent information to all members of the ABA House of Delegates and to the chairs of all ABA entities. Upon request, preliminary drafts of the acts will be provided from time to time as drafts are prepared.

It is desired that acts approved by the Conference at its annual meeting be considered by the House of Delegates at the next Midyear Meeting of the House. It is understood that the Conference may promulgate each act approved at its annual meeting, even though the act has not been approved by the ABA.

**Copies are available from the Professional Services Division (Chicago).
CHAPTER 5

REPRESENTATION OF THE ASSOCIATION

I. OVERVIEW

The Association's Bylaws state in Section 25.1 that the President, or designee, shall express the policy of the Association as determined by the House of Delegates and that no other member or employee of the Association may represent the Association or a section or committee before a legislative body, court, or governmental agency, unless specifically authorized by the House. The House considers resolutions and reports of sections, committees, task forces, bar associations and other Association entities as well as those submitted by individual members of the Association. After a resolution involving a legislative or governmental topic has become Association policy, Members of Congress, congressional committees, governmental agencies or officials are notified by the Governmental Affairs Office, the President, or the Secretary of the Association, as appropriate. The transmittal of such policy is coordinated by the Governmental Affairs Office. Entities, bars, or individuals initiating policies will be kept apprised of initial notifications to government.

Association governmental and legislative priorities are established by the Board of Governors, upon the recommendation of the Standing Committee on Governmental Affairs and the Governmental Affairs Office. The Governmental Affairs Office develops initial recommendations based upon surveys of Association members (every two years, before the start of each new Congress); sections, committees, task forces, state and local bars and others may be asked for their recommendations as appropriate.

As opportunities arise for the Association to testify before or provide a written statement to a congressional committee or governmental agency on the subject of a legislative or governmental resolution adopted by the Association, the Governmental Affairs Office notifies the chair of the section, committee, task force or other entity that initiated the resolution and the President, and then makes arrangements for an appearance or written statement by the President or designee. If the President opts not to appear or submit a statement personally, the President may designate, as the Association's spokesperson, the chair of the section, committee, or other entity that proposed the resolution or another appropriate Association representative. Section, committee, and other entity chairs are to coordinate in advance with the Governmental Affairs Office, which works closely with Congress and executive branch agencies, if they wish to communicate directly with a Member of Congress, congressional committee, congressional staff, or governmental agency or official with respect to an Association policy position. The Governmental Affairs Office coordinates the Association's legislative and other governmental affairs activities in Washington, and its Director or other appropriate staff should be consulted and kept fully informed at all times about all such activities of Association entities. The Governmental Affairs Office works with the leadership of the Association and Association entities to advocate ABA policies before Congress and executive branch agencies, including providing assistance in making appointments and in preparing and distributing statements.

All communications to the Congress, written or oral, must disclose any material interest of the Association's spokesperson. Sections, committees, task forces, and other Association entities are asked to notify the Governmental Affairs Office of any possible conflict at the time that arrangements for appearances are initiated. (See section D of this chapter for the conflict of interest resolution adopted by the Board.) The following Guidelines for ABA Spokespersons were adopted by the Board in August 1995.
Guidelines for ABA Spokespersons
Before Governmental Entities

The American Bar Association wishes to encourage the broadest participation in its governmental relations program by members who are knowledgeable on particular issues. It is essential that those chosen by the President of the Association, or the President's designee, to represent the American Bar Association before governmental entities or officials avoid doing so if other relationships might impair the Association's credibility and effectiveness. Accordingly, the Association has adopted the following Guidelines for ABA Spokespersons Before Governmental Entities:

1. **Avoid Impairing Association Credibility and Effectiveness**

   Except as provided herein a member must not speak for the Association on issues on which the member knows that he/she individually, or another representative of the member's employer or firm, is also appearing or advocating a position on the same or closely related issues. If a member has appeared as a spokesperson for the ABA before a governmental entity or official, the member should not participate in any contemporaneous proceedings or communication inconsistent with the ABA position.

   Whenever a member is asked to be a spokesperson for the Association before a governmental entity or official, the member should make reasonable inquiry of others in the member's law firm or employer organization whether they are or recently have been engaged in or expect imminently to be engaged in representation on the same or closely related issues. If so, the member will usually decline the invitation to be a spokesperson for the Association. If exceptional circumstances nonetheless warrant participation by the member, the exceptional circumstances shall be disclosed to the President of the Association, or the President's designee, who shall then decide whether or not to select a different representative. If a different spokesperson is not selected, then full disclosure of the related interests and clients should be made to the Board of Governors and the Governmental Affairs Office.

   A member's involvement as an Association spokesperson shall be *pro bono publico* and the spokesperson shall not bill, or accept payment from any client for being involved in communicating the Association's position on any matter. Normal compensation paid to a member who is a salaried employee such as a law firm associate, a law professor, or a public official shall not be deemed "payment" within the meaning of this paragraph, provided the employment responsibilities do not include advocacy on the particular issue before governmental entities.

2. **Make Full Disclosure**

   When presenting the views and policies of the Association before any governmental entity or official, it is the responsibility of an ABA spokesperson expressly to state that the views being communicated are those of the American Bar Association.

3. **Adhere to Association Policies**

   In a communication undertaken on behalf of the ABA, the spokesperson shall only address issues within and consistent with official ABA policy and shall not volunteer to discuss other issues that are not the subject of ABA policy. If asked about issues outside the scope of such policy, the spokesperson should respectfully decline to respond or, if a response is unavoidable, should indicate clearly that the response represents the spokesperson's personal views and not those of the Association. (This guidance applies, pursuant to ABA Bylaw 25.3, to any member who is identified as having an official connection with the Association or one of its entities and who makes a “public utterance” that is not congruent with ABA policy, whether or not made before a governmental entity.)

4. **Coordination with the Governmental Affairs Office**

   All representation on behalf of the ABA before governmental entities or officials is to be coordinated with and approved by the ABA's Governmental Affairs Office. A spokesperson shall comply with all existing Association policies governing governmental relations and public communications.

   These guidelines are not intended to affect participation within the ABA itself.
A. **Disclaim** **er Statement**

On occasion, the House of Delegates or the Board of Governors will authorize an entity to distribute a discussion paper without adopting any policy recommendations. In such cases, the paper must be dated with the month and year of its publication on the cover or the first page and carry the following disclaimer prominently in type no smaller than the smallest type appearing on the cover or first page. The disclaimer should read:

“The views expressed herein have not been approved by the House of Delegates or the Board of Governors of the American Bar Association and, accordingly, should not be construed as representing the policy of the American Bar Association.”

This disclaimer language has been adopted by the Board of Governors as the minimum disclaimer to be used on all reports, as well as all communications and publications which contain policy recommendations that have not been approved by the Board of Governors or the House of Delegates.

Obviously, many publications and some reports will lend themselves to additional and more specific disclaimer language. Association entities are encouraged to use such additional language where it is appropriate.

B. **Representation by Sections (Blanket Authority)**


**Resolved,** That the House of Delegates rescinds the “blanket authority” statement presently in effect and adopts instead the following blanket authority resolution:

**Be It Resolved,** That in order to implement the specific authority required by §25.1 of the Bylaws of the Association, as interpreted by the House of Delegates in this resolution, any section of the Association may present a policy statement on matters within its primary or special expertise and jurisdiction to a federal, state, or municipal legislative body, governmental agency, court (with respect to procedural rules only), interstate governmental body, or international governmental body, subject to the following conditions:

A. **Requirements of the Application for Blanket Authority**

1. There shall be a clear statement of the policy position to be taken by the section.
2. The section shall submit within the times provided in Part B, below, all communications to be addressed to the federal, state, or municipal legislative body, governmental agency, court, interstate governmental body, or international governmental body, including, without limitation, the following:
   a. Any report or resolution;
   b. Prepared testimony;
   c. Exhibits;
   d. Letter of transmittal;
   e. Executive Summary.
3. The position to be taken by the section must:
   a. Not be in conflict with current Association policy;
   b. Not be in conflict with an existing blanket authority statement; and
   c. Have been authorized by the section in accordance with its Bylaws.
4. The documents to be submitted on behalf of the section must make clear that they are being presented only on behalf of the section and not on behalf of the Association.
5. The application must disclose any material interest in the subject matter of the policy on the part of any member of a section committee which initiated the proposal and of the section council which approved the submission of the request by reason of specific employment or representation of clients.
6. The application shall state the date of proposed submission to the federal, state, or municipal legislative body, governmental agency, court, interstate governmental body, or international governmental body.

7. Two or more sections may request to file a statement jointly.

B. Procedure to Be Followed by Section in Filing Application for Blanket Authority

1. Normal Procedure

   a. At the earliest possible time, but not less than ten (10) working days before the proposed submission date, the section shall send an application meeting the requirements of Part A, above, to (i) the Chair of the House of Delegates; (ii) the Secretary of the Association at the American Bar Center, Chicago, Illinois; (iii) the Governmental Affairs Office, Washington, D.C.; (iv) the chair and staff liaison of each section; and (v) the chair and staff liaison of each committee or affiliated organization which appears to have an interest in the matter.

   b. At the same time, the section shall send to the Chair of the House, the Secretary of the Association and the Governmental Affairs Office (at the places indicated in Part B, section 1a, above) a list of all distributees to whom the application has been sent.

   c. In the case of a policy statement to be presented to a municipal or state agency or legislature, the section shall at the same time also send an application meeting the requirements of part A, above, to all statewide bar associations in that state and to local bar associations in that state which are represented in the House of Delegates.

   d. In transmitting its application under this procedure, the section shall utilize personal delivery, facsimile transmission, e-mail or other electronic communication, or express mail which is available to the recipients designated herein.

   e. Lengthy submissions, e.g. 10 pages, shall be accompanied by an Executive Summary.

2. Expedited Procedure

   In situations where submission of the application ten (10) working days before the proposed submission date is not possible:

   a. The section shall cause a copy of the application meeting the requirements of Part A, above, to be received by, or delivered to: (i) the Chair of the House of Delegates; (ii) the Secretary of the Association at the American Bar Center, Chicago, Illinois; (iii) the Governmental Affairs Office, Washington, D.C.; (iv) the chair and staff liaison of each section; and (v) the chair and staff liaison of each committee or affiliated organization which appears to have an interest in the matter, not less than two (2) working days prior to the proposed submission date.

   b. In the case of a statement to be presented to a municipal or state agency or legislature, the section shall also cause a copy of said application to be received by all statewide bar associations in that state and local bar associations in that state which are represented in the House of Delegates not less than at least two (2) working days prior to the proposed submission date.

   c. To its application the section also shall append a statement explaining why the 10-day procedure outlined above has not been followed.

   d. In transmitting its application under this expedited procedure, the section shall utilize personal delivery, facsimile transmission, e-mail or other electronic communication, or express mail which is available to the recipients designated herein.

   e. Lengthy submissions e.g. 10 pages, shall be accompanied by an Executive Summary.

C. Procedure to Be Followed in Considering Applications for Blanket Authority

1. The Office of the Secretary will determine whether proper distribution of the application has been made.
2. The Chair of the House of Delegates or the Secretary of the Association may object to the section presentation if:
   a. It is in conflict with current Association policy; or
   b. The proposed statement is not within the primary or special expertise and jurisdiction of the section submitting it; or
   c. The matter is of such significance to the legal profession and the Association as a whole that no presentation should be made without specific authorization from the Board of Governors or the House of Delegates; or
   d. The statement merely reaffirms existing Association policy approved within the preceding six years.

3. If a section or committee desires to object to the presentation of a section policy position under blanket authority, it shall immediately communicate its objection and reasons therefore by telephone, and electronically, to (i) the Chair of the House of Delegates; (ii) the Secretary of the Association; and (iii) the section desiring to submit the position under blanket authority.

4. If no objection to the section presentation is received, the section may present its statement to the federal, state, or municipal legislative body, governmental agency, court, interstate governmental body, or international governmental body, on or after the proposed submission date.

5. When an objection has been made, the Office of the Secretary will immediately notify the section seeking blanket authority, and if that section so requests, will transmit the application together with any objection thereto to the Board of Governors for its consideration.

6. If an objection is made, the section shall not present its statement of policy unless approval is obtained from the Board of Governors or the House of Delegates.

7. Blanket authority when granted under the normal procedure shall continue for a period of two years; when granted under the expedited procedure, for ninety (90) days. Upon application under the normal procedure it may be renewed for successive two-year periods.

8. Copies of the transmitted letter and comments must be contemporaneously sent to (i) the Secretary of the Association in care of the Policy Administration Division at the American Bar Center, Chicago, Illinois; and (ii) the Governmental Affairs Office, Washington, D.C.

D. Authority of Section to Submit Technical Comments

1. The blanket authority procedure described above in parts A, B and C, is not applicable when a section submits technical comments to a government executive branch agency and/or government independent agency (hereinafter “governmental agency”) pursuant to this Part D.

   “Technical comments” are defined as comments that are narrowly-focused within a particular section’s primary or special expertise and jurisdiction, and are being submitted in response to a time limited solicitation for comments by a governmental agency.

2. Technical Comments
   a. May not be in conflict with current Association policy;
   b. May not conflict with other comments authorized to be submitted pursuant to the blanket authority procedure as provided for in Section B.

3. The Board may grant to a section the authority to submit “technical comments” as defined herein on an ongoing basis to a specified governmental agency on specified subject matters. The grant of such authority will generally be for three years but subject to rescission by the Board at any time. The grant of authority may be renewed for additional three-year terms by this same application procedure. The grant of such authority is not necessarily exclusive, more than one section may be granted such authority with respect to a specified governmental agency specified subject matter, and
two or more sections may jointly seek such authority.

a. A section desiring such authority shall submit to the Board an application, which shall state the governmental agency or agencies to which it desires to submit technical comments and the subject matter areas on which it intends to comment.

b. The applying section shall at the time of application circulate its application to the Chair and ABA staff liaison of each section. In addition it shall be circulated to the Chair and staff liaison of each committee or affiliated organization, which may have an interest in the agencies and/or subject matter areas indicated in the application. Each of these entities, upon demonstrating their expertise in the area, will be invited to notify the applying section and the Board whether it opposes the request or whether it would like to be a “reviewing entity” for any or all technical comments submitted pursuant to a grant of authority to the applying section. An entity with expertise may state a reasoned objection or request to be a reviewing entity within thirty (30) days of notice of the application, which period may be waived as necessary by the Member Services Committee or the Board. The Board may determine whether and with respect to what matters an entity will be a reviewing entity.

c. The Board may approve, deny, or modify the application and may specify one or more other entities as a reviewing entity.

4. Technical comments may be submitted to a government agency on behalf of the section or an entity of a section which has been granted such authority under Section 3 as the views of the section or the section entity, in accordance with the following procedure:

a. The comments must be reviewed and approved for submission by section leadership and must be accompanied by a certification, signed by the section chair, that the comments have been reviewed and approved by the section leadership as technical comments within the section’s primary or special expertise and jurisdiction.

b. The section must submit the proposed technical comments to each reviewing entity promptly upon preparation of such technical comments but in any event at least two (2) business days in advance of the proposed submission date when the comment period is thirty (30) days or fewer and at least five (5) business days in advance of the proposed submission date when the comment period is more than thirty (30) days; provided, however, in situations where submission of the application (5) business days before the proposed submission date is not possible as confirmed by the Director of the ABA Governmental Affairs Office in Washington, DC, then not less than two (2) business days in advance of the proposed submission date. A reviewing entity may object to the filing on the basis that the technical comment conflicts with the provisions in D. 2. a. or b., or that the filing is not a technical comment, but not on the basis that it disagrees with the technical comment, by sending an email or fax to the Chair of the submitting entity, to the Secretary of the Association in care of the Policy Administration Division at the American Bar Center, Chicago, Illinois, and to the Director of the ABA Governmental Affairs Office in Washington, DC. If the entities cannot resolve their differences, the President of the Association or the President’s designee will promptly decide, before the due date for the technical comments, whether or not the technical comments may be submitted and may also give the reviewing entity that objected to the technical comment, permission to file its own technical comment as long as it conforms to the provisions in D. 2. a. and b. Another section having authority with respect to the same governmental entity and specified subject matter may submit its own technical comments, subject to the “technical comments” procedures of this Section.

c. Two or more sections may request to file technical comments jointly.
d. The comments must contain a disclaimer that specifically states the comments do not represent the policy of the Association or, when appropriate, the views of the section.

e. Comments of individual members of sections shall not be submitted to a governmental agency using the letterhead of an ABA entity or referencing an ABA entity’s involvement.

f. Copies of the transmitted letter and comments must be sent to (i) the Secretary of the Association in care of the Policy Administration Division at the American Bar Center, Chicago, Illinois; and (ii) the Director of the Governmental Affairs Office, Washington, D.C., prior to submission to the governmental agency. (BOG 2/16)

5. The Office of the Secretary and the Governmental Affairs Office will make periodic reports to the Operations Committee regarding the implementation of the grant of authority.

Detailed guidelines for the submission of blanket authority requests are available upon request to the Policy and Planning Division.

C. Amicus Curiae Briefs Procedure

The Standing Committee on Amicus Curiae Briefs is charged with reviewing all applications for amicus briefs proposed to be filed in the name of the Association, with determining whether proposed briefs meet Association standards and with making recommendations to the Board of Governors on whether a proposed brief should be approved for filing. Support for the Standing Committee has been assigned to the General Counsel’s Office, which should be consulted as soon as a section or committee begins to consider whether to request that an amicus brief be filed. Information on drafting an Association amicus brief may be found in the memorandum, “ABA Policies and Procedures for Filing ABA Amicus Curiae Briefs” (“ABA Amicus Briefs Memo”), which is located on the Standing Committee’s website at www.americanbar.org/groups/committees/amicus.html, together with the application form, contact information for the General Counsel’s Office and links to previously filed Association amicus briefs.

Section 25.2 of the Bylaws provides that if representation of the Association involves filing a brief, the brief must be reviewed by the Board of Governors or its designee, and authorized by the Board before it is filed. If the Board cannot act in time, the Executive Committee of the Board may review and authorize the brief. (For convenience, references to the Board, below, include the Executive Committee, where the Board cannot act in time). In February, 1997, the Board approved guidelines for the filing of briefs and in July, 2000, August, 2003, and August 2009, approved certain procedural changes, as follows:

1. The Standing Committee and Its Functions

The Standing Committee is composed of seven members, each of whom must have significant advocacy experience before the United States Supreme Court; many have served as clerks for Justices of the Supreme Court. The Association President appoints each Standing Committee member for a three year term and, from among those members, appoints the chair for a one year term.

Under authority delegated by the Board of Governors, the Standing Committee performs two important functions:

a. The Standing Committee reviews applications for amicus briefs and provides its recommendation to the Board on whether an application should be accepted. The Board considers, but is not bound by, the Standing Committee’s recommendation; and

b. The Standing Committee reviews the proposed brief, may request modifications, and determines whether the brief (with the Standing Committee’s modifications) meets Association standards. Before a brief may be considered by the Board, the Standing Committee must certify to the Association President that the brief (a) constitutes a significant contribution to the Court’s consideration of the legal issues, (b) is a fair representation of Association policy, and (c) is of high professional quality.
2. Filing an Association Amicus Curiae Brief

The filing of an amicus brief in the name of the Association must be authorized by the Board of Governors. The Board will only consider authorizing a proposed brief if it is submitted by Association entities authorized to make recommendations to the House of Delegates or by other organizations represented in the House, and if the Association President has received the Standing Committee’s certification, as discussed in Section 1, above.

The brief will be filed only in the name of the Association and not in the name of an Association entity. The Association President appears as counsel of record at the Association headquarters address. The names of the lawyers who wrote the brief are customarily added, along with their law firm affiliation and local addresses, at the option of the drafters and their law firms.

Coordination of the review and filing process has been assigned to the Association's General Counsel’s Office. Notice requirements and submission of the application and proposed brief to the Board of Governors are the responsibility of the Policy Administration Office.

Because Association amicus briefs are public communications to the courts, the press, the public and the Association’s members, every effort should be made to ensure that there is sufficient time for thorough consideration of an application and the proposed brief by the Board of Governors, the Standing Committee and Association entities that have an interest in the issues presented. Accordingly, as soon as an entity begins to consider a request that an amicus brief be filed in a matter, the General Counsel’s Office should be contacted.

3. Appropriate Cases

It is the policy of the Association to file amicus briefs sparingly and only when the position asserted is: (a) consistent with previously adopted Association policy; or (b) a matter of compelling public interest that the Board of Governors then adopts as Association policy; or (c) of special significance to lawyers or the legal profession. Association briefs do not address party arguments or factual issues; rather, a brief will be approved for filing only where Association expertise, developed from the unique or distinct perspective of the legal profession, provides a significant contribution to a court’s consideration of the legal issues involved.

Briefs will be authorized only at the appellate level and generally only in the highest court in which the issue is likely to be finally determined. Most briefs authorized in recent years have been filed in the United States Supreme Court. Special consideration is given to authorizing Association amicus briefs in other courts that often are the courts of last resort, such as state supreme courts and the Court of Appeals for the Federal Circuit in patent matters. Consideration also will be given to authorizing a written statement of intervention in the Court of Justice of the European Communities and in other international courts. Although Association amicus briefs are usually filed after a court has agreed to hear the case on the merits, filing at the petition for certiorari or other appellate stage will be considered if the Association's position would likely assist the court in determining whether the case warrants appellate review. The filing of a brief at this stage, however, does not mean that the Association is committed to filing at the merits stage.

The Association will only file an amicus brief if the position asserted has been adopted as Association policy. If the brief supports a position that has not previously been adopted as Association policy, and if there is not enough time before the filing date to submit a Report and Recommendation to the House of Delegates, the position may be considered for adoption as Association policy by the Board of Governors. The proponent of the proposed brief bears the burden of persuading the Board of the urgency and importance of adopting the asserted position as Association policy.

Briefs must comply with the relevant court's rules for amicus briefs, including any page limitations. The Association strives to file the most concise brief possible under the circumstances. An Association brief should begin with a statement that explains the Association’s interest in the case and the expertise that the Association brings to the issues that others do not.

4. Submission of an Application and Preparation of a Proposed Amicus Brief

The application form to be used when requesting that the Association file an amicus brief is available on the Standing Committee’s website at www.americanbar.org/groups/committees/amicus.html. Submission by e-mail with attachments is preferred. The completed application, with all requested attachments, should be sent to the Standing Committee by e-mail at the e-mail address listed on the Standing Committee’s website. If expedited consideration is necessary, this must be noted in the cover e-mail.
The Standing Committee forwards a copy of the application to the Executive Committee, providing notice that the application has been received. The Standing Committee then reviews that application and forwards its recommendation to the Executive Committee as to whether the application should be accepted. The Association Secretary, assisted by the Policy Administration Office, distributes the application to the Board of Governors and all Association entities that may have an interest in whether an amicus brief should be filed.

If the application is accepted, the Standing Committee works with the drafters in preparing the proposed brief. Once the Standing Committee has determined that the proposed brief (a) constitutes a significant contribution to the Court’s consideration of the legal issues, (b) is a fair representation of Association policy, and (c) is of high professional quality, the Standing Committee presents the proposed brief to the Board of Governors with its recommendation that the proposed brief be approved for filing in the name of the Association.

However, neither the application nor the proposed brief shall be sent to any of the constituent groups of the Judicial Division.

5. Contents of Application

The application form is available on the Standing Committee’s website, at www.americanbar.org/groups/committees/amicus.html. Submission by e-mail with attachments is preferred. The application must contain the following:

a. Submitting Entity. List the Association entity(ies) submitting the application, with the name, telephone number and e-mail address of at least one contact person for each entity.

b. Current Caption of Case. Give the complete caption of the case and attach copies or links to any briefs that have been filed, including where applicable, the petition for writ of certiorari and the response.

c. Caption in the Court Below. Give the complete caption of the case from which the appeal is taken, and attach a copy of the opinion or order.

d. Related Cases. List, by complete captions, any known related cases that are also pending before the court.

e. Amicus Due Date. State the date by which the proposed ABA amicus brief must be filed.

f. Question(s) Presented. State the full question(s) presented.

g. Position to be Asserted. Briefly state the position to be asserted in the proposed brief.

h. Summary of Facts. Briefly state the facts of the case that are relevant to the position to be asserted.

i. ABA Policy. An ABA amicus brief may be filed only if the position to be asserted has been adopted as ABA policy. If the ABA has existing policy supporting the position, attach a copy of the policy or state it in full. If the position has not been adopted, please briefly state the policy proposed for adoption and why it is important to the ABA that adoption not be delayed until the House of Delegates meets. (See ABA Amicus Curiae Briefs Memo, at Section 3, for information that should be included in this response).

j. Why ABA Should Participate. Briefly state why ABA participation as an amicus is important and how its participation would assist the court in reaching its decision.

k. Consideration by Submitting Entity. State when and how the applying entity(ies) decided to file the application, and include a summary of any dissenting views.

l. Disclosure of Personal/Professional Interest in Case. List each individual or organization participating in the decision to submit the application who has or had any personal or professional interest in the case, and the bases for that interest.

m. Drafters. Give the names, firm connections and contact information of those who have agreed to draft the proposed brief. (Please note: the ABA does not pay legal fees for preparation or review of an ABA amicus brief).

n. Other ABA Entities Potentially Interested in Position to be Asserted. List any other sections, divisions, or committees that may have an interest in the position to be asserted, state whether they have been given a copy of this application and give a brief summary of their responses. (Please note: neither the application nor the proposed brief shall be sent to any of the constituent groups of the Judicial Division).
Outline of Brief. Give a detailed outline of the proposed brief. (Please note that an ABA amicus brief is very specialized: (1) it is not an advocate’s or merits brief; (2) it must be focused on ABA expertise; and (3) it must remain within the “four corners” of ABA policy. (See ABA Amicus Curiae Briefs Memo, at Section 9). It is therefore recommended that an outline, and not a draft of the proposed brief, be submitted).

6. Disclaimer
Each Association amicus brief must contain the following disclaimer:

Neither this brief nor the decision to file it should be interpreted to reflect the views of any judicial member of the American Bar Association. No inference should be drawn that any member of the Judicial Division Council has participated in the adoption of or endorsement of the positions in this brief. This brief was not circulated to any member of the Judicial Division Council prior to filing.

7. Joint Briefs
Generally, the Association will not join in amicus briefs filed by other organizations.

8. Costs and Copies
The Association will pay no legal fees for the preparation or review of an amicus brief but will reimburse the drafters for the necessary costs of printing and filing the brief. While the General Counsel’s Office maintains a small budget for reimbursement, payment by the drafters is appreciated, as it assists the Association in its ability to file additional briefs.

After the brief is printed, the drafters must send a scanned version to the General Counsel’s Office, so that the brief can be posted on the Standing Committee’s web site. In addition, the drafters must send five copies of the printed brief to the General Counsel’s Office for the Standing Committee’s files.

9. Contact Information
Contact information can be found on the Standing Committee’s website, at www.americanbar.org/groups/committees/amicus.html, or by calling the General Counsel’s Office at 312-988-5214.

D. Conflict of Interest Policy
The Board of Governors approved the following conflict of interest policy, stating that in discharging its public responsibility, the American Bar Association must provide an opportunity for the expression of as many diverse views as possible. In professional undertakings and no less in bar association work, lawyers must avoid the appearance as well as the fact of conflict of interest:

Therefore, Be It Resolved, That every member who has the responsibility of making appointments to any committee of the Association or any of its constituent parts shall make an affirmative effort to appoint persons who will represent as many points of view as are relevant considering the assignment of the committee; and

Be It Further Resolved, That in the report accompanying any recommendation to the Board of Governors or House of Delegates, there shall be disclosed any material interest in the subject matter of the recommendation on the part of any member of any group within the Association which has approved of the recommendation and report prior to its submission to the Board or House by reason of specific employment or representation of clients; and

Be It Further Resolved, that the Secretary of the Association shall have the responsibility of reporting to the House of Delegates from time to time on the implementation of this resolution and shall report to the Board of Governors specific instances in which the provisions of this resolution have not been observed as soon as he or she shall discover them. (BOG 10/73)
The Board subsequently interpreted this policy concerning conflict of interest as precluding an Association member from receiving a fee from a client for services rendered as a member of the Association or any of its constituent entities. (BOG 6/80) (See also Guidelines for ABA Spokespersons before Governmental Entities, at the beginning of this Chapter.)

E. Business Conduct Standards

The Board of Governors has approved Business Conduct Standards, which set out ethical and legal responsibilities that ABA members, employees and contractors are expected to follow when conducting ABA business. Copies are available from the Policy and Planning Division. (BOG 10/07, Revised 10/09, 2/11, 6/13, and BOG 2/18 3.4))

A. Introduction

The mission of the American Bar Association (“ABA” or “Association”) is to serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession. It is of particular importance that every individual working on ABA business -- whether a member, employee, or contractor -- lead by example by adhering to the highest ethical and legal standards and by demonstrating integrity, professionalism and respect for others and the law in all their actions. Members of the Association1, the staff of the Association (“Employees”), and third parties who conduct business with or for the Association, such as independent contractors, consultants or vendors (“Contractors”), have an obligation to comply with all applicable laws, regulations and Association policies when conducting Association business and to avoid even the appearance of impropriety in their actions.

The Business Conduct Standards (“BCS”) define ABA policy and outline the ethical and legal responsibilities that all Members, Employees and Contractors must adhere to whenever and wherever they transact Association business. They apply whenever a Member or Employee is performing services for or on behalf of the ABA or whenever a Contractor is performing services for or supplying goods to the ABA.

They require that Members, Employees and Contractors treat each other respectfully, equitably and courteously in all business and work interactions with each other. Because the BCS cannot cover all situations that may arise, each Member, Employee and Contractor is entrusted with abiding by the spirit and intent of the BCS in every situation each faces when conducting ABA business.

Failure to comply with the BCS and with the obligation to report perceived or actual unethical or illegal conduct may subject the individual to adverse action, which may include discipline up to and including termination of employment for Employees, censure or removal of membership for Members, and up to and including termination of present and future business relations for Contractors.

B. The Ethics Process

Making Ethical Decisions

Making ethical decisions is critical to promoting respect for the law and to achieving the highest standards of professionalism and competence in the legal profession. All Members, Employees and Contractors are expected to abide by their legal and ethical responsibilities and to apply their best professional skills, ethical values and good judgment when conducting ABA business.

Members, Employees and Contractors must also comply with all applicable governmental laws, rules and regulations (“Law”), and all ABA policies, including the BCS and the ABA Policies and Procedures Handbook (“Green Book”), which govern the conduct of ABA business (“Policies”). For Employees, ABA

1 “Members” includes, without limitation, ABA Officers, members of the House of Delegates and Board of Governors, Section Chairs, Committee members and all other members who conduct ABA business, including member volunteers working on projects on behalf of the ABA and law student members.

Policies also include all ABA employee policies which are posted on the Intranet. The Greenbook and the BCS are posted on the Intranet and the ABA’s external website.

It makes no difference whether Members, Employees or Contractors engage in illegal or unethical conduct to benefit themselves or others or whether they do so in a misguided attempt to benefit the ABA. Good intentions do not justify improper conduct or violations of Law or Association Policy. Members,
Employees or Contractors may not use third parties to do anything they themselves are prohibited from doing. Pressure from other Members, Employees or Contractors or business demands do not excuse prohibited conduct. The ABA’s success in maintaining the highest standards of legal and ethical compliance can best be achieved when Members, Employees and Contractors keep the BCS in mind whenever they are conducting ABA business.

Seeking Assistance and Making Reports

Anyone conducting ABA business who becomes aware of contemplated or actual conduct that raises or appears to raise legal or ethical issues or violates the BCS or other ABA policy has an affirmative obligation to report such conduct to one of his/her supervisors and/or to the Ethics Office or to EthicsPoint. A supervisor is any employee who supervises or has performance management responsibility for the Employee or Contractor who wishes to make a report or seek advice. Anyone conducting ABA business who finds him/herself working in circumstances that may be questionable under the BCS should contact the supervisor, Ethics Office or EthicsPoint to seek advice or clarification as to whether the conduct or contemplated conduct is appropriate. If at any time there is doubt about whether the Ethics Office or EthicsPoint should be contacted, the contact should be made.

Supervisor Responsibility

Supervisors must lead by example and exemplify the highest ethical and legal standards when conducting ABA business. Supervisors must foster a work environment that promotes honest, ethical and respectful behavior and must be familiar with the law and policies applicable to their areas of responsibility.

When a Supervisor reasonably believes an Employee, Member or Contractor is engaging in unethical conduct, the Supervisor shall report the matter to the Ethics Office, EthicsPoint and/or Director, Employee Relations (if an Employee is involved). The Supervisor should also try to resolve the matter promptly, if possible, in a manner that conforms with the BCS. The supervisor may seek advice from any higher–level supervisor in the reporting chain, the Ethics Office and/or the Director, Employee Relations.

When a Supervisor reasonably believes an Employee, Member or Contractor is engaging in illegal conduct (e.g., fraud, theft, discrimination, retaliation, violence etc.), the Supervisor must promptly report the conduct to the Office of General Counsel, the Ethics Office, EthicsPoint or Director, Employee Relations. If a Supervisor is in doubt as to whether perceived or actual conduct is illegal, the Supervisor should report the matter and seek advice to help ensure that illegal conduct is quickly identified and stopped.

Supervisors have an affirmative obligation to report suspected or actual unethical or illegal conduct. Even if able to resolve the matter themselves, supervisors must notify the Ethics Office, EthicsPoint or Director, Employee Relations, about the matter to ensure management is made aware of such conduct and can take additional action as may be appropriate.

The Ethics Office and EthicsPoint®

The ABA has established an Ethics Office and an independent, third-party web and telephone hotline portal called EthicsPoint for confidential reporting of suspected and actual BCS and ethical concerns or violations that may arise in the course of conducting ABA business. Individuals are also encouraged to contact the Ethics Office or EthicsPoint to seek advice or ask questions about BCS or ethics matters.

The members of the Ethics Office are the Chief Human Resources Officer, Director of Internal Audit and the General Counsel. Any Member, Employee or Contractor may contact any one of them to ask a question or submit a report. Additionally, any attorney in the Office of General Counsel may be contacted and will assure the matter is referred to the Ethics Office members.

Members, Employees and Contractors may also submit a question or a report to EthicsPoint at www.ethicspoint.com or 1-800-536-6783. It is administered by EthicsPoint®, an independent third party. Reporters may choose to choose to submit their reports or questions anonymously. Reports received by EthicsPoint are sent to the three members of the Ethics Office and to the Chair of the Standing Committee on Audit. EthicsPoint users may choose to submit information anonymously or with the user's identification.
Users should monitor the status of their submission (with a private key code and password) until marked “Closed,” especially in cases where an investigation may be warranted.

C. Investigation of Reports

The Ethics Office will investigate each report as thoroughly, impartially and confidentially as practicable. All Members, Employees and Contractors must cooperate in investigations and be truthful. Obstructing or undermining investigations, withholding or destroying information or providing misleading information related to possible illegal or unethical conduct are violations of the BCS. When an investigation has been completed, the Ethics Office shall prepare a report of its findings and make recommendations for appropriate action. This report is provided to the Executive Director for final decision and action as appropriate. In appropriate cases, the Ethics Office, in consultation with the Chair of the Standing Committee on Audit and with proper recusals, will determine whether to retain outside counsel to investigate matters concerning elected ABA Officers (President, President-Elect, Chair of the House of Delegates, Secretary and Treasurer) or senior executives (the Executive Director, Chief Financial Officer or General Counsel). If an investigation involves, in whole or in part, a Member (including ABA Officers and members of the Board of Governors), the Executive Director shall forward the report finding(s) and recommendation(s) to the Ethics Review Committee of the Board of Governors for review and action. The Ethics Review Committee shall evaluate the report of investigation and determine whether the complaint merits immediate referral to the full Board of Governors. If it does not refer the matter to the full Board, the Ethics Review Committee is responsible for final decision and action on the complaint. A Member may appeal the action of the Ethics Review Committee to the Executive Committee of the Board of Governors. The Executive Committee may itself act on the appeal or refer it to the full Board for action. The Member may present written matters to the Ethics Review Committee and, on appeal, to the Executive Committee; but, there is no right to a personal presentation. The Executive Committee is not bound by the decisions or actions of the Ethics Review Committee. The decision of the Executive Committee is final and not appealable. Notwithstanding the above, either the Executive Director or President may immediately refer the matter to the full Board for action if the complaint warrants such review. If the complaint is referred to the full Board, the Executive Director, assisted by the Ethics Office, shall make the necessary arrangements for presentation to the Board of Governors after recusal of any Officer or Governor for whom the matter presents a conflict of interest. The presentation shall be conducted in executive session, at which time the Member who is the subject of the report shall be given a reasonable opportunity to be present (with counsel if s/he so elects) and to be heard in his/her own defense. The Board of Governors shall determine what action will be taken which, on a finding of good cause, may include censure or suspension or removal from membership. The Board is not bound by the findings or decisions of either the Ethics Review Committee or Executive Committee. The decision by the Board is final and not appealable. If the investigation involves, in whole or in part, an Employee or Contractor, the report’s finding(s) and recommendation(s) shall be presented to the Executive Director. After the Employee or Contractor is given a reasonable opportunity to respond to the finding(s), the Executive Director shall determine what action will be taken, which may include discipline up to and including termination of employment for Employees, or up to and including termination of present and future business relations for Contractors. The Executive Director’s decision is final. If any member of the Ethics Office is being investigated, the investigated member shall not be involved in conducting the investigation or in determining the findings and recommendations. If the investigation involves both an Employee and a Member, the Executive Director shall, if practicable, withhold decision and action as to the Employee until after the Board of Governors has finalized its determination and action with respect to the Member or, if the matter was not referred to the full Board, until after the Ethics Review Committee has returned the matter to the Executive Director for final action.
D. Prohibited (Whistleblower Protection)
The ABA prohibits retaliation against any Member, Employee or Contractor who, in good faith, reports a situation or event to a supervisor, the Ethics Office, EthicsPoint or to any management or governance representative or who cooperates in an investigation. Any Member, Employee or Contractor who is found to have engaged in retaliation is subject to disciplinary action up to and including termination of the employment or contract relationship or termination/suspension of membership. The ABA’s Anti- Retaliation or “Whistleblower” policy is posted on the ABA Intranet.

E. ABA Environment
The ABA is committed to the equitable treatment of all Members, Employees and Contractors. Members, Employees and Contractors are obligated to conduct themselves professionally and ethically and to treat each other with dignity and respect in the conduct of all ABA business wherever and however that may occur.

Diversity and Inclusion
The ABA actively promotes and encourages diversity and inclusion within its membership, in activity-related matters such as Section, Committee or other ABA entity assignments, in its workforce and within the legal profession.

Equal Protection
The ABA is dedicated to equal employment opportunity for its workforce and prohibits discrimination on the basis of race, color, sex, national origin, age, religion, disability, veteran status, sexual orientation or other protected characteristics. Equal employment opportunity applies to all aspects of the employment process including promotion, placement, training and compensation. The ABA is committed to compliance with all applicable employment laws. Any discriminatory practice that would deprive an individual of employment opportunities or otherwise adversely affect his/her status as an employee is strictly prohibited.

Members, Employees and Contractors must promptly report conduct that violates this equal protection obligation to the Ethics Office, Ethics Point and/or Director, Employee Relations.

Harassment
The ABA prohibits verbal, sexual or physical harassment of any kind by any Member, Employee, or Contractor that disrupts another person’s duties or job performance or that creates an intimidating, offensive, abusive or hostile work environment. It is a violation of the BCS to engage in harassment, including, but not limited to, unwelcome sexual advances, requests for sexual favors, or unwelcome verbal or physical conduct of a sexual nature through jokes, e-mails or other forms of communication.

Members, Employees and Contractors are encouraged, but are not required, to inform the harasser that the conduct is unwelcome. Regardless of whether the harasser is directly confronted, Members, Employees and Contractors must promptly report the conduct to the Ethics Office, EthicsPoint and/or Director, Employee Relations to permit the ABA to investigate and address the conduct. If an Employee is involved in the situation, as either the offender or victim, a report must also be made to the Director, Employee Relations.

Violence in the Workplace
The ABA prohibits violence or threats of violence by any Member, Employee or Contractor against any other Member, Employee or Contractor during or related to the conduct of ABA business, whether occurring on ABA premises, while travelling, or during ABA functions held off site. Such conduct may also be criminal and may be reported to law enforcement authorities if appropriate. Members, Employees and Contractors must report threats, attempts, or actual violence against themselves or third parties occurring in connection with ABA business, to the Ethics Office, EthicsPoint, Office of General Counsel or Director, Employee Relations. Any Member, Employee or Contractor whom the Ethics Office or Office of General Counsel determines has engaged in threats of or actual violence shall be subject to disciplinary action including, without limitation, termination of membership or employment, arrest, criminal prosecution or civil action. Contractors who are doing business with/providing goods and services to the ABA are subject to having their business or contract relationship terminated.
Bullying and Intimidation

The ABA prohibits workplace bullying or intimidation by any Member, Employee or Contractor against any other Member, Employee or Contractor in connection with or during the conduct of any ABA business, wherever it may occur, whether on ABA premises or during ABA functions held offsite. Workplace bullying is any pattern of behavior that harms, intimidates, offends, degrades, threatens, berates, humiliates or prevents work from getting done and which is directed towards any Member, Employee or Contractor. Workplace bullying must be reported to the Ethics Office, EthicsPoint, the Office of General Counsel or Director, Employee Relations. Any Member, Employee or Contractor who has engaged in workplace bullying shall be subject to disciplinary action including, without limitation, termination of membership, employment or their contract relationship.

Intimidation is any behavior or pattern of behavior which does frighten or is reasonably calculated to frighten another into submission, compliance, or acquiescence with respect to behaviors or actions that are inappropriate, unlawful or violative of policy or procedure. Supervisors and Members have a heightened obligation to ensure their treatment of and interaction with subordinates and supporting staff employees are appropriate and respectful, and that intimidation is not used to make others do something they should not or cannot do. Supervisor intimidation can be more subtle but just as threatening given the supervisor’s ability to impose performance or disciplinary actions against the subject of intimidation.

The ABA’s prohibitions against violence, workplace bullying and intimidation reflect its commitment to a workplace that is safe, healthy and efficient. It also reflects the ABA’s commitment to fostering an environment in which Members, Employees and Contractors treat each other with civility, dignity and respect.

Acting Cooperatively

The ABA is committed to fostering an environment in which the various entities and components of the Association work together and leverage each other’s strengths to create a stronger ABA. Ultimately, we are one ABA. To that end, it is vital that Members, Employees and Contractors respect each other’s roles and duties within the ABA and treat each other with dignity and respect at all times. Employees serve Members by helping them execute their work on behalf of the Association and should do so with diligence, as should the Contractors ABA retains to assist in such work. Members must respect an Employee’s responsibility to adhere to ABA policies and supervisory direction.

Alcohol and Drugs

Although alcoholic beverages are served at many ABA social functions, Members, Employees and Contractors may not participate in any such functions in a condition that prevents them from participating safely and from conducting ABA business effectively or that might cause embarrassment to or damage the reputation of the ABA. With the exception of such functions only, Employees must report to work and conduct ABA business free from the influence of alcohol or any illegal substance. The ABA prohibits the possession, sale, purchase, delivery, dispensing, use or transfer of illegal substances on ABA property or at Association functions.

Health and Safety

Members, Employees and Contractors must observe the health and safety rules and practices that apply to their duties or position and foster a safe work and activity environment for everyone. Members, Employees and Contractors should immediately report unsafe or hazardous practices or conditions to the Director of Administrative Services or, if applicable, the responsible meeting planner, if known, or the Meetings and Travel office. Contact information for each is provided on page 3 of the BCS.

F. Conflicts of Interest

Conflicts of interest, whether real or potential, must be avoided. A conflict of interest is a transaction or relationship which presents or may present a conflict between a Member’s, Employee’s or Contractor’s obligations to the ABA and the individual’s personal, business or other interests. When conducting ABA business, Members, Employees and Contractors must be cognizant of conflicts of interest that may arise, especially those involving improper personal or financial gain, as described below.

Improper Personal or Financial Gain

When conducting ABA business, Members, Employees and Contractors must not use their positions with the ABA for improper personal, professional or financial gain.
Improper personal, professional or financial gain is any gain that results from a decision that is not made in a good-faith belief that the decision is in the ABA’s best interest. It includes any improper gain received by a Member, Employee or Contractor or by anyone in a family or close personal or financial relationship with that Member, Employee or Contractor.

Family relationships include spouses, children, parents, siblings, in-laws, domestic partners, and close personal relationships which include dating or live-in relationships. Close personal and/or financial relationships include long-term friendships and those with law or business partners or others. However, a Member will not be considered to have a close personal or financial relationship with those for whom a Member’s law firm provides legal services, if the Member does not participate in decisions concerning those services.

Financial relationships also include any substantial direct or indirect interest in a business, such as ownership interest in a publicly owned company of 5% or greater, or any other interest in a closely held company or venture valued at $15,000 or greater. It also includes any interest sufficient to result in the ability to participate in a business’s management decisions, which may be as an officer, director, trustee or employee, or through provision of services to the business as a legal counsel or consultant.

When conducting ABA business, Members should not supervise, directly or indirectly, anyone with whom they have a family or financial relationship, if the supervision could result in improper personal or financial gain. Employees may not supervise, directly or indirectly, anyone with whom they have a family or financial relationship.

Although Contractors will make decisions based on their own or their company’s financial interests, those decisions will not raise conflict of interest issues if they are made in good-faith fulfillment of the applicable contractual obligations. If Contractors make recommendations as to the employment of third parties with whom they have a family or close personal or financial relationship, any such recommendations must be made in a good-faith belief that the recommendation is in the ABA’s best interest and the relationship must be disclosed.

Recusals, Disclosures and Waivers

As soon as Members, Employees or Contractors become aware that a family or business relationship, as those terms are described above, exists in a matter under consideration as ABA business, they must disclose the relationship to the Ethics Office, which shall determine whether recusal from the decision-making process is required, or whether a waiver is appropriate under the circumstances. In the alternative, the Member, Employee or Contractor may voluntarily recuse him/herself and take no further part in the decision-making process, in which case no disclosure is required.

Members, Employees and Contractors must recuse themselves and must not participate in making, or attempt to influence, an ABA business decision that could result in improper personal or financial gain, as those terms are described, above.

Board of Governors Special Considerations: Conflict of Interest

Each Member of the Board of Governors is a fiduciary who owes a duty of care and a duty of loyalty to the Association when discharging the duties of a Governor. The Member shall act in good faith and in a manner that (s)he reasonably believes to be in the best interests of the Association and in furtherance of the Association’s mission rather than in furtherance of his or her personal interests or the interests of another entity with which he or she is associated. In their capacity as Board Members, they must subordinate personal, individual business, third-party, and other interests to the welfare and best interests of the ABA.

Conflicts of interest, whether real or potential, must be avoided. A conflict of interest is a transaction or relationship which presents or may present a conflict between a Board Member’s obligations to the ABA and the Board Member’s personal, business or other interests. If a Board Member has a personal or professional interest in a matter pending before the Board or a committee, that Member must fully disclose the fact and nature of that interest. The member may identify the nature of the interest and share the perspective of the other entity with which (s)he may be associated, but the Member may not participate in any discussion, debate or decision relating to a matter in which (s)he has a conflict.
The duty of loyalty also prohibits a board member from taking personal advantage of an opportunity learned of through his or her Board service unless the Board approves such action. Likewise, the Member may not improperly benefit an associated entity with whom (s)he is affiliated.

**Prohibition of Receipt of Fees**

Members, Employees and Contractors are prohibited from personally receiving payment for services they render to a third party if they render those services on behalf of the ABA or any of its entities, unless the payment is permitted by written contract with the ABA or by a resolution of the Board of Governors.

In addition, Members may not receive a fee for services rendered as a contractor to the ABA or any of its entities while they serve on the Board of Governors or on the governing body of a section or other ABA entity, regardless of whether the services are related to the duties arising from their positions, unless authorized in advance by resolution of the Board of Governors. This limitation does not apply to a Member’s law firm, as long as it does not result in improper personal or financial gain to the Member or law firm, as that term is described above. Section council members or members of committees may not serve as paid consultants for projects sponsored by their section or committee and may not receive honoraria for such work.

**Outside Employment (For Employees)**

Employees may engage in employment outside the Association if such outside employment does not present a conflict of interest with the Employee’s ABA duty obligations and does not conflict or interfere with the Employee’s work responsibilities or performance. If the Employee is in doubt as to whether the outside employment is permitted, the Employee should consult the Human Resources Department or the Ethics Office.

**Gifts, Favors and Entertainment**

**Definition of Gift**

A “Gift” is generally intended as a sincere expression of friendship and appreciation based on a personal relationship that has developed in the normal conduct of ABA business. As used in the BCS, a “Gift” is any item (except compensation) that is accepted, solicited or offered for the personal benefit of a Member, Employee or Contractor in connection with ABA business. A “Gift” may be cash, including cash equivalents such as gift certificates, checks, or other items that may readily be converted to cash. A “Gift” may also be food, meals, unusual discounts, merchandise or services received or purchased at a lower-than-normal price and any favors, benefits, advantages or loans. A “Gift” includes complimentary entertainment (such as sporting events and dinners) and accommodations from third parties. A “Gift” does not include items or mementos that are purchased with funds from the ABA or any of its entities or from contributions from Members which are given to Members in appreciation for service to the ABA or its entities.

As used in the BCS, “Gift” does not include hotel accommodations, meals, entertainment or amenities received in connection with ABA-approved site inspections, or as an integral part of an ABA contract related to a meeting or other event, or that are otherwise received through the ABA in connection with an ABA-sanctioned activity. “Gift” does not include items received from Contractors that are raffled at the employee holiday party. Finally, “Gift” does not include meals or entertainment that are of reasonable value, do not occur too frequently, and have in attendance both the giving and receiving party for the purpose of discussing business. Employees may accept complimentary travel, lodging and transportation in connection with meeting site visits or site inspections when authorized in advance and in writing by the Director of their Section, Division, Forum or ABA entity.

**Accepting, Soliciting or Offering Gifts**

Members, Employees and Contractors are discouraged from accepting, soliciting or offering Gifts that are intended for the recipient’s personal benefit in connection with, or in anticipation of, conducting business for or with the ABA. Members and Employees, however, are permitted to accept Gifts for their personal benefit that are under $200 in value, or have an annual aggregate value of under $200 from a source, unless the Gift would affect, or may be perceived to affect, the judgment and objectivity of the recipient, or where there is an intention to influence or reward a business decision or transaction.
Reporting of Gifts

Members, Employees, or Contractors who are offered Gifts valued at $200 or more must promptly notify the Ethics Office. The Ethics Office will decide whether the Gift may be accepted or should be returned with a letter explaining ABA policy. If the Gift is impractical to return, the Ethics Office will determine the disposition of the Gift (e.g., whether the Gift may be used in a drawing as a form of employee recognition, may be shared with the entire department, or will be donated to charity). In the relatively infrequent circumstance when it may be appropriate for the recipient to retain the Gift for personal use, the Ethics Office may approve that disposition and will document the basis for that decision.

If a Member, Employee or Contractor is offered a Gift of any amount by or on behalf of a vendor under consideration for ABA business, the Member, Employee or Contractor must report the offer to the Ethics Office, who may require that the Member, Employee or Contractor recuse him/herself from the selection process, regardless of whether acceptance of the Gift was ultimately approved.

Sponsorships

Provided that policies governing sponsorships are followed, Members, Employees and Contractors may offer, solicit and accept sponsorships from third parties for the benefit of the ABA and its entities; but, Gifts may not be offered or received in connection with such solicitations or sponsorships.

H. Doing Business with Others

The ABA requires that all relationships with third parties who provide services or goods to the ABA be developed in a fair, honest and ethical manner.

Purchasing Practices

All purchasing decisions must be based on the best value received by the ABA. Obtaining competitive bids, following the RFP procedures and otherwise adhering to all ABA policies (including conflicts of interest discussed in Section F above), verifying quality and service claims, and confirming the financial condition of the third party providing the goods or services are all important steps in making a good purchasing decision. The Competitive Bid Policy requires Employees every three years to obtain at least three competitive bids: (1) for goods expected to exceed a rolling twelve –month total of $20,000 or more; and, (2) and for services expected to exceed a rolling twelve –month total of $50,000 or more. Bid waivers may be requested when circumstances indicate an exception may be appropriate and that quality and value will not be sacrificed.

Sales and Marketing Practices

The ABA requires that all sales, marketing and promotion materials be honest, accurate and non-deceptive. All such materials must follow ABA policy that prohibits endorsement of other organizations or their products or services. Any proposed use of the ABA name or logo by third-parties, sponsors, or non-ABA entities must be reflected in a written agreement approved by the Office of the General Counsel prior to the dissemination of materials on which they appear. Violations of these standards erode consumer confidence, dilute the value of the ABA name or may expose the ABA to legal action. Member mailing lists and email addresses are subject to special handling policies to protect our Members’ privacy. All Members, Employees and Contractors are required to comply with the procedures and restrictions outlined in Association policies.

I. ABA Assets

Protecting ABA Assets

The integrity of the assets and resources of the ABA is a key to the Association’s continued success. All Members, Employees and Contractors are responsible for protecting and safeguarding the ABA’s physical, financial, intellectual property and other assets to ensure their efficient use. Members, Employees and Contractors must not use these assets for purposes not related to Association business without proper written authorization. When it becomes necessary to utilize ABA’s communications equipment and
resources, including the Internet, for occasional, limited and infrequent non-business use (e.g., telephone, printer), good judgment must be used at all times.

Accuracy of ABA Records

All ABA accounting reports, financial statements and other business records must materially conform to legal requirements and the ABA’s system of internal controls. Members, Employees and Contractors must not permit false or intentionally misleading entries that hide or disguise the true nature of transactions to be made in the ABA’s records. Dishonest and unethical reporting within the ABA or to organizations or people outside the ABA is strictly prohibited. The transfer of funds or assets in an undisclosed or unrecorded manner may only take place as expressly permitted by applicable law or regulation.

Intellectual Property

The ABA works to identify, establish, protect and defend its rights in its intellectual property assets, including patents, trademarks, copyrights and other proprietary information. Members, Employees and Contractors are expected to safeguard these assets. Employees are expected to identify and disclose any new works of authorship, technology advances or unique solutions to business problems that belong to the ABA to enable the ABA to establish and protect its rights to such proprietary assets. The intellectual property assets of the ABA, as well as its name, logo, trademarks and service marks, may be used only for authorized Association business, except as may be otherwise authorized with the ABA’s prior written approval.

In addition, the ABA respects the intellectual property rights of others, including rights belonging to its Members, Employees and Contractors. Members and Employees must consult with the Office of General Counsel concerning necessary licenses and approvals prior to using intellectual property belonging to others.

J. Protecting Confidential Information

Confidential information includes all non-public ABA information that might be of use or value to competitors, or otherwise harmful to the ABA, its Members or Employees, if disclosed. Examples of confidential information include, but are not limited to: financial information, product or marketing plans, technical information and computer source codes, information about litigation, contracts, sponsorship agreements, and member information, including membership lists. Members, Employees or Contractors may disclose ABA confidential information only if disclosure is authorized in writing by the Office of General Counsel.

K. The Law

Antitrust

The purpose of antitrust laws is to preserve fair and open competition in our free market economy. The ABA works to comply fully with all antitrust and other competition laws. Members, Employees and Contractors or their agents may not enter directly or indirectly into any formal or informal agreement with competitors that fixes prices or allocates markets, eliminates competition, or otherwise unreasonably restrains trade unless an immunity exception has been granted by the competent governmental authority. It is the responsibility of any individual who has a question about potential antitrust implications of a discussion, decision or action to consult with the Office of General Counsel before taking any action. Violation of antitrust laws and regulations can expose the ABA to significant financial and other civil and criminal penalties.

Political Contributions

The ABA prohibits political contributions from ABA funds and resources to any political candidate or party, whether domestic or foreign. Members, Employees and Contractors are free to make private individual political contributions to the party or candidates of their choice. Any decision to do so must be completely voluntary.
Foreign Corrupt Practices Act ("FCPA")

The American Bar Association ("ABA") sponsors a broad array of international programs designed to foster the development of the rule of law, including programs to improve legal infrastructure capable to expose and prosecute instances of bribery and corruption. The business environment can sometimes present significant challenges to our ability to conduct operations with integrity and in a manner that exemplifies the legal norms we are advocating. As an organization dedicated to the rule of law, we strive to conduct our business according to the highest standards of ethical conduct and to avoid even the appearance of impropriety in the actions of our Employees, Members, Contractors and Vendors.

The ABA complies with the FCPA, and therefore strictly prohibits anyone from directly or indirectly offering, promising to pay, or authorizing the payment of money or anything of value to: (1) employees and officers of foreign governments, including state owned enterprises such as banks and hotels; (2) employees and officers of certain public international organizations; (3) political parties; and, (4) political candidates, collectively “Foreign Officials”, if the provision, or offer to provide, is intended to improperly influence the acts of such individuals to provide a business advantage to any persons. The fact that bribery may be an accepted local practice in a country does not relieve Members, Employees and Contractors from complying with the FCPA. Any Member, Employee or Contractor faced with a situation that raises questions or doubts concerning compliance with the FCPA should immediately contact the Ethics Office, EthicsPoint or the Office of General Counsel.

Duty to Obtain Advance Approval and Document When Providing Anything of Value to Foreign Officials: Because the FCPA prohibits the provision of anything of value to Foreign Officials for an improper purpose, it is particularly important that all “provisions of anything of value” to Foreign Officials be carefully reviewed for compliance and documented. The provision of anything of value, including gifts, to Foreign Officials must be approved in advance by the Anti-Bribery Compliance Officer in the Office of General Counsel and must be annotated in a log established for this purpose. In recognition of common international custom, the Office of General Counsel has pre-approved certain low-value (non-cash equivalent of less than $100), hospitality-type gifts which are traditionally offered as a gesture of friendship or diplomacy. More complete details are provided in the ABA’s FCPA and Anti-Corruption Policy.

Violation of the FCPA can lead to significant financial penalties and imprisonment by US authorities, but could also expose offenders and the ABA itself to prosecution under anti-corruption laws of the host country. Although the financial and criminal sanctions are serious, the collateral impact on the ABA’s name and reputation represent an even more significant and damaging risk in light of ABA’s purpose in advancing the rule of law and, more specifically, its involvement in programs aimed at exposing corruption worldwide.

Employees who violate this Policy, who order another to violate this Policy or who knowingly permit a subordinate to violate this Policy will be subject to appropriate disciplinary action, up to and including termination of employment, in addition to whatever criminal penalties may apply. Contractors and Vendors who violate this Policy are subject to termination of the business and contract relationship. Members who violate the FCPA Policy face possible censure, suspension or revocation of membership. If a Policy violation is also a violation of the FCPA, such conduct will be reported to appropriate law enforcement authorities.

To Seek Advice or Report Suspected Violations: To ask questions, seek advice or obtain other assistance, contact: Anti-Bribery Compliance Officer in the Ethics Office (312-988-5211).

Kevin Pak
312-988-5211
kevin.pak@americanbar.org
Any member of the Ethics Office
Any attorney in the Office of General Counsel (312-988-5214)
EthicsPoint at www.ethicspoint.com or 1-800-536-6783

The ABA’s FCPA policy is more fully detailed in the document entitled “Foreign Corrupt Practices Act and Anti-Corruption Policy” which is available on the intranet.
All Members and Employees participating in and involved with overseas operations shall read and acknowledge ABA’s FCPA Policy by a separate certification and will participate in periodic mandatory training. All Contractors working for the ABA who are involved in administering or directing ABA programs overseas will also require training. Contract vendors in overseas locations must be made aware of and agree to comply with the FCPA’s prohibitions.

Remember, when in doubt, the best course of action is to notify and seek guidance before you engage in or authorize conduct that raises suspicion or is questionable.

L. Conclusion

The Business Conduct Standards outline the ethical and legal responsibilities that all ABA Members, Employees, and Contractors are expected to understand and abide by when conducting ABA business. Although it is not a comprehensive discussion of all situations that may arise, Members, Employees and Contractors are expected to apply the spirit and intent of the BCS, along with their professional skills, personal values and good judgment, to assist the ABA in maintaining the highest standards of legal and ethical compliance.

F. Naming Opportunities

The Board approved the following policy regarding the criteria for naming opportunities:

1. The Board must approve any Naming Event.
2. The Board has the right to limit the duration of a naming Event and to impose other conditions or limitations with respect to the Naming Event.
3. The Board may discontinue any naming Event in the exercise of its discretion.
4. The Board will give a preference to use of awards as naming Events.
5. Only in a situation that the Board deems to be exceptional will a living person be considered as an honoree of a naming Event other than an award.
6. While unlikely, because the ABA is not a tax-exempt entity, it is possible that the Board may be faced with a request to approve a naming Event tied to a financial contribution to the ABA. For such a request to be approved by the Board, the contribution should be taken into account and the leadership and service contribution by the honoree to the ABA and its members should be taken into account. (BOG 11/13)
CHAPTER 6

COMMUNICATIONS

I. PUBLICATIONS

The publishing policies adopted by the American Bar Association Board of Governors are intended to assist entities in producing and publishing information cost effectively, professionally, in a variety of media, and in compliance with copyright laws. The Board of Governors has delegated authority to the Standing Committee on Publishing Oversight to apply and enforce these policies as they relate to print and electronic publications, including online, CD-ROM, audio, and video publications. (See Definition of Publications below.) (BOG 2/63; 8/74; 10/82)

A. Definition of Publications

The term “publication” refers to all written, electronic, audio or visual materials disseminated to specific audiences and to the public by the ABA or any of its entities. These include, but are not limited to, print and electronic versions of books, monographs, pamphlets, annuals, directories, magazines, journals, newsletters, periodicals, audiotapes, videotapes, disks, CD-ROMS, online materials, program materials, national institute and other CLE course materials, and slide presentations.

The ABA Web site and all materials therein are also considered to be publications of the ABA and therefore are subject to ABA publishing policies and procedures unless otherwise noted.

B. Publication Approval Policy

Except as otherwise specified, all new and revised publications that are intended for general distribution to specific audiences and to members or the public must be approved by the Standing Committee on Publishing Oversight in accordance with the procedures and requirements set forth below in paragraphs F and G. Approval is required:

• before a contract may be submitted to an author or editor; and
• before ABA staff may enter those publications into production.

The policies and procedures for obtaining publication approvals also apply to publications appearing on electronic and digital media. (BOG 4/98)

C. Criteria for Approval

1. The Standing Committee will consider the following criteria when approving publications:

• Whether there is a need for the proposed publication;
• Whether it is of high quality;
• Whether sufficient funds have been allocated for its publication;
• Whether ABA resources are being used efficiently;
• Whether markets or audiences have been identified and a marketing or distribution plan indicated;
• Whether the publishing entity will exert appropriate editorial control;
• Whether the publication is being published in the appropriate media; and
• When reviewing proposed periodicals, the Standing Committee also will determine whether there is substantial probability that these standards will be met in future issues.

Should the Standing Committee determine that a publication does not meet these criteria, it will communicate its concerns to the publishing entity and make every effort to resolve all problems before denying approval. If approval of an application is denied by the Standing Committee, a sponsor may seek a review by the Board of Governors.

2. FJE Funded Publications

With respect to proposed publications of Fund for Justice and Education projects (as approved by the Board of Governors, where publishing is to be paid for by grant funds and the ABA is bound to publish under the grant agreement), an application must be submitted, but approval will not be withheld.
With respect to any proposed video or audio programs arising in connection with projects of the Fund for Justice and Education, where programming is to be paid for by grant funds and the ABA will be committed to the program under the grant agreement, a description must be submitted to the Standing Committee at the same time the grant is accepted by the Board of Governors, but approval will not be withheld. The FJE Office should be consulted with regard to all video and audio programs to be produced with FJE or grant funds. In addition, all requests for program approval must comply fully with the terms and conditions for "Endorsement of Products or Publications of Other Organizations" established by the Board of Governors and printed in this Policy and Procedures Handbook (See Chapter 1).

D. Publications Requiring Approval

Formal approval from the Standing Committee is required to publish books, monographs, pamphlets, directories, periodicals, journals, newsletters (except those newsletters discussed in paragraph E below), whether print or electronic, and e-books, diskettes, and CD-ROMs, that are intended for general distribution to members or the public. Approval is also required to publish:

1. Revised editions of previously published works;
2. Material intended for sale through the ABA Package Plan (See paragraph O) or ABA Web site;
3. Publications whose nature has materially changed such that continued publication would be under terms and conditions substantially different from what had been previously approved (i.e., its funding, costs, distribution, sponsorship, or any other information supplied on the approval application);
4. Online publications that have not been approved as print publications, including e-zines, e-books, and other publications intended for dissemination on the Web or third-party platform;
5. Video and Audio programs other than those listed in paragraph E below. No production shall be approved that conflicts with current Association policy or has not been authorized by the sponsoring entity in accordance with its bylaws or charter. The following policies also apply to video and audio productions:
   • Each sponsoring entity must include an effective disclaimer that any opinions expressed in the program are not necessarily those of the Association or the entity (See paragraph L below for disclaimer statement);
   • Where appropriate, and in ways that would not diminish audience interest, each sponsoring entity shall give full identification of participants in order to establish their qualifications as well as to reveal potential conflicts of interest;
   • Any material interest in the subject matter of the production on the part of a member or members of the sponsor, such as specific employment or representation of clients, must be disclosed to the Standing Committee on the application for approval; and
   • The name of the Association and its logo as per ABA Graphic Standards. (See Section II for placement of logo), as well as the name of the sponsoring entity. Confirmation of proper and authorized display shall be sought from the Standing Committee prior to use.

E. Publications Not Requiring Approval

Formal approval from the Standing Committee is not required to publish:

1. Committee newsletters intended for distribution to committee members within sections and divisions. These newsletters shall nevertheless comply with the Disclaimer requirements set forth in paragraph L and the Copyright and Publishing Agreement Policy requirements set forth in paragraph K;
2. Supplementation and updating of previously approved material. New approval is required, however, for revised editions of previously published works (See paragraph D.1.);
3. Program materials generally intended for distribution at meetings and continuing education courses, unless such materials will be sold through the ABA Package Plan, Web site, or general ABA marketing materials. (See paragraph D, above.) These materials shall nevertheless comply with the Disclaimer requirements set forth in paragraph L and the Copyright and Publishing Agreement Policy requirements set forth in paragraph K;
4. Programs such as slide shows for the House of Delegates, or video or audio programs for state and local bar audiences, and other programs that assist the Association in performance of its administrative functions; and
5. Video and audio programs intended for limited internal use or productions of the Center for
F. General Application Procedures for Approval of Publications

1. Application for Standing Committee approval shall be made on a form supplied by the Standing Committee during the early planning stage of the publication;
2. The application for approval must be signed by the chair of the entity sponsoring the publication or the chair’s designee;
3. An outline, descriptive summary of the proposed content, and/or table of contents must be included with the SCOPO application form;
4. The application and accompanying documentation (outline, summary, Table of Contents) must be submitted to: Copyright@americanbar.org;
5. Director, Copyrights and Contracts/ABA Publishing; and
6. Approval is necessary before a contract may be submitted to authors or editors or before ABA staff may enter those publications into production. (See Paragraph B)

Note: The rules and procedures for compliance with Copyright and Publishing Agreement Policy pertains to ALL publications whether in print or in other media. (See paragraph K.5 below.)

G. Approval Procedures for Specific Kinds of Publications

1. Print and Electronic Periodicals
   • Application for approval of a new periodical title must be submitted to the Standing Committee prior to the publication of the first issue;
   • Entities proposing periodicals to be funded from the Association’s general revenues must submit a publication business plan for review and approval by the Standing Committee before funding for such publications may be requested from the Board of Governors;
   • Once approval is granted, subsequent issues need not be submitted for approval until the expiration of the approval period or otherwise indicated by the Standing Committee;
   • Unless otherwise specified by the Standing Committee, approval of the periodical is granted for a five-year period. Upon expiration of the five-year period, or at any time the Standing Committee deems necessary, the entity must reapply for approval as designated by the Standing Committee.

2. Video and Audio Programs
   • Application for approval of all video and audio programs, except those intended for limited internal use and those produced by the Center for Continuing Legal Education (See paragraph E.5 above), is required. As noted in paragraph E.2 above, new approval is not required for updating of material previously approved, however, approval is required if the changes are so substantial as to constitute a new publication (See paragraph D.3);
   • With respect to each proposed program, the sponsoring entity must apply during the early planning stages to the Standing Committee by send the request to Copyright@americanbar.org;
   • through the ABA Copyrights and Contracts Department for approval to produce, broadcast, telecast, sell, rent or exhibit any recording or film. The sponsoring entity must also consult with the Division for Division of Division of Media Relations and Strategic Communications (See section II.);
   • The application must be made on a form supplied by the Standing Committee and signed by the chair of the sponsoring entity or the chair’s designee;
   • The application must be accompanied by an outline or working script (“treatment”) of the proposed content, a budget, and a production schedule; and
   • When a videotape or audiotape is produced in conjunction with a book on the same subject (or from the same program), the sponsoring entity must indicate such on its application for approval to publish the book. A separate application for the videotape or audiotape is not required provided the items will be sold as a package. The Standing Committee will review the application for approval of both items as a package.
H. Editorial Policy

Publishing entities are responsible for setting editorial policies for their print and electronic publications and publishing programs. An editorial policy statement must be developed for each periodical and be published periodically, but at least every year. It must state clearly the purpose of the publication, its goals, philosophies and editorial approach.

Each publishing entity must have a suitable structure to review and advise as to the overall editorial approach (including the roles and responsibilities of its member editors), desired objectives, and evaluation of the effectiveness of its publications.

Each publication must include a disclaimer stating that the opinions included therein are not necessarily those of the American Bar Association or the publishing entity (See paragraph L below for disclaimer statement). Each publishing entity is encouraged to give full identification to authors in order to establish their qualifications as well as to reveal potential conflicts of interest. Each publishing entity shall decide whether to publish articles expressing unpopular opinions or encouraging controversy.

Periodically each publishing entity shall review, and upon the request of the Standing Committee must review, its periodical publications for quality and effectiveness and report its findings to the Standing Committee. In turn, the Standing Committee may submit its own critique to the publishing entity.

All publications shall be identified as originating within the ABA. Publications shall bear the name of the Association on the cover and the title page (and, where practical, the spine), or on their electronic equivalents and, where practical, its logotype (See Section II for placement of logo), as well as the name of the publishing entity except when publications have been licensed to outside publishers and special restrictions may apply. However, the words “American Bar Association” or “ABA” shall not be used in the title of any ABA publication without the express written permission of the Board of Governors.

I. Publications, Videotapes and Audiotapes Cosponsored with Outside Organizations

If an ABA entity desires to cosponsor a publication, a videotape, or an audio program with a non-ABA entity, it shall file a written request for approval of the co-sponsorship with the Standing Committee and send a copy of the request to the Executive Director, as per ABA Corporate Sponsorship Guidelines. The Standing Committee shall review the application and, no later than two weeks after receipt of the copy of the written request, shall make its determination with respect to whether such request should be granted. A copy of that determination shall be sent by the Standing Committee to the entity requesting co-sponsorship and to the Board of Governors. The review shall be based upon the following Board guidelines:

1. whether the ABA entity and non-ABA entity will each make a substantial contribution to the planning and production of the publication or program;
2. whether the ABA entity will retain adequate control over program or publication content, production, publicity, costs, fulfillment and pricing;
3. whether the ABA entity will participate equitably in net revenues or losses of the program or publication;
4. whether the proposed program or publication will result in policy statements that will be attributed to the ABA prior to House or Board approval; and
5. whether the proposed program or publication is in compliance with the Association's overall co-sponsorship guidelines approved in February 2000.

Should the Standing Committee approve the request, the following requirements will be strictly applied:

- The co-sponsorship may not state or imply an endorsement of the cosponsoring organization, its products, or its publications, in accordance with Board of Governors policy (See Chapter 1).
- The publication must include a disclaimer to the effect that the opinions stated therein are not necessarily those of the American Bar Association or the ABA publishing entity (See paragraph L below for disclaimer statement).
- The language to be used indicating the relationship between the cosponsor and the ABA on a cover or a title page is: “Published with the generous support of (Co-sponsor)”.
If the Standing Committee does not approve the request, the entity requesting co-sponsorship may appeal such determination to the Board of Governors, which shall, as soon as practicable, approve or disapprove the request for co-sponsorship.

J. Non-ABA Periodicals as Member Benefits
1. No ABA entity may offer discounted or free subscriptions to periodicals of outside organizations as part of any member benefit program of the Association or of any individual ABA entity.
2. Considerations for Granting Policy Exceptions:
   In considering requests for exceptions to this policy, the Board will consult with the Standing Committee on Publishing Oversight, the Standing Committee on Membership, and other appropriate entities.
   The Board shall consider whether:
   a. The use of the ABA name or the use of the name of any section or publishing unit in advertising or promotional materials for such periodicals could be perceived as an endorsement of them by that organization;
   b. The editorial content or other activities of the publisher need reviewing to determine if the periodical undermines the prestige of the Association's own publications;
   c. The proposed periodical could adversely affect advertising sales for existing or planned ABA publications;
   d. A competing publication exists within the Association.

K. Copyright and Publishing Agreement Policy
1. Objective
   The ABA shall obtain from authors or contributors to print and non-print publications those rights necessary to implement the purposes and functions of the Association and its contractual obligations to its licensees.
2. Publishing Agreements
   The ABA shall secure in writing a grant of copyright rights from the authors, editors and contributors of all substantive material to be included in print and non-print ABA publications. Such publishing agreements must be signed by the author or contributor and must include the person's warranty that the material is original, that its publication will not infringe upon the rights of others and that the author or contributor has the right to enter into the agreement. Materials may not be published in electronic form unless a specific grant of electronic reproduction appears in the author’s agreement.
   The necessary agreements from authors, editors and contributors are required before ABA staff may enter a publication into production, unless a temporary exemption has been received in writing from the Standing Committee or its designee. It is not necessary to obtain agreements from authors or contributors whose contribution is written as part of their duties as an ABA employee.
   The Copyrights and Contracts Department maintains, handles and advises regarding the negotiation of the standard publishing agreements that must be used in contracting with authors, editors, contributors and speakers.
3. Entity/Committee Projects
   The ABA shall be the sole copyright holder of all publications, in all media, whether print or electronic, issued in the name of the ABA or in the name of any of its subdivisions, regardless of whether the authorship is by multiple authors, single authors or by a paid Reporter. Prior to publication, a grant of copyright rights from the authors, editors and contributors of such publications must be secured in writing.
4. Copyright Notice
   All ABA publications must include an appropriate copyright notice, regardless of whether the publication is sold, provided gratis, or has limited distribution. If the copyright notice is in the name of the Association (whether solely or jointly with another person or non-ABA entity), then it must be in the name of the American Bar Association itself and not together with or in the name of any subdivision of the ABA.
5. **Compliance with Copyright and Publishing Agreement Policy**

The rules and procedures for compliance with Copyright and Publishing Agreement Policy shall pertain to all publications whether in print or other media. All ABA video and audio productions must be in compliance with the Copyright Policy. All sponsoring entities are required to obtain appropriate legal releases from those whose faces or voices can be identified in the production.

Materials in full compliance with that policy may include language granting blanket reprint permission for noncommercial, educational use of the contents of the materials. The preferred language follows:

“The ABA hereby grants permission for copies of the materials herein to be made, in whole or in part, for classroom use in an institution of higher learning or for use by not-for-profit organizations, provided that the use is for informational, non-commercial purposes only and any copy of the materials or portion thereof acknowledges original publication by the ABA, including the title of the publication, the name of the author, and the legend “Reprinted by permission of the American Bar Association. All rights reserved.” Requests to reproduce portions of this publication in any other manner should be sent to the Copyrights & Contracts, American Bar Association.

6. **Definition of "Publication" in Relation to Copyright Protection**

The term "publication" is used in relation to copyright protection to refer to all written, electronic, audio or visual materials (except illustrations that are intended to accompany written material) disseminated to the public by the ABA or any of its subdivisions. These include, but are not limited to, books, monographs, pamphlets, annuals, directories, magazines, journals, newsletters, periodicals, substantive articles in newsletters, program materials, National Institute and other CLE course materials, audiobooks, videotapes, disks, CD-ROMs, online materials and slide presentations.

Intellectual property laws apply to the Internet, just as they do to all other types of intellectual property. Accordingly, the ABA Web site, and all materials therein, are considered “publications” of the ABA, and are subject to the Disclaimer requirements set forth in paragraph L and the Copyright and Publishing Agreement Policy requirements set forth in paragraph K.

7. **Use of Previously Published Material**

The ABA shall obtain written permission from the copyright proprietor to reproduce and distribute material that has been previously published and is subject to copyright protection, unless the ABA's use of the material is limited and may be considered "fair use," as set forth in section 107 of the 1976 Copyright Act.

If the materials in question were previously published by the ABA, all ABA entities shall seek and obtain written permission from the Copyrights and Contracts Department to reproduce and distribute such material, including materials previously published by the entity seeking reproduction. Since authorization to permit reproduction and distribution of copyrighted material is dependent on an author’s grant of rights, and since the ABA does not necessarily control those rights, previous publication by the ABA does not assume the right to further reproduce those same materials.

8. **Illustrations and Graphic Design**

The ABA generally seeks to obtain rights for subsequent use (either on an exclusive or non-exclusive basis) from artists who are commissioned to prepare artwork for illustrative purposes, such as photographs, cartoons, drawings and graphic design.

9. **Implementation and Interpretation of Policy**

The Standing Committee on Publishing Oversight, in conjunction with the General Counsel of the ABA, shall have the final authority to determine which copyright rights are necessary for each publication and shall provide standard copyright agreements for use by the ABA entities. ABA Publishing shall advise the publishing entities about using the standard copyright and licensing agreements to comply with the copyright policy, to obtain needed rights, to apply appropriate copyright notices to use on ABA publications and to determine the applicability of the "fair use" doctrine when reproducing previously published material. Exceptional circumstances will be subject to the review and approval of the General Counsel.

L. **Disclaimers**

Pursuant to Article 25 of the ABA Constitution and Bylaws, only the President or a person designated by the President shall express the policy of the Association as determined by the House of Delegates. As a
result, all publications should carry a disclaimer statement, preferably on the copyright page, or the title page of the publication, to the effect that the opinions stated therein are not necessarily those of the Association or the publishing entity. The preferred ABA disclaimer statement follows:

“The materials contained herein represent the opinions of the authors and editors and should not be construed to be those of either the American Bar Association or _________ Section unless adopted pursuant to the bylaws of the Association. Nothing contained herein is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. These materials and any forms and agreements herein are intended for educational and informational purposes only.”

A specific disclaimer statement has been mandated for all materials authorized for distribution as a discussion paper by the House of Delegates or the Board of Governors (See Chapter 5).

M. Licensing the Use of ABA Material to Others

1. Subsidiary Rights (including reprint rights)

ABA Publishing shall be responsible for licensing subsidiary and reprint rights for ABA publications and enforcing the terms of the licenses.

a. Exclusive Licenses

Any exclusive license for the use of an entire publication must be approved by the ABA publishing entity that sponsored the publication as well as by the Standing Committee on Publishing Oversight and the General Counsel.

b. Permission Grants

Permission grants and other licenses for limited, nonexclusive use of the ABA's copyrighted material will be handled by ABA Publishing in accordance with the Section Officers Conference and the Standing Committee on Publishing Oversight's permissions policy guidelines and in conjunction with the ABA publishing entity's individual permissions policy, provided that the entity provides its permissions policy in writing to the Copyrights and Contracts Department.

2. Licensing New Material to Other Publishers

Generally it is in the best interest of the Association to publish its own work. If, however, circumstances in a particular case make it more desirable to license with another publisher to produce new material or reproduce current material in new editions, translations or media, the sponsoring section, committee or other subdivision of the Association should obtain approval to do so from the Standing Committee.

Entities desiring to license production and distribution rights of video and audiotape programs to an outside production company must seek approval to do so from the Standing Committee. The Standing Committee may grant approval of the proposed arrangement with an outside producer if the program is otherwise approved and it is in the interest of the Association to do so. The agreement with the production company must conform to the requirements for agreements with outside publishers set forth herein.

a. Approval Procedures

Approval in concept should be sought in the early stages of the development of a project idea – after preliminary discussions have taken place with the publisher but before any formal agreement is initiated.

b. Criteria for Approval

The Standing Committee may grant approval for licensing the publication of material by a publisher other than the ABA if the publication is otherwise approved for publication and it is in the interest of the Association to do so. The application for approval by the Standing Committee should include adequate justification for the decision to license the material to another publisher.

c. Contractual Requirements

The Copyrights and Contracts Department is responsible for drafting or reviewing agreements concerning the licensing of ABA materials to third parties. It is advisable to consult with the Copyrights and Contracts Department prior to entering into negotiations with
any third party, to ensure that all proposed agreements comply with ABA copyright and publishing policies.

Any contract for publication by a publisher other than the ABA shall conform generally to the following requirements:

1. The agreement with the publisher must be in writing, and has been approved by the General Counsel of the Association;
2. The ABA, as distinct from its subdivisions, will be the contracting party and the contract will be signed pursuant to the general policy of the Association which requires signature by the staff member to whom authority has been delegated by the Board of Governors;
3. The ABA will obtain full copyright rights from the contributors and will license only some of those rights to the publisher unless the Standing Committee authorizes the complete assignment of copyright rights in a specific case;
4. The publisher shall agree to limit the liability of the ABA for damages by virtue of the content of the publication to the proceeds payable to the Association under the contract;
5. The ABA will make no unreasonable undertaking with respect to providing updated or other material for subsequent revisions of the publication;
6. The ABA as a whole will not be barred from publishing or licensing others to publish material on the same or related subjects whether or not such publishing affects the value of the rights licensed under the contract;
7. The rights licensed under the contract shall not preclude the ABA from using and reproducing the licensed material for its own internal purposes;
8. The use of the ABA logo shall not be permitted in the material which is the subject of the contract and the ABA name shall not be used in connection with any advertising or promotional efforts unless its use has been specifically approved by the American Bar Association;
9. The net receipts to the ABA under a contract shall be credited appropriately to the publishing entity; and
10. The contract shall contain no provision inconsistent with any other ABA policy.

N. Registration of Trademarks and Service Marks

Currently the American Bar Association has a number of Association-wide trade or service marks registered or pending formal registration with the United States Patent and Trademark Office. In addition, the ABA holds registered marks, on behalf of sections and committees, consisting of publication mastheads or logos. The number and diversity of proposals from ABA entities for formal registration has markedly increased in the past few years.

Formal federal registration and maintenance of marks is not an easy process and not without cost. In addition to filing fees, there are periodic renewals, affidavits of use and maintenance of records of required future actions.

At its November 1993 meeting, the Board amended the Policy on Registration of Trademarks and Service Marks to allow registration of such marks to be coordinated through the General Counsel's office, with the requesting entity bearing all costs.

O. ABA Package Plan

The ABA Package Plan program allows libraries to subscribe to all publications or a select number for a single discounted price. Oversight and direction of the Package Plan is delegated by the Board of Governors to the Standing Committee on Publishing Oversight. The Package Plan shall be administered by ABA Publishing.
1. **Eligibility for Package Plan Subscriptions**
   a. Paid. Libraries in the following categories shall be eligible to become paid subscribers of the Package Plan: law school, college and university libraries; court libraries; libraries in non-legal organizations and corporations; bar association libraries; libraries of law firms having a librarian; libraries having a librarian whose principal function is to provide library facilities for members of the bar; public and municipal libraries; and any other libraries designated by the Standing Committee.
   b. Free. Free subscriptions shall be awarded to institutions specified by the Board of Governors.

2. **Package Plan Subscriptions**
   a. The Standing Committee shall maintain a Package Plan offering all ABA publications (with the exception of publications produced by an outside publisher or those dependent on subscriber income) on a discounted subscription basis. In addition, the Standing Committee may develop more limited alternative subscription plans for smaller libraries or those not having the need for all publications of the Association.
   b. ABA Publishing shall annually set the price of all subscriptions adequately to ensure the economic viability of the Package Plan.
   c. ABA Publishing shall ensure that the appropriate billing and reporting is made to subscribers and that Package Plan is promoted to eligible subscribers as appropriate.
   d. Each publishing entity of the Association shall make available, at the time of initial production, an adequate number of copies for distribution to Package Plan subscribers and ensure delivery. Those eligible publications not sent to subscribers may be reprinted by ABA Publishing and the extra costs assessed to the entity.
   e. The publishing entities shall be reimbursed, at a minimum, for the cost of printing the additional copies for Package Plan distribution of Base Plan periodicals. Other publications will be sold to subscribers on a discounted basis.

P. **Guidelines for Distribution and Sale of Publications from Non-profit Organizations**
   1. The Association will act as contracting party in any distributor arrangements on behalf of its publishing units. In this way, the Association can ensure that all policy and contractual requirements are met.
   2. A publishing unit interested in distributing a single title will follow its own regular procedures for reviewing and approving each title, including content. The Standing Committee will not assume responsibility for reviewing content.
   3. The publishing unit will submit a Single Title Application form to the Standing Committee for each title, along with a copy of the proposed contract, for approval to distribute.
   4. Each publishing unit must secure approval from any other affected publishing unit whose scope includes the topic of the publication to be distributed before applying for approval to the Standing Committee.
   5. All promotion materials shall include a disclaimer indicating that the publication is not endorsed by the Association.
   6. The publishing unit will reassess the distribution arrangement on a regular basis to determine if it should be continued.
   7. The original publisher must warrant that it has appropriate rights from its author allowing the publisher to enter into the distribution agreement.
   8. The publication must be priced for sale at a level that ensures the Association full cost recovery of the fulfillment services to be provided.
   9. Publications offered for sale under these guidelines will not be listed in any ABA Catalog or exhibited at the ABA Publications Booth at Association meetings because policies for those activities currently prohibit inclusion of non-ABA or ABF materials. (BOG 11/86)
Q. Guidelines for Distribution and Sale of Publications from For-Profit Organizations

1. The Association will act as contracting party in any distributor arrangements on behalf of its publishing units. In this way, the Association can ensure that all policy and contractual requirements are met.

2. Any distributor arrangement with a for-profit organization must be approved by both the Standing Committee on Publishing Oversight and the Standing Committee for Membership and Marketing.

3. Any distributor arrangement entered into with a for-profit publisher must comport with and support the ABA’s mission.

4. Any distributor arrangement entered into with a for-profit publisher must concern products that are beneficial to ABA members.

5. Any distributor arrangement entered into must not substantially overlap or compete with existing publications published by other ABA publishing units.

6. A publishing unit interested in distributing a single title will follow its own regular procedures for reviewing and approving each title, including content. The Standing Committees will not assume responsibility for reviewing content.

7. The publishing unit will submit a Single Title Application form to the Standing Committee on Publishing Oversight for each title, along with a copy of the proposed contract, for approval to distribute, and a brief written proposal identifying the for-profit publisher, the brand fit with the ABA, how the agreement supports the ABA’s mission, and any potential competition with publications already published by other entities within the ABA.

8. Once the Standing Committee on Publishing Oversight has approved the distribution agreement the publishing unit will submit the proposal to the Standing committee for Membership and Marketing to determine fitness as a member benefit.

9. All promotion materials shall include a disclaimer indicating that the publication is not endorsed by the Association.

10. The publishing unit will reassess the distribution arrangement on a regular basis to determine if it should be continued.

11. The original publisher must warrant that it has appropriate rights from its author allowing the publisher to enter into the distribution agreement.

12. The publication must be priced for sale at a level that ensures the Association full cost recovery of the fulfillment services to be provided.

13. Publications offered for sale under these guidelines will not be listed in any ABA Catalog or exhibited at the ABA Publications Booth at Association meetings because policies for those activities currently prohibit inclusion of non-ABA or ABF materials.

(BOG 8/04)

R. Advertising

ABA Publishing shall administer the advertising program and handle all sales for print advertising for all ABA entities with the exception of the ABA Journal. Net revenues after taxes produced through advertising shall revert to the individual publishing units to be used only to improve or help finance the cost of the medium carrying the advertising.

The Standing Committee on Publishing Oversight shall oversee the development of advertising support programs by developing such policies and procedures as may be necessary to define standards, to create good business practices and procedures, to resolve conflicts, and to provide, other direction and coordination as required.

Any publishing unit of the Association, with the exception of the ABA Journal, wishing to have paid or external advertising in any of its publications shall request ABA Publishing to provide analysis and develop a plan for advertising solicitation, in conjunction with the needs and objectives of the publishing unit, that adheres to the standards of acceptability as approved by the Board.

Website advertising sales (for ABA.org and ShopABA) are administered by Digital Marketing.
S. Identity Standards

The ABA Board of Governors has approved, and periodically revises, standards for the use of the ABA logo, the ABA name, section and other entity emblems and names. The standards must be followed as set forth. Requests for changes to the standards may be made to ABA Publishing Design Group and/or the ABA Board of Governors, who must approve them.

T. Letterhead Standards

In November 1995, the Member Services Committee of the Board eliminated the previous restriction prohibiting the listing of law firm and other employment identification on ABA letterhead. The stationery is for official Association business only. It may not be used for letters to public officials or members of Congress expressing opinions other than official Association policy.

U. Guidelines for Inventory Management

In June 2005, the then Operations and Communications Committee of the Board of Governors adopted the following guidelines for the management of all ABA warehouse inventory:

1. Any product, excluding periodicals, product inserts, and ABA governing documents, not identified as a product in the ABA Web Store, will not be retained in inventory at the warehouse.
2. Back issues of periodicals and copies of ABA governing documents will be kept in stock for two years after publication. After two years, they should be maintained as electronic products, or as print-on-demand products.
3. To further reduce the volume of obsolete inventory, any product offered for sale, and which has not sold in the last 12 consecutive calendar months, will not be retained in inventory at the warehouse and will no longer be available for purchase. If the product is a publication, it should remain available in electronic form.
4. While CLE course materials must be kept on hand for four years due to MCLE requirements, they do not have to remain available for purchase for all of the four years. Therefore, course materials will follow the same inventory protocol as other products. Any course materials that have not sold for 12 consecutive months will not be retained in inventory in the warehouse and will no longer be available for purchase, but will remain available in electronic form.

II. DIVISION OF MEDIA RELATIONS AND STRATEGIC COMMUNICATIONS

Members of the Media Relations and Strategic Communications oversee and implement all of the American Bar Association’s media initiatives to promote the ABA as the national representative of the legal profession and improve public awareness of the Association’s goals, policy objectives, and programs.

The Division, which has staff in Washington, D.C., and Chicago, is dedicated to maintaining and enhancing the Association’s reputation with the news media as a credible, authoritative, reliable, and prompt source of expert information on the legal system, legal issues, and the profession. It serves as the ABA’s primary contact with the news media and the principal liaison between the ABA President, Sections, and members of the press by responding to thousands of media inquiries a year and referring reporters to ABA leaders, members, and staff who have particular areas of expertise.

The Division develops and executes the ABA’s media relations strategy and initiatives. It disseminates news to members, the legal profession, the news media, and the public using a variety of methods and platforms, including press advisories and releases, social media postings, opinion pieces (op-eds) crafted for mainstream media outlets, content written for the ABA’s website and publications, and photos and videos created to document ABA programs. It also monitors and disseminates law-related news to the officers and staff and advises ABA entities on public information projects including video and photography.

The ABA President works closely with the Division in his or her role as ABA spokesperson. The Division provides comprehensive communication services to the President, officers, senior management, and
governance groups through counseling, message development, information dissemination, and media outreach.

The Division also provides professional communication services, including development of strategic communication plans and public relations counsel to ABA Sections, Committees, and other entities.

A. Media Relations

A major goal of the Association is to increase public awareness of its activities and those of its Sections, Committees, and other entities. The Division provides public relations support to ABA leaders and officers to meet that goal.

The Division proactively provides expert resources to general and specialized media to convey Association messages to the public both through pro-active media pitching and placement and through timely and targeted response to thousands of media queries each year.

1. News Release Issuance

In accordance with established policy, any news releases to be issued on behalf of the ABA or its entities and/or on ABA or ABA entity letterhead must be issued or approved by the Division. The purpose of this policy is to help ensure both proper coordination of news emanating from the Association and compliance with §25.1 of the Bylaws, and to provide maximum exposure through professional handling.

2. News Conferences and/or News Briefings

Any plan to hold an ABA news conference or news briefing must be reviewed and approved by the Director of Media Relations and Strategic Communications. The Division should be consulted about outside conferences and news briefings that involve participation by ABA officers or other leaders.

3. Policy Statements and Reports

Before release to the public, each Section, Division, or Committee report, policy statement, resolution, or other official pronouncement must be approved by the governing body of the issuing entity to ensure that those in authority are fully informed of its intended release to the public. The Policy and Planning Division must approve reports that are being released to the public. If the report includes recommendations that are not ABA policy, it must include a disclaimer to that effect.

4. Open Meeting Policy

In accordance with Association policy, all ABA programs are open to the media and on the record unless they are being held in executive session to conduct confidential business, such as personnel or budgetary actions. Speakers should be informed of the policy when they are invited to speak. Entities do not have the authority to sign contracts or agreements to the contrary. Media should receive complimentary sets of printed materials needed to help them provide informed coverage. The Association, in general, encourages media coverage of its activities and cooperation, to the extent feasible, in fulfilling the requests of media representatives.

B. Section and Committee Public Relations Services

Section or Committee chairs can designate a representative to assist in reporting regularly on newsworthy Section or Committee activities to the Division of Media Relations and Strategic Communications and assist the Division in identifying experts within the Section or Committee to answer information requests by journalists. The representative can also be available, when necessary, to provide background explanations to news media personnel at Annual and Midyear meetings about resolutions and projects. The Division should be notified of the designee.

Section and Committee representatives cannot speak on behalf of the ABA and must distinguish between their own views and the Association’s policies. The President of the ABA has the sole authority to speak on behalf of the Association. However, the president may designate a spokesperson to speak on his or her behalf.
1. Assistance at Major Meetings and Seminars

When advisable, the Division will provide on-site handling of press coverage at major meetings, seminars, national institutes, and other news-generating activities. (See “Reimbursement of Staff Expenses” below.)

The Division will work with the entity to determine what support and media outreach will best suit its needs and the goals of the ABA.

2. Reimbursement of Staff Expenses

The cost of public relations support involving travel should be borne by the entity sponsoring a given event, except when the activity is funded entirely by the Association’s budget and is not intended to be self-sustaining. When an event such as a national institute or other funded function is intended to be financially self-sustaining, press support should be planned as part of the overall cost of the event. Similarly, when an event is funded through a foundation or other outside financing, the expense of press support should be considered an integral part of the project cost. Reimbursement should include travel, lodging, and out-of-pocket expenses, plus the cost of any materials produced, such as video or online media elements.

3. Annual and Midyear Meeting Publicity

The Division solicits information about programs of Sections and Committees at an early date to advise the media about the meetings. The Division encourages audio recording and transcription of panels and programs, and provision of speech texts for press distribution in connection with meeting programs. These tools increase the amount and accuracy of press coverage. For Annual and Midyear meetings, the Division also promotes coverage of the meetings and produces extensive content for members and the media.

4. Media Activities by Entities

The Division must be consulted on any proposed media activities of the Sections and Committees, including those to be performed by outside public relations agencies, to avoid duplication of efforts and potential conflicts with other Association activities.

C. Other Services Provided

Division staff are available to counsel and work with Association entities regarding a range of public relations services, including producing audio and video messages, producing news releases, planning news conferences; publicizing events, testimony, publications, and other newsworthy activities; planning and conducting news interviews, briefings, and conferences; and arranging for communication planning and media training for entity leadership and experts.

III. ABA POLICY CONCERNING THE INTERNET,

Policies and Guidelines for Technology and Information Systems

In February 2005, the Board of Governors adopted recommended policies and guidelines for technology and information systems. The policies and guidelines provide as follows:

1. The Board of Governors recognizes the distinction between content and transport of information:
   - Content refers to words and images created by the ABA or others, and the presentation of these words and images in formats through the web site.
   - Transport refers to the hardware and software capabilities that enable the ABA network to easily deliver content, and users to easily access content.

2. The Board of Governors reaffirms the jurisdiction of the Standing Committee on Technology and Information Systems and ABA IT on matters relating to information transport, including digital management, email, the website, social media and other technologies used from time to time for electronic communication to, from, and within the ABA and various entities. The Board reaffirms the jurisdiction of content generating entities (e.g., Standing Committee on Membership, Standing Committee on Continuing Legal Education Standing Committee on Publishing Oversight) on matters relating to content, and designates the Executive Director as the arbiter on matters that require resolution.

3. Recognizing the power of the web site as the face and voice of the American Bar Association to a growing segment of its members, the Board of Governors affirms that setting policy, defining
goals and allocating resources pertaining to technology, overall, and to the web site, in particular, are responsibilities of the Board.

4. Functionalities developed or proposed by ABA entities that rely on technology must be in compliance with technology guidelines developed by ABA IT and approved by the Board. The Executive Director may allow exceptions if he determines that the overall good of the Association and its members is served by such action.

5. The Board of Governors recommends that the Executive Director establish the function of Technology Contract Compliance. The Board recommends that this responsibility be placed within the General Counsel’s office. The Board of Governors further recommends that the responsibility for technical contract management be placed with ABA IT Co-Division Directors.

6. The General Counsel’s office should adopt and oversee appropriate privacy procedures for all aspects of ABA technology, including the creation, if appropriate, of a “privacy officer” for the Association. This policy should further include a definition of how and when any internal entities may exchange member information for ABA purposes.

7. The Board of Governors asks the Standing Committee on Membership to lead an inter-committee effort to determine how the Association can satisfy the concerns and needs of members regarding the method and frequency of electronic communication directed to them from ABA sources (including “opt-in, opt-out” preferences), and to provide any necessary recommendations, focusing on optimizing benefits to members, to the Board.

8. The Executive Director, working in consultation with the ABA IT Co-Division Directors, shall promptly develop a process that enables the ABA entities to share best practices concerning information technology and the web site.

9. The Board of Governors recognizes the efforts of the Executive Director to redesign the ABA web site with the assistance of professionals in this area of communication. The Board has established the position of ABA Webmaster, whose responsibilities, currently performed by ABA Digital marketing, include working to assure that the web site can easily provide the resources members value. Oversight of the web site and Webmaster rests ultimately with the Executive Director, who is accountable to the Board for the web site’s effective operation. The Executive Director shall administratively place the Webmaster as he deems appropriate.

10. The ABA should increasingly provide communication and member value through the web site. However, the Board reaffirms that selection of media to present particular information should be decided by the originating entity with the highest regard for the preferences of members. When economically feasible and where there are diverse member preferences, information should be presented in multiple formats.

ABA Content and the ABA Web Site

In June 2007, the Board of Governors adopted the following recommendations, contained in the June 14, 2007, report of the Board’s Non-Dues Revenue Committee, which comprise a comprehensive policy concerning ABA content and the ABA Website:

1. The Board of Governors is encouraged to recognize that the ABA Web Site is collectively a published product, and as such requires rules and procedures that safeguard that product and that sustain the ABA’s role as a thought leader on topics of the law, law practice, legal education, legal issues and policy.

2. All original content on any page of the ABA Web Site should be under copyright of the ABA, as per applicable laws. Although books, periodicals and CLE materials are routinely copyrighted today, other Web Site information often is not. The Board is urged to require a statement of copyright on all Web Site content.
3. All content on the ABA Web Site that is generated through staff work is a work product that belongs exclusively to the ABA. All content on the ABA Web Site that is generated through member work requires a copyright agreement with the member author that assigns ownership to the ABA.

4. All content of the ABA Web Site should have a sunset date, or be designated as "timeless" to assure content is always current.

5. All substantive content of the ABA Web Site should be organized and searchable by topic, by originator and by date created. Accessing substantive information, even if only in abstracted form should be easily accomplished.

6. All content generated by an ABA membership entity should be presented in three progressively more substantial forms: content available to anyone; content available only to ABA members; content available only to specific entity members. This approach to content distribution enables an integral connection between content and membership value. Some content should be made available only to members to truly support the value of membership. Additionally, when the ABA or a content generating entity within the ABA believes that specific content should be made available to non-ABA lawyers, the strategy for pricing, timing and distribution should be designed to encourage membership, rather than facilitate access, while avoiding membership.

7. Content that is sold requires a strategy that addresses pricing, timing, packaging and marketing. So, for example, a product price may change over time, and may be marketed in a variety of ways or packaged with other products over the life cycle of the product. The timing of a product may be planned to favor members first, followed by other audiences.

8. ABA Publishing and ABA CLE should develop models of incentives to members and others, including bar associations and professional organizations, who produce ABA content. Royalties and other forms of compensation may be appropriate and should be uniform for all ABA content producers.

9. The ABA should develop business rules that are applicable to all who place content on the ABA Web Site.

10. Finally, recognizing that the ABA Web Site is critical to the Association's ability to deliver value to its most important audiences, appropriate Association resources should be allocated to enable a high quality Web Site. A plan needs to be developed that supports the development of such a Site, following the best practices of other successful sites. Such a plan needs to identify technology, staffing and other resources that a truly valuable Site requires. Upon its consideration of such a plan, developed by the Executive Director, the Board of Governors should allocate resources it believes are needed to accomplish the goals it adopts.

ABA Internet Hosting Policy

The Internet is vital to the success of American Bar Association programs and leadership in issues affecting the legal profession. ABA IT is charged with providing the infrastructure to support Internet initiatives, to include developing, operating, managing, and supporting the requisite hardware and software. These enterprise-wide technologies include server computers, databases, and other software applications. They provide the foundation for, and are to be distinguished from, other ABA IT supported technologies, such as e-mail clients and Web browsers, that use the Internet.

The ABA operates a variety of Internet-focused enterprise technologies, including Web servers, Web-accessible databases, Web site content management, and Web- and e-mail-based collaborative tools. ABA departments and entities host, deliver, manage, and distribute their content and activities in the context of these resources and in coordination with other ABA policies. The Standing Committee on Technology and ABA IT provides volunteer oversight of these resources in consultation with the Executive Director.
For a variety of strategic and financial reasons, ABA IT cannot provide every available technology hardware and software resource. ABA departments and entities may require resources not provided by the ABA IT department. In such cases, requests to use non-ABA Internet technologies to host or distribute ABA content should be directed to the Executive Director for his consideration. The Executive Director must approve any use of non-ABA Internet technology. An appeal to a denial of a request will be made to the Finance Committee of the Board of Governors. (BOG 11/01)

**Domain Name**

Approval Procedures and Implementation Requirements

1. The entity seeking a brand name will send a request in writing to the Executive Director, who will reply within 14 business days of receipt of the request.

2. If the request is not approved by the Executive Director, the requesting entity may seek review by the Board of Governors Finance Committee, which shall review the request and respond within 14 business days of its receipt. The Committee may consult with the standing committees on Publishing Oversight and Technology and Information Systems.

3. The standards that shall guide review of the domain name requests are these:
   - Domain name must be legally available and registerable.
   - Domain name must be registered by the ABA IT in the name of the ABA.
   - Domain must reside on an ABA server unless an exception is granted by the Standing Committee on Technology and ABA IT.
   - Domain name must be descriptive, without use of inappropriate or offensive words that would reflect negatively on the reputation of the American Bar Association or the legal profession.
   - Domain must be a dot/org domain name unless an effective case is made to the Executive Director for the necessity and appropriateness of a dot/com or other alternative top level domain.
   - The domain name must lead to a website that displays the ABA name and mark so that the American Bar Association is clearly identified as the source of the information on every page. (BOG 10/00)

**ABA Policy on Interactive Online Communication**

The ABA Board of Governors has adopted the following policy on interactive online communication:

This policy considers two entirely distinctive dimensions of the changes in the communication environment that result from technologies that enable direct, two-way electronic communications rather than intermediated communications. This policy also disregards the particular technologies that enable direct communication, such as blogs or discussion boards, and focuses, instead on policy that should govern communications, facilitated by current and future technologies.

The ABA believes that the ability of ABA members to network and share information is one of the most powerful incentives to membership. This has been ably and consistently demonstrated by member attendance at ABA events, by the use of ABA listserves, and by the pervasiveness of e-mail exchanges among members. Newer technologies that enable real time group discussions have the potential to add relevancy to ABA work, and to generate important exchange of information and views among members. Therefore, the broader use of such direct communication vehicles should be encouraged.

**Online Discussions on the ABA Web Site**

It is recommended that the ABA take steps to enable direct member communication through the ABA web site. Such communication should adhere to the following standards:
• Exercise no prior restraint of messages, although the ABA should reserve the right to remove any posted content it deems inappropriate or irrelevant.

Be restricted to ABA members only, with each message identified by member name. This means that when the member enters the discussion site he/she must enter his/her name and number. Use of an alias will not enable the member message to be posted.

• Carry a disclaimer on every "page" to assure understanding that the communication does not reflect ABA policy, nor ABA endorsement.

A sample disclaimer to be approved by the ABA Policy and Planning Division may be:

"The purpose of this discussion site is to enable ABA members to share and exchange their personal views on topics and issues of importance to the legal profession. All comments that appear are solely those of the individual, and do not reflect ABA positions or policy. The ABA endorses no comments made herein."

• Be presented in a manner that is consistent with ABA graphic and web site standards.

**ABA Official Participation in Online Discussion on Non-ABA Sites**

A second dimension to the topic of interactive online communication relates to the way the ABA regards such communication vehicles as media. While it is true that anyone can launch an interactive online communication medium, and can fill it with information that is heedless of the journalistic practices and standards of so-called traditional media, it is also true that some interactive online communications can be enormously influential to members of the profession, to opinion leaders, and to the general public.

Therefore, ignoring these new online media that cover topics important to the ABA and that may or may not provide accurate information may not be prudent. It is recommended the following policy for consideration:

• Response to interactive online media should be done under the same guidelines as responses to traditional media. As stated in Bylaws Article 25.1, the President as the ABA spokesperson authorizes responses which he/she will make or delegate to another.

• Personal responses to online messages should not be made on behalf of the ABA by any member or staff person unless specifically authorized by the President, through the Division of Division of Media Relations and Strategic Communications staff. Participation by members or staff that relies on the individual's identity related to the ABA should be avoided, so as to adhere to the ABA's spokesperson policy.

• Division of and Sstrategic Communications will consider responses to interactive online media only when the particular medium is enduring, has an audience of consequence to the ABA, and is writing about a matter of ABA policy.

For example, because the vast majority of blogs tend to be ephemeral, responding to a blog that fails to meet the criteria outlined above may well constitute a misuse of ABA resources and identity. Therefore, the decision to respond should be made by ABA Division of Media Relations and Strategic Communications, the ABA Executive Director or the ABA President, following appropriate investigation.

ABA Division of Media Relations and Strategic Communications closely monitors and interacts with online media, including those provided by newspapers, radio and television stations, and covering the ABA or topics of interest to the ABA.
CHAPTER 7

MEMBERSHIP

I. GENERAL INFORMATION

A. Receipt of Applications
Upon receipt of applications for ABA membership, applicants are enrolled in the appropriate membership category and sent a series of communications from the Association including their membership number, membership benefits information, and more. When a member applies for entity membership, they are enrolled as appropriate and receive communications from the entity.

B. General Membership Dues
The Association has been authorized to charge the following dues for the general membership (rates effective September 1, 2018- August 31, 2019).

<table>
<thead>
<tr>
<th>Years Since Original Admission to Bar (as of January 1, 2018)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 1 year</td>
<td>Free</td>
</tr>
<tr>
<td>1 year, but less than 2</td>
<td>$146.00</td>
</tr>
<tr>
<td>2 years, but less than 3</td>
<td>$163.00</td>
</tr>
<tr>
<td>3 years, but less than 4</td>
<td>$173.00</td>
</tr>
<tr>
<td>4 years, but less than 5</td>
<td>$183.00</td>
</tr>
<tr>
<td>5 years, but less than 6</td>
<td>$209.00</td>
</tr>
<tr>
<td>6 years, but less than 7</td>
<td>$250.00</td>
</tr>
<tr>
<td>7 years, but less than 8</td>
<td>$291.00</td>
</tr>
<tr>
<td>8 years, but less than 9</td>
<td>$328.00</td>
</tr>
<tr>
<td>9 years, but less than 10</td>
<td>$354.00</td>
</tr>
<tr>
<td>10 years or more</td>
<td>$467.00</td>
</tr>
</tbody>
</table>

C. Limited Testing of New Dues Pricing Concepts
Limited testing of new dues pricing concepts is allowed with the approval of and oversight for each test by the ABA Board of Governors. Collectively these tests will never enroll more than 30% of the total ABA membership.

D. Policy Regarding Dues on Termination of Membership
Membership dues refunds are given on a monthly prorated basis. Refunds will be made only upon request of the member, or in the case of death, by the member's estate, family or some other representative.

E. Policy Regarding Cancellation for Nonpayment of Dues
Billing for ABA and entity dues begins in advance of the membership year and continues with reminder invoices. Failure to pay Association dues results in cancellation of membership and removal from the membership rolls. For the 2018-2019 membership year, most members that are unpaid in January will be canceled for non-payment.

Should a member pay Association dues but be delinquent in payment of entity dues, entity membership will be terminated.

F. Mailing Lists
The Association makes its membership and customer postal mailing list and other select records available for rental to outside companies and organizations. From time to time the Association also provides lists to companies and organizations that sponsor member benefit programs, to allow them to communicate with members and customers. In addition, the ABA makes lists available to individual members for communications related to ABA business purposes under guidelines established by the Board (BOG 91). Members are able to suppress their information from these lists upon request to the Service Center. The ABA does not provide email addresses to companies or organizations.
G. E-mail Addresses

This policy is for unsolicited e-mails (mass e-mail or blast e-mail mailings) only and is not intended to apply to opt-in listservs and other private distribution lists. (BOG 7/00; 11/03)

1. The e-mail addresses of ABA Members, Associates, or Law Student Division members cannot be sold or rented or given away to any party.

2. No e-mail address lists of ABA Members, Associates, or Law Student Division members can be given to:
   a. Unrelated third parties
   b. Corporate Sponsors, Advertisers, Insurance or Member Benefit providers, or any third party selling products and services on behalf of the ABA, with the exception of USI for use in promoting ABA Insurance (BOG 11/15)
   c. Affiliates of the American Bar Association
   d. Individual ABA Members, Associates or Law Student Division members. Should an individual request a list of e-mail addresses for the purposes of running for elected office in the ABA, the matter will be referred to the Division for Policy.

3. The ABA and its entities may use, at no charge, e-mail address lists of ABA Members, Associates, or Law Student Division members for the promotion of ABA products and services and for communicating with constituencies.

4. All mass e-mailings (including outside purchased lists) must comply with CAN-SPAM requirements and have within the body of the e-mail:
   a. A notification that advises the recipient that e-mail addresses can be removed from future mailings, and
   b. A link to a location within the ABA web site to execute the e-mail address removal and the ABA Service Center phone number (800-285-2221).

5. ABA Members and Customers shall be given opportunities to manage communications restrictions in accordance with established federal and state regulations. The operational manner with which the Association manages or changes communications restrictions will be as established by the Executive Director, in consultation with the Standing Committee on Membership and the Standing Committee on Technology and Information Systems. The Member Services Committee will continue to have oversight regarding all changes in communications restrictions that are established by the Executive Director in consultation with the Standing Committee on Membership and the Standing Committee on Technology and Information Systems, and the Executive Director will report periodically to the Board regarding such changes.

6. Any ABA entity hosting a web site must secure a waiver to the ABA hosting policy.

7. All e-mail communications must adhere to state and federal laws.

8. Changes to this policy must be approved by the Member Services Committee of the Board of Governors.

Disclaimer Language Policy

The following disclaimers must be included with the distribution of member rosters, meeting registration lists, website directories, and other reports which list member contact information, including mailing addresses and e-mail addresses:

PRIVACY NOTICE

The material contained in the American Bar Association Leadership Directory is solely intended for the individual and private use of ABA members in connection with the ABA's mission, goals and activities. All other use is strictly prohibited without prior written authorization from the ABA. Prohibited use includes but is not limited to the copying, renting, leasing, selling, distributing, transmitting or transfer of all or any portions of the material, or use for any other commercial and/or solicitation purposes of any type, or in connection with any action taken that violates the ABA's copyright.
H. Special Membership Programs

To ensure that the ABA is representative of the profession, the Association has several special membership programs in place to meet the diverse needs of today’s attorneys.

1. **Financial Hardship Dues Program**

Any ABA member experiencing financial hardship may apply for a dues reduction and pay $53.00. Any extension of the rate requires annual written recertification, except for individuals who are currently retired and have requested the financial hardship waiver to automatically renew. All Hardship Program members are entitled to enroll in one participating Section of their choice, at an annual fee of $5.00, and may enroll in additional Sections at the regular lawyer rate.

2. **Special Membership Discount**

If a person who has reached age 75 and has been a member of the Association for at least 25 years so requests, that person shall retain the privileges of membership but need only pay 50% of the highest dues rate.

3. **Faculty Group Membership Program**

The ABA Faculty Group Membership Program provides a means for maintaining ties between legal educators and the practicing bar. One annual flat fee entitles all law school faculty of ABA accredited law schools to become members of the Association and of the Section of Legal Education and Admissions to the Bar. Fee structure is based on student enrollment:

<table>
<thead>
<tr>
<th>Student Enrollment</th>
<th>Dues Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 250</td>
<td>$2,725</td>
</tr>
<tr>
<td>250-499</td>
<td>4,720</td>
</tr>
<tr>
<td>500-799</td>
<td>6,150</td>
</tr>
<tr>
<td>800-999</td>
<td>8,810</td>
</tr>
<tr>
<td>1,000 or more</td>
<td>11,550</td>
</tr>
</tbody>
</table>

4. **Special Dues Program for Solos, Government Lawyers, Judges and Lawyers in Public Service**

Judges, lawyers in government, legal/public service, and solo practitioners in private practice are eligible for a special dues rate. This program reduces regular rates by 25 to 50 percent.

<table>
<thead>
<tr>
<th>Years Since Original Admission to Bar (as of January 1, 2018)</th>
<th>Regular Dues Rate</th>
<th>Special Dues Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 year, but less than 2</td>
<td>$146.00</td>
<td>$120.00</td>
</tr>
<tr>
<td>2 years, but less than 3</td>
<td>$163.00</td>
<td>$120.00</td>
</tr>
<tr>
<td>3 years, but less than 4</td>
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<td>8 years, but less than 9</td>
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<td>$173.00</td>
</tr>
<tr>
<td>9 years, but less than 10</td>
<td>$354.00</td>
<td>$173.00</td>
</tr>
<tr>
<td>10 years or more</td>
<td>$467.00</td>
<td>$266.00</td>
</tr>
</tbody>
</table>
5. **Special Dues Program for U.S. Armed Forces Personnel Serving in a Combat Zone**

ABA members, including lawyers, associates, and students, who are currently serving in the U.S. Armed Forces and are performing services in a combat zone are eligible for an exemption for ABA membership dues for the duration of their services in such zone. “Combat Zone” is designated by an Executive Order of the President of the United States. Such waiver may be requested by the member or by an individual authorized by the member. Membership dues will be re-activated upon the member’s release from duty in the combat zone.

6. **Special Dues for Members Performing Pro Bono**

ABA members who are retired and/or inactive, who are no longer in the active (paid) practice of law, and complete 500 hours of Pro Bono legal services work within a calendar year shall receive a full waiver of membership dues for the subsequent membership year upon request with documentation to the ABA.

1. The definition of “pro bono legal services work” is set forth in Model Rule 6.1.
2. At least 250 of the 500 hours of pro bono legal services work shall involve the direct representation of persons of limited means or organizations that provide service to those individuals. The remaining hours can cover a range of experiences covered under Model Rule 6.1’s definition of pro bono. Participation in an organized pro bono program is recommended.
3. Dues waiver recipients will self-certify by submitting a signed document attesting to their 500 hours of pro bono service and the minimum 250 hours as set forth in paragraph 2 above to the ABA Service Center.

7. **ABA Retirement Dues Classification/Inactive Rate**

Members who are fully retired from employment of any kind and who were members of the Association at the time of their retirement, including inactive lawyers or those who practice less than 20% of the time may now be enrolled at a special Pilot Rate of $150, currently available through FY2019.

8. **Section-Included Program**

One ABA Section, Division, or Forum membership is included in the ABA dues rate for lawyer members in practice for one year, but less than two, as of January 2017 (dues class 1A). Only the Section with the lowest dues rate is included in the ABA membership dues. Additional Section memberships will be billed accordingly. Government Joint Section Rates are not eligible for this offer.

II. **ENTITY MEMBERSHIP PROGRAMS**

A. **Entity Membership Solicitation**

All new ABA members receive membership information which includes a listing and brief description of each section, division, and forum. Membership application directions are also provided, so that the member may immediately enroll in entities.

Entities may receive the entire ABA membership list or any portion thereof for the purpose of conducting a membership solicitation campaign. Entities are not required to seek permission to solicit members from another section, division, or forum.

Assistance is available from the ABA Membership Department with respect to strategy development, member communications, planning, campaign techniques and procedures.

As of FY2014, entity dues are prorated.

Section membership is effective to the end of the Association’s fiscal year on August 31.
B. Section and Division Dues

The following Sections have been authorized to charge the following dues for regular members (amounts effective September 1, 2018-August 31, 2019).

<table>
<thead>
<tr>
<th>Section and Division</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Law and Regulatory Practice</td>
<td>$60.00</td>
</tr>
<tr>
<td>Antitrust Law</td>
<td>60.00</td>
</tr>
<tr>
<td>Business Law</td>
<td>55.00</td>
</tr>
<tr>
<td>Civil Rights and Social Justice</td>
<td>45.00</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td>45.00</td>
</tr>
<tr>
<td>Dispute Resolution</td>
<td>60.00</td>
</tr>
<tr>
<td>Environment, Energy and Resources</td>
<td>75.00</td>
</tr>
<tr>
<td>Family Law</td>
<td>50.00</td>
</tr>
<tr>
<td>Government and Public Sector Lawyers Division</td>
<td>40.00</td>
</tr>
<tr>
<td>Health Law</td>
<td>50.00</td>
</tr>
<tr>
<td>Infrastructure and Regulated Industries</td>
<td>60.00</td>
</tr>
<tr>
<td>Intellectual Property Law</td>
<td>105.00</td>
</tr>
<tr>
<td>International Law</td>
<td>55.00</td>
</tr>
<tr>
<td>Judicial Division</td>
<td>35.00</td>
</tr>
<tr>
<td>Labor and Employment Law</td>
<td>75.00</td>
</tr>
<tr>
<td>Law Practice Division</td>
<td>50.00</td>
</tr>
<tr>
<td>Law Student Division</td>
<td>FREE</td>
</tr>
<tr>
<td>Legal Education and Admissions to the Bar</td>
<td>50.00</td>
</tr>
<tr>
<td>Litigation</td>
<td>65.00</td>
</tr>
<tr>
<td>Professional Responsibility, Center for</td>
<td>100.00</td>
</tr>
<tr>
<td>Public Contract Law</td>
<td>45.00</td>
</tr>
<tr>
<td>Real Property, Trust and Estate Law</td>
<td>70.00</td>
</tr>
<tr>
<td>Science &amp; Technology Law</td>
<td>55.00</td>
</tr>
<tr>
<td>Senior Lawyers Division</td>
<td>FREE</td>
</tr>
<tr>
<td>Solo, Small Firm and General Practice Division</td>
<td>60.00</td>
</tr>
<tr>
<td>State and Local Government Law</td>
<td>60.00</td>
</tr>
<tr>
<td>Taxation</td>
<td>75.00</td>
</tr>
<tr>
<td>Tort, Trial and Insurance Practice</td>
<td>50.00</td>
</tr>
<tr>
<td>Young Lawyers Division (Must be admitted to practice in his or her first bar within the past five years or be 36 years old or less)</td>
<td>FREE</td>
</tr>
</tbody>
</table>

Because the amount of entity dues is fixed by the bylaws of the Association's entities, an entity that desires to change the amount of its dues must amend its bylaws in accordance with its amendment provision. Proposed amendments to Section bylaws do not become effective until approved by the Board of Governors. All such proposals should be submitted to the Board of Governors not later than the Midyear Meeting preceding the start of the fiscal year (September 1) in which the change is to become effective, so that the change may be indicated on dues notices and other literature. Amendments to the bylaws of most Sections must also be approved by the Section membership at an Annual Meeting; therefore, a proposal to change the amount of Section dues should be presented first at the Section's annual meeting and submitted soon thereafter for approval by the Board in order to become effective at the beginning of the next fiscal year.

Once established, dues are collected by the Association as a part of the routine billing process and credited to the Sections. Section and Association dues notices are mailed by the headquarters office in advance of the fiscal year. Generally, six follow-up billings are sent.

Because original and follow-up notices are issued from headquarters and because correct records as to payment are available only in that office, the Board of Governors has directed that Sections may not send delinquency notices to Section members (2/73 Report 177; ABA Report 367, 1948).

As approved by the Board of Governors in 1998, no entity dues discount programs are allowed, except for a “one free entity per year” enrollment option for entities that choose to participate. In addition, changes in Section dues must be in increments that are multiples of $5.00.
The exception to this rule is the Joint Dues Program of the Government and Public Sector Lawyers Division. These lawyer rates allow for a single fee covering both the Government and Public Sector Lawyers Division and any one of the following:

Administrative Law and Regulatory Practice ................................................................. 69.00
Antitrust Law .................................................................................................................. 60.00
Criminal Justice ............................................................................................................ 60.00
Dispute Resolution ..................................................................................................... 69.00
Environment, Energy and Resources ........................................................................ 85.00
Health Law .................................................................................................................. 60.00
Infrastructure and Regulated Industries ................................................................. 60.00
International Law ........................................................................................................ 80.00
Public Contract Law .................................................................................................. 65.00
Solo, Small Firm and General Practice Division ..................................................... 68.00
State and Local Government Law ............................................................................. 68.00
Tort Trial and Insurance Practice ................................................................................. 70.00

The Joint Dues program for the Judicial Division was also approved at the June 2013 BOG Meeting. A joint dues rate for judge members who join the Judicial Division and one additional participating entity. The following entities were approved for the joint rate:

Administrative Law & Regulatory Practice ................................................................. $60.00
Antitrust Law ................................................................................................................ 60.00
Business Law ............................................................................................................... 60.00
Civil Rights and Social Justice ................................................................................... 60.00
Construction Industry ................................................................................................. 60.00
Criminal Justice ............................................................................................................ 60.00
Dispute Resolution ..................................................................................................... 60.00
Environment, Energy, and Resources ....................................................................... 60.00
Family Law .................................................................................................................... 60.00
Government and Public Sector Division .................................................................... 60.00
Health Law .................................................................................................................. 60.00
International Law ........................................................................................................ 60.00
Labor & Employment Law .......................................................................................... 60.00
Litigation ....................................................................................................................... 60.00
Public Contract Law .................................................................................................. 60.00
Science & Technology Law ......................................................................................... 60.00
Solo, Small Firm and General Practice Division ..................................................... 60.00
State and Local Government Law ............................................................................. 60.00
Tort Trial and Insurance Practice ................................................................................. 60.00

III. FORUMS

The Association's Bylaws were amended in August 1975 to permit the House of Delegates to create forums in a specialized field that is not otherwise served within the Association and within the purposes of the Association. The principal responsibility of Forums is to educate its members in the specialized field. Six forums have been created by the House, and the Board of Governors has set the following dues for each:

Affordable Housing and Community
  Development Law ........................................................................................................ $50.00
Air and Space Law ...................................................................................................... 40.00
Communications Law .................................................................................................. 55.00
IV. ASSOCIATES

A. Classifications

Persons who are ineligible to be members or Law Student members of the Association may qualify as associates if they are in one of the following classifications, have never been disbarred or suspended from the practice of law in any jurisdiction, are of good moral character, and satisfy such further eligibility requirements as may be approved by the Board:

(a) Non-US Lawyer Associates - members of the legal profession of another country who are admitted to practice law but are not admitted to the bar of any state, territory, or possession of the United States.
(b) General Associates - individuals who are not admitted to practice law in any jurisdiction, but have an interest in the work of the American Bar Association.
(c) Student Associates – individuals enrolled in college or university level post-secondary educational studies and have an interest in the work of the American Bar Association.

The privileges and dues of associates shall be prescribed by the Board. However, they have no interest in the property of the Association and they may not vote, except as authorized by the House of Delegates.

B. General Information/Dues

Associates are not members of the Association and do not as a group constitute a membership classification. In the absence of express provision for the inclusion of associates, they are not entitled to participate in the insurance programs of the American Bar Endowment; however, they are eligible to participate in most economic benefit programs now or hereafter available to members of the Association.

The annual dues of Non-US Lawyer and General Associates are $181 per year, Student Associates are $27 per year, and all associates receive a card indicating their affiliation with the Association. Associates are entitled to receive Association publications regularly provided to all members of the Association. Their Association dues include an annual subscription to the *ABA Journal*. They are also entitled to receive other publications of the Association upon request and payment of the Association's charges therefore.

Associates are elected to that status by the Board of Governors upon application; satisfaction of such further eligibility requirements as may be approved by the Board and payment of the annual Association dues then in effect for associates. The procedure for election is the same as the procedure for election of members. The status and privileges of any particular associate continue at the discretion of the Board of Governors (Board of Governors, August 1973).

Associates are eligible for appointment to any committee or commission of the Association to which non-members of the Association are eligible for appointment. Associates are welcome to attend meetings of the Association, including public sessions of the House of Delegates. However, they may not present a resolution and may not otherwise enjoy the privileges of the floor except as may be extended in the case of any non-member. Associates attending an Annual Meeting shall register for that meeting and shall pay the same registration fee established for members.

Associates may not be members of any Section of the Association except as prescribed by the ABA’s Constitution and Bylaws. However, they are encouraged to become affiliated as Section associates in one or more of the entities of their choice upon application therefore and payment of the annual Section dues then in effect.

Associate status in any entity entitles an associate to all the privileges of membership in the Section except the right to vote or to be an officer or council member except as prescribed by the ABA Constitution and Bylaws. Associates are eligible to be appointed to Section committees and to receive Section publications and participate in programs. They are entitled to reimbursement of expenses when serving on a Section committee to the extent provided for associates in the Association's written policies governing authorized expenses and procedures for reimbursement relating to Sections, subject, however, to any more- restrictive policy for associates adopted by the Section involved.
V. LAW STUDENT

A. Division Membership
Applications for Law Student Division membership are received and processed by the Membership Division. Upon enrollment, each applicant is sent a letter of welcome, an ABA I.D. card and information on Sections and other products and services offered by the Association. Dues for current law students and recent law student graduates are $0. Students may upgrade to premium status for a $25 fee. All current law student members receive a subscription to Student Lawyer, published four times per year. All Law Student Division members receive an electronic subscription to the ABA Journal, published on a 12-month basis.

Membership in the Law Student Division extends to bar admission, provided that the student is admitted to the bar within 18 months of his or her graduation date. Upon bar admission, the membership will be transferred automatically to ABA membership with no payment of dues up to one year of membership, provided other eligibility requirements are met.

B. Section Memberships of Law Students
Up to five Sections, Divisions and Forums memberships are offered at no charge to members of the Law Student Division. Additional entities are provided at a fee of $10 each.

Generally, students receive all the publications, including the substantive law quarterlies, which Section members receive though some may not be provided in print format. Some Sections provide free to law students publications for which other Section members pay.

VI. MEMBERSHIP BENEFIT PROGRAMS

The ABA sponsors certain economic benefit programs designed to provide a savings or other such benefit to Association members and associates. Through these programs certain products or services may be offered to members and associates at a discount. However, the sponsoring of member benefit programs implies no Association endorsement of these products or services over similar products or services offered by others. The ABA will use the ABA Advantage program services and products whenever appropriate given comparable pricing and quality. (BOG 4/01)

A. PROGRAM GUIDELINES

1. General
A member benefit program is defined as one which extends to ABA members, as a direct result of membership in the Association or one of its sections, divisions or forum, a savings or other benefit on a product or service made available to the members by an outside entity. This provision does not apply to member benefit programs of six months or less duration offered as part of corporate support. General criteria to be applied to all member benefit programs sponsored by the American Bar Association or its individual sections, divisions or forums include the following:

(a) Such programs must represent a clearly defined benefit for members of the Association, or the members of the sponsoring section, division or forum.
(b) The benefit to be provided must be of significant interest to a wide spectrum of the membership of the Association, or the members of the sponsoring section, division or forum.
(c) The savings or other such benefit to be made available through a specific program should represent the best benefit available for that particular program, at that point in time.
(d) The product or service to be offered must be of a high quality and the company or organization whose product or service is being utilized must maintain a reputation for reliability and fine service.
(e) The benefit program must not conflict with the general purposes of the American Bar Association or any of its established policies.
(f) The benefit program must be reviewed by the Standing Committee on Membership, the ABA’s member benefit oversight entity, to determine compliance with ABA guidelines. The ABA Chapter 9 Board of Governors has the authority to determine if a proposed program is appropriate for the ABA to undertake and to approve such programs.

(g) The Standing Committee on Publishing Oversight shall have responsibility to review and report to the Board of Governors at or before its next regularly scheduled meeting on any ABA entity’s member benefit program that:
   a. Affects ABA publications; or
   b. Involves a product that competes with an ABA publication.
This requirement would apply where the use of a non-ABA periodical is an ABA entity’s member benefit, or where an ABA entity uses advertising space in its publication(s) to announce its member benefit product(s).

(h) Such programs shall not be limited to a specific number; however, new ABA programs shall be considered in light of the total number of ABA benefit programs being offered, so that the benefits portfolio as a whole is limited to a manageable number and represents an appropriate package of benefits for the Association.

(i) The negotiated benefit for a particular program shall be of the greatest monetary or service value to the entire membership of the Association or sponsoring section, division or forum. The direct and indirect costs related to developing and administering a particular benefit program shall be borne by the supplier to the extent possible. Revenues derived from ABA-wide member benefit programs shall be allocated by the Board as a part of the annual budget process consistently with the premise that priority consideration should be given to utilizing such revenues to fund membership retention and acquisition programs.

(j) It shall be understood that the American Bar Association's membership benefit programs are offered to provide a special savings or other benefit on selected products or services offered by others. The ABA "logo" or any identifying symbol or words shall not be used in such a manner as to imply or state an endorsement by the Association or an Association entity of a product, publication or service, except as provided by, and in strict compliance with, the Association Policy on Endorsement of Products or Publications of Other Organizations.

(k) The mailing list (list of members) of the Association and/or its entities may not be provided in exchange for or in connection with the member benefit program, except as coordinated through the ABA Database Management and Marketing Planning Department. The mailing lists shall be treated separately and only may be handled through the ABA Database Management and Marketing Planning Department.

(l) Unless specifically authorized by the Board of Governors, member benefit programs of the ABA or its entities will not preclude other corporate support arrangements between the ABA and/or its entities.

(m) Programs that would be of widespread interest to the Association membership as a whole shall be administered by the Membership and Marketing Division for the benefit of the Association’s members generally. In the event a section, division, or forum administers a program pursuant to section B below, the Membership and Marketing Division and the Standing Committee on Membership shall nevertheless monitor the program in furtherance of their oversight functions.

2. Section, Division or Forum
   In addition to the General Guidelines above, specific policies for ABA entities as they relate to member benefits include the following:
   (a) Member benefit programs sponsored by individual sections, divisions, or forums shall not conflict with either previously approved programs, proposed programs under consideration or potential programs which might be offered to all Association members. The identification of any conflict shall be determined by the Standing Committee on Membership.
(b) Except as provided in paragraph (3) below, member benefit programs sponsored by a section, division or forum shall be limited to those that are directly related to the activities or area(s) of interest of the sponsoring section, division or forum, and that would not be of widespread interest to the Association membership as a whole.

(c) All member benefit program proposals offered by sections, divisions, or forums must be reviewed in the first instance by the Standing Committee on Membership. In the event the Standing Committee on Membership believes a member benefit program proposed by a section, division, or forum offers a benefit which would be of widespread interest to the Association membership as a whole, and the Standing Committee on Membership decides not to pursue it as such, the Standing Committee on Membership may recommend to the Board of Governors that such program be approved for development by the section, division or forum, provided, however, that the program’s development shall not be exclusive to that section, division or forum. As a condition of such authorization, the Board of Governors may require that the negotiated benefit or consideration offered by the benefit provider be enhanced to achieve the maximum benefit available in the circumstances and may further require the program to be a pilot program for a period of time to be determined at the time of the approval.

B. PROCEDURAL GUIDELINES

The following guidelines shall govern the process of review, approval and oversight of member benefit programs:

(a) The Standing Committee on Membership shall have the responsibility for the investigation and review of all new benefit programs proposed, whether they have been developed by the Standing Committee itself or by a section, division or forum. ABA entities are urged to consult the ABA Advantage Director at the earliest juncture in the development of a member benefit program. The Standing Committee shall formulate recommendations on such programs, for consideration by the Member Services Committee, the Finance and the Board of Governors.

(b) The Standing Committee on Membership shall similarly have responsibility for monitoring existing benefit programs and for review of specific benefits or services being offered (when such programs are up for renegotiation or renewal), so as to determine whether they continue to be acceptable and appropriate in view of the guidelines. When periodically requested by the Standing Committee on Membership, ABA entities shall report to it on the status of the ABA entity’s existing member benefit program(s).

(c) Upon approval of an ABA entity’s member benefit agreement by the Board of Governors, the ABA entity shall notify the ABA Advantage Director in order to develop a mutually agreeable plan for communicating the announcement of the member benefit. The ABA entity shall not, as part of its negotiations with the member benefit sponsor, make any commitment, contractual or otherwise, with respect to use of the ABA logo or symbol, announcements, news releases, member communications or other public statements pertaining to the member benefit. All communications announcing an ABA entity’s member benefit agreement shall be made jointly by the ABA, the ABA entity and the corporate sponsor.

(d) The ABA General Counsel shall develop contract language to be included in every ABA entity’s member benefit agreement, which:
   a. Provides for inclusion of the terms set forth in (3);
   b. Prohibits unilateral announcements by the member benefit sponsor and/or the ABA entity, without prior written approval of the ABA.

(e) Any ABA entity’s member benefit program that affects ABA publications or advertising or that involves a product that competes with an ABA publication, must be reviewed by the Standing Committee on Publishing Oversight in accordance with the procedures set forth herein.
(f) All benefit programs shall be communicated in a manner that best informs relevant Association members so that the membership can take full advantage of them.

(g) The terms of any agreement pertaining to a member benefit program shall be detailed in a contract with the company or organization providing the product or service.
FINANCES

I. OVERVIEW

A. Fiscal Year

The Association’s fiscal year is September 1 to August 31. No membership revenue is recognized until payment is received. Upon receipt revenue is recognized evenly over the remainder of the membership year. Membership dues received for a future fiscal period are accounted for as deferred revenue (a liability on the balance sheet/statement of financial position). That deferred revenue is recognized as revenue in the fiscal period when the goods and services paid for are provided. Expenses are charged to the fiscal year in which they are incurred. A summary of significant accounting policies can be found in the Association’s audited financial statements.

B. Consolidated Budgets

Each fiscal year the Association develops a budget of revenues and expenses. This process begins midway through the preceding year to provide sufficient time for consideration of all funding requests. Prior to and at the Midyear Meeting, the Chief Financial Officer (CFO) provides an estimated amount of Association General Revenues available for the next fiscal year to the Finance Committee. The Finance Committee makes a recommendation to the Board of Governors for its approval. Entities then prepare their General Revenue budgets and their capital budget requests for the next fiscal year, which are reviewed by the Executive Director and Senior Managers in order to develop management’s proposal to the Board of Governors for a consolidated budget. The consolidated budget covers the budgets of the ABA General Operations, the Sections, and Gifts and Grants. After review and adjustment by Senior Management, a proposed consolidated budget and a capital budget are sent to the Finance Committee and relevant Board Committees for consideration.

The Board meets to develop strategic programmatic objectives for their respective entities for the upcoming Fiscal Year. These objectives are incorporated into the budget by management and the Executive Director.

The Executive Director will review the budgets and meet with budget administrators, as necessary, to develop recommendations for the Board Committees regarding general revenue budgets, the consolidated budget and the Capital budget.

Requests for emergency/supplemental budget appropriations are made to the chairs of the Finance Committee and the relevant Board Committees throughout the year. After review by these Committees, recommended requests are then submitted to the Board of Governors for approval. Once approved, the entity requesting the additional appropriation is notified of the Board action.

The Association budgets in line with its Chart of Accounts including Entity, Fund, Department (Responsibility, Line of Business and Account segments. The Financial Services Division shall prepare, and make available to the Finance Committee and other interested Association entities approved by the Finance Committee, a monthly financial report of statements of activities and changes in net assets, reflecting comparisons to budget and prior year on a year to date basis, on a consolidated basis, and for such other operations as management determines appropriate.

All senior managers must monitor revenues and expenditures regularly and carefully to ensure that all actual or potential budget variances are identified promptly and managed appropriately. Senior managers shall report on a quarterly basis to the Treasurer, the Finance Committee, the Chief Operating Officer, and the Chief Financial Officer (CFO) regarding any line item which reflects a fiscal year to date unfavorable variance to budget of $50,000 or 2%, whichever is greater. The report provided by the senior manager will include the reasons for the overspend, disclose if the overspend will create a permanent or temporary full fiscal year variance and the plan of action to get the temporary unfavorable variance back in line with budget. A senior manager so required to report shall deliver such report within two weeks of receipt of a monthly financial statement from the Financial Services Division for November, February, May, and August of any year. At the Finance Committee’s request, senior managers may be required to attend and formally present during the Finance Committee meeting. (BOG 6/15)
Senior managers’ compliance with the provisions of this section shall be evaluated each year as part of the Association’s annual performance reviews.

The actions described in this section, as well as policies for monitoring budget performance, shall be performed in accordance with policies prescribed by the CFO.

C. Financial Statements

Annually, the financial statements prepared by the Financial Services Division are audited by an external accounting firm. The audited financial statements are available to the Association members on the Association’s website.

Financial information is available, as appropriate, upon request to the Chicago Financial Services Division office.

Prior to each Board meeting the Finance Committee reviews financial reports and accompanying commentary and at the Board meeting reports on any major variances to the entire Board.

D. ABA Board Designated Funds and Related Policies

This Policy sets forth an interdependent series of guidelines for the maintenance and use of reserves or funds with donor restrictions and unrestricted net assets designated by the Board of Governors ("Board") of the American Bar Association (ABA or Association) for specific Association purposes. These funds are the (1) Permanent Reserve, (2) Operating Reserve and (3) FJE Endowment Funds.

1. Permanent Reserve

The Permanent Reserve is maintained for the following purposes:

(a) To provide revenue to cover unforeseen third-party liability expenses that would create an operating deficit for the Association’s General Operations (as defined below).

(b) To provide revenue for financial opportunities that result in an expense to operations, but only when there is provision, in connection with the expenditure, for reallocation to the Permanent Reserve of such amounts and only when a significant financial advantage to the Association is expected to result from the expenditure.

(c) To comply with the Board’s desire to maintain reserves for such other purposes as the Board may determine from time to time.

The Permanent Reserve is the portion of the Association's "unrestricted net assets" (or any concept that replaces that concept under generally accepted accounting principles) that the Board has designated as Permanent Reserve. The initial amount of the Permanent Reserve under this Policy shall be an amount of the Association’s unrestricted net assets equal to the sum of (a) the amount of the D.C. Real Estate Reserve as of the end of the month on which this Policy is adopted by the Board (Adoption Month) and (b) such additional amount as is necessary so that the Permanent Reserve as of the end of the Adoption Month shall equal 60% of the operating expenses of the Association’s General Operations budgeted for the Association’s Fiscal Year 2013. Thereafter the target amount for the Permanent Reserve is equal to 60% of operating expenses of the Association’s General Operations as budgeted for the upcoming fiscal year (“Target Amount”). For purposes of this Policy, the terminology "General Operations" shall mean the unconsolidated operations of the Association, exclusive of the operations of the Association's Sections and the operations of the Fund for Justice and Education other than those operations which are not reflected as Section 501(c)(3) operations, and inclusive or exclusive of such other operations as the Board from time to time determines.

The Permanent Reserve shall reflect the Permanent Reserve's Share of any increase or decrease in the aggregate Association Investments in any given period, including realized and unrealized gains or losses, interest and dividends. The Permanent Reserve's Share shall mean a fraction equivalent to the fraction derived by dividing the Permanent Reserve by the aggregate Association Investments each valued as of the beginning of the period for which a determination of increase or decrease is made.

For purposes of this Policy, Association Investments shall mean those investments reflected in the Association's Consolidated Statements of Financial Position and any other money market or equivalent fund that is reflected within a regular performance report of any Association investment advisor. Notwithstanding the foregoing, for purposes of this Policy, Association Investments shall not be deemed to include
investments the increase or decrease in which the ABA allocates to other groups or entities in the same period a determination under this Policy is made. For example, if the ABA allocates the increase or decrease in a certain amount of investments to ABA Sections or the FJE, those investments would not be included in Association Investments.

If the value of the Permanent Reserve as of December 31 in any given year falls below $50,000,000, no amounts from the Permanent Reserve may be used to provide revenue to General Operations during the upcoming fiscal year. So long as the Permanent Reserve, as of December 31 in any given year, equals or exceeds $50,000,000, the Board may annually allocate as revenue to General Operations for the fiscal year immediately following that December 31 an amount equal to the lesser of a maximum of three and one-half percent (3.5%) of the average value of the Permanent Reserve at the end of each of the twelve (12) calendar quarters immediately preceding and including that December 31 or to the extent that the allocation, if made on that December 31, would not reduce the Permanent Reserve below $50,000,000. For purposes of the computation as of December 31, 2013, the values shall include the value of the Permanent Reserve as constituted prior to the adoption of this Policy. If, as of the end of the last calendar month for which the Association has prepared internal financial statements preceding the date the budget for the upcoming fiscal year is approved by the Board ("Valuation Date"), the value of the Permanent Reserve exceeds the Target Amount on those financial statements an amount up to the amount of that excess may be transferred to the Operating Reserve.

2. Operating Reserve

The Association maintains an Operating Reserve in order to provide revenue to cover the excess of the operating expenses of General Operations over the operating revenue of General Operations, whether the shortfall derives from causes that are expected or unexpected. The Operating Reserve is the portion of the Association's "unrestricted net assets" (or any concept that replaces that concept under generally accepted accounting principles) that the Association's Board has designated as Operating Reserve. The target amount for the Operating Reserve is an amount that, when combined with the amount of the Permanent Reserve at the time of combination, equals 75 percent of the operating expenses of the Association’s General Operations as budgeted for the upcoming fiscal year (“OR Target Amount”).

The Operating Reserve shall reflect the Operating Reserve's Share of any increase or decrease in the aggregate Association Investments in any given period, including realized and unrealized gains or losses, interest and dividends. The Operating Reserve's Share shall mean a fraction equivalent to the fraction derived by dividing the Operating Reserve by the aggregate Association Investments each valued as of the beginning of the period for which a determination of increase or decrease is made.

The Board may annually allocate to operating revenue of General Operations for the upcoming fiscal year an amount not to succeed three and a half percent (3.5%) of the average of the value of the Association Investments (exclusive of the Permanent Reserve’s Share, FJE Endowment’s Share, the Fund for Judicial Improvement Projects, the amount of any such investments held for the ABA Sections, and any investments held for related parties) at the end of each of the twelve (12) calendar quarters immediately preceding and including the December 31 of the year preceding the year to which revenue is being allocated.

The Board’s three and a half percent (3.5%) annual operations funding limit does not restrict the Board’s ability to disburse Long-Term Investments to fund capital expenditures or other such significant initiatives that will provide multi-year benefit as the Board deems necessary for the Association’s future success.

3. FJE Endowment Funds

The ABA established the Fund for Justice and Education (FJE) as a separate fund in order to obtain tax deductibility for external contributions made to the FJE. Endowments are invested along with the remainder of the Association’s investments, must be maintained in perpetuity and only the investment income earned can be spent.

Uniform Prudent Management of Institutional Funds Act (UPMIFA) for the FJE Endowment Asset Accounts.

Each FJE Endowment Net Assets balance of $100,000 or more shall reflect the FJE Endowment Net Asset Account's Share of any increase or decrease in the aggregate Association Investments in any given
period, including realized and unrealized gains or losses, interest and dividends. The FJE Endowment Asset Account's Share shall mean a fraction equivalent to the fraction derived by dividing the FJE Endowment Asset Account by the aggregate Association Investments each valued as of the beginning of the period for which a determination of increase or decrease is made.

As long as the permanently restricted net assets of each FJE Endowment is preserved, an amount not to exceed three and one-half percent (3.5%) of the average fair market value of FJE’s Endowment investments at the end of each of the preceding twelve (12) calendar quarters calculated after December 31 of the current year is appropriated annually for the upcoming fiscal year for the §501(c)(3) purpose(s) specified by the donor or the FJE bylaws as amended from time to time.

The Board can designate funds for a certain purpose that are invested for a long period of time and provide income, called “quasi-endowment funds” and are explicitly defined by accounting guidance. Since these funds do not come from outside donors, per Generally Accepted Accounting Principles (GAAP) they are always unrestricted.

4. **Liquidate ABA Investments**

The CFO, after consultation with the ABA's Treasurer and the ABA's investment advisor, may liquidate ABA investments in an amount not to exceed the amount of revenue allocated or transferred pursuant to this Policy.

**E. Section/Division/Forum Reserve Funds**

In July 2009, the Board of Governors adopted the following Policy Statement and Principles and Guidelines regarding Section/Division/Forum Reserve Funds:

**Policy Statement**

Because Section activity is recorded in separate accounts, Sections are allowed to establish and maintain unspent balances in separate Reserve Funds in order to accumulate surplus revenue in years when Section revenues exceed expenses. A Section that creates a Reserve Fund shall adopt a written policy governing management of the Reserve Fund. These reserves are invested in the Association’s long-term investment accounts and/or short-term money market account[s]. The reserve fund balances are shown on the monthly investment report distributed to all Sections by Financial Services. The amount of Reserve and Program Support Funds will be reported to the Board of Governors in conjunction with the budget process for ABA General Funds.

**Section/Division/Forum Reserve Funds: Principles and Guidelines**

1. American Bar Association (ABA) fiscal policy allows ABA Sections, Divisions and Forums (SDF Entities) to establish and maintain unspent balances in separate Reserve Funds. The ABA recognizes that the establishment, maintenance, management, and expenditure of SDF Entity reserves by the SDF Entities benefits the ABA, the SDF Entities, and their members. The SDF Entities shall exercise prudent judgment in managing such reserves.

2. SDF Entities that create Reserve Funds must maintain these funds in separate reserve accounts, which are to be invested in the ABA’s long term investment accounts and/or short term money market accounts. The balances in such Reserve Fund accounts will be provided to SDF Entities maintaining such accounts on their monthly investment reports distributed by ABA Financial Services.

3. SDF Entities that maintain separate Reserve Fund accounts shall adopt written policies governing how reserves are created, managed, invested, and spent. Such written policies shall be published by the SDF
Entity, in such a manner as to be accessible to its members, ABA Financial Services and the Finance Committee of the ABA Board of Governors.

4. Actual practices and reserve amounts remain matters for each SDF Entity’s decision-making, consistent with its governing documents and ABA policy.

5. The reserve polices adopted by SDF Entities should include:
   a. a statement of purpose;
   b. a targeted reserve amount or range usually expressed as a percentage or multiple of, or relative to, an SDF’s annual expenditures and or revenues;
   c. an investment policy which addresses how reserves are to be invested, and which may include investment allocation practices or division into separate funds;
   d. a procedure for use of reserves for identified purposes or in the event of certain specified contingencies, including an approval mechanism within the SDF entity for such use;
   e. a reporting requirement to the SDF Entity’s governing body by its budget officer or equivalent as to the status of the reserve account, and expenditures of reserves; and
   f. a policy governing the rolling-over of a surplus in any given year into reserves.

6. The statement of purpose should include, at least, the three following purposes:
   a. providing for the availability of funds in the event of expenses or liabilities that cannot be covered by operating revenues without significantly impacting the SDF’s projects or mission;
   b. providing for the funding of projects having a long term benefit or supporting long range strategies, usually subject to approval of the governing body of the SDF entity; and
   c. providing benefits to the SDF members or to support its mission, in the event excess funds are available and are not deemed necessary to current operational needs or future contingency planning.

7. SDF Entities, while being cognizant of their own particular financial circumstances and current economic uncertainties, which may affect their operations, delivery of services, and growth, should attempt to achieve a targeted range of annual budgeted expenses and or revenues as a minimum for their reserves, depending on the history, size and programming needs of the Entity.

8. SDF Entities with reserves below their targeted range should consider, among other options, the adoption of budgets over a reasonable period of years that would enable them to reach their targeted reserves. SDF Entities with reserves in excess of their targeted reserves for more than a reasonable number of years should consider, among other options, the adoption of plans that would utilize excess reserves to achieve membership benefits whether in the form of special projects, reductions in dues or other allocations as established by their governing bodies in their good faith judgment.

9. The reserve policies and practices of SDF Entities should be reviewed periodically by the governing bodies of such Entities to ensure financial stability and to promote member benefits.

F. Financially At-Risk SDF Entities

Annually, anEntity’s financial risk will be reviewed and if identified as being “Financially At Risk”, will require and action plan to restore financial viability with performance monitored against that action plan.

1. Risk Identification (Early Warning)
   a. Financial Criteria – At an annual review conducted after Audit 1 results are posted, an entity will be identified as “Financially At Risk” if either of the following two conditions are met:
      i. Liquid assets (cash and investments) or net assets (total assets less total liabilities, also referred to as “equity”) are less than three months of actual or budgeted operating expenses; or
      ii. Three consecutive years of operating losses (note that transfers from long-term investments can be considered to offset losses to the extent the aggregate transfers in any fiscal year do not exceed 5.5% of that fiscal year’s beginning long-term investment
balance) and a 25% decline in either revenue or dues paying members, as compared to the prior year actuals

b. This policy shall not apply to entities receiving more than 80% of their revenue from General Revenue.

c. Note: While Financial Services will be responsible to identify **Financially At Risk** entities, each entity’s staff and leadership should regularly monitor performance by reviewing the financial reports provided monthly, specifically the balance sheet and operating statement (5A report) as well as the supporting investment reports from Russell and inventory report. Further, it is recommended that staff and leadership investigate budget variances and periodically forecast expected results for the remainder of the year.

2. Action Plan to Reduce Risk and Restore Financial Viability

a. When an entity is identified as **Financially At Risk** by Financial Services, SOC leadership (SOC), Finance Committee (FC) leadership and Financial Services (FS) will 1) notify the BOG liaison for the entity; and 2) contact the entity leadership (Director, Chair and Budget Officer) to discuss, quantify and evaluate the present and future financial impact of the at-risk factors to that entity. If found to be valid and significant, the SOC, FC and FS shall request an **Action Plan** from the entity to improve its financial health such that it will no longer meet the criteria identified in 1a.

i. The entity will have 90 days to complete the **Action Plan** and submit it to the SOC, FC and FS.

ii. The **Action Plan** shall contain specific steps to remediate the financial condition of the entity and measurable amounts so as to be able to evaluate progress.

iii. The **Action Plan** shall outline action steps that will take place within 3 months, 6 months, and 1 year, and the entity leadership shall provide progress reports to SOC, FC, and FS at these critical points.

3. Evaluation and Monitoring

a. The SOC, FC and FS leadership along with the BOG liaison will evaluate the entity’s **Action Plan**.

i. If the **Action Plan** is accepted, FS will monitor entity performance against that **Action Plan** and report on it to SOC and FC leadership.

ii. If the **Action Plan** is not accepted the entity will have 30 days to work with SOC, FC and FS leadership to modify the plan. If after the 30 days the **Action Plan** is not accepted or the SOC, FC, and FS leadership are not satisfied with the entities performance against the accept **Action Plan**, SOC, FC, and FS will make a recommendation to the BOG as to the future of the entity within 90 days, which may involve

1. Merger with another entity

2. Dissolution

3. Other – such as alternate operating models intended to ensure that entity’s members remained engaged.

iii. If there is disagreement in the SOC, FC and FS leadership about the acceptability of the **Action Plan** or the performance against the **Action Plan**, then the SOC, FC, and FS leadership shall bring the issue to the BOG for resolution.
G. General Operations Funded Meetings

All entities should meet in accessible and affordable locations that are cost effective for the Association and its entities with due regard to (1) the cost to volunteers, (2) the opportunity to meet with local and state bar leaders if appropriate, and (3) costs to staff. The Executive Director is empowered to promulgate guidelines for entities to follow in meeting these objectives. (BOG 2/17)

Effective with the FY 2019 budget, general operations funding for committees and commissions will be capped at $8,600 annually. The amount is derived from Board of Governors’ expectations that in-person committee meetings should be conducted at the times of the Midyear and Annual Meetings. The dollar amount is based on an allocation of $5,700 for the Midyear Meeting and $2,900 for the Annual Meeting. Those calculations provide funding for seven (7) members with $400 airfare for Midyear, $100 per diem for two days at each meeting and $1,500 for group functions for each meeting. Staff expenses for meetings will be provided separately. (BOG 8/18)

Committees must also consider the fact that significant staff time is often required to prepare for meetings, and that is typically a general operations expense. Committees may choose to use the $8,600 in any manner desired, but the total allocation is the extent of general operations funding for committee meetings that will be provided in FY 2019.

This policy does not apply to Section committees or programs. It also does not apply to Divisions that must operate within their assigned budgets.

This policy seeks to manage and preserve ABA finances, while also recognizing the time and expense incurred by members to attend in-person meetings. Committees are encouraged to:
(a) Employ telephone, Skype, or web-based meeting tools to accomplish their work outside of the in-person meetings at Midyear and/or Annual meetings, and (b) Consider the effect of holding meetings outside of the Midyear and Annual meeting if members are asked to bear the expense as the inability to bear the expense may fall disproportionately on young lawyers, sole or small firm practitioners, government lawyers, and judges and may result in a less diverse or inclusive participating group.

If a Committee concludes that its work requires in-person meetings with general operations financial support in addition to the $8,600 allocation, the Committee may submit a waiver request as part of the Annual Planning process. The waiver request must articulate the reason a waiver is necessary and should note actions taken by the Committee to offset/mitigate the cost of the alternate meeting. If the need for an alternate meeting occurs after the Annual Planning process has been completed, the Committee can submit a waiver request to the Executive Committee of the Board of Governors. If the Committee disagrees with the decision of the Executive Committee, that decision may be appealed to the full Board of Governors. The burden will be on the Committee to demonstrate the imperative to receive general operations funding for the meetings at times other than Midyear and Annual meetings.

Notwithstanding this policy, it is understood that certain entities by the nature of their work (e.g. Rules & Calendar, Immigration Commission, Federal Judiciary and Standing Committee on Bar Activities and Services) must meet at times other than the Midyear and Annual Meetings. This will be factored into the budgeting process.

Accessibility Accommodations

Our Association is committed to diversity and inclusion. As such we encourage all entities to provide reasonable accommodations to members or invited guests with disabilities at their meetings. Effective September 1, 2018 the costs for disability accommodation services and tools (such as Communication Access Real-time Translation and sign language) will be budgeted and recorded centrally so that the individual committees will not need to seek a waiver for their meeting budget in order to accommodate members that may need such accommodations.

F. Retention of Consultants

The Association's entities frequently utilize the services of outside professionals who provide expert advice and technical assistance for many of its activities. The use of consultants is restricted to situations requiring services which cannot be provided by the staff of the Association. (BOG 10/74)
A contract for services must be completed and signed by the consultant and an Association Senior Manager before the consultant begins work. The contract must include the maximum amount that will be paid for the services. Contract templates pre-approved by the General Counsel are available on the Association's internal website or from the Financial Services Division. A new consultant must also complete a vendor information form and an IRS W-9 form.

These procedures and forms are to be used for all professional service fees to individuals. Depending on a consultant’s incorporation status and tax identification, payments to consultants are subject to being reported annually to the IRS on a Form 1099.

Section council members or members of committees may not serve as paid consultants for a project sponsored by their section or committee. (BOG 4/80) In addition, in August 1996 the Board of Governors adopted a policy which provided that a) persons who serve on the Board of Governors may not be employed by the ABA or any of its affiliates, b) persons who serve on any governing body of a member entity of the Association, or who have been elected to ABA office, may not be employees of the Association or its affiliates, c) persons who serve on the Board of Governors may not be employed as consultants of the ABA or any of its entities or affiliates, and d) persons serving on the governing body of a member entity may not be retained as its paid consultant. In October 2007, the Executive Committee of the Board interpreted the 1996 policy regarding consultants to mean that authors who receive royalties, as well as editors, are not consultants or employees of the ABA for purposes of this policy and may serve on governing bodies of the Association.

I. Short-term Financing

The CFO, in consultation with the ABA’s Treasurer, and Finance Committee Chair may establish and maintain a line of credit (or other equivalent short-term funding facility) for the express purpose of providing a short-term financing vehicle for the Association in an amount not to exceed $10 million. Further, the CFO, after consultation with the ABA’s Treasurer, may utilize the line of credit by borrowing on it for short-term financing needs, considered to be 90 days or less, and that the Finance Committee be notified when such line of credit borrowing occur. Any other borrowings require board approval. (BOG 8/10)

II. AUTHORIZED EXPENDITURES AND PROCEDURES FOR REIMBURSEMENT

In August 1987 the Board of Governors adopted the following policy regarding authorized expenditures and procedures for reimbursement:

A. Overview

The American Bar Association has, since its inception, been dependent upon the contribution of time and energy by its members. All reasonable and necessary expenses incurred by a member in conducting authorized work of the Association may be reimbursed in accordance with these guidelines.

To conserve funds for other purposes or to hold meetings when funds are inadequate for full reimbursement of authorized expenditures, chairs may limit reimbursement to less than stipulated maximums provided for in these guidelines, e.g., transportation may be limited to one-half of the round-trip fare for each member or the per diem may be established at a lesser maximum.

All sections, divisions, and forums are expected to cover their own expenses including the reimbursement of member volunteers. If a liability greater than the funds available of said entity are incurred, it is the obligation of that entity to repay the Association for the overdraft based on the Association Budget Deficit Policy. (BOG 6/08)

B. Scope

The Association utilizes the talents of volunteers in the accomplishment of its stated purposes. These guidelines are applicable for those volunteering services. Separate guidelines are established for the compensation and appropriate reimbursable expenses for staff.

Questions of interpretation of these guidelines shall be resolved by the Board of Governors, which may delegate its authority in whole or in part to its Committees or to the Treasurer. Inquiries about the application of procedures or of the guidelines should be directed to the Controller in the Financial Services Division located in the Chicago office.
It is the intent of these guidelines to establish reasonable and equitable reimbursements for expenses incurred by members in the conduct of authorized work of the Association regardless of the organizational unit through which their talents are being provided. Judgments regarding their applicability in certain situations, particularly with respect to limited financial resource availability and the setting of more restrictive reimbursement allowances, may be required. These judgments are made by chair leaders of the different committees and sections.

C. Definitions
National officers are the President, President-Elect, Immediate Past President, Chair of the House of Delegates, Secretary, and Treasurer. Committees for this purpose include task forces, coordinating groups, and commissions of the Association but not committees of sections, divisions and forums. For purposes of expense reimbursement, the Board of Governors includes the Secretary-Elect, Treasurer-Elect, and Board members nominated at a Midyear Meeting who will not take office until the next Annual Meeting and who are invited as observers to the meetings subsequent to their nominations.

D. Transportation
Generally speaking, if the cost of travel is paid by the ABA, the following policy applies and prior approval must be obtained from the Director of Travel Services for any exceptions to this policy. Individual purchase of air travel insurance is not reimbursable by the Association. The Association does not reimburse travelers for personal items lost while traveling or for baggage insurance. Airlines may be responsible for compensating owners for lost baggage.

1. Air Travel: The ABA provides for purchases of airline tickets on a commercial air carrier from the official ABA travel agency or from an official ABA approved international provider, for approved necessary and reasonable business travel for the ABA. Air travel must be purchased in the least expensive coach class fare category available at the time of booking.
   Special promotional fares should be used whenever possible. The use of alternative airports should be considered. Any upgrades, including Economy Plus, are considered a personal expenditure and not reimbursable by the Association. Coach class of service applies for travel to the Annual and Midyear Meetings regardless of destination and duration of flight.
   Officers, members of the Board of Governors and nominees should purchase non-refundable, advance purchase tickets to maximize savings of Association funds. Such tickets will be reimbursed if due to unforeseen circumstances, they are not able to be used. (BOG 4/91) When fare rules allow, such unused airline tickets should be applied to future ABA travel.
   Officers should use airline loyalty program upgrades and miles to fly premium class for U.S. domestic travel whenever possible. For international travel, discounted Business Class fares should be purchased and airline loyalty program upgrades used to obtain First Class.
   At meetings of the Board of Governors, officers shall include in their reports to the Board an update on past and planned travel on behalf of the association. (BOG 2/14)
   Recognizing the greater travel demands made on the President, President-Elect and Chair of the House of Delegates, local and long distance transportation may be reimbursed on the basis of actual cost.
   A member who resides outside the United States or Puerto Rico and travels internationally to attend a meeting for which travel is reimbursable, shall be allowed actual cost or costs from the farthest international airport within the United States to the meeting site, whichever is less.
   The traveler is responsible for any increased cost of air fare resulting from the combination of business and personal travel. The fare difference between the cost of business and personal travel must be charged to a personal credit card at the time the reservation is purchased.
   The Association will not reimburse travelers for tickets purchased with personal frequent flier miles as they do not require a cash outlay.

2. Local ground transportation between terminals and hotels, homes or office may be reimbursed.

3. Rail transportation may be used with the approval of the Division Head where there is no substantial difference in cost or where special circumstances prohibit transportation by air or make transportation by air undesirable. The actual cost of the rail fare may be reimbursed.
4. Automobile transportation may be employed under special circumstances where it is deemed to be in the best interest of the Association and with advance approval from the Division Head. Members will be reimbursed at the current IRS-approved rate per mile plus tolls and parking fees. Reimbursement will not be made for the cost of meals and lodging en route. Division Heads granting approval for the use of private automobile will do so only after having considered the additional cost in time and money occasioned by the automobile transportation. Any accident liability when using a personal vehicle on ABA business is the responsibility of the owner of the automobile.

    If automobile transportation is employed for the convenience of the Member, the reimbursement will be in an amount not to exceed the cost of minimum air transportation to the destination city plus an allowance of $25 to and from terminals rather than in accordance with the foregoing. Minimum air transportation costs will ordinarily be considered to be the cost of the airline ticket had advance planning been made to qualify for any special fares. For the Annual and Midyear Meetings, the Meetings and Travel Department determines this amount. For other meetings, a schedule and fares for the appropriate dates should be obtained from the official ABA travel agency to show what the airfare would have been.

    Automobiles rented at ABA meeting destinations may be reimbursed for the reasonable portion of charges that can be allocated to Association business.

5. ABA Travel Programs and Benefits: ABA Meetings & Travel Department negotiates airline programs which offer airfare discounts and other benefits that provide substantial assistance in the management of ABA travel expenses. All ABA members are encouraged to be fiscally responsible and use ABA travel programs when travel expenses are being reimbursed by the Association.

    Personal air travel discounts can only be obtained on tickets purchased through the official ABA travel agency, Egencia. Discounts on tickets purchased for travel to ABA meetings can be obtained from the ABA travel agency or directly from the air carrier either online or offline. The ABA discount code is required when purchasing directly from the carrier. Airline discount codes are valid on a calendar year basis and can be obtained from ABA Travel Services at 312-988-5864 or by emailing tami.behland@americanbar.org. Personal travel agents can also use the ABA discount codes when applicable to purchase travel for ABA meeting attendees.

    Members are encouraged to use the official ABA travel agency, which can be accessed at www.americanbar.org/travel. A profile must be established before travel can be booked. A profile on this site must be established by ABA staff. Egencia is a full service agency offering 24/7 online and offline (by phone) service for reservations or assistance with online booking. Egencia can be reached toll free at 1-877-833-6285. ABA discounts are automatically applied to reservations from Egencia.

    Use of ABA travel programs does not affect a member’s ability to earn frequent flier miles.

E. Lodging and Meals

    Generally, lodging, meals and gratuities may be reimbursed at cost but not to exceed $100 per day. When an individual’s travel is related to a section council or committee meeting, the per diem allowance may be provided for each day or fraction thereof during which the section council or committee meets, plus not more than one additional day if required for transportation. Hotel charges in excess of the single rate per day are considered personal and are not reimbursable.

    Members of committees of the House which are required to meet within 10 days before the House sessions begin, either at Midyear or Annual Meetings, may be reimbursed their actual expenses not to exceed $100 per day for the days the House committee meets. Nominating Committee members may be reimbursed their actual expenses not to exceed $100 per day for the days on which the committee meets.

    A national officer or section chair maybe reimbursed for the cost of a suite if necessary for the conduct of Association business.

    Board members may be reimbursed for the actual, reasonable expenses incurred for the days the Board of Governors is in session and for days when Board members' attendance is required at meetings of the Board committees, including meetings during the Annual Meeting. Similarly, they may be reimbursed for actual, reasonable expenses incurred when attending meetings of sections and committees to which they have been appointed liaison representatives.

    Chairs and, when designated by the chair, committee members may be reimbursed for necessary and reasonable expenses for individual trips of investigational, inspectional or liaison missions for the committee or section.
Section and division chairs are permitted to authorize reimbursement of reasonable and actual expenses from Section or Division funds in those limited cases where the section or division determines that financial need would limit participation in the section or division, or would pose a significant hardship for the section or division member.

Non-lawyer members of commissions may be reimbursed for all necessary and reasonable expenses in attending commission meetings.

E. Office Expenses

Except for temporary, part-time assistance, volunteer members may not employ personnel to work on Association business, or make any substantial change in an existing employment relationship, without prior approval by the Board of Governors. All compensation paid to Association employees shall be in accordance with normal pay practices of the Association approved through the Human Resources department.

Despite utilization of services available through the ABA offices, members may occasionally call upon their own offices for assistance on Association business where cost records are not readily maintainable, thereby making reimbursement difficult. Where practicable, members are expected to absorb, without reimbursement, relatively minor expenditures for secretarial assistance, postage and similar items; however, section chairs may request and receive a yearly office allowance of up to $500, one-half ($250) following the Midyear Meeting and the second half ($250) following the Annual Meeting without the burden of documenting such expenditures; however, any undocumented expenses is reportable as income in accordance with existing IRS regulations.

To assist in the performance of their Association duties, the President and the President-Elect are each provided with a budget for secretarial services and a special assistant as approved by the Board of Governors each fiscal year. The normal Association procedures regarding documentation, approval and payment for outside services also apply to these reimbursements.

F. Expenses of Speakers and Guests

A special guest or speaker (whether or not a member of the Association) may be reimbursed for necessary and reasonable expenses in attending an educational conference, seminar or workshop when it has been reasonably determined that, but for the payment of such expenses, the special guest or speaker could not accept the invitation. The chair may authorize such reimbursement and should furnish to the section council or committee members the name of the proposed guest or speaker, the speaker's importance to the meeting and an estimate of the cost to the Association. Additional reporting requirements are necessary in connection with the Annual Meeting when coordination of numerous speakers, particularly those of national prominence, is essential.

G. Expenses of Spouses

National officers shall, when possible, be accompanied by their spouses while traveling on official Association business and, except for the Annual Meeting, the officers may be reimbursed for all their spouses' reasonable, ordinary and necessary travel expenses. In February 2014, the Board amended the spouse definition to include significant other and domestic partner. (2/14BOG3.6) Such reimbursement shall be charged against the budget provided for the respective officers. Appropriate reporting of such reimbursements shall be made in accordance with existing IRS regulations. In August 2012 the Board adopted a travel reimbursement policy under which the ABA will treat officer reimbursement for spouse travel as taxable income to the officer unless the officer can demonstrate that his/her spouse’s travel constitutes a “bona fide business purpose” as defined by the IRS.

H. Specific Meetings

1. Annual Meeting

An Association member who is neither a staff member nor a law student member may be reimbursed from non-general operation association funds for travel expenses to attend the Annual Meeting within the budgetary constraints of that reimbursing entity. (15A11-3) In addition, the per diem reimbursement allowance may be paid for days of attendance at a section or committee business meeting or a House committee meeting during the seven days preceding or following the Annual Meeting.

Members of the Board of Governors may be reimbursed actual and reasonable expenses for the days the Board or its' committees are in session, and the days prior to, but not including, the days the House of Delegates is in session. Reimbursement may be made for attendance at the new Board meeting including lodging for the preceding night, provided that the meeting is not held on a day that the House
meets. An exception to these rules is made for non-lawyer members of the commissions of the Association.

To assure compliance with the spirit of this rule, chairs should not schedule business meetings at some intermediate point, outside the area of the Annual Meeting site, but during the seven-day period preceding or following the Annual Meeting, except with the understanding that the cost of transportation will not be reimbursed.

All attorneys attending the Annual Meeting must be registered for the meeting. A lawyer who is invited as a speaker or panelist for the educational programs will normally pay the registration fee, although the section or committee may pay it on the individual's behalf. However, the Executive Director or designee shall have the authority to waive payment of the registration fee. Transportation expenses and necessary and reasonable expenses may be paid for such individuals if it has been reasonably determined that, but for payment of such expenses, the special guest, speaker or panelist for educational programs would not attend the Annual Meeting.

National officers shall be provided with complimentary hotel accommodations during an Annual Meeting. Food and beverages for entertainment of members and guests necessary in discharging their official obligations shall be charged against the budget provided for the respective officers.

2. Midyear Meeting

Normal reimbursement guidelines are in effect for committee, section or council meetings when such groups meet during a Midyear Meeting. Members of the Board of Governors, however, may be reimbursed actual reasonable expenses for the days the Board is in session, the days thereafter prior to but not including the days the House of Delegates is in session and days when their attendance is required at meetings of Board committees. House of Delegates members may be reimbursed only for transportation to and from the meeting and not for lodging and meals for the days on which the House is in session. Other members may be reimbursed for lodging and meals by the entities they represent. House members are encouraged to seek reimbursement for transportation expenditures from their representative organizations.

House members qualify for reimbursement when it can be determined from the signed roster book or otherwise that the delegate was, in fact, in attendance at the meeting. In December 1995, the Board approved an interpretation to the Policy Respecting Authorized Expenditures and Procedures for Reimbursement to provide that for Midyear Meetings members of the House of Delegates must be present at the conclusion of the meeting of the House in order to be eligible for reimbursement of travel expenses.

Volunteers attending the Midyear Meeting in multiple capacities, e.g., a Board member and House member or member of more than one committee which is meeting, should not compound the reimbursement rules so that attendance at more than one group meeting on the same day equates to more than one per diem allowance for that day.

3. Meetings of Other Associations or Groups

Whenever an officer of the Association is invited to address a meeting of a state or local bar association, or any other organization or group related to the work or interests of the American Bar Association, or is requested by the President to appear in his/her stead, all necessary and reasonable expenses incurred that are not paid by the sponsoring organization or group may be reimbursed.

Board of Governors members may receive a per diem allowance of $100 and may be reimbursed for transportation expenses incurred in attending meetings of state bar associations within the district in which they reside, other than those of their own state bar, and, in addition, upon invitation and with the advance approval of the Board of Governors, they may be similarly reimbursed for attending meetings of state bars outside the districts in which they reside.

Official ABA advisors appointed to represent the Association may be reimbursed for expenses incurred as prescribed for regular committee or section council meetings for transportation, lodging and meals in attending National Conference of Commissioners on Uniform State Laws drafting committee and annual meetings.

I. Special Projects and Restricted Expenses

Whenever any individual accepts a request of a committee or section council to undertake a special project on behalf of the committee or section, necessitating the expenditure of personal funds, the individual may be reimbursed for the following: 1) travel, as provided for under Sections II D and E of this chapter; 2)
long-distance telephone calls; 3) postage and shipping charges; 4) stationery and other minor office expenses; 5) temporary, part-time administrative assistance; 6) cost of outside research; and 7) books and periodicals. Items 5, 6 and 7 may be reimbursed only when specifically authorized by the committee or by the section council.

Members of an advisory committee to a standing or special committee may not be reimbursed for travel expenses except in exceptional circumstances. A detailed justification, prepared by the committee chair and submitted in writing to the Executive Director, is required. Such justification must be submitted in advance of the proposed reimbursable travel of an advisory committee member, must indicate the special need for such travel in the accomplishment of the committee's objectives and purposes, and must indicate adequate budgetary resources to pay such expenses.

J. Reimbursement Request Procedures

Each request for reimbursement shall be submitted in writing using an approved ABA reimbursement form. Upon completion this form shall be signed and dated by the person submitting it, and shall be accompanied by receipts supporting meals of more than $25.00 and any other expenditure more than $75.00. American Bar Association reimbursement forms are available from the Chicago office. Members of the Board of Governors and national officers should use the more detailed forms developed for their use. The completed forms together with supporting documents are to be sent to the committee or section chair for approval. The committee or section chair then sends the approved reimbursement request to one of the following offices in the Association headquarters to ensure prompt processing and payment.

- Board of Governors and House of Delegates reimbursement forms are sent to the Policy and Planning Division.
- Officers' reimbursement requests should be submitted to their respective staff support units; expenses charged to Association accounts must be substantiated by submission of a travel report within 30 days.
  - Officers using the ABA Corporate Card must use the Chrome River Expense System to complete their expense report, which should include both their corporate card charges, out-of-pocket expenses and applicable receipts. Chrome River automatically routes the completed expense report to the ABA President's Office for approval. Upon approval of the expense report, ABA Financial Services sends a payment to the Officer's corporate card account at J.P. Morgan Chase, and reimburses the officer directly for any out-of-pocket expenses.
  - To ensure corporate card account payments are posted by the corporate card payment due date (25 days after the last business day of the month for charges incurred within that month), expense reports in Chrome River must be submitted no later than the 15th of the following month to allow time for approval and transmission of payment to J.P. Morgan Chase to prevent assessment of late fees to the officer’s corporate card account.
- Committee and section reimbursement forms are sent, after approval by the committee or section chair, to the staff liaison assigned to the committee or section. Law Student Division reimbursement forms are sent, after approval by the Division Treasurer, to the Law Student Division Director.

Requests for reimbursement, appropriately substantiated, should be submitted promptly. To be reimbursed, Officers and members of the Board of Governors must submit expense reimbursements within 60 days of the occurrence of the event for which the reimbursement is being requested. Officers shall be reimbursed for their travel expenses up to the budgeted amount for that fiscal year, with any excess not reimbursable.
CHAPTER 9

PROGRAM DEVELOPMENT AND FUNDING

I. THE ABA FUND FOR JUSTICE AND EDUCATION

A. At the June 2017 Board of Governors Meeting, the Improving the Profession Committee approved the Council of the ABA Fund for Justice and Education’s (ABA/FJE) request to have an official and participatory role with the Board in the monitoring and compliance of Program Support Funds (PSF) and to clarify the compliance and monitoring component of the policy. The ABA/FJE was granted permission to revise the current PSF policy to reflect this change and to present those changes to the Board for approval.

During the PSF revision process, the ABA/FJE discovered that endowments also lacked an official policy addressing establishment, usage, and monitoring of the accounts. Endowments are another charitable account maintained by the ABA/FJE with very similar usage and oversight concerns as PSFs.

In February 2018, the Board approved the following:

Policy for the Establishment, Use and Maintenance of Program Support Funds and Endowments/Justice Funds (BOG 2/18 4.2)

The American Bar Association Fund for Justice and Education (ABA/FJE) is a charitable fund established to solicit and accept tax-exempt gifts and grants in support of law-related public service and educational programs of the American Bar Association (ABA), and qualifies as an exempt organization under Section 501(c)(3) of the Internal Revenue Code. Gifts and contributions from third parties to the ABA/FJE are tax deductible to the full extent allowed by law, and may be used only for law-related charitable and educational purposes.

The good works performed by the ABA are limited only by the financial resources available. Program Support Funds (PSFs) play a key part of a diversified funding strategy, wherein entities can leverage the ABA’s investment through general revenue support by raising charitable dollars from a variety of internal and external sources. PSF are charitable 501(c)(3) financial accounts where the ABA/FJE may accept charitable contributions from individuals, law firms, corporations, foundations and other sources for 501(c)(3) charitable projects and programs.

PSFs are also accounts where an entity may deposit program revenue such as publications and meetings proceeds to use for charitable programs/projects.

ABA endowments or justice funds (named endowments) are also charitable accounts that support ABA public service and educational activities. A minimum of $25,000 in gifts or pledges are required to establish an endowment. Endowments with a value less than $100,000 provide a recognition opportunity to donors and the annual investment income earned is allocated by the Board during the budget process to support all the ABA’s charitable programs.

Endowments are also created when a donor(s) or a section/division/forum (from its reserves) wants to permanently or semi-permanently restrict funds to create a source of annual revenue in support of charitable projects and programs. The ABA’s endowments are not designed to increase ABA assets; therefore, donors or entities seeking to establish an endowment greater than $100,000 must commit to the annual spending of the income for the designated purpose of the endowment.

If the intention to raise more than $100,000 is included in the request to the BOG, then the investment income can be allocated back into the endowment principal until the $100,000 threshold or other threshold goal is met. Once the endowment exceeds $100,000, a specified or restricted purpose for the interest earned from the permanently or semi-permanently restricted principal may be expressed by the donor (or entity seeking to create an endowment), and the ABA Board of Governors (BOG) may assign the endowment to an entity for daily oversight and management of the use of funds.

PSFs and endowments are financially a part of the ABA/FJE. These accounts are maintained separately and apart from the ABA’s membership activities as a 501(c)(6) organization. All activities supported by PSFs and endowments, must be approved for 501(c)(3) eligibility by the Office of the General Counsel. In collaboration with entity staff and leaders, the ABA/FJE provides PSF and endowment monitoring for policy compliance as advisors to the Profession, Public Service and Diversity Committee and the Board of Governors.

The ABA/FJE has a fiduciary responsibility to donors and for charitable accounts. This duty includes assuring that funds in these accounts are expended in a timely manner and for their intended purposes. Failure to
do so jeopardizes the charitable status of the ABA/FJE and the Association’s ability to collect donations that support charitable projects and programs. To fulfill this obligation, the ABA/FJE:

- Facilitates the creation of new PSFs and endowments with members and staff to secure the necessary approvals and to ensure appropriate and accurate communication with donors.
- Conducts regular trainings for members and staff on fundraising best practices and how to appropriately use and budget PSFs and endowments.
- Monitors PSF and endowment accounts quarterly and reports any concerns to the Staff Director and, as necessary, the Senior Manager of that entity.
- Provides an official report to the Profession, Public Service, and Diversity Committee of the ABA Board of Governors on the status of PSFs and endowments based upon the information provided during the Annual Planning process.
- Offers in-depth support to entities with a PSF and/or endowment out of compliance with the policy and identified as under official review by the Profession, Public Service, and Diversity Committee.
- Ensures appropriate and ongoing communication with donors to PSF’s and endowments.

Entities must work with the ABA/FJE to submit an application to the BOG for approval to create a Program Support Fund or an endowment. Once funds are placed in a PSF or endowment, they must be used for charitable public service and educational purposes.

ESTABLISHING A PROGRAM SUPPORT FUND

Program Support Funds are established at the request of the ABA/FJE on behalf of an entity to support its charitable efforts. BOG approval must be obtained before a PSF can be established. Each PSF is credited with the investment income allocable to the fund, less an annual administrative expense fee equal to the lesser of $250 or the total investment income allocable to the fund. PSF balances are carried over in each PSF from year to year.

To establish a PSF, an ABA entity must request a copy of the PSF application from the ABA/FJE. The application should identify:

- The law-related public service or educational program to benefit from the PSF, including any existing or proposed ABA projects, and how it relates to the mission of the entity and the Association.
- The types of donors that may be solicited in fundraising efforts, such as individuals, law firms, corporations, foundations and other entities, and the kind of program revenue that might be put into the account.
- Specific donors should be reviewed with the ABA/FJE staff to ascertain possible fundraising conflicts and let the entity know how specific donors are already engaged with the ABA.
- The commitment to raise $10,000 on behalf of the respective charitable programs from the identified revenue sources and the method in which the funds might be raised.

The ABA/FJE will consult with the entity and evaluate the application. The ABA/FJE will seek the General Counsel’s Office certification that the stated purpose of the PSF is 501(c)(3) eligible. Once complete, the FJE will submit the application for consideration by the BOG.

The Board shall approve the general purpose for which each PSF may be used and donors may designate a more specific purpose for the use of funds that they donate. The specific purpose of a donation may require a separate line of business within a PSF to monitor the revenue and expenses associated with that designation.

Once approved, the entity must work with the ABA/FJE and Financial Services to open the account. Financial Services requires a copy of the Board approval, such as the Board Summary of Actions, and confirmation that the policy has been read by the Staff Director and Senior Managers and that the terms have been agreed upon.

ESTABLISHING AN ENDOWMENT OR JUSTICE FUND

Endowments, also referred to as justice funds (named endowments in honor of an individual), are created at the request of the ABA/FJE to provide an ongoing revenue stream to support charitable activities. An endowment is a permanently or semi-permanently restricted fund and as such the principal cannot be spent until the restriction is lifted. Only the investment income earned on the fund may be used to support ABA/FJE charitable activities. All endowments are maintained by the ABA/FJE and are invested with other ABA funds according to the ABA Long-term Investment Policy approved by the BOG. This policy is overseen by the BOG Finance Committee’s Subcommittee on Investments.
An endowment may be created with a gift or pledges totaling $25,000. The annual investment income earned on endowments of less than $100,000 is used to support all the ABA’s charitable programs and is distributed by the BOG in the form of general revenue allocations to entities whose work is wholly or substantially charitable during the annual budget process. If the intention to raise more than $100,000 is included in the request to the BOG, then the investment income may be allocated back into the endowment principal until the $100,000 threshold or other threshold goal is met. If the minimum $25,000 is not reached within three years of its establishment, the funds will be incorporated into the restricted principal of the FJE Endowment.

If an endowment reaches the $100,000 threshold, the annual income earned may be designated by a donor(s) or an entity (if created using entity reserves) to support a specific ABA charitable project or activity. In approving the creation of an endowment, the BOG may assign the endowment to an entity for daily oversight and use of funds. However, the endowment itself remains under the control of the ABA/FJE. Additional contributions can be made to the permanently restricted balance to increase the value of the fund.

To establish an endowment, an ABA entity must work with the ABA/FJE to develop a memo to the Board of Governors that identifies:

- the name of the endowment and, if applicable, the person being honored by the naming of the fund;
- the permanently restricted revenue goal ($25,000 or $100,000+) and the potential sources of the donations; and
- if over $100,000, the anticipated uses of the interest earned from the endowment, including any existing or proposed ABA projects, and how it relates to the mission of the entity and of the Association.

The ABA/FJE will consult with the entity on their proposal and, if applicable, work with the General Counsel’s Office to certify the 501(c)(3) eligibility of the programs supported by the interest earned from the endowment. The official memo is submitted by the ABA/FJE Council, on behalf of the requesting entity or donor, for approval by the Board. If the revenue goal deviates at any point in the fundraising process, an additional memo must be submitted to the Board explaining the reasons for the change.

Once approved, the entity must work with the ABA/FJE and Financial Services to open the account. Financial Services requires a copy of the Board approval, such as the Board Summary of Actions, and confirmation that the policy has been read by the Staff Director and Senior Managers and that the terms have agreed upon.

**BENEFITED PROGRAMS**

The programs or projects that benefit from a PSF or an endowment must be consistent with the ABA's goals and the mission of the assigned entity. The jurisdiction and purpose of an entity may be found in the entity’s bylaws in the case of a section or division, the ABA bylaws in the case of a standing committee, or the Board of Governors’ or House of Delegates’ resolution creating a special or coordinating committee in the case of such entity.

The programs or projects must be law-related public service and/or educational programs. If the programs and projects that may benefit from the PSF or endowment have not been fully developed, the request should generally describe proposed projects or programs, and to the extent possible address the matters set forth above.

Any entity with a Board-approved PSF or endowment must consult with the ABA/FJE before seeking outside charitable funding for a new program or project not previously listed in its initial application or contained in the entity’s annual plan. In the case of endowments, donors may need to be consulted if substantive departures from original purpose are contemplated. The ABA/FJE will require a brief description of the new project and review its charitable components. After the ABA/FJE’s review, the description will be submitted to the General Counsel’s Office to certify its 501(c)(3) eligibility. No further approval is required.

**TYPES OF REVENUE**

Generally, PSFs and endowments are not funded from the general revenues of the ABA. PSFs primarily generate revenue through third-party donors, ABA entities, and programmatic (meetings and publications) activities. Endowments are funded through donor or ABA entity contributions. Although it may not be possible to provide a detailed description of the exact fundraising method that will be conducted in the PSF or endowment application, a list of potential activities in which the entity may engage to generate charitable funds should be included. Fundraising activities may include:

- direct mail campaigns or personal appeals to solicit contributions;
• distribution of brochures, fliers or other promotional materials;
• placement of advertisements in newsletters, journals or publications;
• fundraising events, including luncheons or conferences;
• production and distribution of publications; and
• proposals for contributions.

This list is not intended to be all-inclusive; any additional fundraising activities should be identified in the request.

TYPES OF EXPENSES

All types of expenses, including personnel costs, related to the revenue-generating activity and program implementation can be, but are not required to be, charged against the PSF or endowment (unless specific donor restrictions are placed on those funds of $100,000 or more). Types of expenses include, but are not limited to the follow: printing, postage, food, travel, supplies, speaker expenses, and staff salary, space, and benefits.

Any deficits resulting from the operation of a PSF must be repaid in a manner that is consistent with the ABA policy on deficits and are the responsibility of the sponsoring entity.

According to the Policy and Procedure Handbook (“Greenbook”), the current spending policy for endowments states:

“As long as the restricted fund balance of each ABA/FJE Endowment Asset Account is preserved, an amount equal to three and one-half percent (5.5%) of the average fair market value of each FJE Endowment Asset Account at the end of each of the preceding twelve (12) calendar quarters calculated after December 31 of the current year is appropriated annually for the upcoming fiscal year for the §501(c)(3) purpose(s) specified by the donor or the FJE bylaws as amended from time to time.

Some of the FJE Endowment Asset Accounts were established by the Board or another ABA entity to be treated like endowment funds. These accounts will follow the same protocol as endowment accounts but will appear in unrestricted net assets on the audited financial statements and will be known as quasi-endowment funds. (BOG 8/13)”

That means, 5.5% of the full value of the endowment should be spent each year as long as the restricted principal is not invaded. As with PSFs, types of expenses include, but are not limited to the follow: printing, postage, food, travel, supplies, speaker expenses, and staff salary, space, and benefits.

MONITORING AND COMPLIANCE

The staff director of the assigned entity is responsible for the day-to-day oversight of the PSF or endowment, including approving all expenses charged and ensuring appropriate fundraising. Expenses charged to the PSF or endowment must be consistent with any gift restrictions or limitations on the use of funds as defined by donors or the Board of Governors. The Senior Manager of the assigned entity has ultimate responsibility for any misuse of the fund.

The balance of a PSF and the interest earned from the endowment will be considered during the overall ABA budget process to determine general revenue budget requests. To ensure an annual review of the usage and balance of PSFs and endowments, the Profession, Public Service, and Diversity Committee of the Board of Governors (Committee) will request detailed information on these funds during its yearly annual planning process. The ABA/FJE and Financial Services will assist entities with gathering the necessary financial information to complete the annual planning form.

Specifically, the Committee will consider multiple factors, with an emphasis on the following quantitative measures:

• For PSFs:
  o balance of more than two times (a common nonprofit industry standard for fiscal health) its average expenditures over the previous three fiscal years;
  o minimal activity (income and expense) recorded over the past fiscal year; and
  o a negative balance at the time of review.
• For Endowments, compliance with the stated spending policy;
The ABA/FJE will conduct an analysis of PSFs and endowments, based upon the information received through the annual planning process, for presentation to the Committee. Entities will be informed if they are within or out of compliance of the policy based upon three-year financial information.

If a PSF or endowment is out of compliance, the sponsoring entity will have the opportunity to address any financial anomalies that prevent the entity from complying with the policy to the ABA/FJE before information is provided to the Committee. During these discussions with the ABA/FJE, information will be gathered on future fundraising goals and upcoming expenditures. This information may be used to model the outputs of future bar years and estimate when an entity may become compliant with the policy.

To avoid jeopardizing the ABA/FJE’s 501(c)(3) status, sound nonprofit practices must be applied to charitable accounts. If a PSF or endowment is out of compliance with the policy, the ABA/FJE Council may recommend the following to the Committee:

- Place the PSF on a one to two-year review that monitors the agreed upon steps required to come into policy compliance. Revenue and expense models for those years will be provided to the entity as guidance.
- Close the account due to minimal activity and no intent on the part of the assigned entity to use the account in the future. The remaining funds would be spent on the original purpose of the donation or on general charitable activity if no restriction accompanied the funds, such as with program revenue.
- Disable the account if a negative balance exists so that no further spending can occur. The account could remain open if proof of additional fundraising is provided or can be enabled for spending once the negative balance is cleared.
- Restrict an entity from fundraising and accepting additional donations until the account complies with the policy.

Once the ABA/FJE concludes its analysis of the PSFs and Endowments, the findings will be presented to the Profession, Public Service, and Diversity Committee. If an entity is out of compliance, the Committee and BOG may consider, but are not limited to, the following:

- If the PSF has a balance in excess of the policy, the Committee may determine that the additional funds are used to determine an entity’s general revenue request for the following budget year. A reduction of general revenue due to excess funds in a PSF is a one-year general revenue allocation decision and should not impact future year general revenue allocations. However, it should be noted that entity general revenue budgets are subject to reduction for other reasons outside of PSF compliance issues.
- If a negative PSF balance exists and the entity is unable to bring the account positive, the Committee may allocate part of the entity’s general revenue allocation to cover the negative balance.
- If the annual income of the endowment is not being spent (up to 3.5% of the full endowment value), the Committee may determine that the additional funds should be used to supplement the entity’s general revenue request to support its charitable activity.
- Reassignment of account funds to a similar charitable purpose within the ABA.

Upon completion of the annual planning process, the Committee may make recommendations to the Finance Committee about the ongoing status of each PSF and endowment. If the Finance Committee has any questions or objections with the Profession, Public Service, and Diversity Committee’s recommendations on any PSF or endowment, the two Committees will confer to reach agreement. If the two Committees cannot come to a consensus, their respective opinions will be shared with the full Board of Governors for final review and determination.

If a PSF is terminated, any funds remaining upon the termination shall be used for a purpose that is consistent with the donor’s intent or the general purpose of the PSF as determined by the Board of Governors in consultation with the General Counsel’s office, provided that the use is 501(c)(3) eligible.

If the initial purpose of an endowment or Program Support Fund no longer exists, then the ABA/FJE will consult with the ABA General Counsel’s office to determine use of the funds for a similar purpose or other disposition as determined by law.
ROLE OF THE ABA/FJE: The ABA/FJE will play an integral, participatory and engaged role in the Board’s monitoring and compliance of PSFs. To ensure this process, the ABA/FJE will do the following:

PSF and Endowment Educational Plan

In FY18, the ABA/FJE will initiate an educational training program for both ABA volunteer leaders and staff. The ABA/FJE possesses a wealth of knowledge about PSF, endowment/justice fund best practices and internal policies that will be shared in the most effective manner possible. Moreover, a robust continuing education plan will better assure that entities use PSFs and endowments in a manner that maximizes an entity’s program and marketing strategies, meets the expectations of donors supporting the entity’s important public service activities, and aligns with internal PSF and endowment/justice fund policies.

Education as to the role and usage of PSFs and endowments is one of the most significant keys to policy compliance. The continuing education plan will be delivered throughout the bar year (see Appendix A). A consistent, strategic training schedule will maximize the effectiveness of the training while engaging directly with as many entities and their leadership as possible. During FY18 and FY19, the education program will be more robust and target those entities most misaligned with current PSF and endowment/justice fund policy, and then scaled back as PSF and endowment/justice fund policy compliance and stability indicates. Continued training should mitigate the risks of additional entities becoming misaligned with PSF and endowment policy.

Monitoring PSF and Endowment Activity

The ABA/FJE will serve as a value partner to ABA entities and assist them in maximizing the benefits of their available funds or address any negative balances with fundraising strategies. To assist the staff directors who manage their entity’s PSF or endowment, the ABA/FJE will review monthly the PSF and endowment accounts for activity and compare financial activities to the entity’s budget. If there are questions or concerns, the ABA/FJE will directly engage the Staff Director to provide any additional expertise and, as needed, the Senior Manager of the entity.

PSF and Endowment Compliance Review Process

The ABA/FJE Council serves as an advisor to the Board of Governors and is required to provide counsel on sound nonprofit policy and procedures. To fulfill this role, the ABA/FJE Council will play an integral and engaged role in assisting the Profession, Public Service, and Diversity Committee on the oversight and compliance of PSFs and endowments.

The annual planning process will require each entity with a PSF and/or endowment to submit three-year revenue and expense trends of their PSF and/or endowment to the Profession, Public Service, and Diversity Committee for their annual review. The Committee later evaluates these forms and determines which entities are in compliance with the policy.

To do so, a subgroup of the ABA/FJE Council will participate in the Committee’s review efforts and provide guidance on the various funds. The Board of Governors maintains ultimate authority over compliance assessments and communication with entities on repercussions of non-compliance with PSF and endowment policies.

This process will help decrease the number of entities out of compliance with the policy and increase the timely usage of donor dollars to produce impactful public service and educational programs. All this will fuel communications that will generate even greater gifts and contributions.

Financial Services provides centralized oversight and technical assistance in the development and implementation of FJE grant proposals, to insure adherence to 501(c)(3) expenditure requirements, to provide assistance in meeting the Association’s and outside grantor’s reporting requirements and to maintain auditable financial records.

C. Qualified FJE Projects

The ABA recognizes the importance of charitable contributions and grant income to its work. The ABA encourages entities to seek grants, under terms that do not create material risks to the Association, financial or otherwise. Such grants allow the Association to perform important work that would be otherwise impossible. An entity may not seek nor accept outside funds (gifts, grants, cooperative agreements or contracts)
for a project unless the project is a “qualified project” under this paragraph and is duly approved by the ABA Board of Governors in accordance with the procedures outlined in paragraph D below.

1. **Qualified Projects.** A “qualified project” is one that: (1) satisfies the purposes and requirements of the FJE and qualifies, as determined by the General Counsel on a timely basis, as a 501(c)(3) activity; (2) is consistent with one of the core purposes of the ABA entity and fits within the mission, goals and strategic plan of the ABA; (3) follows best practices as established from time to time by the FJE and approved by the ABA Board of Governors; and (4) otherwise complies with applicable ABA and grantor or donor policies.

2. **Development of Qualified Projects.** When an ABA entity opts to pursue an FJE project, it must designate member volunteers and entity staff to oversee and guide the project from its early stages through completion, and must secure the approval of the entity’s governing body to undertake the project.

Entity staff should work with the FJE Office and Financial Services as necessary from project identification through funding. Entity staff are encouraged to work with other ABA staff with relevant expertise in the area. The FJE Office will work with entity staff to develop programs, research and identify prospects, prepare proposals, develop and implement fundraising strategies, and develop “best practices” for grant performance and administration.

**B. Board Approval of Qualified Projects**

Approval from the ABA Board of Governors is required for an entity to seek or accept funds from sources outside of the ABA to support the qualified project. Approval by the Board occurs upon the recommendation of the Profession, Public Service and Diversity Committee or as otherwise provided below. Approval of the qualified project is subject to budget approval by the Finance Committee when it entails a new general revenue request. Where possible, approval should be obtained as part of the annual planning and budgeting process. Requests, however, may be made at any time during the year. (BOG 10/10)

1. **Approval as Part of Annual Planning and Budgeting Process**

To the extent that any entity intends to undertake qualified projects, such entity shall so advise the Profession, Public Service and Diversity Committee, using the annual planning form(s) provided to do so.

Any allocation of additional general revenue to support a qualified project will be reviewed and approved as part of the Association’s annual budget process, including the review and approval of an annual budget by the Finance Committee.

2. **Approval Outside Annual Planning and Budgeting Process**

An entity that identifies a qualified project outside of the annual planning process must advise the Profession, Public Service and Diversity Committee of its intent to undertake the project by completing the form(s) provided.

Any requests for additional general revenue in the same fiscal year to cover costs associated with a qualified project are considered emergency supplemental requests and will be considered by the ABA Board of Governors as such.

3. **Additional Requirements for Entities Seeking Grant Funding for Qualified Projects**

In addition to the approval steps outlined in paragraphs 1 and 2 above, entities seeking grant funding for qualified projects must comply with the requirements outlined below.
a. Approval of Specific Grant Opportunities as Part of the Annual Planning Process

An entity may receive approval to submit a grant application to a specific funder as part of the annual planning process if the entity’s annual planning forms include a description of the program, the amount of funding sought for the program, an indication of whether the project will require an ABA match of funds, identification of the countries in which the program will be conducted (if outside the United States), and a list of potential funders, including the indirect cost rate provided by each funder. If the entity does not provide this information in its annual planning documents, the entity must complete the process described in paragraph c below before submitting a grant application.

b. Submissions Required During the Annual Budgeting Process

As part of their annual budget submissions, entities receiving grant funding to support their qualified projects must include a summary of projected expenses, revenues and indirect cost recovery for qualified projects for which the entity has already-funded grants that carry forward to the next fiscal year.

For multi-year projects requiring additional general revenue funds, an estimate of future general revenue requests also must be provided.

During the annual budgeting process, any entity that has ongoing grants or plans to apply for grants will prepare an overall indirect cost recovery estimate for the next fiscal year. This estimate shall include the following categories: (1) ongoing grants, which includes already funded grants that continue into the next fiscal year; (2) likely grants, which includes grants that are expected to be extended or grants for which a request for proposals has been issued or the entity has been encouraged to apply; and (3) unknown grants, which includes contemplated grants for which potential donors have not been identified and specific requests for proposals have not been issued. In preparing this estimate, the entity should use the ABA’s negotiated indirect rate agreement then in effect with the U.S. government (NICRA), the contemplated funder’s established indirect rate policy or any other reasonable good faith estimate. The overall indirect cost recovery estimates will assist the Executive Director in preparing the indirect cost recovery figure used in the revenue forecast for the next fiscal year and will be submitted for review to the Finance and Profession, Public Service and Diversity Committees.

c. Approval Outside Annual Planning and Budgeting Process

If the project does not require additional budget appropriations during that same fiscal year, and all associated costs to the Association are covered by the existing budget for that year, further approval beyond that given by the Profession, Public Service and Diversity Committee is not required if the new project:

1. Allows the performance, expansion or extension of important program activities that would not be able to be performed absent the grant funding; and

2. Receives indirect costs from the grantor at the NICRA rate or does not place any burden on ABA resources or services that lead to material unrecovered indirect costs.

A staff member with responsibility for, and the Chair (or its designee) of, the submitting entity will certify each of the above criteria, with appropriate explanations. Such certification must be submitted to the Chief Financial Officer for acceptance and include a discussion of any material issues implicated by acceptance of the grant, or which create any material risk to the entity, the Association or its members. The Chief Financial Officer may accept the certification or forward it to the Grants Approval Committee to determine its acceptance.
New qualified projects that are first identified by an entity during the course of a fiscal year and which do not satisfy the above requirements, shall require the approval of a Grants Approval Committee of the Board, which shall utilize the criteria set forth above and act as expeditiously as possible. The Grants Approval Committee shall include the President (or his/her designee), the Treasurer, and the chairs of the three board committee (or their designees). (Executive Committee 9/13)

d. Resolution of Conflicts Between Entities for Submitting Grant Applications

Two or more entities may be granted approval to conduct programs in the same substantive area or in the same category of programs identified by a potential funder. If two or more entities seek to submit grant applications to the same funder and that funder accepts only one application at a time from the Association, the Grants Approval Committee shall have authority to select the entity that may submit the grant application. The Grants Approval Committee will evaluate the following criteria in making its determination: (1) the stated mission and jurisdictional statement of each of the entities, within the context of the Association’s mission and goals; (2) each entity’s experience in conducting similar or related programming; (3) whether the entities have existing grant funding for similar or related programming and any potential impact on that programming; and (4) whether the infrastructure of each entity is sufficient to manage the grant funding and oversee the programming. The Grants Approval Committee also will examine the opportunity for the entities to collaborate on the programming and may encourage such collaboration. (BOG 2/13)

1 Grants existing at the time of adoption of this policy are not required to seek approval under this process; however, any new extension of expansion of the existing grant will be subject to this approval process.

C. Grant Application Submission and Administration

The FJE Office and/or the Director of Financial Services provide help with budget development and provide requested supporting materials, such as grant application forms, certifications of 501(c)(3) eligibility, indirect cost agreements, and audited financial statements. The Director and/or the Assistant Director of Financial Services review every proposal before it is submitted to the external agency. The Director of Financial Services must sign all application forms in response to government requests for proposals (RFP’s). For each proposal, Financial Services reviews with the entity the grant applications and administration policies of potential grantors, Association policies and project financial requirements. The ABA has adopted a detailed protocol, available from Financial Services, for reviewing and accepting grant awards.

Financial Services will create a budget account for the project and provide financial reports to project staff. Throughout the life of the project, Financial Services works with the entity to meet grantor conditions, including restrictions and requirements for program and financial reporting.

D. Charitable Contributions

Any entity seeking charitable contributions from individuals, law firms and/or corporations must obtain approval of the qualified project from the ABA Board of Governors as outlined in paragraph D above. An entity seeking charitable contributions to support a qualified project must coordinate its efforts with the FJE Office.

Contributions from individuals, law firms and corporations are administered by the FJE Office and Financial Services. Letters acknowledging contributions as 501(c)(3) eligible are prepared and distributed by the FJE Office and Financial Services. The FJE Office works with each entity to determine its needs for reporting the contributions.

The FJE Office recognizes charitable contributions in an annual report and occasionally in other publications. The FJE Office works with entities to ensure accurate and appropriate recognition of contributors. The ABA Board of Governors has established separate procedures for the solicitation of non-charitable contributions. Please refer to Chapter 9.
E. Program Support Funds

Program Support Funds (PSFs) are important vehicles that result in the generation of non-dues revenue, primarily in the form of charitable contributions from individuals, law firms, foundations, and corporations, to support public service activities as approved by the Board of Governors. PSFs may be utilized to fund activities over more than one fiscal year, thereby providing an ongoing source of funds to support an entity’s public service mission. This policy is intended to define and describe the procedures for establishing, using, maintaining and terminating PSFs.

Program Support Funds are maintained in separately designated “03-33” charitable accounts within the ABA Fund for Justice and Education (FJE). The FJE is a charitable fund created to solicit and accept tax-exempt gifts and grants in support of such law-related public service and educational programs of the ABA, and qualifies as an exempt organization under Section 501(c)(3) of the Internal Revenue Code. Gifts and contributions from third parties to the FJE are tax deductible to the full extent allowed by law and may be used only for charitable and educational purposes. All activities sponsored by the FJE, including projects supported by PSFs, must be approved as 501(c)(3) eligible by the Office of the General Counsel.

Contributions may be used only for the designated purpose indicated by the donor, a use that must advance public service and law-related education projects and/or programs. The Board shall approve the general purpose for which each PSF may be used and donors may designate a more specific purpose for the use of funds that they contribute.

ESTABLISHING A PROGRAM SUPPORT FUND

Program Support Funds are established at the request of an ABA section, division or entity upon approval by the Board of Governors. Each PSF is credited with the investment income allocable to the fund, minus an annual administrative expense fee equal to the lesser of $250 or the total investment income allocable to the fund. PSF balances are carried over in each PSF from year to year.
To establish a PSF, an ABA entity must submit a PSF application form to the Board for consideration that identifies:

1. the law-related public service or educational program to benefit from the PSF, including any existing or proposed ABA projects, and how it relates to the mission of the entity and of the Association;
2. the monetary goals for the fund and the potential sources of revenue; and
3. the anticipated expenses, such as printing, postage, and staff time.

The entity should request a copy of the PSF application from the ABA Fund for Justice and Education (FJE). The FJE will consult with the entity and evaluate the application for any fundraising constraints. Following the FJE’s review, the General Counsel’s Office will certify the 501(c)(3) eligibility of the programs and fund. Once complete, the entity may submit the application for consideration by the ABA Board of Governors.

The Board shall approve the general purpose for which each PSF may be used and donors may designate a more specific purpose for the use of funds that they donate. The specific purpose of a donation may require a separate line of business within a PSF to monitor the revenue and expenses associated with that designation.

BENEFITED PROGRAMS

The programs or projects that benefit from a PSF must be consistent with the ABA’s goals and with the mandate of the establishing entity. The jurisdiction and purpose of an entity may be found in the entity’s bylaws in the case of a section or division, the ABA bylaws in the case of a standing committee, or the Board of Governors’ or House of Delegates’ resolution creating a special or coordinating committee in the case of such entity.

The programs or projects must be law-related public service and/or educational programs. In the event that the programs and projects that may benefit from the PSF have not been fully developed, the request should generally describe proposed projects or programs, and to the extent possible address the matters set forth above.

Any entity with a Board-approved PSF must consult with the FJE before seeking outside charitable funding through its PSF for a new program or project not previously listed in its initial application. The FJE will require a brief description of the new project and review its charitable components. After the FJE’s review, the description will be submitted to the General Counsel’s Office to certify its 501(c)(3) eligibility. No further approval is necessary.

TYPES OF REVENUE

Program Support Funds are not funded from the general revenues of the ABA. PSFs primarily generate revenues through third-party donors, ABA entities, and fundraising activities. Although it may not be possible to provide a detailed description of the exact fundraising method that will be conducted in the PSF application, a list of potential activities in which the entity may engage to generate charitable funds should be included. Fundraising activities may include:

a. direct mail campaigns or personal appeals to solicit contributions;
b. distribution of brochures, fliers or other promotional materials;
c. placement of advertisements in newsletters, journals or publications;
d. fundraising events, including luncheons or conferences;
e. production and distribution of publications; and
f. proposals for contributions.

This list is not intended to be all-inclusive; any additional fundraising activities should be identified in the request.
The PSF request should identify the groups that may be solicited in fundraising efforts, including individuals, law firms, corporations, foundations and other entities. If specific potential contributors are not known, they should be identified generically.

In order to establish a PSF, entities must identify their intention to raise a minimum of $10,000 on behalf of their public service or educational programs. To the extent possible, the PSF application should include a budget of anticipated revenue and expenses, and indicate the short and long-term monetary goals for the fund.

TYPES OF EXPENSES

As part of the application process, entities should include estimated costs and expenses for projects undertaken through a PSF. All types of expenses, including personnel costs, related to the revenue-generating activity and program implementation can be, but are not required to be, charged against the PSF. Types of expenses include, but are not limited to the follow: printing, postage, food, travel, supplies, speaker expenses, and staff salary, space, and benefits.

All expenses related to the PSF-funded activity will be charged against the fund. Any deficits resulting from the operation of a PSF shall be repaid in a manner that is consistent with the ABA policy on deficits and will be the responsibility of the sponsoring entity.

MONITORING AND COMPLIANCE

The staff director of the sponsoring entity is responsible for the day-to-day oversight of the PSF, including approving all expenses charged to the PSF. Expenses charged to the PSF must be consistent with any gift restrictions or limitations on the use of funds as defined by donors or the Board of Governors. The Senior Manager of the sponsoring entity has ultimate responsibility for any misuse of the fund.

The balance of a PSF will be used in consideration during the overall ABA budget process. In order to ensure an annual review of the usage and balance of PSFs, the Profession, Public Service and Diversity Committee of the Board of Governors will request detailed information on these funds during its yearly annual planning process. Specifically, the Profession, Public Service and Diversity Committee will consider multiple factors, with a particular emphasis on the following quantitative measures:

1. Balance of more than two times (a common nonprofit industry standard for fiscal health) its average expenditures over the previous three fiscal years;
2. Minimal activity (income and expense) recorded over the past fiscal year; and
3. A negative balance at the time of review.

Financial Services will provide entities with the necessary PSF financial information (balance and activity for the fiscal year) to complete the annual planning form. This same information will be provided to the Profession, Public Service and Diversity and Finance Committees for review at the Fall Board of Governors Meeting.

The Sponsoring entity will have the opportunity to address any negative balances or other financial anomalies to the Profession, Public Service and Diversity Committee at the time of review. Upon completion of the annual planning process, the Profession, Public Service and Diversity Committee will make recommendations to the Finance Committee about the ongoing status of each PSF. If the Finance Committee has any questions or objections with the Profession, Public Service and Diversity Committee recommendations on any PSF, the two Committees will confer in an attempt to reach agreement. If the Profession, Public Service and Diversity and Finance Committees cannot come to a consensus, their respective opinions will be shared with the full Board of Governors for final review and determination.

If a PSF is terminated, any funds remaining upon the termination shall be used for a purpose that is consistent with the donor’s intent or the general purpose of the PSF as determined by the Board of Governors, provided that the use is 501(c)(3) eligible.
II. THE AMERICAN BAR ENDOWMENT

Insuring your life’s needs. Advancing your life’s work.

A. Organization

The American Bar Endowment (“ABE”) was originally established by the ABA in 1942 as a not-for-profit corporation for the purposes of receiving gifts and bequests, to generate an income-producing fund, and to distribute grants to promote justice through education and scientific research in the field of law. In 1955, in collaboration with New York Life Insurance Company (NYL), a program was developed to sponsor group life insurance, the dividends from which could be contributed by the plan participants to the Endowment to support its charitable purposes. In 2015, the ABE and NYL formally celebrated their 60-year relationship.

The Endowment’s principal source of funds continues to be the contribution of dividends by ABA members who participate in the group insurance plans currently sponsored and administered by the ABE. Such funds, after administrative expenses, are distributed as grants to support more than 200 law-related, public service, research, and educational programs such as those of the ABA’s Fund for Justice and Education (FJE) and the American Bar Foundation (ABF). In addition, members who permit the Endowment to retain their dividends are eligible for a charitable contribution deduction on their personal tax returns. Thus, the ABE’s sponsored insurance program provides ABA members with quality insurance and a means to give back.

1) Governance

All lawyer members of the American Bar Association are members of the American Bar Endowment. As such, they annually elect one or more of the members of the ABE’s governing body, the Board of Directors, to serve five year terms. The officers – President, Vice President, Secretary, and Treasurer are elected annually by the Board from their own number.

2) Insurance Programs

The ABE-sponsored group insurance programs available to ABA/ABE members and administered through the ABE include: 5-Year Banded and 10- and 20-Year Level Term Life, 50+ Multi-Benefit Term Life, Mid and Long Term Disability, Retirement Contribution Disability, Critical Illness, Hospital Indemnity, Accidental Death and Dismemberment, and Office Overhead. The ABE also offers ABA lawyer members the opportunity to participate in the ABR Charitable Gift Fund (CGF) (donor-advised fund). Referred to by some as a charitable checkbook, the ABE CGF simplifies charitable giving by removing most of the administrative burden associated with philanthropy. The ABE CGF offers a simple, efficient way to advance the legacy of donors and manage their wealth through charitable giving.

3) Grants

The ABE Board of Directors meets annually to consider proposals from eligible 501(c)(3) entities. The grants awarded are for the grantees’ next fiscal year and are in general support of their law-related research, public service, and educational programs. Over the years, the ABE has made grants of over $284 million to the American Bar Foundation and the ABA’s Fund for Justice and Education and other eligible entities. The ABE recently expanded its grants program to include Opportunity Grants to provide seed funding for innovative programs that address issues of immediate and critical importance to the public and the members of the legal profession.

B. American Lawyers Insurance Plans, Inc. (ALIP) (formerly known as American Bar Insurance Plans Consultants, Inc. (ABI))

(A subsidiary of the American Bar Endowment)

American Bar Insurance Plans Consultants, Inc. (ABI) was formed as an Illinois for-profit corporation and wholly owned subsidiary of ABE in May 1988. On May 31, 1989, the Internal Revenue Service approved ABE’s request for a ruling allowing it to operate such a subsidiary. Its name was changed in 2016 to American Lawyers Insurance Plans, Inc. (ALIP).

ALIP’s insurance programs are now administered through ABA’s third-party administrator, USI Affinity, and its net profits are typically paid to the Endowment as dividends, thereby providing an additional source of revenue to support the Endowment’s charitable work in the field of law.
The management of ALIP’s affairs is vested in a four-member Board of Directors, one or two of whom are elected annually by the American Bar Endowment to serve three year terms. The officers – President, Vice President, Treasurer, and Secretary – are elected annually by the ALIP Directors.

The ALIP Board regularly meets at the same times and places as the Board of the American Bar Endowment and holds special meetings as needed.

III. THE AMERICAN BAR FOUNDATION

A. Organization

The American Bar Foundation ("ABF" or "the Foundation") is among the world’s leading institutes for empirical and interdisciplinary research on law, legal institutions, and legal processes. Part of the ABA family of organizations, it was established in 1952 as an Illinois not-for-profit corporation in response to the need for continuous and thorough examination of important problems confronting the law and legal institutions. The American Bar Foundation is supported primarily by the American Bar Endowment and The Fellows of the American Bar Foundation. The Fellows is an honorary organization comprised of practitioners, judges and legal educators whose professional, public and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession. Membership in The Fellows is limited to one percent of the attorney population in each U.S. jurisdiction. Grant funding for specific research efforts is also sought from government agencies and private foundations.

The Foundation’s research interests are extremely broad in scope – covering all problems relating to the law and legal institutions, the administration of justice and the profession. Its research capabilities lead it to be particularly effective in large-scale empirical research, often with survey or quantitative dimensions. The Foundation has a research faculty of prize-winning scholars with academic training in law, sociology, psychology, political science, economics, history, and anthropology who hold full-time appointments at the ABF or joint appointments with Chicago-area universities. Foundation researchers use a wide array of research methods, such as sample surveys, observational studies, documentary analysis, structured interviews, statistical analysis of major data sets, experiments, and historical comparative analysis. Current areas of research include the legal profession, law and globalization, civil justice, criminal justice, social justice, regulation, and legal history. The ABF is committed to broad dissemination of its research findings to the organized bar, scholars, and the public. The results are published in a wide range of forums, including leading academic journals, law reviews and academic presses.

The Foundation publishes a quarterly refereed journal, Law and Social Inquiry, which presents empirical and theoretical studies on law and legal institutions by legal academics and social scientists in the United States and overseas. The Foundation also publishes Researching Law, a quarterly newsletter containing summaries of work being done by Foundation researchers.

The Members of the Corporation of the Foundation are the persons who from time to time are the members of the Board of Governors of the American Bar Association. Responsibility for the management of the Foundation rests with its 25-member Board of Directors. Fifteen Directors are elected by the Members of the Foundation (described above) for terms of five years. Ten directors serve ex officio: the President, President-Elect, Chair of the House of Delegates, and Treasurer of the American Bar Association; the President of the American Bar Endowment; the Chair of the Council of the Fund for Justice and Education; the Chair, Chair-Elect and Secretary of The Fellows; and the Dean of Northwestern University Law School.

A. Research Proposals Made to the Foundation by Association Entities

In an effort to make the research resources of the Foundation more accessible to Association entities as well as the organized bar, the Foundation Board in 1975 authorized the creation of the Liaison Research Services Program ("LRSP"). This program provides an opportunity for the Foundation to work with ABA entities on research needs, provide general guidance on empirical research projects, and inform the work of ABA entities through existing ABF research.

The ABF’s Core Values

The ABF produces timely, cutting-edge research of the highest quality to inform and guide the legal profession, the academy, and society. To this end, all ABF research projects, including LRSP projects, are expected to uphold the following values:
Integrity
Honesty
Transparency
Competence
Collegiality
Social Responsibility

**LRSP Procedures**

Although each external research project is unique, they typically follow these steps:

1. **Identify Co-Principal Investigators (“Co-PIs”).** In order to ensure a successful research project, an ABF Principal Investigator and a Principal Investigator from the external organization must agree to co-lead the project. Both Co-PIs should have decision-making authority and be able to articulate the significance of the project to various stakeholders. Ideally, both co-PIs will also be familiar with the rigors of empirical research and Institutional Review Board (IRB) requirements.

2. **Secure funding.** All external research projects are expected to provide their own funding. The Foundation is recognized as a 501(c)(3) nonprofit research organization, and does not provide external grants, but seeks funding for empirical and interdisciplinary research on the law and legal processes. In some cases, the ABF development office may be able to assist external partners with fund raising for certain projects.

3. **Submit a proposal.** Some LRSP projects will require the submission of a research proposal. Initial proposals submitted to the ABF will vary widely in terms of length, medium, and formality. Some LRSP projects begin with casual verbal conversations, whereas others are detailed in lengthy written submissions. In some cases, LRSP proposals will be vetted by the ABF’s Research Committee. Regardless of the format, such proposals will typically address a project’s conceptualization, significance, research strategy, budget, and timeline.

4. **Types of potential collaborations.** Historically, the Foundation’s research collaborations have included:
   a. **New research.** From time to time, the Foundation may be able to take on a few research projects for ABA entities. In general, priority will be given to research that fits within the overall mission of the ABF and that is feasible to conduct in a shorter period of time.
   b. **Connecting existing ABF research projects to ABA projects.** Focusing on its historical expertise, ABF researchers may consult on an ABA project or initiative, providing relevant data or other information. This service allows the ABF to provide general expertise, or specific data that have been collected from previous or current projects, thus informing the work of an ABA entity, without taking on a specific research project for the entity.
   c. **Research advice.** The ABF is in a unique position to consult with ABA entities on how best to structure a research initiative. The ABF can provide general guidance, review survey instruments, help to find appropriate academics to work on a research project, and consult on results.

5. **Communicate with the ABF.** Please contact the ABF Executive Director to discuss the potential for a mutually beneficial collaboration.

Please note that not all LRSP proposals result in ABF collaborations. The ability of the Foundation to respond to specific research requests depends on factors such as the availability of funds and appropriate personnel, the probability that the research proposed will result in a useful and meaningful product, and the relation of the proposal to the total research effort of the Foundation. Members of the ABF staff are pleased to explore the use of the Liaison Research Services Program, or discuss ABF research projects and findings, with section and committee leaders at any time. Contact the Foundation Executive Director for further information.
IV. CORPORATE SUPPORT/SPONSORSHIP

A. Corporate Sponsorships/Solicitation and Acceptance of Gifts

In 1992, the Board approved a resolution recognizing that opportunities exist for the Association to form corporate partnerships that will allow the Association to further its public service activities and enter into joint commercial ventures that will provide enhanced service to ABA members and increase revenues or reduce costs, and encouraging appropriate Association entities to search out and consider these joint ventures.

The following Policies and Procedures for Corporate support address non-charitable gifts to the Association. Charitable gifts in support of law-related public service and educational programs of the Association are addressed in section 1 of this Chapter. Gifts offered to Officers and members of the Board and employees in the course of their ABA activities are governed by Business Conduct Standards, copies of which are available from the Policy and Planning Division.

Corporate Support Guidelines And Procedures
(Adopted by the Board in August, 2002; amended in February 2013)

Introduction

Because sponsorship arrangements with commercial entities allow the ABA or a Section, Division, Forum or other entity within the ABA ("ABA Entity") to further their public service activities, provide additional services to ABA members and increase revenues or reduce costs, it may be appropriate in proper circumstances for the ABA and ABA Entities to enter into such arrangements. Approval of such arrangements will be based on compliance with these Policies and Procedures.

1. SCOPE AND DEFINITIONS

1.1 Sponsorship - A cash and/or in-kind consideration paid to the ABA or an ABA Entity in return for an Event Sponsorship, or for a Continuing Sponsorship.

1.2 Event Sponsorship consists of a sponsorship arrangement in which a commercial entity provides financial or in-kind support to an ABA Entity for one or more specific events, or activities.

1.3 Continuing Sponsorship
Continuing Sponsorship consists of sponsorship arrangements in which a commercial entity provides financial or in-kind support to an ABA Entity in exchange for the ability to associate the identity of the sponsor over an extended period of time with that of the ABA Entity. Continuing Sponsorship may be dedicated to a particular ongoing activity or may be provided as general underwriting of all activities.

1.4 Sections 2 and 3 below apply to all forms of sponsorship. Section 4 below contains policies and procedures that are applicable exclusively to Continuing Sponsorships.

1.5 Executive Director
The term "Executive Director" shall mean the Executive Director of the Association and his or her designee.

1.6 Exclusions
Member benefit programs and licensing agreements are not covered by these Policies and Procedures but are covered under separate policies.

A. Member Benefit Program - a program which extends to ABA members, as a direct result of membership in the ABA or an ABA Entity, a savings or other benefit on a product or service made available to the members by an outside entity.

B. Licensing Agreement - a royalty or other fee in exchange for the right to use or publish the content, marks, logo, or other intellectual property of the ABA and/or ABA Entities.
Sponsorship does not include expenses for speakers provided in connection with a program where those expenses are borne by the entity with whom the speaker is affiliated or employed.

2. POLICIES

In determining what policies permit, entities should refer to the Term Sheets, as updated from time to time by the General Counsel's Office, to assist them in identifying activities, assets, or other affiliations that may be sponsored.

All sponsorships provided to the ABA or ABA Entities are subject to the following policies:

2.1 Control
The supported entity must retain and exercise full control over the sponsored activity. At the discretion of the sponsored entity, sponsors may be allowed to provide input to programs/activities.

2.2 Identity
In any activity or program involving sponsorship, the identity or presence of the ABA or ABA Entity must predominate, and must never be compromised or confused by association with the sponsor.

2.3 Goals
The sponsorship must not conflict with any of the goals or established policies of either the ABA or the ABA Entity. Special attention should be given to those ABA policies included in Appendix A.

2.4 Acknowledgment
The manner of acknowledging sponsorship must not compromise the independence or reputation of the ABA or ABA Entity. Acknowledgment must not be so extensive as to suggest that the sponsor “owns” or “controls” the sponsored entity or its programs, products or events. Additionally, descriptions of the relationship between a sponsored entity and its sponsor must not imply endorsement of the sponsor. Words that imply endorsement, such as “exclusive,” “partner,” “preferred,” or “endorsed” must not be used in describing such relationships. Any description of a sponsorship relationship must be approved by the Executive Director. The following are statements that normally will be approved:

for Continuing Sponsorship

ABC Company, a financial services company, is a general/major/primary/premier sponsor of___________.

ABC Company is a general/major/primary/premier sponsor of__________________.

ABC Company proudly supports ongoing activities and programs of the Section of _________.

ABA Section of_____ gratefully acknowledges the long-term support of ABC Company.

for Event Sponsorship

The ABA Section of______’s program is underwritten by the generous support of ABC Company.

[Event] is presented with the support of ABC Company/the following sponsors:

ABC Company is a proud sponsor of/proudly sponsors this program of the ABA Section of _________.


2.5 Promotion
Sponsors and sponsored entities may promote the Continuing Sponsorship -- including use of the sponsorship statement -- only to members of the sponsored entity, to others invited to or attending a sponsored entity event or others who may receive such communication incidentally, such as via the ABA Entity’s web site.

The sponsored entity and/or the event sponsors may promote the funding support to the ABA Entity only within the context of the event, program, product, or activity. No other promotions may occur without the prior written approval of the Executive Director.

2.6 Identifying Symbols
The ABA or ABA Entity name, logo or any identifying symbol or words must not be used in such a manner as to imply or state an endorsement by the ABA or ABA Entity of a sponsor’s product, publication or service. The ABA or ABA Entity logo must not appear on products, materials, advertising or other promotional offerings produced by the sponsor without written approval by the Executive Director.

Depending on the sponsorship level, the ABA Entity may use the sponsor’s logo on promotional materials at ABA or ABA Entity meetings or events subject to ABA Graphic Standards.

In order to avoid confusion and to support the independence and integrity of ABA content, the name, logo or identifying symbol of a sponsor may be used only in limited ways that do not compromise the identity of the ABA or ABA Entity. No statement of sponsorship or sponsor logos may appear on the ABA’s website homepage. Sponsor logos and statements of sponsorship on other webpages are subject to reasonable graphic standards.

Examples of acceptable sponsorship statements are:

“ABC is a proud sponsor of the XYZ Entity.”
“XYZ Entity thanks its sponsor ABC for its generous support.”

The statement may provide an electronic link to a sponsor’s page on the site or to the portion of the sponsor’s site that carries content originated by the ABA Entity and licensed to the sponsor.

2.7 Mailing Lists
The mailing list of members of the ABA and/or any ABA Entity may not be provided in exchange for or in connection with sponsorship. Mailing lists are to be treated separately and may only be obtained through the ABA List Sales Department in accord with the Mailing List Rental Policy.

2.8 Publication Rights
Any sponsorship arrangement referencing the publishing, production, licensing or any other rights to an Entity’s publications or content, including the right or opportunity to bid on such rights, must explicitly state that the right is subject to the arrangement being memorialized in a separate license or publication agreement through the ABA’s Copyrights and Contracts department and approved by the General Counsel’s Office. Exclusive publication or licensing rights may not be granted by any ABA Entity unless they are in full compliance with ABA licensing policies and unless the request is approved by the Standing Committee on Publishing Oversight.

2.9 Editorial Decision-Making
No sponsorship arrangement may permit the sponsor to control the content or express an editorial view in an ABA or ABA Entity publication activity.
2.10 **Corporate Products**

No sponsorship arrangement shall require that ABA Entity assist a sponsor in product development by testing, reviewing or distributing a sponsor’s product. Notwithstanding Sections 2.1 and 2.2, Entities may assist sponsors, as part of a sponsorship arrangement, in identifying members who would be willing to provide comment or feedback on the sponsor’s product or service (“Focus Group”) if the product or service is one which is consistent with the goals of the ABA and germane to the interests of the profession. Furthermore, the arrangement must be documented in a written agreement approved by the General Counsel’s Office, which:

- Requires that participation by members be wholly voluntary;
- Strictly prohibits the sponsor from attributing any aspect of the Focus Group to the ABA or Entity;
- Strictly prohibits the sponsor from attributing any member’s participation in the Focus Group, or any oral or written statements of any member, to the ABA or Entity;
- Clearly indicates that the member’s participation is in an advisory role only and that the member may not engage in any decision-making activity as to the design or development of any product or service of sponsor; and,
- Requires the sponsor to indemnify the ABA in the event of sponsor’s breach of the agreement.

2.11 **Disclosure of Corporate Sponsorship**

An article in an ABA or ABA Entity publication about a sponsor’s product or services must be accompanied by a prominent notice of the sponsorship relationship.

2.12 **Review of Proposals**

In reviewing sponsorship proposals, factors that will be considered include:

- Effect on membership;
- Effect on existing or anticipated revenue of an ABA department;
- Effect on existing advertising revenues of ABA publications;
- Impact on the reputation or identity of the ABA or the ABA Entity;
- Competition with ABA or ABA Entity products;
- Cost benefit relationship; and
- Impact on the ABA or ABA Entity budget.
2.13 **Co-Sponsored Programs**
No sponsor may present programs at ABA or ABA Entity events that are not co-sponsored by the supported ABA Entity. This section does not apply to receptions or similar entertainment functions sponsored by law firms and others in host cities to which some or all members of the ABA or ABA Entity are invited.

2.14 **Tax Reimbursement**
In the event that sponsorship of an ABA Entity results in federal, state or local taxation to the Association, the ABA Entity shall reimburse the Association from ABA Entity funds for any and all taxes and any other tax-related liabilities imposed upon it resulting from the sponsorship.

2.15 **Reservation of Rights**
The ABA reserves the right, in its sole discretion, to reject any proposed sponsorship.

2.16 **Additional Policies**
In addition to the policies noted above, other ABA policies, particularly those in Appendix A, which may govern events and sponsorships, should be followed.

### 3. PROCEDURAL GUIDELINES

The following guidelines shall govern the process of review, approval and oversight of sponsorship:

3.1 **Submission of Request**
After a desired sponsorship opportunity is identified by the ABA or ABA Entity, a request for solicitation and acceptance of sponsorship ("Request") must be submitted to the Executive Director through the Director of Corporate Sponsorship as soon as practicable and reasonably in advance of the expected date of the event for which sponsorship is sought. The Request must include complete details of the proposed sponsorship, including but not limited to, the amount of the support, the name of the sponsor, and the benefits, if any, being offered to the sponsor in recognition of its support. Prior to approval of the Request, ABA Entities should refrain from signing letter agreements, memoranda of understanding, or any written summary of terms unless the writing includes the following language “These terms are in the process of discussion and negotiation and do not reflect a binding agreement between the parties.”

3.2 **Review of Request**
The Executive Director through the Director of Corporate Sponsorship shall forward the Request to appropriate personnel of the Association. The Executive Director shall notify the submitting entity of approval, disapproval, or referral of the Request to the Board within 21 business days of the Executive Director’s receipt of the Request.

3.3 **Appeal**
If the Executive Director disapproves the acceptance of the sponsorship, the ABA Entity seeking approval may appeal that decision to the Board of Governors.

3.4 **Approval of Communications**
Announcements, news releases, member communications or other public statements, including any use of the ABA or ABA Entity name or logo, pertaining to sponsorship shall be reviewed by the Associate Executive Director, Communication Group, prior to use.

Upon approval of a sponsorship arrangement, the ABA Entity shall work with the Associate Executive Director, Communication Group, to develop a mutually agreeable plan, which will include a joint announcement of the sponsorship.

### 4. CONTINUING SPONSORSHIPS

Continuing Sponsorship arrangements are subject to the following policies and procedures in addition to those listed above:
4.1 **Acknowledgement**
When acknowledging a notice for a proposed Continuing Sponsorship from an ABA Entity pursuant to Section 3.1, the Executive Director or the Director of Corporate Sponsorship shall advise the ABA Entity which member of the General Counsel's Office will assist the ABA Entity on the sponsorship arrangement.

4.2 **Review of Request**
Initial review and response by the General Counsel’s Office will be completed within 21 business days of receipt of the request for Continuing Sponsorship. Initial approval of a Request for a Continuing Sponsorship arrangement by the Executive Director will be subject to the approval of the final sponsorship contract by the General Counsel’s Office. No exchange of consideration may occur until the contract is executed.

4.3 **Sponsorship Contract**
The ABA Entity should involve the General Counsel’s Office as early in the process as feasible and should obtain the current term sheets and model contract provisions from the General Counsel’s office for use in the ABA Entity’s negotiations.

Any agreement for Continuing Sponsorship must be reduced to a written contract, which must be approved by the General Counsel’s Office before it is executed. The review will be conducted expeditiously. The sponsorship contract must contain an appropriate indemnification clause.

4.4 **Presumptively Approved Sponsorship Packages**
Standard form contracts for Continuing Sponsorship packages are available from the General Counsel’s Office. If no or minimal changes are made, these standard form contracts are presumptively approved. Use of such form contracts will greatly expedite review by the General Counsel’s Office and approval by the Executive Director. If changes to a standard form contract are made, or a non-standard form contract is used, the General Counsel’s Office will work with the ABA Entity regarding any changes to be made before approval may occur.

4.5 **Member Benefits**
If a Continuing Sponsorship arrangement includes discounted products or services of the sponsor, it may also be a member benefit subject to the Member Benefit Guidelines and Procedures.

4.6 **Decision-Making Limitations**
Neither the ABA nor the ABA Entity may have a decision-making role, as distinguished from an advisory role, in the design, specification or setting of standards for a program or product of a continuing sponsor. If the ABA Entity has an advisory role, it may not be communicated by the continuing sponsor in such a way as to suggest endorsement of the product by the ABA or ABA Entity.

4.7 **Conflict of Interest**
If an ABA Entity is considering a proposed Continuing Sponsorship, any member who may be involved in the evaluation, negotiation or decision-making regarding the proposal must promptly disclose any actual or potential conflict of interest to the appropriate leadership of the ABA Entity and the ABA Entity shall decide whether recusal or other action is required. An ABA Entity requesting approval of a proposed Continuing Sponsorship must concurrently disclose to the Executive Director any information it has received regarding possible conflict(s) of interest.

4.8 **Communication of Continuing Sponsorships**
All communications announcing Continuing Sponsorships must be made jointly by the ABA and the continuing sponsor, and must be approved by the Associate Executive Director, Division of Media Relations and Strategic Communications Division.

4.9 **Renewal of Continuing Sponsorship Contracts**
No automatic renewal of Continuing Sponsorship contracts shall be permitted. A reasonable exclusive negotiating period will be allowed.
The following policies, while not exhaustive, must be followed in developing corporate sponsorship agreements:

Circulation of Materials in the Registration Area (ABA Annual and Midyear Meetings)
Conflict of Interest
Co-sponsorship (including charity events) Co-sponsorship of CLE Programs Contracting Authority
Endorsement of Products or Publications of Other Organizations/ Use of the ABA Logo
Exhibits by Association Entities
Graphic Standards
Internet
Mailing List Rental
Membership Benefit Programs
Non-ABA Periodicals as Member Benefits
Publications Policy
Signs and Announcements

CORPORATE SPONSORSHIP TERM SHEET

TIER ONE: ABA ENTITY SPONSOR

An ABA Entity typically is a Section or other membership unit of the ABA. However, some ABA staff units (e.g. Center for CLE, Legal Technology Resource Center) also may solicit sponsors.

Visibility: Year-round

Benefits That May Be Considered Include:

- Designation as Co-Sponsor of the four major Section meetings (Annual, Midyear, Spring, Fall)
- Sole sponsorship of one Section premier component for each major Section meeting. Premier components are those components that are most highly-attended, or have the most prestigious content or attendees. Examples:
  - Specific social events, e.g., Reception(s), Dinner/Dances(s)
  - Awards/Presentation Luncheon(s)
  - Opportunity to provide branded Internet café or hospitality area
  - Co-presentation with Section of specific educational programs (e.g., Section CLE, national or regional Section CLE institutes, satellite seminars, teleconferences, videoconferences, video law seminars)
- Opportunity to co-create and host a Section event, such as reception, teleconference, or industry research initiative
- Primary special projects or initiatives of the Section, such as pro bono projects, awards, or scholarship programs. Choice of components sponsored shall be on first-come, first-served basis with other Tier 1 Section Supporters.
- Recognition on signage in designated Section areas as Co-Sponsor at the four major Section meetings and as Presenting Sponsor on each sponsored component; such signage to include Sponsor name and logo.
- Recognition through announcement by Section representative of Co-Sponsor status at the four major Section meetings, and as Presenting Sponsor at each sponsored component.
Non-exclusive license to use Section Marks and Logo in advertising and promotion to Section members in connection with the sponsored Section Meeting and component.

Opportunity to host one roundtable discussion group for Section Members.

Right to make promotional offers to Section members in the form of discounted products or services, subject to approval of the Standing Committee on Membership.

Right to include pre-approved company literature in Section registration kit.

Right to one exhibit booth at Section’s Meetings, for distribution of pre-approved Sponsor sample products or brochures.

Premium positioning in purchased advertising in Section publications.

Fifteen percent (15%) discount on purchases of advertising in Section publications in excess of $_______ annually;

Right to purchase full-page ad in Section meeting program book.

Right to provide co-branded totebag or other ABA-approved item at four major Section events yearly.

Recognition as Section Supporter through logo/name/link on Section Sponsor Page year-round; on Section web page for the four major Section meetings; and on Section web page for sponsored component.

Recognition as Section Supporter, including, where applicable, company name a logo, in the following Section communications: one editorial feature per year in premier Section publication; in Section’s Annual Report, Meeting Registration Kit(s), and Meeting brochures; and in all issues of Section Member Newsletter and/or Journal (or equivalent).

Six meeting registrations for each Section Meeting and six invitations to ticketed Section functions at Section Meetings and sponsored components.

Opportunity to participate in Section committee meetings in non-leadership positions.

Right to separately negotiate for non-exclusive license to Section publications and content in return for royalty fee.

Exclusive negotiating period for new or renewed sponsorship agreement during the first six months of the final year of this Agreement.

Additional Costs. Sponsor to cover all costs associated with exercising a “right” or “opportunity” associated with sponsorship, including, where applicable, increased mailing costs to the Section.

CORPORATE SPONSORSHIP TERM SHEET

TIER TWO: ABA ENTITY MEETING SPONSOR

An ABA Entity typically is a Section or other membership unit of the ABA. However, some ABA staff units (e.g. Center for CLE, Legal Technology Resource Center) also may solicit sponsors.

Visibility: Up to Three Months

Benefits That May Be Considered Include:

- Designation as Co-Sponsor of one Section Meeting (Annual, Midyear, Fall, Spring)
- Sole sponsorship of one major component of sponsored Section meeting.

Major components are those components that are more highly-attended or have more prestigious content or attendees. Major components include:
  - Specific social events, e.g., Reception(s), Dinner/Dances(s), Awards/Presentation Luncheon(s)
  - Right to provide branded internet café or hospitality area
  - Co-presentation with Section of specific Section CLE programs.
Choice of Section Meeting and component sponsored shall be on first-come, first-served basis with other Tier II Supporters (after Tier I Supporters).

- Non-exclusive license to use Section Marks and Logo in advertising and promotion to Section members in connection with the sponsored Section Meeting and component.
- Recognition as Co-Sponsor for sponsored meeting and Presenting Sponsor of sponsored component, including company name and logo, on signage at sponsored meeting and component, sponsored meeting and component materials, and related Section web pages.
- Right to include pre-approved company literature in sponsored Section meeting registration kit.
- Right to one exhibit booth at sponsored Section meeting, for distribution of pre-approved Sponsor sample products or brochures.
- Half-page ad in sponsored Section meeting program book.
- Two registrations per sponsored Section Meeting and Component and two invitations to ticketed Section functions in connection with sponsored Meeting and component (if any).
- Opportunity to license, on a non-exclusive basis and for a separately-negotiated royalty fee, Section publications and content.
- Opportunity to host one sponsor focus group/roundtable for Section Members (Sponsor to cover all costs).

**Additional Costs.** Sponsor to cover all costs associated with exercising a “right” or “opportunity” associated with sponsorship, including, where applicable, increased mailing costs to the Section.

**CORPORATE SPONSORSHIP TERM SHEET**

**TIER THREE: ABA ENTITY COMPONENT SPONSOR**

An ABA Entity typically is a Section or other membership unit of the ABA. However, some ABA staff units (e.g. Center for CLE, Legal Technology Resource Center) also may solicit sponsors.

**Visibility:** Up to Three Months

**Benefits That May Be Considered Include:**

- Sole sponsorship of one Section secondary meeting component.
  Components include Section meeting breakfast, luncheon, spouse program, recreational event, or transportation; secondary stand-alone CLE program, or secondary special project or initiative.
  Selection of component is on first-come, first-served basis with other Tier III Sponsors.
- Designation as Presenting Sponsor of selected secondary component.
- Non-exclusive license to use Section Marks and Logo in advertising and promotion to Section members of sponsored Section component.
- Recognition as Presenting Sponsor of sponsored component, including company name and logo, on signage at sponsored component, on sponsored component materials, and related web pages (if any).
- Right to distribute/display pre-approved company literature at sponsored Section component.
- Two registrations per sponsored Component and two invitations to ticketed Section functions in connection with sponsored component (if any).
- Opportunity to license, on a non-exclusive basis and for a separately-negotiated royalty fee, Section publications and content.

**Additional Costs.** Sponsor to cover all costs associated with exercising a “right” or “opportunity” associated with sponsorship, including, where applicable, increased mailing costs to the Section.
ADDENDUM

Although not exhaustive, sponsorship arrangements that commit the ABA to providing sponsors the following types of benefits or support may trigger unrelated business income (UBI) and therefore impose an unrelated business income tax (UBIT) obligation on the ABA:

- Sponsorship recognition in regularly scheduled periodicals (electronic or paper). Note: recognition that is not published in a regularly scheduled periodical, but appears in such things as programming materials/agendas and verbal recognitions, does not trigger UBI.
- Advertisement (i.e. a message that promotes the sponsor’s product or service (v. simply recognizes or acknowledges sponsorship)) in any entity communication. Generally, messages that provide pricing information, particularly those with comparative pricing information and product discounts, are advertisements.
- ABA staff providing consulting time, such as providing member demographic information (e.g. firm size, areas of practice), to help sponsor better promote sponsor’s product or service to its members.
- Facilitating member participation in focus or product review groups that provide feedback on sponsor’s product or service.
- Product service articles published by the ABA concerning the product or service of sponsor, regardless whether the piece is written by a member or a sponsor.
- Providing services for the sponsor, such as passing out application forms or answering questions about sponsor’s product or service.
- Other communicative pieces that may be reasonably construed as a “call to action” or inducement to buy sponsor’s product or service.

The memo approving a sponsorship will indicate whether that particular sponsorship solicitation arrangement implicates UBIT. If so, the sponsored entity is responsible for following any instructions pertaining to proper UBI accounting to ensure the ABA complies with IRS regulations.
EDUCATIONAL PROGRAMS

I. CONTINUING LEGAL EDUCATION

With the assistance and direction of the Standing Committee on Continuing Legal Education, ABACLE provides programming, production and consultative services to entities wishing to produce CLE and other professional development programs. The resulting programs promote the professional growth of lawyers and further professionalism, competence, and ethical conduct.

ABA entities are not required to sponsor CLE and professional development programs, but most find the activity an important educational contribution to the profession. Quality programming has proven to be a good way to showcase their activities and current members, and it is an effective way to recruit additional members and generate non-dues revenue.

ABACLE produces live, in-person and distance-learning programs and derivative products. National Institutes are single or multi-day, in-person seminars held throughout the country that provide high-quality legal education by nationally-known experts. Webinars can cover hot topic issues and are accessible from any location. Most ABACLE live webinar programs are recorded and converted into derivative products—online courses—that can generate additional non-dues and licensing revenue after the program.

ABA entities interested in producing CLE and other professional development programs for revenue generation or as a member benefit should contact the Director of ABACLE.

The ABA expects all CLE programs sponsored or co-sponsored by the ABA to meet the aspirations of Goal III by having the faculty include members of diverse groups as defined by Goal III (race, ethnicity, gender, sexual orientation, gender identity, and disability). This policy applies to individual CLE programs whose faculty consists of three or more panel participants, including the moderator. Individual programs with faculty of three or four panel participants, including the moderator, will require at least 1 diverse member; individual programs with faculty of five to eight panel participants, including the moderator, will require at least 2 diverse members; and individual programs with faculty of nine or more panel participants, including the moderator, will require at least 3 diverse members. The ABA will not sponsor, co-sponsor, or seek CLE accreditation for any program failing to comply with this policy unless an exception or appeal is granted. The ABA implementation date for the new Diversity & Inclusion CLE Policy was March 1, 2017.

A subcommittee of SCOCLE was created which includes representatives from SOC. If for some rare or extraordinary reason a panel does not comply and not be granted an exception, for one time only on behalf of that panel the entity can opt to pay a fine of $2,500 to the diversity center rather than lose CLE credit for that panel. This exception can only be granted one time in the life of the entity. (BOG 6/16)

A. Procedure for Continuing Legal Education Programs

In July 1985, and as amended in November 1994, the Board approved the following Statement of Policy for Continuing Legal Education Programs:

Resolved, That in order to provide effective coordination of all continuing legal education (CLE) programs of the American Bar Association (ABA), the Board of Governors hereby delegates to the Standing Committee on Continuing Legal Education authority to coordinate all such programs and adopts the following policies and procedures:

1. CLE Program Notice or Approval

Each ABA entity must file with the Standing Committee a written notice or request for approval of any proposed CLE program to be sponsored or co-sponsored by it; provided, however, that a notice and description shall not be required with respect to: (a) continuing education programs for judges and court personnel; (b) CLE programs held in conjunction with the ABA Annual Meetings or section/division membership meetings approved by the Board of Governors pursuant to the Bylaws of the ABA; (c) informal or invitational seminars, conferences, or workshops designed principally for section or division members or for a limited group of invited participants; or (d) the publication of CLE material.
in section/division or committee journals or periodicals.

(a) CLE Programs Administered by ABACLE
The Standing Committee on Continuing Legal Education shall make available to all ABA entities, to the extent feasible, the planning, promotional and administrative services of ABACLE. ABACLE staff shall give requisite notice and request program approval from the Standing Committee directly. The Standing Committee oversees the flexible range of options for division of CLE program revenues between ABACLE and its co-sponsors for programs administered by ABACLE. The Standing Committee has established procedures and standards that implement the foregoing.
ABA entities are free to present or sponsor educational programs without the participation of ABACLE, subject to the following rules which are intended to assist such entities in developing successful programming that does not duplicate other scheduled events.

(b) CLE Programs Administered by ABA Staff Other than ABACLE
During the initial planning stages, the ABA entity shall file a CLE Program Notice Form with the Standing Committee on Continuing Legal Education.
Following receipt of the form, the Standing Committee shall cooperate with the ABA entity to assure the following:
(i) That the program will not duplicate or conflict with CLE programs of any other ABA entity, bar association or continuing legal education organization.
(ii) That the proposed registration, tuition fee and program costs are reasonable.
(iii) That the program content and delivery will comply with mandatory continuing legal education requirements.

If the Standing Committee should determine that a proposed CLE program is not in the best interests of the ABA, the Standing Committee shall, in writing, within two weeks of receipt of the Program Notice Form, advise the Board and the ABA entity of its reasons why the program should not be held and the Board shall then promptly (through action of its Executive Committee if expeditious decision is called for by the circumstances) take such action as it deems appropriate.

(c) CLE Programs Co-sponsored with Non-ABA Entities
During the initial planning stages of a program, a Request for Approval Form shall be filed by the ABA entity with the Standing Committee on Continuing Legal Education, and a copy of such request shall be sent to the Board of Governors.
The Standing Committee shall review such applications and, no later than two weeks after receipt of the copy of the written request, shall make its determination with respect to whether such request should be granted. A copy of such determination shall be sent by the Standing Committee to the entity requesting co-sponsorship and to the Board of Governors.
Such review shall be based upon the guidelines:
(i) The program/activity significantly advances the purposes of the ABA and one or more ABA goals or objectives or otherwise provides identifiable benefits to the ABA, its members and/or the public in furtherance of ABA purposes and/or goals.
(ii) The ABA and the other organization each have significant and meaningful participation in and responsibility for the planning and implementation of the program/activity and any resultant publication or printed work product.
(iii) The program/activity will not result in policy statements which could be attributable to the ABA without prior approval of the ABA House of Delegates or the Board of Governors or which would be in conflict with any existing ABA policy.
(iv) The program/activity budget is fiscally sound and is not likely to expose the ABA to liability for unanticipated expenses and/or net losses.
(v) Any arrangement with online CLE providers, vendors, or other non-ABA entities that may deliver CLE on behalf of the ABA and its entities using the Internet or other technology requires the Standing Committee on CLE, in conjunction with the General Counsel, to review and approve the overall arrangement to ensure that the Association's objectives and goals are met and that MCLE requirements are satisfied in order that the Association remains in good standing with state regulators.
(vi) Any advertising of a CLE program sponsored by an outside entity on the ABA website or in ABA publications should be marked clearly as an advertisement or placed in a section that is delineated as advertising in such a fashion that a reasonable person would be able to discern that the program is not an ABA course and is simply being advertised through the ABA website or publication.

(vii) The ABA entity and non-ABA entity will develop the programming in the spirit of the ABA's Goal III and these entities will conduct appropriate and ongoing outreach to identify and include qualified presenters who reflect the wide and rich diversity of the legal profession.

Co-sponsorship of programs/activities with other organizations which is consistent with these guidelines may be permitted with prior Standing Committee on Continuing Legal Education approval. Requests for ABA co-sponsorship of programs/activities in which the ABA’s participation and responsibility in planning and implementation is only minimal, but which provide identifiable benefits to the ABA, will be given serious consideration by the Committee.

If the Standing Committee does not approve the request, the entity requesting co-sponsorship may appeal such determination to the Board of Governors, which shall, as soon as practical, accept or reject the request for co-sponsorship.

2. **ABACLE Scholarships**

The Standing Committee on Continuing Legal Education in its discretion shall provide scholarship assistance where appropriate to those who might not otherwise be able to attend programs administered ABACLE.

3. **State Mandatory CLE Reporting**

To ensure that the Association can measure accurately the full extent of its CLE programming, and to ensure proper state mandatory CLE reporting procedures, all ABA entities sponsoring or co-sponsoring CLE programs through which mandatory continuing legal education credits may be earned, whether produced through ABACLE or independently of it, shall register such programs with the ABACLE’s MCLE unit. Each entity shall provide that unit with all information and documentation needed to satisfy individual state mandatory CLE reporting requirements for each program. The ABACLE’s MCLE unit will provide the individual states with the necessary information to expedite state mandatory CLE approval of the Association's programming. ABACLE shall recover a reasonable fee, to be determined by the Standing Committee on Continuing Legal Education, for such services. The amount of fees that will be assessed for these services shall be announced by ABACLE no later than May 1st for the fiscal year beginning the following September, so that entities served have an opportunity to budget accordingly.

4. **Diversity in ABA Program Faculty**

Resolution 10C, adopted by the ABA House of Delegates at the 1992 Annual Meeting, Resolved: That entities which offer continuing legal education under the auspices of the American Bar Association conduct appropriate and ongoing outreach to identify and include qualified presenters for continuing legal education programs who reflect the wide and rich diversity of the legal profession.

It was further resolved that each entity which produces continuing legal education courses under the auspices of the ABA shall provide an annual report to the Standing Committee on Continuing Legal Education demonstrating its efforts to reach out to a diverse roster of faculty.

**B. Midyear or Annual Meeting Registration Fee for Educational Programs**

In 1985, the Board of Governors reaffirmed the policy that requires prior authorization of the Board for any entity to charge a registration fee in connection with an educational program at a Midyear or Annual Meeting.

**C. Guidelines for Inventory Management**

In June 2005, the Board of Governors adopted the following guidelines for the management of all ABA warehouse inventory:

1. Any product, excluding periodicals, product inserts, and ABA governing documents, not identified as a product in the ABA Web Store, will not be retained in inventory at the warehouse.
2. Back issues of periodicals and copies of ABA governing documents will be kept in stock for two
years after publication. After two years, they should be maintained as electronic products, or as print-on-demand products.
3. To further reduce the volume of obsolete inventory, any product offered for sale, and which has not sold in the last 12 consecutive calendar months, will not be retained in inventory at the warehouse and will no longer be available for purchase. If the product is a publication, it should remain available in electronic form.
4. While CLE course materials must be kept on hand for four years due to MCLE requirements, they do not have to remain available for purchase for all of the four years. Therefore, course materials will follow the same inventory protocol as other products. Any course materials that have not sold for 12 consecutive months will not be retained in inventory in the warehouse and will no longer be available for purchase, but will remain available in electronic form.

II. DIVISION FOR PUBLIC EDUCATION

The mission of the ABA Division for Public Education is to promote public understanding of law and its role in society. To achieve this mission, the Division provides national leadership for law-related and civic education efforts in the United States, conducts educational programs, develops resources, provides technical assistance and information clearinghouse services, presents awards, and fosters partnerships with bar associations, educational institutions, civic organizations and others. The 15-member Standing Committee on Public Education, assisted by a 14-member Advisory Commission of educators and other public members, provides policy direction and oversight for the Division for Public Education.

Educational Programs

Law Day Program. The Division coordinates the ABA’s annual Law Day programs. Conducted annually by the ABA and bar associations across the country, Law Day (May 1) is a “day of national dedication to the principles of government under law,” in the words of President Dwight Eisenhower, who established the first commemoration in 1958. According to a Fund for Justice and Education (FJE) ABA survey, Law Day is the single FJE program with which ABA members are most familiar. The 2019 Law Day theme, selected by ABA President Robert Carlson, is “Free Speech, Free Press, Free Society.” This theme provides the opportunity to explore the ways that free speech and free press shape the foundation of a free society. The Division produces a digital planning guide and website (lawday.org) to help bar associations, courts, schools, and community organizations conduct programs nationwide. The Division also conducts national events in Washington, DC, with ABA leaders and other dignitaries, including a Dialogue for high school students and the Leon Jaworski Law Day Public Program. The Division also works with the Governmental Affairs Office to request that the White House issue an annual proclamation, and produce a product line of promotional and educational items.

Leon Jaworski Public Program Series. Since 2001, the American Bar Association Division for Public Education has conducted the Leon Jaworski Public Programs, a continuing series of programs on the law. The Jaworski programs are held annually in Washington, DC, for Law Day. Recent programs have addressed such topics as “Miranda: More Than Words”, “The Great Charter: What Makes Magna Carta Mythic?”, and “The Vote: When Does Suffrage Become Universal?” The Division produces a companion website and booklet to accompany the public program.

Professional Development Conferences and Workshops for Educators. The Division conducts regular professional development conferences and workshops for educators: (1) With support from the Federal Judicial Center, the Division presents an annual summer teachers institute on “Federal Trials and Great Debates in U.S. History.” The aim of the institutes is to deepen high school teachers’ knowledge of the federal judiciary and the role the federal courts have played in key public controversies that have defined American constitutional and other legal rights. The next institute is planned for June 2019 in Washington, DC. (2) The National Law-Related Education (NLRE) Conference attracts bar associations and other leaders in elementary and secondary law-related education. (3) The Division regularly conducts workshops for teachers at national and state conferences, including those of the National Council for the Social Studies and the National Council for History Education.
**Supreme Court Programs.** The Division annually conducts a series of moderated panel discussion programs on the U.S. Supreme Court’s docket. Panelists include scholars, journalists, and practitioners. “On the Docket” programs have been held at the ABA Annual Meeting, prior to the opening of the Court’s term and at other institutions, such as the American University Washington College of Law. In addition, the Division organizes “A Conversation on the Court” webinar for the ABA Free CLE Series each September.

**National Civics and Law Academy (NCLA).** The 9th annual National Civics and Law Academy (NCLA) will be held in Washington, DC, in March 2019. NCLA is a unique educational opportunity for 20 select high school students from diverse and non-privileged backgrounds from across the country to experience and learn about law, government, and the justice system in the United States. Participants examine public policy issues from diverse perspectives, develop citizenship and leadership skills, and meet peers from across the country. They gain access to the federal courts, Congress, and the executive branch. The NCLA exposes students to the work of lawyers in government and public service and provides them with opportunities to explore pathways to the legal profession. Participants interact with professionals representing varying career stages, including young lawyers, and areas of practice and public service. The Division has established an alumni network and produces annual videos and photobooks to promote the program. Contributing sponsors, which include bar associations, law schools, law firms, and individual lawyers, underwrite the participation of each of the students. NCLA is conducted in cooperation with the Close Up Foundation.

**Awards and Contests**

**Silver Gavel Awards.** The Silver Gavel Awards recognize exemplary media efforts to foster the American public’s understanding of law and the legal system. They highlight the inspiring work to enhance public understanding of legal institutions and legal issues and encourage efforts to improve the administration of justice. Eligible categories are books, commentary, documentaries, drama & literature, magazines, newspapers, radio, television, and multimedia. Entries are judged by the Standing Committee on Gavel Awards, which is a part of the Division for Public Education, and its Screening Committee. The Division produces a program booklet, video, and other materials highlighting winners in conjunction with the presentation of the Silver Gavel Awards by the president of the ABA. The 2019 awards will be presented by ABA President Carlson in Washington, DC in July.

**Law Day Awards** are presented annually for outstanding programs by state and local bar associations and other organizations. Selected by an awards subcommittee of the Standing Committee/Advisory Commission on Public Education, the awards are presented at the ABA Midyear Meeting.

**Isidore Starr Award for Excellence in Law Related Education** recognizes outstanding achievement in law-related education. Selected by a panel of leaders in law-related education, it has been presented since 1983 to individuals who have made significant contributions in promoting excellence in law-related education in elementary or secondary schools. The most recent recipient is Ted McConnell, Executive Director at the Campaign for the Civic Mission of Schools and long-time advocate for civic education.

**Publications and Educational Resources.**
The Division for Public Education produces several educational and informational resources for the public, in print and online. Among the Division’s publications and educational resources are the following:

**Subscription Publications.** The Division for Public Education produces four subscription publications. *Preview of United States Supreme Court Cases*, published digitally by the Division exclusively through a partnership with HeinOnline, provides timely, pre-argument analysis of cases on the Court’s docket for journalists who cover the Court and for appellate lawyers and others interested in its work. Seven issues are published before the start of every case slated for oral argument before the Court, and a wrap-up issue, published in the summer, highlights key rulings from the Term and features essays by experts. The ABA has a unique partnership with the U.S. Supreme Court to publish and distribute *Preview*.

*YourLaw* is a quarterly client newsletter, marketed directly to law firms, to provide the public with information about practical law and suggestions for when and how to seek legal advice. *YourLaw* issues are sold annually in bulk to subscribing law firms, which distribute them to current and prospective clients.
Insights on Law & Society is the Division’s periodical for teachers that focuses on law-related and civics education. Insights became an all-electronic PDF publication in 2017, and reached more than 100,000 readers in 2017-18. It focuses on specific topics in the following areas: constitutionalism and public law, law and culture, and law in international and global contexts, respectively.

Law Matters, a free monthly e-newsletter, reaches more than 11,000 subscribers and reports on developments, ideas, programs, events, and resources or educating the public about law and legal issues.

“Lessons on the Law” is a regular feature in Social Education, the professional journal of the National Council for the Social Studies (NCSS). Social Education reaches more than 20,000 member-educators 6 times per year.

Informational and Resource Publications. The Division for Public Education produces numerous resource publications for general public and educational audiences. Among these are “The Pocket Guide to the U.S. Constitution,” “A Life in the Law: Exploring the Pathway to a Legal Career,” a three-booklet series on “Law and the Courts,” and a series of teaching resource bulletins, including a recent publication titled “Addressing Gun Violence: A Public Health Approach.” The American Bar Association Legal Guide book series is published commercially. More than 300,000 books have been sold for the 14 titles in the series. The books provide information about the law in plain, easy-to-understand language. Titles cover such practical legal topics as wills and estates; credit and bankruptcy; home renovation; workplace law; and marriage, divorce, and families—as well as a legal guide for Americans over 50. The most recent title is the American Bar Association Legal Guide for Military Families.

The Division also produces a series of resource guides to help lawyers and others conduct Dialogue programs, which are facilitated discussions designed to stimulate conversations about topical legal issues in high school classrooms and community settings.

The Division’s website (americanbar.org/publiced) is one of the most visited of all ABA directories/entity sites, collecting more than 1 million visits annually. It includes a K-12 Teacher’s Portal with lessons plans, organized by elementary, middle, and high-school grade level, and extensive practical legal resources for consumers, including webpages on “how courts work.” The www.lawday.org website features program descriptions and links to more than 150 Law Day activities conducted by bar associations, courts, and other legal, educational and civic groups in every state, as well as internationally. The Division also develops resource guides on topics related to the annual Law Day theme. The Division for Public Education has established an active and robust online and social media presence to publicize the Division’s programs and resources and for outreach to the public and members, who are more readily reached through digital technologies. The Division actively uses social media to highlight events, programs, and resources. Its growing social media outreach includes more than 4,300 Twitter followers (twitter.com/abapubliced) and more than 1,200 “likes” and “follows” on Facebook (https://www.facebook.com/abapubliceducation/).
CHAPTER 11

INTERNATIONAL ACTIVITIES

I. OVERVIEW

The American Bar Association, through cooperative activities with foreign and international legal organizations and through a variety of programs and initiatives, seeks to work in a coordinated manner toward the realization of the Association’s mission and goals, including to serve our members, improve our profession, enhance diversity and advance the rule of law.

To ensure the success of these endeavors, the Association has adopted various policies and procedures for the coordinated administration of its international activities and its relations with foreign and international legal organizations. The Board of Governors has established the following guidelines relating to such activities and relations.

II. COORDINATION OF THE ASSOCIATION’S INTERNATIONAL ACTIVITIES AND RELATIONS WITH FOREIGN AND INTERNATIONAL LEGAL ORGANIZATIONS

1. The Section of International Law, in coordination with the President of the Association, assisted by the President-Elect, and in accordance with the policies of the Association, is expressly charged with the overall responsibility for the conduct of the Association's relations with foreign and international legal organizations and the coordination of the international activities of the Association and its entities.

2. Exchanges, seminars, meetings and programs with foreign and international legal organizations shall be planned and carried out in a coordinated manner with the Section of International Law which shall be promptly informed of any such proposed activities so that the Section may ensure their coordination with other international activities of the Association and keep the ABA President, Executive Director and Board regularly informed of same.

3. In order to ensure the integrity of official ABA delegations invited to visit foreign countries by foreign or other legal groups, all volunteer participants are reminded that, when acting as official representatives of the Association, they are authorized to express only such positions as are consistent with the provisions of §25.3 of the Association's Bylaws. Furthermore, each participant is urged to avoid any appearance of acting in his or her private interests during official segments of the mission.

4. The Association shall not be financially obligated on account of any matter or activity with respect to any foreign exchange, seminar, meeting or other event except to the extent duly budgeted, authorized and approved by action of the Board of Governors, or in the event of urgent circumstances, by the Executive Committee of the Board. (BOG 8/87; 6/89)

III. GUIDELINES ON RELATIONS WITH INTERNATIONAL LEGAL ORGANIZATIONS

A. ABA Representation and Participation in International Legal Organizations

1. The ABA has established continuing relations with the Inter-American Bar Association, the International Bar Association, the International Legal Assistance Consortium, the Law Association for Asia and the Pacific, and the Union Internationale des Avocats through the Section of International Law; the United Nations, and the United States Mission to the United Nations, through the Section of International Law’s United Nations Affairs Coordinating Committee; and the Association Internationale des Jeunes Advocats through the charitable gift fund

2. Division.

With respect to the Inter-American Bar Association, the International Bar Association, the International Legal Assistance Consortium, the Law Association for Asia and the Pacific, and the Union Internationale des Avocats, these relations are maintained by representatives to each organization. The Section of International Law requests nominations from Section and Division Chairs. These nominations are submitted to the Profession, Public Service and Diversity Committee, which in turn makes recommendations to the Board.
With respect to the United Nations and the United States Mission to the United Nations, the President of the Association appoints an ABA representative to the United Nations and an observer and alternate observer to the United States Mission.

2. If an ABA representative is unable to complete the term of office, the President is authorized to appoint a representative to finish the term. All representatives shall be and remain ABA members in good standing, failing which the Board may declare a vacancy in such post and the President shall appoint a successor to complete the term.

3. Authorization to expend Association funds for participation in international meetings in any given year shall be approved by the Board of Governors.

Rules with respect to reimbursement for transportation and reasonable expenses incurred by participants are established by the Board of Governors and are available upon request from the Policy and Planning Division.

4. In addition to the ABA-sponsored participants, the President is authorized to designate additional Association representatives and alternates to attend meetings of international legal organizations but no part of their expenses will be paid by the Association.

B. Representatives to International Legal Organizations

1. Inter-American Bar Association

The ABA has one representative on the Council of the Inter-American Bar Association who is appointed by the Board for a three-year term commencing immediately following the IABA Annual Conference. Nominations are to be submitted to the Profession, Public Service and Diversity Committee approximately six months prior to the Annual Conference. Spanish language fluency is a requisite for any individual holding this position.

The President or his/her designee and the ABA representative to the IABA Council represent the Association at the annual conference and the Council Meetings of the Inter-American Bar Association. ABA-sponsored participants in these meetings shall not exceed two in number.

2. International Bar Association

The ABA has one representative on the Council of the International Bar Association who is appointed by the Board for a three-year term commencing immediately following the IBA Annual Conference. Nominations are submitted to the Profession, Public Service and Diversity Committee approximately six months prior to the Annual Meeting.

The President or the President's designee, the ABA representative to the IBA Council, and the ABA Executive Director represent the Association at the annual meetings of the IBA. ABA-sponsored participants in these meetings shall not exceed three in number. The ABA representative and the ABA Executive Director, when serving in an official capacity, may attend Council meetings of the IBA.

3. The International Legal Assistance Consortium (ILAC)

In 2002, the Board of Governors approved the ABA’s membership in The International Legal Assistance Consortium (ILAC), a consortium of Non-Governmental Organizations (NGOs) and individuals with experience in assisting with the rebuilding of justice systems following armed conflict. The ABA has one representative to ILAC and to its Advisory Council who is appointed by the President for a three-year term. The ABA representative to ILAC and its Advisory Council represents the ABA at the annual conference of ILAC and quarterly teleconferences of its Advisory Council.

4. Union Internationale des Avocats (UIA)

The ABA has four representatives to the General Assembly of the Union Internationale des Avocats (UIA). Each is appointed by the Board for a three-year term. Nominations are submitted to the Profession, Public Service and Diversity Committee approximately six months prior to the meeting of the UIA General Assembly. Each representative carries one vote to the Assembly. The expenses of each delegate will be paid by the representative themselves or by their sponsoring ABA section, or other Association entity. The President or his/her designee represents the Association at the Annual Congress of the UIA (BOG 8/87; 6/89).
IV. GUIDELINES ON RELATIONS WITH FOREIGN LEGAL ORGANIZATIONS

Since August 1987 the Association's relations with foreign legal organizations have been guided by placing increased emphasis on developing within ABA sections and other Association entities a coordinated multinational array of programs and activities.

The Section of International Law, Rule of Law Initiative, Center for Human Rights, and other entities, in coordination with the President and President-Elect, maintains contact with a number of foreign bar associations. A roster is maintained by the Section of International Law of incumbent officers and of the meetings of foreign bar associations in which lawyers from other countries are invited to participate. ABA entities in communication with foreign bar associations should keep the Section of International Law and the Executive Director informed of their contacts so that all Association activities may be appropriately coordinated. (BOG 8/87; 6/89)

V. INTERNATIONAL REPRESENTATION AT ABA ANNUAL MEETINGS

A. Invitations to Foreign Bar Leaders

Within the budgetary authorization established by the Board of Governors, the Section of International Law, with the coordination of the President shall invite to the Annual Meeting such foreign bar leaders as it deems appropriate, giving consideration to such factors as: traditional invitees; organizations with which the Association has had recent joint activities; reciprocity; subjects of special legal interest to the ABA; and expanding relationships particularly with legal organizations in the developing nations.

B. Guidelines for Hosting Foreign Guests Invited to the Annual Meeting by the President

The Section of International Law may provide a host and/or hostess for each foreign bar leader attending the Annual Meeting. For foreign bar guests with limited English language proficiency, every effort will be made to secure hosts/hostesses who speak their language. Detailed guidelines within the budgetary authorization established by the Executive Director for the hosting of foreign guests invited to the Annual Meeting, as approved by the Board of Governors, will be furnished in advance to all hosts and hostesses by the Section of International Law. These guidelines specify their responsibilities for their guests and the extent to which expenses will be reimbursed.

C. Guidelines for Hosting Foreign Guests Invited to the Annual Meeting by Sections, Divisions, and Committees of the Association

In order to ensure appropriate coordination of all activities and Association events in which foreign guests participate, all ABA entities are required to coordinate their invitations to international guests with the Section of International Law and the Executive Director.

VI. INTERNATIONAL REPRESENTATION AT ABA MIDYEAR MEETINGS

Within the budgetary authorization established by the Executive Director, the Section of International Law may invite a limited number of foreign bar leaders to the Association's Midyear Meeting. However, since the Midyear Meeting is primarily a business meeting of the Association, invitations should be limited to those foreign bar leaders or representatives who have a particular interest in the work of the Association at a Midyear Meeting.

Reimbursement rules shall be the same as those for the Annual Meeting and similar assignments of hosts and hostesses will be made by the Section of International Law.
VII. RULE OF LAW LETTERS

On behalf of the Association, the ABA House of Delegates has, on various occasions, affirmed its support for the rule of law in the international community. It has expressed the Association's concern about serious human rights violations that have been brought to the Association's attention. The Association has recognized the need for an independent judiciary and for the independence of lawyers. The Association has also noted with deep concern the reported arrests, detentions and sentencing of lawyers because of their representation of clients in various foreign countries.

In furtherance of these policies, the ABA President is authorized to send "rule of law" letters to government leaders of countries where violations are alleged to have occurred. ABA rule of law letters issued to date can be found here. In addition to rule of law letters, an entity may recommend that the ABA President issue a statement, conduct media outreach, or approve a trial observer. Alternatively, there are steps that the entity may take, including conducting a webinar or program.

The International Coordinating Group advises the ABA President on all requests for action on alleged rule of law concerns. Please complete the form below and submit to Thomas Susman (Thomas.Susman@americanbar.org) for consideration. Unless you identify extenuating circumstances, please allow at least 72 hours for consideration.

1. Which entity is recommending action?
2. Briefly summarize the proposed statement or other proposed action. Please include a draft of the statement or rule of law letter where applicable.
3. Please provide background information regarding the situation your proposed action addresses, including hyperlinks to relevant news articles and reports.
4. What is the purpose – the desired effect – of the ABA statement or other proposed action? Describe how the draft statement or proposed action would accomplish its purpose and what steps are intended to implement the proposal if it is adopted.
5. Provide a description of any related current ABA policies or other ABA Presidential statements or rule of law letters and how they relate to this statement or other proposed action.
6. Identify positions or views of the U.S. government entities, other government and international institutions, bar associations, and NGOs. Please provide hyperlinks to views and statement when available on line.
7. Provide a description of controversial aspects of the draft statement or resolution and potential opposing views, including by other ABA entities.
8. Identify any ABA follow-up that might be helpful to the objective of the letter.
9. Indicate whether related media coverage is desired and appropriate or whether public release should be delayed.

(BOG 8/02; 7/97; 6/89; 4/18)

VIII. TRIAL OBSERVER PROJECT

The International Human Rights Trial Observer Project has been established by the Association to send ABA representatives to observe trials abroad with significant human rights implications. The project is administered by the Center for Human Rights pursuant to guidelines approved by the Board of Governors. Copies of the guidelines for the project are available from the staff liaison to the Center. Observers generally are appointed by the President unless deployed pursuant to the approved mandate of the Justice Defenders Program administered by the Center.

Before undertaking their assignments, trial observers receive a briefing on the political circumstances surrounding each trial and the details concerning the indictment, relevant statutes, and the criminal procedure of the host country. Observers submit a report to the President of the Association and interested entities after each mission. (BOG 4/85; 6/89; 4/11)
IX. INTERNATIONAL RULE OF LAW COUNCILS

In furtherance of the Association’s fourth goal, “to advance the rule of law,” and in an effort to provide well-coordinated and strategic direction for and implementation of technical assistance work and rule of law activities, the Association has established the Rule of Law Initiative (ROLI), governed by a Board of Directors and five regional councils covering major regions of the world have been established. The five Councils are the (1) Africa Law Initiative Council, (2) Asia and the Pacific Law Initiative Council, (3) Central European and Eurasian Law Initiative Council, (4) Latin American and the Caribbean Law Initiative Council, and (5) Middle East and North Africa Law Initiative Council.

The Rule of Law Initiative and its five councils were created for the purpose of initiating, developing, coordinating and overseeing ABA rule of law activities, including provision of technical assistance, in their respective regions of the world. The Councils play multiple roles. They receive notification of all Association international activities taking place in the respective regions. The Councils offer coordination and assistance to prevent duplication of efforts. Each Council has authority to initiate rule of law activities in its region. In this capacity, the Councils also provide strategic direction and oversight.

The five regional councils are consolidated under the auspices of the ABA Rule of Law Initiative, which has a 21-member board of directors plus special advisors. The board is comprised of the chairs of the Association's five regional councils; the chairs or their designees from the Section of International Law, Center for Human Rights, CEELI Institute, and Section of Civil Rights and Social Justice; and twelve at-large members appointed by the ABA President, one of whom serves as the board’s chair. At-large members of the board of directors may be non-lawyers having significant expertise and experience in international affairs. The Rule of Law Initiative board oversees and provides strategic direction for the Rule of Law Initiative, provides any necessary coordination of the five regional councils, acts as a clearinghouse for the Association's rule of law activities, authorizes new activities including fundraising of the Rule of Law Initiative, oversees grants and contracts awarded to the Rule of Law Initiative, identifies the best use of Association human and financial resources to advance the rule of law, and provides a unified ABA brand for the Association’s rule of law activities.
MEETINGS

I. THE ANNUAL MEETING

A. Dates and Sites

The Association's Bylaws provide that the Board of Governors shall fix the time and place of the Annual Meeting and supervise the Annual Meeting program. The Board's Member Services Committee makes recommendations to the Board concerning meeting dates and sites and works with the President of the Association in developing the Annual Meeting program.

The Board has adopted a policy for the selection of Annual Meeting sites. It provides that the site shall be a city within a state of the United States and that there shall be a sufficient number of hotel rooms and meetings rooms, constructed and completed at least two years prior to the date of the Annual Meeting involved, to accommodate the expected attendance. Such city may not have been the site of an Annual Meeting within at least the previous two years and shall have state and local bar support. It is, however, understood that the Association neither expects nor requests any financial contribution toward any Annual Meeting by a state or local bar association. The city shall also have geographical, historical, cultural, educational, and recreational attractions of interest to members of the Association and their families.

In June 2016, the Board approved the recommendation of the Standing Committee on Meetings and Travel to rotate the 2020-2024 Annual Meeting cities between Chicago, and one open city, beginning in 2020 in Chicago.

The following sites and dates for future Annual Meetings have been approved:

<table>
<thead>
<tr>
<th>Year</th>
<th>City</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>San Francisco</td>
<td>August 78-13</td>
</tr>
<tr>
<td>2020</td>
<td>Chicago</td>
<td>July 29-August 4</td>
</tr>
<tr>
<td>2021</td>
<td>Toronto</td>
<td>August 4-10</td>
</tr>
<tr>
<td>2022</td>
<td>Chicago</td>
<td>August 3-9</td>
</tr>
<tr>
<td>2023</td>
<td>Denver</td>
<td>August 8-9</td>
</tr>
</tbody>
</table>

B. The Program

An electronic version of the program containing a calendar of events is available to registrants at each Annual Meeting. It is intended to be a complete and accurate schedule of all meeting events and it lists the programs of all Association entities and affiliated organizations.

In order to ensure adequate advance publicity for Annual Meeting functions, basic program information must be submitted in January of the year in which the Annual Meeting is held.

C. Housing and Meeting Room Assignments

The January issue of the American Bar Association Journal contains notice of the Annual Meeting. Room assignments are made in accordance with preferences indicated on a first-come first-served basis. Requests for meeting space for sections and committees for an Annual Meeting are made to the Association's Meetings and Travel Department on forms provided by the department.
D. **Annual Meeting Format**

In June, 2016, the Board approved the recommendation of the Standing Committee on Meetings & Travel to modify the format of the Annual Meeting so it is more accessible with fewer scheduling conflicts.

Registration opens at 3:00 p.m. on Wednesday and closes at the conclusion of the House of Delegates Meeting. Entities may conduct programs, CLE, lunches, receptions and any activity held in the past with the exception of 4:30 p.m. to 6:00 p.m. on Saturday, which is when the ABA General Assembly & Presentation of the ABA Medal is held.

All attendees must be registered to secure housing and purchase tickets. The Meetings and Travel Department will handle all registration and ticket sales.

**Annual Meeting Registration Fee Structure (current as of September 2017)**

- **Limited registration rate**
  - $95 – Member/Affiliate
  - $295 – Non-Member
  (Includes all governance meetings, ABA Forums, Concert for Legal Services, Plenary Session/ABA Rally and the General Assembly)

- **Standard registration rate**
  - $250 – Member/Affiliate
  - $450 – Non-Member
  (Includes a 20% discount on ABA tours, all governance meetings, ABA Forums, Concert for Legal Services, Plenary Session/ABA Rally, General Assembly and President’s Reception)

- **All-Access registration rate**
  - $495 – All-Access CLE Registration
  - $695 – Non-Member
  (Includes a 20% discount on all tours, access to all Annual Meeting CLE programs (both entity and showcase), governance meetings, ABA Forums, Concert for Legal Services, Plenary Session/ABA Rally, General Assembly and the President’s Reception)

All entities selling individual CLE tickets at the Annual Meeting will honor the ABA All Access CLE Pass for admittance to their programs.

All registration logistics both for Annual Meeting and Entity Programs will continue to be managed by Meetings and Travel, including: negotiation of hotel rates, management of housing block, registration, ticket sales, promotions and all other logistics currently managed by Meetings and Travel.

E. **Refunds**

The Association's policy on refund of registration fees provides that when an Annual Meeting registration is canceled later than the 20th day before the opening date of the meeting, the registration fee shall not be refunded except when the cancellation has been necessitated by (a) incapacity of the registrant due to accident or illness; (b) death, accident, or illness in the immediate family; or (c) conflicting professional responsibilities.

If a request for a refund cites reasons other than the above which, in the opinion of the staff, are compelling and indicative of extenuating circumstances justifying the refund, such request shall be referred to the Profession, Public Service and Diversity Committee for decision. Any appeal of a staff decision denying a refund under this policy shall be referred to the Profession, Public Service and Diversity Committee for review and decision.
F. Annual Meeting Speakers

Presidential decisions regarding invitations to be issued to speakers for Assembly Events will generally be made no later than February 1 of the year in which a given Annual Meeting is held.

All ABA entities are required to provide advance notice of invitations extended to prominent people and to provide monthly information as to the status of these invitations. The term “prominent people” includes but is not limited to such groups of persons as heads of state, cabinet officers and other executive department officers of the United States, justices of the Supreme Court of the United States, members of the U.S. Senate and the U.S. House of Representatives, chief judges of any federal circuits or courts of the United States, chief justices of any state supreme courts of the United States, and governors of any states of the United States. A close working coordination between Division of Media Relations and Strategic Communications, the Office of the President, Meetings & Travel, and the ABA entity will eliminate any confusion on the speakers’ part and duplicate invitations.

II. MIDYEAR MEETINGS

A. Dates and Sites

The Association's Midyear Meeting consists of meetings of the Board, section councils and committees, and the House of Delegates. It is held in January or February each year at a site selected by the Board of Governors.

The following sites and dates for future Midyear Meetings have been approved:

<table>
<thead>
<tr>
<th>Year</th>
<th>Location</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>Las Vegas, January 23-28</td>
<td>January 28</td>
</tr>
<tr>
<td>2020</td>
<td>Austin, February 12-17</td>
<td>February 17</td>
</tr>
<tr>
<td>2021</td>
<td>Orlando, February 10-15</td>
<td>February 15</td>
</tr>
<tr>
<td>2022</td>
<td>Seattle, Washington February 9-14</td>
<td>February 14</td>
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<tr>
<td>2023</td>
<td>TBD</td>
<td>TBD</td>
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</tbody>
</table>
IV. SECTION AND COMMITTEE MEETINGS

Ordinarily only one general business section meeting of the section membership is held during the year and this is in connection with the Association's Annual Meeting. Any section wishing to hold an additional general membership meeting may do so with the prior approval of the Board of Governors.

Meetings of standing and special committees are held at the discretion of the committee chair based upon the work projects with which the committee is involved in carrying out its assigned mission.

Although no Association policy has been formulated to govern section and committee chairs in the selection of meeting sites, they are urged to choose sites which provide the greatest convenience for the persons attending and the greatest meeting economy for the section or the Association. (BOG 4/71)

V. COMPLIANCE WITH ANNUAL AND MIDYEAR MEETING POLICIES

In November 2003, the Board adopted a policy which clarifies that all entities participating in the Midyear and Annual Meetings, whether they are Association entities or affiliated organizations, must abide by policies governing these meetings, other than reimbursement policies, that have been adopted by the Board of Governors or the House of Delegates, except in those instances where agreements reached prior to adoption of this policy or prevailing conditions make adherence prohibitive. In these situations, the affected entity will confer with the Standing Committee on Meetings and Travel to reach an accommodation.

VI. USE OF PRIVATE CLUBS FOR ASSOCIATION FUNCTIONS

If private clubs are to be used by the Association or any of its authorized entities for any professional, business, or social function, the function may not be held in clubs where there is a reasonable doubt that the actual club membership does not include women, men, and members of minority groups, irrespective of who, in fact, pays for such a function.

VII. MEETINGS HELD OUTSIDE THE UNITED STATES

The ABA General Counsel's Office and the ABA Meetings and Travel Department will review and approve all contracts for meetings held outside the United States. All entities should exercise good judgment when selecting the locations for their meetings, taking into consideration any budgetary limitations as well as the safety of all meeting attendees.

VIII. GUIDELINES FOR SPONSORSHIP OF CHARTER FLIGHTS

Association sections and committees are authorized to sponsor charter flights provided that they comply with Board-approved guidelines which are available from the Policy and Planning Division upon request.

IX. MASTER CALENDAR

A Master Calendar of Meetings is available on ABA’s website at http://apps.americanbar.org/abanet/oc/. The Calendar is comprised of a list of all known meetings of ABA sections and committees and other legal organizations as well as the dates, sponsoring organizations, and places (including city, state, and hotel) of the events.

X. NEGOTIATION AND BOOKING OF MEETINGS BY ASSOCIATION ENTITIES

In November 2008, the Board of Governors affirmed the following statement regarding the negotiation and booking of meetings by Association entities:
Centralization of administrative functions by an organization as large as the American Bar Association promotes not only administrative efficiency but also economic benefits for the organization, its component parts and, most importantly, its members. Centralization reduces the number of employees and associated overhead costs involved in an activity, enhances the knowledge and sophistication the employee would enjoy in his/her activity and leverages the purchasing power of the entire organization. The ABA will continue its longstanding approach of treating negotiation of travel contracts as a management function within the discretion of the Executive Director.
The following compilation is a selective, quick reference form of the Association’s policy on major legislative, national and professional issues. It is intended as an index and reminder and should not be quoted verbatim as representing ABA policy. The Association's official records in the American Bar Center are the primary source of authoritative information.

Association policy is determined by the House of Delegates or the Board of Governors, which is empowered to act in the House’s place when it is not in session. Policy is established directly, through action upon a specific policy proposal.

The policies herein are listed alphabetically under the appropriate heading. The citation following each policy indicates when the policy was adopted, which should make it possible to find the policy statement in the American Bar Association Reports volume for that year or, in the case of those recently adopted, in the Summary of Action covering that period. Policies are cited by year, meeting and resolution number. The citation 98M118A means the policy was approved by the House of Delegates at the 1998 Midyear meeting and was resolution 118A. Policies approved by the Board of Governors list the month, year, designation BOG and report number. Therefore, 498BOG 2.1 means the policy was approved by the Board of Governors at the April 1998 meeting and was Exhibit 2.1.

The selective listings are on subjects presumed to be of popular interest. Subjects have been included upon which the Association has not taken a position, where experience indicates that inquiries will be made by laypeople or even bar association members as to the Association's views. Policy positions approved by authorization of amicus curiae briefs can be obtained from the Policy and Planning Division. The index is reviewed after each Annual Meeting of the House of Delegates.

At the 1996 Annual Meeting, the House adopted a procedure to archive policies which are 10 years old or older and which are outdated, duplicative, inconsistent or no longer relevant. Such archived policies will be retained for historical purposes but shall not be considered current policy for the Association and shall not be expressed as such. The initial phase of the process was completed over a three-year period. Hereafter, each year, policies that are ten years old will be reviewed.
ABA Policy on Legislative and National Issues

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ADMINISTRATIVE LAW

Adjudication Hearings. Urge Congress, when it considers enactment of legislation relating to new or existing programs that involve agency adjudications with an opportunity for a hearing, to consider and determine expressly within the relevant legislation whether the hearing should be subject to the requirements of certain sections of the Administrative Procedure Act. Recommend three specified factors to be considered in determining the appropriateness of requiring a formal APA adjudication. Recommend that amendment of the APA to provide prospectively that, absent a statutory requirement to the contrary in any future legislation that creates the opportunity for a hearing in an adjudication, such a hearing shall be subject to those sections. 00A113

Urges Congress to amend and modernize the adjudication provisions of the Administrative Procedure Act and to expand certain fundamental fair hearings provisions of that Act by enacting legislation consistent with the draft bill entitled Federal Administrative Adjudication in the 21st Century, dated February 2005, recognizing the administrative law judge adjudication as the preferred type of adjudication for evidentiary proceedings conducted under the Administrative Procedure Act. 05M114

Urges Congress to amend and modernize the adjudication provisions of the Administrative Procedure Act and to expand certain fundamental fair hearings provisions of that Act by enacting legislation consistent with the draft bill entitled Federal Administrative Adjudication in the 21st Century, dated February 2005, recognizing the administrative law judge adjudication as the preferred type of adjudication for evidentiary proceedings conducted under the Administrative Procedure Act. 05M114

Urges the President, Congress, and the Equal Employment Opportunity Commission (EEOC) to adopt measures to provide that employment discrimination hearings conducted by the EEOC be subject to the formal adjudication requirements of the Administrative Procedure Act, 5 U.S.C. §§554, 556, and 557. 11A124

Administration of Justice. Urge lawyers to actively support the enactment of federal, state and local legislation designed to improve the administration of justice and the functioning of the legal system. 88A119

Administrative Agency Proceedings. Adopt the following principles with respect to the choice between rulemaking and adjudication in administrative agency proceedings: (1) An agency is generally free to announce new policy through an adjudication proceeding; (2) When rulemaking is feasible and practicable, an agency that has been granted broad rule making authority ordinarily should use rulemaking rather than adjudication for large-scale changes; (3) An agency should not be empowered to treat its adjudicatory decisions precisely as if they were rules. 85M301

Administrative Conference of the United States. Support retaining the public membership of the ACUS and support adding certain functions to ACUS. 6/79BOG 2.2

Support reauthorization of the Administrative Conference of the United States (ACUS) and the provision of funds sufficient to permit ACUS to continue its role as the government's in-house advisor and coordinator of administrative procedural reform. 89M126A

Strongly endorses legislation which would authorize the Administrative Conference of the United States to provide assistance in response to requests relating to the improvement of administrative procedure in foreign countries. 11/91BOG 2.8

Urges that no action be taken by the Administrative Conference of the United States in plenary session on the recommendations made in the Draft Report on the Federal Administrative Judiciary until the Association has had an opportunity to present its considered views on the fundamental changes to the administrative judiciary proposed by the report. Urge the U.S. Office of Personnel Management to reopen the register to new applicants for administrative law judge positions within thirty days. 11/92BOG2.7

Administrative Law Judges. Support legislation to exempt ALJs from Civil Service veterans' preference hiring requirements and support legislation with respect to the appointment, tenure and discipline of ALJs. 76A106D; 6/79BOG2.2
Encourages Congress to establish a retirement plan for federal administrative law judges that is appropriate to their judicial status and functions and that is separate from retirement plans of other career civil servants. 04M113B

Encourages Congress to establish The Administrative Law Judge Conference of the United States as an independent agency to assume the responsibility of the United States Office of Personnel Management with respect to Administrative Law Judges, including their testing, selection, and appointment. 05A106A

Reaffirms the judicial independence and authority granted to the Central Panel Administrative Law Judges in the Model Act Creating a State Central Hearing Agency, adopted by the House of Delegates in February 1997. 11M112

**Administrative Procedure Act.** Urges Congress to amend the rulemaking provisions of the Administrative Procedure Act. 16M106B

**Attorneys' Fees.** Urge Congress to enact legislation that would (1) establish uniform principles for the regulation of attorneys' fees in proceedings before federal administrative agencies; (2) provide for reasonable fees; and (3) implement through the administrative rulemaking process. 80A107

Support the award of legal assistant/paralegal fees to law firms or attorneys who represent prevailing parties in a lawsuit where statutes or current case law allow for the recovery of attorney fees. 93A107

**Civil Monetary Penalties.** (1) Generally encourages the use of administratively imposed civil monetary penalties by federal agencies against regulated persons and entities as one part of an administrative enforcement program that already includes civil or criminal sanctions; and (2) recommends that, in cases involving any significant administratively imposed civil monetary penalties, the opportunity for a formal adjudication pursuant to the Administrative Procedure Act’s provisions, 5 U.S.C. 554, 556-558, be available to parties; but (3) that the foregoing position relating to the use of administratively imposed civil monetary penalties does not preclude, and is not inconsistent with, American Bar Association opposition to those portions of H.R. 2179 and S. 476 (108th Congress) that would extend the Securities and Exchange Commission’s administrative penalty authority to non-regulated entities. 04A114 (See also Securities and Exchange Commission Authority.)

**Computer Systems/Internet in Federal Agencies.** Urge the Administration to promote best practices for federal agency Website pages and to facilitate the ease and predictability of citizen access to desired information by supporting (1) a centralized office to encourage and monitor best practices relating to agency Internet use; and (2) modernization of computer systems used for public and internal access to government information. 01A107A

Urges Congress to enact legislation to require federal agencies to provide an online source at which material that has been incorporated by reference into proposed or final regulations can be consulted without charge. 16A112

**Congressional Committee Review of Prosecutorial Agencies.** Urge that (1) federal prosecutorial agencies should respond in a timely, open and candid manner to requests from congressional committees trying to determine whether the prosecutorial agencies are enforcing laws under their jurisdiction effectively or whether these laws need revision; and (2) congressional committees and federal prosecutorial agencies should work jointly to establish informal guidelines which properly balance the needs for congressional oversight of the executive function and prosecutorial independence from political interference in accordance with two specified principles. 96A104A

**Congressional Veto of Agency Regulations.** Oppose legislation providing for congressional review of agency regulations, which would become effective only after the expiration of a set time, unless expressly vetoed by Congress. 79A121A
**Department of Justice Attorneys.** Urges the President and the Attorney General to assure that lawyers in the Department of Justice do not make decisions concerning investigations or proceedings based upon partisan political interests and do not perceive that they will be rewarded for, or punished for not, making a decision based upon partisan political interests. 10M102G

**Department of Justice Attorneys-Investigation of Misconduct.** Urges the United States Department of Justice to continue in its commitment to investigate allegations of professional misconduct on the part of the Department's lawyers and to release as much information regarding completed investigations as possible, consistent with privacy issues and law enforcement confidentiality concerns. 10A100A

**Department of Veterans' Affairs.** Urge the United States Department of Veterans' Affairs to administer its debt collection and forfeiture proceedings in a manner that allows veterans to hire attorneys without regard to the attorney fee limitations set forth in 38 U. S. C. Sections 3404 and 3405 that are applicable to benefit claims cases, and recommend three specified procedures. 89A101B

Supports legislation to repeal the statutory provision preventing veterans from paying an attorney to represent them in connection with their claims for federal benefits. 05M8A

**Discipline of Lawyers.** Support legislation to bar federal agencies from prescribing professional rules of conduct for, and from disciplining, attorneys except as immediately necessary to maintain order in proceedings before them or in conformity with action taken by state disciplinary boards; undertake the development of a model enforcement mechanism for the discipline of lawyers who practice before administrative agencies. 82A123

**Dissemination of Information.** Recommend that the President and agencies take a series of procedural steps to seek more effective public participation in significant agency information dissemination efforts intended to promote public policy goals. 01A107C

**Ethical Standards/Discipline for Administrative Judiciary.** Urge federal, state, local and territorial governments to enact and adopt measures to protect the public interest in independent, impartial, and responsible decision-making in the administrative adjudication process by providing (1) that members of the administrative judiciary be held accountable under appropriate ethical standards adapted from the ABA Model Code of Judicial Conduct (1990) in light of the unique characteristics of particular positions in the administrative judiciary; and (2) that any individualized removal or discipline of a member of the administrative judiciary occur only after an opportunity for a hearing under the federal or a state administrative procedure act before an independent tribunal, with full right of appeal. 01A101B

**Executive Oversight.** Support specific principles with respect to executive oversight of federal agency rulemaking and the implementation of Executive Order Nos. 12291 and 12498. 86M100

Recommend that (1) certain actions be taken by any government entity designated by the President to engage in a continuing process of oversight of the rulemaking process; (2) an agency whose rules are subject to review by an entity described above should identify, by the simplest method, the substantive changes between a proposed or final rule and prior drafts that were submitted for oversight review; (3) the above recommendations are not applicable to the personal communications of the President or Vice-President; and (4) compliance or not with the above procedures is not intended to form the basis for judicial review. 93M106A

**Executive Privilege.** Recommend procedures for the resolution of disputes between the Congress and the President of the United States over executive privilege, including steps to be taken by the political branches, consideration of a central body in Congress with responsibility for participation in executive privilege negotiations, and consideration as to whether specific disputes might lend themselves to nonbinding mediation efforts. 87A117A
Federal Black Lung Compensation Program. Express opposition in principle to any revisions of the Code of Federal Regulations (20 CFR Part 725) recommended by the United States Department of Labor (62 Federal Register 3337 et seq.) pertaining to the Federal Black Lung compensation program which are contrary to the requirements of the Federal Administrative Procedure Act or the Black Lung Benefit Act and express opposition to certain specific revisions of the Code. 97A115

Federal Communications Commission Rules and Regulations Regarding Unsolicited Facsimiles. Opposes the Federal Communications Commission (FCC) rules and regulations implementing the Telephone Consumer Protection Act of 1991, published July 25, 2003, that would eliminate the established business relationship exception to the general rule prohibiting the sending of unsolicited facsimile advertisements and urges the FCC to revise the rules and regulations accordingly. Urges the FCC to issue a clarification that the rules and regulations do not prohibit unsolicited facsimile advertisements sent by tax-exempt nonprofit organizations in pursuit of their authorized tax-exempt nonprofit purposes. Urges Congress and the FCC to take appropriate action to restore the established business relationship exception and to permit tax-exempt nonprofit organizations to send unsolicited facsimile advertisements in pursuit of their authorized tax-exempt nonprofit purposes. 803BOG2.12

Federal Disability Benefit Programs. Support implementation of specific recommendations of the Symposium on Federal Disability Benefit Programs with respect to disability standards, initial determinations, information on procedures and burdens of proof, medical evidence, quality assurance programs, role of administrative law judges, government representation projects, and scope and time of review. 86A126A

Federal Lobbying Laws. Urges Congress to update and strengthen federal lobbying laws by requiring fuller reporting of lobbying activities, forbidding certain conflicts of interest, and providing for more effective enforcement of the Lobbying Disclosure Act of 1995. 11A104B

Recommend that the Federal Trade Commission amend Section 4.1(a)(1) of its rules of practice to grant the right to appear before it to foreign lawyers who are authorized to practice before a foreign competition law tribunal or agency that extends reciprocal rights to American lawyers. 90A305

Recommend that the Federal Trade Commission adopt a rebuttable presumption in order modification proceedings that any provision or order which is more than ten years old should be terminated as no longer in the public interest, and include certain sunset provisions in new orders automatically terminating those orders after a stated period of time. 90A306

Freedom of Information Act. Support enactment of legislation improving procedures and balancing more carefully interests of private and public parties under the FOIA and providing increased protection for financial, commercial and business information and national security and intelligence. 74A101C; 82M107; 83M102D; 83A111A Favor amendments to exemption 7(D) to afford clearer protection to confidential sources. 84M100A

Urge federal agencies to adhere to regulations which provide that, to the extent individuals seek access to individually identifiable records concerning themselves, they shall receive, in addition to records they are entitled to receive under the Privacy Act, access to all records required to be disclosed under FOIA. 84M100B

Urges the Attorney General of the United States to issue a memorandum to Freedom of Information Act (FOIA) officials at federal agencies clarifying that the designation of agency records as sensitive but unclassified cannot be a basis for withholding agency documents from release. The memorandum should also establish a standard policy for: (1) designating information as sensitive but unclassified; (2) the internal handling of such information; (3) taking into account the sensitive nature of such information; and (4) ensuring the release of such information unless exempt under FOIA. 06M112
**Government Ethics.** Support the development of certain comprehensive guidelines outlining appropriate conduct for government officials in their dealings with private parties. Endorse the integrated approach to the regulation of ethics in government service set forth in the Report of the Committee on Government Standards entitled KEEPING FAITH: Government Ethics and Government Ethics Regulation (Spring 1993) as a suggested approach for the framing of such regulation. 93A302

**Government in the Sunshine.** Offer guidelines to federal agencies and courts on the definition of meeting as used in the Government in the Sunshine Act to provide that the term does not include (a) spontaneous casual discussions among agency members; (b) briefings of agency members by staff or outsiders; (c) general discussions of subjects that are relevant to an agency's responsibilities but which do not pose specific problems for agency resolution; and (d) certain exploratory discussions. 87M100

Urge that the International Trade Commission expeditiously determine the extent to which the Government in the Sunshine Act permits the Members of the Commission to meet in a non-public manner prior to determinations in matters assigned to the Commission under the Tariff Act of 1930, as amended. In the event the Commission is unable to resolve this issue in a satisfactory manner, support such initiatives as may be appropriate to clarify the Commission's ability to hold non-public meetings in such proceedings, whether by administrative or judicial interpretation of present law or by amendment of existing legislation. 93M100

Supports the International Trade Commission’s adoption of certain procedures relevant to its compliance with the Government in the Sunshine Act, 5 U.S.C § 552(b). 07A118B

**Governmental Intervention in the Economy.** Endorse the principle that in lieu of governmental intervention, reliance be placed upon the competitive market as regulator supported by antitrust laws; support several enumerated analytical principles to avoid unnecessary regulation. 79M126

**Harmonization of Domestic and Foreign Regulations.** Recommend that the President and agencies take a series of procedural steps that seek to ensure effective public participation in significant agency efforts to harmonize domestic and foreign regulations through international negotiations that may require new regulations or the amendment of existing regulations. 01A107B

**Interstate Compact Agencies.** Urges Congress, states and territories to prescribe the administrative procedures to be employed by congressionally approved interstate compact agencies, provide for judicial review of such agencies' actions and specify the standards of judicial review. 08A111B

**Language Interpreters.** Urges the federal government and the states, territories and possessions to commit sufficient resources to all courts and administrative agencies to enable them to provide qualified language interpreters to ensure that all parties and witnesses may fully and fairly participate in all proceedings. 02M110

**Management of Administrative Agencies.** Urge agencies to reduce delay and improve management by making greater use of informal rulemaking, agency delegation of final authority to presiding officers and staff appeal boards, and certain management procedures subject to an outside audit. 78A104B

**Medicare Claims Adjudication.** Recommends specific reforms in the Medicare claims adjudication process to assure that Medicare beneficiaries are afforded due process throughout all levels of the claims process. 03A107

**Model Statute on Local Land Use Planning Procedures.** Adopts the Model Statute on Local Land Use Planning Procedures, dated August 2008, which addresses local land use procedures, incorporates the accumulated legal experience of the last eighty years and provides a uniform and fair method of treating land use applications and urges its enactment by states, territories and local legislative bodies. 08A111A

Recommend that with respect to nonlegislative rules, agencies provide (1) an opportunity for members of the public to comment on proposed rules and to recommend alternative policies or interpretations, or when rules
are adopted without prior public participation, that agencies provide an opportunity for post-adoption comment; (2) an opportunity for affected private parties to challenge the wisdom or legality of the rule, in an enforcement or other proceeding; and (3) when an agency proposes to act at variance with a policy or interpretation contained in an established nonlegislative rule, (a) the opportunity for the private party to request relief, and (b) an explanation why the agency is departing from its established policy or interpretation. 93A120C

Office of Personnel Management/Administrative Law Judges. Urges the Office of Personnel Management as part of its mandate to select the best qualified candidates for federal administrative law judge positions, to consider judicial status in good standing as a satisfactory alternative to any requirement that candidates be active licensed attorneys in good standing. 09M112

Ombuds. Support the greater use of ombuds to receive, review and resolve complaints involving public and private entities and endorses the Standards for the Establishment and Operation of Ombuds Offices, dated August 2001. 01A107D

Endorses revised Standards for the Establishment and Operation of Ombuds Offices, dated February 2004. 04M115

Encourages greater use and development of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes. 17A103

Periodic Review of Regulations. Recommend 5 specified principles to guide the review of existing regulations by federal administrative agencies with rulemaking authority: (1) commitment by agencies to a periodic review of regulations; (2) congressional review of programs; (3) choice of different approaches to review methods best tailored for the particular agency; (4) 5 specified requirements for an effective and meaningful review; and (5) adoption of regulations that are less likely to become obsolete or require amendment, and establishment of formal programs for issuing interpretations to lessen confusion concerning existing rules. 95A103

Plain Language Techniques. Urge agencies to use plain language in writing regulations, as a means of promoting the understanding of legal obligations, using certain suggested techniques. Recommend certain steps to avoid problems in the use of plain language techniques. 99A103A

Preemption. Urges Congress to address foreseeable preemption issues clearly and explicitly when it enacts a statute that has the potential to displace, supplement or otherwise affect state tort law. Urges Congress to remain mindful of the historic responsibility that States have exercised over the health and safety of their populace and balance the competing concerns relating to preemption. Urges the President to require an agency to follow four specific procedures before it attempts to preempt state tort law. Recommends that independent regulatory agencies which are not covered by Executive Order 13132 voluntarily comply with that order regarding federal actions that may have preemptive effect and sets forth procedures for compliance. 10A117 (See also: Regulatory Reform.)

Presidential Review of Federal Rulemaking. Endorse the guidelines concerning the implementation of Executive Order Nos. 12,291 and 12,498 which specified that presidential review should apply generally to all informal federal rulemaking, including that by independent regulatory agencies; that the process of review should be completed in a timely fashion; that the agency submission should be available to the public when the rulemaking is completed; that new factual information or communications transmitting outside views or positions should be placed in the public file of the rulemaking; and that the presidential review process should not be judicially reviewable. 90A302

Pro Hac Vice Admission. Adopts the Model Rules on Pro Hac Vice Admission pursuant to the recommendations of the Commission on Multijurisdictional Practice. 02A201F
Public Participation. Support the principles of the payment of attorneys' fees and costs by the government in administrative proceedings and the judicial review of such proceedings considered to be in the public interest. 77M114; 78M129

Regulatory Cooperation with Foreign Authorities. Urges federal agencies to pursue regulatory cooperation with relevant foreign authorities when appropriate and consistent with their legal authority, statutory mandates, and regulatory missions. 12A109B

Regulatory Reform. Support and oppose numerous amendments to the Administrative Procedure Act, and other statutes, to decrease federal regulation, to streamline and simplify regulatory procedures, and to provide for improved coordination among federal agencies and increased public and private oversight of regulatory action. Many entries under Administrative Law that pertain to the federal regulatory process and the Administrative Procedure Act are subsumed under Regulatory Reform. 78M122; 78A105; 79M126; 6/79BOG2.2; 79A121A; 8/80BOG2.4

Urge Congress to address foreseeable preemption issues clearly and explicitly when it enacts a statute affecting regulation or deregulation of an area of conduct; urge federal agencies to establish several procedures with respect to the preemption of state laws or regulations. 88A103B

Regulatory Review Procedures. Urge the Office of Information and Regulatory Affairs of the Office of Management and Budget to add a provision to its 1986 procedures for regulatory review that within 60 days of receipt by OIRA of a proposed or final rule under Executive Order No. 12,291, OIRA will either complete its review or return the rule to the agency for reconsideration, with certain understandings. 90M101C

Remand Proceedings. Recommend that (1) when a reviewing court holds that a rule or order issued by a federal administrative agency must be remanded to the agency for further consideration, the court may exercise discretion in determining whether or not to refrain from vacating the agency’s action pending the remand proceedings; (2) in exercising this discretion, a reviewing court should normally strike the balance in favor of vacating the agency’s action unless special circumstances exist; (3) where the court orders the remedy of remand without vacation, it should (a) give serious consideration to specifying a time frame within which the agency is to comply with the terms of the remand order; and (b) consider certain directions until agency action to cure the previous error has become final; and (4) courts should encourage parties to address remedial issues in their briefs and at oral argument. 97A107B

Retroactive Rules. Recommends that as a matter of public policy, retroactive legislation and retroactive rules that impose new legal duties and liabilities should be avoided; that in construing grants of rulemaking power where agency authority to adopt retroactive rules is unclear, federal courts should not apply a presumption that disfavors agency authority to adopt certain retroactive rules; that retroactive rules are and should be subject to the notice and comment requirements of Section 553 of the Administrative Procedure Act; noting that the resolution does not address in any way the Civil Rights statutes, including the Civil Rights Act of 1991. 92M121

Review of Proposed Regulatory Action. Support issuance of executive order directing federal agencies to prepare a regulatory analysis and interagency review of the impact that important proposed regulatory actions would have on the achievement of all relevant statutory goals. 79A121B

Risk Assessments. Recommend that any formal requirement that agencies of the Federal Government undertake formal risk assessments in advance of regulatory action concerning health and safety issues should be consistent with nine specified principles. 99A103B

Rulemaking. Urge that administrative agencies implement the right to petition for rulemaking by following certain procedures. 88M108B
Urge the Occupational Safety and Health Administration to establish procedures to set priorities for rulemaking and to manage the rulemaking process and make such other procedural changes as are necessary to assist OSHA in fulfilling its statutory mandate. 88A103E

Recommend to all federal agencies exercising rulemaking authority that they review the causes of delay in rulemaking and, to the extent feasible and practicable, that they take certain specified steps to improve their procedures for considering and adopting rules. 89M126B

Recommend that (1) certain actions be taken by any government entity designated by the President to engage in a continuing process of oversight of the rulemaking process; (2) an agency whose rules are subject to review by an entity described above should identify, by the simplest method, the substantive changes between a proposed or final rule and prior drafts that were submitted for oversight review; (3) the above recommendations are not applicable to the personal communications of the President or Vice-President; and (4) compliance or not with the above procedures is not intended to form the basis for judicial review. 93M106A

**Rulemaking Analyses.** Recommend that federal agencies comply with certain guidelines concerning rulemaking analyses required by Executive Order Nos. 12291, 12606, 12612 and 12630; the Paperwork Reduction Act; the Regulatory Flexibility Act; the National Environmental Policy Act; and other statutes or executive orders requiring the preparation of similar impact or assessment analyses. 90A109A

**Rulemaking Impact Analyses.** Urges the exercise of restraint in the overall number of required rulemaking impact analyses, assess the usefulness of existing and planned impact analyses, ensure that agency administrators and employees receive adequate training concerning the implementation of analyses, and ensure that agencies adhere to recommendations of the American Bar Association and the Administrative Conference of the United States pertaining to such impact analysis requirements. 92M113

**SEC Standards of Conduct.** Urge the Securities and Exchange Commission to refrain from adopting proposed standards of conduct constituting unethical practice by lawyers before the commission. *(See also Discipline of Lawyers.)* 11/81BOG2.10

**Securities and Exchange Commission Authority.** Opposes pending federal legislation (the Levin-Nelson Amendment to S. 476, which has passed the Senate and H.R. 2179, pending in the House) that would grant the Securities and Exchange Commission new administrative authority to: (1) impose civil monetary penalties on any individual or company alleged to have violated, or caused another to violate, any federal securities law or regulation, without regard to whether the individual or company is a regulated person; and (2) subpoena financial records without the need to notify the subject of the request. 6/03BOG2.3

**Securities Exchange Act of 1934.** Urges Congress to amend clause (A) of Subsection (2) of Section 13(p) of the Securities Exchange Act of 1934 (15 U.S.C. § 78m(p)) to read in its entirety as follows: the person is a registrant that files reports with the Commission under Sections 13(a) (15 U.S.C.78m(a)) or 15(d) (15 U.S.C. 78o(d)) of the Securities Exchange Act of 1934, and. 11M117

**Social Security Administration.** Urge the Social Security Administration to observe, in all stages of administrative proceedings, the applicable decisions of the U. S. court of appeals for the circuit in which the matter has arisen, subject to the agency seeking review in the U. S. Supreme Court. 7/85BOG110

Urge that federal legislation be enacted to provide that the Social Security Administration cease its policy of non-acquiescence, and that such legislation incorporate three specified principles. 90M114
Urges Congress to enact a level of administrative funding for the Social Security Administration (SSA) that permits the SSA to (1) provide its mandated services in a timely manner; (2) promptly and fairly adjudicate applications for disability insurance and supplemental security income benefits; (3) overcome significant disability claims processing times and backlogs; and (4) build the infrastructure necessary to manage the expanding workload challenges presented by serving the aging baby boomers filing disability and retirement claims. 4/08BOG2.1

**State Regulatory Agency Rulemaking.** Endorse the proposition that additional means should be found to increase the role of competitive considerations in state regulatory agency rulemaking and endorse the proposition that legislation designed to introduce competitive considerations into state regulatory agency proceedings should be tailored to the particular statutory framework within which each agency acts. 83A110C

**Sunset Legislation.** Support a limited form of sunset legislation, provided several considerations are met, which would require periodic review by the Congress of federal regulatory agencies. 78M105

**Supplemental Security Income.** Urge enactment of legislation to make improvements in the administration of such programs as supplemental security income by resolving inequities and anomalies in such areas as income and resource exclusions, personal needs allowances, notice provisions, overpayment procedures, and clarity in official communications, in ways that enhance the efficiency, effectiveness, fairness and accessibility of such programs. 84A114

**United States Court of Federal Claims.** Urges Congress to repeal 28 U.S.C. § 1500 (Pendency of Claims in Other Courts) and replace it with a presumptive stay as recommended by the Administrative Conference of the United States. 13M300

**Veterans’ Disability Claims.** Recommends that the U.S. Court of Appeals for Veterans Claims and Congress take a series of procedural steps to seek more efficient and effective resolution of veterans’ disability claims. 03M12

**Visas, Issuance of.** Urges the Congress, Department of State, Department of Homeland Security, Federal Bureau of Investigation, and other relevant government agencies to ensure that the visa issuance process effectively protects the security of the United States, while allowing those persons who wish legitimately to study, work, or travel in the United States for scientific and scholarly purposes the opportunity to pursue those objectives. Supports efforts to establish more effective and efficient policies and procedures for issuing, denying, adjudicating and revoking visas to enter or re-enter the United States. 05M110

**Wage-Price Controls.** Support principles concerning public notice and participation and administrative due process in any program of voluntary or mandatory federal controls. 75M100

**ADMIIRALTY AND MARITIME LAW**

**Maritime Law.** Support federal legislation to ensure uniformity of maritime laws. 76A115

Urges Congress to enact legislation to provide a permanent exemption for the Commonwealth of Puerto Rico from the requirements of the Jones Act, 46 U.S.C. §§55101 et seq. 18A10B

**ANTITRUST LAW**

**Antidumping Act.** Oppose legislation that would amend the Antidumping Act of 1916 to create a new civil cause of action for dumping patterned after the administrative antidumping law, and make these provisions part of the antitrust laws of the United States. 86A302
Antitrust Guidelines. Recognize that in issuing Antitrust Guidelines for International Operations, the U. S. Department of Justice is performing a significant public service by setting forth its analysis of a wide variety of transnational transactions; urge the Department of Justice to revise the draft guidelines to make clear where the Department's enforcement position departs from established law or lacks substantial legal support; urge the Department of Justice to take into account eight suggestions in considering finalization of its draft guidelines. 88A301

Antitrust Law Enforcement. Urge the Department of Justice and the Federal Trade Commission that (1) before either entity amends or repeals an interpretative rule of general applicability or a statement of general policy concerning antitrust law enforcement, it follow certain procedures; (2) the procedures be inapplicable when either entity states in the interpretative rule or policy statement that such procedures would serve no public interest or would be so burdensome as to outweigh any foreseeable benefit; and (3) neither (a) nor (b) be deemed as subjecting such rule or statement to any provision of the Administrative Procedure Act not otherwise applicable. 88M108A

Antitrust Procedures and Penalties Act. Oppose those portions of legislation that would expand the scope of the Antitrust Procedures and Penalties Act (Tunney Act) to compel judicial review of voluntary dismissals of antitrust proceedings brought by the United States and more extensive judicial and third-party roles in the approval of consent judgments subject to the Tunney Act. 84A101A

California v. ARC America Corp. Recommend that Congress hold hearings to address the legal issues and policy implications raised by the Supreme Court's recent decision in California v. ARC America Corp. 90A121

Urge Congress to amend Section 8 of the Clayton Act relating to interlocking directorates to add specific provisions. 86M306

Federal Deposit Insurance Act. Support legislation to (1) amend the Federal Deposit Insurance Act to clarify that federal banking agencies, when taking action against individuals affiliated with insured depository institutions are authorized to obtain asset preservation orders only through judicial proceedings under Section 8(I)(4) of the Act; and to require the federal banking agencies, when seeking an asset preservation order under that section to demonstrate that the person against whom the order is being sought is likely to dissipate or otherwise improperly transfer assets of the institution concerned; and (2) clarify that the federal banking agencies are not authorized to use their power to issue cease-and-desist orders as a means of securing money damages relief that is ordinarily only available through the prosecution of a damages suit in court. Recommend that the agencies refrain from using asset preservation orders against lawyers on account of their conduct in representing clients before the agencies, except in certain cases. Urge development and announcement of policy positions through the notice-and-comment rulemaking procedures of the Administrative Procedure Act. Oppose certain agencies' interpretations of the Model Rules of Professional Conduct. 93A110

Federal Trade Commission Rules. Recommend that the Federal Trade Commission adopt a rebuttable presumption in order modification proceedings that any provision or order which is more than ten years old should be terminated as no longer in the public interest, and include certain sunset provisions in new orders automatically terminating those orders after a stated period of time. 90A306

Gasoline Pricing. Opposes enactment of legislation regulating gasoline pricing and modifying the antitrust laws by creating industry-specific laws applicable to the sale of gasoline. 92A103B

International Antitrust Law. Recommend that nations adopt strong, clear laws against cartels; that they strengthen their anticartel enforcement offices, the procedures for enforcing the law and the penalties for infringing it; and that they eliminate exceptions from the anticartel principle; recommend that courts be reluctant to dismiss cases involving cartels that target or disproportionately affect their nationals or people or
firms in their territory where dismissal is sought on grounds of allegedly conflicting foreign law or policy; recommend that in the enforcement of laws dealing with transnational mergers, nations harmonize reporting and waiting requirements and that enforcers consult, lend aid in discovery, and in appropriate cases, defer in exercising their own enforcement jurisdiction so as to facilitate and not frustrate salutary transactions. 91A301

**Motor Fuel Service Stations.** Oppose legislation to bar any large integrated refiner from operation of motor fuel service stations and limit the ability of refiners to enter into exclusive dealing contracts with their franchisees, and make illegal all exclusive dealing contracts of suppliers and retailers of branded motor fuel. 86M121C

**Petroleum Marketing Practices Act of 1978.** Oppose legislation to amend the Petroleum Marketing Practices Act of 1978 to restrict the ability of integrated refiners to operate efficiently in gasoline retail markets by creating a system of regulation. 86M121B

Oppose the Retail Competition Enforcement Act or similar legislation that would codify *per se* treatment for all vertical price-fixing agreements. 88A124A

**Sherman Act.** Urges that Fed. R. Civ. P. 12(b)(6) be interpreted to require that a complaint alleging a conspiracy in violation of Section 1 of the Sherman Act must allege facts constituting more than mere parallel conduct and ordinary business behavior. 06A307

Recommends that the Sherman Act, 15 U.S.C. §1, and comparable state and territorial laws should not be interpreted to apply a rule of per se illegality to agreements between a buyer and seller setting the price at which the buyer may resell goods or services purchased from the seller. 07M101

**Treble Damages.** Support legislation that would amend the federal antitrust laws to allow the United States to recover treble damages when it is injured by a violation of the antitrust laws, and to require judicial approval of modifications to substantive provisions of antitrust consent decrees under the procedures of the Tunney Act; oppose legislation that would amend the federal antitrust laws to follow certain procedures. 88M127B

**ATTORNEYS, GENERAL PRACTICE**

**Admission to Federal Courts and Agencies.** Urge promulgation by the Judicial Conference of the United States of a uniform system for admission of attorneys to federal courts and agencies. 72M54

Urges the Supreme Court of the United States to consider racial, ethnic, disability, sexual orientation, gender identity, and gender diversity in the selection process for appointment of *amicus curiae*, special masters, and other counsel. 17M10A

**Advertising.** Endorse the Aspirational Goals for Lawyer Advertising, as amended. 88A117

Amends Model Rules 7.1 through 7.5 and their related Comments of the ABA Model Rules of Professional Conduct regarding lawyer advertising rules. 18A101

**Alternative Work Schedules.** Endorse and promote the adoption and use of alternative work schedules for lawyers, including but not limited to (a) restructured full-time work schedules such as compressed work weeks, telecommuting, flexiplace and flex-time; and (b) reduced work schedules such as part-time employment, job-sharing and phased retirement. Encourage employers of lawyers to adopt and promote formal written policies outlining the requirements of alternative work schedules and their impact on compensation, benefits, and career progression. 97M111A

**American Board of Professional Liability Attorneys.** Grants reaccreditation to the Medical Professional Liability and Legal Professional Liability programs of the American Board of Professional Liability Attorneys for additional five-year terms as designated specialty certification programs for lawyers. 18A108A
**Attorney-Client Privilege.** Support the principle that the attorney-client privilege for communications between in-house counsel and their clients should have the same scope and effect as the attorney-client privilege for communications between outside counsel and their clients. 97A120

Oppose legislation such as S. 1737 of the 105th Congress, which would extend the attorney-client privilege to accountants and others not licensed to practice law. 3/98BOG1.5B

Strongly supports the preservation of the attorney-client privilege and work product doctrine as essential to maintaining the confidential relationship between client and attorney required to encourage clients to discuss their legal matters fully and candidly with their counsel so as to (1) promote compliance with law through effective counseling, (2) ensure effective advocacy for the client, (3) ensure access to justice and (4) promote the proper and efficient functioning of the American adversary system of justice. Opposes policies, practices and procedures of governmental bodies that have the effect of eroding the attorney-client privilege and work-product doctrine and favors policies, practices and procedures that recognize the value of those protections. Opposes the routine practice by government officials of seeking to obtain a waiver of the attorney-client privilege or work product doctrine through the grant or denial of any benefit or advantage. 05A111

Urges federal and state courts to adopt consistent rules to govern the scope of required disclosures for discovery of testifying experts and their reports and that draft expert reports and attorney-expert communications relating to the expert's report be protected from discovery in accordance with the proposed resolution. 06A120A

Urges federal and state courts to adopt consistent rules to address how the courts and counsel should resolve issues involving claims of inadvertent disclosure of materials protected by the attorney-client privilege or work product doctrine. 06A120D

Supports the right of participants in federal proceedings to take an immediate appeal from an order that rejects a claim of attorney-client privilege and on that basis requires the production of information or materials for which the privilege has been claimed. 09M301

Adopts principles that should be applied in determining the availability of attorney-client privilege for law firm consultations with in-house counsel. 13A103

Urges the Department of Justice and the Federal Bureau of Prisons to amend their policies with respect to monitoring emails between attorneys and their incarcerated clients to permit attorneys and their incarcerated clients to communicate confidentially via email and thereby maintain the attorney-client privilege. 16M10A

Supports common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege. 17A102C

**Attorney-Client Privilege/European Communities.** Requests the Commission of the European Communities, when conducting a competition inquiry pursuant to Article 11 or 14 of Regulation 17, to grant to an undertaking the same protection, including the same procedural safeguards, against disclosure of written communications with a U.S. lawyer that Community Law accords to a client's written communications with a lawyer of a Member State of the European Community. As a separate matter, the American Bar Association requests the Commission of the European Communities to study and extend the attorney-client privilege to house counsel, whether of Member States of the Communities, or otherwise. 83M301

**Attorney-Client Privilege in the Audit Context.** Supports the preservation of the attorney-client privilege and work product doctrine in connection with audits of company financial statements and urges the Securities and Exchange Commission and other relevant organizations to adopt standards, policies, practices and procedures and take other appropriate steps to ensure that attorney-client privilege and work product protections are preserved throughout the audit process. 06A302A
Attorney-Client Privilege in the Context of Patent Infringement. Recommends that a party’s assertion of the advice-of-counsel defense to a charge of willful patent infringement does not waive the attorney-client privilege with respect to communications with that party’s trial counsel so long as such trial counsel is not the same counsel who provided the opinion upon which the accused infringer relies. 07M302

Attorney Discipline Amendments to Federal Rules of Bankruptcy Procedure. Supports the Proposed Attorney Discipline Amendments to the Federal Rules of Bankruptcy Procedure that would clarify the authority of bankruptcy courts to discipline attorneys engaging in a pattern of misconduct and require district or bankruptcy courts to adopt and enforce local disciplinary rules and procedures with respect to attorneys practicing before bankruptcy courts and which comply with the ABA Model Federal Rules of Disciplinary Enforcement and the ABA Standards for Imposing Lawyer Sanctions. 06A117

Attorney Fees. Support legislation to empower the federal courts to review decisions of the VA and to lift the $10 restriction on attorneys' fees paid for representing a veteran in VA proceedings. 75A100
Support the principles of the payment of attorneys' fees and costs by the government in administrative proceedings and the judicial review of such proceedings considered to be in the public interest. 77M114; 78M129
Support legislation that would prohibit the award of attorneys' fees against judges arising out of actions for injunctive relief. 85M122
Support the position that the Attorneys' Fees Award Act authorizes the award of reasonable attorneys' fees to civil rights plaintiffs who recover only nominal damages. 4/92BOG1.5
Urge repeal of that portion of the Ticket to Work and Work Incentives Improvement Act of 1999 that imposes a 6.3 percent user fee tax on an approved attorney's fee for representation of disability claimants in Title II cases before the Social Security Administration. 00M111B
Urges Congress to enact legislation amending Title 28, of the United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims. 09M10B
Opposes intellectual property laws and agency and court interpretations of intellectual property laws that impose the payment of the government’s attorney fees on a party challenging a decision of the United States Patent and Trademark Office in federal district court, unless the statute in question explicitly directs the courts to award attorney fees. 16M108A

Attorney Impairment Programs. Approve 10 guiding principles to assist state and local bar associations in the development and maintenance of effective programs to identify and assist those lawyers and law students impaired by alcoholism, other forms of substance abuse or other causes; request drafting of amendments to the Model Rules of Professional Conduct implementing Guideline 2. 91M106

Auditors' Requests. Approve a statement of policy regarding lawyers' responses to auditors' requests for information. 12/75BOGIII.D

Bankruptcy-Related Legal Advice. Opposes provisions in legislation that impose restrictions upon the bankruptcy-related legal advice lawyers can provide to individual clients. 09A10B

Billable Hours. Encourages law firms to consider (1) alternatives to mandatory minimum billing requirements that would reduce undue emphasis on lawyers' billable hours; and (2) compensation systems that recognize and reward attorneys based on factors in addition to the number of hours they bill to client matters. 06A120C

Civility. (1) Affirms the principle of civility as a foundation for democracy and the rule of law and urges lawyers to set a high standard for civil discourse as an example for others in resolving differences constructively
and without disparagement of others. (2) Urges all lawyers, ABA member entities and other bar associations to take meaningful steps to enhance the constructive role of lawyers in promoting a more civil and deliberative public discourse. (3) Urges all government officials and employees, political parties, the media, advocacy organizations, and candidates for political office and their supporters, to strive toward a more civil public discourse in the conduct of political activities and in the administration of the affairs of government. (4) Supports governmental policies, practices, and procedures that promote civility and civil public discourse consistent with federal and state constitutional requirements. 11A108

Civil Rights Attorney's Fees Awards Act. Urge Congress to enact legislation amending the Civil Rights Attorney's Fees Awards Act of 1976 and other federal civil rights fee-shifting statutes to permit the award to a prevailing party of reasonable expert fees for testimonial and nontestimonial services. 91A117A

Compensation for Assigned Counsel. Support action by circuit judicial councils to provide compensation for assigned counsel in criminal cases comparable to that paid for private counsel for similar services. 74M120.2

Urge all jurisdictions to provide by statute or rule of court that attorneys appointed to represent persons who have a constitutional or statutory right to counsel receive reasonable compensation and full reimbursement for costs and expenses. 88A10E

Contingent Fees. Use of contingent fees should continue; Automobile Accident Reparations Committee recommendation approved. 69A18

A fee may be contingent on the outcome of the matter for which the service is rendered except in a criminal case, or in a domestic relations matter when the payment or amount of fee is contingent upon the securing of a divorce or upon the amount of alimony or support, or property settlement in lieu thereof. (Model Rules of Professional Conduct.) 82A400

Corporate Governance and Corporate Responsibility. Adopts and endorses corporate governance policies and related governance practices that involve structural and procedural reforms designed to: (1) enhance the independence and resources of outside directors of public corporations; (2) increase the flow of material information and analysis to those directors; and (3) enhance the ability of the lawyers representing public corporations to exercise and bring to bear independent professional judgment and thereby promote corporate responsibility without undermining the constructive and collaborative relationship that must exist so that compliance with the law can be most effectively promoted. 03A119C

Deficit Reduction Act. Express concern over the effect upon the attorney-client privilege and the confidentiality of the attorney-client relationship of the Deficit Reduction Act, which requires disclosure of certain cash receipts in excess of $10,000. 85M8C

Disabled Members. Affirms commitment to providing the benefits of membership to its disabled members to the maximum extent feasible. 91M102

Disaster Response. Adopts twelve principles to govern the planning, preparation and training for responses to a major disaster to ensure that the legal system maintains fidelity to the rule of law. 07A113

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. 10M103A

Endorses the recommendations for an Effective National Mitigation Effort, a white paper on national mitigation prepared by the Association of the Directors of Emergency Management of the U.S. states, territories and the District of Columbia. 11M114
Urges all lawyers to regularly assess their practice environment to identify and address risks that arise from any natural or manmade disaster that may compromise their ability to diligently and competently protect their clients' interests and maintain the security of their clients' property. 11A116

Opposes the adoption of federal, state, territorial and tribal laws that would alter the legal duty of reasonable care in the circumstances owed to victims of a natural or manmade disaster by relief organizations and health care practitioners. Supports programs to educate relief organizations and health care practitioners about their duty of care owed to victims of a natural or manmade disaster. 11A125

**Discipline.** Urge that disciplinary control of the practice of attorneys in federal courts and agencies be administered by an appropriate agency as a function of the federal judiciary, and oppose the adoption of disciplinary rules by the legislative branch of the government. 10/71BOGIV-10

Support legislation to bar federal agencies from prescribing professional rules of conduct for attorneys with certain understandings. 82A123

**Discovery Abuse.** Support amendments to the Federal Rules of Civil Procedure regarding discovery provided in the Second Report of the Special Committee for the Study of Discovery Abuse with the deletion of all references and language providing for special disciplinary action. 11/80BOG2.3

**Diversity in Providers of Legal Services.** Urges all providers of legal services, including law firms and corporations, to expand and create opportunities at all levels of responsibility for diverse attorneys and urges clients to assist in the facilitation of opportunities for diverse attorneys, and to direct a greater percentage of the legal services they purchase, both currently and in the future, to diverse attorneys. 16A113

**Equal Access to Justice Act.** Support proposals to amend the Act to remedy certain ambiguities and gaps in coverage, and oppose amendments to the Act to further restrict coverage and to limit reimbursement of attorneys' fees to unreasonable levels. 882A108B

Recommend that states that have not adopted legislation similar to the federal Equal Access to Justice Act be urged to adopt similar legislation which will provide for litigation expenses, including attorneys' fees to parties successfully challenging the government in the courts and in administrative proceedings where the actions of the government are not substantially justified, and thus broaden access to justice for their citizens and residents, particularly in administrative proceedings. 90A303

Urges Congress to enact legislation amending Title 28, of the United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims. 09M10B

**Evaluation of Disciplinary Enforcement.** Adopted various recommendations concerning the evaluation of disciplinary enforcement, including regulation of the profession by the judiciary; support for judicial regulation and professional responsibility; expansion of the scope of public protection; establishment of a Lawyer Practice Assistance Committee; independence of disciplinary officials; independence of disciplinary counsel; access to disciplinary information; complainant's rights; procedures in lieu of discipline for minor misconduct; expedited procedures for minor misconduct; disposition of cases by a hearing committee, the Board or Court; interim suspension for threat or harm; funding and staffing; standards for resources; field investigations; random audit of trust accounts; burden of proof in arbitration of fee disputes; mandatory malpractice insurance study; effective date of disbarment and suspension orders; National Discipline Data Bank; and coordination of interstate identification. 92M119

Pursuant to the recommendations of the Commission on Multijurisdictional Practice, encourages the use of the National Lawyer Regulatory Data Bank to promote interstate disciplinary enforcement mechanisms and urges jurisdictions to adopt the International Standard Lawyer Numbering System. 02A201E
Fair Debt Collection Practices Act. Oppose legislation to eliminate the attorney's exemption from the Fair Debt Collection Practices Act. 11/85BOG2.8

Federal Trial Advocacy. Support that portion of the King Committee Report which encourages law schools to continue improvements in practice-oriented training and bar associations to increase the availability of continuing legal education. Oppose that portion of the Devitt and King committees' recommendations regarding examination and trial experience requirements for admission to practice in federal court. 86A117B

General Agreement on Trade in Services (GATS). With respect to the legal services portion of GATS, the American Bar Association: (1) supports the efforts of the U.S. Trade Representative to encourage the development of transparency disciplines on domestic regulation in response to Article VI (4) of the GATS requiring the development of any necessary disciplines to be applicable to service providers; and (2) supports the U.S. Trade Representative's participation in the development of additional disciplines on domestic regulations that are: (a) necessary within the meaning of Article VI (4) of the GATS; and (b) do not unreasonably impinge on the regulatory authority of the states' highest courts of appellate jurisdiction over the legal profession in the United States. 06A105

Guidelines for Prosecutorial Education and Training for State and Local Prosecutors. 83A117B

Guidelines for Settlement Negotiations. Recommends: (1) the Ethical Guidelines for Settlement Negotiations dated August 2002 (Guidelines) as a resource designed to facilitate and promote ethical conduct in settlement negotiations; and (2) that these Guidelines are not intended to replace existing law or rules of professional conduct or to constitute an interpretation by the American Bar Association of any of the Model Rules of Professional Conduct, and should not serve as a basis for liability, sanctions, or disciplinary action. 02A15

Harassment and Retaliation. Urges all employers and specifically all employers in the legal profession to adopt and enforce policies and procedures prohibiting harassment and retaliation based on gender, gender identity, and sexual orientation. 18M302

Hearing-Impaired Attorneys. Encourage active participation of hearing-impaired attorneys by improving their access to the work and activities of the Association. 86A117C

Immunity of Private Lawyers Representing Governmental Entities. Supports the principle that private lawyers representing governmental entities are entitled to claim the same qualified immunity provided government lawyers from 42 U.S.C. Section 1983 claims when they are acting under color of state law. 12M32

Independence of the Organized Bar. (1) Urges the highest courts or legislative bodies of all states, territories and tribes charged with the administration of justice, admission to the bar, and regulation of the legal profession, to respect the organized bar's ability and right to function independently and express its views freely. (2) Urges the highest courts or legislative bodies of all states, territories, and tribes to allow the organized bar to assist them in understanding the implications of their proposed policies and legislative actions on all aspects of the legal system, and to provide specialized advice and opinion on all matters of public policy germane to the bar’s charter. 12M10A

International Regulatory Information Exchange. Urges the highest courts of states and lawyer regulatory authorities to coordinate with their foreign regulatory counterparts and enter into voluntary arrangements to facilitate the exchange of relevant information, consistent with the jurisdictions’ rules, and adopts the Guidelines for an International Regulatory Information Exchange, dated August 2013. 13A104

Law Office Management Services. Urge bar organizations to provide affordable law office management advisory and resource services to attorneys and legal staff who seek such assistance. 95A131
Law Practice Contingency Plans. Urges bar associations and courts to develop, adopt, promote and implement programs and procedures to encourage and enable lawyers to plan for law practice contingencies by designating in advance another lawyer who is willing and able to assume the lawyer’s practice or to assist in the transfer of client matters and paper and electronic files, in the event that the lawyer has any physical or mental disability that significantly impairs the lawyer’s ability to practice law, or the lawyer has died, disappeared, been suspended or disbarred, or otherwise been restricted from the practice of law. 07A105

Lawyers’ Creed of Professionalism. Urge state and local bar associations to encourage their members to accept as a guide for their individual conduct, and to comply with, a lawyer's creed of professionalism, but that nothing contained in such a creed shall be deemed to supersede or in any way amend the Model Rules of Professional Conduct or other disciplinary codes, alter existing standards of conduct, or become a basis for the imposition of civil liability of any kind. 88A116A

Lawyers in Government. Urge that steps be taken to enhance the professional status of lawyers in government so as to improve quality of legal services available to government, to establish a central directory of lawyer placement information and to develop and maintain a continuing career development program. 5/67BOGIV-7

Recommend including time spent in government service in reckoning the number of years of prior practice to credit an attorney seeking admission on motion. 8/64; 74A131

Urqe that government-employed attorneys should not be prohibited from representing pro bono clients in actions against the government so long as such representation does not present a conflict of interest, is consistent with all other applicable rules of professional responsibility and is not undertaken on government time or at government expense. 84A118

Lawyers in the Armed Forces Serving in a Combat Zone. Urges all bar associations and other appropriate regulatory bodies to adopt a policy that provides for the waiver or suspension of association dues, CLE requirements and other membership obligations for members who are serving in the U.S. Armed Forces and are performing services in a Combat Zone as designated by an Executive Order of the President of the United States. 07A115

Lawyers' Pledge of Professionalism. Authorize the dissemination to the profession of the Lawyers' Pledge of Professionalism. 88A122B

Lawyers Practicing in Rural Areas. Urges federal, state, territorial, tribal and local governments to support efforts to address the decline in the number of lawyers practicing in rural areas and to address access to justice issues for residents in rural America. 12A10B

Lawyers' Responsibility to Further Public Understanding of Law. Encourage every lawyer to consider it part of his or her fundamental professional responsibility to further the public's understanding of and confidence in the rule of law and the American system of justice. 00M108

Urges the legal profession to seek support of policymakers, educators, the media and the general public to ensure that subject matter to advance the civic mission of schools is included in the core K-12 curriculum and reflected in all standards, instruction, professional development, school funding decisions and evaluation. 04A122

Lawyers with Disabilities. Urges those in the legal profession to make their websites accessible to individuals with visual, hearing, manual and other disabilities and to make legal entities aware of the problems associated with inaccessible websites. 07A108

Legal Fees Equity Act. Oppose the Legal Fees Equity Act and similar legislation which would impose arbitrary and unreasonable limits on hourly fees for private attorneys that may be recovered from federal, state and local governments under fee-shifting statutes. 85A119
Limited Scope of Representation/Unbundling of Legal Services. (1) Encourages practitioners, when appropriate, to consider limiting the scope of their representation, including the unbundling of legal services as a means of increasing access to legal services. (2) Encourages and supports the efforts of bar associations, the judiciary and court administrations, CLE providers, and those providing legal services to (a) take measures to assure that practitioners who limit the scope of their representation do so with full understanding and recognition of their professional obligations, and (b) increase public awareness of the availability of limited scope representation as an option to help meet the legal needs of the public. 13M108

Litigation Conduct Guidelines. Guidelines for Litigation Conduct dated August 1998 adopted as purely aspirational goals to promote professionalism of lawyers and judges, and should not serve as a basis for litigation, liability, discipline, sanctions, or bar or disciplinary enforcement. 98A107

Loan Forgiveness. Opposes changes in current educational debt loan forgiveness programs for public service lawyers and urges Congress and the Administration to support and continue public service student loan repayment and forgiveness programs. 14A107

Mandatory Continuing Legal Education. Urges state and territorial continuing legal education accrediting agencies to approve for mandatory continuing legal education, law practice skills program and training, including the use of technology, law practice management and client relations and not restrict the maximum number of credit hours that can be earned for such programs. 14A106

Military Spouse Attorneys. Urges state and territorial bar admission authorities to adopt rules, regulations and procedures that accommodate the unique needs of military spouse attorneys, who move frequently in support of the nation’s defense. 12M108

Minorities in the Pipeline to the Profession. Urges all state, territorial and local bar associations to work with national, state and territorial bar examiners, law schools, universities and elementary and secondary schools to address significant problems facing minorities within the pipeline to the profession. 06A113

Model Court Rule on Conditional Admission to Practice Law. Adopts the Model Rule on Conditional Admission to Practice Law including the commentary, dated February 2008. 08M112Amendments dated August 2009 adopted, which address the standard for conditional admission, notification of violations, and terms of art within the language of the Model Rule. 09A108

Model Court Rule on Insurance Disclosure. Adopts the Model Court Rule on Insurance Disclosure, dated August 2004, which requires lawyers to disclose on their annual registration statements whether they maintain professional liability insurance. 04A108

Model Court Rule on Provision of Legal Services Following Determination of Major Disaster. Adopts the Model Court Rule on Provision of Legal Services Following Determination of Major Disaster, dated February 2007, and amends Comment 14 to Rule 5.5 of the Model Rules of Professional Conduct. 07M104

Model Law Firm/Legal Department Personnel Impairment Policy and Guidelines. Adopt the Model Law Firm/Legal Department Personnel Impairment Policy and Guidelines, dated August 1990, and commend them to law firms, legal departments, other legal services offices and state and local bar associations for consideration and adoption. 90A118

Model Lawyer Assistance Program. Model Lawyer Assistance Program dated August 1995 adopted. 95A112, amended 04M114

Model Regulatory Objectives for the Provision of Legal Services. Adopts the ABA Model Regulatory Objectives for the Provision of Legal Services, dated February, 2016 and urges that each state’s highest court,
and those of each territory and tribe be guided by the Model Regulatory Objectives when they assess the court’s existing regulatory framework and any other regulation they may choose to develop concerning non-traditional legal service providers. 16M105

**Model Rule for Registration of In-House Counsel.** Adopts the *Model Rule for Registration of In-House Counsel*, dated August 2008, for those jurisdictions that elect to impose registration requirements on lawyers practicing therein under Model Rule 5.5(d). The Model Rule provides a mechanism for jurisdictions to identify and monitor in-house counsel who are practicing in the jurisdiction. 08A112A

Model Rule amended to permit a foreign lawyer to serve as in-house counsel, but with the added requirement that the foreign lawyer may not advise on U.S. law except since advice from a lawyer who is duly licensed and authorized to provide such advice. 13M107B

Amends the black letter of Rule 5.5 of the ABA Model Rules of Professional Conduct and the ABA Model Rule for Registration of In-House Counsel, to include language specifying that the court of highest appellate jurisdiction may, in its discretion, allow foreign in-house lawyers who do not meet the ABA definition of foreign lawyer because they cannot be “members of the bar” to be able to practice as in-house counsel in the U.S. and to be so registered. 16M103

**Model Rule for Trust Account Overdraft Notification.** Adopted 88M119

**Model Rule on Pro Hac Vice Admission.** Adopted. 02A201F (*See also* Multidisciplinary Practices.)

Model Rule amended to provide judges with guidance about whether to grant limited and temporary practice authority to foreign lawyers to appear in U.S. courts. 13M107C

**Model Rules for Advisory Opinions on the Unauthorized Practice of the Law.** Recommend adoption by states. 84M117


**Model Rules for Fee Arbitration.** Model Rules for Fee Arbitration dated November 1994 adopted. 1194B0G 8; amended to refine current practices in order to increase productivity, efficiency and fairness. 12M105

**Model Rules for Lawyer Disciplinary Enforcement.** Adopted 85A123

Adopt as revised to replace the Standards for Lawyer Discipline and Disability Proceedings. 89A131

Various changes adopted as a result of the action taken on the recommendations of the Commission on Evaluation of Disciplinary Enforcement. 92M119

Amendments dated May 1993 adopted. 93A104

Amendments adopted to incorporate referrals to programs providing alternatives to discipline for minor misconduct, and to clarify the provision for discipline by consent. 96A10

Amendments adopted to provide for (1) the enforcement of subpoenas issued pursuant to the law of another jurisdiction; (2) the immediate interim suspension of a lawyer upon a determination of guilt of a serious crime; and (3) the readmission of a lawyer who has been disbarred only after the passage of 5 years and upon completion of the bar and character and fitness examinations. 99M115A
Adopts amendments to Rules 6 and Rule 22 pursuant to the recommendations of the Commission on Multijurisdictional Practice. 02A201D

Amends the black letter of Rule 7 (Roster of Lawyers) of the *ABA Model Rules for Lawyer Disciplinary Enforcement* (MRLDE) to minimize instances of lawyer misappropriation of monies held in trust accounts and hold lawyers accountable when appropriate. 17A110

**Model Rules for Lawyers' Funds for Client Protection.** Model Rules for Lawyers' Funds for Client Protection, dated August 1989, replace the Model Rules for Clients' Security Funds. 8/89 Amendments dated August 2002 adopted. 02A111

Rules 1 (Purpose and Scope--definition of lawyer) and 10 (Eligible Claims) and Comments amended to address issues primarily arising from the multijurisdictional practice of law. 06A104

**Model Rules for Mediation of Client-Lawyer Disputes.** Adopt Model Rules for Mediation of Client-Lawyer Disputes dated August 1998. 98A101

**Model Rules of Professional Conduct.** Adopted 83A400

Rules 1.7, 1.8, 1.9, 1.11, 1.12 and 6.3 and/or Comments amended. 87M121

Rules 1.9, 1.10, 7.2, 7.3, and 7.4 and/or Comments amended. 89M120A; 89M120B; 89M121

Rule 3.8 and commentary amended. 90M118

Declare that Department of Justice lawyers may not be given blanket exemption from the requirements of Rule 4.2 of the ABA Model Rules of Professional Conduct or Disciplinary Rule 7-104(a)(1) of the Model Code of Professional Responsibility as adopted in individual jurisdictions; oppose any attempt by the Department of Justice unilaterally to exempt its lawyers from the professional conduct rules that apply to all lawyers under applicable rules of the jurisdictions in which they practice. 90M301

Amend to include a model rule relating to the sale or purchase of a law practice and to make necessary amendments to Model Rules 5.4, 5.6 and 7.2. 90M8A

Approve 10 guiding principles to assist state and local bar associations in the development and maintenance of effective programs to identify and assist those lawyers and law students impaired by alcoholism, other forms of substance abuse or other causes; request drafting of amendments to the Model Rules of Professional Conduct implementing Guideline 2. 91M106

Rule 8.3 and Comment amended. 91A108C

Model Rules amended to include a provision concerning ancillary business practices. 91A121

Rule 5.7 concerning the provision of ancillary business practices deleted. 92A10D

Rule 7.4 concerning communication of fields of practice and certification amended. 92A121

Rule 6.1 and Comment concerning voluntary pro bono publico service amended to provide that a lawyer should aspire to render at least 50 hours of pro bono publico legal services per year, including certain principles in fulfilling this responsibility. 93M8A

Rule 8.5 and Comment concerning Disciplinary Authority amended to provide that direction for lawyers on the choice of law to be made when the ethics rules of jurisdictions differ. 93A114
Amended to include new Rule 5.7 concerning the provision of law-related services. 94M113

Rule 3.6 amended to delete the qualifying terms in the Rule's safe harbor provision which the Supreme Court held unconstitutionally vague in *Gentile v. State Bar of Nevada*; Rule 3.8 amended to prohibit gratuitous comments by a prosecutor which have a substantial likelihood of increasing public opprobrium toward the accused. 94A100

Rule 7.4 amended to create an exception to the disclaimer requirement for lawyers certified by an ABA-accredited organization. 94A121

Rule 4.2 and Comment concerning Communication with Person Represented by Counsel amended. 95A100

Rule 3.8 and Comment concerning Special Responsibilities of a Prosecutor amended to delete subparagraph (f)(2). 95A101

Comment to Rule 8.4 amended to provide that biased or prejudiced conduct by a lawyer in the representation of a client violates the black letter of the Rule. 98A117

Amended to include new Rule 7.6 and commentary concerning political contributions to obtain government legal engagements or appointments by judges. 00M110

Urge each jurisdiction to revise its law governing lawyers to implement eight specified principles and preserve the core values of the legal profession. Resolve to undertake a review of the Model Rules of Professional Conduct and recommend to the House of Delegates such amendments as are necessary to assure that there are safeguards in the Rules relating to strategic alliances and other contractual relationships with nonlegal professional service providers consistent with the principles contained herein. Recommend that in jurisdictions that permit lawyers and law firms to own and operate nonlegal businesses, no nonlawyer or nonlegal entity involved in the provision of such services should own or control the practice of law by a lawyer or law firm or otherwise be permitted to direct or regulate the professional judgment of the lawyer or law firm in rendering legal services to any person. 00A10F

Amendments to the Preamble, to various Rules and/or Comments, and conforming amendments were approved as a result of the action taken on the recommendations of the Commission on Evaluation of the Rules of Professional Conduct (Ethics 2000). 01A401; 02M401

Amend Rule 7.2 and the Comment to Rule 7.2 to provide guidance with respect to lawyers’ participation in referral arrangements with other lawyers and nonlawyer professional services providers. 02A114

Adopts amendments to Rules 5.5 and Rule 8.5 pursuant to the recommendations of Commission on Multijurisdictional Practice. 02A201B; 02A201C

Rule 1.6 (b) and Comment to Rule 1.6 amended to permit the lawyer to reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary. 03A119A

Rule 1.13 and Comment to Rule 1.13 amended to: (1) require the lawyer for an organizational client to report certain violations of law to higher organizational authority in certain circumstances unless reasonably believed not to be necessary in the best interest of the organization; (2) require the lawyer to proceed as reasonably believed necessary to assure that the organization’s highest authority is informed of the lawyer’s withdrawal or discharge in circumstances addressed in the Rule; and (3) permit the lawyer to reveal client information to prevent reasonably certain substantial injury to the organization where the organization’s highest authority insists upon or fails to timely address a clear violation of law. 03A119B

Comment 14 to Rule 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law) amended to include reference to the *Model Court Rule on Provision of Legal Services Following Determination of Major Disaster*, adopted in February 2007. 07M104
Amends Rule 3.8 of the ABA Model Rules of Professional Conduct to identify prosecutors’ obligations when
they know of new evidence establishing a reasonable likelihood that a convicted defendant did not commit the
offense of which he was convicted. 08M105B

Amends Rule 1.10 of the ABA Model Rules of Professional Conduct (Imputation of Conflicts of Interest:
General Rule) to permit the screening of a lawyer who moves laterally from one private law firm to another, so
that conflicts of interest that apply to the moving lawyer under Model Rule 1.9 (Duties to Former Clients) are
not imputed to all the other lawyers in the new law firm. 09M109

Amends Model Rule of Professional Conduct 1.10 (Imputation of Conflicts General Rule) to explicitly state
that the screening procedures permitted under the Rule apply only when a lawyer has moved laterally from one
practice situation to another. 09A109

Amends the black letter and comments to Model Rules 1.0 (Terminology), 1.6 (Confidentiality of Information),
and 4.4 (Respect for the Rights of Third Persons), and the Comments to Model Rules 1.1 (Competence) and
1.4 (Communication) of the ABA Model Rules of Professional Conduct, dated August 2012, to provide guidance
regarding lawyers’ use of technology and confidentiality. 12A105A

Amends the black letter and Comments to Model Rules 1.18 (Duties to Prospective Client) and 7.3 (Direct
Contact with Prospective Clients), and the Comments to Model Rules 7.1 (Communications Concerning a
Lawyers Services), 7.2 (Advertising), and 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of
Law) of the ABA Model Rules of Professional Conduct, dated August 2012, to provide guidance regarding
lawyers’ use of technology and client development. 12A105B

Amends the Comments to Model Rule 1.1 (Competence), the title and Comments to Model Rule 5.3
(Responsibilities Regarding Nonlawyer Assistants), and 5.5 (Unauthorized Practice of Law; Multijurisdictional
Practice of Law) of the ABA Model Rules of Professional Conduct, dated August 2012, to provide guidance
regarding the ethical implications of retaining lawyers and nonlawyers outside the firm to work on client matters
(i.e., outsourcing). 12A105C

Adopts the ABA Model Rule on Practice Pending Admission, and amends the black letter and Comment to Rule
5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law) of the ABA Model Rules of Professional
Conduct, dated August 2012, to enable lawyers to practice in a new jurisdiction while the lawyer actively
pursues admission through one of the procedures that the jurisdiction authorizes. 12A105D

Amends the ABA Model Rule for Admission by Motion, dated August 2012, to allow lawyers to qualify for
admission by motion after three, instead of five, years of practice. 12A105E

Amends the black letter and Comments to Model Rule 1.6 (Confidentiality of Information) and the Comments
to Model Rule 1.17 (Sale of Law Practice) of the ABA Model Rules of Professional Conduct, dated August
2012, to provide guidance regarding the detection of conflicts of interest when lawyers move from one firm to
another, firms merge, or there is a sale of a law practice. 12A105F

Amends Rule 5.5(d) of the ABA Model Rules of Professional Conduct (Unauthorized Practice of Law;
Multijurisdictional Practice of Law) to permit foreign lawyers to serve as in-house counsel in the U.S., but with
the added requirement that foreign lawyers not advise on U.S. law except in consultation with a U.S.-licensed
lawyer. 13M107A

Comment 5 of Model Rule 8.5 (Choice of Law) of the ABA Model Rules of Professional Conduct amended to
address an increasingly common choice of law problem arising in the context of conflicts of interest. The new
language states that, with regard to Model Rule 8.5(b)(2), lawyers and clients are permitted to specify a
particular jurisdiction as within the scope of Rule 8.5(b)(2) for purposes of interpreting the phrase predominant
effect. 13M107D
Amends the black letter of Rule 5.5 of the ABA Model Rules of Professional Conduct and the ABA Model Rule for Registration of In-House Counsel, to include language specifying that the court of highest appellate jurisdiction may, in its discretion, allow foreign in-house lawyers who do not meet the ABA definition of foreign lawyer because they cannot be “members of the bar” to be able to practice as in-house counsel in the U.S. and to be so registered. 16M103

Amends Rule 8.4 of the ABA Model Rules of Professional Conduct to add an antidiscrimination and anti-harassment provision. 16A109

**Money Laundering.** Supports the enactment of reasonable and balanced initiatives designed to protect and prevent domestic and international money laundering and terrorist financing. Recommends that any efforts to establish and implement international and United States policies to combat money laundering and terrorist financing should be consistent with principles regarding the independence of the bar, adherence to the highest standards of professional and lawful conduct, and the confidentiality of lawyer-client communications. 03M104

Supports the United States' Government's efforts to combat money laundering and terrorist financing and observes that voluntary, risk-based and updated guidance would assist legal professionals to avoid money laundering and terrorist financing risks when providing services to clients and adopts the Voluntary Good Practices Guidance for Lawyers to Detect and Combat Money Laundering and Terrorist Financing. 10A116

**Multidisciplinary Practices.** Resolved to make no change, addition or amendment to the Model Rules of Professional Conduct which permits a lawyer to offer legal services through a multidisciplinary practice unless and until additional study demonstrates that such changes will further the public interest without sacrificing or compromising lawyer independence and the legal profession's tradition of loyalty to clients. 99A10B

The following recommendations of the Commission on Multijurisdictional Practice were adopted at the August 2002 ABA Annual Meeting:

1. Affirms support for the principle of state jurisdictional regulation of the practice of Law. 02A201A;

2. Adopts amendments to Rule 5.5 of the ABA Model Rules of Professional Conduct, dated August 2002. 02A201B;

3. Adopts amendments to Rule 8.5 of the ABA Model Rules of Professional Conduct, dated August 2002. 02A201C;

4. Adopts amendments to Rules 6 and 22 of the ABA Model Rules for Lawyer Disciplinary Enforcement, dated August 2002. 02A201D;

5. Encourages the use of the National Lawyer Regulatory Data Bank to promote interstate disciplinary enforcement mechanisms and urges jurisdictions to adopt the International Standard Lawyer Numbering System. 02A201E;

6. Adopts the Model Rules on Pro Hac Vice Admission, dated August 2002. 02A201F; (7) Adopts the Model Rule on Admission by Motion, dated August 2002. 02A201G;

8. Encourages jurisdictions to adopt the ABA Model Rule for Legal Consultants, dated August 1993. 02A201H; and

9. Adopts the Model Rule for Temporary Practice by Foreign Lawyers, dated August 2002. 02A201J.

**National Board of Truck Accident Attorneys.** Grants accreditation to the Truck Accident Law program of the National Board of Truck Accident Attorneys, a division of The National Board of Trial Advocacy for a five-year term as a designated specialty certification program for lawyers. 18A108B
Ombuds Programs. Encourages greater use and development of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes. 17A103

Parental Leave. Urges the enactment of a rule by the highest courts or legislative bodies of all states, territories, and tribes charged with the regulation of the legal profession, as well as by all federal courts, providing that a motion for continuance based on parental leave of either the lead attorney or another integrally involved attorney in the matter shall be granted under certain conditions. 19M101B

Participation in Professional Associations. Opposes proposed limitations and restrictions upon participation in professional associations of employees of the Executive Branch of the United States government such as those set forth in the proposed rule 5 CFR §2635.806 as published by the Office of Government Ethics in the Federal Register on July 23, 1992. 8/91BOG6

Encourage governmental entities at all levels to permit government lawyers, including those in judicial administrative positions, to serve in leadership capacities within professional associations and societies. Encourage governmental entities to adopt standards that would authorize government lawyers, including those in judicial administrative positions, to (1) make reasonable use of government law office and library resources and facilities for certain activities sponsored or conducted by bar associations and similar legal organizations, and (ii) utilize reasonable amounts of official time for participation in such activities. 99A112

Urge law firms and companies employing lawyers to encourage their lawyer employees to participate actively in bar association activities and not to penalize lawyer employees for their active participation in bar association activities. 01A110A

Practice of Law. Urges each jurisdiction that regulates the practice of law to continue to define what constitutes the practice of law by case law decisions of its highest court or by court rule. 03A10B (See also Unauthorized Practice of Law.)

Recommends that each state and territory (1) adopt a definition of the practice of law that should include the basic premise that the practice of law is the application of legal principles and judgment to the circumstances or objectives of another person or entity, and (2) determine who may engage in the practice of law and under what circumstances, based upon the potential harm and benefit to the public. The determination should include consideration of minimum qualifications, competence and accountability. 03A100 (See also Unauthorized Practice of Law.)

Pro Bono Work. Encourages state and territorial bar associations and other attorney licensing entities to adopt practice rules that establish guidelines to allow pro bono legal service by qualified retired or otherwise inactive lawyers, under the auspices of qualified legal services or other non-profit programs. 06A118

Urges solo and small firm attorneys, larger law firms, corporate law departments and government and military law offices to encourage their lawyers, partners as well as associates, to serve their communities through pro bono and public service activities consistent with applicable rules of professional conduct and adopts Pro Bono Policies and Procedures, dated August 2006, to provide their lawyers with opportunities to do pro bono work and to adopt specific internal policies and procedures to support such work. 06A121A

Reaffirms the ABA’s commitment to the core values of the legal profession including the pro bono provision of legal services to those in need and the independence of the legal profession. Commends those lawyers and law firms that provide pro bono services. Urges state, local, specialty and territorial bar associations to educate the public on the vital role the lawyers who provide services to unpopular clients or causes perform for the benefit of the American system of justice and condemns governmental attacks on the independence of the legal profession. 07M10C
Urges corporate counsel to work with the corporation and outside counsel to waive certain limited positional conflicts in areas related to mortgage, bankruptcy and consumer finance in order to reduce the number of pro bono matters declined by outside counsel due to conflicts, so long as the waivers are not inconsistent with applicable rules of professional conduct. 09A102A

Urges federal, state and local governments to address the unmet legal needs of low-income residents of communities affected by major disasters by action which includes providing additional emergency funding for not-for-profit legal services providers, bar associations and pro bono programs. 09A102B

Urges the appropriate governing bodies of states and territories to adopt a rule permitting and encouraging in-house counsel already authorized to engage in the practice of law to provide pro bono legal services in that jurisdiction. 14A104B

Urges all bar associations and foundations, courts, law schools, legal aid organizations and law firms to create and advance initiatives that marshal the resources of newly-admitted lawyers to meet the unmet legal needs of underserved populations in sustainable ways. 14A108

Encourages law firms to develop initiatives to provide women lawyers with opportunities to gain trial and courtroom experience. 18M10A

**Professional Development.** Recommends that law schools, law firms, CLE providers and others concerned with professional development provide the knowledge, skills, and values that are required of the successful modern lawyer. 11A10B

Commends the American Civil Trial Bar Roundtable for its undertaking the publication of A White Paper on Increasing the Professionalism of American Lawyers, and recommends that bar organizations and others study the existing efforts in the White Paper to enhance their efforts to improve professionalism. 14A105B

**Professional Discipline.** Support the adoption of the Model Federal Rules of Disciplinary Enforcement by the Judicial Conference of the United States and by each federal court. 78M109

Endorse federal legislation that would negate implied agency authority to prescribe professional rules of conduct for, and to discipline, attorneys, except as immediately necessary to maintain order in, or to assure the integrity of, proceedings before them or in conformity with action taken by state disciplinary authorities; and recognize it is important that state disciplinary authorities afford federal agencies an effective means of securing review of charges by such federal agencies of professional misconduct arising out of the practice of attorneys before the agencies. 82A123

**Ranking of Law Firms and Law Schools.** That the American Bar Association examine any efforts to publish a national, state, territorial and local rankings of law firms and law schools. 10M10A

**Red Flags Rule (Identity Theft).** Urges the Federal Trade Commission and Congress to clarify that the Commission’s Red Flags Rule imposing requirements on creditors relating to identity theft is not applicable to lawyers while they are providing legal services to clients. 6/09BOG2.4

**Regulation of the Profession-Consumer Financial Protection Agency Act.** Opposes the provisions in the proposed Consumer Financial Protection Agency Act (H.R. 3126, 111th Congress), or in any other similar proposed legislation establishing or expanding the regulatory jurisdiction of any federal financial regulatory agency, which seek to regulate lawyers engaged in the practice of law, except to the extent that lawyers are currently subject to regulation by a federal agency under existing law. 10/09BOG2.5

**Release of Net Worth Information.** Oppose the automatic release of net worth information in conjunction with fee award applications under the Equal Access to Justice Act; support certain procedural protections that provide those who have filed such information the opportunity to keep it confidential. 83M102B
Retirement Policies of Law Firms. Recommends that mandatory age-based law firm retirement policies be discontinued and that law firms evaluate senior partners individually consistent with the firm’s performance criteria. 07A10A

Rights of the Child, U. N. Convention on. Support in principle the ratification by the United States of the provisions of the United Nations Convention on the Rights of the Child (articles 1-54); urges the convening of a working group to work with the executive branch and the Senate on the identification and clarification of issues related to possible reservations that might be considered as part of the ratification process. 91M119

SEC. Adopt statement of principles regarding the responsibilities and liabilities of lawyers in advising clients with respect to their compliance with laws administered by the Securities and Exchange Commission. 75A104

Solicitation Practices. Express strong disapproval of the American lawyers who seek to personally benefit from the recent tragedy in Bhopal, India, by engaging in solicitation practices which are contrary to Rule 7.3 of the American Bar Association's Model Rules of Professional Conduct and urge the lawyers engaging in such improper solicitation practices to adhere to the standards of conduct with respect to solicitation set forth in the Model Rules. 85M10C

Solo, Small Firm and General Practice Lawyers. Supports and encourages the continued efforts of solo, small firm and general practice lawyers to provide access to justice by delivery of legal services to those in need. 12M115

Specialization in the Legal Profession. The ABA should not promulgate a national plan to regulate voluntary specialization at this time. The determination whether to promulgate such a plan should not be made until experimental programs have been conducted at the state level and the experiences thus obtained have become available. 69M33

Approve as a model for consideration by the states certain principles relating to the regulation of lawyer specialization, including certification, designation and other types of specialization regulation programs. 78M122

Approve, as model standards and guidelines for the voluntary use of states seeking to adopt a state program for regulation of specialization, the Model Plan of Specialization dated June 1979. 79A114

Standards for Accreditation of Specialty Certification Programs for Lawyers. Standard adopted with amendments to Section 2.01(c) defining Certifying Organization, Section 4.04, concerning Uniform STC on Specialization Applicability of Certification Requirements and Nondiscrimination; and Section 4.08 concerning Requirements to Re-Certification. 93M105

Section 5 amended to extend the period of accreditation from three years to five years. 99A107A

Amends Sections 4.06 and 4.08 to add provisions regarding affirmation of compliance and adds Section 4.10 regarding Senior Specialist Status. 12A110


Standards for Lawyer Discipline and Disability Proceedings. Amend to conform to the ABA Model Rules for Lawyer Disciplinary Enforcement. 86A122
**Subpoenas to Attorneys.** Oppose the issuing of a subpoena to an attorney to appear before a grand jury for the purpose of compelling the attorney to provide information concerning a person who is represented by the attorney, unless prior judicial approval has been obtained. Urge that prior judicial approval be withheld in certain circumstances and adopt specific recommendations concerning the hearing and an affirmative finding. 86M110D

Urge that a prosecutor shall not subpoena an attorney without prior judicial approval after an opportunity for an adversarial proceeding for the purpose of compelling the attorney to provide evidence obtained as a result of the attorney-client relationship concerning a person who is or was represented by the attorney; and urge that prior judicial approval be withheld, except in certain circumstances; urge that at the hearing the prosecutor be required to submit an affidavit making a particularized showing of the facts establishing certain requirements; and urge that any hearing seeking judicial approval for a grand jury subpoena be conducted with consideration for the need for secrecy. 88M122B

Recommend that federal agencies adopt procedures and policies to ensure that access to information under the Freedom of Information Act not be diminished by virtue of the fact that the information is maintained in electronic form, and recommend enactment of clarifying legislation to ensure compliance with three specified principles. 90M102

**To Kill a Mockingbird.** Acknowledges the 50th Anniversary of the publication of Harper Lee's novel, *To Kill a Mockingbird*, and honors the positive role that the book has played in the lives of lawyers, their families and the American public over the past 50 years. 10A10A

**Unauthorized Practice of Law.** Urge each jurisdiction to establish and implement effective procedures for the discovery and investigation of any apparent violation of its laws prohibiting the unauthorized practice of law, to pursue active enforcement of those laws, and to encourage all members of the public to report any such violations. Urge bar associations to establish and support a mechanism for reporting and eliminating unauthorized practice of law. Encourage members of the bar to report unauthorized practice of law. Resolve to establish and support a mechanism for identifying and reporting instances of unauthorized practice of law in more than one jurisdiction. 00M8A (See also Practice of Law.)

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**BANKRUPTCY LAW**

**Attorney Discipline Amendments to Federal Rules of Bankruptcy Procedure.** Supports the Proposed Attorney Discipline Amendments to the Federal Rules of Bankruptcy Procedure that would clarify the authority of bankruptcy courts to discipline attorneys engaging in a pattern of misconduct and require district or bankruptcy courts to adopt and enforce local disciplinary rules and procedures with respect to attorneys practicing before bankruptcy courts and which comply with the *ABA Model Federal Rules of Disciplinary Enforcement* and the *ABA Standards for Imposing Lawyer Sanctions*. 06A117

**Bankruptcy Appellate Panels.** Supports the enactment of federal legislation urging each circuit to create Bankruptcy Appellate Panels (BAPs) and that the requirement of consent by the parties be retained as a precondition to a BAP's jurisdiction over the case. 92M122B

**Bankruptcy Code Amendment.** Oppose amendment of the Bankruptcy Code by a legislative process which avoids fair opportunity for open hearings, on well-publicized notice, before the judiciary committees of Congress; oppose the enactment, in the absence of the most compelling circumstances, of special interest legislation designed to increase the types of claims entitled to priority under the Bankruptcy Code. 91A119B

Approve amendments to the Bankruptcy Code generally in accordance with specified form dated July 31, 1996, and urge approval and adoption of the amendments by the National Bankruptcy Review Commission and Congress as the basis for administration and resolution of partnership cases under the Bankruptcy Code. 96A108
Urge amendment of the United States Bankruptcy Code to allow an attorney to remit a percentage of a fee awarded or received under the Bankruptcy Code to a bona fide public service lawyer referral program, operating in accordance with state or territorial laws regulating lawyer referral services or the rules of professional responsibility governing the acceptance of referrals. 97M104

Oppose enhanced attorney liability provisions in bankruptcy reform legislation (S. 420/H.R. 333) pertaining to bankruptcy schedules, reaffirmation procedures, and Debt relief agency regulations. 01A10C

Urges Congress to amend Section 363(f) of the Federal Bankruptcy Code, 11 U.S.C. §363(f) to clarify that a sale of real property free and clear of an unexpired lease under which the debtor is the lessor, can be accomplished only if the non-debtor lessee is granted the same rights afforded to non-debtor lessees when their leases are rejected. 07A102A

Supports the retention of the 10-day time limit in Rule 8002 of the Federal Rules of Bankruptcy Procedure for filing a notice of appeal from a judgment, order or decree in a bankruptcy case and opposing any proposed amendments to Rule 8002 that would lengthen the time for filing a notice of appeal. O8M10C

Urges governmental bodies to engage in actions designed to reduce unnecessary tension, expense and litigation, and to foster inter-court, inter and intra-agency, and inter-party cooperation and coordination in cases where parallel actions or proceedings arise under both (i) bankruptcy or insolvency law and (ii) asset forfeiture or analogous regulatory enforcement law. 14M102A

Urges Congress to amend Title 28 of the United States Code to authorize the appointment of additional bankruptcy judges sufficient to meet the demands within each district. 17M101

Bankruptcy Court Judges. Urge authorization of significant salary increases for bankruptcy judges and U.S. magistrates in order to restore the relative pay levels that historically have existed between those salaries and the salaries of U.S. district judges. 87A115

Support amendment of the Bankruptcy Amendments and Federal Judgeship Act of 1984 to authorize the U.S. Courts of Appeals to use a streamlined procedure for bankruptcy judge reappointments whereby a court of appeals, if it wishes to consider the reappointment of an incumbent bankruptcy judge, may evaluate that judge on the basis of his or her record of performance in office, after public comment, and without mandatory solicitation of additional applications for the vacancy. 96A108

Supports the position that United States Bankruptcy Judges have the authority: (1) upon the consent of all the parties to the proceeding, to hear, determine, and enter final orders and judgments in those proceedings that, while they may be among those designated as core within the meaning of 28 U.S.C. §157(b), may not otherwise be heard and determined by a non-Article III tribunal absent the parties’ consent, as being consistent with and not violative of Article III of the United States Constitution, and (2) to determine in the appropriate case and in the first instance whether such consent is necessary, as a matter of law, in order for the courts to render a final determination on the matter or matters in question. 13M109

Adopts the ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation, dated January 2019, and recommends that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases. 19M100

Bankruptcy-Related Legal Advice. Opposes provisions in legislation that impose restrictions upon the bankruptcy-related legal advice lawyers can provide to individual clients. 09A10B
Electronic Case Filing in Bankruptcy Cases. Recommends the United States Bankruptcy Courts in each federal district permit attorneys who have received electronic case filing (ECF) training in any district to file documents electronically in bankruptcy cases in any other district. 06M301

Evaluation of Bankruptcy Appellate System. Urge the National Bankruptcy Review Commission, the Judicial Conference, the Judiciary Committees and other governmental organs concerned with the operation of the bankruptcy courts and the appellate courts to conduct a thorough evaluation of the bankruptcy appellate system and to develop long-term solutions which will ensure prompt, inexpensive resolution of bankruptcy cases and foster coherent, consistent development of bankruptcy precedents; encourage such organs to draw upon the resources of the organized bar in aid of that study and endeavor; urge enactment of legislation to permit direct appeals from dispositive orders of bankruptcy judges to the circuit courts of appeals; and make decisions of each bankruptcy appellate panel binding upon all bankruptcy courts in its circuit, except where contrary district court authority already exists in the district. 95A300

Federal Priority. Support legislation to bring the priority of federal claims in nonbankruptcy administrations for the benefit of creditors and in cases of insolvent decedent's estates generally into conformity with the federal priorities under the Bankruptcy Code. 86M113

Filing Fees. Support amendment to the Bankruptcy Act to permit waiver of filing fees for persons who are financially unable to pay in involuntary bankruptcy proceedings. 66A

Revision of Bankruptcy Laws. Support in principle legislation, such as HR 8200, 95th Congress, to provide a comprehensive bankruptcy law, provided separate bankruptcy courts are not established and a planning agency is created to study the appropriate stature for bankruptcy courts. 2/78BOG-III.C; 8/78BOG-III.5

CIVIL RIGHTS AND CONSTITUTIONAL LAW

Abortion. Opposes state or federal legislation which restricts the right of a woman to choose to terminate a pregnancy (1) before fetal viability; or (2) thereafter, if such termination is necessary to protect the life or health of the woman; supports state and federal legislation which protects the right of a woman to choose to terminate a pregnancy (1) before fetal viability; or (2) thereafter, if such termination is necessary to protect the life or health of the woman. 92A12

Access to Campus Placement Facilities. Opposes efforts by government to withhold funds from, or otherwise penalize, educational institutions for denying access to campus placement facilities to government employers who contravene university policies by discriminating on the basis of sexual orientation. 92M115

Adult Guardianship. Urges courts with jurisdiction over adult guardianship and governmental agencies that administer representative payment programs for benefits to collaborate with respect to information sharing, training and education in order to protect vulnerable individuals with fiduciaries who make financial decisions on their behalf. 13A100A

Affordable Health Care Act. Supports an interpretation of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116(a), that its prohibition on sex discrimination by covered health programs or activities includes but is not limited to discrimination on the basis of sexual orientation and gender identity. 18A104C

AIDS. Support enactment of legislation that promotes an increased level of voluntary counseling and testing for AIDS; mandates that identifying information obtained as a result of such counseling or testing may not be disclosed without the consent of the individual except in certain circumstances; prohibits discrimination against an otherwise qualified individual solely by reason of the fact that such individual is, or is regarded as being, infected by the HIV virus or having AIDS or an AIDS-related condition. 88M115A

Urge that federal, state and local law and the policies of private entities concerning the Human Immunodeficiency Virus (HIV) be consistent with specified principles, as amended. 89A135
Endorse the global strategy of the World Health Organization for the worldwide prevention and control of AIDS. Urge (a) the government of the United States to strengthen its support for the WHO global program on AIDS and for bilateral programs of research, prevention and control; and (b) the effective coordination of international AIDS programs conducted by the WHO/GPA, PAHO, and other global, regional, bilateral arrangements, and private voluntary organizations. 89A104D

Urges the federal government to implement HIV/AIDS-related initiatives in a manner consistent with international human rights law and science-based prevention, care, support and treatment objectives and endorses the United Nations Declaration of Commitment on HIV/AIDS, dated June 2001. 04M103B

**Alcohol/Drugs.** Urges federal, state, territorial and local governments to eliminate policies that sanction discrimination against people seeking treatment or recovery from alcohol or other drug disease, including specific recommendations in the area of public benefits. 04A112

Urges all state, territorial and local legislative bodies and governmental officials to repeal laws and discontinue practices that permit insurers to deny coverage for alcohol or drug related injuries or losses covered by accident and sickness insurance policies that provide hospital, medical and surgical expense coverage. 05A105

Affirms the principle that dependence on alcohol or other drugs is a disease and supports the principle that insurance coverage for the treatment of alcohol and drugs disorders should be at parity with that for other diseases. 07A106A

**American Indian Religious Freedom Act.** Support federal legislation to amend the American Indian Religious Freedom Act to require that federal lands containing specific, authenticated sites historically used by Native Americans for religious purposes be reasonably managed to minimize impacts which would impair Native Americans in the exercise of their religion, and recommend that where there is a substantial federal interest, the least intrusive means of satisfying the federal interest be required. 90M106A

**Americans with Disabilities Act.** Urges all courts and other appropriate government entities to interpret Titles II and III of the Americans with Disabilities Act to apply to technology, and goods and services delivered thereby, regardless of whether it exists solely in virtual space or has a nexus to a physical space. 18A116C

**Animal Rights.** Urges legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management. 17A102B

**Bar Admissions.** Urges state and territorial bar licensing entities to eliminate from applications required for admission to the bar any questions that ask about mental health history, diagnoses, or treatment and instead use questions that focus on conduct or behavior that impairs an applicant’s ability to practice law in a competent, ethical, and professional manner. State and territorial bar licensing entities are not precluded from making reasonable and narrowly-tailored follow-up inquiries concerning an applicant’s mental health history if the applicant has engaged in conduct or behavior that may otherwise warrant a denial of admission, and a mental health condition either has been raised by the applicant as, or is shown by other information to be, an explanation for such conduct or behavior. 15A102

**Bicentennial of Constitution and Bill of Rights.** Encourage the organized bar to join with educational, media, governmental, business and community groups in conducting educational programs commemorating the bicentennial of the Bill of Rights. 91M122
Blueprint for Foster Care and Youth in the Juvenile Justice System. Endorses the Blueprint for Change: Education Success for Children in Foster Care (2007) and the Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016), which provide a framework to improve educational access, stability, and success for court-involved youth. 17A117C

Bullying. Urges federal, state, territorial and local officials to prevent and remediate the existence and dangers of bullying, including cyberbullying and youth-to-youth sexual and physical harassment, by defining these acts and developing education programs to assist teachers, parents, and children in identifying victims and enhancing appropriate interventions, analyzing existing laws and policies designed to prevent and respond to these acts and adopting and/or revising them as appropriate, monitoring the effectiveness of measures to prevent these acts and fostering interventions successfully implemented to reduce and respond to them. Further, the application of bullying, cyberbullying, and related laws and policies should not be used to compromise the protected First Amendment free speech rights of students. 11M107A

Capital Punishment and Mental Illness. Without taking a position supporting or opposing the death penalty, urges each jurisdiction that imposes capital punishment to implement specific policies and procedures as it relates to mental illness. 06A122A

Citizenship. Reaffirms support for citizenship education in elementary and secondary schools, including as essential components, study of the Constitution, the extended Bill of Rights and law generally; and urges the legal profession, policy makers, educators, members of the private sector, the media, and the general public to support effective citizenship education in public policy at the federal, state, territorial, and local levels. 92M301

Urges Congress to reject any resolution proposing an amendment to the United States Constitution that would alter, in any way, the granting of United States citizenship under the Fourteenth Amendment to any persons born in the United States (including territories, possessions and commonwealths) based upon the citizenship or immigration status of one or both parents at the time of the person's birth. 11A303

Civic Education and Separation of Powers. (1) Encourages all lawyers and judges to be personally and actively engaged in civic education in their communities and schools. (2) Urges all lawyers and judges to work to increase Americans' understanding of the role of separation of powers in our constitutional democracy. (3) Urges policymakers at all levels of government to ensure that all students experience high quality civic learning, that civic learning is regularly and appropriately assessed, and that civic learning is accorded national educational priority on a par with reading and mathematics. 06A102

Civic Learning. Urges amendment of the No Child Left Behind Act, if reauthorized, or the adoption of other legislation, to ensure that (1) all students experience high quality civic learning, including study of the law, government and history; (2) civic learning is regularly and appropriately assessed; and (3) civic learning is accorded national educational priority on a par with reading and mathematics. 07A114

Encourages all lawyers to consider it part of their fundamental responsibility to ensure that all students experience high quality civic learning, including the study of law, government and history. 10A110

Urges federal, state, territorial, and local governments to require civic education for elementary, middle, and secondary students in the nation’s public schools and to provide competitive grant funding for programs to meet this requirement. 11M300

Recommends that state, local, and territorial bar associations urge state and local legislatures, education commissions and school boards to mandate civic education classes/courses in elementary, middle, and secondary schools. 11A300

Civic Literacy. Resolve that the American Bar Association (1) commit its support for public education to foster understanding of the Constitution and the rights and responsibilities of citizenship and advance this goal of civic literacy as fundamental to the continued functioning of the United States as a constitutional democracy
and a nation under the rule of law; and (2) urge the legal profession and the organized bar to engage the support of policy makers, educators, the media and the general public to further this goal through implementation of the national education goals and voluntary standards for civics education at the elementary and secondary school levels. 95M114

Civil Marriage. To preserve the authority of the states and territories to regulate marriage under our federal system, opposes any federal enactment that would restrict the ability of a state or territory to: (1) prescribe the qualifications for civil marriage between two persons within its jurisdiction; and (2) determine when effect should be given to a civil marriage validly contracted between two persons under the laws of another jurisdiction. 04103D

Urges state, territorial and tribal governments to eliminate all of their legal barriers to civil marriage between two persons of the same sex who are otherwise eligible to marry. 10A111

Civil Protection Order Statutes. Urges governments to enact civil protection order statutes that extend protection to minor and adult victims of sexual assault, rape, and stalking, outside of the context of an intimate partner relationship, and without the requirement of any relationship between the parties. 15M109A

Urges governments to enact civil protection order statutes regarding domestic, intimate partner, sexual, dating, and stalking violence that extend protection to lesbian, gay, bisexual, and transgender individuals. 15A109B

Civil Rights Act. Supports an interpretation of Title VII of the Civil Rights Act of 1964 that defines sex discrimination by covered employers to include discrimination on the basis of sexual orientation and gender identity. 18M116A

Civil Rights Attorney's Fees Awards Act. Urge Congress to enact legislation amending the Civil Rights Attorney's Fees Awards Act of 1976 and other federal civil rights fee-shifting statutes to permit the award to a prevailing party of reasonable expert fees for testimonial and nontestimonial services. 91A117A

Civil Rights Tax Relief Act. Recommends that congress enact the Civil Rights Tax Relief Act (H.R. 840 and S.917) or similar legislation that would provide relief to civil rights and employee complainants by, in whole or in part: (1) treating compensatory damages (other than back pay and front pay) in civil rights and employee cases in the same manner as compensatory damages in personal physical injury cases; (2) providing that no portion of the award or settlement paid in civil rights or employment cases to cover attorney’s fees and expenses should be taxable to the client; and (3) allowing income averaging for complainants who receive in one year awards or settlements of back pay or front pay covering more than one year. 03M115

Cloning. Supports law and public policy, both national and international, that oppose or prohibit reproductive cloning. Notwithstanding the above, recognizes that attempts at reproductive cloning may have been made, are currently being made, or may be made in the near future, either in the United States or elsewhere in the world, and therefore, supports national law and public policy that: (1) establish a presumption that a live birth resulting from such attempts is a human being; (2) guarantee that any such human being is a person, legally separate and distinct from its biological progenitor, with all rights accorded to any other live born human being under existing law; and (3) establishes legal parentage, including the legal rights and obligations that flow there from, of such person. 04A109

Court's Use of International Law or Doctrine of Particular Religion. Opposes federal or state laws that impose blanket prohibitions on consideration or use by courts or arbitral tribunals of a) foreign or international law or b) the entire body of law or doctrine of a particular religion. 11A113A
Court-Related Needs of the Elderly. Support efforts to make the state and territorial judicial systems more responsive to the needs of the elderly and persons with disabilities and to that end adopt and urge implementation of the Recommendations of the National Conference on the Court-Related Needs of the Elderly and Persons with Disabilities. 91A115

Crime Victims Compensation. Urges federal, state, territorial, and local governments to enact legislation, promulgate regulations or take other necessary action to ensure that an unmarried surviving partner who shares a mutual, interdependent, committed relationship with a victim of terrorism or other crime can qualify for crime victim compensation and assistance funds provided by that government to eligible spouses. Further recommends that eligibility for such funds should be determined without reference to intestate succession laws and should not affect the operation of such laws. 02A117A

Crimes Against Humanity. Urges Congress to enact legislation to prevent and punish crimes against humanity and urges the United States government to take an active role in the negotiation and adoption of a new global convention for the prevention and punishment of crimes against humanity. 14A300

Crimes of Violence. Condemn crimes of violence including those based on bias or prejudice against the victim's race, religion, sexual orientation or minority status, and urge vigorous efforts by federal, state and local officials to prosecute the perpetrators and to focus public attention on the problem. 87A110A

Death Penalty Jury. Urges all governments that impose capital punishment, and the military, to require that before a court can impose a sentence of death, a jury must unanimously recommend or vote to impose that sentence, and the jury in such cases must also unanimously agree on the existence of any fact that is a prerequisite for eligibility for the death penalty. 15M108A

Death Penalty Legislation and Native Americans. Without taking a position on the enactment of general federal death penalty legislation, support in principle legislative measures, which would prevent or minimize any disproportionate effects of general federal death penalty legislation on Native Americans subject to federal jurisdiction. 91A117B

Delivery of Civil Justice. Urges all state courts to develop and implement a civil justice improvement plan to improve the delivery of civil justice guided by the Recommendations of Call to Action: Achieving Civil Justice for All as endorsed by the Conference of Chief Justices and urges bar associations to promote those Recommendations. 17M102

Desecration of the Flag. In the interest of preserving intact the right to freedom of speech and expression under the First Amendment of the United States Constitution, oppose the adoption of an amendment to the Constitution concerning the desecration of the American flag. Oppose enactment of federal legislation that would seek to criminalize the desecration of the American flag as a political protest. Deplore any desecration of the flag and declare its full support for the proposition that the flag is a revered national symbol that ought to be treated with great respect by all citizens of the United States of America. 8/89BOG2.9

Detainees' Treatment Under Geneva Convention. Urges Congress to override the President’s Executive Order of July 20, 2007, which alters the U.S. government’s international obligations under the Geneva Conventions of August 12, 1949, regarding the treatment of detainees under its authority or control, and to reaffirm those obligations. 07A10B

Disability Rights. Support in principle federal legislation which prohibits discrimination on the basis of disabilities in a manner parallel to existing prohibitions on discrimination based on race, sex, national origin and religion. Seek to ensure equal opportunities for individuals with disabilities in employment; public accommodations and services (including mass transportation); telecommunications; and activities of state and local governments, taking into consideration the economic benefits and costs. Provide clear standards for identifying such discrimination. 89A128
Urges federal, state, territorial and municipal courts to make courthouses and court proceedings accessible to individuals with disabilities, including lawyers, judges, jurors, litigants, court employees, witnesses and observers. Recommends that the appropriate judicial or administrative official in each courthouse designate a disability accommodations coordinator to develop procedures to receive and respond to requests for accommodations from persons with disabilities. 02M112

Urges those in the legal profession to make their websites accessible to individuals with visual, hearing, manual and other disabilities and to make legal entities aware of the problems associated with inaccessible websites. 07A108

Urges federal, state, local and territorial governments to improve the administration of elections to facilitate voting by all individuals with disabilities, including people with cognitive impairments that increase in frequency with age. 07A121

Urges the United States to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities. 10M108B

Urges entities that administer a law school admission test to provide appropriate accommodations for a test taker with a disability to best ensure that the exam results reflect what the exam is designed to measure and not the test taker’s disability. 12M111

Urges legislative bodies and governmental agencies to enact laws and implement policies to ensure that persons with disabilities utilizing service animals are provided access to services, programs and activities of public entities and public accommodations pursuant to the regulations implementing the Americans with Disabilities Act. 12M303

Supports prompt ratification by the United States and other nations, of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print-Disabled. 14A100

Urges governments to enact legislation and implement public policy providing that custody, visitation, and access shall not be denied or restricted, nor shall a child be removed or parental rights terminated, based on a parent’s disability, absent a showing that the disability is causally related to a harm or an imminent risk of harm to the child. 17M114

Disasters. Urges authorities to identify and address the special needs of vulnerable populations, including but not limited to individuals with disabilities, children, the frail, the elderly, homeless persons, domestic violence victims, undocumented persons, the impoverished, and persons with language barriers, when planning for and responding to disasters. 15M109B

Urges federal, state, local, territorial and tribal governments to adopt standards, guidance, best practices, programs, and regulatory systems that make communities more resilient to loss and damage from foreseeable hazards and enhance the disaster resilience of communities. 17M108

Discrimination. Whereas, the policy of the ABA is not to discriminate against any person because of race, color, creed or national origin, officers and sections of the Association should endeavor to use all reasonable means to effectuate this policy. 65A

Reaffirm, in light of the decision in the Bakke case, ABA position taken in 1972 encouraging programs at law schools having as their purpose the admission to law school and ultimately to the legal profession of greater numbers of interested but disadvantaged members of minority groups who are capable of successful completion of law school; urge the law schools of this nation to renew their commitment to provide adequate and appropriate opportunity for members of disadvantaged groups; and also urge that efforts be made by the legal profession to provide greater means of financial assistance for all students admitted to law school with
financial need and that adequate and appropriate employment opportunities be provided to persons who complete their legal education, are admitted to the bar and are members of groups which have previously encountered discrimination in seeking employment. 8/78BOG10


Urge the EEOC and Congress to provide resources sufficient to enable the EEOC to carry out its congressionally-mandated duties to investigate, conciliate and, where appropriate, take legal action to enforce laws prohibiting discrimination in an effective, fair and efficient manner. 98M116A

Urges the President, Congress, and the Equal Employment Opportunity Commission (EEOC) to adopt measures to provide that employment discrimination hearings conducted by the EEOC be subject to the formal adjudication requirements of the Administrative Procedure Act, 5 U.S.C. §§554, 556, and 557. 11A124

Recognizes the rights of individuals who are lesbian, gay, bisexual or transgender (LGBT) as basic human rights and condemns laws, regulations, rules and practices that discriminate against them on the basis of their LGBT status. 14A114B

Urge jurisdictions that impose capital punishment not to carry out the death penalty until the jurisdiction implements policies and procedures that are consistent with four longstanding Association policies intended to (1) ensure that death penalty cases are administered fairly and impartially, in accordance with due process; and (2) minimize the risk that innocent persons may be executed, with the understanding that, apart from existing policies relating to offenders who are mentally retarded or under the age of 19 at the time of the commission of the offenses, the Association takes no position on the death penalty. 97M107
Discrimination in Compensation. Urges Congress to amend Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5(e), and federal age and disability employment discrimination laws to ensure that in claims involving discrimination in compensation, the statute of limitations runs from each payment reflecting the claimed unlawful disparity. 07A302

Discrimination in Compensation. 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. 10M107

Discrimination in Government Funded Services. Urge Congress and the President to restore to legal immigrants the same rights to Supplemental Security Income, food stamps and other federal and state funded services, benefits, and assistance, which were available to them prior to enactment of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Oppose legislative or administrative action that restricts, denies or otherwise discriminates against legal immigrants, in the provision of government funded services, benefits or assistance. 97A102B

Discrimination, Housing Based on Basis of Lawful Source of Income. Prohibited Urges governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income. 17A119A

Discrimination in the Judiciary. Urge appointing authorities to ensure that there are no barriers to the selection of women and minorities as judges and for service on merit selection judicial nominating commissions. 86A120

Discrimination in the Judiciary. Urges the President of the United States and appropriate parties to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States Circuit Judges and United States District Judges, United States Bankruptcy and Magistrate Judges and for other qualified employees in the Judicial Branch of the United States, and to expand the diversity of the pool of qualified applicants, nominees and appointees, including without limitation, the use of diverse merit selection panels. 16A102

Discrimination in the Legal Profession. Oppose bias and discrimination based on race and gender that prevent multicultural women from gaining full and equal participation in the legal profession, and actively support efforts to eradicate such bias and discrimination. 95M119

Discrimination in the Legal Profession. Urges all employers and specifically all employers in the legal profession to adopt and enforce policies and procedures prohibiting harassment and retaliation based on gender, gender identity, and sexual orientation. 18M302

Discrimination, Tax. Recommend careful study of the U.S. Internal Revenue Code and income tax laws of the states to determine whether there is tax discrimination against a person on the basis of marital status. 74A121

Discriminatory Hiring Practices. Strongly condemn all forms of discriminatory hiring practices within the legal profession, whether on the basis of sex, religion, race or national origin. 72M23A

Discriminatory Laws Regarding Dog Breeds. Urges all state, territorial, and local legislative bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog/reckless owner laws that ensure due process protections for owners, encourage responsible pet ownership and focus on the behavior of both dog owners and dogs, and to repeal any breed discriminatory or breed specific provisions. 12A100

Domestic Electronic Surveillance. (1) Calls upon the President to abide by the limitations which the Constitution imposes on a president under our system of checks and balances and respect the essential roles of the Congress and the judicial branch in ensuring that our national security is protected in a manner consistent with constitutional guarantees. (2) Opposes any future electronic surveillance inside the United States by any
U.S. government agency for foreign intelligence purposes that does not comply with the provisions of the Foreign Intelligence Surveillance Act (FISA) and urges the President, if he believes that FISA is inadequate to safeguard national security, to seek appropriate amendments or new legislation rather than acting without specific statutory authorization. (3) Urges Congress to affirm that the Authorization for Use of Military Force of September 18, 2001, did not provide a statutory exception to the FISA requirements, and that any such exception can be authorized only through affirmative and explicit congressional action. (4) Urges Congress to conduct a thorough, comprehensive investigation to determine the nature and extent of electronic surveillance of U.S. persons conducted by any U.S. government agency for foreign intelligence purposes that does not comply with FISA, what bases were advanced for the legality of such surveillance, whether Congress was properly informed, the nature of the information obtained, and whether the information was used in legal proceedings against any U.S. citizen. (5) Urges Congress to ensure that such proceedings are open, except to the extent Congress determines that any portions of such proceedings must be closed to prevent the disclosure of classified or other protected information. (6) Urges Congress to thoroughly review and make recommendations concerning the intelligence oversight process and urges the President to ensure that the House and Senate are fully and currently informed of all intelligence operations as required by the National Security Act of 1947.

Dispute Resolution. Urges providers of domestic and international dispute resolution to expand their rosters with minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities (“diverse neutrals”), and to encourage the selection of diverse neutrals.

Due Process in Public Housing. Recognize that the drug problem plaguing the nation has a deleterious effect on the lives of poor people in public housing projects and that actions to evict persons from their homes must comport with accepted principles of due process. Support compliance with the due process protections of the United States Constitution in actions to seize public housing units under state and federal civil forfeiture and eviction laws, including, at a minimum, notice and an opportunity to be heard for household members prior to their eviction.

Supports federal, state, local and territorial legislation that prohibits discrimination in housing against victims of domestic violence and urges all relevant federal, state, local and territorial administrative agencies to adopt and vigorously enforce regulations to combat such discrimination.

Education Free From Gender-Based Violence. Urges the federal government to adopt legislation and appropriate full funding to support the U.S. Department of Education Office for Civil Rights, in support of its efforts to enforce Title IX of the Education Amendments of 1972 and other activities designed to promote access to education free from gender-based violence.

Education, Equal Access for Every Child. Urges all governments to adopt and implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education.

Urges governments to: 1) enact laws and adopt policies that prohibit the use of out-of-school suspension and expulsion of pre-kindergarten through second grade students; 2) require ongoing training of teachers, administrators, and other school staff on alternatives to school exclusion; and, 3) provide sufficient funding and resources to ensure the provision of alternatives to school exclusion.

Electronic Communications. Urges Congress to amend the Electronic Communications Act to reflect the technological and societal changes which have occurred since the original passage of the statute.

Urges the federal judiciary, Congress, and the Department of Homeland Security to enact legislation and adopt policies to protect the privacy interests of those crossing the border by imposing standards for searches and seizures of electronic devices, protection of attorney-client privilege, the work product doctrine, and lawyer-client confidentiality.
Elder Abuse. Supports efforts to improve the response of the federal, state, territorial and local governments and of the criminal and civil justice systems to elder abuse, neglect and exploitation and urges implementation of recommendations adopted by the National Policy Summit on Elder Abuse in December 2001. 02A108A

Urges courts and community organizations to collaborate in establishing court-focused elder abuse initiatives that serve victims or potential victims of elder abuse through either a court or a court-based program or a program conducted in partnership with a court. 12A106C

Elder Rights. Supports in principle the Inter-American Convention on Protecting the Human Rights of Older Persons, and encourages the United Nations to draft a convention on the rights of older persons. 18A112

Election Systems. Urges states, localities and territories to analyze their election systems and recent experiences of election delays if any, in light of available data and scholarship, and encourages the enactment of legislation or administrative rules to address the causes and potential remedies for election delays. 13A110

Employee and Student Online Privacy Protection: Approves the Uniform Employee and Student Online Privacy Protection Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117C

Enemy Combatants. Urges that U.S. citizens and residents who are detained within the United States based on their designation as enemy combatants (1) be afforded the opportunity for meaningful judicial review of their status, and (2) not be denied access to counsel in connection with the opportunity for such review. Further, urges that Congress, in coordination with the Executive Branch, establish clear standards and procedures governing the designation and treatment of enemy combatants and consider how national policy set by the United States may affect the response of other nations to future acts of terrorism. 03M109

Consistent with the United States' Supreme Court's June 2008 decision in Boumediene v. Bush, urges that the procedural framework for pending habeas cases brought by detainees should be determined by the District Court rather than by Congress, consistent with Federal statutory habeas criminal law principles, where applicable, and the Uniform Code of Military Justice, appropriate to the facts and circumstances of that petitioners' case. 09M10A

Environmental Equality. Support actions to achieve implementation and enforcement of environmental laws, regulations and policies so that a disproportionate share of the burden of environmental harm does not fall on minority and/or low-income individuals, communities or populations; urge that certain appropriate steps be taken to give priority attention to this problem; and urge enactment of legislation, as appropriate, and other appropriate measures to redress and eliminate situations in which minority and/or low-income people have borne a disproportionate share of harm to the environment. Urge further documentation of the causes and consequences of the inequitable distribution of environmental burdens, and certain other actions to address these concerns. 93A109

Urges Congress to enact legislation overruling Middlesex County Sewerage Auth. v. Nat’l Sea Clammers Ass’n, 453 U.S. 1 (1981) and supports legislation enabling plaintiffs to bring constitutional claims in lieu of a statutory cause of action based upon environmental harm due to governmental acts or omissions. 18M116B

Equal Rights Amendment. Support ratification of the proposed Twenty-seventh Amendment to the Constitution. 72M56; 74A135

Supports constitutional equality for women, urges the extension of legal rights, privileges and responsibilities to all persons, regardless of sex, and reaffirms support of and affirmatively act toward the goal of the ratification of the Equal Rights Amendment to the U.S. Constitution. 16M10B
Execution Protocols. Urges each jurisdiction that imposes capital punishment to promulgate execution protocols in an open and transparent manner and require public review and comment prior to final adoption of any execution protocol, and require disclosure to the public by all relevant agencies of all relevant information regarding execution procedures. 15M018B

Fair Housing. Recommend amendment of federal fair housing legislation to enhance the ability of the Department of Housing and Urban Development to resolve housing discrimination complaints through conciliation, to authorize administrative law judges to hear and decide the outcome of housing discrimination complaints provided that full due process rights and the right to appeal such decisions to a court of appeals are afforded, and to extend the protection of fair housing legislation to the handicapped and to families with children. 87A110E

Federal Funding. Oppose federal financial assistance for institutions that discriminate in any of their operations, and support enactment of legislation to restore the principle of requiring nondiscrimination throughout an institution receiving federal financial assistance. 86M102

Federal Rules of Criminal Procedure-Fifth Amendment/Double Jeopardy. Opposes any amendment to the Federal Rules of Criminal Procedure that would eliminate the authority of federal district judges to enter final judgments of acquittal during trial and that would require the accused to waive his or her Fifth Amendment Double Jeopardy rights as a condition of seeking a judgment of acquittal during trial. 07M301

Financing of Abortions for Indigent Women. Support legislation on the federal and state level to finance abortion services for indigent women. 78A107A

Foreign Intelligence Surveillance Act. Urges Congress to conduct regular and timely oversight of the government’s use of the Foreign Intelligence Surveillance Act (FISA) to ensure that government investigations undertaken pursuant to the FISA do not violate the First, Fourth, and Fifth Amendments to the Constitution and adhere to the FISA’s purposes of accommodating and advancing both the individual’s interest in being free from proper government intrusion. 03M118

Free Speech. Oppose the use of government funding programs as a vehicle to suppress or discourage speech activities by government grantees based on the government’s disapproval of the particular content of the speech. 93M104

Full Faith and Credit. Support efforts to implement the full faith and credit mandate of the Violence Against Women Act of 1994 which directs states and territories to enforce civil and criminal protection orders issued by foreign states, territorial and tribal courts as if the orders had been issued by the enforcing court; urge full funding of efforts to implement the full faith and credit mandate including (1) development of interstate and intrastate computer registries of protection orders; (2) training to educate community members who come in contact with victims and perpetrators of domestic violence about the mandate and the enforceability of protection orders issued by foreign states; and (3) development of protocols which would remove barriers to the enforcement of foreign protection orders and would prioritize victim safety. 96A100

Approves the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act, promulgated in 2000 and amended in 2002, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act, as promulgated in 2000, addresses the interstate enforcement of protection orders arising in a domestic-violence or family-violence context. In 2002, the Act was substantively amended to also cover orders arising under an issuing state’s anti-stalking laws. The Act as amended is designed to make implementation of the full faith and credit mandates of these orders more feasible. 03M113E

Funding for Tribal Justice Systems. Urges Congress to support quality and accessible justice by ensuring adequate, stable, long-term funding for tribal justice systems. 08A117A
Guardianship. Urges all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed. 17A113

Gay Panic. Urges governments to take legislative action to curtail the availability and effectiveness of the “gay panic” and “trans panic” defenses, which seek to partially or completely excuse crimes on the grounds that the victim’s sexual orientation or gender identity is to blame for the defendant’s violent reaction. 13A113A

Gender Identity or Expression. Urges the federal, state, local and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations. 06A122B

Encourages measures to promote the permanent placement of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in the foster care system in LGBTQ-friendly homes and that protect LGBTQ youth in the homeless youth and foster care systems from discrimination and violence. 07A104B

Government Investigations of Organizations and Employees. Opposes government policies, practices and procedures that have the effect of eroding the constitutional and other legal rights of current or former employees, officers, directors or agents (Employees) by requiring, encouraging or permitting prosecutors or other enforcement authorities to take into consideration any of the following factors in making a determination of whether an organization has been cooperative in the context of a government investigation: (1) that the organization provided counsel to, or advanced, reimbursed or indemnified the legal fees and expenses of an Employee; (2) that the organization entered into or continues to operate under a joint defense, information sharing and common interest agreement with an Employee with whom the organization believes it has a common interest in defending against the investigation; (3) that the organization shared its records or other historical information relating to the matter under investigation with an Employee; or (4) that the organization chose to retain or otherwise declined to sanction an Employee who exercised his or her Fifth Amendment right against self-incrimination in response to a government request for an interview, testimony, or other information. 06A302B

Haitian Women and Children. Urges the federal government to intensify its effort to provide adequate food, water, shelter and physical security to displaced women and children in Haiti, and to fund and support regional, sub-regional and international programs which prioritize the protection of these vulnerable groups, in conformity with international human rights principles. 10A302

Handicapped Persons Employment. Support federal, state and local legislation designed to further equal employment opportunities for the handicapped. 77A128

Hawaiian Governing Entity. Urges Congress to pass legislation to establish a process to provide federal recognition for a native Hawaiian governing entity, defined as an authority similar to that which American Indian and Alaska Native governments possess. 06M108B

Homeless. Support legislation to (1) prohibit discrimination on the basis of transient or homeless status; (2) address the need for emergency relief to individuals and families without permanent shelter; (3) encourage public and private initiatives to increase the supply of habitable low-cost housing in the United States; and (4) adopt public policies and programs that will contribute to the ability of homeless people to become productive citizens. 86A115

Support efforts to insure the participation of homeless persons in the electoral process. Recommend that election laws, regulations and policies regarding residency determinations and the methods by which persons vote and by which voter registration is verified should not hinder or prevent registration and voting by homeless persons who are otherwise qualified to vote. Recommend and support legislation to assure that no voting qualification or prerequisite to voting, standard, practice, or procedure, shall be imposed or applied by any state or political
subdivision to deny or abridge the right to vote of any citizen who resides at or in a nontraditional abode. Encourage election officials to undertake active outreach efforts to inform homeless persons of voter registration and voting procedures. 93A116

**Homeless Assistance Act.** Urges Congress to amend Subtitle VII-B, Part C of the McKinney-Vento Homeless Assistance Act to clarify that the Act applies to all children and youth in foster care and to significantly increase funding to support the school stability, enrollment, attendance, and success of all eligible children and youth. 07A107

**Homeless Children and Youth.** Supports policies to help assure uninterrupted educational access, special education and related services, and stability for homeless children and youth as well as children and youth placed by public agencies in out-of-home settings. 04A113

(1) 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. (2) Urges state, local, and territorial governments to revise their laws, policies and practices in light of the emergence of new models and best practices in the law to help runaway and homeless youth and their families. 10M105B

Supports the development of integrated, systemic approaches within administrative, civil and criminal court contexts to address the special needs of youth and young adults experiencing homelessness. 18M113

**Homeless Person.** Urges federal agencies to include in the definition of homeless person individuals who lack a fixed, regular, and adequate nighttime residence, including those who, due to loss of housing, economic hardship, or similar reasons, are sharing the housing of others or living in motels, hotels or camping grounds. 06A108B

**Homelessness.** Support the adoption of creative and comprehensive measures to address homelessness by eliminating illegal residential segregation, increasing the availability of affordable transitional and permanent housing and improving the accessibility of such housing to employment, schools, transportation, and human services, with such efforts to include (1) stronger enforcement of existing laws designed to eradicate discrimination in housing; (2) affirmative plans to increase and preserve the supply of adequate affordable housing; (3) regional initiatives to provide affordable housing that is accessible to employment, schools, transportation and human services; (4) programs to integrate communities by race and income; (5) provision of incentives and rewards to encourage the planning and development of affordable housing in integrated communities; and (6) enactment of specific affordable housing laws. 95A111

Urges Congress, the U. S. Postal Service and other appropriate federal entities to ensure the prompt delivery of and adequate customer access to the U. S. mail for people experiencing homelessness. 05A112

Opposes the enactment of, and supports the repeal of, laws and policies that punish persons experiencing homelessness for carrying out otherwise non-criminal life-sustaining practices or acts in public spaces when no alternative private spaces are available and urging the legal community to recognize the problems faced by homeless individuals who may be forced to engage in life-sustaining practices. 07M106

**Housing and Community Economic Development Initiatives.** Urge governments to support the implementation of housing and community economic development initiatives and programs in order to revitalize low- and moderate-income communities in accordance with six specific efforts. Encourage pro bono activities that support and assist housing and community economic development initiatives and programs that benefit low- and moderate-income individuals or areas. 99A105
**Housing Voucher Program.** Opposes legislation to repeal the federal Section 8 low-income housing voucher program or similar legislative proposals that would eliminate the present funding structure based on actual costs for the number of vouchers used and replace it with a state-administered block grant system. Urges state, local and territorial bar associations to promote better understanding of the Section 8 low-income housing voucher program and to ensure fair administration and access to the program for those entitled to participate. 03A121

**Human Right to Adequate Food and Nutrition.** Urges governments to promote the human right to adequate food and nutrition for all through increased funding, development and implementation of strategies to prevent infringement of that right. 14M107

**Human Right to Adequate Housing.** Urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right. 13A117

**Human Trafficking Act.** Approves the Uniform Prevention of and Remedies for Human Trafficking Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 13A102

**Hurricanes Katrina and Rita, Response to.** Urges Congress to create an independent, bipartisan commission to investigate and recommend the appropriate measures to rebuild the infrastructure of the Gulf Coast damaged by Hurricanes Katrina and Rita, to provide reasonable hurricane and flooding protection for the people living in disaster prone areas, and to recommend appropriate measures designed to prevent or mitigate problems in responding to natural disasters in the future. 06M305

**Immigration Detention.** Adopts amendments to the 2012 ABA Civil Immigration Detention Standards, to encourage Congress and the Department of Homeland Security and Immigration and Customs Enforcement to use segregation for immigration detention only as a last resort for a limited time period and in compliance with other limitations. 14A111

**Independence of the Judiciary.** Recommends that the ABA join in efforts by state, local and territorial bar organizations to defend against attacks on the judiciary and oppose any measure that is proposed by any state legislation, referendum, or ballot initiative that would interfere with or impede the ability of courts to apply independently the law and the Constitution fairly and impartially. 07M10B

**Indian Treaty Obligations.** Urge federal government to follow policy of strict adherence to Indian treaty obligations except for compelling circumstances of national security or emergency. 80M110

**Indigent Immigrants Right to Appeal to Federal Circuit Courts of Appeals Right to Appeal.** Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals. 17A115

**Japanese Americans.** Urge Congress to provide appropriate legislative recognition to those denied equal justice under law pursuant to Executive Order No. 9066 and subsequent laws subjecting Japanese Americans to detention during World War II. 84A119B

**Jury Service, Discrimination and Implicit Bias.** Amends Principles 2(B) and 6(C) of the ABA Principles for Juries and Jury Trials to include marital status, gender identity and gender expression to the groups which should not be excluded from jury service, and to recommend that jurors be educated as to implicit bias and how to avoid such bias in the decision making process. 16A116
Lactation. Encourages federal, state, local, territorial, and tribal legislatures and court systems, in conjunction with state and local bar associations, to support and assist with the establishment and maintenance of lactation areas in courthouses for members of the public, including lawyers, jurors, litigants, witnesses, and observers. 19M101A

Law Enforcement Equipment Working Group. Urges Congress to enact legislation that implements the “Law Enforcement Equipment Working Group Recommendations Pursuant to Executive Order 13688” dated May 2015. 18A104A

Legal Remedies to Eliminate Discrimination. Endorse legal remedies and voluntary actions that take into account as a factor race, national origin, or gender to eliminate or prevent discrimination. 95A127

Mass Killings. Urges governments and relevant organizations to implement the recommendations set forth in the policy brief, Allies Against Atrocities: The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings (May 2016). 17M115

Medicaid Benefits. Recognizes the financial burden of maintaining the Medicaid program and the need for innovation in shaping more effective health care systems, but opposes any structural or financial changes in the Medicaid program that would weaken the current entitlement nature of the program or shared legal obligation that the federal, state and territorial governments have to provide a comprehensive set of benefits to all individuals who meet eligibility criteria. Supports Medicaid restructuring that adheres to specific criteria. 05A113B

Medical Options Relating to Pregnancy. Support legislation which ensures the right of patients of federally funded family planning clinics to receive full counseling and referrals on all medical options relating to pregnancy, and the right of health care professionals in such facilities to advise their patients in accordance with their best medical judgment and professional ethics. 91A10H

Mentally Disabled Advocacy Programs. Urge the establishment of advocacy programs for the representation of the mentally disabled and call on the Legal Services Corporation to increase its activities in this area. BOG73 Annual report 177

Military Commission Trials. Calls upon Congress and the Executive Branch to ensure that all defendants in any military commission trials that take place have the opportunity to receive the zealous and effective assistance of Civilian Defense Counsel. 03A301

Miranda Warning. Urges federal, state, local and territorial law enforcement authorities to provide a culturally, substantively and accurate translation of the Miranda warning in Spanish. 16A110

Model Act Governing Assisted Reproduction. Adopts the Model Act Governing Assisted Reproduction dated January 2019 and approves the 2019 Model Act as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act. 19M111

Non-Lawyer Human Rights Defenders, Journalists and Others. Recognizes the important role that non-lawyer human rights defenders, journalists and others play in protecting justice and the rule of law, and deplores attacks on those professions, as well as on individuals, aimed at silencing or intimidating human rights voices. 18A106B

Participation in Association. Continue to make substantial efforts to increase the participation of women and minorities in all levels of the Association. 84A119C
POLICY ON LEGISLATIVE AND NATIONAL ISSUES

PATRIOT Act of 2001. Opposes efforts to repeal the sunset provision of the USA PATRIOT Act of 2001 and urges Congress to conduct a thorough review of the implementation of the powers granted to the Executive Branch under the Act before considering any extension or expansion of surveillance authority under the Act. 03A112B

Physically Handicapped. Support efforts to ensure access to public buildings and transportation for the physically handicapped. 76A125

Physician Inquiries Regarding Guns in the Home of Patients. Opposes governmental actions and polices that limit the rights of physicians and other health care providers to inquire of their patients whether they possess guns and how they are secured in the home or to counsel their patients about the dangers of guns in the home and safe practices to avoid those dangers. 12A111

Prayer in Public Schools. Oppose adoption of a Constitutional amendment or federal legislation that would allow for officially sanctioned prayer in public schools; oppose any action by the United States Congress to remove from any federal Court the jurisdiction to consider the validity of governmental actions under the Religion Clauses of the First Amendment of the United States Constitution. 95M8G

President's Commission on Mental Health. Commend the report of the Commission as a valuable study and endorse those recommendations providing for protection of the human and legal rights of the mentally disabled [the report's section entitled Protecting Basic Rights]. 78A113B

Privacy Act of 1974. Support amendment of the Privacy Act of 1974 to prohibit the nonconsensual use of income tax, census, political activity, religious affiliation and other sensitive data files for the purpose of verifying the eligibility of citizens for government benefit programs, and to provide more specific notice requirements and stronger due process protections. 86A114C

Privacy of Electronic Communications. Support amendment of federal wiretap law to protect the privacy of electronic communications and the transmission of all forms of information including voice, data and video; and support a statutory framework for government access to messages stored by electronic mail systems and remote data processing services as well as the creation of civil and criminal sanctions against unauthorized access by third parties. 86A114B

Private Clubs. Endorse amendments to Title II of the Civil Rights Act to include in the definition of the term public accommodation any private club or other establishment that derives a substantial portion of its income from business sources; and provide an adequate objective standard by which to measure a substantial portion of income from business sources. 83A10A

Direct that the ABA communicate with its members concerning the use of discriminatory clubs for professional and business purposes, and specifically urge law firms not to hold firm functions at business clubs that discriminate and urge lawyers who belong to those clubs to work to reform their policies. 88A10G

Privileged Communications. Supports common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege. 17A102C

Profiling. Support legislation requiring the systematic collection and annual reporting of certain data by all law enforcement agencies that engage in traffic stops, including the race and ethnicity of each person stopped.

Support legislation that requires the Department of Justice and attorneys general to undertake a study using the data to determine whether, how and the degree to which race-based profiling or other methods that disproportionately target or affect persons of color are being employed by law enforcement authorities and to identify the most efficient and effective method of ending such practices. 99A10A
Opposes the text of the Racial Privacy Initiative or any similar measure, which would prohibit any public entity (including schools, employers, or law enforcement agencies) from collecting or sorting any data on the basis of race or ethnicity, and urges bar organizations and associations to join in opposing such measures. Urges state, local and territorial bar associations to engage in educational programs for the electorate, the media and other organizations to inform those groups about the compelling reasons to collect and maintain ethnic and racial data. 03A10C

Urges federal, state, local and territorial governments to enact effective legislation, policies and procedures to ban law enforcement’s use of racial or ethnic characteristics not justified by specific and articulable facts suggesting that an individual may be engaged in criminal behavior. 08A104C Criminal Justice Section; 2008 policy amended August 2012 to include religious profiling and characteristics indicative of religious affiliation. 12A116

Protection of Women's Human Rights. Endorse international and domestic efforts to promote and protect women's human rights through the adoption and enforcement of legal provisions for equality and equal protection law; recommend that the United States Government and Nongovernmental Organizations participating in the United Nation's Fourth World Conference on Women in Beijing, China, in 1995, actively support the inclusion in the Platform for Action of Effective measures to accelerate the removal of the remaining obstacles to the realization of women's basic rights. 11/94BOG2.7

Racial and Ethnic Youth in the Justice System. Encourages state, local and territorial bar associations, judges, prosecutors, defenders and police to instill public confidence in the fairness of the justice system by making concerted efforts to ensure that the justice system provides fair and equal treatment for all youth. Urges these entities to address overrepresentation and disparate treatment of racial and ethnic minority youth in the justice system by adhering to certain principles. 03A101B

Racial Injustice and Slavery, (Creation of Commission on). Urges Congress to appropriate funds for and create a Commission to study and make findings relating to the present day social, political and economic consequences of both slavery and the denial thereafter of equal justice under the law for persons of African descent living in the United States. Urges Congress to propose public policies or governmental actions, if any, that may be appropriate to address such consequences. (Does not take a position on the form or substance of that Commission's findings.) 06M108A

Record Lyrics. Oppose the enactment of any federal, state, territorial or local legislation regulating the content of recorded music. Support the adoption of a voluntary advisory logo to assist recorded-music buyers in identifying materials containing explicit lyrics. 91A110B

Religion Clauses of U.S. Constitution. Encourages efforts to increase public understanding of the Establishment Clause and the Free Exercise Clause (the Religion Clauses) of the U.S. Constitution as they apply in the public elementary and secondary schools and encouraging bar associations to help school officials to better understand and apply the Religion Clauses. 08M106

Religious Liberty Restoration Act. Support in principle the enactment of federal legislation such as the Religious Liberty Restoration Act of 1990, requiring that the federal and state governments demonstrate that any law interfering with the free exercise of religion (1) is essential to furthering a compelling governmental interest; and (2) is the least-restrictive means of furthering that interest. 91M105

Representation for Indigents. Recommend that all jurisdictions ensure that defendants are represented by counsel at their initial judicial appearance where bail is set and that each jurisdiction provide adequate resources to support effective implementation of such representation by counsel for indigent defendants. 98A112D

Urges that the following steps be taken to fulfill the constitutional guarantee of effective assistance of counsel under the Sixth Amendment as prescribed in decisions of the United States Supreme Court: (1) Increased funding for indigent defense by state, territorial and local governments; (2) stronger oversight mechanisms; (3)
substantial federal financial support to states and territories for the provision of indigent defense services; (4) remedies to avoid work overload of defense counsel; (5) increased judicial scrutiny of ethical duties and lapses by prosecutors and defenders; (6) greater involvement of bar associations in monitoring criminal proceedings; and (7) involvement of community groups and individual citizens in improving the indigent defense system.

**Representation in ABA House of Delegates.** Urge all organizations represented in the ABA House of Delegates to increase the number of solo and small firm practitioners within their delegations to the House of Delegates. 95A128B

Amends §6.4 of the ABA Constitution to expand the range of prohibited discrimination by state and local bar associations as it relates to representation in the House of Delegates. 02A11-2

**Required Use of Contraceptives.** Oppose legislation of judicial action that requires a woman to use any method of contraception or sterilization, or to otherwise refrain from bearing children, as a penalty for any conduct or as a condition of probation or parole. Oppose legislation, or rule or regulation, that (1) requires a woman to use any method of contraception or sterilization, or to otherwise refrain from bearing children, in order to be eligible for the receipt or continuation of public benefits; or (2) offers financial incentives or otherwise conditions the level of public benefits received upon a woman's use of a method of contraception or sterilization or her agreement to refrain from child bearing. For purposes of this recommendation, reimbursement for medical expenses or other actual costs associated with the purchase or use of a method of contraception or sterilization does not constitute a financial incentive. 93A103

**Right to Food.** Support the recognition of a fundamental right to food and urge the U.S. government to make the right to food a principal objective of U.S. foreign policy. 86A116A

**Right to Counsel.** Urges Congress to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel. 17A106

**Right to Parent.** Opposes laws, regulations, and rules or practices that discriminate against LGBT individuals in the exercise of the fundamental right to parent; urges lawmakers in jurisdictions where such discriminatory laws, regulations, and practices exist to promptly repeal them; and urges bar associations and attorneys to defend victims of anti-LGBT discrimination, and to recognize and support their colleagues taking on this work. 19M113

**Rights of Children in Foster Care.** Support and reaffirm the (1) rights of children in foster care homes to be protected from abuse, physical violence, and sexual assault while in foster custody; (2) the obligation of relevant state and local officials to provide for the continued safety of the foster care environment; and (3) the legal responsibility and liability of state and local governments and their agents for injury and abuse caused to children in foster care custody when they exhibit gross negligence or reckless disregard in failing to respond or affirmatively protect children from such dangers. Call upon legislatures, members of the bar and child advocates everywhere to seek to strengthen recognition and implementation of this interest in children in safe foster care. 90A115

Urges Congress, the states and territories to enact and/or adopt laws and policies consistent with the recommendations of the national bipartisan May 2004 Pew Commission on Children in Foster Care for improving the outcomes for abused and neglected children under dependency court jurisdiction. Urges Congress, and the state and territorial legislatures, to maintain commitments for adequate resources, and enact laws and implement policies to increase resources and maintain flexibility in the use of those resources, that
support the needs of children and families at risk regardless of whether an abused or neglected child is removed from home, and without limiting the protections, support, and rights of children in foster care or their families. Urges state and local bars to actively support the development and implementation of these laws and policies. 05A10B

**Rights of Farmworkers.** Support efforts to improve wages, working conditions and housing for farmworkers; enhanced enforcement of laws regulating the rights of farmworkers and according legal resident status to noncitizen farmworkers presently working in the United States. Oppose any expansion of the existing H-2A nonimmigrant visa category for admitting temporary agricultural farmworkers to the United States either by changing the temporary labor certification process or by repealing or lowering existing H-2A requirements. 99A106

**Rights of the Institutionalized.** Support legislation to permit U.S. Attorney General to bring suit on behalf of persons confined in state institutions. 76A121A

**Roadmap for Making Native America Safer.** Adopts the recommendations contained in the Indian Law and Order Commission’s November 2013 Report to the President and Congress of the United States, entitled “A Roadmap for Making Native America Safer” (“Commission’s Report”), except for the new circuit court provision of Recommendation 1.2, and urges the Administration, Congress, and governments to promptly implement the recommendations of the Commission’s Report. 15M111A

**Scientific Research, Prohibitions on.** Opposes governmental actions that would: (1) prohibit scientific research conducted for therapeutic purposes, including research involving cell nuclear transfer that is not intended to replicate a human being, provided that such research is conducted in conformity with accepted research, ethical, and legal safeguards; or (2) penalize individuals or research entities that participate in such research. 02A117B

**Secrecy of Grand Jury Process.** Support that grand jurors, court personnel and lawyers respect the secrecy of the grand jury process and refrain from dissemination of information that would jeopardize the fair trial rights of the parties and the integrity of the grand jury proceedings. 8/74V.3

**Sex Discrimination in Employment.** Support federal and state legislation assuring that prohibitions against sex discrimination in employment will also prohibit employment discrimination because of pregnancy. 78M101A

**Sex Discrimination in Public Accommodations.** Urge the amendment of the public accommodations section of the 1964 Civil Rights Act to prohibit sex discrimination in public accommodations, provided however that such amendment not require access by both sexes to the same facilities where legitimate privacy concerns are involved. 80A109A

**Sexual Crime Victims.** Urges federal, state, territorial, local, and tribal governments to enact legislation and support appropriate funding to protect sexual crime victims’ rights by eliminating the substantial backlog of rape kits collected from crime scenes and convicted offenders through rape kit testing performed in accredited laboratories by qualified personnel and following standardized procedures. 11A109

Opposes the imposition upon sexual assault victims of a legal burden of resistance before legal protection attaches, and urges federal, state, local, territorial, and tribal jurisdictions to oppose, laws or rules that allow consent to sexual activity to be inferred in whole or in part from inaction or lack of verbal or physical resistance. 19M115
Sexual Harassment. Recognizes that sexual harassment is a serious problem in all types of workplace settings, including the legal profession, and constitutes a discriminatory and unprofessional practice that must not be tolerated in any work environment. Resolves to educate the profession about the scope and harm of sexual harassment in the workplace, and to call upon members of the legal profession to provide leadership and education in eradicating it. Recognizes that sexual harassment is not confined to interactions between co-workers in the workplace, but may also arise in the context of employee and non-employee.

Urge governments and international institutions to adopt and implement legislation and regulations to eliminate, prevent and provide remedies for gender-based violence in the workplace, including sexual harassment, based on virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, the intersectionality between race and sex or status as a victim of domestic or sexual violence.

Sexual Orientation. Urge the federal government and states and local governments to enact legislation, subject to such exceptions as may be appropriate, prohibiting discrimination on the basis of sexual orientation in employment, housing and public accommodations. Sexual orientation means heterosexuality, bisexuality and homosexuality.

Support the enactment of laws and implementation of public policy that provide that sexual orientation shall not be a bar to adoption when the adoption is determined to be in the best interest of the child.

Supports state and territorial laws and court decisions that permit the establishment of legal parent-child relationships through joint adoptions and second parent adoptions by unmarried persons who are functioning as a child’s parents when such adoptions are in the best interests of the child.

Opposes legislation and policies that prohibit, limit, or restrict placement into foster care of any child on the basis of sexual orientation of the proposed foster parent when such foster care placement is otherwise appropriate under the applicable law of the state, territory, or tribe.

Encourages measures to promote the permanent placement of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in the foster care system in LGBTQ-friendly homes and that protect LGBTQ youth in the homeless youth and foster care systems from discrimination and violence.

Urges Congress to repeal 1 U.S.C. § 7, which denies federal marital benefits and protections to lawfully married same-sex spouses.

Recognizes that lesbian, gay, bisexual, transgender, and queer (LGBTQ) people have the right to be free from attempts to change their sexual orientation and gender identity and urges governments to enact laws that prohibit state-licensed professionals from using conversion therapy on minors.

Urges the United Nations, the United States and other governments and relevant international actors to develop and implement methodologies to measure and track the prevalence of sexual and gender-based violence.

Opposes laws, regulations, and rules or practices that discriminate against LGBTQ individuals in the exercise of the fundamental right to parent; urges lawmakers in jurisdictions where such discriminatory laws, regulations, and practices exist to promptly repeal them; and urges bar associations and attorneys to defend victims of anti-LGBT discrimination, and to recognize and support their colleagues taking on this work.

Urges Congress to enact the federal Equality Act, H.R. 2282 (115th Congress), or similar legislation which explicitly affirms that: (1) discrimination because of sexual orientation or gender identity is sex discrimination prohibited by the Civil Rights Act of 1964 and certain other federal statutes; and (2) federal statutory protections for religious freedom do not authorize violation of nondiscrimination laws, and affirms that religiously neutral
laws of general applicability prohibiting discrimination based on sexual orientation or gender identity do not improperly burden the religious free exercise rights of those operating places of public accommodation. 19M114

**Signing Statements.** (1) Opposes, as contrary to the rule of law and our constitutional system of separation of powers, the misuse of presidential signing statements by claiming the authority or stating the intention to disregard or decline to enforce all or part of the law the President has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress. (2) Urges the President, if he/she believes that any provision of a bill pending before Congress would be unconstitutional if enacted, to communicate such concerns to Congress prior to passage. (3) Urges the President to confine any signing statements to his/her views regarding the meaning, purpose and significance of bills presented by Congress, and if he believes that all or part of a bill is unconstitutional, to veto the bill. (4) Urges Congress to enact legislation requiring the President promptly to submit to Congress an official copy of all signing statements issued and a report setting forth in full the reasons and legal basis for the statement; and further requiring that all such submissions be available in a publicly accessible database. (5) Urges Congress to enact legislation enabling the President, Congress, or other entities or individuals, to seek judicial review, to the extent constitutionally permissible, in any instance in which the President claims the authority, or states the intention, to disregard or decline to enforce all or part of a law he/she has signed, or interprets such a law in a manner inconsistent with the clear intent of Congress, and urges Congress and the President to support a judicial resolution of the President's claim or interpretation. 06A304

Supports the enactment of legislation and the implementation of public policy to enable a United States citizen or lawful permanent resident who shares a mutual, interdependent, committed relationship with a non-citizen of the same sex to sponsor that person for permanent residence in the United States. 09M108

**Social Security Act.** Supports continuation of the federal Old Age, Survivors, and Disability Insurance (OASDI) program, commonly known as Social Security and authorized by Title II of the Social Security Act, 42 U.S.C. §401 et seq, as a national system of social insurance. Supports preservation of the Social Security Trust Funds and long term solvency of the program. Identifies hallmarks of the existing system by which to measure future proposals. 05A113A

**Social Security Act Amendments.** Recommend that Congress enact legislation amending the Social Security Act that would require the Secretary of Health and Human Services to implement six practices at the initial determination process of disability claims; and to require the Secretary of Health and Human Resources take specific affirmative steps to ensure that applicants unable to adequately access the social security system, in particular homeless people, receive assistance in applying for benefits to which they may be entitled. 91A109A

**Solo and Small Firm Practitioners.** Urge all organizations represented in the ABA House of Delegates to increase the number of solo and small firm practitioners within their delegations to the House of Delegates. 95A128B

**Stand Your Ground Laws.** Urges legislative bodies and governmental agencies to refrain from enacting Stand Your Ground Laws that eliminate the duty to retreat before using force in self-defense in public spaces, or repeal existing Stand Your Ground Laws. 15M112

**Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means.** Adopts the black letter Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, dated August 2013, to supplant the Standards adopted August 1996, and recommends appropriate implementation of these Standards by entities providing civil pro bono legal services to persons of limited means. 13A109

**State Secrets Privilege.** Supports procedures and standards designed to ensure that whenever possible, federal civil cases are not dismissed based solely on the state secrets privilege. 07A116A
**Strategic Lawsuits Against Public Participations (SLAPPs).** Urges legislatures to enact legislation to protect individuals and organizations who choose to speak on matters of public concern from meritless litigation designed to suppress such speech, commonly known as SLAPPs (Strategic Lawsuits Against Public Participation). 12A115

**Student Journalists.** Urges all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal. 17A119B

**Tolerance and Anti-Bias Education.** Urges legislative as well as other community-based initiatives that promote tolerance and anti-bias instruction, multicultural awareness training, hate crime/violence prevention education, and anti-bullying/harassment programs for children, parents, teachers, and school administrators. 02A104B

**Torture.** Condemns any use of torture or other cruel, inhuman or degrading treatment upon persons within the custody or under the physical control of the United States Government (including its contractors) and any endorsement or authorization of such measures by government lawyers, officials and agents. Urges the United States government to comply fully with the Constitution and laws of the United States and treaties to which the United States is a party, to take all measures necessary to ensure that no person within the custody or under the physical control of the United States government is subjected to torture or other cruel, inhuman or degrading treatment or punishment. 04A10B

**United States Armed Forces.** Urges the federal government to recognize that service by persons who otherwise meet the standards for accession or retention, as applicable, in the United States Armed Forces should not be restricted, and transgender persons should not be discriminated against, based solely on gender identity. 18A118

**Use of Non-U.S. Government Funds to Provide Health or Medical Services.** Oppose any federal law, regulation or policy that prohibits foreign nongovernmental organizations that receive United States government assistance from using non-U.S. government funds to provide health or medical services that are legal in the country receiving the United States' assistance. 01A118

**Veterans' Treatment Courts.** (1) Supports the development of comprehensive, systemic approaches to address the special needs of veterans within civil and criminal court contexts, including but not limited to proceedings involving veterans service-related injuries, disorders, mental health and substance abuse needs, through programs that connect veterans to appropriate housing, treatment and services through partnerships with the local Veterans Affairs Medical Centers, community–based services and housing providers. (2) Urges state, local, and territorial courts to facilitate the development of Veterans Treatment Courts, including but not limited to, specialized court calendars or the expansion of available resources within existing civil and criminal court models focused on treatment-oriented proceedings. (3) Adopts six principles for Veterans Treatment Courts to the extent appropriate and feasible for each jurisdiction. 10M105A

**Violence Against Women Act and Similar Legislation.** 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. 10M115

Urges Congress to strengthen tribal jurisdiction to address crimes of gender-based violence on tribal lands that are committed by non-Indian perpetrators who have specific ties to the tribe, while ensuring that the following due process rights are provided: (1) rights of defendants at least equivalent to the rights set forth in §234(c) of
Adopts and urges prompt implementation by the Administration, Congress, and state and tribal governments of specific recommendations contained in the November 2014 report of the U.S. Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, entitled Ending Violence So Children Can Thrive. 15A113

Violence, Gender-Based. Recognizes freedom from domestic, dating and sexual violence and stalking and all other forms of gender-based violence as a fundamental human right and urges governments to recognize, enact and adopt resolutions affirming the right of all women, men and children to live free from domestic, dating and sexual violence and stalking. 15A109C

Urges all emergency management agencies to provide proper training to staff and volunteers to respond to unique needs of intimate partner violence and sexual violence victims during and after a disaster. 18A107A

Voter Education. Urges all governments to develop and implement an age appropriate curricula designed to instill in all students a sense of the personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections. 17A117B

Voting Rights. Urges Congress to act expeditiously to preserve and protect voting rights by legislating a coverage formula setting forth the criteria by which jurisdictions shall or shall not be subject to Section 5 preclearance, and/or by enacting other remedial amendments to the Voting Rights Act of 1965, in response to Shelby County v. Holder. 13A10E

Urges governments to use all appropriate means to improve enforcement of voting rights for persons with disabilities, including by monitoring elections, and urges election officials to ensure that election personnel and volunteers receive accessibility training. 14A113B


Voting Rights for American Territories. Supports the amendment to the United States Constitution to provide for participation of citizens in American territories to vote in national elections. 92A10H

Wards Cove Exemption. Support enactment of legislation to repeal the Wards Cove exemption (Section 402 (b)) to the Civil Rights Act of 1991. 93M116

Welfare Programs. Urges that welfare programs be funded at a level required to meet the need for the basic essentials of life, that reductions should not occur unless justified by careful study and analysis with full regard for their short and long-term impact on individuals and budgets and their compliance with state and federal constitutions, and opposes linking public assistance for needy persons to requirements which infringe on the right to privacy and on other individual freedoms, such as the right to travel. 92A122

Support the enactment or amendment of welfare legislation to require due process protections in the administration of welfare programs, particularly notice and an opportunity to be heard, before the imposition of financial sanctions against families for noncompliance with program requirements. 01A105B

Urges Congress to change laws to broaden federal review of the disproportionate representation of racial and ethnic minority children in the child welfare system and require and fund states to track, report, analyze and take and report on corrective action. 08A107

Women in the Legal Profession. Recognize that persistence of overt and subtle barriers denies women the opportunity to achieve full integration and equal participation in the work, responsibilities and rewards of the
legal profession; affirm the fundamental principle that there is no place in the profession for barriers that prevent the full integration and equal participation of women in all aspects of the legal profession; and call upon members of the legal profession to eliminate such barriers. 88A121

Youth in the Juvenile or Criminal Justice Systems. 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. 10M102A

CONGRESS

Administrative Law Judges. Encourages Congress to establish The Administrative Law Judge Conference of the United States as an independent agency to assume the responsibility of the United States Office of Personnel Management with respect to Administrative Law Judges, including their testing, selection, and appointment. 05A106A

Code of Investigative Procedure. Support adoption of congressional rules requiring consent of witnesses before testimony is broadcast or reproduced. 74A100A

Congressional Appointments. Urge that (1) Congress avoid statutory limits provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented; (2) Congress and the administration continue to utilize traditional mechanisms, rather than special pre- or post-employment rules, to ensure that senior executive and judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity; and (3) ethics-in-government rules should not single out foreign policy or trade functions for special, restrictive treatment and that certain amendments which restrict the pre-and post-employment activities be repealed. 97M303A

Congressional Committee Review of Prosecutorial Agencies. Urge that (1) federal prosecutorial agencies should respond in a timely, open and candid manner to requests from congressional committees trying to determine whether the prosecutorial agencies are enforcing laws under their jurisdiction effectively or whether these laws need revision; and (2) congressional committees and federal prosecutorial agencies should work jointly to establish informal guidelines which properly balance the needs for congressional oversight of the executive function and prosecutorial independence from political interference in accordance with two specified principles. 96A104A

Congressional Review of Agency Regulations. Recommend that Congress, the General Accounting Office (GAO) and Executive Branch agencies take eight specific actions to provide a more practical process for Congressional review of agency regulations. 97A107A

Congressional Review of Military Decisions. Oppose Congressional subpoena or other Congressional deposition of any individuals in the Armed Forces who exercise decisional responsibility under the Uniform Code of Military Justice (10 U.S.C. § 801, et seq.) to provide testimony before Congress concerning their discretionary decisions in individual cases. 11/96BOG2.6

Congressional Testimony. Reaffirm position that no witness shall be compelled to give Congressional testimony for broadcast or direct reproduction unless witness consents to such action in writing. 74A100A

Continuity in Government. Urges Congress, the states and territories to enact special election procedures for filling vacancies in the United States House of Representatives in the event of a catastrophe. Urges Congress to consider and study whether additional measures, including but not limited to a constitutional amendment, may be necessary to ensure continuity of Congressional operations in the event of a catastrophe. 04A118
Criminal Justice Act. Urge Congress to fully fund the Criminal Justice Act, including sufficient money to fund the statutory increase to $75 per hour and annual cost-of-living increases for CJA attorneys, so that the attorneys appointed under the Act receive full and fair compensation; and urge the Judicial Conference to make every effort to obtain funding for and to fund such increases for the 77 districts currently authorized to receive that rate and CJA attorneys. 98A112E

Cybersecurity. Urges the Executive and Legislative branches to consider the following guiding principles throughout the decision-making process when making U.S. policy determinations to improve cybersecurity for the U.S. public and private sectors: Principle 1: Public-private frameworks are essential to successfully protect United States assets, infrastructure, and economic interests from cybersecurity attacks. Principle 2: Robust information sharing and collaboration between government agencies and private industry are necessary to manage global cyber risks. Principle 3: Legal and policy environments must be modernized to stay ahead of or, at a minimum, keep pace with technological advancements. Principle 4: Privacy and civil liberties must remain a priority when developing cybersecurity law and policy. Principle 5: Training, education, and workforce development of government and corporate senior leadership, technical operators, and lawyers require adequate investment and resourcing to be successful in cybersecurity. 11-12BOG2.4

Discipline for Ethical Violations. Recommend seven specified steps to be taken by each house of Congress in the exercise of its constitutional power to discipline its members for ethical violations; urge nine specified steps to be taken by members of Congress and their staffs in order to obtain the benefits to American citizens of constituent service contacts with administrative agencies, while minimizing the risk that agencies will be induced to violate the substantive and procedural statutes that govern their decisions. 96M100

District of Columbia Representative in House of Representatives. Urges the House and the Senate to complete enactment of legislation, such as S. 160 granting a vote to the Representative from the District of Columbia in the House of Representatives, expeditiously during the current session of Congress. 09M10D

Executive Privilege. Recommend procedures for the resolution of disputes between the Congress and the President of the United States over executive privilege, including steps to be taken by the political branches, consideration of a central body in Congress with responsibility for participation in executive privilege negotiations, and consideration as to whether specific disputes might lend themselves to nonbinding mediation efforts. 87A117A

Federal Distributive Funding. Urges Congress to enact and the President to sign legislation authorizing the annual appropriation of federal distributive funding to the several states of the United States of America and their respective local governments and political subdivisions in 2011, and thereafter, in order to ensure continuity of funding of essential state and local government programs, projects and services following appropriations from the American Recovery and Reinvestment Act of 2009. 09A105

Federal Grant Funds for Lobbying, Use of. Support existing prohibitions on the use of federal grant funds for lobbying activities and open access to the legislative process, and oppose legislation which would compromise the principle of access by limiting the amount of public policy advocacy in which organizations receiving federal grants can engage using private funds. Urge that Congress carefully examine legislation in this area to ensure that it does not chill the constitutional right of citizens to petition their government or deprive the public of the benefit of the experience and expertise such organizations can bring to bear on the challenges facing our nation at the federal, state and local levels. 10/95BOG3

Federal Lobbying Laws. Urges Congress to update and strengthen federal lobbying laws by requiring fuller reporting of lobbying activities, forbidding certain conflicts of interest, and providing for more effective enforcement of the Lobbying Disclosure Act of 1995. 11A104B

Foreign Intelligence Surveillance Act. Urges Congress to conduct regular and timely oversight of the government’s use of the Foreign Intelligence Surveillance Act (FISA) to ensure that government
investigations undertaken pursuant to the FISA do not violate the First, Fourth, and Fifth Amendments to the Constitution and adhere to the FISA's purposes of accommodating and advancing both the individual’s interest in being free from proper government intrusion. 03M118

**House in Committee of the Whole.** Urges the United States House of Representatives to restore the right of D.C. citizens, as well as citizens of American Samoa, Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico and the United States Virgin Islands to have their elected Congressional representatives vote on proposed legislation considered by the House in Committee of the Whole. 11M10C

**Hurricanes Katrina and Rita, Response to.** Urges Congress to create an independent, bipartisan commission to investigate and recommend the appropriate measures to rebuild the infrastructure of the Gulf Coast damaged by Hurricanes Katrina and Rita, to provide reasonable hurricane and flooding protection for the people living in disaster prone areas, and to recommend appropriate measures designed to prevent or mitigate problems in responding to natural disasters in the future. 07A116B

**Inspector General Office for Judicial Branch.** (1) Opposes legislation that would establish a statutory Office of Inspector General for the Judicial Branch for the purpose of conducting investigations of matters pertaining to the Judicial Branch, including possible misconduct in office of judges and judicial proceedings. (2) Opposes any legislative proposal creating the statutory position of Inspector General for the Judicial Branch that: (a) requires the Chief Justice of the United States to consult with congressional leaders over the appointment of an inspector general; (b) confers on the inspector general broad power to subpoena judges and judicial entities to compel testimony and production of documents; or (c) requires the inspector general to make prompt reports to Congress in open or closed sessions on matters that the inspector general believes require action. (3) Applauds the recent efforts of the Judicial Conference of the United States to examine and respond to concerns raised by Congress and the public over judicial adherence to, and oversight of, its rules, guidelines and procedures governing judicial recusal, financial disclosure statements, the Judicial Discipline and Procedures Act and judicial attendance at privately funded, expense-paid seminars. 06A308

**Insurance Information Office.** Urges Congress to enact legislation to establish a non-regulatory insurance information office within the Treasury Department. 09A303

**National Endowment for the Arts.** Support reauthorization of the National Endowment for the Arts with no restrictions on the content, the subject matter, message or idea of what the Endowment may fund. 90A10H

**PATRIOT Act of 2001.** Opposes efforts to repeal the sunset provision of the USA PATRIOT Act of 2001 and urges Congress to conduct a thorough review of the implementation of the powers granted to the Executive Branch under the Act before considering any extension or expansion of surveillance authority under the Act. 03A112B

**Political Activities.** Oppose the enactment of any legislation, such as H.R. 3485, which would (1) obligate exempt organizations to obtain the prior approval of their members before engaging in political activities; (2) define political activities so broadly as to preclude the traditional types of communications between citizens and public officials, upon which public officials have frequently drawn for a fuller understanding of issues under debate; and (3) require exempt organization to add an additional layer of classifying activities and administrative procedures to the rigorous record keeping requirements already imposed by the Internal Revenue Service, the Federal Election Commission, and the Lobbying Disclosure Act of 1995. 4/98BOG5.7

**Preemption.** Urges Congress to address foreseeable preemption issues clearly and explicitly when it enacts a statute that has the potential to displace, supplement or otherwise affect state tort law. Urges Congress to remain mindful of the historic responsibility that States have exercised over the health and safety of their populace and balance the competing concerns relating to preemption. Urges the President to require an agency to follow four specific procedures before it attempts to preempt state tort law. Recommends that independent regulatory agencies which are not covered by Executive Order 13132 voluntarily comply with that order regarding federal actions that may have preemptive effect and sets forth procedures for compliance. 10A117
Principles of Rule of Law in Time of Major Disaster. Opposes the withholding of funds previously appropriated by Congress for disaster relief and recovery, or their diversion for other purposes, and reaffirms support for the Principles of Rule of Law in Time of Major Disaster. 19M10C

Securities and Exchange Commission. Urges the Administration and Congress to increase federal support for the U.S. Securities and Exchange Commission. 03M301

Sentencing Guidelines for Organizations. Urges Congress to make changes to the proposed amendments to the Sentencing Guidelines for Organizations regarding a) attorney-client privilege and work product protection, b) compliance programs, and c) periodic assessments. 04A303

Sentencing Practices (Federal). Urges Congress to take specified steps to assure that federal sentencing practices are effective, fair and just, and effectuate the goals of sentencing set forth in the Sentencing Reform Act. 05M301

Signing Statements. (1) Opposes, as contrary to the rule of law and our constitutional system of separation of powers, the misuse of presidential signing statements by claiming the authority or stating the intention to disregard or decline to enforce all or part of the law the President has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress. (2) Urges the President, if he/she believes that any provision of a bill pending before Congress would be unconstitutional if enacted, to communicate such concerns to Congress prior to passage. (3) Urges the President to confine any signing statements to his/her views regarding the meaning, purpose and significance of bills presented by Congress, and if he believes that all or part of a bill is unconstitutional, to veto the bill. (4) Urges Congress to enact legislation requiring the President promptly to submit to Congress an official copy of all signing statements issued and a report setting forth in full the reasons and legal basis for the statement; and further requiring that all such submissions be available in a publicly accessible database. (5) Urges Congress to enact legislation enabling the President, Congress, or other entities or individuals, to seek judicial review, to the extent constitutionally permissible, in any instance in which the President claims the authority, or states the intention, to disregard or decline to enforce all or part of a law he/she has signed, or interprets such a law in a manner inconsistent with the clear intent of Congress, and urges Congress and the President to support a judicial resolution of the President's claim or interpretation. 06A304

Unincorporated Businesses and Principal Place of Business. Urges Congress to amend 28 U.S.C. §1332, to provide that any unincorporated association shall, for diversity jurisdiction purposes, be deemed a citizen of its state or territory of organization and the state or territory where the entity maintains its principal place of business. 15A103B

Witnesses. Support, in the U.S. House and Senate, rules providing that no witness shall be compelled to give testimony in any hearing for public broadcast. 74A100A

Y2K Legislation. Recommend that legislation addressing concerns for litigation and claims arising out of the potential hardware or software failures of computers or imbedded devices because of Year 2000 failure be amended to exclude certain provisions. Support reasonable pre-litigation notice and encouragement of potential litigants to utilize alternative dispute resolution methods during any pre-litigation period. Support encouragement of the disclosure of known Y2K defects and the encouragement of business, with appropriate antitrust relief, to cooperate in the development and implementation of remediation of Y2K defects. 6/99BOG2.6

CONSUMER LAW

Cybersecurity. Urges the Executive and Legislative branches to consider the following guiding principles throughout the decision-making process when making U.S. policy determinations to improve cybersecurity for the U.S. public and private sectors: Principle 1: Public-private frameworks are essential to successfully protect
United States assets, infrastructure, and economic interests from cybersecurity attacks. Principle 2: Robust information sharing and collaboration between government agencies and private industry are necessary to manage global cyber risks. Principle 3: Legal and policy environments must be modernized to stay ahead of or, at a minimum, keep pace with technological advancements. Principle 4: Privacy and civil liberties must remain a priority when developing cybersecurity law and policy. Principle 5: Training, education, and workforce development of government and corporate senior leadership, technical operators, and lawyers require adequate investment and resourcing to be successful in cybersecurity. 11-12BOG2.4

**Disputes in Health Care.** Support the right of all consumers to a fair and efficient process for resolving differences with managed health care plans, health care providers, and the institutions that serve such plans and providers, including (1) timely written notification and explanation of a decision to deny, reduce or terminate services or deny payment for services; (2) a rigorous system of internal review; and (3) an independent system of external review. Resolve that consumer education and ombudsman programs should provide information and assistance in resolving health care complaints, and that health care dispute resolution processes should be fully accessible. 98A103

**Fraudulent Lending Practices.** Urges: (1) the United States Congress to enact uniform national legislation that, without reducing access to legitimate home mortgage loans for consumers, provides objective standards to define and curb lending practices that are abusive, deceptive or fraudulent; and (2) national, state, territorial and local bar associations to establish and support bar programs to educate consumers about, and protect them from, lending practices that are abusive, deceptive or fraudulent. 02A109

**Home Equity Conversion.** Recognize that home equity conversion offers older homeowners a viable option for accessing the equity in their homes and that the rapid growth of home equity conversion products reinforces the need for consumer education and safeguards, including full disclosure of the legal and financial consequences of these products, and counseling about other housing and service options that may be appropriate; support the development and promulgation of policies ensuring the loan proceeds from home equity conversion products are disregarded in determining borrower eligibility for government benefits. 95A105

**Product Liability Law.** Support the continued right of the states and territories to regulate product liability law; oppose federal legislation abolishing strict seller liability and oppose the product seller provision set forth in Section 103 (b) of H.R. 10. 95M303

**CORPORATE, BANKING, AND SECURITIES LAW**

**Arbitrators in Commercial Disputes.** Adopts the revised Code of Ethics for Arbitrators in Commercial Disputes, dated February 2004. 04M107

Comment to Paragraph G of Canon IV of the Code (ex parte requests for interim relief) amended. 04A116

**Attorney-Client Privilege in the Audit Context.** Supports the preservation of the attorney-client privilege and work product doctrine in connection with audits of company financial statements and urges the Securities and Exchange Commission and other relevant organizations to adopt standards, policies, practices and procedures and take other appropriate steps to ensure that attorney-client privilege and work product protections are preserved throughout the audit process. 06A302A

**Bank Chartering and Branching Proceedings.** Support making public the staff findings and recommendations in de novo proceedings conducted by the comptroller of the currency and by the Federal Home Loan Bank board, with due opportunity for the parties to comment thereon, and support a prohibition on ex parte communications between the staff and the agency head. 77M10
Banking Reform Act of 1971. Oppose provisions of the Act prohibiting a director, officer, employee or the like of a commercial bank, savings and loan association or mutual savings bank from representing a customer in connection with a transaction with the institution. 4/71BOGV-10

Bankruptcy Code Amendment. Oppose amendment of the Bankruptcy Code by a legislative process which avoids fair opportunity for open hearings, on well-publicized notice, before the judiciary committees of Congress; oppose the enactment, in the absence of the most compelling circumstances, of special interest legislation designed to increase the types of claims entitled to priority under the Bankruptcy Code. 91A119B

Approve amendments to the Bankruptcy Code generally in accordance with specified form dated July 31, 1996, and urge approval and adoption of the amendments by the National Bankruptcy Review Commission and Congress as the basis for administration and resolution of partnership cases under the Bankruptcy Code. 96A118

Urge amendment of the United States Bankruptcy Code to allow an attorney to remit a percentage of a fee awarded or received under the Bankruptcy Code to a bona fide public service lawyer referral program, operating in accordance with state or territorial laws regulating lawyer referral services or the rules of professional responsibility governing the acceptance of referrals. 97M104

Urge Congress to amend Title 28 of the United States Code to authorize the appointment of additional bankruptcy judges sufficient to meet the demands within each district. 17M101

CAN-SPAM Act of 2003. (1) Supports federal legislation and regulations that would prohibit the sending of false, misleading, predatory, or abusive commercial e-mail messages, but opposes measures such as Section 106 (a) of S.877, the CAN-SPAM Act of 2003, that would impose on law abiding entities a duty to prevent third parties from promoting the entities’ products or services in an improper way; (2) supports federal legislation, regulations, and other measures that would protect and strengthen the ability of associations and other tax-exempt nonprofit organizations to communicate with, or otherwise serve, their members and the public, including the sending of commercial and non-commercial e-mail messages; and (3) opposes any legislation, regulations, or other measures prohibiting or regulating commercial or non-commercial e-mail messages to the extent that such measures could interfere with the ability of associations and other tax-exempt nonprofit organizations to communicate with, or otherwise serve, their members and the public. 11/03BOG2.9

Corporate Governance and Corporate Responsibility. Adopts and endorses corporate governance policies and related governance practices that involve structural and procedural reforms designed to: (1) enhance the independence and resources of outside directors of public corporations; (2) increase the flow of material information and analysis to those directors; and (3) enhance the ability of the lawyers representing public corporations to exercise and bring to bear independent professional judgment and thereby promote corporate responsibility without undermining the constructive and collaborative relationship that must exist so that compliance with the law can be most effectively promoted. 03A119C

Courtroom Experience for New Lawyers. Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans. 17A116

Cybersecurity. Urges the Executive and Legislative branches to consider the following guiding principles throughout the decision-making process when making U.S. policy determinations to improve cybersecurity for the U.S. public and private sectors: Principle 1: Public-private frameworks are essential to successfully protect United States assets, infrastructure, and economic interests from cybersecurity attacks. Principle 2: Robust information sharing and collaboration between government agencies and private industry are necessary to manage global cyber risks. Principle 3: Legal and policy environments must be modernized to stay ahead of or,
at a minimum, keep pace with technological advancements. Principle 4: Privacy and civil liberties must remain a priority when developing cybersecurity law and policy. Principle 5: Training, education, and workforce development of government and corporate senior leadership, technical operators, and lawyers require adequate investment and resourcing to be successful in cybersecurity. 11-12BOG2.4

Debtor’s Counsel in Bankruptcy. Support the enactment of legislation to amend the Bankruptcy Code to make clear that an attorney who represents a debtor-in-possession need not be a disinterested person, as that term is defined in the Bankruptcy Code, but that such counsel should comply with certain nonbankruptcy standards of professional responsibility, and should not hold or represent an interest materially adverse to the estate. Recommend the adoption of certain additions to the bankruptcy rules and to the official bankruptcy forms. 91A119A

Depository Netting Rules. Support federal legislation that would give binding effect on all parties in the case of an insolvency, to netting contracts between depository institutions and netting rules of payments clearing organizations. 90M120A

Electronic Commerce. Support electronic commerce as an important means of commerce among nations. Support commerce through electronic networks that are global in nature and require international communication and cooperation among all nations, including developing nations. Encourage continued discussion in open international forums to remove unnecessary legal and functional obstacles to electronic commerce. Encourage cooperation to establish a legal framework within which global electronic commerce can flourish in an environment that provides appropriate legal protection to all interested parties, while eliminating unnecessary legal and functional barriers to electronic commerce. Encourage the private sector to develop self-regulating practices that will protect the rights of individuals and promote the public welfare. 97A114

FCC Do-Not-Fax Rules. Opposes the Federal Communications Commission (FCC) rules and regulations implementing the Telephone Consumer Protection Act of 1991, published July 25, 2003, that would eliminate the established business relationship exception to the general rule prohibiting the sending of unsolicited facsimile advertisements and urges the FCC to revise the rules and regulations accordingly. Urges the FCC to issue a clarification that the rules and regulations do not prohibit unsolicited facsimile advertisements sent by tax-exempt nonprofit organizations in pursuit of their authorized tax-exempt nonprofit purposes. Urges Congress and the FCC to take appropriate action to restore the established business relationship exception and to permit tax-exempt nonprofit organizations to send unsolicited facsimile advertisements in pursuit of their authorized tax-exempt nonprofit purposes. 8/03BOG2.12

Federal Agency Rulemaking Procedures. Support legislative reform of federal agency rulemaking procedures governed by Section 553 of Title 5 of the U.S. Code and recommend that such legislative reform be based on the principles enumerated in the Report of the Sections of Administrative Law and Corporation, Banking and Business Law, dated June 9, 1981. 81A119

Federal Deposit Insurance Act. Support legislation to (1) amend the Federal Deposit Insurance Act to clarify that federal banking agencies, when taking action against individuals affiliated with insured depository institutions are authorized to obtain asset preservation orders only through judicial proceedings under Section 8(I)(4) of the Act; and to require the federal banking agencies, when seeking an asset preservation order under that section to demonstrate that the person against whom the order is being sought is likely to dissipate or otherwise improperly transfer assets of the institution concerned; and (2) clarify that the federal banking agencies are not authorized to use their power to issue cease-and-desist orders as a means of securing money damages relief that is ordinarily only available through the prosecution of a damage suit in court. Recommend that the agencies refrain from using asset preservation orders against lawyers on account of their conduct in representing clients before the agencies, except in certain cases. Urge development and announcement of policy positions through the notice-and-comment rulemaking procedures of the Administrative Procedure Act. Oppose certain agencies’ interpretations of the Model Rules of Professional Conduct. 93A110
Federal Securities Code. Support the Code in the form proposed by the American Law Institute and recommend its enactment by the Congress. 79M122

Financial Regulatory System Reform. Urge the United States Government to reform the nation's financial regulatory system in a manner that will promote economic growth, stability, and competitive and innovative financial markets, and that will better protect consumers, investors, employees and businesses and the nation as a whole. 09A301

Foreclosure. Urge governments to continue to enforce and to enact rules or legislation that strengthen consumer protections regarding deceptive or fraudulent loan foreclosure rescue practices. 15M111C

Formation of Business Entities. Addresses certain proposed legislation and international policy initiatives intended to impose obligations on company formation agents, including lawyers, to undertake extensive due diligence and determine beneficial owners when assisting in the formation of non-publicly traded business entities and trusts, and urging Congress to refrain from enacting legislation that would regulate lawyers in the formation of business entities. 08A300

SEC Standards of Conduct. Urge the Securities and Exchange Commission to refrain from adopting proposed standards of conduct constituting unethical practice by lawyers before the commission. (See also Discipline of Lawyers.) 11/81BOG2.10

Securities and Exchange Commission. Urge the Administration and Congress to increase federal support for the U.S. Securities and Exchange Commission. 03M301

Securities and Exchange Commission Authority. Oppose pending federal legislation (the Levin-Nelson Amendment to S. 476, which has passed the Senate and H.R. 2179, pending in the House) that would grant the Securities and Exchange Commission new administrative authority to: (1) impose civil monetary penalties on any individual or company alleged to have violated, or caused another to violate, any federal securities law or regulation, without regard to whether the individual or company is a regulated person; and (2) subpoena financial records without the need to notify the subject of the request. 6/03BOG2.3

Sentencing Guidelines for Organizations. Urge Congress to make changes to the proposed amendments to the Sentencing Guidelines for Organizations regarding a) attorney-client privilege and work product protection, b) compliance programs, and c) periodic assessments. 04A303

Tender Offers. Urge Congress not to enact legislation directed at problems associated with tender offers for corporate control where such legislation would intrude in traditional state law or limit the ability of courts to evolve solutions to such problems; and oppose legislation that would reverse or restrict the courts in applying the long-standing principle which has afforded a presumption of validity to business decisions made by boards of directors in the good faith exercise of their business judgment. 85M108

Uniform Limited Offering Exemption. Favor adoption in all states of ULOE subject to three specified qualifications. 84A100

CORRECTIONS

Accreditation for Corrections. Encourage detention and correctional facilities and programs to seek and to maintain accreditation by the Commission on Accreditation for Corrections and the National Commission on Correctional Health Care as a step toward maintaining proper conditions of detention and corrections. Urge the Commission on Accreditation for Corrections and the National Commission on Correctional Health Care to review their processes, procedures and standards on an ongoing and open basis to ensure that only facilities and programs that comply with constitutional requirements, meet sound professional standards, and provide a decent, safe and humane environment are accredited. 93A101C
Adopts the *Key Requirements for the Certification of Correctional Accrediting Entities*, dated August 2011, and urges governments to require that public and private facilities in which adults or juveniles are contained for violations or alleged violations of criminal, juvenile, or immigration laws be accredited by one or more federally-certified accrediting entities. 11A105B

**Adult Community Corrections Act.** Urges each State and Territory to enact an Adult Community Corrections Act to facilitate the establishment of a comprehensive adult community corrections program, and offers the Model Adult Community Corrections Act (May 9, 1991) as a suggested example. 92M101D

**Certificates Setting Aside Convictions.** Support legislation to establish limits for such certificates. 73A103D

**Correctional Education.** Support legislation to create an office or center of correctional education within the U.S. Department of Education to perform certain functions. Support legislation that provides for funding of vocational education in adult and juvenile correctional institutions and programs. Support legislative initiatives at the federal and state levels that specifically recognize, address and attempt to correct illiteracy within adult and juvenile correctional institutions and programs. 90M115C

**Correctional Management Impact Procedures.** Urge adoption of procedures ensuring that legislatures consider the impact of proposed legislation, resolutions, or executive orders on correctional management. Recommend four specified activities for inclusion in legislative review and study of proposed resolutions and legislation; endorse the concept that any legislation affecting correctional institutions shall comport with ABA principles that: (1) prisoners retain the constitutional rights of free citizens, with specified exceptions; (2) prisoners are encouraged to engage in productive activities and that there should not be an increase in inmate idleness; (3) the conditions of confinement and methods of discipline provide incentives to prisoners to encourage proper discipline; and (4) prisoners should be given the opportunity for meaningful job assignment, subject to their mental and physical fitness. 95A120B

**Drug Offense Sentencing.** Endorse in principle the U.S. Sentencing Commission proposal transmitted to Congress to amend the federal sentencing guidelines and manual to eliminate current differences in sentences based upon drug quantity for offenses involving crack versus powder cocaine, and assign greater weight in drug offense sentencing to other factors that may be involved in the offense, such as weapons used, violence, or injury to another person. 95A129

**Elderly Inmates.** Recommend that correctional systems review sentencing and correctional policies and practices related to the growing population of elderly prisoners. Recommend adoption of institutional classification, health and human services programs that address the special needs of the elderly and adoption of release procedures and community based programs with treatment, and supervision for certain older inmates. Urge development of humanitarian residential placements for elderly offenders. 00M102B

**Email and Attorney-Client Privilege.** Urges the Department of Justice and the Federal Bureau of Prisons to amend their policies with respect to monitoring emails between attorneys and their incarcerated clients to permit attorneys and their incarcerated clients to communicate confidentially via email and thereby maintain the attorney-client privilege. 16M10A

**Exoffender Employment.** Support elimination of law putting limitations on employment and occupational licensing of ex-offenders. 75A109

**Family Accessibility in Correctional Institutions.** Support initiatives that seek to preserve and promote healthy relationships between children and their parents in correctional custody, with such initiatives to consider family accessibility to the facility in making assignment of inmates. Assist parents in correctional custody in developing parenting skills; allow extended contact visitation by such parents and children and support the emotional well-being of the children. 96A104B
**Federal Sentencing Guidelines System Study.** Endorses the recommendation of the Federal Courts Study Committee for an immediate, in depth and independent study of the actual operation of the Federal Sentencing Guidelines System to determine whether the system is fair and effective, and whether it meets Congressional objectives. 92M102

**Feminine Hygiene Products.** Urges federal, state, local, territorial and tribal legislatures to enact legislation, and correctional and detention facilities to enact policies, to provide all women prisoners in all forms of detention with unrestricted access to free toilet paper and a range of free feminine hygiene products, in sufficient quantities to address their needs. 19M109C

**Grievances.** Urge all states to implement effective administrative procedures for resolving grievances of prisoners and the involuntary residents of mental hospitals and endorse legislation designed to allow the Attorney General of the United States to institute suit, or intervene in pending litigation, in order to secure to those confined the full enjoyment of rights, privileges and immunities secured or protected by the Constitution or laws of the United States as long as such legislation should continue existing law and not require exhaustion of state administrative remedies as a precedent condition for securing relief. 76A121.2

**Illiteracy Among Criminal Offenders.** Urges appropriate steps to increase literacy among criminal offenders; supports a mandate requiring every correctional system to make available to criminal offenders a wide array of adult basic education programs; and endorses the use of mandatory literacy programs to reduce illiteracy among criminal offenders, provided that the programs meet certain requirements; and offers Model Literacy Act for Adult Offenders (July 1991) as a suggested example for jurisdictions considering mandatory literacy programs for adult offenders. 92M101C

**Jail Overcrowding Impact Statement.** Recommend adoption of procedures ensuring that a prison and jail impact statement be prepared for and considered by a state legislature or Congress before the passage of laws involving the sentencing of convicted criminals, parole policies, and other issues whose resolution may directly lead to an increase in the number of persons incarcerated in correctional facilities or the length of their incarceration; recommend that the statement include certain information and that Congress and the state legislatures not enact legislation that will increase the number of persons incarcerated in correctional facilities or the length of their confinement without taking certain steps. 90M115A

**Job Opportunities and Training for Inmates.** Urges all jurisdictions to enact legislation to expand voluntary and productive work opportunities for jail and prison inmates and to provide job training and job placement assistance in conjunction with community based correctional programs. 02M101B

**Justice Kennedy Commission Recommendations.** Urges states, territories and the federal government to ensure that sentencing systems provide appropriate punishment without over reliance on incarceration as a criminal sanction and also urges Congress to take specific action with regard to existing federal sentencing laws and procedures. 04A121A

Urges states, territories and the federal government to strive to eliminate actual and perceived racial and ethnic bias in the criminal justice system and recommends the establishment of Criminal Justice Racial Task Forces to reduce or eliminate racial disparities at each stage of the criminal justice process. 04A121B

Urges states, territories and the federal government to establish: (1) standards and provide an accessible process by which prisoners may request a reduction of sentence in exceptional circumstances; and (2) standards governing applications for executive clemency and specify procedures an individual must follow in order to qualify for a grant of clemency and ensure that clemency procedures are reasonably accessible to all persons. 04A121C

Urges states, territories and the federal government to ensure that prisoners are effectively supervised in safe and secure environments and to implement policies and programs to prepare prisoners for release back into the community and to identify legal barriers for reentry of convicted persons. 04A121D
**Medical Release of Terminally Ill Inmates.** Recommend that each jurisdiction review its procedures relating to medical release of terminally ill inmates to ensure that (1) they are fully integrated into the general law of sentencing, particularly with respect to issues such as eligibility for such release; (2) they provide for expedited handling of requests for medical release; and (3) they provide for the collection and dissemination of statistical data relating to the disposition of requests for medical release; recommend that correctional authorities be encouraged to initiate consideration of medical release in appropriate cases and to make prisoners aware of the procedures for medical release. 96M113B

Support compassionate release of terminally ill prisoners and endorse adoption of administrative and judicial procedures for compassionate release consistent with the Administrative Model for Compassionate Release Legislation and the Judicial Model for Compassionate Release Legislation, each dated April 1996. Support alternatives to sentencing for non-violent terminally ill offenders in which the court, in certain specified circumstances, may accept a plea of guilty to any lesser included offense of any count of the accusatory instrument, to satisfy the entire accusatory instrument and to permit the court to sentence the defendant to a non-incarceratory alternative. 96A109

**Military Correctional System.** Recommend that the military continue to operate a system of corrections for military prisons and oppose any transfer of management or operations of the military correctional system to the Federal Bureau of Prisons. 90A102

**Monitoring of Correctional Facilities.** Urges federal, state, tribal, local and territorial governments to develop comprehensive plans to ensure that the public is informed about conditions in correctional and detention facilities for adults and juveniles and that there is greater accountability to the public in the operation of those facilities. Adopts the Key Requirements for the Effective Monitoring of Correctional and Detention Facilities, dated August 2008. 08A104B

**National Commission for Correctional Facilities.** Recommend the establishment of a national commission to consider federal policies, which affect correctional facilities and to make recommendations concerning certain matters. Urge governments to attend to and, where appropriate, take steps to work together to implement such policies. 99A113C

**Parents in Correctional Custody.** 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. 10M102E

**Parole Release.** Urge all states utilizing parole as a means of terminating confinement to reexamine and restructure the parole release process to promote sound decision making governed by rules or standards of general applicability. 76A121D

**Prettrial Detention, Sentencing and Corrections Systems.** Urges that reviews be undertaken to improve the cost-effectiveness of pre-trial detention, sentencing and correctional systems, urges the use of alternatives to incarceration, and recommends implementation of principles contained in the Blueprint for Cost-effective Prettrial Detention, Sentencing and Corrections Systems. 02A107

**Prison Industries.** Support repeal of legislative impediments to remunerative prisoner employment, indicate that correctional authorities should be empowered to contract with private enterprise for establishing and operating prison industry and service facilities, and provide that work release and community correctional center programs should be encouraged to promote relevant occupational training for prisoners. Adopt certain standards with respect to prisoner wage scales. 85M114
Prisoner Education. Urge all states to make basic education available to all prisoners needing it, especially reading skills and instruction leading to attainment of high school equivalency diplomas and to encourage voluntary participation in such programs by providing payment for education or additional good-time credits to participants. 76A121B

Privatization of Prisons. Urge that jurisdictions that are considering the privatization of prisons and jails not proceed to so contract until the complex constitutional, statutory and contractual issues are satisfactorily developed and resolved. 86M111B

Urge jurisdictions considering authorization of contracts with private corporations or other private entities for the operation of prisons or jails to do so with extreme caution. Urge jurisdictions contemplating entering into contracts with private corporations or other private entities for the operation of prison or jail facilities to recognize certain issues. Disapprove of any jurisdiction undertaking a privatization program in order to avoid certain fundamental questions. Recommend that jurisdictions seeking to contract with private entities for the operation of prison or jail facilities do so in accordance with the Guidelines Concerning Privatization of Prisons and Jails. 90M115B

Probation. Urges state, local, territorial and tribal legislatures to abolish “offender funded” systems of probation supervised by private, for profit companies. 16A111B

Reduction or Modification of Sentence. Urges federal state, territorial and local governments to (1) evaluate their existing laws, as well as their practices and procedures, relating to the consideration of prisoner requests for reduction or modification of sentence based on extraordinary and compelling circumstances arising after sentencing, to ensure their timely and effective operation; (2) develop criteria for reducing or modifying a term of imprisonment in extraordinary and compelling circumstances, provided that a prisoner does not present a substantial danger to the community. Rehabilitation alone shall not be considered an extraordinary and compelling circumstance; and (3) develop and implement procedures to assist prisoners who by reason of mental or physical disability are unable on their own to advocate for, or seek review of adverse decisions on, requests for sentence reduction. 03M103B

School to Prison Pipeline. Urges federal, state, local and territorial legislative bodies, governmental agencies and applicable entities to eliminate the school to prison pipeline where students of color, students with disabilities, LGBTQ students and other groups suffer disproportionately from inadequacies and inequities in the education system. 16A115

Sanctions for Non-Violent Offenders. Urge development and implementation of sanctions for violators of probation, parole, and other forms of supervised release, in lieu of prison and jail terms, for persons whose original conviction was a non-violent felony or a misdemeanor and whose violation is not considered criminal conduct, and encourage judges to sentence appropriate violators to these sanctions. Urge jurisdictions to designate intermediate function agencies to assist legislatures in developing a range of sanctions, including community service and intermittent confinement, and to provide for adequate means to operate such programs, with judges, attorneys, criminal justice agency representatives and victims of crime participating. 97M108

Sentencing Commission Rules. Recommend that the United States Sentencing Commission adopt and publish internal rules of practice and procedure, including procedures commonly used by other rulemaking agencies to invite and structure public participation, disclose information, and justify promulgated rules. 95A104

Sentencing Practices (Federal). Urges Congress to take specified steps to assure that federal sentencing practices are effective, fair and just, and effectuate the goals of sentencing set forth in the Sentencing Reform Act. 05M301
**Telephone Services for Inmates.** Encourages federal, state, territorial and local governments, consistent with sound correctional management, law enforcement and national security principles, to afford prison and jail inmates reasonable opportunity to maintain telephonic communication with the free community, and to offer telephone services in the correctional setting with an appropriate range of options at the lowest possible rates. 05A115B

**United States Sentencing Commission.** Urge the President and Congress to take all action necessary to nominate and confirm persons to fill the current vacancies on the United States Sentencing Commission as expeditiously as possible. 98A10A

**Women's Needs in Prison.** Urges the Bureau of Prisons, the U.S. Marshalls Service, Immigration and Customs Enforcement, and state, tribal and local correctional authorities to develop and implement gender-responsive needs assessments that account for women's specific needs, including parenting responsibilities, the importance of their relationships, their histories of domestic violence and abuse, and their distinctive patterns and prevalence of mental health issues. 11A105C

**Youth in the Criminal Justice System.** Supports specialized facilities, programs and treatment for youth transferred to the criminal justice system, while recognizing the developmental differences between youth and adults and urges policymakers to take into account the unique needs of youth in the criminal justice system. 02M101D

Urges governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an in-person opportunity to be heard and finding that the restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others. 15M107A

**COURTS/JUDGES**

**Access to Justice.** Reafﬁrm support for access to the American system of justice without regard to ﬁnancial wherewithal. Support the availability of access to the federal courts under the grant of diversity jurisdiction without regard to ﬁnancial wherewithal. Oppose loser pays legislation that would apply to all cases brought in the federal court pursuant to the grant of diversity jurisdiction. 95M301

Support the inclusion of safeguards which protect a litigant from being deprived of access to the judicial system based on the litigant’s economic status in any proposed Rule of Procedure or legislation which includes the concept of fee shifting based on a rejection of settlement offers or demands. Without endorsing its enactment, urges that any such proposed Rule of Procedure or legislation, should consider, as a minimum, the Offer of Judgment Procedure, dated February 1996. 96M114

Supports the establishment of access to justice commissions in all states and territories; and urges ABA members to support efforts to create access to justice commissions and to promote access to justice. 13A10D

Opposes the suspension or delay of the fundamental right to a civil jury trial, in the face of difﬁcult ﬁscal circumstances. 14A105A

Urges Congress to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel. 17A106
Additional Article III Judges Along United States/Mexico Border. Support enactment of legislation to authorize permanent and temporary judgeships for the five district courts situated along the border of the United States and Mexico in order to provide those courts with enough Article III judges to handle their dockets and dispense justice promptly, efficiently and fairly. Urge that existing and future vacancies in these courts be filled in a timely fashion. 01A119

Additional Judge for D.C. Circuit. Urge Congress to enact legislation that would provide for an additional judge for the U.S. Court of Appeals for the District of Columbia Circuit. 4/80BOG2.5

Administrative Law Judges. Support in principle legislation to enhance the judicial independence and efficiency of federal administrative law judges through the establishment of a government-wide corps of administrative law judges, consistent with seven specified provisions. 88A112

Support legislation to exempt ALJs from civil service veterans' preference hiring requirements and support legislation with respect to the appointment, tenure and discipline of ALJs. 76A106D; 6/79BOG2.2

Urge that no action be taken by the Administrative Conference of the United States in plenary session on the recommendations made in the Draft Report on the Federal Administrative Judiciary until the Association has had an opportunity to present its considered views on the fundamental changes to the administrative judiciary proposed by the report. Urge the U.S. Office of Personnel Management to reopen the register to new applicants for administrative law judge positions within thirty days. 11/92BOG2.7

With respect to the recruitment and selection of administrative law judges (ALJs) employed by federal agencies, recommend that the Office of Personnel Management (OPM), and Congress, where necessary, develop strategies to increase the percentages of women and minority candidates, eliminate veterans' preferences from this process, allow selection by agencies from a broader range of candidates for ALJ positions, and enhance OPM's Office of Administrative Law Judges. With respect to the performance and professional capabilities of ALJs employed by federal agencies and the handling of complaints by and against such ALJs, support the implementation of appropriate procedures for handling complaints against ALJs including allegations of bias or prejudice, support the use of three-judge panels of ALJs for handling charges against ALJs before the Merit Systems Protection Board and support the implementation of appropriate procedures for handling complaints by ALJs. 94A109

Encourages Congress to establish The Administrative Law Judge Conference of the United States as an independent agency to assume the responsibility of the United States Office of Personnel Management with respect to Administrative Law Judges, including their testing, selection, and appointment. 05A106A

Urges the Office of Personnel Management as part of its mandate to select the best qualified candidates for federal administrative law judge positions, to consider judicial status in good standing as a satisfactory alternative to any requirement that candidates be active licensed attorneys in good standing. 09M112

Adopts the ABA Model Code of Judicial Conduct for State Administrative Law Judges, dated August 2018, and urges governments to enact and adopt the Model Code. 18A113

Administrative Law Judges Compensation. Support and encourage enactment of special pay legislation designed to provide compensation levels for the federal administrative judiciary that establishes and maintains parity, which previously existed with other federal senior executive personnel. 89M112

Believe state and territorial administrative law judges perform functions vital to the public interest and should be well qualified, experienced, dedicated and independent. Recommend states and territories to review the compensation of full-time members of the administrative judiciary to consider whether such members receive compensation commensurate with the functions they perform in relation to the functions performed by other state and territorial judges. 98A104
**Alternative Dispute Resolution.** Urges lawyers and all interested parties to increase the use of alternative dispute resolution (ADR) processes to resolve health care disputes. 16M100

**Appellate Court Procedure.** Oppose rules of certain U.S. courts of appeals which curtail or eliminate oral argument in nonfrivolous appeals, and, *a fortiori*, to the disposition of cases prior to the filing of briefs. 74A134B

**Arbitration.** Urge Congress to amend Title 9 of the United States Code (arbitration) or enact comparable legislation to provide for appeals from interlocutory orders of a trial court either refusing a stay of litigation pending arbitration, or denying an application to compel arbitration, or granting, continuing, or modifying an injunction against an arbitration. 86M109C

**Assessment of Judicial Systems.** Urges state and territorial judiciaries, in cooperation with state, local and specialty bar associations, to undertake assessments of their judicial systems, using as an assessment tool the *State Court Assessment Project*, developed by the Standing Committee on Judicial Independence. 08A10D

**Bankruptcy Court Judges.** Urge authorization of significant salary increases for bankruptcy judges and U.S. magistrates in order to restore the relative pay levels that historically have existed between those salaries and the salaries of U.S. district judges. 87A115

Support amendment of the Bankruptcy Amendments and Federal Judgeship Act of 1984 to authorize the U.S. Courts of Appeals to use a streamlined procedure for bankruptcy judge reappointments whereby a court of appeals, if it wishes to consider the reappointment of an incumbent bankruptcy judge, may evaluate that judge on the basis of his or her record of performance in office, after public comment, and without mandatory solicitation of additional applications for the vacancy. 96A108

Supports the position that United States Bankruptcy Judges have the authority: (1) upon the consent of all the parties to the proceeding, to hear, determine, and enter final orders and judgments in those proceedings that, while they may be among those designated as core within the meaning of 28 U.S.C. § 157(b), may not otherwise be heard and determined by a non-Article III tribunal absent the parties’ consent, as being consistent with and not violative of Article III of the United States Constitution, and (2) to determine in the appropriate case and in the first instance whether such consent is necessary, as a matter of law, in order for the courts to render a final determination on the matter or matters in question. 13M109

Adopts the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019, and recommends that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases. 19M100

**Bias in Judicial System.** Support the enactment of authoritative measures, requiring studies of the existence, if any, of bias in the federal judicial system, including bias based on race, ethnicity, gender, age, sexual orientation and disability, and the extent to which bias may affect litigants, witnesses, attorneys and all those who work in the judicial branch; urge that such studies should include the development of remedial steps to address and eliminate any bias found to exist. 91A10D

Condemn the manifestation by lawyers in the course of their professional activities of bias or prejudice against clients, opposing parties and others, unless such words or conduct are otherwise permissible as legitimate advocacy on behalf of a client or a cause. Oppose unlawful discrimination by lawyers in the management or operation of a law practice in hiring, promoting, discharging or otherwise determining the conditions of employment, or accepting or terminating representation of a client. Condemn any conduct by lawyers that would threaten, harass, intimidate or denigrate any other person. Discourage members from belonging to any organization that practices invidious discrimination. Encourages affirmative steps to discourage such discriminatory speech and conduct. 95A116C
Urge state, territorial and local bar associations to study bias in their community against gay and lesbians within the legal profession and the justice system and make appropriate recommendations to eliminate such bias. 96A10A

Urges courts to extend Batson v. Kentucky, 476 U.S. 79 (1986), to prohibit discrimination against jurors on the basis of sexual orientation or gender identity/expression. 18M108D

**Bonds.** Urges governments to adopt policies and procedures that favor release on personal recognizance bonds or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such financial conditions and no other conditions will assure appearance, and that pretrial detention should never occur due solely to an inability to pay. 17A112C

**Cameras in Federal Courts.** Commend the Judicial Conference of the United States for its three-year experiment with photograph, recording, and broadcast coverage of civil proceedings in selected federal courts. Encourage the conference to include, in the evaluation of such coverage, an assessment of its impact on public knowledge and attitudes of the law, the courts and the justice system. Express the hope that the Supreme Court of the United States will participate in the experiment some time prior to its conclusion. 91A124

Urges authorization of further experimentation with cameras in federal civil proceedings by reinstating a pilot project to permit photographing, recording and broadcasting of civil proceedings in selected federal courts under guidelines promulgated by the U.S. Judicial Conference. 95M106

Urges the United States Supreme Court to record and make available video recordings of its oral arguments. 16M110

**Certification of State Law Questions.** Urge states to adopt a procedure whereby the highest state court may answer a question of state law certified from an Article III federal court in certain circumstances. 83M112

**Challenge of State Law Passed by Referendum.** Oppose enactment of legislation which would require: (1) a three-judge district court to hear applications for interlocutory or permanent injunctions when the constitutionality of a state law passed by referendum is challenged and (2) direct appeal of such actions to the U.S. Supreme Court. 95A117

**Child Abduction.** Encourages the establishment of a network of U.S. federal and state judges to facilitate education and permissible communication among judges regarding the interpretation and application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. 13A107B

**Citation System.** Urges jurisdictions to participate in the creation of an American universal system of citation for case reports, statutes, administrative documents and other resources upon which the legal profession relies. 03M101

**Citizen Participation in Jury Service.** Urge the ABA to study and evaluate the issues and the factors that contribute to low participation in jury service and to develop methods to help increase citizen participation. 01M8B

**Civil Discovery Standards.** Approved. 99A108 Litigation, Standards amended in August 2004 as they relate to electronic discovery. 04A103B

**Civil Juries.** Support legislative efforts to restore the size of a federal civil jury to 12 persons and to enable 10 of the 12 jurors to render a verdict in a civil trial. 90M129
Civil Rights Attorney's Fees Awards Act. Urge Congress to enact legislation amending the Civil Rights Attorney's Fees Awards Act of 1976 and other federal civil rights fee-shifting statutes to permit the award to a prevailing party of reasonable expert fees for testimonial and non-testimonial services. 91A117A

Civil Trial Practice Standards. Adopt the black letter of the Civil Trial Practice Standards dated February 1998 to address practical aspects of trial that regularly recur but are not fully addressed by Rules of Evidence and Procedure. 98M100

Adopts the black letter of the revised and/or new Standards that have been integrated into The Civil Trial Practice Standards to become the Updated Civil Trial Practice Standards which address practical aspects of trial that regularly recur but are not fully addressed by rules of evidence or procedure. 07A301

Civility Standards. Encourage bar associations and courts to adopt standards of civility, courtesy and conduct as aspirational goals to promote professionalism of lawyers and judges. 95A113

Claims Court. Urge the Congress to enact legislation that would provide claims court judges with benefits, compensation, disability protection and retirement provisions sufficient to attract and retain well-qualified judges, and to adopt certain specified provisions necessary for effective administration of the claims court. 85M102

Class Action Practice. Believes that some concerns over class action practice should be addressed with federal legislation providing for expanded federal court jurisdiction and recommends that any expansion should preserve a balance between legitimate state-court interests and federal-court jurisdictional benefits. 03M304

Urge jurisdictions to adopt court rules or legislation authorizing the award of class action residual funds to non-profit organizations that improve access to civil justice for persons living in poverty. 16A104

Conduct of Litigation Filed in Federal, State and Territorial Courts. Supports the establishment of methods of cooperation and coordination between federal (including bankruptcy), state and territorial courts for the conduct of litigation filed in federal (including bankruptcy), state and territorial courts arising out of common facts. Supports the exploration of methods for consolidation of such litigation for some or all purposes within the context of constitutional limitations. 92M120A

Court of Appeals Jurisdiction. Urge Congress to expand the jurisdiction of the United States Court of Appeals for the Federal Circuit to include review of all purely legal issues decided by the United States Court of Appeals for Veterans Claims, formerly the Court of Veterans Appeals. 00A116B

Court Costs and Delay. Encourage all courts, court supervisory bodies, and state and local bar associations to take an active role in reducing delay and excessive costs in litigation. 81A100A

Approved Standards Relating to Court Delay Reduction. 84A105

Courtroom Experience for New Lawyers. Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans. 17A116

Court Funding. Urges states and territories to support quality and accessible justice by adopting judicial branch procedures that will ensure adequate, stable, long-term funding of their courts under all economic conditions. Adopts the black letter recommendations of the ABA Commission on State Court Funding, dated August 2004. 04A107

Urge federal elected officials, as they consider deficit reduction for fiscal year 2013 and beyond, to maintain the ability of individuals, as well as business and other organizations, to have access to justice by assuring that
(1) the federal courts receive funding adequate to permit them to perform their constitutional functions effectively and efficiently, and (2) the Legal Services Corporation receives funding to meet the needs of our country’s most vulnerable individuals who are eligible for services provided by the nation’s legal service providers. 13M10A

**Court Interpreters.** Recommend that all courts be provided with qualified language interpreters, including sign language interpreters, in order that parties and witnesses with no or limited command of English and those who are deaf or hearing-impaired may fully and fairly participate in court proceedings; and that court interpreters should be qualified and should maintain their proficiency through continuing education and should adhere to standards of professional conduct. 97A109; 02M110

**Court Organization Standards.** Amend Standards Relating to Court Organization in accordance with the draft dated October 1989. 90M100D

Adopts the black letter standard 1.65, Court Use of Electronic Filing Processes, as an amendment to the Standards Relating to Court Organization, dated February 2004. 04M113A

Adopts the black letter of Sections 1.60 through 1.64, (relating to court system automation), to amend the Standards Relating to Court Organization and replace current Sections 1.60 through 1.64. 05A106B

**Court-Related Needs of the Elderly.** Support efforts to make the state and territorial judicial systems more responsive to the needs of the elderly and persons with disabilities and to that end adopt and urge implementation of the recommendations of the National Conference on the Court-Related Needs of the Elderly and Persons with Disabilities. 91A115

**Court's Use of International Law or Doctrine of Particular Religion.** Opposes federal or state laws that impose blanket prohibitions on consideration or use by courts or arbitral tribunals of a) foreign or international law or b) the entire body of law or doctrine of a particular religion. 11A113A

**Courts of Appeals Decisions.** Urge the courts of appeals to provide in case dispositions (except in those appeals the court determines to be wholly without merit), at a minimum, reasoned explanations for their decisions. Urge Congress and legislatures to provide the courts of appeals with resources that are sufficient to enable them to meet this responsibility. 00M8B

**Criticism of Judges.** Encourage all state, local and territorial bar associations to adopt programs enabling timely and effective responses to criticism of judges such as the Model Program Outline for State, Local and Territorial Bar Associations: Suggested Program for the Appropriate Response to Criticism of Judges and Courts, dated February 1998. 98M102

**Cross-Border Class Actions in U.S. and Canada.** Adopts as best practices the *Protocol on Court-to-Court Communications in Canada-U.S. Cross-Border Class Actions and Notice Protocol: Coordinating Notice(s) to the Class(es) in Multijurisdictional Class Proceedings*, dated August 2011 and urges courts and counsel in cross-border class-action cases involving the United States and Canada to adopt the *Protocols*. 11A101C

**Court Fines and Fees.** Adopts the black letter and commentary to the ABA Ten Guidelines on Court Fines and Fees, dated August 2018, and urges governmental agencies to promulgate law and policy consistent with the Guidelines. 18A114

**Cybersecurity.** Urges legislatures and government agencies to provide the funding necessary to develop, implement, and maintain appropriate cybersecurity programs for the courts and to train court personnel on methods to counter threats and protect judicial information systems from cyber intrusions or data breaches. 15A116
Data Protection and Privacy Laws of Foreign Sovereign. Urges that, where possible in the context of the proceedings before them, U.S. federal, state, territorial, tribal and local courts consider and respect, as appropriate, the data protection and privacy laws of any applicable foreign sovereign, and the interests of any person who is subject to or benefits from such laws, with regard to data sought in discovery in civil litigation. 12M103

De-biasing Training. Urges all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education. 17A121

Delay. Adopt certain recommendations concerning the delay in courts recommended by the Committee on Automobile Accident Reparations. 69A18

Delivery of Civil Justice. Urges all state courts to develop and implement a civil justice improvement plan to improve the delivery of civil justice guided by the Recommendations of Call to Action: Achieving Civil Justice for All as endorsed by the Conference of Chief Justices and urges bar associations to promote those Recommendations. 17M102

Disabled Persons. Urges federal, state, territorial and municipal courts to make courthouses and court proceedings accessible to individuals with disabilities, including lawyers, judges, jurors, litigants, court employees, witnesses and observers. Recommends that the appropriate judicial or administrative official in each courthouse designate a disability accommodations coordinator to develop procedures to receive and respond to requests for accommodations from persons with disabilities. 02M112

Supports the reauthorization, funding and authority of the Protection and Advocacy System and related programs of legally based advocacy services protecting the rights of persons with disabilities and opposes legislation that would place limits on class actions on behalf of persons with disabilities beyond what is required under the Federal Rules of Civil Procedure. 10A106A

Disclosure Obligations Prior to Criminal Trial. Urges 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, involving felony or serious misdemeanor charges, a conference with the parties to ensure that they are fully aware of their respective disclosure obligations under applicable discovery rules, statutes, ethical standards and the federal and state constitutions and to offer the court's assistance in resolving disputes over disclosure obligations. 10M102D

Urges governments to adopt disclosure rules in courts requiring the prosecution to obtain from its agents and to make timely disclosure to the defense before the commencement of trial or a guilty plea all information known to the prosecution that tends to negate the guilt of the accused, mitigate the offense charged or sentence, or impeach the prosecution's witnesses or evidence, except when relieved of this responsibility by a protective order. 11A105D

Disclosure of Materials Protected by Attorney-Client Privilege/Work Product. Urges federal and state courts to adopt consistent rules to address how the courts and counsel should resolve issues involving claims of inadvertent disclosure of materials protected by the attorney-client privilege or work product doctrine. 06A120D

Discrimination in the Court System. Urge judicial leaders to encourage and promote the full participation in the work forces of the court systems under their jurisdiction of all persons regardless of their race, sex, color, national origin, religion, age or handicap. Encourage adoption of merit-based personnel systems that encompass all facets of court personnel management, including recruitment, hiring, training, promotion and advancement; urge incorporation of affirmative action values in deciding whom to recommend and appoint to judicial positions. Encourage implementation of equal employment opportunity and affirmative action plans and programs in the courts. 90M106B
**Discrimination in the Judiciary.** Urge appointing authorities to ensure that there are no barriers to the selection of women and minorities as judges and for service on merit selection judicial nominating commissions. 86A120

**Dispute Resolution.** Support in principle the proposed Dispute Resolution Act, which would provide federal funds to states to create or improve small claims courts and other means of dispute resolution such as mediation and arbitration. 7/66 (enacted in 1980 but not funded) Support the increased use of alternative means of dispute resolution by federal administrative agencies consistent with several specified principles. 88A103A

Support continued use of and experimentation with certain alternative dispute resolution techniques, both before and after suit is filed, as necessary and welcome components of the justice system in the United States. All alternative dispute resolution techniques should assure that every disputant's constitutional and other legal rights and remedies are protected. 89A114

Recommend that the Council of the Commission for Environmental Cooperation consider the Model Rules of Procedure for Dispute Resolution under the North American Agreement on Environmental Cooperation dated February 1995, with a view to their adoption. 95M117C

Support legislation and programs that authorize any federal, state, territorial or tribal court, including Courts of Indian Offenses, in its discretion, to utilize systems of alternative dispute resolution such as early neutral evaluation, mediation, settlement conferences and voluntary, but not mandatory, arbitration. 97M112


**District Court for the Northern Mariana Islands.** Support the establishment of the District Court for the Northern Mariana Islands as an Article III Court; and urge the enactment of such legislation by the United States Congress as may be necessary or proper to that end. 95M8C

**District Court of Virgin Islands.** Urge Congress to establish the District Court of the Virgin Islands as a district court under Article III of the United States Constitution. 99M107

**Diversity Jurisdiction.** Oppose legislation that would either abolish diversity jurisdiction in the federal courts or curtail it by precluding a resident plaintiff from invoking federal jurisdiction. 6/78BOGII-3

Reaffirm opposition to efforts either (a) to abolish federal jurisdiction based on diversity of citizenship or (b) to curtail the scope of diversity jurisdiction by precluding a resident plaintiff from invoking such jurisdiction; believe that proposals to increase the minimum amount in controversy for diversity cases from $50,000 to $75,000 are premature and should not be considered unless and until diversity filings begin to exceed pre-1989 levels. Oppose legislative proposals to index the diversity jurisdictional amount for inflation or to eliminate consideration of certain types of claimed damages when determining whether a plaintiff has satisfied the amount-in-controversy requirement. 6/96BOG2.5

**Domestic Violence.** Condemn the manifestation by lawyers or judges by words or conduct of acts which would either constitute domestic violence or approval, in the course of their professional activities, of the use of domestic violence, stalking, or sexual assault under the laws of their jurisdictions. Urge judges and lawyers to adopt workplace protocols, guidelines, and policies to assist employees who are victims of domestic violence and to protect the safety of employees who may come in contact with batterers during the course of business. Encourage affirmative steps to educate judges and lawyers about the nature and effects of domestic violence. 96A120

**Elder Abuse.** Support efforts to improve the response of the state courts to elder abuse; adopt Recommended Guidelines for State Courts Handling Cases Involving Elder Abuse, dated August 1996; and urge the implementation of the Guidelines by courts at the state, territorial and local level. 96A102
Urge courts and community organizations to collaborate in establishing court-focused elder abuse initiatives that serve victims or potential victims of elder abuse through either a court or a court-based program or a program conducted in partnership with a court. 12A106C

**Electronic Case File and Case Management System of Federal Judiciary.** Supports the ongoing efforts by the Administrative Office of the United States Courts to update and enhance the functionality of the Federal Judiciary’s Case Management/Electronic Case File system, to continue to meet the case filing needs of judges, chambers, clerks’ offices, the bar, debtors, litigants, claimants, trustees, and other users in light of changing technology. 11M10A

**Electronic Case Filing in Bankruptcy Cases.** Recommends the United States Bankruptcy Courts in each federal district permit attorneys who have received electronic case filing (ECF) training in any district to file documents electronically in bankruptcy cases in any other district. 06M301

**Electronic Mail Communication.** Urge state, local and territorial courts to accord a lawyer-client electronic mail communication, whether by the Internet or any other means, the same expectation of privacy and confidentiality as lawyer-client communications by telephone calls, United States mail and other means of communication traditionally deemed private and confidential. 98A119A

**Evaluation of Judicial Performance.** Adopts Guidelines for the Evaluation of Judicial Performance, dated February 2005, to replace the original guidelines of 1985, which were updated to reflect developments in judicial performance evaluation. 05M103

**Expert Witness Discovery.** Urges federal and state courts to adopt consistent rules to govern the scope of required disclosures for discovery of testifying experts and their reports and that draft expert reports and attorney-expert communications relating to the expert's report be protected from discovery in accordance with the proposed resolution. 06A120A

**Federal Court Facility Construction.** Urge the Administration to support FY 1999 funding for federal court facility construction projects. Urge the appropriate committees of Congress, if necessary, to act on their own initiative to further the construction of federal court facility projects determined to be most urgent. 98A126

Urge Congress to (1) authorize the Judicial Branch to submit its annual budget request, including its request for court facility construction projects, directly to Congress; and (2) strengthen the statutory prohibition against the President altering the judiciary's request when he submits the annual, unified federal budget request to Congress. 99A110B

Urge support of FY 2000 funding for federal court facility construction projects. Urge authorization and appropriation of funds for the construction of federal court facility projects determined to be most urgent. Urge the transmittal without modification to congress funding requests for federal court facility projects that have been prepared by the General Services Administration and approved by the Judicial Conference of the United States. 4/99 BOG2.2

**Federal Court Jurisdiction.** Support enactment of federal legislation that provides that a federal court to which an action is removed from state court will not be barred from hearing and determining a claim because the state court lacked jurisdiction over it. 86M110C

Urge that Congress not enact legislation restricting or modifying the jurisdiction of federal courts, or modifying the remedies available therein, in cases involving military selection boards, as proposed in the Department of Defense Authorization Act for 2001, unless and until Congress has had an opportunity to hold hearings on the proposed legislation. Urge rejection of the proposal in Section 554 of the proposed Act or any similar proposal which would apply such legislation retroactively for cases already pending. 00A10C
Urges Congress to amend 28 U.S.C. § 44(c) to insert the phrase “and territory” after the phrase “each state”, so that all states and territories within the jurisdiction of the federal courts of appeal may be represented on its bench. 14A10A

Federal Court Subject Matter Limitations. Oppose legislation to curtail the jurisdiction of the Supreme Court of the United States or the inferior federal courts for the purpose of effecting changes in constitutional law. 81A103

Federal Courts Study Committee Implementation Act. Support deferral of Section 202 of the Federal Courts Study Committee Implementation Act, concerning the authority of the Judicial Conference of the United States to issue administrative rules, until the study of the Federal Judicial Center and other appropriate studies regarding matters affected by Section 202 have been completed. Support the redesignation of the United States magistrates as magistrate judges and to oppose their redesignation as assistant United States district judges. 8/90

Federal Judicial Rulemaking. Support changes in relevant statutes and procedures applicable to adopting federal rules including vesting rulemaking authority in the Judicial Conference of the United States, assuring broad representation of legal profession on advisory committees of the Judicial Conference performing that function, and promoting openness in the rulemaking process. 81M118B

Federal Judicial Work Criteria. Agree that a policy that a senior federal judge perform 25 percent of the work load of an active judge is not unreasonable, but oppose legislation such as H.R. 1930 on the basis that Congress mandating work criteria for federal judges is unwise, counterproductive and contrary to the spirit of judicial independence and separation of powers. 8/89

Federal Rules of Civil Procedure. Urge Congress to defer consideration of proposed amendments to Rules 26, 30, 31, 33 and 37 (relating to disclosure) of the Federal Rules of Civil Procedure to permit completion of the local district experimentation plans and the assessment of the impact of those programs mandated by the Civil Justice Reform Act of 1990, and to allow time to analyze the major changes proposed in the pending amendments to the Civil Rules within the framework of the CJRA. 6/93BOG 2.6

Express general support for the proposed revision of the following provisions of Rule 23 of the Federal Rules of Civil Procedure recommended by the Advisory Committee on Civil Rules in April 1996, and approved by the Standing Committee on Rules of Practice and Procedure of the Judicial Conference of the United States for publication and public comment: 23(b)(4); 23(e); 23(b)(3)(A) and (B); 23(b)(3)(C) and 23(c); and opposes proposed revisions to provisions 23(b)(3)(F) and 23(f). 97M116

Urge (1) that local rules be conveniently and fully accessible to the public in both written and electronic format in a single national location; (2) that the uniform numbering system required by Rule 83 of the Civil Rules should be universally implemented; (3) that variations on procedures prescribed by the Civil Rules or by local rules should be accomplished by issuance of case-specific orders tailored to each case; and (4) that federal districts should be authorized to opt out of a Civil Rule only under very limited circumstances, and that a similar limit should apply to the authority of an individual judge to opt out of a local rule. 00M107

Supports the judicial rulemaking process set forth in the Federal Rules Enabling Act and opposes those portions of the proposed Lawsuit Abuse Reduction Act of the 108th Congress (H.R. 4571) or other similar legislation that would circumvent that process. Opposes enactment of any Congressional legislation that would violate principles of federalism by (1) imposing the provisions of Rule 11 of the Federal Rules of Civil Procedure upon any civil action filed in a state or territorial court; or (2) imposing venue designation rules or provisions upon a personal injury claim filed in a state or territorial court. Supports the current version of Rule 11, which became effective December 1, 1993, as a proven and effective means of discouraging dilatory motions practice and frivolous claims and defenses. Opposes enactment of any Congressional legislation that would: (1) change the current version of Rule 11 for the purpose of imposing mandatory sanctions and removing its current provisions that encourage attorneys to correct, modify or withdraw pleadings or motions; (2) impose any form of
mandatory suspension due to prior violations of Rule 11; or (3) extend Rule 11 to problematic discovery motions, requests, responses or non-responses that are subject to Rule 26 (g) or Rule 37. 05M109C

Opposes the Sunshine in Litigation Act of 2007 (S 2449) or other legislation that would impose similar requirements of burdens for entering or modifying protective orders beyond those in Federal Civil Rule of Procedure 26(c). 09M10C

**Financing of Judicial Elections.** While reaffirming its long-standing support of selection of judges by merit selection, (1) urges states and territories that select judges in contested elections to finance judicial elections with public funds; and (2) adopts principles concerning public financing of judicial elections and supports legislation that incorporates these principles. 02M103

**Funding for Tribal Justice Systems.** Urges Congress to support quality and accessible justice by ensuring adequate, stable, long-term funding for tribal justice systems. 08A117A

**Funding of the Federal Judiciary.** Urges Congress and the Administration to fund the Federal Judiciary, recognizing competing fiscal demands, at levels sufficient to enable the courts to fulfill their separate constitutional and statutory duties. In order to avert a funding crisis in Fiscal Year 2005, at a minimum the Federal Judiciary should be provided appropriations sufficient to maintain their current level of services in order to avoid further staff and operational cutbacks at a time when court workload continues to grow. 04A10A

**Guidelines for Reviewing the Qualifications of Candidates for Judicial Office.** Approved 83A107

**Gun Violence Restraining Orders.** Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders. 17A118B

**Homeless Court Programs.** Supports the development of a comprehensive, systemic approach to addressing the needs of homeless misdemeanant defendants through multidisciplinary strategies that include coordination among the criminal justice, health, social service and education systems, and the community. Urges state, local and territorial courts and bar associations to facilitate the development of homeless court programs as treatment-oriented diversionary proceedings that may result in the dismissal of misdemeanor offenses upon completion of shelter/service agency activities. 03M116

Adopts principles for Homeless Court Programs and approves the criteria for individual participation, recognizing that administration of the programs will differ depending on the particular needs, goals and challenges of a jurisdiction. 06A108A

**Housing Courts.** Urges all jurisdictions to adopt the *Best Practices for Judges in the Settlement and Trial of Cases Involving Unrepresented Litigants in Housing Courts*, dated August 2008. 08A10A

**Impeachment of Federal Judges.** Urge the House of Representatives promptly to consider impeaching any federal judge who is convicted of a felony and who has exhausted his appeals but who has failed to resign from office forthwith. 86A112B

**Independence of the Judiciary.** Oppose the recent 1995-96 Congressional initiatives that infringe upon the separation of powers between Congress and the courts, and have the potential to inhibit the independence of the judiciary. 96M300

The Board of Governors expressed concern over recent political attacks by both Democrats and Republicans on the independence of the judiciary and called on lawyers everywhere to speak out on the critical role that an able, competent and independent judiciary plays in protecting the rights and freedoms of all Americans under the rule of law. 4/96BOG 2.11
Reaffirm support for the lifetime appointment of federal judges, during good behavior, as provided in Article III of the Constitution. Oppose any proposals, whether by statute or constitutional amendment, to limit the lifetime tenure or independence of Article III federal judges by establishing a term-of-years or by other limitation. 5/97BOG 2.15

Support four principles to preserve and strengthen federal judicial independence and separation of powers. Resolve that the ABA should take the lead in the formation of a consortium of organizations dedicated to an independent judiciary and impartial system of equal justice to (1) continue to research into the causes of eroding confidence in the judicial and justice systems throughout the country; and (2) develop and implement long-term educational programs focused upon improving public understanding of our system of justice and within it the vital concept of an independent judiciary. 98M112

Adopts the Principles and Conclusions of the Commission on the 21st Century Judiciary, dated August 2003, to ensure judicial independence, accountability and efficiency. Urges all state, local and territorial bar associations to ensure the integrity of state and territorial judiciaries by promoting the implementation of the Commission’s Principles and Conclusions. 03A103

Deplores attacks on the independence of the judiciary that demean the judiciary as a separate and co-equal branch of government. Affirms the belief that a fair, impartial, and independent judiciary is fundamental to a free society and calls on all Americans, including elected officials, to support and defend our judiciary and its role in maintaining the fundamental liberties under the Constitution of the United States. Will accelerate effort to provide public education on the system of justice and assist organized bars in responding to unjustified criticisms and inaccuracies regarding the justice system. 05A10A

Recommends that the ABA join in efforts by state, local and territorial bar organizations to defend against attacks on the judiciary and oppose any measure that is proposed by any state legislation, referendum, or ballot initiative that would interfere with or impede the ability of courts to apply independently the law and the Constitution fairly and impartially. 07M10B

Adopts the Principles on Judicial Independence and Fair and Impartial Courts, dated August 2007. 07A110D

Supports the following international standards on judicial independence: The United Nations Basic Principles on the Independence of the Judiciary; The International Bar Association Minimum Standards for Judicial Independence; and The Bangalore Principles of Judicial Conduct, and urging the United States government to support these standards. 07A110E

Supports the independence of the judiciary and the legal profession and opposes any state’s detention of individuals without charge or access to counsel and calls upon the government of the Republic of Turkey to take certain actions. 16A10B

**Inspector General Office for Judicial Branch.** (1) Opposes legislation that would establish a statutory Office of Inspector General for the Judicial Branch for the purpose of conducting investigations of matters pertaining to the Judicial Branch, including possible misconduct in office of judges and judicial proceedings. (2) Opposes any legislative proposal creating the statutory position of Inspector General for the Judicial Branch that: (a) requires the Chief Justice of the United States to consult with congressional leaders over the appointment of an inspector general; (b) confers on the inspector general broad power to subpoena judges and judicial entities to compel testimony and production of documents; or (c) requires the inspector general to make prompt reports to Congress in open or closed sessions on matters that the inspector general believes require action. (3) Applauds the recent efforts of the Judicial Conference of the United States to examine and respond to concerns raised by Congress and the public over judicial adherence to, and oversight of, its rules, guidelines and procedures governing judicial recusal, financial disclosure statements, the Judicial Discipline and Procedures Act and judicial attendance at privately funded, expense-paid seminars. 06A308
**International Criminal Court.** Recommends that the U.S. Government work toward finding solutions to the numerous important legal and practical issues identified in the reports of the Task Force on an International Criminal Court and the New York State Bar Association with a view toward the establishment of an international criminal court considering four specified principles and issues. 92A111

**Judges, Selection.** Urge state and local bar associations to persuade governors to establish by executive order judicial nominating commissions in those states where such commissions have not been established by law. 72M40.I

Recommend that the nomination and appointment process for the selection of judges for the Court of International Trade reflect the specialized nature of the court's substantive jurisdiction, the nationwide impact of the court's decisions and the status of the court as an Article III court, and that nominees should be selected without reference to geographic considerations, and in addition to other qualifications, should have experience with the international trade and customs laws administered by the court. 87M104A

Recommend that the nomination and appointment process for the selection of judges for the U.S. Court of Appeals for the Federal Circuit reflect consideration of (a) the court's exclusive appellate jurisdiction over all patent cases; (b) the number, size and complexity of the patent cases before the court; and the time spent by the court's judges on patent cases. 87A114D

Urge that (1) Congress avoid statutory limits provisions that disqualify senior executive or judicial appointees on the basis of clients they have previously represented; (2) Congress and the administration continue to utilize traditional mechanisms, rather than special pre- or post-employment rules, to ensure that senior executive and judicial positions are filled only by highly qualified persons who will fulfill the responsibilities of their positions with complete integrity; and (3) ethics-in-government rules should not single out foreign policy or trade functions for special, restrictive treatment and that certain amendments which restrict the pre-and post-employment activities be repealed. 97M303A

Reaffirm support for the lifetime appointment of federal judges, during good behavior, as provided in Article III of the Constitution. Oppose any proposals, whether by statute or constitutional amendment, to limit the lifetime tenure or independence of Article III federal judges by establishing a term-of-years or by other limitation. 5/97BOG

Recommend that when making character and fitness determinations of state and territorial judicial candidates, nominees or appointees, any nominating or evaluating entity: (1) consider the privacy concerns of the candidates; (2) narrowly tailor questions concerning physical and mental disabilities or physical and mental health treatment in order to elicit information about current fitness to serve as a judge, with such reasonable modifications as may be required; and (3) take steps to ensure that the process does not have the effect of discouraging those who would seek judicial office from pursuing professional assistance when needed. 98M114

Encourages: (1) the dissemination of information in judicial elections that advances the public’s knowledge about the justice system and urges all participants in judicial campaigns to conduct themselves with honesty and integrity so as not to undermine public trust and confidence in the justice system; (2) the study of judicial campaigns to determine the impact of campaign spending and advertising on the public’s knowledge about and trust and confidence in the justice system; and (3) in order to further the public’s knowledge about and trust and confidence in the justice system, encourages state, local and territorial bar associations in states and territories that conduct judicial elections to establish judicial campaign conduct committees to promote honesty and integrity in judicial campaigns. 02A113

Supports the recommendations contained in the 2003 Report of the National Commission on the Public Service urging Congress to enact an immediate and significant increase in federal judicial salaries and break the statutory link between Congressional and judicial salaries. 03M303
Reaffirms support for adequate levels of compensation for state and territorial judges in order to attract and retain the best qualified persons to serve on the judiciary. Encourages state, local and territorial bar associations to take a leadership role in promoting adequate compensation for state and territorial judges and independent mechanisms for determining judicial compensation levels. Encourages states and territories to determine judicial compensation levels through the use of independent judicial compensation commissions that have certain characteristics and authority. 03A105A

Urges states and territories to take appropriate steps, through legislation or administrative regulation consistent with the constitutional principles articulated in the decision of the Supreme Court of the United States in McConnell v. Federal Election Commission, 540 U.S. ___ (2003), to require the timely public disclosure of expenditures, and the source and amount of all contributions exceeding a specified amount, for electioneering communications regarding judicial elections. 04M8C

Encourages Senators in each state to jointly establish bipartisan commissions to evaluate the qualifications of prospective candidates for nomination to the U.S. district and courts of appeals and to recommend possible nominees whom their Senators might suggest for the President’s consideration. 08A118

Urges state, local and territorial bar associations and the highest court of each state to establish, for those who have an interest in serving in the judiciary, a voluntary pre-selection/election program designed to provide individuals with a better appreciation of the role of the judiciary and to assist them in making a more informed decision regarding whether to pursue a judicial career. 09M113

Urges the President of the United States and appropriate parties to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for United States Circuit Judges and United States District Judges, United States Bankruptcy and Magistrate Judges and for other qualified employees in the Judicial Branch of the United States, and to expand the diversity of the pool of qualified applicants, nominees and appointees, including without limitation, the use of diverse merit selection panels. 16A102

**Judicial Administration, Principles for.** Urges legislative bodies and governmental agencies to adopt laws and policies that ensure full and adequate court funding and adopts the *Principles for Judicial Administration*, dated August 2013, as appropriate guidance for those states desiring to establish principles for judicial administration in their efforts to restructure court services and secure adequate court funding. 13A10C

**Judicial Compensation.** Urge federal and state governments to adjust compensation schedules for judicial officers to provide relief from inflation. 80A121B

Oppose legislation such as the proposed Federal Judicial Salary Control Act, S. 1847, 97th Congress, which would subject the federal judiciary to the annual authorization process of Congress. 4/82BOG 2.4

Recommend that salaries of justices of the highest courts of the states be substantially equal to those of judges of the U.S. courts of appeals, and salaries of state trial judges be substantially equal to those of judges of U.S. district courts. 81A116A

Resolve that the compensation currently paid to the federal judiciary is grossly insufficient, inadequate and inappropriate. Urge Congress to permit the judicial salaries recommended by Presidents Reagan and Bush and the 1988 Commission on Executive, Legislative and Judicial Salaries to go into effect. 2/89

Strongly reaffirm support of efforts to improve state judicial salaries and fringe benefits. 11/88BOG 2.1

Urge regular, periodic review of salary levels of federal, state and territorial judges and the administrative judiciary and adjustment to ensure that judicial salaries are not, in effect, diminished by increases in the cost of living. 94M8B
Supports the recommendations contained in the 2003 Report of the National Commission on the Public Service urging Congress to enact an immediate and significant increase in federal judicial salaries and break the statutory link between Congressional and judicial salaries. 03M303

Reaffirms support for adequate levels of compensation for state and territorial judges in order to attract and retain the best qualified persons to serve on the judiciary. Encourages state, local and territorial bar associations to take a leadership role in promoting adequate compensation for state and territorial judges and independent mechanisms for determining judicial compensation levels. Encourages states and territories to determine judicial compensation levels through the use of independent judicial compensation commissions that have certain characteristics and authority. 03A105A

Urges Congress to take immediate action to enact a substantial pay increase for the federal judiciary, consistent with the recent analysis by Paul Volcker, former chair of the National Commission on the Public Service, which recognized the inadequacy of federal judicial salaries and that increases in federal judicial salaries have not even kept pace with increases in average American worker wages. 07M10D

Urges Congress to amend the current method by which Federal Judges are given cost-of-living adjustments (COLAs) to their salaries, to provide that Federal Judges are entitled to annual, automatic COLAs equal to the overall average percentage increase in pay (including both base pay and the national average of locality pay adjustments) received by federal employees under the General Schedule as provided in the Federal Employees Pay Comparability Act. Further, Congress should repeal Section 140 of P.L. 97-92, and refrain from any other action that would prevent Federal Judges from receiving a COLA whenever General Schedule employees receive a COLA. Further, Congress should consider taking similar action to provide that members of Congress are entitled to the same increases pursuant to the General Schedule. 10M300

**Judicial Compensation Standards.** Adopt Standards for Judicial Compensation, dated February 1990; urge state and local jurisdictions to use these principles in setting fair and adequate compensation for judges. 90M100C

**Judicial Conference Committees.** Support federal legislation requiring that practicing lawyers comprise at least 50% of the membership of each Committee of the Judicial Conference of the United States recommending rules to be prescribed under 28 U.S.C, Section 2072. 94A104

**Judicial Discipline and Removal.** Support in principle legislation that provides machinery for judicial discipline short of removal, while continuing to support legislation that provides for removal of unfit judges. 80A121

Support in principle the Judicial Discipline and Impeachment Reform Act of 1989, which provides for a national commission on judicial impeachment to report to the chief justice, the Congress and the President. 90M112C

Reaffirm support in principle for the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 which provides a mechanism within the Judicial Branch for handling complaints against and disciplining federal judicial officers. Conclude that no significant benefit would be realized by adding statutory removal from office to the methods of discipline under the Act, especially in light of the serious constitutional questions whether Article III judges may be removed by means other than impeachment. 93M114

Support efforts within the ABA and by bar associations to increase the awareness and understanding among the practicing bar regarding the availability of procedures for handling complaints against and disciplining federal judicial officers under the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, 28 U.S.C. Sections 332, 372. Support the appointment by circuit judicial councils of one or more committees within the circuit, its districts or its divisions, to accomplish certain objectives. Urge a chief judge who dismisses a non-frivolous complaint or concludes a proceeding to prepare a supporting memorandum that sets forth the allegations of the complaint and the reasons for the disposition, and request that the Judicial Conference devise and monitor a system for the dissemination of information about the complaint dispositions. 94M107
Approved Model Rules for Judicial Discipline Enforcement as corrected. 94A104

**Judicial Disqualification.** Urges states to establish clearly articulated procedures for (1) judicial disqualification determinations and (2) prompt review by another judge or tribunal, or as otherwise provided by law or rule of court, of denials of requests to disqualify a judge. Further, urges states in which judges are subject to elections of any kind to adopt (1) disclosure requirements for litigants and lawyers who have provided, directly or indirectly, campaign support in an election involving a judge before whom they are appearing and (2) guidelines for judges concerning disclosure and disqualification obligations regarding campaign contributions. 11A107

Urges states and territories to adopt clearly articulated, transparent and timely procedures to ensure that judges disqualify or recuse themselves in instances where conflict or bias or other grounds exist to warrant recusal in order to assure fair and impartial judicial proceedings. 14A105C

**Judicial Education, Association Standards for.** Approve amendments to standard 6A of the Standards. 88M109B

**Judicial Education Programs.** Encourage and recommend the creation in each state of education programs for judges, establishment of minimum requirements for continuing general education of judges, and full allowance of expenses for judicial educational board in each state. 78M108

Recommend that state and federal education programs for judges include a course devoted to fairness and the judiciary's role in ensuring a courtroom free of race and sex bias and an analysis of race and sex-biased stereotypes, myths, beliefs and biases that may affect judicial decision making. 86A114D

Support educational programs designed to inform and train judges about the civil, criminal, psychological, evidentiary and procedural issues relating to domestic violence. Strongly believe that such education and training is essential to ensure the proper disposition of cases in which domestic violence issues may arise, including six specified types of cases. Resolve that such programs include information about community resources and programs which would facilitate assistance to victims and their children. Urge governmental and agency funding of such training programs. 96M108

Encourages education and training for judges in the United States and abroad, regarding financial markets products and practices, and that judges be provided with accurate, timely, balanced, and reliable educational resources. 10A107B

**Judicial Impact Statements.** Supports legislation mandating the preparation of judicial system impact statements. Urges establishment of budgeting mechanism to prepare such statements. 91A302

**Judicial Improvements Act of 1990.** Support the general principles reflected in Title I of S. 2648 but believe that the bill would be improved by changes along the lines included in the specific recommendations in the report of the Civil Justice Coordinating Committee. Support enactment of legislation that is consistent with congressional intent that the district courts shall develop plans for cost and delay reduction which are to take into consideration certain guidelines. 6/90BOG 2.5

**Judicial Leave.** Urge each state to adopt standards for judicial leave. Urge that national minimum standards for evaluating judicial leave policies be in accordance with the Recommended Criteria for Evaluating Judicial Leave Policies draft dated December 1, 1988, as revised. 89M11

**Judicial Participation in Public Education Programs.** Urges judges, courts, and judicial organizations to support and participate actively in public education programs about the law and justice system, and further that judges be allotted reasonable time away from their primary responsibilities on the bench to participate in such public education programs, consistent with the performance of their primary responsibilities and the Code of Judicial Conduct. 92A114
Urges judges, court personnel and judicial organizations to: (1) incorporate as an integral function of their position, furtherance of the public’s understanding of and confidence in the American system of justice; and (2) develop, support and actively participate in public education programs about the law and the justice system in order to promote the trust and confidence of the public that is crucial to maintaining an independent judiciary.

Judicial Practices Concerning Guardianship. Support efforts to improve judicial practices concerning guardianship; adopt Recommended Judicial Practices and urge implementation at the state level. 87A106B

Adopts the Third National Guardianship Summit Standards and Recommendations, dated August 2012, and urges courts and policy making bodies to implement them. 12A106B Standards for State Judicial Retirement Plans. Approved 84A104

Judicial Retirement Plans. Encourages Congress to establish a retirement plan for federal administrative law judges that is appropriate to their judicial status and functions and that is separate from retirement plans of other career civil servants. 04M113B

Judicial Review. Support the principles of the payment of attorneys' fees and costs by the government in administrative proceedings and the judicial review of such proceedings considered to be in the public interest. 77M114; 78M129

Oppose those portions of legislation that would expand the scope of the Antitrust Procedures and Penalties Act (Tunney Act) to compel judicial review of voluntary dismissals of antitrust proceedings brought by the United States and more extensive judicial and third-party roles in the approval of consent judgments subject to the Tunney Act. 84A101B

In recognition and commemoration of the bicentennial anniversary of the decision of the United States Supreme Court in *Marbury v. Madison*, the Association supports the United States Constitution as the supreme law of the land and reaffirms its commitment to the doctrine of judicial review as a fundamental principle for a nation governed by the rule of law. 03M112

Judicial Review of Military Personnel Actions. Recommend that current procedures for judicial review of military administrative personnel actions not be modified, and that the legislation entitled Military Personnel Review Act of 1997 not be enacted, until Congress has had an opportunity to hold hearings and to conduct a thorough review of the entire system for correction of military records, including a review of both the report of the Secretary of Defense mandated by Congress in §554 of the National Defense Authorization Act of 1996 and the report of the Advisory Committee mandated by §551 of that Act. 97A10A

Judicial Review of Signing Statements. (1) Opposes, as contrary to the rule of law and our constitutional system of separation of powers, the misuse of presidential signing statements by claiming the authority or stating the intention to disregard or decline to enforce all or part of the law the President has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress. (2) Urges the President, if he/she believes that any provision of a bill pending before Congress would be unconstitutional if enacted, to communicate such concerns to Congress prior to passage. (3) Urges the President to confine any signing statements to his/her views regarding the meaning, purpose and significance of bills presented by Congress, and if he believes that all or part of a bill is unconstitutional, to veto the bill. (4) Urges Congress to enact legislation requiring the President promptly to submit to Congress an official copy of all signing statements issued and a report setting forth in full the reasons and legal basis for the statement, and further requiring that all such submissions be available in a publicly accessible database. (5) Urges Congress to enact legislation enabling the President, Congress, or other entities or individuals, to seek judicial review, to the extent
constitutionally permissible, in any instance in which the President claims the authority, or states the intention, to disregard or decline to enforce all or part of a law he/she has signed, or interprets such a law in a manner inconsistent with the clear intent of Congress, and urges Congress and the President to support a judicial resolution of the President's claim or interpretation. 06A304

**Judicial Rulemaking.** Reaffirm support for the Congressionally-enacted, judicial rulemaking process set forth in the Rules Enabling Act and opposing those portions of the Common Sense Legal Reform Act or other legislation that would circumvent that process. 95M302

**Judicial Sabbaticals.** Endorse the concept of judicial sabbaticals, urge the states to adopt legislation to allow a program providing for sabbaticals consistent with certain specified provisions, and urge that state funds be allocated to implement such programs commencing in 1990. 88A113

**Judicial Security.** (1) Urges Congress, the Department of Justice Judicial Security Review Group, and the Department of Justice Office of Inspector General (IG) to: (a) determine whether the United States Marshals Service (USMS) has corrected the significant vulnerabilities to critical elements of its judicial security program that were identified by the IG in its March 2004 report entitled Review of the United States Marshals Service Judicial Security Process; (b) review on a regular basis whether additional improvements or enhancements are necessary for the USMS to discharge properly its primary duty of providing judicial and court security; and (c) make public non-classified information and recommendations resulting from these reviews in order to maintain public confidence in the safety of the courts. (2) Urges Congress to enact legislation to require the USMS and the Administrative Office of the Courts to consult on a continuing basis regarding the security requirements for the judicial branch. (3) Urges Congress to include sufficient funds in its annual appropriation for the federal judiciary and for the USMS Court and Judicial Security Program. (4) Urges Congress to explore ways to provide assistance to state courts to assess and improve court safety and security. (5) Urges all federal and state governmental departments and agencies to assess the security needs of the administrative adjudication programs within their respective control and to take all reasonable steps to ensure the safety of all participants in the adjudication process. 05A106C

**Judicial Term Limits.** Oppose efforts to adopt any measure to place an automatic limit on the number of terms a person may serve in a judicial position and urge voters and legislators to oppose such efforts. Urge all bar associations and other organizations whose goals include the improvement of the legal profession, judiciary and system of justice in the United States to speak against such measures. 96A10B

**Judicial Vacancies.** Urge the President of the United States to expedite the appointment to vacancies existing in the U.S. judicial system and that the Senate take prompt action in considering confirmation of such nominees. Urge the President and Senate to act expeditiously with respect to the district court of the Virgin Islands where there is currently no sitting judge, other than those temporarily assigned from time to time by the Third Circuit Court of Appeals. 90M8F
Urge the President of the United States promptly to advance nominees for current vacancies for federal judicial positions and the Senate of the United States to hear and vote on those nominations in an expeditious manner. Urge ABA members and bar associations to contact the President and appropriate members of the Senate to urge prompt action on the nominations. 98M8A

Urge the United States Senate promptly to hear and vote on pending nominations for United States District Courts and Courts of Appeal and that such action is essential for the effective and efficient administration of justice in the United States. 10/97BOG 2.11

Urges that: (1) the President of the United States should promptly nominate candidates to fill vacancies in the federal courts of the United States; (2) the Senate Committee on the Judiciary should promptly act on nominees; and (3) the Senate of the United States should promptly advise and consent to or reject the nominees. Further, urges American Bar Association members and state, local, and territorial bar associations to encourage the President to make prompt appointments to fill federal judicial vacancies and to contact the appropriate members of the Senate to urge prompt hearings and votes on pending nominations for the federal courts of the United States. 02A10A

**Juries and Jury Trial Principles.** Adopts the *ABA Principles Relating to Juries and Jury Trials* dated February 2005. Recommends that the ABA Criminal Justice Section, Judicial Division, and the Section of Litigation review and revise, as appropriate, their respective Standards so as to eliminate any conflicts with the Principles so as to eliminate any conflicts with the Principles. Urges all state and federal courts and state, local and territorial bar associations to improve the management of jury trials by promoting the implementation of the Principles. 05M113

*ABA Principles for Juries and Jury Trials*, adopted February 2005, replace *Judicial Division Standards Relating to Juror Use and Management.* 08A110

Amends the following Principles of the 2005 *ABA Principles for Juries and Jury Trials*: 1(C) through (F) (duty of judges and lawyers to preserve jury trial rights); 6(C) (juror’s duties to avoid communicating about the case outside the jury room and to refrain from independent investigations about the case); 10(C) (court shall make every effort to provide reasonable accommodations for non-English speaking jurors); and 11(A) (After trial, jury questionnaires that are not a part of the record should be disposed of to preserve a juror’s privacy, consistent with Principle 7 and the applicable law.) 13M106

Amends Principles 2(B) and 6(C) of the ABA Principles for Juries and Jury Trials to include marital status, gender identity and gender expression to the groups which should not be excluded from jury service, and to recommend that jurors be educated as to implicit bias and how to avoid such bias in the decision making process. 16A116

**Jurisdiction of Civil Tax Cases.** Oppose proposals to grant to a specialized court exclusive jurisdiction over the trial or appeal of civil tax cases. 90M109A

**Jury Instructions and the Death Penalty.** Urges federal, state and territorial courts to adopt jury instructions which are in language understandable by jurors untrained in law and legal terms, in the penalty phase of trials in which the death penalty may be imposed and such instructions should be provided to jurors in written form. 12M101G

**Justice System Funding.** Recognize that the highest priority of the bar and bench must be to promote improvements in the American system of justice by ensuring balanced and adequate funding for, and timely access to, the entire justice system and urge Association entities, state and local bars and affiliated organizations to form coordinated action committees with nonlawyer groups to take certain steps with respect to the justice system. 91A10I
Urges state, territorial, and local bar associations to document the impact of funding cutbacks to the judicial systems in their jurisdictions, to publicize the effects of those cutbacks, to create coalitions to address and respond to the ramifications of funding shortages to their justice systems. 11A302

**Justice System Impact Statements.** Supports legislation mandating the use of Justice System Impact Statements to be attached to all legislation or resolutions and executive branch orders or actions that have an identifiable and measurable impact on the operation of one or more elements of the criminal and civil justice system. Urges the establishment of appropriate mechanisms to ensure the preparation of the justice system impact statements that examine and analyze the funding, workload, and resource impact of proposed legislation and executive branch orders or actions for each and every element of the criminal and civil justice system. 92A10F

**Lactation.** Encourages federal, state, local, territorial, and tribal legislatures and court systems, in conjunction with state and local bar associations, to support and assist with the establishment and maintenance of lactation areas in courthouses for members of the public, including lawyers, jurors, litigants, witnesses, and observers. 19M101A

**Language Access.** Adopts the *ABA Standards for Language Access in Courts*, dated February 2012, and urges federal and state legislative and executive branches to provide adequate funding to courts and other adjudicatory tribunals to fully implement language access services. 12M113

**Language Interpreters.** Urges the federal government and the states, territories and possessions to commit sufficient resources to all courts and administrative agencies to enable them to provide qualified language interpreters to ensure that all parties and witnesses may fully and fairly participate in all proceedings. 02M110

**Lawsuit Data Collection.** Urges the United States Congress and state and territorial legislative bodies to allocate sufficient funding to ensure that appropriate federal, state and territorial agencies have means and resources to accomplish standardized data collection and retention of lawsuit data. 04A103A

**Litigation Conduct Guidelines.** Guidelines for Litigation Conduct dated August 1998 adopted as purely aspirational goals to promote professionalism of lawyers and judges, and should not serve as a basis for litigation, liability, discipline, sanctions, or bar or disciplinary enforcement. 98A107

**Long Range Plan for Federal Courts.** Support efforts by the Judicial Conference of the United States to plan for the future of the Federal courts and adopts the policy positions in response to the Proposed Long Range Plan for the Federal Courts which was submitted to the Judicial Conference of the United States in March 1995. 95A305

**Magistrate Judges' Jurisdiction.** Supports the provisions of Title 28, U.S.C. § 636(c)(1), enacted in 1979, which grants United States magistrate judges, upon the consent of the parties, the power to conduct any and all proceedings in a jury or non-jury civil matter in federal court and to order the entry of judgment in the case, as being consistent with and not violative of Article III of the United States Constitution. 12M10B

**Mandatory Arbitration Programs.** Oppose enactment by the United States Congress of any legislation authorizing the installation of any mandatory arbitration program in United States District Courts where involuntary participation in such programs is made a condition precedent to the right of litigants in civil cases to a trial before a jury or a federal judge. 94A10F

Recommend that court-mandated mediation include an opt-out prerogative in any action in which one party has perpetrated domestic violence upon the other party. 00A109B

**Mediators.** Adopts the *Model Standards of Conduct for Mediators*, dated August 2005, which are intended to guide individual mediators in their practice, provide a model for entities that establishes standards of conduct for mediators and informs potential and actual participants in mediation about what they should expect in
mediation. 05A104A (See also Dispute Resolution under COURTS/ JUDGES and Lawyer/Mediators under FAMILY LAW/CHILDREN.)

**Megatrials.** Recommend that the Judicial Conference of the United States' Advisory Committee on Criminal Rules encourage the United States district courts to fashion remedies in appropriate individual cases, or encourage adoption of local rules in selected districts, to address the issue of long trials involving numerous defendants, often referred to as megatrials, which create substantial risks to the fair administration of justice. 91A10A

**Merit Selection of Judges.** Reaffirm support of merit selection and retention of judges; urge opposition to judicial selection by vote of the electorate. Support participation of bar associations in merit selection mechanisms for judicial appointment. 72M40.I

Establish procedures to encourage the appointment of all federal judges strictly on the basis of merit and without regard to extraneous political considerations. 77A109

Urge all presidential candidates to disavow any platform plank inconsistent with concept of merit selection. 80A121C

Support the participation of state and local bar associations in merit selection mechanisms developed to assist in evaluating and recommending candidates for judicial appointment. 91M8C

Urge bar associations in jurisdictions where judges are elected in partisan or non-partisan elections to work for the adoption of merit selection and retention, and to consider means of improving the judicial elective process, including improving campaign conduct and financing, and adopting programs that are best suited to the needs of their jurisdictions. 94A10D

Support the merit selection of judges, and constitutional provisions setting out procedures for the merit selection and either appointment or retention election of their judges. Encourage establishment of judicial nominating commissions and appointment only of judges recommended by the nominating commission. Urge development of educational initiatives to inform the public regarding the nature of judicial responsibilities, the importance of the independence of the judiciary, the qualifications of candidates for judicial office, and the proper operation of the nation's courts. Amend the Code of Judicial Conduct. 99A123

**Model Act Creating a State Central Hearing Agency.** Recommend to state and territorial legislatures the Model Act Creating a State Central Hearing Agency, dated February 1997. 97M115

Reaffirms the judicial independence and authority granted to the Central Panel Administrative Law Judges in the Model Act Creating a State Central Hearing Agency, adopted by the House of Delegates in February 1997. 11M112

**Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings.** Adopts the Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings, dated August 2011. 11A101A

**Model Asbestos Case Management Order.** Recommends that federal, state, and territorial courts without any existing Case Management Order governing asbestos litigation, or with an existing Case Management Order that has proven unworkable, utilize the Model Case Management Order, with referenced exhibits, dated August 2005. 05A103

**Model Code of Judicial Conduct.** Adopt the revised Model Code of Judicial Conduct dated February 2007, including the Preamble, Scope, Terminology Section, Application Section, Cannons and Rules there under, to replace the Model Code of Judicial Conduct that was adopted in August 1990 and amended in August 1997 and February 2003. 07M200
Application Section of 2007 Model Code amended to ensure consistency in judicial ethics standards nationwide. 10A113

**Model Grand Jury Charge.** Urges the Judicial Conference of the United States to amend the Model Grand Jury Charge to (1) permit the Grand Jury to consider punishment in the event of conviction when deciding whether to indict, (2) instruct the Grand Jury to consider the charges against each person separately, and (3) instruct the Grand Jury that it may vote to indict only where the evidence presented is sufficiently strong to warrant a reasonable person's belief that the person being investigated is probably guilty of the offense charged. 13M104J

**Model Judicial Article.** Amended in accordance with the Final Draft dated November 1994. 95M113B

**Model Time Standards for State Courts.** Adopts the *Model Time Standards for State Courts*, dated August 2011, and urges state judicial systems to adopt and implement the *Standards*. 11A123

Amended to add a case type under the criminal category for local ordinances and by extending the length of time for the completion of the administration of estates. 12M112

**Nominations for Court of Appeals of Federal Circuit.** Favor in principle the creation of a national commission to consider and recommend to the President of the United States candidates for nomination to the Court of Appeals for the Federal Circuit. 91M117A

**Online Access to Court Information.** Urge courts to provide computer on-line access to court and docket information to members of the profession and to the general public at no direct cost to the user. 95A128A

**Patents/Scope of Subject Matter.** Urges courts to provide guidance for the determination of the scope of subject matter that is eligible to be considered for patenting. 09A302

**Permanent and Temporary Judgeships.** Supports enactment of comprehensive legislation to authorize needed permanent and temporary judgeships, with particular focus on the federal districts with identified judicial emergencies so that affected courts may adjudicate all cases in a fair, just and timely manner. 13A115

**Peremptory Challenges.** Urge enactment of legislation permitting the peremptory challenge of a federal district judge, magistrate or bankruptcy judge in civil cases. 80M125

**Pretrial Discovery.** Approve an additional grand jury principle relating to pretrial discovery. 87A114B

Make recommendations, with certain understandings, with respect to the imposition of limits on pretrial discovery in civil cases and whether additional discovery should be permitted based on market incentives, including the placing of appropriate limitations on pretrial discovery, not permitting additional discovery beyond limits determined by the court to be reasonable, and authority of the judicial officer entering a protective order to condition particular discovery upon the discovering party's payment in whole or in part of the expenses incurred by the person from whom the discovery is sought. 92M120B

**Pro Hac Vice Admission.** Adopts the *Model Rules on Pro Hac Vice Admission* pursuant to the recommendations of the Commission on Multijurisdictional Practice. 02A201F

**Problem-Solving/Specialized Courts.** Support (1) the use of the term problem-solving courts to refer to specialized initiatives such as drug courts, community courts and mental health courts, as well as programs such as unified family courts; (2) the continued development of problem-solving courts to improve court processes and court outcomes for litigants, victims and communities; and (3) the consideration of the use of the principles and methods employed by problem-solving courts in the daily administration of justice. Promote education about problem-solving courts. 01A117
Prosecutorial Misconduct or Error. Urges trial and appellate courts, in criminal cases, when reviewing the conduct of prosecutors, to differentiate between error and prosecutorial misconduct. 10A100B

Remand Proceedings. Recommend that (1) when a reviewing court holds that a rule or order issued by a federal administrative agency must be remanded to the agency for further consideration, the court may exercise discretion in determining whether or not to refrain from vacating the agency’s action pending the remand proceedings; (2) in exercising this discretion, a reviewing court should normally strike the balance in favor of vacating the agency’s action unless special circumstances exist; (3) where the court orders the remedy of remand without vacation, it should (a) give serious consideration to specifying a time frame within which the agency is to comply with the terms of the remand order; and (b) consider certain directions until agency action to cure the previous error has become final; and (4) courts should encourage parties to address remedial issues in their briefs and at oral argument. 97A107B

Rent Relief for Judiciary. Supports legislation (currently embodied in S. 2292 and H.R. 4710) which provides relief from the excessive rents charged to the Judiciary by the General Services Administration (GSA) by (1) requiring that the rent charges for courthouses and other judicial facilities provided to the judiciary not exceed GSA's actual costs of operating and maintaining the facilities; and (2) prohibiting GSA from including in rents charged to the judiciary any capital costs, real estate taxes (except for taxes actually paid by GSA) or administrative fees (except on a cost-only basis). 06A115

Representation for Indigents. Recommend that all jurisdictions ensure that defendants are represented by counsel at their initial judicial appearance where bail is set and that each jurisdiction provide adequate resources to support effective implementation of such representation by counsel for indigent defendants. 98A112D

Urges all federal, state, local and territorial courts to develop programs, in collaboration with state, local and territorial bar associations and pro bono programs and legal services offices, to encourage, facilitate and recognize pro bono representation of indigent parties in civil cases. 06A121C

Restructuring of Ninth Circuit. Oppose restructuring of the Ninth Circuit Court of Appeals in view of the absence of compelling empirical evidence to demonstrate adjudicative or administrative dysfunction. Based on such evidence, does not support any other restructuring of the federal circuits at this time. Support ongoing efforts by the federal circuit courts of appeal to utilize technological and procedural innovations in order to continue to enable them to handle increased caseloads efficiently while maintaining coherent, consistent law in the circuit. 4/98BOG2.1

Oppose (1) legislation that mandates restructuring of the Ninth Circuit Court of Appeals into adjudicative divisions, in view of the absence of compelling empirical evidence to demonstrate adjudicative dysfunction, (2) creation of district court appellate panels within the circuits, and (3) use of two-judge panels by any federal appellate court. 99A110A

Revenue Generation as Criteria. Urge that appointing authorities for judges or judicial officers not use as a criteria, for appointment or reappointment, revenue generation or conviction rate goals. 95M113A


Security Protocols. Encourages governments to adequately fund judicial system security protocols and urges courts to create and review judicial system security protocols so that they may effectively communicate their needs to policymakers and appropriators. 14M106
Social Security Act Amendments. Support an amendment to the Social Security Act, or other applicable laws, allowing the use of social security numbers to exempt courts and other judicial agencies responsible for preparation of lists of prospective jurors. 91M109A

Support amendments to the Social Security Act that would (1) allow working widows who delay receipt of benefits under the Act to be granted delayed retirement credits in addition to their widow benefits, and (2) eliminate the restriction requiring a divorced person age 62 and over to wait two years after divorce to receive Social Security benefits if the former spouse is still in the work force. 95A118

Social Security Claims—Attorneys Fees. Urges Congress to enact legislation amending Title 28 of the United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims. 09M10B

Social Security Court. Oppose legislation to create an Article I social security court to hear appeals from final decisions of the Social Security Administration. 86A126B

Social Security Reform. Support reforms in the Social Security disability adjudication process to eliminate the backlog that threatens the ability of Social Security administrative law judges to assure due process, including: (1) actions by the Social Security Administration in reengineering the initial decision process to (a) assure appropriate legal standards by establishment of one standard for disability determination at all levels of decision making, (b) encourage disability claims managers to consult with legal as well as medical resources as appropriate, and (c) designation of federal adjudication officers with certain supporting staff; (2) that certain measures be taken at the hearing level to assure the integrity of the factfinding function; and (3) that claimants for disability benefits continue to be entitled to a due process hearing before an administrative law judge. 95A115

Standards for Child Abuse and Neglect Proceedings. Adopts the black letter Principles and Standards of the Judicial Excellence in Child Abuse and Neglect Proceedings: Principles and Standards for Court Organization, Judicial Selection and Assignment, Judicial Administration and Judicial Education, dated August 2010, to improve, at the state and local levels, the quality of judicial practice, and court processes, related to civil child abuse and neglect cases. 10A102


Standards for the Education of the Administrative Judiciary. Approved. 99A101

Standards Relating to Appellate Courts. Adopted 77M113 Commission on Standards relating to Appellate Courts. Amend to set forth the role of staff attorneys in appellate courts. 86M112

Amend 8/94, with further amendment to include a minority report concerning Section 3.50 - Caseflow Management and Delay Reduction, and Section 3.52 - Standards of Timely Disposition of Appellate Cases. 94A102

Standard 20 on Juror Privacy dated August 1998 adopted. 98A120

Standards Relating to Trial Courts. Amended in accordance with draft dated November 1991, as amended. 92M100

Amend by adopting the black letter of Standard 2.77, Procedures in Drug Treatment Courts, dated August 2001. 01A101A

Adopts the black letter of Section 2.80 (trial court responsibilities for court automation) to amend the Standards Relating to Trial Courts to replace current Sections 2.80 through 2.83. 05A106B
Standards for State Judicial Retirement. Standards dated July 2000, approved. 00A114


State Bar Membership Requirements. Support efforts to lower barriers to practice before U.S. District Courts based on state bar membership by eliminating state bar membership requirements in cases in U.S. District Courts through amendment of the Federal Rules of Civil and Criminal Procedure to prohibit such local rules. 95M8A

State Justice Institute. Urges the Administration and Congress to maintain federal support for the State Justice Institute and to adequately fund it. 02M301

Tax Court. Approve recommending to Congress that the Tax Court be constituted as a court under Article III of the Constitution. 71M66.5

Tax Court Jurisdiction. Approve establishment of concurrent jurisdiction in the U.S. district courts and the Court of Claims with the Tax Court in the determination of tax deficiencies and establishment of concurrent jurisdiction in the Tax Court, the U.S. district courts and the Court of Claims for civil actions for refund of taxes 2/71

Technology in the Courtroom. Reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions. 17A104

Transfer of Litigation Act. Designed to provide for the transfer of litigation from a court in one judicial system to a court in another judicial system. Approved as an appropriate act for those states desiring to adopt the substantive law suggested therein. 92M123B

Treatment of Judges, Lawyers, Other Member of the Legal Profession, Extended Families. Reaffirms the ABA's commitment to advance the rule of law and condemns the harassment arbitrary arrest and detention, arbitrary disbarment, denial of due process, other ill-treatment, and killings of judges, lawyers, other members of the legal profession, and their extended families throughout the world for serving in their designated capacities. 818A106A

Trial Management Standards. Black letter standards adopted. 92M104

Unincorporated Businesses and Principal Place of Business. Urges Congress to amend 28 U.S.C. §1332, to provide that any unincorporated association shall, for diversity jurisdiction purposes, be deemed a citizen of its state or territory of organization and the state or territory where the entity maintains its principal place of business. 15A103B

Unpublished Opinions of Federal Courts of Appeal. Oppose the practice of various federal courts of appeal in prohibiting citation to or reliance upon their unpublished opinions as contrary to the best interests of the public and the legal profession. Urges federal courts of appeal to make their unpublished decisions more widely available through various print or electronic means, and to permit citation to relevant unpublished opinions. 01A115

Veterans’ Disability Claims. Recommends that the U.S. Court of Appeals for Veterans Claims and Congress take a series of procedural steps to seek more efficient and effective resolution of veterans’ disability claims. 03M102
Veterans' Treatment Courts. (1) Supports the development of comprehensive, systemic approaches to address the special needs of veterans within civil and criminal court contexts, including but not limited to proceedings involving veterans service-related injuries, disorders, mental health and substance abuse needs, through programs that connect veterans to appropriate housing, treatment and services through partnerships with the local Veterans Affairs Medical Centers, community–based services and housing providers. (2) Urges state, local, and territorial courts to facilitate the development of Veterans Treatment Courts, including but not limited to, specialized court calendars or the expansion of available resources within existing civil and criminal court models focused on treatment-oriented proceedings. (3) Adopts six principles for Veterans Treatment Courts to the extent appropriate and feasible for each jurisdiction. 10M105A

Violent Crime Control Act. Opposes certain provisions of the Biden Thurmond Violent Crime Control Act of 1991 or similar legislation which would give federal prosecutors concurrent jurisdiction with state prosecutors in virtually all crimes where a gun transported in interstate commerce was used in the commission of a homicide or other violent or drug-trafficking crime. 10/91 Ex. Comm. #2

Voir Dire. Propose voir dire amendments to Federal Rules of Civil Procedure. 81M105A

Waiting Rooms for Children. Encourage state, local and territorial governing bodies and court systems, in conjunction with bar associations, to support and assist in the organization and implementation of waiting rooms for children in every appropriate courthouse. 96A112

Witness Fees Under Federal Fee-Shifting Status. Recommend enactment of legislation to allow a prevailing party in a case covered by a federal fee-shifting statute to recover the costs of reasonable expert witness fees. 90A109B

Youth Courts. Encourage legislatures, court systems and bar associations to support and assist in the formation and expansion of diversionary programs, known as Youth Courts, where juvenile participants, under supervision of volunteer attorneys and advisory staff, act as judges, jurors, clerks, bailiffs, and counsel for first time juvenile offenders who are charged with misdemeanors and consent to the program. 95A116A

Urges federal, state, territorial, tribal and local governments to create and provide appropriate support for Youth or Teen Courts that will divert youth from the formal consequences of juvenile court petitions, proceedings, adjudications or juvenile justice sanctions. 11M107B

Supports the development of integrated, systemic approaches within administrative, civil and criminal court contexts to address the special needs of youth and young adults experiencing homelessness. 18M113

CRIMINAL JUSTICE STANDARDS

The following standards have been approved.

Appellate Review of Sentences. Black letter amendments adopted. 93M108A

Collateral Sanctions and Discretionary Disqualification. Adopts the black letter ABA Criminal Justice Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons, dated August 2003, as an addition to the Third Edition American Bar Association Standards, which addresses issues related to legal disabilities that flow from a criminal conviction over and above the sentence imposed by the court. 03A101A

Defense Function. 71M13.1; amended 2/79, 2/91

Discovery and Procedure Before Trial. Black letter amendments adopted. 94A101A
DNA Evidence. Adopt black letter standards on DNA evidence, dated August 2006, which address the collection, preservation and use of DNA evidence; testing of DNA evidence; pre-trial proceedings; trial; post-conviction; charging by DNA profile; and DNA databases. 06A107

Dual Jurisdiction Youth. Adopts the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017, to address the unique situations for juveniles caught in two court systems at the same time and to provide guidance regarding best practices in these situations. 17A112A

Electronic Surveillance. 71M13.II; 01M103A

Adopt black letter standards on technologically assisted physical surveillance dated August 1998. 98A112A

Adopt revisions to the Second Edition of the ABA Criminal Justice Standards on Electronic Surveillance, which expand the scope of the Standards so that they apply to aural communications and non-aural electronic communications, and which result in the Third Edition of the Standards that supercedes the two previous editions of Standards on aural communications. The Third Edition encompasses the revised standards as well as the standards on technologically assisted physical surveillance adopted in August 1998. 01M103A

Fair Trial and Public Discourse. Adopts the black letter of the ABA Criminal Justice Standards on Fair Trial and Public Discourse, dated August 2013, to supplant the ABA Criminal Justice Standards on Fair Trial and Free Press. 13A113F

Federal Student Aid. Urges Congress to enact legislation to repeal the restrictions on federal student aid eligibility contained in the Higher Education Act, 20 U.S.C. § 1091(r), which affects eligibility for federal student aid based on certain drug convictions. 17M100

Forensic Evidence or Testimony. Urges legislatures to enact legislation creating a substantive right and procedures for individuals to challenge their convictions by demonstrating that forensic evidence or testimony used to obtain their conviction has subsequently been undermined or discredited. 18M108B

Function of the Trial Judge. 72A12.1

Adopt black letter amendments to address the basic duties and role of the trial judge. 99M116B

Mental Health Standards. 84A400, amended 2/87BOG-Exhibit 2.7, 87A114C; 88A111C

Adopts the black letter of the ABA Standards for Criminal Justice: Criminal Justice Mental Health Standards, chapter seven of the ABA Standards for Criminal Justice, dated August 2016, to supplant the Third Edition (August 1984) of the ABA Criminal Justice Mental Health Standards. 16A107

Monitor. Adopts the black letter of the ABA Standards for Criminal Justice: Monitors, dated August 2015, which outline best practices for the appointment and retention of monitors. 15A108A

Pretrial Release. 79M109.2, 85A113

Adopts Third Edition, ABA Criminal Justice Standards on Pretrial Release, dated February 2002, which address the issue of when and under what specific conditions defendants should be released or detained prior to trial. 02M101A

Prosecution Function. Black letter amendments adopted, as amended 92M101A


Prosecutorial Investigations. Adopts the black letter *ABA Criminal Justice Standards on Prosecutorial Investigations*, dated February 2008 to supplement the *ABA Criminal Justice Standards on the Prosecution Function*. 08M105D

Providing Defense Services. 90A101B

Sentencing Alternatives and Procedures. Black letter amendments adopted. 93M108A

Speedy Trial. Adopts the Speedy Trial and Timely Resolution of Criminal Cases, dated August 2004, to supplant the Second Edition, Criminal Justice Standards on Speedy Trial, which addresses the defendant’s right to a speedy trial, the public’s interest in timely resolution of criminal cases and organization of justice system resources to improve criminal caseflow. 04A111G

Third Party Records. Adopts the black letter *ABA Criminal Justice Standards on Law Enforcement Access to Third Party Records*, dated February 2012, which relate to law enforcement investigatory access to, and storage and disclosure of, records maintained by institutional third parties, and also provide a framework through which legislatures, courts acting in their supervisory capacity, and administrative agencies can balance the needs of law enforcement and the interests of privacy, freedom of expression, and social participation. 12M101A

Treatment of Prisoners. Black letter dated February 2010 adopted to supplant Criminal Justice Standards on the Legal Status of Prisoners. 10M102I


Unsworn Declarations Act. Approves the Uniform Unsworn Domestic Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117E

Unsworn Domestic Declarations Act. Approves the Uniform Unsworn Domestic Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117E

Urban Police Function. 73M120; amended 79M109.2

**CRIMINAL LAW PROCEDURE**

(For additional policy positions, see the ABA Criminal Justice Standards and Juvenile Justice Standards.)

Abused Children. Encourage attorneys and state and local bar organizations to work more actively to improve the handling of cases involving abused and neglected children as well as children in foster care. 81A109A

Administrative Summons by FBI. Recommend that the Congress of the United States not enact legislation granting the Federal Bureau of Investigation the unrestricted authority to issue administrative summonses in criminal investigations. Recommend that prior to consideration of any legislation granting the Federal Bureau of Investigation authority to issue administrative summonses, full hearings be held by the appropriate committees of the House and the Senate. 91M104E
AIDS. Support certain specified recommendations recognizing the special problems which the criminal justice system faces in dealing with issues related to the Human Immunodeficiency Virus (HIV) epidemic. 89M109A

Alternate Dispositions. Urge all states to establish by legislation, court rule or other appropriate means procedures for the diversion of eligible defendants from the criminal justice process to alternate dispositions as long as the vital function of prosecutorial discretion is preserved; society is accorded protection through the criminal justice system; adequate safeguards for the participants' legal rights exist; and such programs are adequately funded, managed and evaluated. 76A121.1

Animals That Have Been Seized. Urges federal, state, territorial and local legislative bodies and governmental agencies to enact laws and implement policies to ensure the humane treatment and disposition of seized animals in a timely manner. 11M108B.

Urges legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management. 17A102B

Anti-Drug Abuse Amendments Act. Recommend that Congress reconsider section 6486 of the Anti-Drug Abuse Amendments Act of 1988, which provides for civil penalties for personal-use possession of controlled substances, and that if Congress wishes to retain civil penalties for such possession, it revise those provisions of 6486 that pertain to the standards of proof in judicial proceedings involving such penalties and consider certain additional revisions. 90M101B

Arrest and Conviction-Effect on Custodial and Parental Rights. Urges bar 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 urges Congress to eliminate restrictions that prohibit recipients of Legal Services Corporation funds from providing legal assistance to prisoners on family law issues. 10M102F

Arrest Disposition Data. Encourage legislation to mandate the reporting of final arrest disposition data applicable to each arrest to the central file at the state or national level to which an arrest fingerprint record was submitted. 73M107.2

Assault Weapons. Support laws prohibiting the purchase, importation, domestic sale, transfer or possession of assault weapon firearms by private citizens and suggesting certain characteristics to be included among the elements used by the laws to define assault weapons. 6/89BOG Exhibit 2.1

Support federal territorial and state legislation, which would restrict the sale and possession of assault weapons to the military and law enforcement organizations. Urge state, territorial and local bar associations, and all of their respective members to join with the ABA in the effort to pass such legislation. 93A101

Asset Forfeiture Policy. Policy that urges federal, state, local and territorial courts to provide a pretrial adversarial hearing where a criminal defendant can challenge the evidentiary support, and underlying probable cause for a restraining order that freezes assets needed to retain counsel of their choice. 6/13BOG2.12

Attorney General. Support restrictions on appointment of person to be Attorney General who played leading partisan role in President's political campaign. 76M117

Bail on Appeal. When an appeal has been instituted by a convicted defendant after a sentence of imprisonment has been imposed, the question of the appellant's custody pending final decision on appeal should be reviewed and a fresh determination made by the trial court. The burden of seeking a stay of execution and release should be placed on the appellant. Release should not be granted by the court unless the appellant establishes by clear and convincing evidence that appellant will not appear to answer the judgment following conclusion of the
appellate proceedings or is likely to commit a serious crime, intimidate witnesses or otherwise interfere with
the administration of justice. 84M106

**Bail Reform Act.** Support numerous improvements in pretrial procedures such as are contained in the Act.
72M34.2

**Bonds.** Urges governments to adopt policies and procedures that favor release on personal recognizance bonds
or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such
financial conditions and no other conditions will assure appearance, and that pretrial detention should never
occur due solely to an inability to pay. 17A112C

Urges governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective
criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of
release. 17A112D

**Biological Evidence.** Urge jurisdictions to adhere to four specified principles concerning Biological Evidence
collected in conjunction with the investigation of a criminal case. 00A115

**Capital Punishment.** Oppose in principle the imposition of capital punishment upon any person for any offense
committed while under the age of 18. 83A117A

Urges that no person with mental retardation, as now defined by the American Association on Mental
Retardation, should be sentenced to death or executed. Support enactment of legislation barring the execution
of defendants with mental retardation. 89M110

Urges jurisdictions that impose capital punishment not to carry out the death penalty until the jurisdiction
implements policies and procedures that are consistent with four longstanding Association policies intended to
(1) ensure that death penalty cases are administered fairly and impartially, in accordance with due process; and
(2) minimize the risk that innocent persons may be executed, with the understanding that, apart from existing
policies relating to offenders who are mentally retarded or under the age of 19 at the time of the commission of
the offenses, the Association takes no position on the death penalty. 97M107

Without taking a position supporting or opposing the death penalty, urges each jurisdiction that imposes capital
punishment to implement specific policies and procedures as it relates to mental illness. 06A122A

**Center for Indigent Defense Services.** Urges Congress to establish an independent federally funded Center
for Indigent Defense Services for the purpose of assisting state, local, tribal and territorial governments in
carrying out their Constitutional obligation to provide effective assistance of counsel for the defense of the
indigent accused in criminal, juvenile, and civil commitment proceedings, and to appropriate sufficient funds
for the Center to successfully carry out its mission. 13M104A

**Chief Public Defender/Acceptance of Clients.** Urges state, territorial and tribal governments to enact
legislation to prohibit the retaliatory discharge of a Chief Public Defender or other head of an indigent defense
services provider because of his or her good faith effort to control acceptance of more clients than the office
can competently and diligently represent, in accordance with their ethical obligations. 13M104C

**Child Pornography Offenses.** Urges the U. S. Sentencing Commission to complete a comprehensive
assessment of the guidelines for child pornography offenses, taking into account the severity of each offense
and factors pertaining to the current nature of these offenses, offenders, victims, and the role of technology in
these offenses. 11A105A

**Child Sexual Abuse Criminal Statutes of Limitations.** Urges federal, state, territorial, and tribal governments
to review child sexual abuse criminal statutes of limitations to determine, despite problems such as faded
memory and deterioration of evidence, whether special factors including the age of the victim, inability to
report, and abuse of trust, warrant extending the statute of limitations applicable to said crimes. 12A107A
**Child Victims of Criminal Conduct.** Urges federal, state, tribal, local and territorial governments to ensure that child victims of criminal conduct have prompt access to legal advice and counsel and to specialized services and protections such as those provided by child advocacy centers approved and accredited by the National Children’s Alliance. 09M101D

Urges federal, state, local, territorial and tribal legislatures to amend existing laws or enact new laws to clearly define child torture and make child torture a felony offense regardless of whether a serious physical injury occurs, and to promote training, for all court and medical personnel in these cases, on emerging evidence-based and effective practices to improve government responsiveness to severe maltreatment of children that does not inflict serious bodily injury. 19M109D

**Child Witnesses.** Adopt Guidelines for the Fair Treatment of Child Witnesses in Cases Where Child Abuse Is Alleged. 85A108C

**Children’s Exposure to Violence.** Urges implementation of the December 2012 report of the U.S. Attorney General’s National Task Force on Children’s Exposure to Violence, entitled *Defending Childhood*, and urges governments and courts to implement promptly the Report’s recommendations which call for trauma-informed approaches and practices in regard to justice system-involved children and youth who have been exposed to violence. 13A111B

**Civil and Criminal Forfeiture.** Urge the United States Department of Justice and state and local prosecutor agencies to promulgate guidelines to govern the use of civil or criminal forfeiture. Resolve that these internal guidelines should contain provisions that require consideration of and protections for the interests of innocent third parties that may be affected directly or indirectly by forfeiture or asset-freezing orders. Urge implementation of a procedure for appropriate internal agency review of forfeiture charges and asset-freeze orders to ensure compliance with applicable guidelines, the appropriate use of forfeiture provisions, and the protection of innocent third-party interests. 91M104A

**Community Supervision Programs.** Encourages jurisdictions, with prosecutors and others, to develop community supervision programs that allow all but the most serious offenders to avoid incarceration and a conviction record. 07M103A

**Comprehensive Crime Control Act.** Disapprove of the use of forfeiture provisions of the Comprehensive Crime Control Act of 1984 directed to attorneys actively representing defendants in such criminal cases. 85A108A

**Consensual Noncommercial Sexual Conduct.** Urges legislatures to review all statutes criminalizing consensual noncommercial sexual conduct, in private and between persons who have the legal capacity to consent, and, to repeal or amend such statutes to criminalize only sexual acts that are nonconsensual, commercial, public, or that involve individuals who lack the legal capacity to consent. 16M102

**Consequences of Conviction.** Urges jurisdictions to assist defenders in advising their clients of collateral consequences of conviction, and to provide funds to public defender and legal aid offices to enable them to assist offenders in removing or neutralizing those collateral consequences. 07M103E

**Correctional Accrediting Entities.** Adopts the *Key Requirements for the Certification of Correctional Accrediting Entities*, dated August 2011, and urges governments to require that public and private facilities in which adults or juveniles are contained for violations or alleged violations of criminal, juvenile, or immigration laws be accredited by one or more federally-certified accrediting entities. 11A105B
Costs of Counsel in Criminal Cases. Adopts the black letter ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases, dated August 2004, and urges compliance with these guidelines to ensure satisfactory procedural safeguards when accused persons are ordered to make a payment for representation furnished to them at government expense. 04A110

Counsel in Death Cases. Urge the U.S. Supreme Court to adopt a rule providing for appointment of counsel to pursue postconviction remedies in death penalty cases, and recommend that the Criminal Justice Act be amended to provide for adequate compensation to counsel in such cases. 79M102.3

Urge implementation of certain measures in the litigation of death penalty cases, including the provision of competent and adequately compensated counsel, and commend to Congress sample legislation as a way to implement the recommendations. 90M115E

Recommend adoption of Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases, subject to such exceptions as may be appropriate in the military, by entities providing counsel in death penalty cases. 89M122; revised 03M107

Urge Congress to amend 28 U.S.C. §2254(d) to require a federal district court to review de novo, based on the record made in the federal court, claims of ineffective assistance of counsel by petitioners under sentence of death. 12A107D

Crime Laboratories/Medical Examiner Offices. Recommends the accreditation of crime laboratories and medical examiner offices, the certification of examiners, and the standardization and publication of lab procedures and urges adequate funding for crime labs and medical examiner offices for improving scientific and expert testimony in criminal cases. 04A111B

Crime Victims. Support legislation to compensate victims of federal crimes and authorize payment to states to carry out the program. 67A91.2; 74M131

Support legislation to amend the Victims of Crime Act of 1984 (1) to recognize that victims of crimes committed under the Uniform Code of Military Justice are entitled to receive the benefits intended to compensate other victims under the Act; (2) to make compensation available to nonworking spouses and children who are victims under the Act; and (3) to expand the geographic applicability of the Act to include U.S. citizens and their family members who may be outside the United States and who may become victims of crimes committed under the Uniform Code of Military Justice. 93M107B

Continue to support protection for victims’ rights and adoption of further statutory measures to protect these rights, and urge federal, state and territorial legislatures considering measures to recognize victims’ rights in the criminal justice system to do so consistent with 7 specified principles. Urge that, in considering provisions to protect crime victims’ rights, consideration be given to certain Association policies. 97A100A

Urge trial judges to encourage processes which inform and educate victims of crimes about programs, procedures and restitution, while observing the legal rights of criminal defendants and assuring impartiality to all who appear before them, including the use of videos, brochures and educational materials, presented to victims by law enforcement officials, at an early stage of the criminal proceeding. 98M104B

Crimes of Violence. Condemn crimes of violence including those based on bias or prejudice against the victim's race, religion, sexual orientation or minority status, and urge vigorous efforts by federal, state and local officials to prosecute the perpetrators and to focus public attention on the problem. 87A110A

Criminal, Civil and Non-Legal Problems of Clients (Relationship of). Urges defender organizations, and criminal defense lawyers to: (1) establish and facilitate criminal defense lawyers’ linkages and collaborations with civil practitioners, civil legal services organizations, social service program providers and other non lawyer professionals who can serve, or assist in serving, clients in criminal cases with civil legal and non-legal problems related to their criminal cases, including the hiring of such professionals as experts, or where
infrastructure allows, as staff; (2) authorize and encourage criminal defense lawyers to provide re-entry and reintegration services to clients in criminal cases including expungement, reestablishment of rights and certificates of reliefs of civil disabilities; and (3) create and implement training programs, tools and resources for criminal defense lawyers and their staff regarding how best to serve clients with civil legal and non-legal problems related to their criminal cases. Further, urges governments, foundations, and other funders of legal services to support, with increased funding, defenders in their efforts to effectively address clients’ inter-related criminal, civil and non-legal problems. 12A107C

Criminal Code. Support rectification of all federal criminal laws and favor numerous specific amendments to and deletions from such code. 73M107.5; 75A101

Criminal History Records Act. Provides fundamental law to govern criminal history records information, such as the responsibilities of the collecting agency, its rulemaking powers, what it collects and who may have access to the information once it is collected. 87M116A

Criminal Justice Act. Urge Congress to increase, or to provide a mechanism for administratively increasing, the per-hour and maximum total of compensation authorized under the Criminal Justice Act of 1964 so that attorneys receive reasonable compensation in accordance with prevailing standards. 82M120

Urge Congress to fully fund the Criminal Justice Act with sufficient monies to increase the compensation for panel attorneys appointed under the CJA to represent indigent defendants to a flat rate of $113.00 per hour, plus annual federal pay adjustments. 4/01BOG2.2

Criminal Justice Information. Support legislation to restrict unauthorized and harmful dissemination of criminal justice data identifiable to a person. 76M117

Criminal Justice National Study. Supports the enactment of legislation such as S. 714 (111th Congress) which would provide for a national study of the state of criminal justice in the United States to consider ways to reduce crime, lower incarceration rates, save taxpayer money, enhance the fairness and accuracy of criminal justice outcomes and increase public confidence in the administration of the criminal justice system. 09A111B

Criminal Justice Planning Groups. Urge members, state and local bar associations and affiliated groups to become active participants in their state and local criminal justice planning groups, and to consider the ABA Standards for Criminal Justice, other ABA standards and codes, and the National Advisory Commission Standards and Goals in developing their own thorough comprehensive criminal justice planning. Encourage maximum citizen participation in criminal justice planning consistent with the ABA’s traditional role of leadership in light of LEAA’s expressed policy of encouraging lay participation. 75M106

Cross-Racial Eyewitness Identification Jury Instruction. Urges federal, state, local and territorial jurisdictions to (1) recognize that in particular cases cross-racial identification may increase the risk of erroneous conviction and (2) seek to assure that, in cases where the trial judge finds a sufficient risk of misidentification based on cross-racial factors, expert testimony that satisfies the applicable rules of evidence is admissible, adequate funding is available to enable both the government and indigent defendants to obtain such testimony, and trial judges have available model jury instructions that inform juries of all of the factors that may enhance or detract from the reliability of an eyewitness identification, one of which may be the cross-racial nature of the identification. 08A104D

Cybersecurity. Condemns unauthorized, illegal governmental organizational and individual intrusions into the computer systems and networks of lawyers and law firms and urges governmental bodies to examine, and if necessary, amend or supplement, existing laws to promote deterrence and provide appropriate sanctions. 13A118
Encourages private and public sector organizations to develop, implement, and maintain an appropriate cybersecurity program that complies with applicable ethical and legal obligations. 14A109

**Dangerous and Wild Animals.** Urges legislative bodies and governmental agencies to enact comprehensive laws that prohibit the private possession, sale, breeding, import, or transfer of dangerous wild animals, in order to protect public safety and health, and to ensure the humane treatment and welfare of such animals. 15M105

**Death Penalty Cases.** Recommend that when attorneys are appointed to represent defendants in the trial of death penalty cases, two attorneys shall be appointed as trial counsel to represent the defendant, and the primary attorney shall have substantial trial experience which includes the trial of serious felony cases. 85M109

Support full utilization of certain provisions pertaining to representation in federal *habeas corpus* death penalty proceedings and acknowledge the efforts of the federal judges to implement them. Urge federal district and circuit courts to adopt and federal circuit judicial councils to approve (1) a plan for providing representation in federal *habeas corpus* death penalty proceedings in accordance with certain procedures, and (2) certain amendments to its Criminal Justice Act plan. Urge the federal courts to consult extensively with appropriate state criminal justice leaders in developing and carrying out such implementation plans. 88M125

Urges jurisdictions where capital punishment is permitted to adopt a statue or rule providing an appropriate judicial procedure whereby successors or a legal entity on behalf of an executed individual, may bring and litigate a claim that the individual executed was in fact innocent of the capital offense. 14A110A

Recommend adoption of Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases, subject to such exceptions as may be appropriate in the military, by entities providing counsel in death penalty cases. 89M122

Urge implementation of certain measures in the litigation of death penalty cases, including the provision of competent and adequately compensated counsel, and commend to Congress sample legislation as a way to implement the recommendations. 90M115

**Death Penalty Legislation and Native Americans.** Without taking a position on the enactment of general federal death penalty legislation, support in principle legislative measures, which would prevent or minimize any disproportionate effects of general federal death penalty legislation on Native Americans subject to federal jurisdiction. 91A117B

**Death Sentence.** The Association has no position with regard to the death sentence, except in relation to juveniles (see Capital Punishment above). The Standards Relating to Sentencing Alternatives and Procedures do not deal with whether the death penalty should be an available sentencing alternative. 10/71BOG; 72M

**Department of Justice Attorneys.** Urges the President and the Attorney General to assure that lawyers in the Department of Justice do not make decisions concerning investigations or proceedings based upon partisan political interests and do not perceive that they will be rewarded for, or punished for not, making a decision based upon partisan political interests. 10M102G

**Deportation/Removal of Non-Citizen Based Upon Conviction of a Crime.** Urges Congress to restore authority to state and federal sentencing courts to waive a non-citizen's deportation or removal based upon a conviction of a crime, by making a judicial recommendation against deportation upon a finding at sentencing that removal is unwarranted in the particular case or, alternatively, to give such waiver authority to an administrative court or agency. Urges federal immigration authorities to avoid interpretations of the immigration laws that extend the reach of the aggravated felony mandatory deportation ground. Urges states, territories and the federal government to expand the use of the pardon power to provide relief to non-citizens otherwise subject to deportation or removal on grounds related to conviction, where the circumstances of the particular case warrant it. 06M300
Detention Cases (Review of). Urges the President and the United States Department of Defense to assure that there is an opportunity for public notice and comment with respect to the issuance of rules for the periodic review of continued law of war detention cases required by the President's Executive Order No. 13567, 76 Fed. Reg. 13277 (2011). 11A105E

Disclosure Obligations Prior to Criminal Trial. Urges 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, involving felony or serious misdemeanor charges, a conference with the parties to ensure that they are fully aware of their respective disclosure obligations under applicable discovery rules, statutes, ethical standards and the federal and state constitutions and to offer the court's assistance in resolving disputes over disclosure obligations. 10M102D

Urges federal, state, territorial, tribal, and local courts (1) to adopt a procedure whereby a criminal trial court shall, at a reasonable time prior to a criminal trial, disseminate to the prosecution and defense a written checklist delineating in detail the general disclosure obligations of the prosecution under Brady v. Maryland, 373 U.S. 83 (1963), its progeny and applicable ethical standards, and (2) in implementing the above procedure to require a criminal trial court to create a standing committee of local prosecutors and criminal defense attorneys to assist the court in formulating and updating the written checklist delineating in detail the prosecution's general disclosure obligations. Further, any omissions or deficiencies in the written checklist provided by the court should not relieve either the prosecutor or defense counsel of their legal and ethical responsibilities with respect to providing or seeking disclosures. 11M104A

Urges governments to adopt disclosure rules in courts requiring the prosecution to obtain from its agents and to make timely disclosure to the defense before the commencement of trial or a guilty plea all information known to the prosecution that tends to negate the guilt of the accused, mitigate the offense charged or sentence, or impeach the prosecution's witnesses or evidence, except when relieved of this responsibility by a protective order. 11A105D

Domestic Violence Victims and Incarceration. Recommends that victims of domestic violence be included in the group of individuals targeted by programs that encourage and train lawyers to assist persons in applying for pardon, restoration of legal rights and privileges, relief from other collateral sanctions and reduction of sentence. 07M102A

Domestic Violence/Sexual Assault/Stalking-Protection Orders. Adopts the black letter Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases, including the preface, dated August 2007. 07A109

Drug Offense Sentencing. Endorse in principle the U.S. Sentencing Commission proposal transmitted to Congress to amend the federal sentencing guidelines and manual to eliminate current differences in sentences based upon drug quantity for offenses involving crack versus powder cocaine, and assign greater weight in drug offense sentencing to other factors that may be involved in the offense, such as weapons use, violence, or injury to another person. 95A129

Urges the Department of Justice to restore prosecutorial discretion in choosing the charges s/he wishes to pursue and reserve mandatory minimum sentencing to only the most serious drug traffickers and prohibit its use to secure plea agreements. 218M108C
Economic Crimes. Urges the U.S. Sentencing Commission to assess current federal policy regarding sentences for economic crimes and, based on that assessment, to reconsider its approach to ensure that the guidelines are proportional to offense severity by (1) reducing emphasis on monetary loss and combinations of multiple specific offense characteristics that, in combination, tend to overstate the seriousness of the offense, and (2) placing greater emphasis on factors such as mens rea and motive in relation to an offense, the defendant's role in the offense, whether the defendant received monetary gain, and the nature of the harm suffered by victims. 11M104C

Elder Abuse. Urges federal, state, local, tribal and territorial governments and their prosecutors to vigorously prosecute cases of elder abuse, neglect and financial exploitation by the creation of special elder abuse units within the prosecutor’s office or by the designation of a specially trained prosecutor to handle elder abuse cases. 08M105A

Electronic Monitoring/Home Detention. Urges federal, state, local and territorial governments to use electronic monitoring and home detention at government expense for juvenile offenders who are legally subject to secure detention but whose risk of flight or further offending does not necessitate secure pre-trial detention or incarceration. 11M104D

Electronically Monitored Home Confinement. Approve principles for the use of electronically monitored home confinement as a criminal sanction. 88A111A

Employment of People with Convictions. Urges state agencies and licensing boards to develop and enforce policy on the employment of people with convictions, including the contractors and vendors who do business with the state. 07M103C

Enemy Combatants. Urges that U.S. citizens and residents who are detained within the United States based on their designation as enemy combatants (1) be afforded the opportunity for meaningful judicial review of their status, and (2) not be denied access to counsel in connection with the opportunity for such review. Further, urges that Congress, in coordination with the Executive Branch, establish clear standards and procedures governing the designation and treatment of enemy combatants and consider how national policy set by the United States may affect the response of other nations to future acts of terrorism. 03M109

Consistent with the United States' Supreme Court's June 2008 decision in Boumediene v. Bush, urges that the procedural framework for pending habeas cases brought by detainees should be determined by the District Court rather than by Congress, consistent with Federal statutory habeas criminal law principles, where applicable, and the Uniform Code of Military Justice, appropriate to the facts and circumstances of that petitioners' case. 09M10A

Evidence in Sexual Assault. Oppose Rules 413, 414, and 415 of the Federal Rules of Evidence (concerning the admission of evidence in sexual assault and child molestation cases) as enacted by the Violent Crime Control and Law Enforcement Act of 1994. 95M107A

Exclusionary Rule. Support retention in its current form of the exclusionary rule and oppose legislation that would restrict the application of the rule. 73M107.4

Expunge Criminal Justice Records. Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction. 17A112F

Urges governments to enact laws allowing for the expungement of convictions or other statutory or ordinance violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness. 17A112G

Urges federal, state, local, territorial and tribal legislatures to define criminal arrests, charges and dispositions that are eligible for expungement or removal from public view by sealing, and set out procedures for individuals to apply for the same. 19M109B
**Expert Testimony.** Urges judges and lawyers to consider a number of factors in determining the manner in which expert testimony should be presented to a jury and in instructing the jury in its evaluation of expert scientific testimony in criminal and delinquency proceedings. 12M101C

**Extradition.** Support the Uniform Extradition and Rendition Act promulgated in 1980 by NCCUSL. 81M106B

Recommends that federal, state and domestic territorial authorities dealing with the rendition of individuals from foreign territories, by extradition or otherwise, shall fully respect international law. 93M110

**Extrinsic Evidence.** Urge amendment of Rule 404(b) of the Federal Rules of Evidence and similar state rules which govern the purposes for which extrinsic evidence of crimes, wrongs or acts may be admitted, with respect to (1) questions of preliminary fact regarding the admissibility of evidence of the extrinsic act; and (2) the existence of any preliminary fact required as a precondition to the admission of evidence of the extrinsic act. 89M109B

**Eyewitness Testimony.** Adopts the statement of Best Practices for Promoting the Accuracy of Eyewitness Identification Procedures, dated August 2004, and recommends that police and prosecutors develop guidelines for improving the accuracy of lineups and photospreads. 0A111C

**Failure to Report Abuse.** Urges governments to review their mandatory reporting laws for instances of child abuse or neglect to determine what changes, if any, are appropriate to better protect children and to provide appropriate sanctions for failure to report abuse and neglect. 13A113C

**FBI Director.** Support enactment of legislation providing for a definite term of office for the director of the FBI. 76M117IIIB

**FBI Jurisdiction.** Support legislation carefully defining the responsibilities of the FBI. 76M117III.A

**Federal Asset Forfeiture Laws.** Urge that federal asset forfeiture laws be amended to comply with the Statement of Principles on the Revision of the Federal Asset Forfeiture Laws, dated November 11, 1995. 96M113A

**Federal Financial Assistance.** Support legislation to provide federal financial assistance to states and localities to help their crime-fighting efforts. 79M102.4

**Federal Rules of Criminal Procedure.** Urge Congress to retain Rule 35(b) of the Federal Rules of Criminal Procedure to allow a criminal defendant to move and a federal judge to consider a possible reduction of a sentence. 87M110C

Urge amendment of (1) Rule 16 with respect to furnishing of evidence which tends to exculpate the defendant of the crimes charged in the indictment or tends to mitigate the defendant's sentence; and (2) Rule 17 with respect to materials required to be produced. 92M101E

Support amendment of the Federal Rules of Criminal Procedure to embody the principle that a summons should issue upon indictment, unless good cause is shown at an *ex parte* proceeding for the issuance of a warrant. 95M107B

Opposes any amendment to the Federal Rules of Criminal Procedure that would eliminate the authority of federal district judges to enter final judgments of acquittal during trial and that would require the accused to waive his or her Fifth Amendment Double Jeopardy rights as a condition of seeking a judgment of acquittal during trial. 07M301
Urges that Rule 32 of the Federal Rules of Criminal Procedure be amended to require that information received by a probation officer from parties and non-parties be made available to ensure that both the government and the defense have an opportunity to review information to be considered by the sentencing court in determining the appropriate punishment. 08A104A

**Federal Rules of Evidence.** Encourages federal agencies to examine whether rules of evidence patterned after the Federal Rules of Evidence should be utilized in certain adjudications. Recommends that agencies consider the adoption of evidentiary regulations that clearly confer on presiding officers discretion to exclude unreliable or cumulative evidence and to use a weighted balancing test to the extent that agency regulations do not already so provide. 92M124

**Federalization of Crimes.** Oppose the trend toward greater federalization of state, local and territorial crime and urge Congress to take into account when considering the creation of new federal crimes certain principles derived from the 1998 Report of the Task Force on Federalization of Criminal Law. Urge Congress to respond effectively to constituent concerns about public safety by taking constructive steps that aid law enforcement, but not create new federal crimes which duplicate state crimes merely because the conduct at issue is deemed important. 99A113A

**Firearms Industry Immunity.** Oppose federal, state or territorial legislation to create special legal immunity for the firearms industry from civil tort liability. 01A10B

**Forensic Science.** Urges state, local and territorial legislatures and regulatory bodies to refrain from requiring private investigator licenses for persons engaged in computer or digital forensic work, including expert testimony; and supporting the development of certification and competency requirements for such forensic activities. 08A301

Urges federal, state, local, tribal and territorial governments to provide sufficient funding and resources necessary to facilitate basic and applied scientific research to improve and/or further develop forensic science disciplines, especially where the scientific validation or the limits of specificity are unclear or in doubt. 10A100D

Urges the federal government to provide funding and resources sufficient to facilitate the examination of existing standards, accreditation and certification for government and private laboratories, examiners/analysts in government and private laboratories, and identified forensic science service providers who offer examination conclusions and/or interpretations of forensic laboratory results. 10A100E

Urges the federal government to provide the funds, resources and other support necessary to effectively integrate the forensic science community into the nation's system of homeland security. 10A100F

Urges federal, state, and territorial governments to provide funding and enact legislation necessary to support requiring that all offices charged with conducting medico-legal death investigations meet mandatory accreditation, certification or professional practice standards within a reasonable time frame. 10A100G *(See also: Crime Laboratories/Medical Examiner Offices.)*

Urges Congress to enact legislation and authorize and appropriate funds necessary to achieve nationwide interoperability of the Automated Fingerprint Identification System. 10A100H

Urges federal, state, local and territorial governments, legislative bodies and courts to provide the funds and other resources necessary to assure that in criminal cases an accused (1) is able to obtain testing or re-testing of evidence, when feasible, by qualified experts, and (2) is provided expert testimonial or other assistance when necessary to assure a fair trial or sentencing proceeding. 10A100I

Urges governments to adopt pretrial discovery procedures requiring laboratories to produce comprehensive and comprehensible laboratory and forensic science reports for use in criminal trials that include a number of identified criteria. 12M101B
Urges judges and lawyers to consider potential jurors’ understanding of general scientific principles, scientific principles relevant to forensic science, and preconceptions or bias with respect to forensic scientific principles in formulating jury *voir dire* questions. 12M101D

**Forfeiture Provisions.** Disapprove the use of statutory forfeiture provisions in pretrial and other orders to prevent a defendant in a criminal case from paying counsel of choice or paying other expenses incident to presenting an effective defense absent reasonable grounds. 86A125A

**Full Faith and Credit.** Support efforts to implement the full faith and credit mandate of the Violence Against Women Act of 1994 which directs states and territories to enforce civil and criminal protection orders issued by foreign states, territorial and tribal courts as if the orders had been issued by the enforcing court. Urge full funding of efforts to implement the full faith and credit mandate including (1) development of interstate and intrastate computer registries of protection orders; (2) trainings to educate community members who come in contact with victims and perpetrators of domestic violence about the mandate and the enforceability of protection orders issued by foreign states; and (3) development of protocols which would remove barriers to the enforcement of foreign protection orders and would prioritize victim safety. 96A100

Approves the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act, promulgated in 2000 and amended in 2002, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act, as promulgated in 2000, addresses the interstate enforcement of protection orders arising in a domestic-violence or family-violence context. In 2002, the Act was substantively amended to also cover orders arising under an issuing state’s anti-stalking laws. The Act as amended is designed to make implementation of the full faith and credit mandates of these orders more feasible. 03M113E

**Gambling.** Approve the model antigambling act drafted by the ABA Commission on Organized Crime and subsequently submitted to and approved by the National Conference of Commissioners on Uniform State Laws. Emphasis of the Act is an outright prohibition. The Act is designed to strike at the professional gambler with every enforcement device that has proved effective, to strike at the patron of the professional with lesser penalties and to insulate the social gambler from all embarrassment and interference. 52A

**Gay Panic.** Urges governments to take legislative action to curtail the availability and effectiveness of the “gay panic” and “trans panic” defenses, which seek to partially or completely excuse crimes on the grounds that the victim’s sexual orientation or gender identity is to blame for the defendant’s violent reaction. 13A113A

**Government Appeal of Sentences.** Oppose in principle government appeal of sentences on grounds that they are too lenient; oppose inclusion of such a provision in pending legislation to recodify the Federal Criminal Code. 80M119

**Graduated Sanctions.** Urges jurisdictions to develop and implement meaningful graduated sanctions (including brief periods of community detention where appropriate) for violations of probation or parole. 07M103B

**Grand Jury.** Oppose constitutional amendment which would eliminate the requirement of an indictment in criminal cases and support legislation implementing 31 improvements in grand jury proceedings, including the right to counsel. 75A109.3; 77A115; 80A114E; 81M105; 84M108B

**Grand Jury Act.** Approve Model Grand Jury Reform Act of 1982. 82M118C

**Guidelines for Fair Treatment of Crime Victims and Witnesses in the Criminal Justice System.** Adopted 83A117D
Guidelines Governing Restitution to Victims of Criminal Conduct. Approved 88A111B

Gun Control. Support legislation limiting the sale or possession of Saturday night special handguns, and favoring numerous other law changes in such areas as sentencing to effectuate strong federal gun control. 73M107.6; 75A109.1; 83M103

Opposes laws that would authorize teachers, principals or other non-security school personnel to possess a firearm in, or in the vicinity of, a pre-K through grade 12 public, parochial, or private school, and the use of government or public funds to provide firearms training to teachers, principals, or other non-security school personnel, or to purchase firearms for those individuals. 19M106A

Urges federal, state, local, territorial and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent themselves from purchasing firearms. 19M106B

Gun Violence. Remind the public of the Association's long-standing opposition to uncontrolled use and sale of guns and its commitment to public safety. Issues the warning that guns have now become the most visible instrument of violence in what has become a culture of violence of which children and youth have become victims. Reaffirms Association policies adopted in 65A Criminal Justice, 1973, 1975, 1983, and 8/93 BOG Exhibit 4.4 respecting regulation of firearms. Urge legislative bodies to vigorously pursue solutions to the problem of gun violence consistent with existing ABA policy. Instruct the Task Force on Gun Violence to report to the House of Delegates as to policy recommendations further addressing the problem of gun violence. 94M8D

Call upon the ABA and all other concerned institutions to address the myriad of problems which contribute to the culture of violence in society, and develop a national agenda to address these problems. Urge leaders of the legal profession to join and work with counterparts in the medical, teaching, religious, civil, law enforcement and other professions to prevent and reduce gun violence, including certain specified efforts. Support a national approach and a strengthened federal role to reduce gun violence through the regulation of the sale, transfer and possession of firearms, and support legislation to make four specified amendments to the Gun Control Act of 1968. Recognizing the singular role of handguns in the epidemic of gun violence in our society, support enactment of legislation to accomplish certain specified objectives. 94A10E

Support the right of the victims of gun violence to seek private redress, and support legislation to amend the Gun Control Act of 1968 to provide a private cause of action, with concurrent state and federal jurisdiction, for those persons sustaining injury or damage as a result of violation of the Act. Adopt and extend state and territorial laws to provide civil claims for relief for those persons sustaining injury or damage as a result of the violation of state, territorial or municipal laws regulating the use, sale, possession, license, ownership, or control of firearms and ammunition. 96M8

Support a comprehensive approach to address gun violence by young persons at schools that includes preventative school-based peer mediation programs, firearms education programs, support for increased efforts to enforce laws to prevent unauthorized or illegal access to firearms by minors, and enactment of firearm laws that emphasize prevention, adult responsibility, and safety. 98A10E

Urges federal, state, and territorial efforts to implement and enforce the nation’s existing gun laws and specifically calls for more federal prosecutorial and investigative resources to be devoted to enforcement of existing laws dealing with illegal trafficking in firearms, corrupt dealer practices and illegal sales to minors and others. 04A115

Supports federal, state and territorial laws that would restrict the sale, distribution, transfer and possession of .50 caliber sniper weapons except to the United States military, and the National Guard and law enforcement agencies. Urges state and local bar associations, and all their respective members, to join with the ABA in the effort to pass such legislation. 05A10C
Supports the traditional property rights of private employers and other private property owners to exclude from the workplace and other private property, persons in possession of firearms or other weapons and opposing federal, state, territorial and local legislation that abrogates those rights. 07M107

Urges federal, state and territorial governments to enact laws requiring that all newly-manufactured semi-automatic pistols be fitted with microstamping technology which would ensure that when a firearm is fired, an alphanumeric and/or geometric code would be stamped on the cartridge casing by way of the firing pin, breech face or other internal surfaces of the firearm, that would enable law enforcement to identify the serial number of the pistol and hence the first known purchaser of a weapon used in a crime. 10A115

(1) Supports federal, state, territorial and local laws that give law enforcement or other appropriate authorities broad discretion, in accordance with specified state standards and subject to judicial review, to determine whether a permit or license to engage in concealed carry should be issued in jurisdictions that allow the carrying of concealed weapons, and opposes laws that limit such discretion by mandating the issuance of a concealed carry permit or license to persons simply because they satisfy minimum prescribed requirements. (2) Opposes federal legislation that would force states to recognize permits or licenses to carry concealed weapons issued in other states. 11A115

Opposes governmental actions and polices that limit the rights of physicians and other health care providers to inquire of their patients whether they possess guns and how they are secured in the home or to counsel their patients about the dangers of guns in the home and safe practices to avoid those dangers. 12A111

Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders. 17A118B

**Gun Violence Restraining Orders.** Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders. 17A118B

**Habeas Corpus.** Oppose legislation to (1) limit state prisoner access to the federal courts by means of petitions for writs of habeas corpus; (2) similarly limit federal petitioners; and (3) support specific procedures to expedite the processing of habeas corpus cases and to provide competent representation at all stages in the process. 82A112D

**Homeless Court Programs.** Supports the development of a comprehensive, systemic approach to addressing the needs of homeless misdemeanor defendants through multidisciplinary strategies that include coordination among the criminal justice, health, social service and education systems, and the community. Urges state, local and territorial courts and bar associations to facilitate the development of homeless court programs as treatment-oriented diversionary proceedings that may result in the dismissal of misdemeanor offenses upon completion of shelter/service agency activities. 03M116

Adopts principles for Homeless Court Programs and approves the criteria for individual participation, recognizing that administration of the programs will differ depending on the particular needs, goals and challenges of a jurisdiction. 06A108A

**Housing and Persons with Criminal Records.** Urges the federal government to request that public housing authorities and other owners of federally subsidized rental housing reevaluate their current rules regarding admission, termination, and additions to household to ensure that, while resident safety is protected, those rules do not unfairly punish persons with criminal records. 12M101E
Identity Theft (Representation of Victims). Urges national, federal, state, tribal, territorial and local bar associations, in cooperation with state and local pro bono, lawyer referral, and legal aid programs, to establish programs to assist or provide legal representation for victims of identity theft who need assistance in recovery from the crime. 08M102B

Immigration Consequences of Criminal Proceedings. Urges federal, state, territorial, tribal and local governments to provide funding to state and federal public defender offices and legal aid programs specifically for the provision of immigration advice about the immigration consequences of criminal proceedings to indigent non-U.S. citizen defendants, and about any available relief from such consequences. 10A100C

Urges federal, state, territorial, tribal, and local courts to ensure that defense counsel for a juvenile in a criminal or juvenile adjudication of delinquency proceeding: (1) inquires and investigates the juvenile defendant’s actual immigration status and informs the client about the immigration penalties and/or consequences that may stem from the case, the varying consequences that may flow from different dispositions of the case, and the availability of any relief from possible consequences; and (2) seeks, when practicable, to minimize adverse immigration consequences, according to the best interests of the client. 13M104E

Urges the Attorney General to rescind the “Zero Tolerance” and “Operation Streamline policies” that mandate the prosecution of all persons alleged to have improperly entered the United States for the first time, a misdemeanor under 8 U.S.C. 1325; end the practice of expedited mass prosecution of immigrants; and allow for an individualized determination in deciding whether to file criminal charges. 19M109A

Immigration Consequences of Past Criminal Convictions. Supports legislation, policies and practices that preserve the categorical approach used to determine the immigration consequences of past criminal convictions, under which the adjudicator relies on the criminal statute and the record of conviction rather than conducting a new factual inquiry into the basis for the conviction. 09A113

Independent Counsel (See also Special Prosecutor). Support creation of mechanism for appointment by attorney general or special court of temporary special prosecutor. 76M117

Support amendments to the special prosecutor provisions of the Ethics in Government Act to accomplish 11 specific goals. 82A112B

Urge adoption of certain amendments to the Independent Counsel provisions of the Ethics in Government Act, including (1) allowing the Attorney General to decline cases involving technical, yet benign, violations of the law, subject to the review of an independent counsel; (2) allowing the Department of Justice the use of subpoenas duces tecum during the preliminary investigation; (3) increasing the time allowed for the initial review of allegations from 15 days to 30 days; (4) imposing certain initial pre-indictment tenure limitations and certain initial pre-indictment budgetary limitations on an independent counsel, subject to certain court authorized extensions of equal terms and/or amounts; and (5) expanding the eligibility for service on the Special Division of the Court and requiring the establishment of rules of procedure and avenues of appellate review relating to actions of the Special Division. 93A101B

Oppose reauthorization of the Independent Counsel provisions of the Ethics in Government Act in any form. Should Congress determine that there is a need for reauthorization of the Act, recommend that the reauthorization adhere to appropriate safeguards in accordance with six principles. 99M116A
**Indigent Defense Programs.** Support congressional legislation mandating the inclusion of state and local indigent defense programs among those eligible for funding under the AntiDrug Abuse Act of 1988 and similar federal laws, and further mandating the inclusion of research, training and technical assistance programs for state and local indigent defense systems in the discretionary grant programs under the Bureau of Justice Assistance and similar agencies. Urge Congress to authorize and appropriate funding to assist state and local governments in implementing the constitutional obligation to provide effective assistance of counsel for indigent defendants in state and local proceedings. Urge state legislatures in those states where funding for indigent defense services is primarily provided at the local level to increase the level of state funding. 91M103

Urge adoption of minimum standards for the creation and operation of its indigent defense delivery systems based on four specified sets of guidelines/standards. Urge encouragement and support of the adoption of minimum standards for the creation and operation of indigent defense systems. Urge that substantial compliance with such minimum standards be required as a condition for receiving funds. 98A115

Adopts or reaffirms the Ten Principles of a Public Defense Delivery System, dated February 2002, (Principles) which constitute the fundamental criteria to be met for a public defense delivery system to deliver effective and efficient, high quality, ethical, conflict-free representation to accused persons who cannot afford to hire an attorney. Recommends that each jurisdiction use the Principles to assess promptly the needs of its public defense delivery system and clearly communicate those needs to policy makers. 02M107

Urge that the following steps be taken to fulfill the constitutional guarantee of effective assistance of counsel under the Sixth Amendment as prescribed in decisions of the United States Supreme Court: (1) Increased funding for indigent defense by state, territorial and local governments; (2) stronger oversight mechanisms; (3) substantial federal financial support to states and territories for the provision of indigent defense services; (4) remedies to avoid work overload of defense counsel; (5) increased judicial scrutiny of ethical duties and lapses by prosecutors and defenders; (6) greater involvement of bar associations in monitoring criminal proceedings; and (7) involvement of community groups and individual citizens in improving the indigent defense system. 05A107

**Inhalant Abuse.** Urge bar associations to join the ABA in developing and encouraging initiatives aimed at preventing inhalant abuse. 95A106

**Insanity Defense.** Support a defense of nonresponsibility for crime focusing solely on whether a defendant, as a result of mental disease or defect, was unable to appreciate the wrongfulness of his or her conduct at the time of the offense charged. Support allocating the burden of proof in insanity cases according to the insanity test employed. Oppose the enactment of guilty but mentally ill statutes. 83M100

**Inspector General.** Support statute to perpetuate an office of professional responsibility, or inspector general, in the Department of Justice. 76M117

**IRS Jurisdiction.** Support legislation to restrict IRS activities by prohibiting intelligence gathering or investigations based on political or ideological considerations unrelated to administering tax laws. 76M117

**Internet and Other Electronic Means to Lure Children.** Urges state, governmental agencies, territorial, tribal and legislative bodies to review their laws on luring, enticing, or intimidating minors for sexual acts to ensure that such laws explicitly address internet and other electronic means of communication. 17M300

**John R. Justice Prosecutors and Defenders Incentive Act.** Urges Congress to ensure that funding for the John R. Justice Prosecutors and Defenders Incentive Act (Section 951 of P.L. 110-315) is expanded beyond its original authorization of $25 million to cover the actual national need. 10M102J

**Justice Kennedy Commission Recommendations.** Urges states, territories and the federal government to ensure that sentencing systems provide appropriate punishment without over reliance on incarceration as a
criminal sanction and also urges Congress to take specific action with regard to existing federal sentencing laws and procedures. 04A121A

Urges states, territories and the federal government to strive to eliminate actual and perceived racial and ethnic bias in the criminal justice system and recommends the establishment of Criminal Justice Racial Task Forces to reduce or eliminate racial disparities at each stage of the criminal justice process. 04A121B

Urges states, territories and the federal government to establish: (1) standards and provide an accessible process by which prisoners may request a reduction of sentence in exceptional circumstances; and (2) standards governing applications for executive clemency and specify procedures an individual must follow in order to qualify for a grant of clemency and ensure that clemency procedures are reasonably accessible to all persons. 04A121C

Urges states, territories and the federal government to ensure that prisoners are effectively supervised in safe and secure environments and to implement policies and programs to prepare prisoners for release back into the community and to identify legal barriers for reentry of convicted persons. 04A121D

**Jurys.** Urges Louisiana and Oregon to require unanimous juries to determine guilt in felony criminal cases and reject the use of non-unanimous juries where currently allowed in felony cases. 18A100B

**Jury Instructions and the Death Penalty.** Urges federal, state and territorial courts to adopt jury instructions which are in language understandable by jurors untrained in law and legal terms, in the penalty phase of trials in which the death penalty may be imposed and such instructions should be provided to jurors in written form. 12M101G

**Juvenile Bonds.** Urges governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of release. 17A112D

**Juvenile Courts.** Urge Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice to support the implementation of adequate defense and prosecution services in the nation's juvenile courts. 84A111

Urge state and local bar associations to support amendments to the statutory law and court rules in their states with respect to the right to counsel in juvenile court proceedings to bring them into compliance with the Institute of Judicial Administration/American Bar Association Standards Relating to Counsel for Private Parties. 87M110D

**Juvenile Justice and Delinquency Prevention Act.** Supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act but urges that Congress conduct comprehensive public hearings to determine the effectiveness of the Act and to examine its future goals and objectives. Recommends that in the event Congress decides to reauthorize the Act, the reauthorization include several principles. 92M101B

**Law Enforcement Activities by White House Personnel.** Support legislation to prohibit such activities. 76M117

**Logging of Contacts with Department of Justice.** Support legislation requiring Justice Department personnel to record all outside contacts. 76M117

**Mandatory Minimum Prison Sentences.** Oppose legislatively or administratively imposed mandatory minimum sentences or parole, including sentences for drug offenders. 74M107

Opposes the imposition of a mandatory minimum sentence in any criminal case, and urges Congress, state and territorial legislatures to repeal laws requiring minimum sentences. 17A10B
Marijuana. Support federal legislation to remove federal prohibition against the treatment of patients with marijuana under the supervision of a physician and under controls adequate to prevent diversion or improper use. 84M109

Mediation in Criminal Matters Prior to Actual Case Filing. Urges federal, state, territorial and local governments to initiate, continue and expand the use of mediation as a means to resolve criminal matters, specifically at a time prior to actual case filing. 09M101B

Medicaid Eligibility. Urges federal, state, local and territorial governments to maintain the Medicaid eligibility of otherwise-eligible incarcerated persons and provide continuity of Medicaid eligibility to persons newly-released from custody. 07A122

Mens Rea. Urges governments to re-examine strict liability offenses to determine whether the absence of a mens rea element results in imposition of unwarranted punishment on defendants who lacked any culpable state of mind in performing acts that were not malum in se. 13A113D

Mental Health and Substance Abuse Disorders. Urges governments to enact legislation relating to youth in the juvenile justice system with co-occurring mental health and substance abuse disorders. 13A113B

Mental or Emotional Illness in Criminal Justice System. Urges Congress to enact legislation that would address the complex problem presented by the large number of adults with mental illness and juveniles with mental or emotional disorders who come into contact with the criminal and juvenile justice systems. Urges federal, state, local and territorial governments to: (1) increase funding for public mental health systems so that adults with mental illness and juveniles with mental or emotional disorders can obtain the support necessary to enable them to live independently in the community, and to avoid contact with the criminal and juvenile justice systems; and (2) improve their response to these adults and juveniles who come into contact with the criminal and juvenile justice systems by developing and promoting appropriate programs, policies and laws. 04M116

Military Commission Trials. Calls upon Congress and the Executive Branch to ensure that all defendants in any military commission trials that take place have the opportunity to receive the zealous and effective assistance of Civilian Defense Counsel. 03A301

Miranda Rights. Support the principle that persons subject to custodial interrogation by law enforcement authorities should be fully advised of their Miranda rights. 99A113D

Misdemeanor Provisions of Criminal Laws. 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. 10M102C

Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings. Adopts the Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings, dated August 2011. 11A101A

Model Grand Jury Charge. Urges the Judicial Conference of the United States to amend the Model Grand Jury Charge to (1) permit the Grand Jury to consider punishment in the event of conviction when deciding whether to indict, (2) instruct the Grand Jury to consider the charges against each person separately, and (3) instruct the Grand Jury that it may vote to indict only where the evidence presented is sufficiently strong to warrant a reasonable person's belief that the person being investigated is probably guilty of the offense charged. 13M104J
**Money Laundering.** Support enactment of federal legislation to assist federal law enforcement agencies in combating money laundering in accordance with specified principles, and oppose certain provisions in proposed legislation dealing with money laundering. 86M111C

Urge amendment of the Money Laundering Control Act to exempt monetary transactions involving the bona fide fees an attorney accepts for representing a client subject to criminal investigation or any proceeding arising therefrom. 87M110A

Urges the United States government to seek to protect and uphold the attorney/client relationship, including the attorney/client privilege, in dealing with international money laundering. 02M101C

Supports the enactment of reasonable and balanced initiatives designed to protect and prevent domestic and international money laundering and terrorist financing. Recommends that any efforts to establish and implement international and United States policies to combat money laundering and terrorist financing should be consistent with principles regarding the independence of the bar, adherence to the highest standards of professional and lawful conduct, and the confidentiality of lawyer-client communications. 03M104ABA

**National Criminal Instant Background Check System (NICS).** Urges applicable governmental entities to take all appropriate measures to ensure that the National Criminal Instant Background Check System (NICS) is as complete and accurate as possible, so that all persons properly categorized as prohibited persons under 18 U.S.C. §922(g) are included in the NICS system. 11A10A

**Notice-and-Comment Rulemaking Provisions.** Urges state governments to apply generally applicable administrative procedure acts’ notice-and-comment rulemaking provisions to regulations governing correctional facilities and officers. 14M103B

**Office of Global Criminal Justice.** Urges the United States Department of State to preserve the Office of Global Criminal Justice and the role of the War Crimes Ambassador, including funding and staffing to continue the work of the office and the United States’ commitment to international criminal justice and the prevention and prosecution of atrocity crimes. 17A10D

**Parallel and Concurrent Proceedings.** Urge appropriate committees of the Judicial Conference of the United States to address problems that may arise as a result of parallel and concurrent civil and criminal proceedings, including amendment of relevant federal procedural rules. 93M108B

**Parents in Correctional Custody.** 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. 10M102E

**Pell Grants.** Urges Congress to restore Pell Grant eligibility for prisoners who qualify under existing need-based criteria in order to facilitate re-entry and reduce recidivism. 15A108B

**Peremptory Challenges.** Support equal numbers of peremptory challenges for the prosecution and defense in all criminal trials where there is one defendant. 86M111F

**Postconviction Procedures.** Support the uniform act promulgated by NCCUSL in 1980. 81M106A

**Post-Conviction Claims.** Opposes plea or sentencing agreements that waive a criminal defendant’s post-conviction claims addressing ineffective assistance of counsel, prosecutorial misconduct or destruction of evidence unless based upon past conduct that is specifically identified in the plea or sentencing agreement or transcript of the proceedings. 13A113E
**Post Conviction Relief.** Urges Congress to amend 28 U.S.C. §§ 2241(d) and 2255(f)(1) to provide equitable tolling of the one-year statute of limitations for filing for post-conviction relief when the prisoner who has an attorney has timely requested post-conviction counsel to file a §2254 petition or a §2255 motion. 11M104B

**Preindictment Review.** Support the long-standing system of centralized preindictment review and the prosecution of criminal tax cases by the Department of Justice Tax Division, and oppose the elimination or transfer of this function. 6/87BOG

**Prisoner Litigation.** Urges jurisdictions to afford prisoners meaningful access to the courts and ensure that they are subject to procedures applicable to the general public when bringing lawsuits and urges Congress to repeal or amend specified provisions of the Prison Litigation Reform Act (PLRA). 07M102B

**Prosecutorial Functions.** Urges federal, state, local and territorial prosecutors to fulfill their traditional prosecutorial functions and further protect the public through the use of a broad spectrum of strategies, including efforts to assist crime victims and witnesses, prevent crime in general and recidivism in particular, use science and technology to hold the guilty accountable for their actions and protect the innocent, and further to ensure the integrity of guilty pleas. Also urges funding to achieve objectives. 12A107B

**Prosecutorial Misconduct or Error.** Urges trial and appellate courts, in criminal cases, when reviewing the conduct of prosecutors, to differentiate between error and prosecutorial misconduct. 10A100B

**Problem Solving/Therapeutic Courts and Immigration.** (1) Supports legislation, policies, and practices that allow equal and uniform access to therapeutic courts and problem-solving sentencing alternatives, such as drug treatment and anger management counseling, regardless of the custody or detention status of the individual. (2) Urges that provisions of the Immigration and Nationality Act that are determined to be ambiguous be construed in favor of the use of rehabilitative problem-solving courts. (3) Opposes interpretations of, and amendments to, the Immigration and Nationality Act that classify participation in, or the entry of a provisional plea upon commencement of a drug treatment or other treatment program offered in relation to problem-solving courts or other diversion programs as a conviction for immigration purposes. 12M101F

**Prosecutors’ Obligations.** Amends Rule 3.8 of the ABA Model Rules of Professional Conduct to identify prosecutors’ obligations when they know of new evidence establishing a reasonable likelihood that a convicted defendant did not commit the offense of which he was convicted. 08M105B

**Prosecutors’ Training.** Urges the federal government to restore, maintain and where appropriate increase funding to organizations which provide training to state and local prosecutors, to better promote justice, increase public safety, and prevent wrongful convictions. 13M104D

**Punitive Damages.** Urge amendment of the Federal Rules of Civil Procedure with respect to pleading and discovery as they relate to punitive damages. 87A120D

**Racial and Ethnic Profiling.** Urges federal, state, local and territorial governments to enact effective legislation, policies and procedures to ban law enforcement’s use of racial or ethnic characteristics not justified by specific and articulable facts suggesting that an individual may be engaged in criminal behavior. 08A104C

**Racketeer Influenced and Corrupt Organizations Act.** Support amendments to the RICO statute to reduce the possibility of misuse or abuse of the statute. 82A112C

Urge Congress to limit statutorily the availability in civil cases of the Racketeer Influenced and Corrupt Organizations Act. 86A103C
Support legislation to amend the RICO provisions of the Organized Crime Control Act to require a prior conviction of racketeering activity or a violation of section 1962 of the Act as a prerequisite to the filing of a private civil RICO action. 86A103C

Support legislation to reform the Racketeer Influenced and Corrupt Organizations Act to delete the treble-damages provisions of civil RICO for actions covered by state or federal commodities laws. 4/88BOG Exhibit 2.6 Support enactment of federal legislation to amend the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. §§1961-1968, to make certain limitations on the availability of private civil RICO actions, with respect to Punitive Damages, Statute of Limitations, Person and Enterprise Amendments, Conduct Amendment, Investment-Use Injury, and Conspiracy. 93A113

Rape Law Revision. Support for redefinition of rape in terms of persons, amendment of rules of evidence to protect the victims' privacy and other reform measures. 75M112

Support the Federal Bureau of Investigation to implement expeditiously the expanded definition of rape in the Uniform Crime Reporting Summary Reporting Program to include, regardless of gender, or presence of force, all forms of non-consensual penetration of a vagina or anus and all forms of non-consensual penetration by a sexual organ of any orifice. 12M114

Records of Criminal History. Urges jurisdictions to limit access to and use of criminal history records for non-law enforcement purposes that would balance the public's right to information against the government's interest in encouraging successful offender reentry and reintegration. 07M103D

Reduction or Modification of Sentence. Urges federal state, territorial and local governments to (1) evaluate their existing laws, as well as their practices and procedures, relating to the consideration of prisoner requests for reduction or modification of sentence based on extraordinary and compelling circumstances arising after sentencing, to ensure their timely and effective operation; (2) develop criteria for reducing or modifying a term of imprisonment in extraordinary and compelling circumstances, provided that a prisoner does not present a substantial danger to the community. (Rehabilitation alone shall not be considered an extraordinary and compelling circumstance.); and (3) develop and implement procedures to assist prisoners who by reason of mental or physical disability are unable on their own to advocate for, or seek review of adverse decisions on, requests for sentence reduction. 03M103B

Reimbursement of Costs. Support reimbursement of costs, but not attorney fees, for nonconvicted criminal defendants. 8/76

Restraints, Use of. Urges governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an in-person opportunity to be heard and finding that the restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others. 15M107A

Retention of Counsel. Support the principle that the act of contacting or retaining an attorney should not be admissible as evidence of consciousness of guilt. 94M102

Rights of Witnesses. Approve guidelines regarding rights of witnesses in congressional investigations. 88A111D

Sentencing Practices (Federal). Urges Congress to take specified steps to assure that federal sentencing practices are effective, fair and just, and effectuate the goals of sentencing set forth in the Sentencing Reform Act. 05M301

Sexual Crime Victims. Urges federal, state, territorial, local, and tribal governments to enact legislation and support appropriate funding to protect sexual crime victims' rights by eliminating the substantial backlog of rape kits collected from crime scenes and convicted offenders through rape kit testing performed in accredited laboratories by qualified personnel and following standardized procedures. 11A109
Solitary Confinement for Juveniles. Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18. 17A112E

Special Prosecutor. (See also Independent Counsel.) Support creation of mechanism for appointment by attorney general or special court of temporary special prosecutor. 76M117

Support amendments to the special prosecutor provisions of the Ethics in Government Act to accomplish 11 specific goals. 82A112B

Statutes of Limitation. Urges all countries not to apply statutes of limitation with respect to 1) genocide, 2) crimes against humanity, and 3) serious war crimes. 13A107A

Suggested Guidelines for Reducing Adverse Effects of Case Continuances and Delays on Crime Victims and Witnesses. Adopted 86M111E; amended 11/86BOG Exhibit 2.2

Supreme Court Jurisdiction. Oppose any legislation limiting criminal law jurisdiction of the U. S. Supreme Court. 8/68BOG; 4/75BOGIII.

Task Force on Crime. Support statement of proposal portions of Task Force on Crime Report on gun control, delays in the appellate process, resources for criminal justice system, corrections, juvenile justice and the role of the legal profession. 83M103

 Trafficking Victims. Urges state, tribal, and territorial legislatures to aid minors who are victims of human trafficking by (1) permitting their immediate protective custody as dependent children in suitable residential environments and, except in extreme and compelling circumstances, not charging children under the age of 18 with the crimes of engaging in prostitution or soliciting themselves, loitering with the intent to engage in prostitution, or status offenses that are incident to their trafficking situation; (2) amending juvenile dependency laws; (3) establishing programs and other services for prompt access by law enforcement, public health officials, and child protective services; (4) authorizing courts to issue and enforce protective orders; and (5) providing a civil cause of action for child victims to receive compensation and services. 11A103A

Urges federal, state, local, tribal and territorial governments to enact laws and regulations and to develop policies that assure that once an individual has been identified as an adult or minor victim of human trafficking, that individual should: (1) not be subjected to arrest, prosecution or punishment for crimes related to their prostitution or other non-violent crimes that are a direct result of their status as an adult or minor victim of human trafficking; (2) be offered housing appropriate for a victim; (3) be provided appropriate protection, to include the individual’s family, if a threat to safety exists from the person or persons responsible for the trafficking or others; and (4) be assured that their names and identifying information will not be disclosed to the public. 13M104F

Urges local, state, territorial, tribal and federal governments to enact legislation allowing adult or minor human trafficking victims charged with prostitution related offenses or other non-violent offenses that are a direct result of their being trafficked to assert an affirmative defense of being a human trafficking victim. 13M104G

Urges federal, state, local, tribal, and territorial governments to aid victims of human trafficking by: (1) enacting and enforcing laws and policies that permit adult or minor victims of human trafficking to seek to vacate their criminal convictions, for offenses related to their prostitution or other non-violent offenses that are a direct result of their trafficking victimization; and (2) establishing and ensuring funding for programs designed to assist human trafficking victims who are seeking to vacate such convictions. Urges legal service organizations, state and local bar associations, law school clinics, and other legal assistance providers to develop pro bono programs and provide pro bono representation to assist adult or minor victims of human trafficking in vacating convictions for offenses that are a direct result of their trafficking victimization. 13M104H
Urges federal, state, local, tribal and territorial bar associations, working with judges, lawyers and other professionals with subject matter expertise in human trafficking, to develop and implement training programs for judges, prosecutors, defense counsel, law enforcement officers, immigration officials, civil attorneys and other investigators that will enable them to identify adult and minor victims of human trafficking, enable them to direct victims and their families to agencies that offer social and legal services and benefits designed to assist adult or minor victims of human trafficking, and enable them to communicate effectively with adult and minor victims who have experienced trauma. 13M1041

Training of Criminal Justice Professionals. Urges governments to support professional associations and organizations in order to develop programs to train all criminal justice professionals in understanding, adopting and utilizing factors that promote the sound exercise of their discretion. 07M103F

Unanimous Verdicts. Oppose less-than-unanimous verdicts in federal criminal cases. 74A134

Unlawful Intimidation or Tampering. Urges governments to protect the integrity of criminal proceedings, in its truth seeking function, by seeking to hold accountable those who unlawfully intimidate or tamper with victims and by examining practices, procedures and training, and revising them as needed to assure that victims and witnesses are not improperly intimidated or tampered with. 15M107B

Victim-Offender Mediation/Dialogue Programs. Urge governments to incorporate publicly or privately operated victim-offender mediation/dialogue programs into their criminal justice processes, consistent with the Victim-Offender Mediation/Dialogue Program Requirements, dated April 1994. Encourage governments to support continuing research regarding victim-offender mediation/dialogue programs and the dissemination of those research results. 94A101B

Videotaping or Audiotaping of Custodial Interrogations. Urges all law enforcement agencies to videotape the entirety of custodial interrogations of crime suspects at police precincts, courthouses, detention centers, or other places where suspects are held for questioning, or, where videotaping is impractical, to audiotape the entirety of such custodial interrogations. Further urges legislatures and/or courts to enact laws or rules of procedure requiring videotaping of the entirety of custodial interrogations of crime suspects at police precincts, courthouses, detention centers, or other places where suspects are held for questioning, or, where videotaping is impractical, to require the audiotaping of such custodial interrogations, to provide necessary funding, and to provide appropriate remedies for non-compliance. 04M8A

Violence Against Women Act and Similar Legislation. 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. 10M115

Violent Crime Control Act. Opposes certain provisions of the Biden Thurmond Violent Crime Control Act of 1991 or similar legislation which would give federal prosecutors concurrent jurisdiction with state prosecutors in virtually all crimes where a gun transported in interstate commerce was used in the commission of a homicide or other violent or drug-trafficking crime. 11/91BOG

Voir Dire. Oppose FRCP amendments prohibiting voir dire by counsel; propose voir dire amendments to FRCP. 76A111; 81M105A

Women's Needs in Prison. Urges the Bureau of Prisons, the U.S. Marshalls Service, Immigration and Customs Enforcement, and state, tribal and local correctional authorities to develop and implement gender-responsive needs assessments that account for women's specific needs, including parenting responsibilities, the importance of their relationships, their histories of domestic violence and abuse, and their distinctive patterns and prevalence of mental health issues. 11A105C

Workplace Violence. Urge employers to address workplace violence by adopting policies and practices to help them better prevent and manage on-site violence and threats. 98A110
Adopts the Model Workplace Policy on Employer Responses to Domestic Violence, Sexual Violence, Dating Violence and Stalking ("Model Policy") and encourages all employers, public and private, including governments, law schools and the legal profession, to enact formal policies on the workplace responses to domestic violence, dating violence, sexual violence, and/or stalking violence which address prevention and remedies, provide assistance to employees who experience violence, and which hold accountable employees who perpetrate violence. 14A112A

Urges governments and international institutions to adopt and implement legislation and regulations to eliminate, prevent and provide remedies for gender-based violence in the workplace, including sexual harassment, based on virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, the intersectionality between race and sex or status as a victim of domestic or sexual violence. 18A104E

Wrongful Conviction. Urges federal, state, local and territorial governments to establish and fund investigative procedures designed to ensure accuracy in criminal investigation and prevent wrongful conviction of the innocent, as well as training programs to ensure the procedures are carried out, and disciplinary procedures in cases where they are not. 04A111E

Adopts principles and standards to be used by prosecutors to reduce the risk of wrongly convicting the innocent and urges the government to fund prosecutors’ offices adequately in order to perform these procedures while also urging that workload standards for prosecutors be established. 04A111F

Urges jurisdictions to enact statutes to adequately compensate individuals who have been convicted and incarcerated for crimes they did not commit and sets forth factors that should be considered in drafting such statutes. 05M108A

Urges federal, state, local and territorial governments to reduce the risk of convicting the innocent, while increasing the likelihood of convicting the guilty, by ensuring that no prosecution should occur based solely upon uncorroborated jailhouse informant testimony. 05M108B

Urges federal, state, local and territorial governments to reduce the risk of convicting the innocent by establishing standards for practice for defense counsel in serious non-capital criminal cases, using as a guide the requirements enumerated in the ABA Standards for Criminal Justice Providing Defense Services and in the ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. 05M108C

Urges federal, state and territorial governments to identify and attempt to eliminate the causes of erroneous convictions and urges state and local bar associations to assist in the effort. 05A115A

Youth in the Criminal Justice System. Supports specialized facilities, programs and treatment for youth transferred to the criminal justice system, while recognizing the developmental differences between youth and adults and urges policymakers to take into account the unique needs of youth in the criminal justice system. 02M101D

Encourages state, local and territorial bar associations, judges, prosecutors, defenders and police to instill public confidence in the fairness of the justice system by making concerted efforts to ensure that the justice system provides fair and equal treatment for all youth. Urges these entities to address overrepresentation and disparate treatment of racial and ethnic minority youth in the justice system by adhering to certain principles. 03A101B

Urges federal, state, tribal, local and territorial governments to authorize and implement sentencing laws and rules of procedure that both protect public safety and give mitigating consideration to youthful offenders. 08M105C
Urges the federal government, states, territorial, and tribal governments to revise laws, court rules, policies, and prosecutorial practices related to dual jurisdiction youth (abused and neglected youth with juvenile dependency cases who are charged with acts of delinquency). 08M300

Urges Congress and state legislatures to re-examine and revise laws, policies and practices that require youth to register as sex offenders or be subject to community notification provisions otherwise imposed upon adult sex offenders, based upon a juvenile court adjudication. 09M101A

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. 10M102A

Urges federal, state, local and territorial governments to use electronic monitoring and home detention at government expense for juvenile offenders who are legally subject to secure detention but whose risk of flight or further offending does not necessitate secure pre-trial detention or incarceration. 11M104D

Urges governments to adopt sentencing laws and procedures that both protect public safety and appropriately recognize the mitigating considerations of age and maturity of youthful offenders by enacting sentencing laws and rules of procedure. 15M107C

CUSTOMS AND INTERNATIONAL TRADE

Access to Confidential Information. Support amendment of the International Trade Commission General Procedures for the Conduct of Investigations and of the Trade Agreements Act of 1979 to ensure that corporate counsel have the same right of access to confidential information under protective orders as do retained counsel. 82A121B

Competition Law in International Trade. Urge actions by the Government of the United States in the application of competition law principles and policies in the international trade area: (1) elimination of private restraints that have the effect of excluding U.S. exports from access to foreign markets through the application of U.S. or foreign antitrust laws as appropriate, in accordance with four specified principles; and (2) focus of attention on market entry barriers that involve governmental action and that are frequently not reachable by application of competition law, and identification of whether there is a category of private restraints that do not violate the antitrust laws but significantly restrict access to foreign markets. 95M117B

Court of International Trade. Recommend that (1) the nomination and appointment process for the selection of judges for the Court of International Trade reflect the specialized nature of the Court's substantive jurisdiction, the nationwide impact of the Court's decisions, and the status of the Court as an Article III Court; and (2) nominees should be selected without reference to geographic considerations, and in addition to other qualifications, should have experience with the international trade and customs laws administered by the Court. 87M104A

Dispute Settlement Procedures. Support the further development of the dispute settlement procedures in international trade matters created under the Uruguay Round Agreements establishing the World Trade Organization (WTO). Endorse procedures to assure all parties the right to be represented by counsel of their selection, in all phases of the dispute settlement process, from the request for consultation to the implementation of panel and WTO Appellate Body decisions. Urge that, in the context of the scheduled 1998 review of the WTO's Dispute Settlement Understanding (DSU), the United States Government supports appropriate policies, rules and procedures to enable any party in a dispute subject to the DSU to seek, employ and use counsel of such party’s selection for participation on behalf of such party at all phases of the proceedings. 98M118A
**Fast-Track Negotiating Authority.** Support the two-year extension, without limitation, of the fast-track negotiating authority of the President of the United States under Section 1103(b) of the Omnibus Trade and Competitiveness Act of 1988. 6/91BOG Exhibit 1.5

Support renewal of legislation providing for the fast track negotiating authority of the President of the United States, as introduced in the Trade Act of 1974 and later extended. 97M303B

Support the conclusion without undue delay of the Uruguay Round with sound agreements that are essential to the future of the world trading system and to global economic prosperity. Urge support of the strengthening of existing GATT multilateral dispute resolution procedures, through the adoption of certain measures. Urge support of the establishment of an effective multilateral trade organization that would serve as the institutional framework for better implementation of the substantive rules resulting from the Uruguay Round. 93A105C

**Government-to-Government Trade Agreements.** Supports the contribution that the negotiated liberalization of international trade in goods and services, through government-to-government trade agreements, makes to the spread of the Rule of Law, both at the state-to-state level and within participants’ domestic legal systems. 08A108B

**Hazardous Chemicals and Pesticides in International Trade.** Supports prompt ratification and implementation by the United States of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. 02M113A

**International Trade.** Urge the U.S. government to seek, during current multilateral trade negotiations in Geneva, reform of the procedures for resolving disputes between nations, incorporating specified principles. 78M102

**Receivables in International Trade.** Recommends that the United States sign and ratify the United Nations Convention on the Assignment of Receivables in International Trade. 02M113C

**Tariff Act.** Urge that the International Trade Commission expeditiously determine the extent to which the Government in the Sunshine Act permits the Members of the Commission to meet in a non-public manner prior to determination in matters assigned to the Commission under the Tariff Act of 1930, as amended. In the event the Commission is unable to resolve this issue in a satisfactory manner, support such initiatives as may be appropriate to clarify the Commission's ability to hold non-public meetings in such proceedings, whether by administrative or judicial interpretation of present law or by amendment of existing legislation. 93M100

Support the prompt amendment of Section 337 of the Tariff Act of 1930, as amended, to the extent that Section relates to investigations based on U.S. intellectual property rights in accordance with 6 specified principles. 93A105B

**U.S. Trade Laws.** Urge Congress to provide adequate resources to enable U.S. trade agencies to: (1) implement fully the requirements of U.S. trade laws; (2) enforce vigorously the commitments made under international agreements to the United States by our trading partners to open their markets to our goods, services, investments and intellectual property; and (3) further a rule based world trading system through diligent negotiations and active participation in multilateral organizations. 99M100

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**ELECTION LAW**

**Administration of Elections.** Adopts *Election Administration Guidelines and Commentary*, dated August 2005, to supplant the *Ballot Integrity Standards Applying to Election Officials*, dated August 1989, and the *Election Administration Guidelines and Commentary*, dated August 2001, and recommends that all election officials ensure the integrity of the election process through the adoption, use and enforcement of these Guidelines. Urge federal, state, local and territorial governments to provide state and local election authorities...
with adequate funding in order to ensure the integrity and efficiency of the electoral process. 05A102; amended 08A119A; amended 09A116

Urges states, localities and territories to develop written contingency plans detailing what should be done to preserve the election process in the event of an emergency. 14A112B

Urges election administrators, officials and legislators at the federal, state, local, territorial and tribal levels to adopt and implement policies designed to achieve a thirty-minute maximum per voter wait time at the polls. 15A104

Urges state and territorial election administrators and officials to ensure that state-wide and territorial-wide ballot counting guidance is in place as soon as practicable. 16A103

Balloting Statutes. Adopts Model Statutory Language on Provisional Balloting and Commentary, dated August 2003, which provides specific guidance to states that must draft provisional balloting statutes according to the Help America Vote Act of 2002. 03A115; amended 09A116

Campaign Financing. Urges state legislatures to enact legislation concerning campaign financing which includes specific principles with respect to disclosure, contribution limitations and independent enforcement agencies. 92A107

Urges that any changes to the current campaign finance system must be framed in a constitutionally sound manner, and the need for government regulation must be balanced against First Amendment protections of political speech. Urge that efforts must be taken to ensure that there is full disclosure of money spent in federal elections, the perception of corruption is reduced, and there is a full opportunity for voters to hear the views of candidates. Support seven specified principles regarding federal campaign finance legislation. 98A113

Urges adoption of campaign finance reform legislation that strives to achieve the following goals: (1) ensure full disclosure of all money raised in election campaigns; (2) promote full participation by all Americans in the electoral process; (3) establish realistic limits on hard money campaign contributions to eliminate corruption; (4) provide adequate enforcement resources and authority and organizational structure to campaign regulatory agencies; (5) and adopt existing ABA policy opposing the solicitation and use of soft money contributions. 00A10A

Supports efforts to increase disclosure of political and campaign spending and urges Congress to require organizations that are not already required to do so by current law as interpreted and applied by the Federal Election Campaign Act to disclose (a) the source of funds used for making electioneering communications and independent expenditures as defined in federal campaign finance law, subject to such reasonable threshold limits as may be necessary to avoid infringing on any implicated Constitutional interests such as the right of free association, and (b) the amounts spent for such communications and expenditures, in public disclosure reports filed with the Federal Election Commission according to requirements under the Federal Election Campaign Act and regulations thereunder that are applied consistently without respect to the nature of the entity making the communication. 13M110B

Continuity in Government. Urges Congress, the states and territories to enact special election procedures for filling vacancies in the United States House of Representatives in the event of a catastrophe. Urges Congress to consider and study whether additional measures, including but not limited to a constitutional amendment, may be necessary to ensure continuity of Congressional operations in the event of a catastrophe. 04A118

District of Columbia Voting Rights. Support the principle that citizens of the District of Columbia shall no longer be denied the fundamental right belonging to other American citizens to vote for voting members of the Congress, which governs them. 99A115
**Districting.** Support fair redistricting of congressional, legislative and local government districts with full citizen participation, and recommend that state and local governments adopt procedures for redistricting which accomplish seven specific objectives. 91M109

Urges each state, territory and the District of Columbia to assign the redistricting process for congressional and legislative districts to an independent commission, leaving to each state, territory and the District of Columbia the precise manner of configuring such commission and the specific redistricting criteria to be applied. 08M102A

**Federal Campaign Financing.** Support legislation for federal campaign financing that includes principles concerning contribution and expenditure limits and standards for providing matching federal funds for presidential and congressional candidates. 75A125.2

**Federal Election Commission.** Urge consideration of certain recommendations regarding the structure and administration of the Federal Election Commission (FEC) as a necessary part of any new legislation affecting the regulation of federal campaign finances, including disclosure, structure of the FEC, biennial budget authorization, enforcement authority, adequacy of audit program and general funding levels. 95M100

**Initiatives and Referenda, Guidelines for.** Support adoption of guidelines (1) to improve public comprehension of the issues raised by Initiatives and Referenda on the ballots in those states which allow Initiatives and Referenda; and (2) to provide a fair opportunity to present or to challenge proposed Initiatives or Referenda. Endorse Model Guidelines for Initiatives and Referenda, dated August 1993, as amended, as suggested examples of such guidelines for jurisdictions allowing Initiatives or Referenda. 93A115

**Internet, Election and Campaign Activity on.** Urge review of election laws as they relate to election and campaign activity on the Internet and application of those laws in a manner that does not discourage political activity through this medium, upholds First Amendment guarantees of free speech and association, and seeks to eliminate opportunities for unfairness, corruption or undue influence through the use of this medium. Urge appropriate steps to encourage and facilitate the use of the Internet by all segments of society in order to promote widespread, fair and equitable citizen participation in the political process. Urge five specified actions to promote the availability and reliability of political information and discourse on the Internet. 00A107

**National Voter Registration Act.** Oppose legislation that would repeal the National Voter Registration Act and support certain specified efforts as a means of increasing the number of persons registered to vote and the number of registered voters actually voting in federal, state, territorial and local elections. Support governmental procedures to prevent fraud in the voter registration process as set forth in the Ballot Integrity Standards Applying to Election Officials. 99A104

**Organization for Security and Cooperation in Europe.** Supports observation of elections in the United States by observers duly selected by the Organization for Security and Cooperation in Europe (OSCE), and other international organizations of which the United States is a member, and urges legislative bodies and governmental agencies to enact laws and adopt rules, regulations and policies that expressly permit the direct observation of the election process by OSCE observers. 15A114

**Poll Workers.** Urges law firms and other legal employers to allow time spent by lawyers as official poll workers (not poll watchers) to qualify as community service or voluntary public service hours and for non-lawyer staff to be allowed paid leave to serve as official poll workers. 08A119B

**Political Campaign Contributions/Pay to Play.** Condemn conduct of lawyers making political campaign contribution to public officials in return for being considered eligible to perform professional services. Recommend enforcement of existing Rules of Professional Conduct to prohibit such conduct. Condemn conduct of public officials considering as eligible for engagement by public agencies only those lawyers who make political campaign contributions. Call for enactment or adoption and enforcement of laws, rules and regulations to discourage such conduct. 97A10D
Oppose the solicitation and use in Presidential and Congressional election campaigns of contributions of soft money, i.e., contributions to political party committees in unlimited amounts by corporations, labor organizations, and individuals. Support efforts in Congress, and before the Federal Election Commission, to prohibit such contributions. 98A10D

Urge four specified actions to address any conduct by lawyers making or soliciting campaign contributions to public officials for the purpose of being considered or retained for government legal engagements. Urge, where local circumstances warrant, that a rule be considered for adoption that would limit or prevent a lawyer from accepting a legal engagement to perform professional services after making or soliciting a political contribution to a public official for the purpose of being retained, or being considered eligible for retention, by public agencies if the official is involved in selecting the lawyer to be retained. 98A301A

Oppose any diminution of the existing rights of legal permanent residents to make campaign contributions and expenditures to the same extent as U.S. citizens. 99M118

**Site Specific Zoning.** Recommends that in site specific zoning cases, administrative and judicial processes established by law should be followed and state and territorial legislature should not authorize, or if necessary, should prohibit initiative or referendum in such cases. Recommends that in states or territories which have the right of initiative and referendum, a proposal which is inconsistent with a community's land use plan should not be allowed on the ballot unless certain legislation is enacted. 92M106

**Voter Registration By Mail.** Support legislation creating a federal administration of, and procedures and funding for, voter registration by mail for federal elections. 74A116.II

**Twenty-fifth Amendment.** Support joint congressional hearings pursuant to Twenty-fifth Amendment procedures for filling vacancy in the office of Vice President. 74A116.I

**Voter Education.** Urges all governments to develop and implement an age appropriate curricula designed to instill in all students a sense of the personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections. 17A117B

**Voter Participation.** Urge the President of the United States to appoint a commission to study the decline in voter participation. Support the enactment of legislation that encourages voter participation, including fair congressional redistricting. Urge the state and local bars to aid the Association in improving voter participation. 79M127

Urge all lawyers to register and vote, and to encourage and assist employees of their offices or firms to participate in the election process by disseminating information about registration and voting in local, state and national elections, and providing necessary leave to register and vote. 89A124B

Supports state and federal initiatives to modernize and improve voter registration practices, databases and networks and urges an independent technical and security assessment of statewide voter registration databases as well as supporting efforts to achieve ongoing improvements to such databases. 10A114

**Voting by Persons with Disabilities.** Urges federal, state, local and territorial governments to improve the administration of elections to facilitate voting by all individuals with disabilities, including people with cognitive impairments that increase in frequency with age. 07A121

Urge governments to use all appropriate means to improve enforcement of voting rights for persons with disabilities, including by monitoring elections, and urges election officials to ensure that election personnel and volunteers receive accessibility training. 14A113B

**Voter Registration.** Support efforts to increase voter registration through state and local agencies that have direct contact with the public (e.g., licensing agencies). Encourage efforts that make the opportunity to vote easy
and convenient. Support educational programs to teach all citizens, particularly youth, that voting is a responsibility as well as a privilege of citizenship. 90A300

(1) Supports efforts to improve voter registration practices by a) ensuring the accuracy of voter registration rolls using existing government lists or databases and b) streamlining the procedures whereby changes in voter rolls and voter registration information are made. (2) Urges commitment by states and local election jurisdictions to develop the necessary compatible technology and resources to improve their voter registration practices. (3) Urges federal legislation or administrative action creating incentives to encourage election jurisdictions to adopt the above improvements. 11A121

**Voting Rights Act.** Supports the reauthorization of the Voting Rights Act of 1965 as amended through 1992. 05A108

Supports (1) extension of Sections 5 (pre-clearance), 203 (minority language assistance), and 6-9 (federal observers) of the Voting Rights Act of 1965, as amended, for 25 years; (2) restoration of the proper legal standard for Sections 2 and 5 (pre-clearance), the expansion of Section 203 in order to protect and assure the voting rights of all citizens; and (3) permission for the recovery of expert fees and expenses. 6/06BOG2.3

**Voting Rights for American Territories.** Supports the amendment to the United States Constitution to provide for participation of citizens in American territories to vote in national elections. 92A10H

**Voting Rights for the Homeless.** Support efforts to insure the participation of homeless persons in the electoral process. Recommend that election laws, regulations and policies regarding residency determinations and the methods by which persons vote and by which voter registration is verified should not hinder or prevent registration and voting by homeless persons who are otherwise qualified to vote. Recommend and support legislation to assure that no voting qualification or prerequisite to voting, standard, practice, or procedure, shall be imposed or applied by any state or political subdivision to deny or abridge the right to vote of any citizen who resides at or in a nontraditional abode. Encourage election officials to undertake active outreach efforts to inform homeless persons of voter registration and voting procedures. 93A116

**Year 2000 Presidential Election.** Support (1) review of the nature and causes of the problems experienced in the 2000 Presidential election in connection with the casting, counting and challenging of votes for a State's presidential electors; (2) appropriate statutory, administrative or constitutional changes designed to improve and simplify the presidential election process and ensure that it accurately reflects the will and intentions of the voters; and (3) fair and expeditious means for administrative and judicial review and resolution of potentially outcome-determinative disputes in the contests for presidential electors; and further, that appropriate ABA entities such as the Standing Committee on Election Law, the Sections of State and Local Government Law, ; and state, local, and territorial bar associations are urged to undertake these efforts. 01M104

**Year 2004 Presidential Election.** Urges state and local election authorities to give the highest priority to ensuring the fairness and reliability of the procedures prescribed for voting, and for the tabulation of votes, in the 2004 election of the President of the United States. 04A106

**ENERGY/PUBLIC UTILITIES**

**Regulatory Conflicts.** Urge Congress to enact legislation enabling the federal courts to resolve by declaratory judgements controversies with respect to jurisdiction to regulate a public utility. 5/63BOG IV.11(a); 5/73BOG

**ENVIRONMENT/NATURAL RESOURCES**

**CERCLA.** Urge Congress and the Environmental Protection Agency to recognize the necessity for clarification of the security interest exemption under the Comprehensive Environmental Response, Compensation and
Liability Act (CERCLA) and recommend to Congress and the EPA six steps to achieve the clarification. 91M100B

**Climate Change.** Urges the United States government to take a leadership role in addressing the issue of climate change through legal, policy, financial and educational mechanisms and to engage in active international discussions to address climate change. Urges Congress to enact and the President to sign appropriate climate change legislation. 08M109

Urges the United States government to ensure that federally-recognized Indian tribes listed pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a, may participate fully (including, e.g. consideration for membership on United States delegations) in policy discussions on the issue of climate change domestically and in international forums. 11A112

**Comprehensive Environmental Response, Compensation and Liability Act.** Recommend amendment of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) based on certain principles concerning Allocation of Responsibility and Cleanup Procedures. 94M108

**Department of Energy and Natural Resources.** Support creation of a federal department of energy and natural resources. 73A115.1

**Ecosystems.** Urges federal, state, territorial and tribal governments, when considering and approving legislation, regulations and policies, to preserve and enhance the benefits that people derive from ecosystems, with due regard for economic, human and social impacts. Urges the United States government to engage in active discussions and to negotiate treaties or other agreements with the Canadian and Mexican governments to address cross-border ecosystem services issues in a coordinated and collaborative manner. 08M101

**Environmental Equality.** Support actions to achieve implementation and enforcement of environmental laws, regulations and policies so that a disproportionate share of the burden of environmental harm does not fall on minority and/or low-income individuals, communities or populations. Urge that certain appropriate steps be taken to give priority attention to this problem. Urge enactment of legislation, as appropriate, and other appropriate measures to redress and eliminate situations in which minority and/or low-income people have borne a disproportionate share of harm to the environment. Urge further documentation of the causes and consequences of the inequitable distribution of environmental burdens, and certain other actions to address these concerns. 93A109

**Environmental Harm Due to Governmental Acts or Omissions.** Urges Congress to enact legislation overruling *Middlesex County Sewerage Auth. v. Nat’l Sea Clammers Ass’n*, 453 U.S. 1 (1981) and supports legislation enabling plaintiffs to bring constitutional claims in lieu of a statutory cause of action based upon environmental harm due to governmental acts or omissions. 18M116B

**Environmental Management Systems.** Recommend (1) that federal, state, local and territorial legislative bodies, departments and agencies responsible for environmental protection adopt and implement legal and policy incentives designed to support and encourage businesses, governmental agencies, and other entities subject to environmental regulation to implement voluntary environmental management systems; and (2) encourage these entities to recognize and champion voluntary EMS as an increasingly important means of enhancing compliance assurance and environmental stewardship supplementing existing and future environmental control regulations and enforcement. 01A108

**Environmental Protection Agency.** Urges Congress and the Administration to elevate protection of the environment of the United States to its highest level by enacting legislation elevating the U.S. Environmental Protection Agency to cabinet level status. 03A109

**Fiduciary Liabilities.** Support, in connection with federal legislation relating to the liability of fiduciaries under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, exemptions for
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fiduciaries from liability under CERCLA that encompass all fiduciaries and not just corporate fiduciaries. Urge Congress to clarify the bases, if any, for imposition of such liabilities on parties to a fiduciary relationship. 90M104C

**Hazardous Chemicals and Pesticides in International Trade.** Supports prompt ratification and implementation by the United States of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. 02M113A

**Hurricanes Katrina and Rita, Response to.** (1) Urges the federal government and state and local governments affected by Hurricanes Katrina and Rita to establish and appropriately fund flood control plans and redevelopment plans for the Gulf Coast region. (2) Urges federal and affected state and local governments to take all steps necessary to ensure that the civil and criminal justice systems in the affected states have the resources available to maintain the continuity of the rule of law. (3) Urges that appropriate entities work with state supreme courts to develop model emergency orders for these courts to enact that permit lawyers not admitted to practice in the state to provide pro bono legal services to disaster victims. (4) Urges Congress to investigate the response by federal and affected state and local governments to Hurricanes Katrina and Rita. (5) Urges state legislatures in the affected states to explore mitigation efforts for future natural disasters, including but not limited to the need for more stringent building codes and revised zoning laws to address problems in flood zones. (6) Supports the principle that emergency preparedness plans should take into account the needs of individuals with household pets or service animals. (7) Urges both federal and affected state governments to act to afford relief to individuals, businesses and property owners from legal deadlines that adversely affect them. (8) Urges Congress to reexamine all aspects of the federal flood insurance program to assure that those living in areas subject to hurricane and flood damage are aware of the risks inherent in living in such areas. 06M305

Urges Congress to create an independent, bipartisan commission to investigate and recommend the appropriate measures to rebuild the infrastructure of the Gulf Coast damaged by Hurricanes Katrina and Rita, to provide reasonable hurricane and flooding protection for the people living in disaster prone areas, and to recommend appropriate measures designed to prevent or mitigate problems in responding to natural disasters in the future. 07A116B

**Indian Water Right Claims.** Endorses the use of negotiation and settlement processes to resolve Indian reserved water rights claims provided the concerned Indian tribes elect to pursue such processes, as well as the availability of adequate technical resources as an important precondition for achieving successful settlements. Specifically urges Congress and the Administration to support these settlement processes by: (1) continuing to make the negotiation of these settlements a high priority of the U.S. Department of the Interior and the U.S. Department of Justice; (2) appointing and funding federal negotiating teams and requiring the teams to regularly elicit and incorporate the views of the Tribes involved and to bear a fair share of mediation costs and work; (3) providing timely and adequate funding for the negotiation and implementation of these settlements; and (4) ensure that the resources necessary for the settlements do not compete with other Department of Interior funding priorities. 02A110

**Law Office Climate Challenge** Urges law firms and other law organizations to adopt the ABA-EPA Law Office Climate Challenge, which is designed to encourage law offices to take specific steps to conserve energy and resources, as well as reduce emissions of greenhouse gases (which cause global climate change) and other pollutants. 09M103

**Legal Reform.** Recommend distribution of the report of the Special Committee on Environmental Law entitled Development and the Environment: Legal Reform to Facilitate Industrial Site Selection to governmental agencies and legislative bodies for study and consideration. 74A106

**Model Rules of Procedure for Dispute Resolution.** Recommend that the Council of the Commission for Environmental Cooperation consider the Model Rules of Procedure for Dispute Resolution under the North
American Agreement on Environmental Cooperation dated February 1995, with a view to their adoption. 95M117C

**Model Statute on Local Land Use Planning Procedures.** Adopts the *Model Statute on Local Land Use Planning Procedures*, dated August 2008, which addresses local land use procedures, incorporates the accumulated legal experience of the last eighty years and provides a uniform and fair method of treating land use applications and urges its enactment by states, territories and local legislative bodies. 08A111A

**Oceans/Marine Policy.** Urges the United States Government to improve the system of federal regulation of the United States' ocean and coastal resources to better protect the integrity of the nation's marine ecosystems and ensure ecologically sustainable use and development of the nation's marine resources. Urges Congress and the President to ensure coordination of the national oceans policy and of federal regulatory authority over the United States' ocean waters and resources by enacting an organic act for the National Oceanic and Atmospheric Administration (NOAA) or some other centralized federal oceans agency. Urges Congress to enact legislation requiring a federal entity - whether NOAA, some other centralized federal oceans agency, or the Committee on Ocean Policy in the Executive Office of the President - to coordinate all federal department and agency planning and ocean-related activities to ensure proper implementation of the national oceans policy. 05A101A

Urges Congress to ensure that the nation's living marine resources are not overexploited and that the coastal habitat and marine ecosystems that sustain those resources are protected and preserved for future generations by enacting legislation that would: (1) amend the Magnuson-Stevens Fishery Management and Conservation Act; (2) eliminate subsidies and legal procedures that encourage over-fishing; (3) fund programs to promote and establish statutory goals to improve knowledge of living marine resources necessary to ensuring their sustainable management and use; and (4) create a statutory, scientifically supported national system of marine protected areas, including marine wilderness areas and international marine protected areas. 05A101B

Urges the United States Government to continue and enhance efforts to play a leadership role in the development and implementation of international initiatives to protect the world's marine ecosystems and ensure the ecologically sustainable use and development of the world's marine resources, emphasizing good stewardship, ecosystem-based management, preservation of biodiversity, use of best available science, and international responsibility, including by: (1) ratifying certain United Nations Conventions; (2) encouraging other countries to ratify certain international Agreements; (3) reviewing and updating regional and bilateral fishery agreements to which the United States is a party, and amending and initiating, as appropriate, international agreements to address critical concerns not yet adequately addressed; (4) ensuring trade and oceans-related objectives, agreements, policies and practices are mutually supportive; and (5) increasing United States funding and technical assistance to build scientific and management capacity in developing nations. 05A101C

**Persistent Organic Pollutants.** Supports prompt ratification and implementation by the United States of the Stockholm Convention on Persistent Organic Pollutants. 02M113B

**Principles of Rule of Law in Time of Major Disaster.** Opposes the withholding of funds previously appropriated by Congress for disaster relief and recovery, or their diversion for other purposes, and reaffirms support for the Principles of Rule of Law in Time of Major Disaster. 19M10C

**Private U.S. Investment in Foreign Minerals.** Support U.S. governmental action to assure that foreign governments agree not to expropriate mineral deposits owned by U.S. concerns. 73A115.3

**Public Lands.** Approve resolutions concerning the report of the Public Land Law Review Commission, with recommendations dealing with the management, administration and environmental quality aspects of public lands. 71A67

**Public Participation in Environmental Laws.** Resolve that the public participation provisions of environmental laws and international environmental agreements and treaties should recognize and express the principle that the public and all affected interests should be provided meaningful and effective involvement and
should be expected to participate in consensus building efforts to ensure that government decision making regarding the administration, regulation and enforcement of environmental laws is open, fair, efficient and credible. Further resolve that the provisions also include express authority to allow government agencies to choose innovative public participation, stakeholder-involvement and shared decision-making models which involve all affective stakeholders. Encourage further use of the Administrative Dispute Resolution Act and the Negotiated Rulemaking Act for making environmental decisions; and reauthorization of the acts on a permanent basis with certain specified clarifications; and that the framework established under the Acts provide the means by which interested parties can reach agreement on the appropriate issues. 95M108

**Regulation of Environmental Litigation Matters.** Resolve that (1) governments, when regulating environmental matters, should take account of all appropriate scientific knowledge; (2) in environmental litigation and other forms of dispute resolution, efficiency and justice are aided by the availability and utilization of the latest and most reliable scientific knowledge; (3) in matters of international commerce and environmental regulation, treaties and other agreements should be based upon all appropriate scientific knowledge and if it exists, consensus among scientists; and (4) the Executive Branch and Congress should develop and implement through administrative and legislative means, as appropriate, all necessary measures to provide for the ongoing assessment of the state of scientific environmental knowledge. 95A119

**Rule of Law and Global Environmental Issues.** Urges governments, businesses, nongovernmental organizations and other organizations to consider and integrate Rule of Law initiatives with global environmental issues. 07A110A

**State Brownfields Programs.** Recommend that Congress promote the economic use of properties affected by environmental contamination, and reduce unnecessary litigation, by enacting legislation providing that upon the affected property's entry into and compliance with a State brownfields program, there should be no additional liability to the federal government or any other person under the Comprehensive Environmental Response, Compensation and Liability Act, as amended, provided certain conditions are met. Recommend that legislation authorize State brownfields programs to take advantage of alternative state approaches to land use, institutional controls and zoning regulations that facilitate property reuse. 99A121

**Sustainable Development.** Urge each nation to (1) adopt and implement appropriate measures to ensure that activities within its jurisdiction or control will be conducted with respect for nature, and in a manner that accounts for the interests of present and future generations; (2) develop and foster policies and long-term strategic plans for sustainable development, encouraging the betterment of human life through conservation and efficient use of natural resources; and (3) cooperate with other nations and with international organizations in developing regional and worldwide arrangements to preserve and protect the environment and to mitigate the effects of environmental damage. 91A10B

Recognizes the role of sustainable development in promoting the ABA’s commitment to good governance and the rule of law. Adopts the internationally accepted definition of sustainable development. Encourages governments, businesses and other entities to promote sustainable development as well as to adopt and implement legal and policy incentives to support and encourage sustainable development. Urges the U.S. government to meet, and to help other countries to meet, agreed-on targets and timetables contained within the Plan of Implementation adopted at the 2002 World Summit on Sustainable Development. Resolves that the ABA enter into appropriate partnerships to help foster sustainable development and that the ABA consider and promote sustainable development principles in its work and encourage communication and cooperation in these endeavors. Urges bar associations to adopt similar resolutions. 03A108

Reaffirms the ABA’s 1991 and 2003 commitments to sustainable development and defines sustainable development as the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations. 13A105
**Toxic Substances Control Act.** Urges Congress to enact legislation to reform the Toxic Substances Control Act that will reflect developments in the state of science as well as regulatory developments world-wide, enhance the U.S. Environmental Protection Agency's ability to ensure the safety of chemical substances in commerce while retaining the country's competitiveness in the international marketplace for chemical substances and products produced using chemicals. 11M118

**FAMILY LAW/CHILDREN**

**Adoption (International).** Supports international adoption as an integral part of a comprehensive child welfare strategy to address the worldwide problem of children without permanent homes and supports policies that make the process of international adoption more timely, less costly and less burdensome, while ensuring that international adoption practices are ethical and legal. 08A102

**Adoption of Juveniles.** Urge the United States Congress to enact legislation providing incentives to encourage individuals throughout the country to adopt juveniles, including 7 specified incentives. 93M118B

**Adult Guardianship.** Recommends that state, territorial and local policy-making bodies implement principles derived from the 2001 Wingspan Conference that resulted in recommendations on: (1) broad-based overarching adult guardianship issues; (2) guardianship diversion and mediation; (3) procedural due process; (4) fiduciary issues; (5) monitoring and accountability; and (6) agency guardianship. 02A108B

Encourages the federal government to provide funding and support for training, research, exchange of information on practices, consistent collection of data, and development of state, local and territorial standards regarding adult guardianship. 09M111A

**Alien Children.** Adopts the 2018 ABA Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States, to replace the 2004 Standards. 18A119

**Alimony.** Urges governments to enact preserve tax code provisions that allow the alimony deduction for payors and treat alimony as taxable income to payees. 18A102A

**Appellate Representation.** Urges governments to ensure that juveniles are provided effective appellate representation and have access to appeals consistent with state statutes and/or state constitutional provisions. 14M103A

**Arrest and Conviction-Effect on Custodial and Parental Rights.** Urges bar 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 urges Congress to eliminate restrictions that prohibit recipients of Legal Services Corporation funds from providing legal assistance to prisoners on family law issues. 10M102F

**Blueprint for Education for Foster Care and Youth in Juvenile Justice System.** Endorses the *Blueprint for Change: Education Success for Children in Foster Care (2007)* and the *Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016)*, which provide a framework to improve educational access, stability, and success for court-involved youth. 17A117C
**Bullying.** Urges federal, state, territorial and local officials to prevent and remediate the existence and dangers of bullying, including cyberbullying and youth-to-youth sexual and physical harassment, by defining these acts and developing education programs to assist teachers, parents, and children in identifying victims and enhancing appropriate interventions, analyzing existing laws and policies designed to prevent and respond to these acts and adopting and/or revising them as appropriate, monitoring the effectiveness of measures to prevent these acts and fostering interventions successfully implemented to reduce and respond to them. Further, the application of bullying, cyberbullying, and related laws and policies should not be used to compromise the protected First Amendment free speech rights of students. 11M107A

**Child Abuse.** Encourage support for and implementation of Resource Guidelines: Improving the Child Abuse and Neglect Court Process published by the National Council of Juvenile and Family Court Judges, dated August 1995. 95A116B

Adopt Standards of Practice for Representing a Child in Abuse and Neglect Cases, including preface and commentary, dated November 1995. 96M112A

Encourage state, local and territorial governing bodies and court systems, in conjunction with bar associations, to support and assist in the organization and implementation of waiting rooms for children in every appropriate courthouse. 96A112

Adopts the black letter Principles and Standards of the *Judicial Excellence in Child Abuse and Neglect Proceedings: Principles and Standards for Court Organization, Judicial Selection and Assignment, Judicial Administration and Judicial Education*, dated August 2010, to improve, at the state and local levels, the quality of judicial practice, and court processes, related to civil child abuse and neglect cases. 10A102

Urges federal, state, local, territorial and tribal legislatures to amend existing laws or enact new laws to clearly define child torture and make child torture a felony offense regardless of whether a serious physical injury occurs, and to promote training, for all court and medical personnel in these cases, on emerging evidence-based and effective practices to improve government responsiveness to severe maltreatment of children that does not inflict serious bodily injury. 19M109D

**Child Abuse Prevention and Treatment Act.** Reaffirm policy supporting increased efforts that prevent, identify and treat child abuse and neglect through the federal Child Abuse Prevention and Treatment Act, and federal Adoption Assistance and Child Welfare Act, with improvements adopted by the House of Delegates. Reaffirm commitment to legal system reform to help assure safe and permanent homes for abused, neglected, and abandoned children. Support enactment of legislation to study and address barriers to permanency, including adoption, for abused, neglected, and abandoned children. 97M301

**Child Care Resources.** Support enactment of legislation to provide creative mechanisms for extending the availability and affordability of quality childcare. 83A102A

**Child Care Resources for Children of Deployed Parents.** Urges federal, territorial, state and local lawmakers to respond to the increasing social and family support needs of the young and teenage children of deployed American military members by: (1) enacting laws entitling designated caregivers of children and families of deployed American service members to use employment leave time or sick time that such employees have already earned or accrued, to provide direct care and support to those children and families; and (2) ensuring that all state public school residency laws permit, and make clear that, children of deployed parents who are living with temporary non-parental caretakers, such as grandparents, other relatives or family friends, may attend their local public school tuition-free, or such children may attend their pre-deployment public school tuition-free even when required to move outside that school district to reside with a temporary caretaker. 07M108B
**Child Custody-Federal-Question Jurisdiction.** Opposes the enactment of federal legislation that would create a federal-question jurisdiction in child custody cases, including cases involving servicemember-parents and urging states to enact legislation prohibiting denial of child custody to a servicemember based solely on absence due to military deployment. 09M106

**Child Custody and Sexual Orientation.** Support enactment of legislation and the implementation of public policy providing that child custody and visitation shall not be denied or restricted on the basis of sexual orientation. 95A123

**Child Sexual Abuse Criminal Statutes of Limitations.** Urges federal, state, territorial, and tribal governments to review child sexual abuse criminal statutes of limitations to determine, despite problems such as faded memory and deterioration of evidence, whether special factors including the age of the victim, inability to report, and abuse of trust, warrant extending the statute of limitations applicable to said crimes. 12A107A

**Child Snatching/International.** Urge approval and ratification of the Convention on Civil Aspects of International Child Abduction as proposed by the Hague Conference on Private International Law. 81M103

**Child Support Orders.** Support efforts to ensure adequate and fair child support awards and to improve the enforcement of child support orders in accordance with nine recommended procedures. 87M115

Endorse the recommendations of the U.S. Commission on Interstate Child Support to improve the interstate establishment and enforcement of child support orders. Oppose the federalization of child support establishment, modification or enforcement; supports strengthening establishment, modification and enforcement remedies through reform of the present state-based system; and urge Congress to pass legislation and to give priority to 11 recommendations of the Interstate Commission. 93M118A

**Child Welfare Agency, Standards of Practice for Lawyers Representing.** Adopts Standards of Practice for Lawyers Representing Child Welfare Agencies, dated August 2004, which focus on improving representation of the child welfare system in abuse and neglect cases so that children and families are better served by the legal system. 04A105

**Child Welfare Financing Laws.** Urges federal, state, 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. 10M110

**Child Welfare System.** Urges Congress to change laws to broaden federal review of the disproportionate representation of racial and ethnic minority children in the child welfare system and require and fund states to track, report, analyze and take and report on corrective action. 08A107

**Children in Foster Care.** Support amendments to the federal Adoption Assistance and Child Welfare Act of 1980 that would strengthen the role of the legal system in planning for children in foster care and ensure better and more consistent services for children in accordance with eight specified provisions. 88A122C

Urge Congress to amend Part E of Title IV of the Social Security Act to provide direct access for foster care and adoption services for Indian children under tribal court jurisdiction. 01A105C

**Children’s Exposure to Violence.** Urges implementation of the December 2012 report of the U.S. Attorney General’s National Task Force on Children’s Exposure to Violence, entitled Defending Childhood, and urges governments and courts to implement promptly the Report’s recommendations which call for trauma-informed approaches and practices in regard to justice system-involved children and youth who have been exposed to violence. 13A111B

**Children's Issues.** Urge legal profession to direct attention to issues affecting children including the preservation of children's legal rights; the needs of children who have no effective voice of their own in government; establishment of character, citizenship, parenting skills and child safety programs in public
education; implementation of statutory and programmatic resources to meet the health and welfare needs of children; missing and molested children; and establishment of guardian ad litem programs. 84M103A

Urges state, local, territorial and tribal child welfare and juvenile justice agencies to provide adequate resources for assessing and treating emotional and behavioral disorders of children in their custody, including psychosocial and clinical interventions, recreational opportunities and supportive services that can reduce the need for prescribing psychotropic drugs. 16M111

**Civic Learning.** Urges amendment of the No Child Left Behind Act, if reauthorized, or the adoption of other legislation, to ensure that (1) all students experience high quality civic learning, including study of the law, government and history; (2) civic learning is regularly and appropriately assessed; and (3) civic learning is accorded national educational priority on a par with reading and mathematics. 07A114

Encourages all lawyers to consider it part of their fundamental responsibility to ensure that all students experience high quality civic learning, including the study of law, government and history. 10A110

Urges federal, state, territorial, and local governments to require civic education for elementary, middle, and secondary students in the nation’s public schools and to provide competitive grant funding for programs to meet this requirement. 11M300

Recommends that state, local, and territorial bar associations urge state and local legislatures, education commissions and school boards to mandate civic education classes/courses in elementary, middle, and secondary schools. 11A300

**Civil Marriage.** To preserve the authority of the states and territories to regulate marriage under our federal system, opposes any federal enactment that would restrict the ability of a state or territory to: (1) prescribe the qualifications for civil marriage between two persons within its jurisdiction; and (2) determine when effect should be given to a civil marriage validly contracted between two persons under the laws of another jurisdiction. 04M103D

Urges state, territorial and tribal governments to eliminate all of their legal barriers to civil marriage between two persons of the same sex who are otherwise eligible to marry. 10A111

**Civil Protection Order Statutes.** Urges governments to enact civil protection order statutes that extend protection to minor and adult victims of sexual assault, rape, and stalking, outside of the context of an intimate partner relationship, and without the requirement of any relationship between the parties. 15M109A

Urges governments to enact civil protection order statutes regarding domestic, intimate partner, sexual, dating, and stalking violence that extend protection to lesbian, gay, bisexual, and transgender individuals. 15A109B

**Cloning.** Supports law and public policy, both national and international, that oppose or prohibit reproductive cloning. Notwithstanding the above, recognizes that attempts at reproductive cloning may have been made, are currently being made, or may be made in the near future, either in the United States or elsewhere in the world, and therefore, supports national law and public policy that: (1) establish a presumption that a live birth resulting from such attempts is a human being; (2) guarantee that any such human being is a person, legally separate and distinct from its biological progenitor, with all rights accorded to any other live born human being under existing law; and (3) establishes legal parentage, including the legal rights and obligations that flow therefrom, of such person. 04A109

**Corporal Punishment.** Oppose the use of corporal punishment in institutions where children are cared for or educated, with certain specified qualifications, and urge that state laws that permit such corporal punishment be amended accordingly. 85A104
Court-Appointed Special Advocates. Endorse the concept of utilizing carefully selected, well-trained lay volunteers, Court-Appointed Special Advocates, in addition to providing attorney representation independency proceedings to assist the court in determining what is in the best interests of abused and neglected children. Encourage ABA members to support the development of CASA programs in their communities. 89A Assembly Resolution VI.A

Crime Victims Compensation. Urges federal, state, territorial, and local governments to enact legislation, promulgate regulations or take other necessary action to ensure that an unmarried surviving partner who shares a mutual, interdependent, committed relationship with a victim of terrorism or other crime can qualify for crime victim compensation and assistance funds provided by that government to eligible spouses. Further recommends that eligibility for such funds should be determined without reference to intestate succession laws and should not affect the operation of such laws. 02A117A

Criminal Child Offenders. Urges governments to adopt sentencing laws and procedures that both protect public safety and appropriately recognize the mitigating considerations of age and maturity of youthful offenders by enacting sentencing laws and rules of procedure. 15M107C

Supports the development of integrated, systemic approaches within administrative, civil and criminal court contexts to address the special needs of youth and young adults experiencing homelessness. 18M113

Custody Case Standards of Practice. Adopts Standards of Practice for Lawyers Representing Children in Custody Cases, dated August 2003. The Standards distinguish two distinct types of lawyers for children (The Child's Attorney, who provides independent legal representation in a traditional attorney-client relationship, and The Best Interests Attorney, who independently advocates for the child's best interest as an attorney) and seek to keep the best interests of the child at the center of courts’ attention. 03A116B

Death Penalty. Without taking a position supporting or opposing the death penalty, urges each death penalty jurisdiction not to execute or sentence to death anyone who was 21 years old or younger at the time of the offense. 18M111

Denial of Insurance Benefits. Urge enactment of legislation to provide that no person or entity could deny insurance benefits solely on the basis of the applicant's status as a victim of domestic violence. 95M112

Denial of Public Benefits. Oppose any legislation, rule or regulation that denies the public benefits or the incremental increase in public benefits to which a family otherwise would be entitled upon the birth of a child, based on the family's receipt of public assistance at the time of the child's conception or birth, or the mother's age or marital status at the time of the child's birth, or the fact that the child's paternity has not been established. 95M105

Dispute Resolution Curricula. Recommend and encourage school boards and school administrators to incorporate into their elementary through high schools, (1) curricula on dispute resolution for all students and (2) school-based peer mediation programs. 95M102

Domestic Violence. Support federal, state and local efforts to combat family violence, and recommend the adoption of certain procedures by the police, prosecution and the courts to make the criminal justice system more responsive to the problem. 78A103

Urge support of efforts to pass legislation and secure funding for the development of multidisciplinary, community-based programs to respond to the current epidemic of domestic violence. Recommend that any government or private entity developing multidisciplinary programs in response to domestic violence ensure that such programs contain 7 specified essential elements, including (1) participation by various professionals having services to offer victims of domestic violence; (2) coordinated information-sharing among appropriate offices to ensure that all aspects of the justice system are adequately informed about each other's action in domestic violence cases; (3) multidisciplinary public education programs about domestic violence; (4) multidisciplinary domestic violence prevention and intervention through employee assistance programs; (5)
enhanced legal representation for victims of domestic violence and their children and expanded attorney training; (6) data collection; and (7) policies, procedures and practices which place primary emphasis on the safety of the victim and the victim's children. 95A126

Support educational programs designed to inform and train judges about the civil, criminal, psychological, evidentiary and procedural issues relating to domestic violence. Strongly believe that such education and training is essential to ensure the proper disposition of cases in which domestic violence issues may arise, including six specified types of cases. Resolve that such programs include information about community resources and programs which would facilitate assistance to victims and their children. Urge governmental and agency funding of such training programs. 96M108

Encourage courts to ensure that counseling, treatment, advocacy and other assistance are made available to child victims of abuse and domestic violence through all available means including the imposition of fines, restitution and court orders. Encourage courts, in appropriate circumstances, to require the perpetrators of child abuse and domestic violence to undergo counseling and other treatment. In those jurisdictions where courts do not presently have adequate authority to implement the recommendations, encourage the enactment of enabling legislation. 96A113

Condemn the manifestation by lawyers or judges by words or conduct of acts which would either constitute domestic violence or approval, in the course of their professional activities, of the use of domestic violence, stalking, or sexual assault under the laws of their jurisdictions. Urge judges and lawyers to adopt workplace protocols, guidelines, and policies to assist employees who are victims of domestic violence and to protect the safety of employees who may come in contact with batterers during the course of business. Encourage affirmative steps to educate judges and lawyers about the nature and effects of domestic violence. 96A120

Urge governments and entities to make the establishment of programs addressing domestic violence a priority. Urge that such responses to domestic violence make victim safety a primary concern, and that such programs be developed publicly and with input from all entities and agencies having experience in handling issues of domestic violence. Urge adoption of eleven specific standards by the federal government, Congress, state legislatures, governments and private domestic violence programs. 97M114

Encourage (1) governments to enact legislation requiring courts to consider the safety risks to victims of domestic violence and their children when drafting orders containing visitation and visitation exchange provisions; (2) courts to provide or identify and make use of, locations in which supervised visitation and visitation exchanges can safely occur; (3) courts to inquire about domestic violence when addressing visitation issues in child custody matters, and if it determines there is a risk to the safety of a parent or child, to craft orders of visitation that create safe visitation exchanges; (4) attorneys to advocate for safe visitation and visitation exchanges. 00A109A

Recommend that court-mandated mediation include an opt-out prerogative in any action in which one party has perpetrated domestic violence upon the other party. 00A109B

Encourage legislatures to include within domestic violence statutes the same remedies, protections, and services to adolescents that are available to adults. Urge educational authorities, law enforcement officials, juvenile courts, and other government agencies to support more effectively adolescent dating awareness programs, domestic violence awareness programs, adolescent victim services, and teen offender intervention programs. 00A111

Encourages law schools and law students to promote awareness of domestic violence through law school activities and programs. 03A120
Urges federal, state, territorial, local, and tribal governments to reduce domestic violence by enforcing orders of protection as required under federal, state, local and territorial law. Urges enactment of appropriate remedies for failure to enforce the terms of civil and criminal protection orders. 05A114

Urges federal, state, territorial, local, and tribal governments to enact or to amend domestic violence civil protection order statutes to provide protection to victims who are in a romantic or intimate relationship with the perpetrator of domestic violence or have been in a romantic or intimate relationship with the perpetrator, but do not necessarily have a child with, live with, or are married to the perpetrator of the violence. 06A110

Urges federal, state, local, territorial and tribal governments to adopt legislation and appropriate funding to strengthen protection and assistance for victims of gender-based violence within the United States and abroad and urging Congress to enact and fund the International Violence Against Women Act of 2007 or similar legislation. 08A109

Urges governments and regulators to amend existing laws and regulations, or to enact new laws or regulations to expand housing protections for victims of domestic and sexual violence. 15M109B

Urges all emergency management agencies to provide proper training to staff and volunteers to respond to unique needs of intimate partner violence and sexual violence victims during and after a disaster. 18A107A

Deferred Action For Childhood Arrivals. Urges Congress to enact legislation protecting Deferred Action for Childhood Arrivals (DACA) recipients and other undocumented immigrants who were brought to the United States as children and who meet age, residency, educational and other qualifications as set forth by the U.S. Citizenship and Immigration Service (“DREAMers”). 18M108E

Dram Shop and Host Liability. States should enact statutes to establish civil liability of persons who personally and negligently sell or serve alcoholic beverages to a customer or guest whom the server knows or should know to be under the legal age when that customer or guest, as the result thereof, becomes intoxicated and injures himself, a third person or such third person's property. 85A112A

Adopts the black letter Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases, including the preface, dated August 2007. 07A109

Dual Jurisdiction Youth. Urges the federal government, states, territorial, and tribal governments to revise laws, court rules, policies, and prosecutorial practices related to dual jurisdiction youth (abused and neglected youth with juvenile dependency cases who are charged with acts of delinquency). 08M300

Economic Exploitation of Persons Under 18. Urge the United States to work with the United Nations and the International Labor Organization to promote the abolition of the economic exploitation of persons under eighteen years of age by the adoption and enforcement of (1) domestic laws that regulate the employment of persons under the age of eighteen in a manner consistent with the minimum age standards set forth in the Convention on the Rights of the Child and the Minimum Age Convention; and (2) laws that eliminate (a) the abduction, trading and selling of persons under the age of eighteen years; and (b) the use of such persons to work under conditions that are analogous to slavery. 96A111

Education, Equal Access for Every Child. Urges all governments to adopt and implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education. 17A117A

Elder Abuse. Supports efforts to improve the response of the federal, state, territorial and local governments of the criminal and civil justice systems to elder abuse, neglect and exploitation and urges implementation of recommendations adopted by the National Policy Summit on Elder Abuse in December 2001. 02A108A

Urges federal, state, local, tribal and territorial governments and their prosecutors to vigorously prosecute cases of elder abuse, neglect and financial exploitation by the creation of special elder abuse units within the
prosecutor’s office or by the designation of a specially trained prosecutor to handle elder abuse cases. 08M105A

Urges courts and community organizations to collaborate in establishing court-focused elder abuse initiatives that serve victims or potential victims of elder abuse through either a court or a court-based program or a program conducted in partnership with a court. 12A106C

**Failure to Report Abuse.** Urges governments to review their mandatory reporting laws for instances of child abuse or neglect to determine what changes, if any, are appropriate to better protect children and to provide appropriate sanctions for failure to report abuse and neglect. 13A113C

**Family Accessibility in Correctional Institutions.** Support initiatives that seek to preserve and promote healthy relationships between children and their parents in correctional custody, with such initiatives to consider family accessibility to the facility in making assignment of inmates. Assist parents in correctional custody in developing parenting skills. Allow extended contact visitation by such parents and children and support the emotional well-being of the children. 96A104B

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. 10M102E

**Family and Medical Leave.** Support legislation establishing minimum requirements for reasonable, unpaid, job-protected family and medical leave for employees, for organizations which have more than a reasonable threshold number of employees. Support legislation mandating a study of means for providing salary replacement during all or part of such leave and the establishment of federal minimum requirements for unpaid leave pending the outcome of the study. 88M111

Urges governments to enact legislation providing employees with job-guaranteed paid sick days and job-guaranteed paid family and medical leave. 18A014D

**Family Unity Demonstration Project.** Urge the immediate funding and reauthorization of the Family Unity Demonstration Project, passed as part of the violent Crime Control and Law Enforcement Act of 1994. 00M102A

**Fetal Alcohol Spectrum Disorders.** Urges attorneys and judges, state and local bar associations and law school clinical programs to help identify and respond effectively to Fetal Alcohol Spectrum Disorders (FASD) in children and adults through training to enhance awareness of FASD and its impact on individuals in the child welfare, juvenile justice, and adult criminal justice systems, and the value of collaboration with medical, mental health and disability experts. 12A112B

**Forced Marriage.** Condemns forced marriage as a fundamental human rights violation and form of family violence and of violence against women and urges governments to amend existing laws or enact new laws to prevent, protect and support individuals threatened by forced marriages. 14A112B

**Foster Care.** Support and reaffirm the (1) rights of children in foster care homes to be protected from abuse, physical violence and sexual assault while in foster custody; (2) the obligation of relevant state and local officials to provide for the continued safety of the foster care environment; and (3) the legal responsibility and liability of state and local governments and their agents for injury and abuse caused to children in foster care custody when they exhibit gross negligence or reckless disregard in failing to respond or affirmatively protect children from such dangers. Call upon legislatures, members of the bar and child advocates everywhere to seek to strengthen recognition and implementation of this interest of children in safe foster care. 90A115

Urges Congress, the states and territories to enact and/or adopt laws and policies consistent with the recommendations of the national bipartisan May 2004 Pew Commission on Children in Foster Care for
improving the outcomes for abused and neglected children under dependency court jurisdiction. Urges Congress, and the state and territorial legislatures, to maintain commitments for adequate resources, and enact laws and implement policies to increase resources and maintain flexibility in the use of those resources, that support the needs of children and families at risk regardless of whether an abused or neglected child is removed from home, and without limiting the protections, support, and rights of children in foster care or their families. Urges state and local bars to actively support the development and implementation of these laws and policies. 05A10B

Encourages bar associations, judges and attorneys to lead and promote efforts to create comprehensive support and services for youth who age out of foster care (transitioning youth) and other former foster youth until at least age 21, and urging amendment of applicable law, and court and child welfare practices. 07A104A

Encourages measures to promote the permanent placement of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in the foster care system in LGBTQ-friendly homes and that protect LGBTQ youth in the homeless youth and foster care systems from discrimination and violence. 07A104B

Urges Congress to amend Subtitle VII-B, Part C of the McKinney-Vento Homeless Assistance Act to clarify that the Act applies to all children and youth in foster care and to significantly increase funding to support the school stability, enrollment, attendance, and success of all eligible children and youth. 07A107

Urges lawyers, judges, child welfare agency administrators, legislators, educators and educator regulatory bodies to support the enrollment in and successful completion of postsecondary education by youth in foster care, or those who have been in foster care. 12A112A

Urges governments to enact and implement legislation and policies which prohibit youth from transitioning from foster care to a status of homelessness, or where a former foster youth will lack a permanent connection to a supportive adult. 14M109A

**Foster Care Independence Act (1999).** Urges full implementation of the 1999 Foster Care Independence Act. Specifically, urges: (1) Congress and state and territorial legislatures to enact laws to provide youth in foster care full access, up to age 21, to independent and transitional living services and health care; (2) state and territorial legislatures to permit the extension of jurisdiction of dependency courts over youth transitioning from foster care until age 21, when appropriate, to ensure that youth have access to the court, and to legal and social services through the court, and to fully implement the provisions of the federal Foster Care Independence Act, including implementation of the Medicaid expansion option. Supports access to competent counsel for youth transitioning out of foster care. 02A106

**Fostering Connections to Success and Increasing Adoptions Act.** Urges state, local, territorial and tribal governments to effectively implement the older youth provisions of the Fostering Connections to Success and Increasing Adoptions Act, in particular to extend foster care, independent and transitional living services, adoption assistance, and guardianship assistance to all youth and young adults through at least age 21. 10A109B

**Grandparent Visitation.** Encourage the further development of state law on grandparent visitation in accordance with four specified guidelines. 89M106

**Guardians Ad Litem.** Urge every state and territory to meet the full intent of the Federal Child Abuse Prevention and Treatment Act. Urge state, territory and local bar associations and law schools to become involved in setting standards of practice for guardians ad litem, to clarify their ethical responsibilities and establish minimum ethical performance requirements, and to provide comprehensive multidisciplinary training. Urges that where judges are given discretion to appoint guardians ad litem in private child custody and visitation related proceedings, guidelines be developed to aid the judges in determining when such an appointment is necessary to protect the best interests of the child. 92M110A
Guardianship. Urges all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed. 17A113

Hague Convention on Protection of Children and Cooperation in Respect of Intercounty Adoption. Urge that the Senate of the United States give its advice and consent to the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercounty Adoption. Urge Congress of the United States to enact implementing legislation to permit the United States to participate in this multilateral Convention. 94M117

Hague Convention on Respect of Parental Responsibility. Urge ratification of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation of Respect of Parental Responsibility and Measures for the Protection of Children; and the enactment of legislation to permit the United States to fully and uniformly implement this Convention which concerns custody matters and other measures taken for the protection of children and their property. 97A117

Homeless Children and Youth. Supports policies to help assure uninterrupted educational access, special education and related services, and stability for homeless children and youth as well as children and youth placed by public agencies in out-of-home settings. 04A113

(1) 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. (2) Urges state, local, and territorial governments to revise their laws, policies and practices in light of the emergence of new models and best practices in the law to help runaway and homeless youth and their families. 10M105B

Endorses General Comment No. 21 on Children in Street Situations which was issued in June 2017 by the United Nations Committee on the Rights of the Child, and urging U.S. and international governments, the legal community, and the private sector to utilize General Comment No. 21 to develop comprehensive, long-term strategies to realize the rights of children living in street situations. 18M301

Hormonally-assisted Pregnancy. Oppose legislation that would restrict hormonally-assisted pregnancy in post-menopausal women. 95A108A

Immigrant Children. Urges Congress to preserve and develop laws, regulations, policies, and procedures that protect or increase due process and other safeguards for immigrant and asylum-seeking children, especially those who have entered the United States without a parent or legal guardian. 17M301

Urges Congress to enact immigration reform addressing children separated from their parents at the United States border. 818A10C

Immigration Detention. Adopts amendments to the 2012 ABA Civil Immigration Detention Standards, to encourage Congress and the Department of Homeland Security and Immigration and Customs Enforcement to use segregation for immigration detention only as a last resort for a limited time period and in compliance with other limitations. 14A111

Individuals with Disabilities Act. Support reauthorization of the Individuals with Disabilities Education Act, or similar legislation, that guarantees children with mental or physical disabilities a free appropriate public education in the least restrictive environment. Oppose efforts to eliminate, weaken or circumvent such legislation. Encourage lawyers, judges, and state and local bars to make available legal services to ensure that children with such disabilities are not deprived of such education. Support inclusion in the Act or legislation provisions that permit individuals to pursue claims through mediation. Support attorney’s fees provisions in federal legislation that help ensure legal assistance for children with disabilities who seek to obtain or continue such education. 96M103

Internet and Other Electronic Means to Lure Children. Urges state, governmental agencies, territorial, tribal and legislative bodies to review their laws on luring, enticing, or intimidating minors for sexual acts to ensure that such laws explicitly address internet and other electronic means of communication. 17M300

Interstate Compact on the Placement of Children. Encourages states, local and territorial officials to recognize the need for the timely disposition of requests for approval of interstate placements, the importance of cooperation between and among state, local and territorial officials responsible for seeking and granting approval of such placements, and the harm suffered by children when unnecessary delays occur in the approval of interstate placements. Supports ongoing continuing legal education concerning best practices principles for judges, lawyers, and social workers in accordance with the Interstate Compact on the Placement of Children. Urges evaluation and improvement of laws, policies, procedures and practices governing the interstate placement of children under the jurisdiction of a juvenile or family court or as a result of proceedings associated with child abuse, neglect, delinquency, adoption or guardianship. 03A118

Jurisdiction over Child Custody Disputes. Urge Congress to confirm that federal district courts have the power to resolve the issue of conflicting state claims concerning jurisdiction over child custody disputes, based on the Federal Parental Kidnapping Prevention Act and Title III of the Constitution. 88A114A

Jurisdictional Immunity. Express concern regarding the use of jurisdictional immunity to insulate employees of international organizations from their family financial obligations. Support efforts to ensure prompt enforcement of orders of courts of competent jurisdiction and final judgments in family law matters involving employees of international organizations in certain matters, consistent with applicable United States and international law. 99A119

Juvenile Justice and Delinquency Prevention Act. Support reauthorization of the Juvenile Justice and Delinquency Prevention Act. Urge the Congress to conduct hearings on the Act and support adequate funding to facilitate ongoing implementation of the Act. 95A120A

Labor Trafficking and Child Labor. Adopts the black letter Model Principles of the ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor, dated February 2014, and urges businesses to adopt and implement their own business and supplier policies on labor trafficking and child labor that are consistent with the Model Principles of the ABA Model. 14M102B

Lawyer Mediators. Approve Standards of Practice for Lawyer Mediators in Family Disputes. 84A121

Learning-Disabled Children. Encourage efforts to help improve the handling of cases involving children with learning disabilities. 83A102B

Medical Options Relating to Pregnancy. Support legislation which ensures the right of patients of federally funded family planning clinics to receive full counseling and referrals on all medical options relating to pregnancy, and the right of health care professionals in such facilities to advise their patients in accordance with their best medical judgment and professional ethics. 91A10H

Mental Health and Substance Abuse Disorders. Urges governments to enact legislation relating to youth in the juvenile justice system with co-occurring mental health and substance abuse disorders. 13A113B

Military Retired Pay. Support legislation recognizing spousal interests in military pensions. 79A105; 82M112

Model Act Governing Assisted Reproductive Technology Agencies. Adopts the ABA Model Act Governing Assisted Reproductive Technology Agencies (ART), dated February 2016, which provides model licensing
legislation governing ART agencies and recommends consideration and adoption of the Model Act by appropriate governmental agencies and legislatures. 16M112A

**Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings.** Adopts the *Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings*, dated August 2011. 11A101A

**Model Joint Custody Statute.** Approve the Model Joint Custody Statute dated August 1989, which makes joint custody an explicit option for families, that have experienced separation or divorce. 89A127A

**Model Standards of Practice for Family and Divorce Mediation.** Approve the black letter of the Model Standards of Practice for Family and Divorce Mediation, dated February 2001, which supercedes the Standards of Practice for Lawyer Mediators in Family Law Disputes. 01M109B

**National Child Custody Registry.** Urge enactment of legislation establishing a national computerized child custody registry which identifies adjudications or pending cases concerning child custody and provides appropriate privacy protection procedures concerning the disclosure of and access to the names of individuals and confidential information contained in the registry. 95A108B

**National Elder Law Foundation of Tucson.** Grants reaccreditation to the Elder Law program of the National Elder Law Foundation of Tucson, Arizona for a five-year term and extends accreditation to the Medical Malpractice and Legal Malpractice programs of the American Board of Professional Liability Attorneys until August 2018. 18M103B

**National Guardianship Symposium.** Support recommendations of the National Guardianship Symposium which aims to safeguard the rights and maximize the autonomy of adult disabled wards and proposed wards, while providing for their needs. Urge the implementation of the recommendations at the state and local level through appropriate legislation, legal and judicial rules and practices, workable programs, and educational sessions. 89M104

Adopts the *Third National Guardianship Summit Standards and Recommendations*, dated August 2012, and urges courts and policy making bodies to implement them. 12A106B

**Parental Leave.** Support establishment of a reasonable federal minimum requirement for job-protected parental leave to allow parents to take unpaid leave on a full- or part-time basis to provide child care in certain instances. 87A119

**Putative and Unknown Fathers Act.** Attempt to codify U.S. Supreme Court decisions in this area. Seek to protect the child and his or her emotional and financial interest in having a father, the security of adoption, and the privacy of the mother and child - all while meeting constitutional requirements and dealing fairly with unwed fathers. Approved. 89M113A

**Racial and Ethnic Youth in the Justice System.** Encourages state, local and territorial bar associations, judges, prosecutors, defenders and police to instill public confidence in the fairness of the justice system by making concerted efforts to ensure that the justice system provides fair and equal treatment for all youth. Urges these entities to address overrepresentation and disparate treatment of racial and ethnic minority youth in the justice system by adhering to certain principles. 03A101B

**Record Lyrics.** Oppose the enactment of any federal, state, territorial or local legislation regulating the content of recorded music. Support the adoption of a voluntary advisory logo to assist recorded-music buyers in identifying materials containing explicit lyrics. 91A110B
Reproductive Technology. Approves the Model Act Governing Assisted Reproductive Technology, dated February 2008, as appropriate legislation and recommends consideration and adoption of the Model Act by appropriate governmental agencies. 08M107

Restraints, Use of. Urges governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an in-person opportunity to be heard and finding that the restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others. 15M107A

Rights of the Child, U.N. Convention on. Support in principle the ratification by the United States of the provisions of the United Nations Convention on the Rights of the Child (Articles 1-54). Urges the convening of a working group to work with the executive branch and the Senate on the identification and clarification of issues related to possible reservations that might be considered as part of the ratification process. 91M119

Rights of Children. Urge respect of the rights of all children in the United States and its territories, including those rights articulated under the United States Constitution and the United Nations Convention on the Rights of the Child, and oppose discrimination against any child based on the child's citizenship or immigration status or the immigration or citizenship status of the child's parents. Oppose efforts to restrict or deny any child in the United States equal access to public education, health care, foster care, or social services on the basis of the child's citizenship or immigration status or the immigration or citizenship status of the child's parents; and to require that persons providing such services verify immigration status. Urge respect for the Constitutional rights to due process and civil liberties that apply to all persons in the United States. 95M110

Rights of Children to a High-Quality Education. Encourages the federal government, states and school districts to pass laws and implement policies that will secure the right of every child to a high-quality education and encouraging attorneys and bar associations to help secure that right through improvements in state and federal law, representation of students, parents and organizations and community legal education. 09A118A

Rights of Disabled Parents. Urges governments to enact legislation and implement public policy providing that custody, visitation, and access shall not be denied or restricted, nor shall a child be removed or parental rights terminated, based on a parent’s disability, absent a showing that the disability is causally related to a harm or an imminent risk of harm to the child. 17M114

School Discipline/Zero Tolerance Policies. Support the following principles concerning school discipline: (1) Schools should have strong policies against gun possession and be safe places for students to learn and develop; (2) in cases involving alleged student misbehavior, school officials should exercise sound discretion that is consistent with principles of due process and considers the individual student and the particular circumstances of misconduct; and (3) alternatives to expulsion or referral for prosecution should be developed that will improve student behavior and student climate without making schools dangerous. Further, oppose in principle zero tolerance policies that have a discriminatory effect, or mandate either expulsion or referral of students to juvenile or criminal court, without regard to the circumstances or nature of the offense or the student's history. 01M103B
School Violence Prevention Education. Encourages federal, state, territorial and local governments to adopt legislation that promotes school violence prevention education, instruction, awareness training and programs for children, parents, teachers and school administrators and encourages lawyers to support school violence prevention education in schools and community settings. 04M109

Sexual Orientation and Adoption. Support the enactment of laws and implementation of public policy that provide that sexual orientation shall not be a bar to adoption when the adoption is determined to be in the best interest of the child. 99M109B

Supports state and territorial laws and court decisions that permit the establishment of legal parent-child relationships through joint adoptions and second parent adoptions by unmarried persons who are functioning as a child’s parents when such adoptions are in the best interests of the child. 03A112A

Sexual Orientation of Foster Parent. Opposes legislation and policies that prohibit, limit, or restrict placement into foster care of any child on the basis of sexual orientation of the proposed foster parent when such foster care placement is otherwise appropriate under the applicable law of the state, territory, or tribe. 06M102

Sexual Orientation of Sponsor of Non-Citizen for Permanent Residence in U.S. Supports the enactment of legislation and the implementation of public policy to enable a United States citizen or lawful permanent resident who shares a mutual, interdependent, committed relationship with a non-citizen of the same sex to sponsor that person for permanent residence in the United States. 09M108

Solitary Confinement for Detainees. Urges legislative bodies and governmental agencies to enact laws and adopt policies regarding the use of solitary confinement for detainees. 02M108A

Solitary Confinement for Juveniles. Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18. 17A112E

Spousal Consent Form. Recommend that the Internal Revenue Service publish standard model spousal consent forms for qualified retirement plans under the Employee Retirement Income Security Act of 1974 (ERISA), in plain language advising the spouse of the financial effect of signing a spousal consent form waiving a survivor benefit and warning that once waived, the survivor benefits cannot be reinstated by agreement of the parties or by order of court unless permitted by the plan. 96M112B

Urge Congress to amend the Social Security Act whereby remarriage at age 55 or older shall not prevent a divorced spouse, surviving spouse, or divorced surviving spouse from collecting benefits based upon his or her former spouse’s earnings record. 96M112C

Spousal Interests. Support legislation to make all deferred compensation subject to state property law, except as specifically exempted by explicit federal legislation. 82A113

Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases. Adopts Standards dated August 2006, which promote quality representation and uniformity of practice throughout the country for parents' attorneys in child abuse and neglect cases. 06A114

Status of Children of Assisted Conception Act. Address problems relating to the status of such children and their rights and well-being. Approved 89M113B

Tolerance and Anti-Bias Education. Urges legislative as well as other community-based initiatives that promote tolerance and anti-bias instruction, multicultural awareness training, hate crime/violence prevention education, and anti-bullying/harassment programs for children, parents, teachers, and school administrators. 02A104B
**Trafficking Victims.** Urges state, tribal, and territorial legislatures to aid minors who are victims of human trafficking by (1) permitting their immediate protective custody as dependent children in suitable residential environments and, except in extreme and compelling circumstances, not charging children under the age of 18 with the crimes of engaging in prostitution or soliciting themselves, loitering with the intent to engage in prostitution, or status offenses that are incident to their trafficking situation; (2) amending juvenile dependency laws; (3) establishing programs and other services for prompt access by law enforcement, public health officials, and child protective services; (4) authorizing courts to issue and enforce protective orders; and (5) providing a civil cause of action for child victims to receive compensation and services. 11A103A

Urges federal, state, local, tribal and territorial governments to enact laws and regulations and to develop policies that assure that once an individual has been identified as an adult or minor victim of human trafficking, that individual should: (1) not be subjected to arrest, prosecution or punishment for crimes related to their prostitution or other non-violent crimes that are a direct result of their status as an adult or minor victim of human trafficking; (2) be offered housing appropriate for a victim; (3) be provided appropriate protection, to include the individual’s family, if a threat to safety exists from the person or persons responsible for the trafficking or others; and (4) be assured that their names and identifying information will not be disclosed to the public. 13M104F

Urges local, state, territorial, tribal and federal governments to enact legislation allowing adult or minor human trafficking victims charged with prostitution related offenses or other non-violent offenses that are a direct result of their being trafficked to assert an affirmative defense of being a human trafficking victim. 13M104G

Urges federal, state, local, tribal and territorial governments to aid victims of human trafficking by: (1) enacting and enforcing laws and policies that permit adult or minor victims of human trafficking to seek to vacate their criminal convictions, for offenses related to their prostitution or other non-violent offenses that are a direct result of their trafficking victimization; and (2) establishing and ensuring funding for programs designed to assist human trafficking victims who are seeking to vacate such convictions. Urges legal service organizations, state and local bar associations, law school clinics, and other legal assistance providers to develop pro bono programs and provide pro bono representation to assist adult or minor victims of human trafficking in vacating convictions for offenses that are a direct result of their trafficking victimization. 13M104H

Urges federal, state, local, tribal and territorial bar associations, working with judges, lawyers and other professionals with subject matter expertise in human trafficking, to develop and implement training programs for judges, prosecutors, defense counsel, law enforcement officers, immigration officials, civil attorneys and other investigators that will enable them to identify adult and minor victims of human trafficking, enable them to direct victims and their families to agencies that offer social and legal services and benefits designed to assist adult or minor victims of human trafficking, and enable them to communicate effectively with adult and minor victims who have experienced trauma. 13M104I

**Trauma-Informed, Evidence-Based.** Urges the development and adoption of trauma-informed, evidence-based approaches and practices on behalf of justice system-involved children and youth who have been exposed to violence, including victims of child abuse and neglect or other crimes and those subject to delinquency or status offense proceedings. 14M109B

**Uniform Family Law Arbitration Act.** Approves the Uniform Family Law Arbitration Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117A

Violence Against Women Act and Similar Legislation. 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. 10M115

Adopts and urges prompt implementation by the Administration, Congress, and state and tribal governments of specific recommendations contained in the November 2014 report of the U.S. Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, entitled Ending Violence So Children Can Thrive. 15A113

Waiting Rooms for Children. Encourage state, local and territorial governing bodies and court systems, in conjunction with bar associations, to support and assist in the organization and implementation of waiting rooms for children in every appropriate courthouse. 96A112

Youth Alcohol and Drug Abuse. Adopt a number of principles with respect to youth alcohol and drug abuse with respect to prevention, education, treatment, law reforms and strategies for raising the necessary fiscal resources attendant to such policies. 85A112A

Youth-at-Risk. Urges federal, state, territorial, tribal, and local governments to assure that adequate and appropriate services are made readily available to at-risk youth and their caretakers by ensuring that: (1) community mental health systems serving youth are reinvigorated and significantly expanded to provide greater access to troubled youth and their caretakers; (2) stronger support is given to expanding availability of evidence-based programs for youth and greater investment is made in research to identify additional evidence-based programs worthy of replication and use for at-risk youth; (3) a positive youth development perspective is incorporated into services and programs, including opportunities that support young people in developing a sense of competence, usefulness, belonging, and empowerment, through access to developmental services and activities facilitating positive connections among youth and with adults, and also offering young people valuable information and learning experiences to help them choose healthy lifestyles; and (4) needed services and/or treatment should be provided to youth in need of such services by appropriate juvenile justice and child welfare intervention systems without the necessity or requirement of courts exercising jurisdiction over or adjudicating them. 06A10A

Encourages efforts to require the licensing, regulating and monitoring of residential treatment facilities that are not funded by public or government systems, but are privately-operated overnight facilities that offer treatment to at-risk children and youth for emotional, behavioral, educational, substance abuse and social issues and problems. 07M114

Encourages bar associations, judges and attorneys to lead and promote efforts to create comprehensive support and services for youth who age out of foster care (transitioning youth) and other former foster youth until at least age 21, and urging amendment of applicable law, and court and child welfare practices. 07A104A

Encourages measures to promote the permanent placement of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in the foster care system in LGBTQ-friendly homes and that protect LGBTQ youth in the homeless youth and foster care systems from discrimination and violence. 07A104B

Encourages jurisdictions to pass laws that require the provision of evidence-based pre-court diversion and early intervention services for youth who are alleged to have committed status offenses, such as truancy, ungovernability or running away and supporting the use of in-home or community-based services as an alternative to secure detention. 07A104C

Urges federal, state, tribal, local and territorial governments to authorize and implement sentencing laws and rules of procedure that both protect public safety and give mitigating consideration to youthful offenders. 08M105C
Urges Congress and state legislatures to re-examine and revise laws, policies and practices that require youth to register as sex offenders or be subject to community notification provisions otherwise imposed upon adult sex offenders, based upon a juvenile court adjudication. 09M101A

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. 10M102A

Urges state, local, territorial and tribal governments to provide legal counsel to children and/or youth at all stages of juvenile status offense proceedings as a matter of right and at public expense. 10A109A

**Youth Jobs Program.** Urge local and state bar associations to adopt a youth jobs program similar to the Summer Law Internship of the Bar Association of Metropolitan St. Louis, providing summer employment, education, esteem and enhancement of future socio-economic potential for inner city youth, while simultaneously improving public perception of lawyers and the legal profession. 93M8F

**FEDERAL GOVERNMENT**

**1990 Census.** Call upon the United States Bureau of the Census to conduct as complete a count as statistically possible of all persons residing in the United States, regardless of citizenship or immigration status. Call upon ABA members and all state and local bar associations to take an active role in locally promoting full participation in the 1990 census through public education efforts. Urge the President and the Attorney General of the United States to encourage cooperation with the census bureau by assuring the public that no governmental agency will seek confidential census information. Encourage the Bureau of the Census to make any needed adjustments of the census figures to compensate for population undercounts. 89A113

**Access Charges.** Oppose the imposition of access charges on enhanced-service providers for use of local telephone exchanges. 4/89BOG2.1

**Access to Justice.** Reaffirm support for access to the American system of justice without regard to financial wherewithal. Support the availability of access to the federal courts under the grant of diversity jurisdiction without regard to financial wherewithal. Oppose loser pays legislation that would apply to all cases brought in the federal court pursuant to the grant of diversity jurisdiction. 95M301

Reaffirms and expands existing policy regarding refugees in light of the January 27, 2017 Executive Order, calls for increased funding and legislation to process and handle refugee applications, and urges Congress to pass legislation that would provide for individualized assessments of refugee applications and that they be conducted expeditiously and justly. 17M10B

**Affordable Housing Trust Fund.** Urges Congress and the President to support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing consistent with certain principles. 05M111

**American Association for the Advancement of Science (AAAS).** Support the efforts of the American Association for the Advancement of Science (AAAS) to obtain a commemorative postage stamp to be issued by the United States Postal Service at an appropriate time and place during 1998 to honor the AAAS during its 150th anniversary year. 2/95BOGM3.12
**Benefit Programs.** Support application of existing Association policy regarding federal benefit programs where primary control and/or funding for such programs is transferred from the federal government. Urge governments in developing the transferred programs within their jurisdictions to utilize an open process that encourages public participation and that those programs provide clear standards for individual eligibility and a process for determining issues of eligibility which includes notice, an opportunity to be heard and represented, and the right of appeal. Urge those bars to work within their jurisdictions in support of these principles and standards. 97M110

**Committees on Aging.** Support the retention of and/or establishment of the U.S. Senate and House of Representatives special or select committees on aging as permanent committees. 93A108

**Consent Decrees.** Supports the use of federal consent decrees as an important tool for resolving litigation, and opposes legislation that constrains the efficacy of consent decrees when state, local or territorial governments are parties thereto, such as proposed S. 489 and H.R. 1229 (109th Congress), consistent with the following principles: (1) The duration and all other terms of the consent decree should be determined by the language of the decree itself as interpreted by courts of competent jurisdiction, or as otherwise modified by such courts for good cause shown, not through legislation; (2) consent decrees that do not state a specific duration should remain in effect until terminated or modified by a court of competent jurisdiction for good cause shown; and (3) the burden of proof with respect to a motion to modify or terminate a consent decree should remain on the party seeking modification or termination, not on the party that obtained the original consent decree. 06M109

**Coordinating Office of Civic Education.** Urges policymakers to establish a Coordinating Office of Civic Education in the U.S. Department of Education to enhance students’ civic learning by offering competitive grant programs at the local, state and national levels and urging that the National Assessment of Educational Progress for civics and U.S. history be conducted every four years and that the results be reported at both the national and state levels. 09A122

**Cybersecurity.** Urges the Executive and Legislative branches to consider the following guiding principles throughout the decision-making process when making U.S. policy determinations to improve cybersecurity for the U.S. public and private sectors: Principle 1: Public-private frameworks are essential to successfully protect United States assets, infrastructure, and economic interests from cybersecurity attacks. Principle 2: Robust information sharing and collaboration between government agencies and private industry are necessary to manage global cyber risks. Principle 3: Legal and policy environments must be modernized to stay ahead of or, at a minimum, keep pace with technological advancements. Principle 4: Privacy and civil liberties must remain a priority when developing cybersecurity law and policy. Principle 5: Training, education, and workforce development of government and corporate senior leadership, technical operators, and lawyers require adequate investment and resourcing to be successful in cybersecurity. 11-12BOG2.4

**Denial of Public Benefits.** Oppose any legislation, rule or regulation that denies the public benefits or the incremental increase in public benefits to which a family otherwise would be entitled upon the birth of a child, based on the family's receipt of public assistance at the time of the child's conception or birth, or the mother's age or marital status at the time of the child's birth, or the fact that the child's paternity has not been established. 95M105

**Department of Justice.** Support implementation of increased oversight of Department programs through review and prior approval of programs by the Judiciary Committee. 76M117

Urges the President and the Attorney General to assure that lawyers in the Department of Justice do not make decisions concerning investigations or proceedings based upon partisan political interests and do not perceive that they will be rewarded for, or punished for not, making a decision based upon partisan political interests. 10M102G
**Department of Justice Attorneys-Investigation of Misconduct.** Urges the United States Department of Justice to continue in its commitment to investigate allegations of professional misconduct on the part of the Department's lawyers and to release as much information regarding completed investigations as possible, consistent with privacy issues and law enforcement confidentiality concerns. 10A100A

**Discrimination in Government Funded Services.** Urge Congress and the President to restore to legal immigrants the same rights to Supplemental Security Income, food stamps and other federal and state funded services, benefits, and assistance, which were available to them prior to enactment of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Oppose legislative or administrative action that restricts, denies or otherwise discriminates against legal immigrants, in the provision of government funded services, benefits or assistance. 97A102B

**Diversity in the Federal Judiciary.** Reaffirm the longstanding policies and urge the President of the United States to appoint minority lawyers of racial and ethnic diversity to all levels of the federal judiciary, including the United States Supreme Court. 95M111

**Drug Recognition Program.** Endorse and support the Drug Recognition Program initiated by the National Highway Safety Administration and the Bureau of Justice Assistance, provided that it is applied in a manner fully respecting the subject's constitutional rights. Encourage adoption and use of the Drug Recognition Program by the states and other jurisdictions. 90M100A

**Electronic Access to Information.** Recognize that the coherent, integrated electronic provision of information relating to the legal system, including the judicial system, in a way that makes full use of the capabilities of existing technology, will provide significant benefits and efficiencies for governmental entities, the bar, and the public. Urge (1) the provision of public electronic access to governmental information through the Internet at no cost to the user and to forego the required use of proprietary networks for such access; (2) the provision for electronic filing and retrieval of appropriate documents through the Internet using open data interchange standards; and (3) the development of a uniform approach to the electronic provision and exchange of public information, including within the respective jurisdictions. 98A100

**English Language, Use of.** Support the principle that federal, state, territorial and local governments permit the use of languages in addition to English to improve communication with government, to promote understanding of duties and responsibilities under the law, and to provide access to the justice system. 97A106A

**Federal Distributive Funding.** Urges Congress to enact and the President to sign legislation authorizing the annual appropriation of federal distributive funding to the several states of the United States of America and their respective local governments and political subdivisions in 2011, and thereafter, in order to ensure continuity of funding of essential state and local government programs, projects and services following appropriations from the American Recovery and Reinvestment Act of 2009. 09A105

**Federal Funding for State and Local Government First Responders.** Supports increased federal funding to state, local and territorial governments, including public authorities, to enable these first responders to prevent terrorist attacks and increase their readiness to respond to any attacks that do occur. 03A117

**Federal Security Clearances.** Support the establishment of published standards and procedures for the granting, denial or revocation of security clearances for all employees of, and applicants for, employment by the federal government and federal government contractors and for defense contractors' facility clearances which balance the needs of national security and the interests of fair and accurate clearance determinations. 89101E

**Financial Regulatory System Reform.** Urges the United States Government to reform the nation's financial regulatory system in a manner that will promote economic growth, stability, and competitive and innovative financial markets, and that will better protect consumers, investors, employees and businesses and the nation as a whole. 09A301
Funding of the Federal Judiciary. Urges Congress and the Administration to fund the Federal Judiciary, recognizing competing fiscal demands, at levels sufficient to enable the courts to fulfill their separate constitutional and statutory duties. In order to avert a funding crisis in Fiscal Year 2005, at a minimum the Federal Judiciary should be provided appropriations sufficient to maintain their current level of services in order to avoid further staff and operational cutbacks at a time when court workload continues to grow. 04A10A

Government Investigations of Organizations and Employees. Opposes government policies, practices and procedures that have the effect of eroding the constitutional and other legal rights of current or former employees, officers, directors or agents (Employees) by requiring, encouraging or permitting prosecutors or other enforcement authorities to take into consideration any of the following factors in making a determination of whether an organization has been cooperative in the context of a government investigation: (1) that the organization provided counsel to, or advanced, reimbursed or indemnified the legal fees and expenses of an Employee; (2) that the organization entered into or continues to operate under a joint defense, information sharing and common interest agreement with an Employee with whom the organization believes it has a common interest in defending against the investigation; (3) that the organization shared its records or other historical information relating to the matter under investigation with an Employee; or (4) that the organization chose to retain or otherwise declined to sanction an Employee who exercised his or her Fifth Amendment right against self-incrimination in response to a government request for an interview, testimony, or other information. 06A302B

Hurricanes Katrina and Rita, Response to. (1) Urges the federal government and state and local governments affected by Hurricanes Katrina and Rita to establish and appropriately fund flood control plans and redevelopment plans for the Gulf Coast region. (2) Urges federal and affected state and local governments to take all steps necessary to ensure that the civil and criminal justice systems in the affected states have the resources available to maintain the continuity of the rule of law. (3) Urges that appropriate entities work with state supreme courts to develop model emergency orders for these courts to enact that permit lawyers not admitted to practice in the state to provide pro bono legal services to disaster victims. (4) Urges Congress to investigate the response by federal and affected state and local governments to Hurricanes Katrina and Rita. (5) Urges state legislatures in the affected states to explore mitigation efforts for future natural disasters, including but not limited to the need for more stringent building codes and revised zoning laws to address problems in flood zones. (6) Supports the principle that emergency preparedness plans should take into account the needs of individuals with household pets or service animals. (7) Urges both federal and affected state governments to act to afford relief to individuals, businesses and property owners from legal deadlines that adversely affect them. (8) Urges Congress to reexamine all aspects of the federal flood insurance program to assure that those living in areas subject to hurricane and flood damage are aware of the risks inherent in living in such areas. 06M305

Urges Congress to create an independent, bipartisan commission to investigate and recommend the appropriate measures to rebuild the infrastructure of the Gulf Coast damaged by Hurricanes Katrina and Rita, to provide reasonable hurricane and flooding protection for the people living in disaster prone areas, and to recommend appropriate measures designed to prevent or mitigate problems in responding to natural disasters in the future. 07A116B

Insurance Information Office. Urges Congress to enact legislation to establish a non-regulatory insurance information office within the Treasury Department. 09A303

Law Library of Congress. Urges the Congress to approve continued adequate funding for the Law Library of the Library of Congress. 11/91BOG2.11

Support the continuance of the arrangement of the Library of Congress in two departments, a general library and a law library, and that any reorganization of the Library of Congress not change the status of the Law Library as a Department, or alter the status, autonomy or function of the Law Library. Supports the creation of a National Law Library as an independent, separate entity, to include the present Law Library of Congress, and
that it's mission be to serve Congress and the legal profession and to improve the nation's access to legal information. 92M118

Support the Library of Congress and its Law Library in their efforts to secure reasonable cost recovery for specialized services such as identification of foreign law sources and expedited document delivery, while also affirming the basic principle of free access to core library services for the public while providing adequate safeguards for copyrighted works and private sector competition. Support efforts to secure the level of appropriations necessary to enable the Library of Congress and its Law Library to maintain and enhance their many services to the nation and the legal community. 93M115

Supports efforts by the Law Library of Congress and the Library of Congress to create and continue programs that (1) develop, maintain and enhance the Law Library’s services, facilities, operations and staff, and the acquisition of materials and their preservation and care, and (2) utilize the best technologies and methods available to make the Law Library’s vast and growing collections accessible. 11M110

Urges Congress to approve appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, collections, facilities, digital projects and outreach efforts. 218M109

Urges Congress to approve appropriations to the Library of Congress necessary to enable the United States Copyright Office to adequately staff, maintain, modernize, and enhance its services, facilities, databases, studies, and digital projects. 18A117

**Lobbying Disclosure Act.** Recommend to the Congress that the Lobbying Disclosure Act of 1992 or any similar legislation should not extend to executive branch officials except in certain specified circumstances where the interest of public disclosure may override legitimate confidentiality and privacy concerns. Resolve that any such extension include only certain contacts with executive branch officials. 93M102B

Urges Congress to amend the Lobbying Disclosure Act of 1995 to extend the registration and reporting obligations with respect to lobbying coalition membership and grassroots lobbying. 06A119

Urges Congress to update and strengthen federal lobbying laws by requiring fuller reporting of lobbying activities, forbidding certain conflicts of interest, and providing for more effective enforcement of the Lobbying Disclosure Act of 1995. 11A104B

**National Child Custody Registry.** Urge enactment of legislation establishing a national computerized child custody registry which identifies adjudications or pending cases concerning child custody and provides appropriate privacy protection procedures concerning the disclosure of and access to the names of individuals and confidential information contained in the registry. 95A108B


**National Endowment for the Arts.** Support reauthorization of the National Endowment for the Arts with no restrictions on the content, the subject matter, message or idea of what the Endowment may fund. 90A10H

**National Institute of Justice.** Support creation of an independent federal agency to conduct research and fund pilot projects aimed at improving the justice system. 2/79BOG

**National Law Library.** Support the creation of an independent, separate department of the Library of Congress, which would include the present law library. 79M118; 18M109

**Office for Improvements in the Administration of Justice, Department of Justice.** Support (1) the reestablishment in the United States Department of Justice of the Office for Improvements in the Administration of Justice with broad authority to pursue a range of programs and projects relating to the entire justice system;
(2) that the Office be headed by an Assistant Attorney General, under the direction of the Attorney General; and
(3) that the Office be authorized and responsible for developing ways to improve the operation of the civil and criminal justice system and to enhance citizen access to justice. 92M122A

**Office of Personnel Management/Administrative Law Judges.** Urges the Office of Personnel Management as part of its mandate to select the best qualified candidates for federal administrative law judge positions, to consider judicial status in good standing as a satisfactory alternative to any requirement that candidates be active licensed attorneys in good standing. 09M112

**Participation in Professional Associations.** Oppose proposed limitations and restrictions upon participation in professional associations of employees of the Executive Branch of the United States government such as those set forth in the proposed rule 5 CFR §2635.806 as published by the Office of Government Ethics in the Federal Register on July 23, 1991. 8/91BOG6

Believe that it is in the government’s and the legal profession’s interests, and that it would enhance the work of bar associations, to have government lawyers at all levels participate in professional development and justice system improvement activities sponsored and conducted by bar associations. Urge governmental entities to take concrete steps to facilitate government lawyer participation in bar associations. 98A102

Encourage governmental entities at all levels to permit government lawyers, including those in judicial administrative positions, to serve in leadership capacities within professional associations and societies. Encourage governmental entities to adopt standards that would authorize government lawyers, including those in judicial administrative positions, to (1) make reasonable use of government law office and library resources and facilities for certain activities sponsored or conducted by bar associations and similar legal organizations, and (2) utilize reasonable amounts of official time for participation in such activities. 99A112

**Periodic Review of Regulations.** Recommend five specified principles to guide the review of existing regulations by federal administrative agencies with rulemaking authority: (1) commitment by agencies to a periodic review of regulations; (2) congressional review of programs; (3) choice of different approaches to review methods best tailored for the particular agency; (4) five specified requirements for an effective and meaningful review; and (5) adoption of regulations that are less likely to become obsolete or require amendment, and establishment of formal programs for issuing interpretations to lessen confusion concerning existing rules. 95A103

**Political Activities.** Oppose the enactment of any legislation, such as H.R. 3485, which would (1) obligate exempt organizations to obtain the prior approval of their members before engaging in political activities; (2) define political activities so broadly as to preclude the traditional types of communications between citizens and public officials, upon which public officials have frequently drawn for a fuller understanding of issues under debate; and (3) require exempt organizations to add an additional layer of classifying activities and administrative procedures to the rigorous record keeping requirements already imposed by the Internal Revenue Service, the Federal Election Commission, and the Lobbying Disclosure Act of 1995. 4/98 BOG5.7

**Revenue Sharing.** Various federal programs provide general and special revenue sharing to states and localities. (No position)

**Sentencing Commission Rules.** Recommend that the United States Sentencing Commission adopt and publish internal rules of practice and procedure, including procedures commonly used by other rulemaking agencies to invite and structure public participation, disclose information, and justify promulgated rules. 95A129

**Shutdown, Federal Government.** Condemns federal government shutdowns which impair the legal system and undermine the Rule of Law. 19M10B

**State Secrets Privilege.** Supports procedures and standards designed to ensure that whenever possible, federal civil cases are not dismissed based solely on the state secrets privilege. 07A116A
**U.S. Attorneys.** Support implementation of procedures by which all U.S. attorneys would be selected solely on the basis of merit. 76M117

Supports in principle that the appointment, retention and replacement of United States Attorneys and career government attorneys, and the exercise of their professional judgment and discretion, should be insulated from improper partisan political considerations. 07A10C.

Urges the Supreme Court of the United States to consider racial, ethnic, disability, sexual orientation, gender identity, and gender diversity in the selection process for appointment of amicus curiae, special masters, and other counsel. 17M10A

**Whistle-blower Protection.** Support enactment of federal legislation uniformly protecting the rights of employees to make good faith disclosures about certain unsafe or unlawful actions. Believe Congress should strengthen such private section whistle-blower protection legislation in accordance with four specified principles. 90M125

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**HEALTH/MENTAL HEALTH**

**Access to Medical Information and Medically Appropriate Care.** Opposes governmental actions and policies that interfere with patients' abilities to receive from their healthcare providers, including healthcare professionals and entities, in a timely manner: (1) all of the relevant and medically accurate information necessary for fully informed healthcare decision-making; and (2) information with respect to their access to medically appropriate care, as defined by the applicable medical standard of care, whether or not the provider chooses to offer such care. 05M104

**Access to Medicare/Medicaid Decisions.** Urge the Department of Health and Human Services to remedy its failure to comply with the mandate of the Freedom of Information Act in accordance with seven specified provisions. 89M8B

**Access to Quality Health Care.** Reaffirm its support of legislation that would provide for every American to have access to quality health care regardless of the person's income, and provide five characteristics to be included in any such legislation. 90M108

Reaffirm support of legislation that would provide for every American to have access to quality health care regardless of the person's income, with any such legislation to include certain specified characteristics. 94M105

Supports federal legislation that would ensure every American access to quality health care regardless of the person’s income. 09A10A

**Advanced Illness.** Urges governments to enact legislation and regulation that will promote specific components in the provision of care to persons with advanced illness. 15M100

**Affordable Health Care Act.** Supports an interpretation of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116(a), that its prohibition on sex discrimination by covered health programs or activities includes but is not limited to discrimination on the basis of sexual orientation and gender identity. 18A104C

**AIDS.** Urge that federal, state and local law and the policies of private entities concerning the Human Immunodeficiency Virus (HIV) should be consistent with specified principles, as amended. 89A135

Approve certain language as a clarification of C.3 of 8/89 policy statement. 90M124
Urge enactment of state legislation providing that the fact or suspicion that an owner or occupant was infected with HIV, diagnosed with AIDS, or diagnosed with any other disease determined by medical evidence not to be transmittable through occupancy of improvements located on such property is not a material fact requiring disclosure in real estate transactions. 92A124B

Urges governments and relevant private entities to recognize that transmission of the human immunodeficiency virus (HIV), which causes Acquired Immune Deficiency Syndrome (AIDS), is driven by certain “social determinants of health” that law can address, including, among others, poverty, stigma, discrimination, and racism; housing, food, and transportation insecurity; over-criminalization of HIV non-disclosure; and misinformation about HIV transmission risk. 18M300

**Alcohol/Drugs.** Urges all state, territorial and local legislative bodies and governmental officials to repeal laws and discontinue practices that permit insurers to deny coverage for alcohol or drug related injuries or losses covered by accident and sickness insurance policies that provide hospital, medical and surgical expense coverage. 05A105

Urges all federal, state, territorial and local legislative bodies and governmental agencies to adopt laws and policies that require health and disability insurers who provide coverage for the treatment of both abuse and dependence on drugs and alcohol to do so in a manner that is based on the most current scientific protocols and standards of care, so as significantly to enhance the likelihood of successful recovery for each patient. 06A109

**Asbestos Injuries and Litigation, Federal Government Study of.** Urges the federal government to undertake an urgent study of the impact that the federal government has had in the causation of asbestos-related injuries over time and identify the appropriate role for the federal government in the solution of the present asbestos litigation crisis, without altering the responsibility of others. 05M109A

**Asbestos-Related Disease Claims.** Supports enactment of federal legislation that would: (1) allow those alleging non-malignant asbestos-related disease claims to file a cause of action in state or federal court only if they meet the medical criteria in the ABA Standard For Non-Malignant Asbestos-Related Disease Claims dated February 2003 (which the House will be requested to update periodically in accordance with medical advances and scientific research) or an appropriate similar medical standard; and (2) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met. Does not support limitations on the filing of claims for asbestos-related malignancies. Does not support the preemption of legal definitions for claiming or impairment as they may be found in regulations relating to certain federal laws; their state, territorial and local counterparts; Workers Compensation statutes and their regulations; and federal, state and territorial laws regulating employee benefit plans and employer health care coverage plans. 03M302

Recommends that states and territories adopt the Model Statute of Limitations for Asbestos, dated February 2005, governing the accrual of actions for injury, illness or wrongful death based upon exposure to asbestos. 05M300C

Without taking a position on the advisability of the establishment of an administrative process as an exclusive mechanism for the compensation of an asbestos-related injury subject to tort-based claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based asbestos-related claims should insure access by claimants to adequate representation in the claims process, including: (1) a claimant's assistance program with adequate funding, personnel and resources; (2) in cases pending on the effective date of any such legislation, provisions that would adequately compensate claimants and their attorneys for attorney services and costs reasonably expended or incurred on their behalf in the terminated litigation in the courts or administrative systems; and (3) access to private attorneys without unreasonable restrictions as to fees or other aspects of necessary representation in the claims process, if desired by a claimant. 06M106A

Without taking a position on the advisability of the establishment of an administrative process as an exclusive
mechanism for the compensation of an asbestos-related injury subject to tort-based asbestos-related claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based claims should: (1) insure that awards to claimants not be depleted by subrogation from any private or governmental entity; (2) apply existing laws concerning taxation of awards to claimants (which generally are not subject to taxation); and (3) not unduly foreclose independent claims existing under state, territorial or federal law relating to safety or other obligations of employers. 06M106B

Without taking a position on the advisability of an administrative process as an exclusive mechanism for the compensation of an asbestos-related injury subject to tort-based claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based asbestos-related claims should contain specific provisions to insure adequate up-front financing and disclosure of certain information concerning the contributors. 06M106C

Without taking a position on the establishment of an administrative process as an exclusive mechanism for the compensation of an asbestos-related injury subject to tort based claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-related asbestos related claims should contain the following contingent provisions to respond to any potential occurrence of a shortfall of funds: (1) speedy determination and announcement of shortfall; (2) if there are not sufficient funds to pay claims, there should be a remedy in the courts; (3) claimants with mesothelioma and/or who have been certified to have a reasonable life expectancy of less than twelve months, should be allowed immediately to file suit in any appropriate court; and (4) any applicable statute of limitations or statute of repose should be tolled during the existence of any administrative process and for a period of 180 days after the time the claimant is eligible to return to the court system, unless applicable state, federal, or territorial law provides for a longer tolling period. 06M106D

Asbestos Screening Standards. Recommends that states and territories establish, by statute or regulation, standards for the operation of screening vans or other forms of mass screening for asbestos-related conditions. These standards should be enforced, as appropriate, by federal, state and territorial governmental agencies and judicial bodies; by the investigation and enforcement of bar professional ethics; and by the investigation and enforcement of medical societies' ethical standards. The objective of screening standards should be to prevent medical screenings from being conducted inaccurately and being misused, but not to prevent legitimate monitoring of health. 05M300B

Assisted Living Facilities and Programs. Support uniform and comprehensive state and territorial standards, regulation, and oversight of facilities and programs, commonly referred to as assisted living, offering to persons in a residential setting some degree of supervision or assistance with personal services and health care, sufficient to enable consumers to make informed choices about their care options. 01A102

Bar Admissions. Urges state and territorial bar licensing entities to eliminate any questions that ask about mental health history, diagnoses or treatment when determining character and fitness for the purpose of bar admission. The questions should focus instead on conduct or behavior that impairs an applicant’s ability to practice law in a competent, ethical and professional manner. 15A102

Board and Care Facilities. Support federal oversight and enactment of state legislation requiring licensure and regulation of board and care facilities for adults who need personal assistance, lodging and meals. Conclude that any scheme of licensing and regulation should be consistent with eight specified principles. 89A121

Breast Cancer. Resolve that the ABA should partner with the public health community and bar associations to improve access to legal services for breast cancer patients. Urge Congress and governments to provide adequate funding for basic research and clinical trials to find a cure for breast cancer and other women's health conditions in that the present level of spending is not adequate. 00A112

Children’s Emotional and Behavioral Issues. Urges state, local, territorial and tribal child welfare and juvenile justice agencies to provide adequate resources for assessing and treating emotional and behavioral
disorders of children in their custody, including psychosocial and clinical interventions, recreational opportunities and supportive services that can reduce the need for prescribing psychotropic drugs. 16M111

Confidentiality of Personally Identifiable Health Information. Support legislation that protects the confidentiality of personally identifiable health information in either paper or electronic form. Resolve that such legislation should include individual privacy protections that ensure three specified protections.

Encourage, in the absence of legislative mandate, the parallel development of a code of fair health information practices, which should promote the confidentiality and protection against misuse of personally identifiable health information. 96M106

Support federal legislation that (1) explicitly acknowledges individuals' rights to privacy of their health care information; (2) protects the confidentiality of personally identifiable health information from any source, including medical record, electronic data and genetic material, and (3) ensures six specified principles. Encourages, in the absence of a federal legislative mandate, the development of strong institutional and organizational policies that adhere to such principles to protect the privacy and confidentiality of doctor/patient communication and protect against misuse of personally identifiable health information. 99M109A

Conversion Therapy. Recognizes that lesbian, gay, bisexual, transgender, and queer (LGBTQ) people have the right to be free from attempts to change their sexual orientation and gender identity and urges governments to enact laws that prohibit state-licensed professionals from using conversion therapy on minors. 15A112

Death Definition. Joins with the AMA and NCCUSL in creating a uniform public policy on this legal/medical issue. 81M101

Disaster Preparedness Systems. Supports the study of regionalization of the nation’s Emergency Care System and Emergency Departments and the enactment of legislation and promulgation of rules, specifically as it relates to disaster preparedness, as an effective and efficient means of improving patient safety, health care quality, cost reduction, coordination of care, and increased accountability of the system. 07A120B

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. 10M103A

Disclosure of Mental Health Records. Oppose legislation that would restrict discovery of mental health professionals' records, including raw test data and notes of interviews relating to evaluations in family law cases. 93A106

Disputes in Health Care. Support (1) the right of all consumers to a fair and efficient process for resolving differences with managed health care plans, health care providers, and the institutions that serve such plans and providers, including timely written notification and explanation of a decision to deny, reduce or terminate services or deny payment for services; (2) a rigorous system of internal review; and (3) an independent system of external review. Resolve that consumer education and ombudsman programs should provide information and assistance in resolving health care complaints, and that health care dispute resolution processes should be fully accessible. 98A106

Endorse certain principles contained in the Health Care Due Process Protocol: A Due Process Protocol for Mediation and Arbitration of Health Care Disputes, and support enactment of legislation consistent with those principles. Support enactment of legislation establishing alternative dispute resolution procedures as one remedy for resolving disputes between patients and group health plans, as part of a process that includes certain internal and external reviews. 99M1114

Opposes the use of mandatory, binding, pre-dispute arbitration agreements between a long-term care facility and a resident of such facility or person acting on behalf of such resident, and opposing legislation and regulations that would authorize, encourage or enforce such agreements. 09M111B
Employer-Sponsored Health Care Plans. Support legislation to amend the federal Employee Retirement Income Security Act (ERISA) to allow causes of action to be brought in the state and territorial courts against employer-sponsored health care plans under state and territorial health care liability laws. Support and encourage utilization of alternative dispute resolution mechanisms prior to the filing of such causes of action. 99M106

Urge Congress to enact legislation to require group health plans, other health insurers and similarly situated entities that are employer-sponsored to disclose to their enrollees any financial incentive programs they provide to physicians with whom they contract to provide patient care, and to display prominently information on these financial incentive programs. 01A103

Fetal Alcohol Spectrum Disorders. Urges attorneys and judges, state and local bar associations and law school clinical programs to help identify and respond effectively to Fetal Alcohol Spectrum Disorders (FASD) in children and adults through training to enhance awareness of FASD and its impact on individuals in the child welfare, juvenile justice, and adult criminal justice systems, and the value of collaboration with medical, mental health and disability experts. 12A112B

Genetic Testing. Urges federal, state and territorial governments to assure that predictive and diagnostic medical genetic testing provided on-line, via the telephone, or by any other direct-to-consumer means complies, with certain minimum requirements. 11A114

Health-Care Decisions Act (Uniform Health-Care Decisions Act). Addresses the broader problem of health-care decision-making and the narrower problem of who decides when to withdraw treatment, allowing a patient to die. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 94M115B

Health Care for American Indians and Alaska Natives. Supports the efforts of the National Tribal Steering Committee to address the inadequacy of health care for American Indians and Alaska Natives through the reauthorization of the Indian Health Care Improvement Act. Urges Congress and the Executive Branch to address the various areas where health care for American Indians and Alaska Natives is deficient. Supports the administration of health care services to American Indians and Alaska Natives consistent with the federal policies of tribal self-determination and self-governance. 04M103C

Health Care for Children. Support legislation, which ensures the provision of comprehensive health care for children 18 years of age and younger and pre-natal care for pregnant women. 97A113

Home Health Care Standards. Support legislation and regulation to improve home health care and home help care regulatory standards, monitoring systems, and enforcement mechanisms aimed at ensuring the quality of care for the elderly and disabled in accordance with five specified principles. Oppose the granting of deemed status under federal or state programs to home health and home help providers who are accredited by private accrediting bodies unless certain conditions are met. 87A106A

Human Clinical Trials. Urges Congress to enact legislation and to direct the appropriate federal department(s) to issue regulations that establish uniform guidance on addressing conflicts of interest in all human clinical trials. 09A120

Improving Access to Medicare Coverage Act. Urges Congress to enact the Improving Access to Medicare Coverage Act of 2013 (H.R. 1179) (S. 569), or similar legislation, that deems an individual receiving outpatient observation care services in a hospital to be an inpatient with respect to satisfying the three-day inpatient hospital stay requirement for Medicare coverage of a post-hospitalization stay in a skilled nursing facility. 14M110

Individuals with Disabilities Act. Support reauthorization of the Individuals with Disabilities Education Act, or similar legislation, that guarantees children with mental or physical disabilities a free appropriate public education in the least restrictive environment, and oppose efforts to eliminate, weaken or circumvent such
legislation. Encourage lawyers, judges, and state and local bars to make available legal services to ensure that children with such disabilities are not deprived of such education. Support inclusion in the Act or legislation provisions that permit individuals to pursue claims through mediation. Support attorney’s fees provisions in federal legislation that help ensure legal assistance for children with disabilities who seek to obtain or continue such education. 96M103

**Lawyers’ Well-Being.** Urges stakeholders, where appropriate, to consider the recommendations set out in the report, The Path to Lawyer Well-Being: Practical Recommendations for Positive Change, by the National Task Force on Lawyer Well-Being. 18M105

**Long-Term Care.** Support enactment of federal and state legislation providing a coordinated and comprehensive system of care and support for Americans of all ages with long-term care needs. Recommend that any system of long-term care be consistent with, but not limited to, five specified principles. 89M105

Supports adoption of specified federal, state and territorial legislation, regulations and other initiatives which encourage the appropriate use of private insurance, employment related benefits and other mechanisms that will address long-term care needs. 92M112

Urges Congress, and all federal, state and territorial administrative bodies to continue efforts to expand the availability of home and community based services (HCBS) as a viable long term option by (1) making HCBS a mandatory service under Medicaid available to anyone who would otherwise qualify for institutional long term care; (2) providing comparable financial eligibility standards and procedures for nursing home care and HCBS; (3) permanently mandating Medicaid spousal impoverishment protections for spouses of HCBS enrollees, as already exist for spouses of institutional long-term care; (4) allowing Medicaid enrollees to retain sufficient income to pay their reasonable living expenses in the community; and (5) initiating and expanding other HCBS efforts to help people with disabilities of all ages to live with dignity in the community. 11A106A

**Long-Term Care (Compact for).** Urges all federal, state, territorial and local legislative bodies and governmental agencies to develop and assess innovative long-term care programs such as the Compact for Long-term Care, as a reasonable and fair solution to long-term care financing. The Compact is intended to be a separate, additional program for Medicaid and not intended to replace it. 08M10A

**Long-Term Care for AIDS.** Support action to create legal mechanisms that allow people with HIV, AIDS or other debilitating, chronic, fatal illnesses to better plan for long-term care for themselves and their families, including standby guardianships, advance medical directives, and viatical settlements. Support educational activities and other efforts designed to encourage implementation of such mechanisms. Resolve that where legislation is implemented it should contain appropriate consumer safeguards. 95A122

**Medicaid Benefits.** Recognizes the financial burden of maintaining the Medicaid program and the need for innovation in shaping more effective health care systems, but opposes any structural or financial changes in the Medicaid program that would weaken the current entitlement nature of the program or shared legal obligation that the federal, state and territorial governments have to provide a comprehensive set of benefits to all individuals who meet eligibility criteria. Supports Medicaid restructuring that adheres to specific criteria. 05A113B

Urges Congress to enact legislation to encompass services provided by advanced practice providers within the locum tenens exception to the prohibition on reassignment of Medicare billing privileges. 16M300

**Medicaid Coverage Expansion.** Support expansion of the Medicaid program to provide coverage for all children and all pregnant women with family incomes less than 200 percent of the federal poverty level. 90M105

Urges Congress to amend Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y) and urges the
Executive Branch to adopt regulations that broaden the scope of Medicare coverage by allowing for coverage for items and services that are reasonable and necessary. 17M116

Medicaid Estate Recovery. Support the repeal of Medicaid estate recovery mandate enacted under the Omnibus Budget Reconciliation Act (OBRA) of 1993 and the reinstatement of the pre-OBRA 1993 state option for medicaid estate recover programs. In the absence of repeal, urge amendment of applicable laws and regulations to protect the poorest and most vulnerable recipients of Medicaid from shouldering the burden of estate recovery, with such amendments to include, but not be limited to, six specified options. 95M120

Medical-Legal Partnerships. Encourage lawyers, law firms, legal services agencies, law schools and bar associations to develop medical-legal partnerships with hospitals, community-based health care providers, and social service organizations to help identify and resolve diverse legal issues that affect patients’ health and well-being. 07A120A

Medical Release of Terminally Ill Inmates. Recommend that each jurisdiction review its procedures relating to medical release of terminally ill inmates to ensure that (1) they are fully integrated into the general law of sentencing, particularly with respect to issues such as eligibility for such release; (2) they provide for expedited handling of requests for medical release; and (3) they provide for the collection and dissemination of statistical data relating to the disposition of requests for medical release. Recommend that correctional authorities be encouraged to initiate consideration of medical release in appropriate cases and to make prisoners aware of the procedures for medical release. 96M113B

Support compassionate release of terminally ill prisoners and endorse adoption of administrative and judicial procedures for compassionate release consistent with the Administrative Model for Compassionate Release Legislation and the Judicial Model for Compassionate Release Legislation, each dated April 1996. Support alternatives to sentencing for non-violent terminally ill offenders in which the court, in certain specified circumstances, may accept a plea of guilty to any lesser included offense of any count of the accusatory instrument, to satisfy the entire accusatory instrument and to permit the court to sentence the defendant to a non-incarceratory alternative. 96A109

Medicare Claims Adjudication. Recommends specific reforms in the Medicare claims adjudication process to assure that Medicare beneficiaries are afforded due process throughout all levels of the claims process. 03A107

Medicare Procedures. Support efforts to improve the administrative and judicial process utilized by the Department of Health and Human Services in accordance with certain specified principles recommended by the Symposium on Medicare Procedures. 88A110

Medicare Reimbursement. Support legislation to extend and expand the availability of Medicare reimbursement for hospice care services. 86M108

(1) Supports timely and efficient resolution of requests from a claimant or applicable plan for conditional payment reimbursement amounts where Medicare has a right to reimbursement from a recovery by way of settlement, judgment or award for payments made for items and services. (2) Urges Congress and the Department of Health and Human Services, by legislation and/or regulation, to establish reasonable time limits and procedures for responding to requests for conditional payment reimbursement amounts so that payments of settlements, judgments and awards and reimbursements to the Department and taxpayers is timely, and failure by Medicare to timely respond should result in waiver of its right to seek reimbursement. (3) Urges the adoption of legislation and/or regulation which establishes the right of appeal and appeals process with respect to any determination for a payment made for an item or service under a primary plan under which the plan, attorney, agent or third party administrator may appeal such determination. 13M100
**Medicare Reporting Requirements.** Urges Congress to amend the Medicare, Medicaid and SCHIP Extension Act of 2007 (Act) to create a safe harbor provision precluding the assessment of civil penalties against responsible reporting entities as defined under the Act, that rely upon information verified by claimants regarding entitlement to or receipt of Medicare benefits. 10A101

**Medicare Secondary Payer Act.** Recommends that the federal government amend the Medicare Secondary Payer Act (42 U.S.C. §1395y(b) et seq.) to return an appropriate level of certainty, predictability, and efficiency to the Medicare set aside process that has significantly burdened, delayed and disrupted settlements in state, federal and territorial Workers' Compensation systems throughout the country. 05M109B

Urges Congress to acknowledge that there is no regulatory or statutory basis for Medicare Set Asides for third party liability settlements, judgments or awards under the Medicare Secondary Payer Act and provide clear, predictable, and consistent procedures for the submission, uniform determination, and timely approval of any third party medical set aside settlement proposals (MSASP) voluntarily submitted to the Centers for Medicare & Medicaid Services (CMS) in response to the non-binding recommendations of CMS. 11M108A

**Medicare/Medicaid Decertification Proceedings.** Urge the Department of Health and Human Services and the Health Care Financing Administration: (1) to establish more comprehensive rules of procedure for each of the various classes of HCFA administrative proceedings, including Medicare and Medicaid provider decertification proceedings; and (2) to publish in the Federal Register all of its interpretive guidelines, including procedural guidelines, no matter how identified, that are used by HCFA in the performance of its enforcement functions. 89M8C

**Medicare/Medicaid Fraud and Abuse Act.** Urge enactment of legislation to (1) provide that the Department of Health and Human Services shall issue advisory opinions upon request interpreting the Medicare/Medicaid Fraud and Abuse Act; (2) establish a federal advisory committee to review the Act and regulations interpreting it every two years in light of public comments, court decisions and changing circumstances; and (3) provide that HHS shall add to its distribution lists for information alerts and bulletins related to the Act those names of lawyers who request to be added to the list. 90A10E

**Mental Health and Substance Use Disorder Coverage.** Supports the rights of all Americans, particularly our nation’s veterans, to access adequate mental health and substance use disorder treatment services and coverage, and urges States, in implementing the essential health benefits provisions of the Patient Protection and Affordable Care Act, to fully and adequately provide for mental health and substance use disorder coverage. 13A101

**Mental or Emotional Illness in Criminal Justice System.** Urges Congress to enact legislation that would address the complex problem presented by the large number of adults with mental illness and juveniles with mental or emotional disorders who come into contact with the criminal and juvenile justice systems. Urges federal, state, local and territorial governments to: (1) increase funding for public mental health systems so that adults with mental illness and juveniles with mental or emotional disorders can obtain the support necessary to enable them to live independently in the community, and to avoid contact with the criminal and juvenile justice systems; and (2) improve their response to these adults and juveniles who come into contact with the criminal and juvenile justice systems by developing and promoting appropriate programs, policies and laws. 04M116

**Military Survivor Benefit Plan Payments.** Urges Congress to enact legislation amending Title 10, United States Code, to permit the payment of military Survivor Benefit Plan benefits to a special needs trust for the benefit of a disabled beneficiary. 11M105

**National Institutes of Health Legislation.** Support legislation to include women and minorities in clinical trials performed by the National Institutes of Health and to appropriate funds for the NIH to study ailments affecting women. Support legislation to permanently authorize an Office of Research on Women's Health at the National Institutes of Health, and to create contraceptive and fertility research centers to conduct clinical and
other applied research. Support certain legislation concerning federally funded fetal tissue transplantation research. Recommend that requirements and restrictions for such fetal tissue transplantation research prohibit certain actions. 92M114

**Naturalization Process.** Affirm the historic and societal importance of the naturalization process in integrating eligible lawful permanent residents into the mainstream of American life. Supports the current naturalization eligibility requirements, and opposes proposals to increase those requirements or disqualify an individual on the basis of conduct that was not a disqualification at the time it was engaged in. Support the naturalization process and recommend improvements to the process to provide reasonable accommodations for people with mental and physical disabilities, to improve quality control in completing the required criminal record checks and required tests, and to achieve a six-month processing goal. 97A118

**Needle Exchange Programs.** Support the removal of legal barriers to the establishment and operation of approved needle exchange programs that include a component of drug counseling and drug treatment referrals in order to further scientifically-based public health objectives to reduce HIV infection and other blood-borne diseases and in support of the Association’s long-standing opposition to substance abuse. 97A106B

**Nursing Homes.** Urge the retention of effective enforcement mechanisms to ensure adequate quality of care in nursing homes participating in Medicare and Medicaid. 83M114

**Opioids.** Urges the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*. 19M108

**Pain and Symptom Management.** Urge governments to construe, apply and if necessary, amend laws regulating the health professions, controlled substances, insurance and both public and private health benefit programs so that the laws do not impose barriers to quality pain and symptom management. Urge governments to support fully the right of individuals suffering from pain to be informed of, choose, and receive effective pain and symptom evaluation, management, and ongoing monitoring as part of basic medical care, even if such pain and symptom management may result in analgesic tolerance, physical dependence, or as an unintended consequence shorten the individual's life. 00A102

**Patient Safety.** Urges federal, state and territorial legislative bodies to adopt legislation establishing pilot programs that enable and encourage medical personnel to report hospital events which, if repeated, could threaten patient safety. 08A115

**Patient Self-Determination Act.** Urges Congress to amend the Patient-Self Determination Act (PSDA) provisions of the Medicare and Medicaid law to require that: (1) every patient or patient’s authorized representative be given an opportunity to discuss issues relating to advance care planning with an appropriately trained representative of the provider organization within a reasonable time after the patient’s admission; (2) health insurance exchanges developed pursuant to the Patient Protection and Affordable Care Act of 2010 be required under the PSDA to provide advance care planning information and resource options for follow-up assistance; and (3) in the absence of a validly executed advance directive, any clear, undisputed expression of a person’s health-care wishes should be honored, as long as consistent with applicable law. 12A106A

**Physician-Assisted Suicide.** Resolve that any consideration of the matter of physician-assisted suicide, which involves personal, religious, emotional, medical, legal and ethical considerations and consideration of appropriate care alternatives, supportive services, pain relief, potential for abuse, legal protection, competency and needed research in many fields, should be left to be resolved by state legislatures and territories and their electorates after extensive and informed public discussion. Recommend that in the event that any state or territory chooses to adopt legislation permitting physician-assisted suicide, it should ensure that information and reporting systems are established to achieve close monitoring of the impact of such practices, especially
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with respect to vulnerable populations who may be particularly at risk if such practices are authorized. 97A102A

**Physician Inquiries Regarding Guns in the Home of Patients.** Opposes governmental actions and polices that limit the rights of physicians and other health care providers to inquire of their patients whether they possess guns and how they are secured in the home or to counsel their patients about the dangers of guns in the home and safe practices to avoid those dangers. 12A111

**Physicians Orders for Life-Sustaining Treatment.** Urges federal, state, tribal and territorial legislative bodies, governmental agencies and health care providers to establish and support decision-making protocols to ensure that the wishes, including those expressed in any prior advanced directive, of those who have advanced chronic progressive illnesses are appropriately translated into visible and portable medical orders such as Physicians Orders for Life-Sustaining Treatment or POLST that address higher probability medical contingencies, including hospitalization, cardiopulmonary resuscitation, artificial nutrition and hydration, antibiotics, and ventilation. 08A103

**Powers of Attorney.** Encourage the use and recognition of durable powers of attorney for delegating health care decision-making authority in the event of decisional incapacity of the principal, and include five specified steps to encourage such use and recognition. 89A120

**Public Health Law.** Urges American Bar Association members and lawyers throughout the United States to improve their knowledge of public health law in order to better serve their clients and the public who will be affected by new public health threats such as bioterrorism and infectious disease outbreaks. Encourages state, territorial and local bar associations to work with public health authorities to develop programs that train lawyers to provide pro bono legal assistance to public health authorities confronting biological and other health emergencies. Encourages ABA members and layers throughout the United states to become involved in assessing and improving the public health legal preparedness of the communities in which they live and work and ensuring that public health measures are protective of civil and constitutional rights. 04A102

**Qualified Medicare Beneficiary Program.** Support efforts to increase public awareness of and accessibility to the Qualified Medicare Beneficiary (QMB) program. Support efforts to identify, notify, and enroll currently eligible elderly persons and persons with disabilities who are not receiving the benefit. 93M103

**Representative Payees.** Urges the Administration to support and Congress to enact legislation that would strengthen the safeguards and protections of individuals receiving benefits under the Old Age, Survivors and Disability Insurance programs and the Supplemental Security Income program of the Social Security Act (Beneficiaries) which, because of such Beneficiary’s disabilities and incapacities, are being received and managed by organizations designated by the Social Security Administration as representative payees. 02M100

Urges Congress and the Social Security Administration (SSA) to strengthen the safeguards and protections for all individuals receiving benefits via the representative payee program. 18M104

**Review of Medicare Reimbursement Controversies.** Urge Congress to hold public hearings addressing the need for legislation to ensure efficient administrative and judicial review of Medicare reimbursement controversies. 80A122B

**Scientific Research, Prohibitions on.** Opposes governmental actions that would: (1) prohibit scientific research conducted for therapeutic purposes, including research involving cell nuclear transfer that is not intended to replicate a human being, provided that such research is conducted in conformity with accepted research, ethical, and legal safeguards; or (2) penalize individuals or research entities that participate in such research. 02A117B
Sexually Transmitted Diseases. Urges states, territories and tribes to support the removal of legal barriers to the appropriate use by health care providers of Expedited Partner Therapy, applied as specified in protocols promulgated by the U.S. Centers for Disease Control and Prevention (CDC) in the treatment of those sexually transmitted diseases, identified in the evidence-based recommendations of the CDC and the policy statements of the American Medical Association (adopted June 2006). 08A116A

Social Security Act. Supports continuation of the federal Old Age, Survivors, and Disability Insurance (OASDI) program, commonly known as Social Security and authorized by Title II of the Social Security Act, 42 U.S.C. §401 et seq, as a national system of social insurance. Supports preservation of the Social Security Trust Funds and long term solvency of the program. Identifies hallmarks of the existing system by which to measure future proposals. 05A113A

Social Security Act Amendments. Recommend that Congress enact legislation amending the Social Security Act that would require the Secretary of Health and Human Services to implement six practices at the initial determination process of disability claims; and to require the Secretary of Health and Human Services to take specific affirmative steps to ensure that applicants unable to adequately access the social security system, in particular homeless people, receive assistance in applying for benefits to which they may be entitled. 91A109A

Social Security Claims—Attorney’s Fees. Urges Congress to enact legislation amending Title 28 of the United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims. 09M10B

Standard of Care. (1) Supports the development and use of evidence-based, clinical, or medical practice guidelines or standards regarding patient care and safety that are created by independent organizations comprised of experts, recognizing the need to incorporate updates on a continuous basis and further recognizing that such guidelines are not necessarily synonymous with the applicable standard of care in any particular jurisdiction. (2) Opposes federal or state legislation that provides that a healthcare provider is not negligent, or is presumptively not negligent, and is therefore not responsible, for an adverse outcome on the sole basis that the healthcare provider followed, or practiced in conformity with, evidence-based, clinical or medical practice guidelines or standards. (3) Opposes federal or state legislation that provides that a healthcare provider is negligent, or is presumptively negligent and is therefore responsible for an adverse outcome on the sole basis that the healthcare provider failed to follow, or failed to practice in conformity with, evidence-based, clinical or medical practice guidelines or standards. 11M113

Supplemental Security Income Modernization Project. Support in principle the recommendations of the Final Report of the Supplemental Security Income Modernization Project, to improve access to the Supplemental Security Income program for all eligible persons, to ensure that claims are processed fairly and efficiently, and to eliminate rules and procedures that are unreasonable, demeaning and harsh. Support certain priorities as set forth in the above report. 94M110

Surrogate Health Care Decisions. Support the principles that individuals who are capable of making health care decisions generally have the right to consent to and to refuse suggested health care interventions, even if the result would be to shorten life’s span, and that an appropriate surrogate may exercise this right on behalf of an individual who is incapable of making such decisions, with certain understandings. 90M108A

Telemedicine Licensure. Urges states and territories to provide for mutual telemedicine licensure recognition, subject to continuing compliance with applicable licensure fees, discipline, and other applicable laws and regulations, and adherence to professional standards of medical care. Further, such legislation should specify a uniform definition of telemedical practice, the requisite procedures for telemedical licensure, jurisdictional requirements, and the continuing role of medical boards in physician licensure and discipline. 08A116B
**Training for Staff and Volunteers.** Urges all emergency management agencies to provide proper training to staff and volunteers to respond to unique needs of intimate partner violence and sexual violence victims during and after a disaster. 18A107A

**Universal 24-Hour Health Coverage.** Opposes the adoption of legislation by Congress that merges medical payment components of workers compensation and medical payment components of automobile insurance with health insurance, commonly referred to as Universal 24-Hour Health Coverage. 10M103B

**Veterans' Federal Benefits.** Supports legislation to repeal the statutory provision preventing veterans from paying an attorney to represent them in connection with their claims for federal benefits. 05M8A

**Veterans' Treatment Courts.** (1) Supports the development of comprehensive, systemic approaches to address the special needs of veterans within civil and criminal court contexts, including but not limited to proceedings involving veterans service-related injuries, disorders, mental health and substance abuse needs, through programs that connect veterans to appropriate housing, treatment and services through partnerships with the local Veterans Affairs Medical Centers, community-based services and housing providers. (2) Urges state, local, and territorial courts to facilitate the development of Veterans Treatment Courts, including but not limited to, specialized court calendars or the expansion of available resources within existing civil and criminal court models focused on treatment-oriented proceedings. (3) Adopts six principles for Veterans Treatment Courts to the extent appropriate and feasible for each jurisdiction. 10M105A

**IMMIGRATION LAW**

**Adjudication of Immigration Cases.** 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. 10M114F

**Administration of U.S. Immigration Laws.** Supports (1) a system for administering our immigration laws that is transparent, user-friendly, accessible, fair, and efficient, and that has sufficient resources to carry out its functions in a timely manner; (2) the development of efficient interagency procedures to ensure that those involved in immigration matters have a clearly identified means for addressing and resolving issues that require action by more than one of the federal agencies that have jurisdiction; (3) vigilant enforcement against the unauthorized practice of law and ineffective assistance of counsel in immigration matters; (4) free availability of user-friendly legal resources for participants in immigration matters; (5) the adoption of reasonable discovery procedures for immigration proceedings that are consistent with best practices in other administrative agencies; and (5) the development of a standardized, efficient process for the timely handling of Freedom of Information Act requests for immigration matters that ensures compliance with statutory deadlines. 06M107D

Reaffirms and expands existing policy regarding refugees in light of the January 27, 2017 Executive Order, calls for increased funding and legislation to process and handle refugee applications, and urges Congress to pass legislation that would provide for individualized assessments of refugee applications and that they be conducted expeditiously and justly. 17M10B

Urges the Attorney General to rescind the “Zero Tolerance” and “Operation Streamline policies” that mandate the prosecution of all persons alleged to have improperly entered the United States for the first time, a misdemeanor under 8 U.S.C. 1325; end the practice of expedited mass prosecution of immigrants; and allow for an individualized determination in deciding whether to file criminal charges. 19M109A

**Administrative Appeal.** Oppose legislation that would not provide for appeal to an independent administrative body for all persons subject to administrative orders of exclusion or deportation or to denial of asylum claims. 83M11A
Administrative Law Judges. Support legislation that would require administrative law judges for immigration proceedings to be appointed pursuant to the Administrative Procedure Act. 83M117

Alien Children. Adopts the black letter ABA Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States, dated August 2004, which addresses the comprehensive psychological, legal, medical, mental health, educational and other basic needs of unaccompanied immigrant alien children in federal custody. 04A117

Adopts the 2018 ABA Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States, to replace the 2004 Standards. 18A119

Asylum and Refugee Process and Procedures. Express support for improving the asylum process and facilitating exercise of the right to counsel consistent with Section 292 of the Immigration Act, as amended, by calling upon the Immigration and Naturalization Service and the Executive Office of Immigration Review to implement certain recommendations of the ABA Coordinating Committee on Immigration Law, including three specified principles. Support a humane and enforceable safe-haven mechanism to provide protection to persons who are unable to return to their home countries because of conditions that endanger their safety and well-being; and urge that nationals of the People's Republic of China, El Salvador and Nicaragua should be among the first beneficiaries of the aforementioned protections. 90M131

Supports the establishment of laws, policies, and practices that ensure optimal access to legal protection for refugees, asylum seekers, torture victims, and others deserving of humanitarian refuge, including: (1) the elimination of unduly restrictive limitations that prevent asylum seekers from initiating claims; (2) the establishment of practices that ensure the prompt identification of asylum seekers; (3) the creation of fair screening procedures for refugees intercepted or interdicted in order to quickly identify refugees, asylum seekers, and torture victims; and (4) the development of refugee visa and pre-clearance policies to assist refugees in coming to the United States. 06M107F

Supports the repeal of annual numerical caps that result in undue delays in the granting of lawful permanent residence to those individuals who have already been granted asylum status in the United States. 05M112

Encourages states and entities working to implement the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration to take additional steps to address root causes of displacement and forced migration, develop policies that discourage the criminal prosecution of migrants and refugees, encourage the accountable use of prosecutorial discretion, and protect migrants and refugees from bias and discrimination regardless of gender, race, sexual orientation, sexual identity, national origin, and religion. 19M116

Bar Admission for Undocumented Immigrants. Urges the bar admission authorities in each state and territory not to deny bar admission to undocumented immigrants, who have met all the necessary prerequisite qualifications for admission in their respective jurisdictions, solely due to their immigration status. 17A108

Board of Immigration Appeals. 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, requiring three-member panel review in all non-frivolous merits cases that lack obvious controlling precedent, and allowing single-member review for purely procedural motions and motions unopposed by the Department of Homeland Security. 10M114C

Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals. 17A115

Citizenship Certificates. Urge that the Immigration and Nationality Act be amended to provide for a 10-year statute of limitations within which proceedings must be instituted for revocation or cancellation of citizenship certificates. 68M69
Citizenship/Fourteenth Amendment. Urges Congress to reject any resolution proposing an amendment to the United States Constitution that would alter, in any way, the granting of United States citizenship under the Fourteenth Amendment to any persons born in the United States (including territories, possessions and commonwealths) based upon the citizenship or immigration status of one or both parents at the time of the person's birth. 11A303

Civil Immigration Laws. Urges that the federal government retain exclusive jurisdiction over civil immigration matters. Opposes delegation of legal authority to state, territorial and local police to enforce federal civil immigration laws. Opposes criminalization of civil violations of immigration law. 04M105

Civil Penalties. Oppose enactment of legislation that would authorize enforcement of civil penalties without opportunity for adjudicatory hearings before administrative law judges. 83M117

Deferred Action For Childhood Arrivals. Urges Congress to enact legislation protecting Deferred Action for Childhood Arrivals (DACA) recipients and other undocumented immigrants who were brought to the United States as children and who meet age, residency, educational and other qualifications as set forth by the U.S. Citizenship and Immigration Service (“DREAMers”). 18M108E

Department of Homeland Security. Urges the Department of Homeland Security to implement 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. 10M114A

Deportation/Removal of Non-Citizen Based Upon Conviction of a Crime. Urges Congress to restore authority to state and federal sentencing courts to waive a non-citizen's deportation or removal based upon a conviction of a crime, by making a judicial recommendation against deportation upon a finding at sentencing that removal is unwarranted in the particular case or, alternatively, to give such waiver authority to an administrative court or agency. Urges federal immigration authorities to avoid interpretations of the immigration laws that extend the reach of the aggravated felony mandatory deportation ground. Urges states, territories and the federal government to expand the use of the pardon power to provide relief to non-citizens otherwise subject to deportation or removal on grounds related to conviction, where the circumstances of the particular case warrant it. 06M300

Deportation/Removal: Reopen or Reconsider Proceedings. Supports application of the Immigration and Nationality Act to allow persons outside the United States to pursue motions to reopen or motions to reconsider removal (deportation) proceedings on the same basis and subject to the same restrictions that apply to persons who file such petitions from within the United States. 11A104A

Detention. Opposes the incommunicado detention of foreign nationals in undisclosed locations by the Immigration and Naturalization Service (INS) and urges protection of the constitutional and statutory rights of immigration detainees by: (1) disclosing the names, detention facilities and charges against them and ensuring immediate access to attorneys and family members; (2) promptly charging detainees and releasing them when charges are not brought or removal orders are not effectuated; (3) providing prompt custody hearings with meaningful administrative review and judicial oversight; (4) holding public removal hearings except when required to protect the individual’s safety or when national security interests are involved; and (5) promulgating into regulation the four INS detention standards relating to access to counsel and legal information, and permitting independent organizations to visit the detention facilities and meet privately with detainees to monitor compliance. 02A115B

(1) Opposes the detention of non-citizens in immigration removal proceedings except in extraordinary circumstances which would include a determination, following a hearing and subject to judicial review, that a person presents a threat to national security or public safety, or presents a substantial flight risk. (2) Supports the use of alternatives to detention, including supervised pre-hearing release and bond. (3) Supports prompt
hearings, meaningful administrative review, and judicial oversight for detainees who are denied release. (4) For persons detained during immigration proceedings or under a final order of removal, supports the establishment of mechanisms to ensure full compliance with Supreme Court case law. 06M107E

Supports the issuance of federal regulations that codify the Department of Homeland Security Immigration and Customs Enforcement National Detention Standards, and supports improvement, periodic review, and increased oversight of detention standards implementation in order to ensure that detained non-citizens and their families are treated humanely and have meaningful access to counsel and to the legal process. 08M111B

Detention, Immigration. Adopts amendments to the 2012 ABA Civil Immigration Detention Standards, to encourage Congress and the Department of Homeland Security and Immigration and Customs Enforcement to use segregation for immigration detention only as a last resort for a limited time period and in compliance with other limitations. 14A111

Detention Standards. Adopts the ABA Civil Immigration Detention Standards, dated August 2012, which govern the treatment of persons in the U.S. immigration detention system. 12A102

Discrimination in Government Funded Services. Urge Congress and the President to restore to legal immigrants the same rights to Supplemental Security Income, food stamps and other federal and state funded services, benefits, and assistance, which were available to them prior to enactment of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Oppose legislative or administrative action that restricts, denies or otherwise discriminates against legal immigrants, in the provision of government funded services, benefits or assistance. 97A102B

Due Process and Access to Legal Assistance in Workplace Enforcement Actions. Supports legislation and/or administrative standards to ensure due process and access to appropriate legal assistance for persons arrested or detained in connection with immigration enforcement actions and encourages bar associations to raise awareness of the rights available to individuals taken into custody during workplace immigration enforcement actions. 09M101C

Due Process and Judicial Review. (1) Urges an administrative agency structure that will provide all non-citizens with due process of law in the processing of their immigration applications and petitions, and in the conduct of their hearings or appeals, by all officials with responsibility for implementing U.S. immigration laws. Such due process in removal proceedings should include proceedings like those governed by the Administrative Procedure Act, including full, fair and meaningful administrative and judicial review. (2) Supports the neutrality and independence of immigration judges, both at the trial and appellate levels, and of any federal agency by which they are employed, so that such judges and agencies are not subject to the control of any executive branch cabinet officer. (3) Opposes retroactivity provisions in immigration laws that impose burdens or reduce benefits available to persons while depriving them of the ability to take such laws into account in making their decisions or shaping their conduct. 06M107C

Employer Sanctions. Oppose enactment of legislation imposing civil and criminal sanctions on employers who knowingly hire illegal aliens. 83M121B

Fee Levels for Benefits. Supports fee levels for immigration and naturalization benefits that are not so burdensome as to deter eligible applicants from filing and urging Congress and the executive branch to ensure that adequate funds are appropriated to enable U.S. Citizenship and Immigration Services to implement these fee levels. 08M111A

Gender-Based Persecution. Urge that gender-based persecution be recognized as a ground for asylum under the Immigration and Nationality Act and support federal legislative or administrative action to ensure, in interpretations or applications of criteria for asylum under the Immigration and Nationality Act, that (1) the term, social group includes women who have been persecuted or have a well-founded fear of persecution on account of their gender; and (2) the term, persecution encompasses domestic violence, sexual abuse, rape, infanticide, genital mutilation, forced marriage, slavery, and forced abortion. 01M110
**Haitian Family Reunification Parole Program.** Urges the Department of Homeland Security to create a Haitian Family Reunification Parole Program and immediately begin paroling into the United States already-approved Haitian beneficiaries of family-based visa petitions. 12A113

**Immigrant Children and Detention of Primary Caregiver.** Urges Congress to enact legislation, and the Department of Homeland Security to adopt policies, that: (1) assure information pertaining to location and transfer either of immigrant detainees who are parents, legal guardians or primary caregivers of minor children, or of the minor children themselves, or of changes of placement of those minor children, is shared among immigration authorities, state and local child welfare agencies, and state courts; (2) assure the length of one's status as an immigration detainee, or one's removal or pending removal from the country, cannot be the sole basis for a state not to provide legally mandated reasonable efforts to reunify children with their primary caretaker; and (3) mandate the Department of Homeland Security to collect and report aggregate annual data on the number of U.S. citizen children impacted by the detention or deportation of a primary caregiver and resulting cost to child welfare agencies. 11A103B

Urges the Department of Homeland Security to revise its policies with respect to detained parents, legal guardians and primary caregivers of children to incorporate the following: (1) access to an attorney to help them understand legal issues related to children who had been in their care; (2) referral to an attorney who can represent their interests in state court custody, dependency, and other legal actions related to their children; and (3) the opportunity for their meaningful participation in all state judicial proceedings involving their children's custody and welfare, as well as the opportunity to access court-mandated services related to their parenting. 11A103C

Urges federal and state governments to enact legislation for the protection of unaccompanied and undocumented immigrant children and U.S. citizen children of noncitizen parents that would require: (1) such children be screened promptly upon apprehension by immigration authorities or placement in foster care, or upon other entry to a child welfare system, to determine whether the child is eligible for immigration relief because he or she is a victim of a crime, abuse, neglect, or abandonment or another similar basis under state law; (2) repatriations of such children; and (3) U.S. citizen children have full access to their birth certificates, paternity documents, and other vital government records without regard to the immigration status of a parent or guardian. Further, urges revision of federal laws to ensure federal support for training of state and local judges, and for attorneys who work with non-U.S. citizen parents and children of undocumented parents. 11A103D

Urges Congress to preserve and develop laws, regulations, policies, and procedures that protect or increase due process and other safeguards for immigrant and asylum-seeking children, especially those who have entered the United States without a parent or legal guardian. 17M301

Urges Congress to enact immigration reform addressing children separated from their parents at the United States border. 818A10C

**Immigration Consequences of Criminal Proceedings.** Urges federal, state, territorial, tribal and local governments to provide funding to state and federal public defender offices and legal aid programs specifically for the provision of immigration advice about the immigration consequences of criminal proceedings to indigent non-U.S. citizen defendants, and about any available relief from such consequences. 10A100C

Urges federal, state, territorial, tribal, and local courts to ensure that defense counsel for a juvenile in a criminal or juvenile adjudication of delinquency proceeding: (1) inquires and investigates the juvenile defendant’s actual immigration status and informs the client about the immigration penalties and/or consequences that may stem from the case, the varying consequences that may flow from different dispositions of the case, and the availability of any relief from possible consequences; and (2) seeks, when practicable, to minimize adverse immigration consequences, according to the best interests of the client. 13M104E
Urges the Attorney General to rescind the “Zero Tolerance” and “Operation Streamline policies” that mandate the prosecution of all persons alleged to have improperly entered the United States for the first time, a misdemeanor under 8 U.S.C. 1325; end the practice of expedited mass prosecution of immigrants; and allow for an individualized determination in deciding whether to file criminal charges. 19M109A

Immigration Consequences of Past Criminal Convictions. Supports legislation, policies and practices that preserve the categorical approach used to determine the immigration consequences of past criminal convictions, under which the adjudicator relies on the criminal statute and the record of conviction rather than conducting a new factual inquiry into the basis for the conviction. 09A113

Immigration Courts and Judges. Supports measures to improve immigration courts and create a more professional, independent and accountable immigration judiciary, including provisions to increase the number of a) immigration judges by approximately 100, b) law clerks to a ratio of one clerk per judge, c) support personnel, and d) Assistant Chief Immigration Judges and expand their deployment to regional courts. Supports additional opportunities for training of immigration judges and an increase in administrative time available to immigration judges. Also supports adoption of additional hiring criteria, the protection of immigration judges from removal without cause, and establishment and implementation of a new code of conduct tailored to the immigration adjudication system that is based on the ABA Code of Judicial Conduct. 10M114B

Immigration of Foreign Nationals Investing in the United States. Support legislation to reestablish a legal basis upon which foreign nationals who have invested or are in the process of investing a substantial amount may legally enter and immigrate to the United States, and to create a new nonimmigrant visa classification for principal investors and their key employees. 87A113C

Immigration Legalization. Urge Congress to extend the application period for legalization under the Immigration Reform and Control Act of 1986 (IRCA) beyond the existing expiration date of May 4, 1988. 88M115B

Immigration and Nationality Act. Urges Congress to amend Section 287 of the Immigration and Nationality Act to expand and codify Department of Homeland Security guidelines regarding immigration enforcement actions. 17A10C

Immigration Reform (General Principles to Guide Immigration Reform Legislation). Supports a regulated, orderly and safe system of immigration to the United States that promotes national security, and the creation of sufficient legal channels for the admission of needed workers and their immediate families. Supports a comprehensive approach to immigration reform that fairly and realistically addresses the U.S. undocumented population, the need for immigrant labor, the value of timely family reunification, and the need for an effective and credible immigration enforcement strategy to include: (1) a temporary worker program for undocumented laborers and for necessary future workers; (2) a path to lawful permanent residence and U.S. citizenship for undocumented persons who entered the United States as minors and have developed significant equitable ties to the U.S., subject to a good moral character requirement and security screening; (3) an immigration enforcement plan; and (4) expanded and coordinated government programs to teach immigrants English, prepare them for citizenship, acculturate them in core U.S. civic values, and otherwise promote their integration into their adopted nation. 06M107B

Immigration Reform and Control Act. Support development of activities and programs to promote public understanding and effective implementation of the Immigration Reform and Control Act in accordance with five methods. Urge Congress to appropriate sufficient funds to implement the legalization and other provisions of the Act. 11/86BOG4.15

Increased Appropriations for Enforcement. Support provision by Congress of sufficient resources to federal agencies charged with administering immigration, refugee and fair labor standards laws. 83M117
Involuntary Transfer of Detained Immigrants and Asylum Seekers. Oppose the involuntary transfer of detained immigrants and asylum seekers to facilities that impede an existing attorney-client relationship. 01M106B

Judicial Review Availability. Oppose legislation to limit availability and scope of judicial review of administrative decisions regarding reopening and reconsideration of exclusion or deportation proceedings or asylum determinations on constitutional and statutory writs of habeas corpus. Oppose legislation to limit to less than 60 days the time within which petitions for review must be filed. 83M119

Supports the restoration of federal judicial review of immigration decisions. Urges Congress to enact legislation to a) restore the U.S. Court of Appeals' authority to review discretionary decisions of the Attorney General under the abuse of discretion standard in effect prior to 1996 legislation, b) permit the courts of appeals to remand cases to the Board of Immigration Appeals for further fact finding, and c) amend the current 30-day deadline to file a petition for review with the court of appeals to 60 days, with a provision for an additional 30 days for good cause or upon a showing of excusable neglect. Urges the promulgation of regulations requiring that a final order of removal include notice of the right to appeal. 10M114D

Judicial Review of Final Orders of Exclusion. Support enactment of legislation creating jurisdiction for the judicial review of all final orders. 74A133

Labor Certification Program. Support amendment of Immigration and Nationality Act to improve labor certification and improvement by Department of Labor of certification program. 76A106

Legalization of Status. Support enactment of legislation recognizing that undocumented individuals now in the United States should be dealt with realistically and humanely, and those who are otherwise law-abiding should be accorded legal status. 83M117

Mass Killings. Urges governments and relevant organizations to implement the recommendations set forth in the policy brief, Allies Against Atrocities: The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings (May 2016). 17M115

Migration. Supports multinational cooperation and consultation in the formulation of national laws and policies relating to migration and urges the United States government to enter into regional and international discussions and agreements governing the flow of workers. 06A123B

Encourages states and entities working to implement the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration to take additional steps to address root causes of displacement and forced migration, develop policies that discourage the criminal prosecution of migrants and refugees, encourage the accountable use of prosecutorial discretion, and protect migrants and refugees from bias and discrimination regardless of gender, race, sexual orientation, sexual identity, national origin, and religion. 19M116

Naturalization Process. Affirm the historic and societal importance of the naturalization process in integrating eligible lawful permanent residents into the mainstream of American life. Supports the current naturalization eligibility requirements, and opposes proposals to increase those requirements or disqualify an individual on the basis of conduct that was not a disqualification at the time it was engaged in. Support the naturalization process and recommend improvements to the process to provide reasonable accommodations for people with mental and physical disabilities, to improve quality control in completing the required criminal record checks and required tests, and to achieve a six-month processing goal. 97A118

Nonimmigrant Visas for Household Caregivers. Urge amendment of the Immigration and Nationality Act to create a new non-immigrant visa category for household caregivers, control employment of alien caregivers to protect them and the U.S. market, and establish reasonable time limitations on the process for qualifying for permanent residence in the United States for qualified and eligible alien applicants. 93A10A
Nonimmigrant Visas for Intracompany Transferees. Support amendment of federal regulations relating to nonimmigrant visas for intracompany transferees by clarifying and simplifying certain eligibility definitions and by lengthening the initial eligibility period for new offices. 88A126

Permanent Residence. Supports legislation providing noncitizens who both reside in the United States and demonstrate significant ties to the United States (such as employment, tax payment, family, length of residence) with an opportunity for them and their immediate relatives to acquire lawful, permanent residence. 02A115A

Preference Categories. Support amendments to the Immigration and Nationality Act of 1952, as previously amended, in order to further reform the basis upon which foreign nationals may seek lawful permanent resident status in the United States on a humane and equitable basis that reflects the historic emphasis on both family reunification and the economic and cultural interests of the United States in accordance with four specified principles. Oppose any overall numerical limitation, which would reduce visa numbers from the non-family-related preference categories by the number of visas issued to immediate relatives of U.S. citizens. 89M129

Presidential Powers in Immigration Emergency. Recommend to Congress that any legislation that would give the President powers to act in an immigration emergency preserve the right of judicial review and protect the right to travel. 83A114B

Problem Solving/Therapeutic Courts and Immigration. (1) Supports legislation, policies, and practices that allow equal and uniform access to therapeutic courts and problem-solving sentencing alternatives, such as drug treatment and anger management counseling, regardless of the custody or detention status of the individual. (2) Urges that provisions of the Immigration and Nationality Act that are determined to be ambiguous be construed in favor of the use of rehabilitative problem-solving courts. (3) Opposes interpretations of, and amendments to, the Immigration and Nationality Act that classify participation in, or the entry of a provisional plea upon commencement of a drug treatment or other treatment program offered in relation to problem-solving courts or other diversion programs as a conviction for immigration purposes. 12M101F

Protection for Immigrant Victims of Crime. (1) Supports avenues for lawful immigration status, employment authorization, and public benefits for victims, and derivative family members, of human trafficking and other crimes (including rape, torture, domestic violence, sexual assault, and sexual exploitation) described in Section 101(a) (15) (U) (iii) of the Immigration and Nationality Act, which occur in the United States or its territories. (2) Further supports the use of Legal Services Corporation funding to provide services to such victims. (3) Opposes the apprehension of such victims for immigration violations at shelters, crisis centers, or courts where they are seeking protection orders. (4) Opposes placing such victims in removal proceedings or in immigration detention if they are eligible for immigration relief. 06M107G

Protection for Refugees. Urge the United Nations (1) to provide international protection for refugee health needs; (2) to review the adequacy of current international agreements to address the health and related humanitarian needs of refugees and other displaced persons; (3) to strengthen the protection of refugee health under the existing international agreements; and (4) to develop international agreements, or other mechanisms, to protect the health needs of all other displaced persons. 91A116B

Urges the federal judiciary, Congress, and the Department of Homeland Security to enact legislation and adopt policies to protect the privacy interests of those crossing the border by imposing standards for searches and seizures of electronic devices, protection of attorney-client privilege, the work product doctrine, and lawyer-client confidentiality. 19M107A

Reform of Legal Immigration. Existing laws and procedures for admission of aliens should be reformed to assure increased economic and cultural benefits to the United States from such admission. Aliens should be permitted to change their status to that of a permanent resident even if they have not maintained continuous legal status since entering the United States. 83M117

Right to Counsel. Oppose legislation that would limit the rights of persons subject to exclusion, deportation or asylum proceedings to retain counsel. 83M120A
Urge (1) law enforcement authorities to adopt a warning of rights similar to the Miranda standard, advising foreign nationals of their right to consular assistance, pursuant to Article 36 of the Vienna Convention on Consular Relations; (2) that the warning be given at the moment of detention and identification of the foreign national by the law enforcement authorities; (3) that such authorities adopt certain procedures and statements proposed by the Department of State and encourage efforts to disseminate the knowledge and enforcement of these rights. 98A125

Support the appointment of counsel at government expense for unaccompanied children for all stages of immigration processes and proceedings. Support the establishment within the Department of Justice of an independent office with child welfare expertise to ensure that children's interests are respected at all stages of the immigration process. 01M106A

Supports the due process right to counsel for all persons in removal proceedings, and the availability of legal representation to all non-citizens in immigration-related matters. Further supports (1) expansion of the federal legal orientation program to all detained and non-detained persons in removal proceedings; (2) establishment of a system to screen and refer indigent persons with potential relief from removal to pro bono attorneys, Legal Services Corporation sub-grantees, charitable legal immigration programs, and government funded counsel; (3) establishment of a system to provide legal representation, including appointed counsel and guardians ad litem, to mentally ill and disabled persons in all immigration processes and procedures, whether or not potential relief may be available to them; and (4) legislation to overturn the no cost to the government restriction on representation in removal proceedings. 06M107A

(1) Supports measures to improve access to counsel for individuals in immigration removal proceedings and urges the Department of Justice's Executive Office for Immigration Review (EOIR) to: a) develop regulations to strengthen the eligibility requirements for attorneys and agencies that wish to be included on the EOIR pro bono provider lists, and encourage participation in pro bono services by qualified agencies and individuals; and b) conduct outreach to agencies in underserved locations to encourage them to seek recognition and their qualified staff to seek accreditation from the Board of Immigration Appeals (BIA). (2) Urges the BIA to require that BIA-recognized agencies meet certain, specified requirements. (3) Supports measures to combat the unauthorized practice of immigration law (UPIL). (4) Urges federal, state, and local governments to adopt laws that create a private right of action for victims of UPIL or immigration practitioner fraud and provide criminal penalties for engaging in UPIL or immigration practitioner fraud. (5) Urges the Department of Homeland Security and the EOIR to make accommodations for victims of immigration practitioner fraud. 11A118

Unaccompanied Children. Supports government appointed counsel for unaccompanied children in immigration proceedings and urges that immigration courts should not conduct any hearings, including final hearings, involving the taking of pleadings or presentation of evidence before an unaccompanied child has had a meaningful opportunity to consult with counsel about his or her specific legal options. 15M113

Rights of Farmworkers. Support efforts to improve wages, working conditions and housing for farmworkers; enhanced enforcement of laws regulating the rights of farmworkers and according legal resident status to noncitizen farmworkers presently working in the United States. Oppose any expansion of the existing H-2A nonimmigrant visa category for admitting temporary agricultural farmworkers to the United States either by changing the temporary labor certification process or by repealing or lowering existing H-2A requirements. 99A106

Secret Evidence in Immigration Proceedings. Oppose the use of secret evidence in immigration proceedings, including but not limited to (1) using secret evidence to deport noncitizens; (2) denying immigration benefits to noncitizens based on secret evidence; (3) refusing to release on bond noncitizens based on secret evidence; and (4) denying admission to returning lawful permanent residents, people who have been paroled into the United States, and asylum seekers, based on secret evidence. 01M106C
Sexual Orientation of Sponsor of Non-Citizen for Permanent Residence in U.S. Supports the enactment of legislation and the implementation of public policy to enable a United States citizen or lawful permanent resident who shares a mutual, interdependent, committed relationship with a non-citizen of the same sex to sponsor that person for permanent residence in the United States. 09M108

Startup Visa. Supports full implementation of legislation by Congress to provide for the creation of Startup Visa (by way of the creation of the EB-6 Visa Program, the reformation of the EB-5 Visa Program or similar creation, reformation and/or restructuring of the current U.S. immigration regime) to provide for a mechanism whereby immigrant-founders of businesses can obtain legal status in the U.S. 10A300

State and Local Police Authority. Recommend that immigration law enforcement is a federal responsibility and that state and local police should not exercise the powers of immigration officers under immigration laws. 83A114C

Summary Exclusion. Oppose summary exclusion legislation, and support legislation to provide (1) hearings before immigration judges when entry applicants may not appear to examining officers to have required entry documentation; and (2) hearings for asylum applicant on all issues, including issues not initially raised in asylum applications. 83M118A

Temporary Workers. Support legislation that will preserve rights of aggrieved persons to pursue administrative, equitable or legal remedies where employers of nonimmigrant temporary aliens fail to comply with employment terms. 83M117

Trafficking Victims. Urges federal, state, local, territorial and tribal governments to pass legislation, authorize funding that strengthens protection and assistance for victims of trafficking in persons, within the United States or abroad, as well as bolsters prevention efforts and encouraging bar associations to engage members of the legal profession in raising awareness of trafficking in persons in their communities and in providing pro bono legal services to victims of trafficking. 07A110C

Urges state, tribal, and territorial legislatures to aid minors who are victims of human trafficking by (1) permitting their immediate protective custody as dependent children in suitable residential environments and, except in extreme and compelling circumstances, not charging children under the age of 18 with the crimes of engaging in prostitution or soliciting themselves, loitering with the intent to engage in prostitution, or status offenses that are incident to their trafficking situation; (2) amending juvenile dependency laws; (3) establishing programs and other services for prompt access by law enforcement, public health officials, and child protective services; (4) authorizing courts to issue and enforce protective orders; and (5) providing a civil cause of action for child victims to receive compensation and services. 11A103A

Visa Denials. Recommend that U.S. law concerning visa denials conform to a standard that opposes the denial of visas, in certain cases, solely on the basis of past or current political beliefs or political associations or on the basis of expected content of the person's statements in the United States. 86M103

Urge the amendment of applicable federal statutes and regulations to establish increased due process in consular visa adjudications and a system for administrative review of certain visa denials, including specified principles. Urge that a study be made concerning the feasibility of granting administrative review for permanent immigrants whose visas are denied abroad by consular officers. 90M103

Visas, Issuance of. Urges the Congress, Department of State, Department of Homeland Security, Federal Bureau of Investigation, and other relevant government agencies to ensure that the visa issuance process effectively protects the security of the United States, while allowing those persons who wish legitimately to study, work, or travel in the United States for scientific and scholarly purposes the opportunity to pursue those objectives. Supports efforts to establish more effective and efficient policies and procedures for issuing, denying, adjudicating and revoking visas to enter or re-enter the United States. 05M110
INSURANCE LAW

**Alcohol/Drugs.** Urges all state, territorial and local legislative bodies and governmental officials to repeal laws and discontinue practices that permit insurers to deny coverage for alcohol or drug related injuries or losses covered by accident and sickness insurance policies that provide hospital, medical and surgical expense coverage. 05A105

Urges all federal, state, territorial and local legislative bodies and governmental agencies to adopt laws and policies that require health and disability insurers who provide coverage for the treatment of both abuse and dependence on drugs and alcohol to do so in a manner that is based on the most current scientific protocols and standards of care, so as significantly to enhance the likelihood of successful recovery for each patient. 06A109

Affirms the principle that dependence on alcohol or other drugs is a disease and supports the principle that insurance coverage for the treatment of alcohol and drugs disorders should be at parity with that for other diseases. 07A106A

**Automobile Tort Insurance.** Support determining at the state and territorial rather than the federal level automobile tort insurance matters including automobile choice legislation such as those contained in S. 625 and H.R. 2021, the Auto Choice Reform Act of 1997 (105th Congress). Oppose seven specified concepts and principles that are contained in S. 625 and H.R. 2021. 98A124

**Catastrophe/Disaster Insurance Coverage.** Recommends federal, state and territorial governments to enact legislation with appropriate funding that would eliminate any prohibitions or restrictions on participants in the private insurance and reinsurance markets from making available broadened insurance protection for property damage arising from storms, including damage from wind, wind-driven rain and flood caused by storm surge, but excluding damage arising from other types of floods. 09M107A

Urges Congress to address the consequences of natural catastrophes by strengthening the financial infrastructure and developing programs that increase availability of affordable insurance in areas highly-exposed to catastrophes, while not competing with the private market. 09M107B

Urges the federal government to take steps to encourage capital markets to finance catastrophic risks by: a) undertaking a study through the U.S. Treasury Department to determine what changes in federal laws and regulations would reduce barriers to the issuance of catastrophe (CAT)-linked securities in the United States; and b) enacting legislation as needed to encourage the issuance of catastrophe (CAT)-linked securities. 09M107C

Urges the federal government to address the liquidity needs of individuals and businesses in the aftermath of future natural catastrophes to reduce some of the losses by residents affected by the catastrophes. 09107D

Urges state, territorial and local governments to use specific tools to mitigate losses from future mega-catastrophes to ensure the ongoing availability and affordability of insurance for natural disasters. 09107E

Urges the federal government to use specific tools to mitigate losses from future mega-catastrophes by influencing building codes and land-use in certain situations. 09107F

Recommends state and territorial governments to adopt standards for handling residential and small business insurance claims for property damages resulting from hurricanes or storms. 09107G

**Denial of Insurance Benefits.** Urge enactment of legislation to provide that no person or entity could deny insurance benefits solely on the basis of the applicant's status as a victim of domestic violence. 95M112

**Denial of Public Benefits.** Oppose any legislation, rule or regulation that denies the public benefits or the incremental increase in public benefits to which a family otherwise would be entitled upon the birth of a child,
based on the family's receipt of public assistance at the time of the child's conception or birth, or the mother's age or marital status at the time of the child's birth, or the fact that the child's paternity has not been established. 95M105

**Insolvent Insurance Companies.** Urges states (including the District of Columbia, Puerto Rico and U. S. territories) to improve procedures used for dealing with insolvent insurance companies and improve the operation of the current state receivership system by enacting legislation and/or adopting regulations to (1) improve the selection and oversight of insurance receivers and (2) enhance the ability of receivers to bring estates to more efficient and expeditious closure by providing a menu of options to be used in connection with long-term obligations. 03M105

**Insurance Information Office.** Urges Congress to enact legislation to establish a non-regulatory insurance information office within the Treasury Department. 09A303

**Liability Insurance.** Adopt several specific recommendations with respect to (1) causes of liability insurance availability and affordability; (2) the McCarran-Ferguson Act; (3) insurance data collection and reporting; (4) flex rating plans; (5) formation and modification of insurance contracts, declinations, nonrenewals, cancellations, and price adjustments; (6) assuring availability of essential liability insurance; (7) claims made and defense costs limits; and (8) liability insurance for mass torts. 89M107

**McCarran-Ferguson Act.** Urge repeal of the current McCarran-Ferguson exemption to the antitrust laws and replacement with legislation containing seven specific features. Recommend that states retain the authority to regulate the business of insurance, and that the federal government defer to state regulation except in unusual circumstances where the regulatory objective can only be effectively accomplished through federal involvement. 89M107

**No-Fault Automobile Insurance.** Oppose federal statute establishing, or federal standards for, no-fault insurance programs. Support improved state reparations laws. 72A20

**Non-Profit Charities for Children of Workers' Compensation Claimants.** Recommend that states and territories promote the establishment of non-profit charitable organizations to receive donations and establish college scholarships for the benefit of the children of workers' compensation claimants. 94A118

**Notification to Recipient of Judgments.** Support enactment of legislation or regulations in the states, territories, District of Columbia and other jurisdictions which regulate the insurance industry that would require notification to the recipients of funds paid out as settlements or in satisfaction of judgments by insurance companies when such payments are sent to a lawyer or other representative for final distribution. 91A114

**Pain and Symptom Management.** Urge governments to construe, apply and if necessary, amend laws regulating the health professions, controlled substances, insurance and both public and private health benefit programs so that the laws do not impose barriers to quality pain and symptom management. Urge governments to support fully the right of individuals suffering from pain to be informed of, choose, and receive effective pain and symptom evaluation, management, and ongoing monitoring as part of basic medical care, even if such pain and symptom management may result in analgesic tolerance, physical dependence, or as an unintended consequence shorten the individual's life. 00A102

**Product Liability.** Oppose enactment of broad federal legislation to codify the tort laws of the 50 states as they relate to product liability. Support federal legislation to address the issues of liability and damages in certain occupational disease claims and to allocate product liability risks between the federal government and its contractors. 81M101; 83M113.1

Support the continued right of the states and territories to regulate product liability law. Oppose federal legislation abolishing strict seller liability and oppose the product seller provision set forth in Section 103(b) of H.R. 10. 95M303
**Terrorism Risk Insurance.** Urges Congress and the Administration to protect property owners, consumers and U.S. economy by partnering with the insurance industry to promote the availability of terrorism risk insurance through legislation that continues support for market mechanisms with federal government insurance backstop protection. 07M110

**Tort Liability System.** Adopt recommendations of the Commission to Improve the Tort Liability System concerning (a) establishment of a commission to improve the liability insurance system; (b) awarding of pain and suffering damages; (c) awarding of punitive damages; (d) modification of the doctrine of joint and several liability; (e) arrangements for attorneys' fees; (f) secrecy and coercive agreements; (g) streamlining the litigation process; (h) injury prevention/reduction; and (i) establishment of a commission on mass torts. 87M123

**Universal 24-Hour Health Coverage.** Opposes the adoption of legislation by Congress that merges medical payment components of workers compensation and medical payment components of automobile insurance with health insurance, commonly referred to as Universal 24-Hour Health Coverage. 10M103B

**Workers' Compensation.** Oppose legislation mandating minimum federal standards for state plans of workers' compensation. Urge that workers' compensation systems remain responsibility of states. Oppose federal legislation infringing upon the states' systems. 74M119; 80M122

Recommend that the decisions of adjudicators in formal workers' compensation hearings state findings, conclusions, and the reasons or basis therefore, on all the material issues of fact, law, or discretion presented on the record, including the adjudicator's reasons for accepting the testimony of expert witnesses. 93M112

**Workers' Compensation Proceedings.** Recommend that state and territorial administrative and judicial appellate reviewers of findings of fact made in formal workers' compensation proceedings examine the record under a minimum standard of Substantial Evidence upon the Whole Record, pursuant to which the determination of the substantiality of the evidence takes into account whatever in the record fairly detracts from its weight. 94M109

**Y2K Legislation.** Recommend that legislation addressing concerns for litigation and claims arising out of the potential hardware or software failures of computers or imbedded devices because of Year 2000 failure be amended to exclude certain provisions. Support reasonable pre-litigation notice and encouragement of potential litigants to utilize alternative dispute resolution methods during any pre-litigation period. Support encouragement of the disclosure of known Y2K defects and the encouragement of business, with appropriate antitrust relief, to cooperate in the development and implementation of remediation of Y2K defects. 6/99BOG2.6

**INTERNATIONAL LAW**

**Adoption (International).** Supports international adoption as an integral part of a comprehensive child welfare strategy to address the worldwide problem of children without permanent homes and supports policies that make the process of international adoption more timely, less costly and less burdensome, while ensuring that international adoption practices are ethical and legal. 08A102

**Aids.** Urges the federal government to implement HIV/AIDS-related initiatives in a manner consistent with international human rights law and science-based prevention, care, support and treatment objectives and endorses the United Nations Declaration of Commitment on HIV/AIDS, dated June 2001. 04M103B

**Aircraft Protocol, Treaty and.** Urges the United States to sign and ratify the Convention on International Interests in Mobile Equipment and the related Protocol on Matters Specific to Aircraft Equipment, adopted in November 2001 by a Diplomatic Conference held in Cape Town, South Africa. 02A300
**American Convention of Human Rights.** Support accession of the United States to the convention subject to several reservations, understandings and declarations. 79A104

Reiterate support for the ratification by the United States of American Convention of Human Rights and for the enforcement of judgment of the Inter-American Court of Human Rights. 6/94BOG2.6

**Antiterrorist Convention.** Support in principle a convention against terrorist activities in the Americas. 82M110

**Apartheid.** Oppose the South African policy of apartheid and its various manifestations and urge the U.S. government to take appropriate action to oppose apartheid. Further, oppose those policies of any government that discriminates against its inhabitants on the basis of their race. 85M112

**Arbital Awards.** Affirms that the U.S. common law doctrine of *forum non conveniens* is not an appropriate basis for refusing to confirm or enforce arbitral awards that are subject to the provisions of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the Inter-American Convention on International Commercial Arbitration. 13A107C

**Arms Trade Treaty, 2013.** Urges the United States to ratify and implement the 2013 Arms Trade Treaty. 17M104

**Arctic Region.** Reject application of the sector principle in the Arctic region as inconsistent with the general provisions of international law that are applicable and endorse U.S. efforts regarding development of living and nonliving resources of Antarctica. 80A118A

**Association Assistance to Other Countries.** Direct ABA President to (1) identify those countries struggling to find a path to greater freedom through more democratic governments and considering fundamental changes in their judicial systems; and (2) offer the assistance of attorneys from the United States to such countries, and, if the offer is accepted, or if assistance is otherwise requested, authorize the President to appoint panels of attorneys to provide such assistance to each requesting country. Resolve that every effort be made to convey that this is an initiative of substance and goodwill undertaken voluntarily by the attorneys of the United States to support those countries in their efforts to provide greater freedom and more just societies for their people, and that this initiative is not associated with any governmental enterprise. 90M8E

**Attorney-Client Privilege/European Communities.** Requests the Commission of the European Communities, when conducting a competition inquiry pursuant to Article 11 or 14 of Regulation 17, to grant to an undertaking the same protection, including the same procedural safeguards, against disclosure of written communications with a U.S. lawyer that Community Law accords to a client's written communications with a lawyer of a Member State of the European Community. As a separate matter, the American Bar Association requests the Commission of the European Communities to study and extend the attorney-client privilege to house counsel, whether of Member States of the Communities, or otherwise. 83M301

**Biological Weapons.** Urge that all possible steps be taken to strengthen and secure respect for international law norms prohibiting the use in war of chemical, biological and toxin weapons. Commend the U.S. Government for its proposal of a Draft Convention on the Prohibition of Chemical Weapons. Urge that all possible efforts be devoted to achieving agreement on the basic terms of an effective and verifiable Draft Convention and its ultimate adoption as a widely ratified multilateral treaty. Urge the U.S. government to present to the United Nations proposals to improve existing mechanisms or create effective new ones for the prompt and comprehensive investigation of all serious reports of use of chemical or biological weapons in violation of the 1925 Geneva Protocol and of the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. 85A115

**Bosnia-Herzegovina.** Urge the United States Government and the Security Council of the United Nations to effect the investigation, and, if warranted, the prosecution and punishment, of persons who have committed war crimes or crimes against humanity in Bosnia-Herzegovina. Offer immediate assistance to the United States
Government and the United Nations to identify qualified lawyers, law professors, and judges who would be willing to participate in any investigations, collection of information, gathering of testimony, and, if warranted, prosecution and trial of persons accused of having committed such crimes, and punishment of those convicted. 11/92BOG2.8

Cambodia. Condemn the documented genocide in Cambodia and resolve to work with other public and private institutions towards bringing those responsible to justice through all appropriate legal steps. 87M8A

Cayman Islands. Support ratification of the Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland concerning the Cayman Islands Relating to Mutual Legal Assistance in Criminal Matters. 87M104E

Chemical Weapons. Urge the U.S. Senate to give its advise and consent as soon as possible to the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction. 94A114A

Child Abduction. Encourages the establishment of a network of U.S. federal and state judges to facilitate education and permissible communication among judges regarding the interpretation and application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. 13A107B

Colombia. Support the lawyers, judges and public officials of Colombia who have refused to surrender their country, their judicial system or the rule of law to those who traffic in drugs and death. Urge the President and the Congress to provide all appropriate assistance to help our brave colleagues stem the destructive flow of cocaine and other drugs which threaten not only their country but ours. Resolve to provide support to the judicial system of Colombia as may be appropriate. 90M8C

Commission on Security and Cooperation in Europe. Support and encourage the work of the Commission on Security and Cooperation in Europe and attach great importance to the continuation of the implementation review process. 8/77

Convention Against Corruption. Supports the prompt ratification by the United States, and by other members of the United Nations of the United Nations Convention Against Corruption, subject to minimal reservations, understandings and declarations, and also supports the development of a mechanism to monitor the implementation and enforcement of the Convention. 05A110

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Urge the United States to promptly sign and ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. 86M109B


Convention on the Law Applicable to Trusts and on their Recognition. Urge signing and ratification of the Convention on the Law Applicable to Trusts and on their Recognition, which was adopted as the final act of the Fifteenth Session of the Hague Conference on Private International Law. 86A300

Convention on the Safety of the United Nations and Associated Personnel. Support ratification by the United States of the Convention on the Safety of United Nations and Associated Personnel, and recommend that the United States and other parties interpret and apply the Convention in accordance with statements of understanding that (1) Article 20(a) requires application of international humanitarian and human rights law to
operations authorized not only under Chapter VII of the United Nations Charter, but also to those authorized under Chapter VI and (2) the intent referred to in Article 9 means actual knowledge of the victim’s status as United Nations or associated personnel. 96M107A

**Conventional Arms Limitations.** Supports the Administration proposal to ban weapons of mass destruction in the Middle East and to regulate sales of conventional weapons in the region and recommends that the U.S. Government engage in efforts to establish and enforce limitations on the sale or transfer of conventional arms, recommending five specific actions. 92A126

**Corrupt Practices in International Business.** Support efforts to encourage the adoption and implementation of effective legal measures and mechanisms to deter corrupt practices in the conduct of international business. Urge steps to support the adoption and implementation by national governments and the international community of effective legal measures and mechanisms that are actively monitored and enforced to deter corrupt practices in the conduct of international business. 95M117A

**Council of Europe's Criminal Law Convention on Corruption.** Support the United States' ratification of the Council of Europe's Criminal Law Convention on corruption, provided that a significant number of eligible States have demonstrated that they are prepared to accede to this agreement, and further provided that the terms of such accession by other acceding States provide satisfactory evidence that the Convention will not be used by the States to dilute their commitment under other international anti-corruption instruments, and subject to the adoption of reservations, understandings, and interpretive statements, as appropriate. 01M105A

**Court's Use of International Law or Doctrine of Particular Religion.** Opposes federal or state laws that impose blanket prohibitions on consideration or use by courts or arbitral tribunals of a) foreign or international law or b) the entire body of law or doctrine of a particular religion. 11A113A

**Crimes Aboard Aircraft.** Support strong U.S. and international measures to reduce the frequency of, and to punish such crimes. 63M

**Crimes Against Humanity.** Urges Congress to enact legislation to prevent and punish crimes against humanity and urges the United States government to take an active role in the negotiation and adoption of a new global convention for the prevention and punishment of crimes against humanity. 14A300

**Cross-Border Class Actions in U.S. and Canada.** Adopts as best practices the Protocol on Court-to-Court Communications in Canada-U.S. Cross-Border Class Actions and Notice Protocol: Coordinating Notice(s) to the Class(es) in Multijurisdictional Class Proceedings, dated August 2011 and urges courts and counsel in cross- border class-action cases involving the United States and Canada to adopt the Protocols. 11A101C

**Czechoslovakia.** Condemn action of the Czechoslovakian government in instituting criminal proceedings in absentia against émigrés who left the country as a result of the Warsaw Pact military intervention of 1968. 71M73

**Darfur, Sudan.** Calls upon the United States Government to take all necessary and proper actions within its power to end the ongoing atrocities (including genocide, crimes against humanity, and war crimes) in Darfur, Sudan; to provide international humanitarian assistance to the refugees in eastern Chad; and to take steps to secure the referral of the situation in Darfur to the International Criminal Court for investigation and prosecution of the individuals responsible for such crimes. 05M106

**Data Protection and Privacy Laws of Foreign Sovereigns.** Urges that, where possible in the context of the proceedings before them, U.S. federal, state, territorial, tribal and local courts consider and respect, as appropriate, the data protection and privacy laws of any applicable foreign sovereign, and the interests of any person who is subject to or benefits from such laws, with regard to data sought in discovery in civil litigation. 12M103
Depositions. Recommend amendment of the federal judicial code to permit district courts to order service of documents and taking of depositions abroad for use by federal administrative tribunals. 71A82.II

Detainees' Treatment Under Geneva Convention. Urges Congress to override the President’s Executive Order of July 20, 2007, which alters the U.S. government’s international obligations under the Geneva Conventions of August 12, 1949, regarding the treatment of detainees under its authority or control, and to reaffirm those obligations. 07A10B

Detention Cases (Review of). Urges the President and the United States Department of Defense to assure that there is an opportunity for public notice and comment with respect to the issuance of rules for the periodic review of continued law of war detention cases required by the President's Executive Order No. 13567, 76 Fed. Reg.13277 (2011). 11A105E

Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism. Urges that, with respect to the November 13, 2001 Military Order Regarding Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, or any similar military order that is issued, the President and Congress should assure that the law and regulations governing any tribunal will: (1) not be applicable to United States citizens, lawful resident aliens, and other persons lawfully present in the United States; (2) not be applicable to persons apprehended or to be tried in the United States, except for persons subject to the settled and traditional law of war who engage in conduct alleged to be in violation of such law of war; (3) not be applicable to cases in which violations of federal, state or territorial laws, as opposed to violations of such law of war, are alleged; (4) not permit indefinite pretrial detention of persons subject to the order; (5) require that its procedures for trials and appeals be governed by the Uniform Code of Military Justice, except Article 32; and (6) require compliance with Articles 14 and 15(1) of the International Covenant on Civil and Political Rights. Further urges the Executive and Legislative branches, in establishing and implementing procedures and selecting venues for trial by military tribunals, to give full consideration to the impact of its choices as precedents in (a) the prosecution of U.S. citizens in other nations and (b) the use of international legal norms in shaping other nations’ responses to future acts of terrorism. 02M8C

Consistent with the United States' Supreme Court's June 2008 decision in Boumediene v. Bush, urges that the procedural framework for pending habeas cases brought by detainees should be determined by the District Court rather than by Congress, consistent with Federal statutory habeas criminal law principles, where applicable, and the Uniform Code of Military Justice, appropriate to the facts and circumstances of that petitioners' case. 09M10A

Disarmament and Nonproliferation of Nuclear Weapons. Support congressional approval of Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms, and urge prompt agreement on further measures providing for general and complete disarmament and nonproliferation. 72A29

Economic Exploitation of Persons Under 18. Urge the United States to work with the United Nations and the International Labor Organization to promote the abolition of the economic exploitation of persons under eighteen years of age by the adoption and enforcement of (1) domestic laws that regulate the employment of persons under the age of 18 in a manner consistent with the minimum age standards set forth in the Convention on the Rights of the Child and the Minimum Age Convention; and (2) laws that eliminate (a) the abduction, trading and selling of persons under the age of 18 years; and (b) the use of such persons to work under conditions that are analogous to slavery. 96A111

Electronic Commerce. Support electronic commerce as an important means of commerce among nations. Support commerce through electronic networks that are global in nature and require international communication and cooperation among all nations, including developing nations. Encourage continued discussion in open international forums to remove unnecessary legal and functional obstacles to electronic commerce. Encourage cooperation to establish a legal framework within which global electronic commerce can flourish in an environment that provides appropriate legal protection to all interested parties, while
eliminating unnecessary legal and functional barriers to electronic commerce. Encourage the private sector to develop self-regulating practices that will protect the rights of individuals and promote the public welfare. 97A114

Electronic Communications in International Contracts. Urges the U.S. Government to ratify the United Nations Convention on the Use of Electronic Communications in International Contracts. 08A100

Supports modernization and simplification of the requirements, procedures, laws and regulations to verification of signatures in cross-border contexts in order to increase reciprocal recognition among jurisdictions. 14A114A

**Enemy Combatants.** Urges that U.S. citizens and residents who are detained within the United States based on their designation as enemy combatants (1) be afforded the opportunity for meaningful judicial review of their status, and (2) not be denied access to counsel in connection with the opportunity for such review. Further, urges that Congress, in coordination with the Executive Branch, establish clear standards and procedures governing the designation and treatment of enemy combatants and consider how national policy set by the United States may affect the response of other nations to future acts of terrorism. 03M109

**European Community.** Support the European Community's commitment to create a single, integrated market. Urge the European Community to implement measures in such a manner as to ensure effective, nondiscriminatory market access for non-EC-based business entities. Urge that companies organized under the laws of all EC member states are to be treated on an equal basis without regard to the ultimate beneficial ownership of the company. Recommend that measures relating to the integration of the legal profession be designed so as to ensure the preservation of the integrity of the legal profession and the continued recognition of its distinctive characteristics and responsibilities. Recommend that measures adopted by the European Community should not impose or permit restrictions upon the delivery of legal services by members of foreign legal professions that are not objectively required for the protection of the public. 90A307

**Export Administration Act.** Recommend that the Export Administration Act be applied extraterritorially only in ways that are consistent with generally recognized principles of international law. 83A104C

**Export Control Measures.** Recommend that the United States adhere the following principles in the adoption and maintenance of export controls and economic sanctions measures: (1) to consult with, and seek the support and cooperation of, foreign governments sharing common objectives in devising and carrying out programs to constrain foreign trade and investment detrimental to shared U.S. national security and foreign policy objectives; and (2) to refrain from the adoption or maintenance of extraterritorial foreign trade control measures that do not conform to jurisdictional principles of international law as generally accepted by the international community and create the potential for conflicts with other nations, including three specified measures. 98A300

**Export-Import Bank.** Favor extension of the charter of the Export-Import Bank of the United States. 4/83BOG2.5

**Extradition Act of 1983.** Support enactment of legislation modernizing U.S. international extradition practices along the lines proposed in the Extradition Act of 1983, and recommend that the legislation: (1) preserve the jurisdiction of federal courts to make the initial determination whether extradition is barred by the political-offense exception; (2) exclude all acts of terrorist violence from the application of the political-offense exception; (3) preclude application of the political-offense exception to offenses that constitute serious breaches of the norms established under international humanitarian law; and (4) provide that a person sought for extradition shall be entitled to bail under the same conditions as though he was charged with an offense against the United States. 83A104A

**Extradition Treaty with the United Kingdom.** Urge ratification of the Supplementary Extradition Treaty with the United Kingdom. 86M109E
Extraterritorial Application of U.S. Laws. Recommend the implementation of a U.S. government policy requiring notification of the State Department before executive departments and independent regulatory agencies take enforcement actions directed beyond the territory of the United States. Recommend establishment of a national bipartisan commission to study the international aspects of the antitrust laws. 81A101A

Food and Agricultural Organization. Recommend that the United States government take actions to (1) continue to give strong support to the Food and Agriculture Organization of the United Nations (FAO); (2) encourage FAO in its efforts to restructure itself, streamline its operations, and strengthen its transparency and accountability; and (3) endorse stronger coordination efforts within the United Nations system which clarify the mandate, roles and tasks, especially at the field level, of FAO and the organizations (United Nations, governmental and nongovernmental) with which it works most closely. 95A304

Foreign Agents Registration Act of 1938. Favor, in principle, the continuation of the existing exclusion of lawyers from requirements of the Foreign Agents Registration Act of 1938; specifically, oppose adoption of Section (c) of S.176 or its equivalent. 6/90BOG2.1

Foreign Assistance Program. Support fundamental reform of the U.S. foreign assistance program; support a program, which has among its central components certain specified types of foreign assistance, delivered through both bilateral and multilateral agencies as appropriate. 94M301

Foreign Investment Review Process. Supports several principles that should guide existing implementation of the foreign investment review process known as Exon-Florio and govern any new legislation addressed to the review of proposed foreign investment in the U.S. for national security issues. 07M109

Foreign Lawyers' Appearance Before Federal Trade Commission. Recommend that the Federal Trade Commission amend Section 4.1(a)(1) of its rules of practice to grant the right to appear before it to foreign lawyers who are authorized to practice before a foreign competition law tribunal or agency that extends reciprocal rights to American lawyers. 90A305

Foreign Lawyers, Temporary Practice by. Adopts the Model Rule for Temporary Practice by Foreign Lawyers pursuant to the recommendations of the Commission on Multijurisdictional Practice. 02A201J

Foreign Legal Consultants. Support the proposed amendment to Rule 46 of the rules of the District of Columbia Court of Appeals to provide for the licensing of qualified lawyers admitted to practice in foreign countries to engage in a limited consulting practice in the District of Columbia. 4/85BOG2.4

Model Rule for the Licensing of Legal Consultants, consisting of ten sections, approved. Recommend that each state not presently having a rule for the licensing of legal consultants adopt such a rule conforming to the Model Revisions adopted August 2006, including change of name of Model Rule to Model Rule for the Licensing and Practice of Foreign Legal Consultants. 06A301A

Rule and that those states, territories and the District of Columbia having such rules conform them to the Model Rule. 93A105E

Supports the negotiation proposals to the United States Trade Representative regarding access to foreign markets for U.S. lawyers through permanent establishments consistent with, and as expressed and incorporated in, the ABA's Model Rule for the Licensing of Legal Consultants in the United States, dated August 1993. 02M113E

Encourages jurisdictions to adopt the ABA Model Rule for Legal Consultants (dated August 1993), pursuant to the recommendations of the Commission on Multijurisdictional Practice. 02A201H
Foreign Private Investment. Urge the U.S. Government in its participation in international organizations as well as in its bilateral relations to insist on the application of certain rules of international law respecting foreign private investment. 73A115.3

Foreign Secondary Economic Boycotts. Support efforts by the United States, on the basis of uniform national policy, to end boycotts imposed by foreign countries and impacting on U.S. citizens. 78A105

Foreign Sovereign Immunities Act. Recommends that the Congress and the President of the United States enact amendments to the Foreign Sovereign Immunities Act to address language in the statute that has caused conflicting judicial decisions, ambiguities and confusion. 02A119

Fourth World Conference on Women. Support the focus of the Platform for Action adopted at the Fourth World Conference on Women in Beijing, China in September 1995, on the role of law in promoting the equality, equal protection and equal access to opportunities and benefits for women, and affirm the importance of legal literacy to the functioning of democracies and the exercise of human rights by all individuals in society. Support the Platform for Action’s provisions calling for the integration of a gender perspective into development assistance programs. 96M107B

Reaffirm support for the ratification by the United States of the Convention on the Elimination of All Forms of Discrimination Against Women, with the same reservations, understandings and declarations previously supported. Support in principle, the development of an individual right of petition as an optional protocol to the Women’s Convention as described in the Platform for Action adopted at the Conference. 96M107C

Commend the United Nations and its Member States for the declaration and the Platform for Action adopted at the Conference, and in particular for the progress achieved in advancing the human rights of women and girls. Urge the United Nations and other international organizations to implement the relevant commitments/action items in the Platform for Action and call upon the United Nations to take prompt steps to facilitate cooperative follow-up work by nongovernmental organizations, governments and international organizations. 96M107D

Free Flow of Information. Recommend that U.S. policy concerning the importation of ideas and information be guided by the principle that there should be no prohibition on the import into the United States of ideas and information if the circulation of the ideas and information in the United States is protected by the First Amendment to the Constitution with certain specified qualifications. 85M113A

Free Speech and Press. Support free speech and press in international fora and support Article 19 of the Universal Declaration of Human Rights. 82M100A

Gas Warfare. Support implementation, through multilateral agreements, of the Geneva Protocol of 1925 banning gas and bacteriological warfare. 76A101

General Agreement on Trade in Services (GATS). With respect to the legal services portion of GATS, the American Bar Association: (1) supports the efforts of the U.S. Trade Representative to encourage the development of transparency disciplines on domestic regulation in response to Article VI (4) of the GATS requiring the development of any necessary disciplines to be applicable to service providers; and (2) supports the U.S. Trade Representative's participation in the development of additional disciplines on domestic regulations that are: (a) necessary within the meaning of Article VI (4) of the GATS; and (b) do not unreasonably impinge on the regulatory authority of the states' highest courts of appellate jurisdiction over the legal profession in the United States. 06A101

Genocide. Urge the U.S. Senate to pass forthwith the Convention on the Prevention and Punishment of the Crime of Genocide, and to complete all necessary action, in cooperation with the House of Representatives, to provide for the implementation of the Convention. 88A101

Endorses the Responsibility to Protect doctrine set forth in the 2005 United Nations World Summit Outcome Document, under which states have a responsibility to protect their own and other populations from genocide,
war crimes, ethnic cleansing, and crimes against humanity and also endorsing the report, Preventing Genocide: A Blueprint for U.S. Policymakers, by the joint Genocide Prevention Task Force of the United States Holocaust Memorial Museum, et. al. 09A110

**Germ Warfare.** Support implementation, through multilateral agreements, of the Geneva Convention on Biological Weapons of 1972, which bans manufacture and stockpiling of bacteriological weapons. 76A101

**Global Corporate Citizenship.** Encourages corporations, lawyers, law firms and other professionals to promote corporate citizenship by supporting: compliant and ethical corporate behavior globally; global pro bono services; promotion of the rule of law; encouraging governments to pursue policies that support corporate citizenship and the rule of law; and sharing best practices in corporate citizenship. 07A110B

**Government-to-Government Trade Agreements.** Supports the contribution that the negotiated liberalization of international trade in goods and services, through government-to-government trade agreements, makes to the spread of the Rule of Law, both at the state-to-state level and within participants’ domestic legal systems. 08A108B

**Guatemala.** Urge the prompt reestablishment of constitutional order in Guatemala. 93A10E

**Hague Conference on Private International Law.** Encourage the United States' initiative that the Hague Conference on Private International Law explore the feasibility of formulating a comprehensive multilateral convention on the international recognition and enforcement of judgments. 93M109A

**Hague Convention Abolishing the Requirements of Legalization for Foreign Public Documents.** Support U.S. accession to this Convention. 75M108.5


**Hague Convention on Choice of Courts Agreements.** Urges the United States government to promptly sign, ratify and implement the Hague Convention on Choice of Court Agreements. 06A123A

**Hague Convention on the International Protection of Adults.** Urge ratification of the Hague Convention on the International Protection of Adults, and the enactment of legislation implementing this Convention which concerns the protection of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their personal, health care or property interests in an international context. 00M106

**Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.** Urges the Senate to give its advice and consent to the ratification of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the Child Support Convention), and urges Congress to enact the necessary implementing legislation. 08A106

Urges the United States Department of State to seek specific negotiations regarding a possible Hague Convention on private international law concerning children, including international surrogacy arrangements. 16M112B

**Hague Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary.** Supports the prompt signature, ratification and implementation of the Hague Convention on the Law Applicable to Certain Rights in Respect of Securities Held with an Intermediary by the United States and by other countries. 03A111
Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Urge that the Senate of the United States give its advice and consent to the ratification of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Urge the Congress of the United States to enact implementing legislation to permit the United States to participate in this multilateral Convention. 94M117

Hague Convention on Respect of Parental Responsibility. Urge ratification of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation of Respect of Parental Responsibility and Measures for the Protection of Children; and the enactment of legislation to permit the United States to fully and uniformly implement this Convention which concerns custody matters and other measures taken for the protection of children and their property. 97A117

Haitian Family Reunification Parole Program. Urges the Department of Homeland Security to create a Haitian Family Reunification Parole Program and immediately begin paroling into the United States already-approved Haitian beneficiaries of family-based visa petitions. 12A113

Haitian Women and Children. Urges the federal government to intensify its effort to provide adequate food, water, shelter and physical security to displaced women and children in Haiti, and to fund and support regional, sub-regional and international programs which prioritize the protection of these vulnerable groups, in conformity with international human rights principles. 10A302

Honduras’ Compliance with Judgments of the Inter-American Court of Human Rights. Calls upon the U.S. Government to urge the Government of Honduras to comply fully and without delay with the August 1990 judgments of the Inter-American Court of Human Rights in the Velasquez and Godinez Cruz cases. 92A109

Hong Kong. Encourage the adoption of a bill of rights for Hong Kong which fully guarantees certain civil and political rights after July 1, 1997. Call upon the governments of the United Kingdom and the People's Republic of China to give effect in local law, enforceable after July 1, 1997, of certain provisions of the International Covenant on Civil and Political Rights. Call upon the government of the People's Republic of China to allow free movement of persons to and from Hong Kong after July 1, 1997. Urge the United States Government to use its influence in encouraging the continuance and growth of democratic institutions in Hong Kong. 91M114A

Human Rights. Support implementation of the provisions of the Helsinki Accords, especially those concerning human rights and humanitarian cooperation. Encourage the review of implementation efforts by the Belgrade Conference and the U.S. Commission on Security and Cooperation in Europe. 78M125

Recommend that the United States Government and the United Nations work toward consolidating into two committees the six United Nations standing committees currently monitoring compliance with the United Nations human rights treaties: one committee to review all State reports, and the other to examine inter-state and individual communications. 98A118

Supports fundamental reform of the United Nations human rights process, the establishment of a Human Rights Council in place of the UN Human Rights Commission, and improvements in the human rights system at the United Nations. 6/05BOG2.4

Endorses the United Nations Protect, Respect and Remedy Framework on Business and Human Rights and the Framework’s companion Guiding Principles for Implementing the Framework and similar principles promulgated by the Organization for Economic Cooperation and Development, and urges governments, the private sector and the legal community to integrate them into their respective operations and practices. 12M109

Recognizes the rights of individuals who are lesbian, gay, bisexual or transgender as basic human rights and condemns laws, regulations, rules and practices that discriminate against them on the basis of their LGBT status. 14A114B
**Immigration and Nationality Act.** Urges Congress to amend Section 287 of the Immigration and Nationality Act to expand and codify Department of Homeland Security guidelines regarding immigration enforcement actions. 17A10C

**Income Tax Treaty Between Canada and United States.** Recommend adoption of a protocol to the Income Tax Treaty between Canada and the United States, pursuant to which the United States would treat the Canadian income tax imposed on U.S. citizens and residents with respect to property located in Canada as an estate tax, and Canada would treat the U.S. estate tax imposed on Canadian residents with respect to U.S. property as an income tax creditable against the income tax imposed on such residents pursuant to Section 70(5) of the Canadian Income Tax Act. 90A105

**Independent Guarantees Convention.** Recommend that the United States ratify the United Nations Convention on Independent Guarantees and Stand-by Letters of Credit. 98A128

**Intellectual Property Rights.** Support the prompt amendment of Section 337 of the Tariff Act of 1930, as amended, to the extent that Section relates to investigations based on U.S. intellectual property rights in accordance with six specified principles. 93A105B

Supports the principle that under the Copyright Clause of the Constitution of the United States (Article I, section 8, clause 8), Congress has the power to implement U.S. obligations under international copyright treaties by restoring copyrights in certain works of foreign origin that have gone into the public domain. Favors the position that section 514 of the Uruguay Round Agreements Act (1994), including the transitional protection it provides for prior users of restored works, does not violate, and is fully in accordance with, the Copyright Clause and the First Amendment of the Constitution of the United States. 10A301

**Inter-American Convention Against Corruption.** Support the prompt ratification and full, effective and consistent implementation of the Inter-American Convention Against Corruption (Inter-American Convention) subject to minimal reservations and understandings. Support the criminalization of the bribery of foreign officials through the Convention and through other instruments consistent with the agreed upon common elements in the Annex to the Organization for Economic Cooperation and Development’s (OECD) Revised Recommendation of the Council on Combating Bribery in International Business Transactions and with basic principles of the Foreign Corrupt Practices Act of the United States. Support efforts to promptly carry out, fully implement and actively enforce the recommendation in a manner to effectively deter foreign corrupt practices in the conduct of international business. 97A301

Support ratification and implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions; urge that such ratification be subject to minimal reservations and understandings and that it be full, effective and consistent; support prompt enactment of the legislative changes proposed by the Administration to conform the Foreign Corrupt Practices Act to the Convention; support meaningful and ongoing efforts to monitor the effective and consistent implementation and enforcement of the Convention as well as continuing efforts to further develop the convention so as to establish the most effective means for deterring corrupt practices in the conduct of international business. 98A302

**Inter-American Convention on International Commercial Arbitration.** Support signing and ratification by the United States, provided conflict is avoided with the Convention on Enforcement of Foreign Arbitral Awards (1958) and appropriate safeguards are provided with respect to future amendments in the IACIC arbitration rules. 78M102.2

**Inter-American Convention on the Taking of Evidence Abroad.** Recommend U.S. ratification of the Inter-American Convention on the Taking of Evidence Abroad and the Additional Protocol with certain reservations and declarations. 90M113C
**International Antitrust Law.** Recommend that nations adopt strong, clear laws against cartels; that they strengthen their antcartel enforcement offices, the procedures for enforcing the law and the penalties for infringing it; and that they eliminate exceptions from the antcartel principle. Recommend that courts be reluctant to dismiss cases involving cartels that target or disproportionately affect their nationals or people or firms in their territory where dismissal is sought on grounds of allegedly conflicting foreign law or policy. Recommend that in the enforcement of laws dealing with transnational mergers, nations harmonize reporting and waiting requirements and that enforcers consult, lend aid in discovery, and in appropriate cases defer in exercising their own enforcement jurisdiction so as to facilitate and not frustrate salutary transactions. 91A301

**International Atomic Energy Agency.** Recommend that the United States government continue and enhance its support of the International Atomic Energy Agency, in accordance with three specified steps: (1) enhance the safeguards system and take four specified actions in support of steps initiated by the Agency since the 1991 Gulf War; (2) review and revise its historic position and insist that the Agency’s safety standards, or authorized equivalents, be applied to all nuclear facilities that have received international assistance including all those to which the Agency applies safeguards pursuant to the Non-Proliferation Treaty or otherwise; and (3) consider whether there is a need to separate promotional and control activities relating to nuclear energy, including the relative merits of specified options. 95A125D


**International Commercial Arbitration.** Favor recognition of freedom of parties to international commercial arbitration proceedings to choose as their representatives in those proceedings lawyers who need not be admitted to practice law in the jurisdiction where the arbitration proceedings take place. 89A104C

Amend Code of Ethics for Arbitrators in Commercial Disputes to provide that unless otherwise agreed, party-appointed arbitrators in international commercial arbitrations should, to the extent practicable in the circumstances, serve as neutrals. 90M113A

Supports the use of commercial arbitration to resolve disputes involving international business transactions and supporting federal or state legislation or regulations that recognize and aid in the enforcement of international commercial arbitration agreements and awards. 09A114

**International Court of Justice.** Support Senate repeal of Connally Reservation in order to remove from sole U.S. determination the question of whether an international legal action subjects the United States to the jurisdiction of the court. 47M

Urge expansion of advisory opinion jurisdiction to include questions of international law referred by national courts. 82M100B

Reaffirm steadfast commitment to world order under law and to the policies and objectives of earlier resolutions concerning the acceptance by the United States of the jurisdiction of the International Court of Justice. Urge the government of the United States to initiate efforts to negotiate a series of treaties accepting the jurisdiction of the International Court of Justice with respect to certain categories of disputes. Welcome and support recent initiatives of the United States and the Soviet Union with regard to increasing recourse to the court for the settlement of legal disputes and recommend that the government of the United States conclude a treaty with the Soviet Union and with states or groups of states which have close links with the United States with respect to the settlement of certain categories of disputes. Recommend that the government of the United States explore with other states or groups of states the conditions under which they would be willing to submit specified categories of disputes to the International Court of Justice. 89104A

Recommend that the United States Government present a specified declaration recognizing as compulsory the jurisdiction of the International Court of Justice. 94A114B
International Criminal Court. Urge the U.S. Department of State to open negotiations for a convention for the establishment of an international criminal court with expressly limited jurisdiction. 78M102.4

Recommends that the U.S. Government work toward finding solutions to the numerous important legal and practical issues identified in the reports of the Task Force on an International Criminal Court and the New York State Bar Association with a view toward the establishment of an international criminal court considering four specified principles and issues. 92A111

Recommend that the United States Government take an active role in the establishment of an International Criminal Court that would be based on the principles (1) that the consensual jurisdiction of the Court should be based on the consent of the state having custody over a person accused of a crime specified in a certain type of international convention; and (2) that the mandatory jurisdiction of the Court should be based on a decision by the Security Council issued pursuant to its powers under Chapter VII of the United Nations Charter in accordance with two specified principles. 94A114C

Recommend the establishment of a permanent International Criminal Court by multilateral treaty in order to prosecute and punish individuals who commit the most serious crimes under international law. Recommend that the United States Government continue to play an active role in the process of negotiating and drafting a treaty establishing the ICC, and that the ICC treaty embody four specified principles. 98M118B

Urge Congress to enact legislation requiring the President to take specific actions to inform Congress after receiving notice from the International Criminal Court Prosecutor that a United States National committed an act within the jurisdiction of the International Criminal Court and to take all reasonable steps to assure that the United States retains jurisdiction to investigate and/or prosecute the alleged act. 01M103C

Recommends the United States accede to the Rome Statute, adopted by 120 countries in July 1998, which describes the composition and operation of the International Criminal Court. 01M105C

Urges the United States Government to expand and broaden interaction with the International Criminal Court (ICC), including cooperation with the Court’s investigations and proceedings, and urges the government to participate in all future sessions of the ICC’s governing body, the Assembly of States Parties, and preparations for the Review Conference to be held in 2010. 08A108A


International Human Rights. Recommend that the U.S. Government take seven specified steps to advance the promotion and observance of international human rights. 94A114D

International Human Rights of Older Persons. Urges the United States Department of State and the United Nations and its member states to support the ongoing processes at the United Nations and the Organization of American States to strengthen protection of the rights of older persons, including the efforts and consultations toward an international and regional human rights instrument on the rights of older persons. 11A106C

International Labor Organization. Recommend that the United States continue to be an active supportive member of the International Labor Organization (ILO). Commend the United States Government for creating and maintaining the tripartite President's Committee on the ILO, Consultative Group on the ILO, and Tripartite Advisory Panel on International Labor Standards. Urge accelerated progress by these bodies toward ratification of those ILO conventions on human rights which are consistent with U.S. law and practice. 95A303

International Monetary Fund. Recommend that the United States Government (1) give strong support to the International Monetary Fund (IMF) and the World Bank Group by providing assistance in the ongoing scrutiny of their operations; (2) support the IMF undertaking a thorough reexamination of its role vis-a-vis international capital movements and private international capital markets; and (3) give increased attention to the development of the legal systems in member countries, particularly those countries undergoing major institutional reform. 85A125A

International Monetary Fund. Recommend that the United States government (1) give strong support to the International Monetary Fund (IMF) and the World Bank Group and provide assistance in the ongoing scrutiny of their operations; and (2) support the IMF undertaking a thorough reexamination of the IMF role vis-a-vis international capital movements and private international capital markets. Support the IMF and the World Bank Group giving increased attention to the development of the legal systems in member countries, particularly those countries undergoing major institutional reform. 96M301

International Regulatory Information Exchange. Urges the highest courts of states and lawyer regulatory authorities to coordinate with their foreign regulatory counterparts and enter into voluntary arrangements to facilitate the exchange of relevant information, consistent with the jurisdictions’ rules, and adopts the Guidelines for an International Regulatory Information Exchange, dated August 2013. 13A104


International Terrorism. Support U.S. action to encourage ratification of relevant conventions by maximum number of countries, to stimulate implementation of these conventions, and to continue development of new initiatives. 81M301

International Trade and Commerce (Secured Transactions Reform). Supports development and harmonization of international trade and commerce and the establishment of predictable systems of secured lending through the adoption of secured transactions reform in developing countries and encourages lawyers to support and participate in efforts to have secured transactions reform adopted in developing countries. 11A301

International Trade Commission. Supports the International Trade Commission’s adoption of certain procedures relevant to its compliance with the Government in the Sunshine Act, 5 U.S.C § 552(b). 07A118B

International War Crimes Tribunal. Support the establishment by the Security Council of the United Nations under Chapter VII of the U.N. Charter of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (the Tribunal). Recommend that the United States Congress promptly adopt appropriate implementing legislation to enable the President to give full support to the Tribunal, and including certain specified provisions. Recommend that the United States urge the United Nations to make every effort, through the rules of evidence and procedure to be adopted by the Tribunal and, if appropriate, through supplementary decisions of the Security Council, to ensure due process for the accused and adequate protection for victims and witnesses by certain specified measures. 93A301
**Internet Governance Forum of the United Nations.** Urges the Secretary of State and the Assistant Secretary of Commerce/Administrator of the National Telecommunications and Information Administration to support a renewal of the mandate of the Internet Governance Forum of the United Nations to operate substantially in accordance with its current mandate. 09A106

**Iran.** Deplore the persistent, gross violations of human rights committed by the government of the Islamic Republic of Iran. Call upon the new leadership of that government to protect basic human rights, to ensure that fair procedures are followed in political cases, and to eliminate torture and other inhuman punishment of prisoners and call upon the U.S. government to urge the government of the Islamic Republic of Iran to follow certain specified procedures. Urge that the United States of America, in consultation with its allies and other governments, consider a full range of multilateral economic and diplomatic sanctions against the government of the Islamic Republic of Iran in addition to existing sanctions. 89A102

**Iraqi Invasion of Kuwait.** Condemn (1) the unprovoked invasion and purported annexation of the Emirate of Kuwait by armed forces of the Republic of Iraq; (2) the detention, mistreatment and forced removal of persons living in or transiting Kuwait; and (3) closure of diplomatic and consular missions in Kuwait and unilateral withdrawal of the privileges and immunities of these missions. Condemn the failure of Iraq to comply with all Security Council resolutions adopted since August 2, 1990. Strongly support measures taken to comply with the decisions and recommendations of the U.N. Security Council and other actions taken in conformity with the Charter of the United Nations to protect the sovereignty, independence and territorial integrity of states in the region, and the determination of the Security Council to ensure compliance by Iraq with the decisions of the Council. Recommend use of all necessary means including force as well as diplomacy to restore international peace and security in conformity with the principles and purposes, and other provisions, of the Charter of the United Nations. 91M112

**Jones Act.** Urges Congress to enact legislation to provide a permanent exemption for the Commonwealth of Puerto Rico from the requirements of the Jones Act, 46 U.S.C. §§55101 et seq. 18A10B

**Judicial Independence.** Adopts the *Principles on Judicial Independence and Fair and Impartial Courts*, dated August 2007. 07A110D

**Judicial Independence-International Standards.** Supports the following international standards on judicial independence: *The United Nations Basic Principles on the Independence of the Judiciary; The International Bar Association Minimum Standards for Judicial Independence; and The Bangalore Principles of Judicial Conduct*, and urging the United States government to support these standards. 07A110E

**Jurisdictional Immunity.** Express concern regarding the use of jurisdictional immunity to insulate employees of international organizations from their family financial obligations. Support efforts to ensure prompt enforcement of orders of courts of competent jurisdiction and final judgments in family law matters involving employees of international organizations in certain matters, consistent with applicable United States and international law. 99A119

**Law of the Sea.** Urge enactment of interim legislation to promote orderly development of mineral resources in the seabed, pending entry into force for the United States of a superseding international agreement. Endorse U.S. policy requiring that any law of the sea treaty to which the United States becomes a party assures the United States access to the resources of the seabed and subsoil beyond the limits of national jurisdiction. 80M118; 83A104B


**Lead Paint.** Urges national governments worldwide to adopt laws to phase out the manufacture, import, and sale of lead paint, supports efforts to promote the phase-out of lead paint by no later than 2020, and supports
adoption of laws to phase out and eliminate lead paint thru pro bono support, educational initiatives, and other appropriate measures. 17A109B

**Letters Rogatory Convention.** Support ratification by the United States of the Inter-American Convention on Letters Rogatory and the Additional Protocol to the Convention, and urge the Senate to give its advice and consent to ratification of both, subject to several reservations. 81A101

**Middle East.** Urge all nations involved in the Middle East conflict to adhere to the provisions in the 1949 Geneva Convention relative to the treatment of prisoners of war. 74M110.4

**Migration.** Supports multinational cooperation and consultation in the formulation of national laws and policies relating to migration and urges the United States government to enter into regional and international discussions and agreements governing the flow of workers. 06A123B

Encourages states and entities working to implement the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration to take additional steps to address root causes of displacement and forced migration, develop policies that discourage the criminal prosecution of migrants and refugees, encourage the accountable use of prosecutorial discretion, and protect migrants and refugees from bias and discrimination regardless of gender, race, sexual orientation, sexual identity, national origin, and religion. 19M116


**Money Laundering.** Supports the enactment of reasonable and balanced initiatives designed to protect and prevent domestic and international money laundering and terrorist financing. Recommends that any efforts to establish and implement international and United States policies to combat money laundering and terrorist financing should be consistent with principles regarding the independence of the bar, adherence to the highest standards of professional and lawful conduct, and the confidentiality of lawyer-client communications. 03M104

**Montreal Protocol on Substances That Deplete the Ozone Layer.** Recommend that the U.S. Government ratify the Montreal Protocol on Substances That Deplete the Ozone Layer. 88M105A

**Moon Treaty.** Favor ratification by the United States of the Agreement Governing the Activities of States on the Moon and other Celestial Bodies. 82M119

**Multilateral Agreement on Investment.** Urge the United States government to conclude and to implement as expeditiously as possible a multilateral agreement on investment designed to liberalize existing national investment restrictions. Provide the highest standards of investment protection, including the provision of prompt, adequate, and effective compensation for expropriation. Create effective dispute settlement mechanisms, and encourage the broadest possible participation by all states in any such accord. 96A117

**Multilateral Development Banks.** Urge the U.S. Government to instruct its representatives to each of the multilateral development banks to support the establishment of human rights departments in each such multilateral bank in which the United States is a member other than the International Monetary Fund. 89A112C

**Non-Lawyer Human Rights Defenders, Journalists and Others.** Recognizes the important role that non-lawyer human rights defenders, journalists and others play in protecting justice and the rule of law, and deplores attacks on those professions, as well as on individuals, aimed at silencing or intimidating human rights voices. 18A106B

**North American Free Trade Agreement.** Recommends the adoption by the governments of Canada, Mexico and the United States, in connection with the North American Free Trade Agreement (NAFTA), of adequate and sound dispute resolution procedures embodying certain shared legal values. Authorizes the joint Working
Group on the Settlement of International Disputes to submit suitable comments and explanations to government officials of the three countries. 2/92BOG1.5

Support the efforts of the governments of Canada, Mexico and the United States to establish, through the North American Free Trade Agreement (NAFTA) principles, rules, procedures, and institutions for the conduct of trade and other economic relations among the participating countries which are designed to provide transparency, predictability, fairness and due process. 93M109B

Urge the governments of the three signatories to the North American Free Trade Agreement (NAFTA) to work together in implementing the competition and antitrust aspects of NAFTA, with emphasis on certain specified goals. 94A116A

**Nuclear Incidents.** Support amendment of the Price-Anderson Act provisions of the Atomic Energy Act, as amended, to extend and improve procedures for liability and indemnification for nuclear incidents. 87M124A

**Nuclear Test Ban Treaty.** Urges the United States to ratify the Comprehensive Nuclear Test Ban Treaty, which is an international agreement designed to create a permanent, global, legally-binding and all-encompassing prohibition on any nuclear explosions. 10A107A

**Nuclear Weapons.** Urge immediate ratification of the Treaty on the Nonproliferation of Nuclear Weapons. 1/69BOG

Urge that the United States continue endeavors to strengthen the international regime aimed at preventing the proliferation of nuclear weapons, including support for adherence to the Treaty on the Nonproliferation of Nuclear Weapons. 85M117A

Call upon the U.S. Government to undertake effective measures to promote the full participation of Argentina, Brazil, Chile and Cuba in the Treaty of Tlatelolco establishing a nuclear weapons free zone in Latin America. 85M117B

**Nuclear Weapons Testing.** Support efforts by the United States to achieve effective verification measures for the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty. Urge ratification of the treaties, subject to agreement between the United States and the Soviet Union on the verification measures, and once the agreement on verification is obtained and the treaties ratified, negotiation on ways to implement a step-by-step program of limiting and ultimately ending nuclear testing. 87A113A

**Oceans/Marine Policy.** Urges the United States Government to continue and enhance efforts to play a leadership role in the development and implementation of international initiatives to protect the world's marine ecosystems and ensure the ecologically sustainable use and development of the world's marine resources, emphasizing good stewardship, ecosystem-based management, preservation of biodiversity, use of best available science, and international responsibility, including by: (1) ratifying certain United Nations Conventions; (2) encouraging other countries to ratify certain international Agreements; (3) reviewing and updating regional and bilateral fishery agreements to which the United States is a party, and amending and initiating, as appropriate, international agreements to address critical concerns not yet adequately addressed; (4) ensuring trade and oceans-related objectives, agreements, policies and practices are mutually supportive; and (5) increasing United States funding and technical assistance to build scientific and management capacity in developing nations. 05A101C *(See also Law of the Sea.)*
Office of Global Criminal Justice. Urges the United States Department of State to preserve the Office of Global Criminal Justice and the role of the War Crimes Ambassador, including funding and staffing to continue the work of the office and the United States’ commitment to international criminal justice and the prevention and prosecution of atrocity crimes. 17A10D

Organization of American States. Urge the U.S. Government to meet promptly and fully its financial obligations to the Organization of American States. Urge the U.S. Government to actively support a larger budget allocation within the Organization of American States for the activities of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. 89A112A

Overseas Private Investment Corporation. Support adoption of legislation to continue OPIC, to increase participation by private insurers in writing political risk investment insurance, and to let OPIC continue to act as a primary insurer of political risks, as amendments of the Foreign Assistance Act. 77M100

Pakistan. Expresses support for and solidarity with the Pakistani bar and bench. Calls upon the President of Pakistan to restore Pakistan’s constitution as it existed before the November 3, 2007, emergency decree; to reinstate Pakistan’s Supreme Court justices and high court judges who were removed from office and refused to take oaths of loyalty to the executive branch; and release all judges, lawyers and other people who were wrongly arrested during the state of emergency. 08M10D

Peace in Central America. Support efforts undertaken by the presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua to establish a firm and lasting peace in Central America. Urge continued commitment of these presidents to the process of regional dialogue and democratization. Welcome commitment of the U.S. Government to facilitate the process of regional dialogue. Urge interested parties to observe their commitments pursuant to the U.N. Charter and principles of international law in the course of the implementation of the Arias Plan; and endorse the Arias Plan. 88A105C

Peaceful Settlement of Conflicts. Urge the governments of the Americas to use appropriate national and international mechanisms for ensuring peaceful settlement of conflicts among individuals and between nations, and to guarantee the existence in each nation of an independent judiciary as essential for the realization of human and civil rights in the Americas. 86A121

Peaceful Settlement of International Disputes. Urge the government of the United States to start negotiations with other governments in order to implement the principles contained in the Draft General Treaty on the Peaceful Settlement of International Disputes to accept arbitration for the resolution of international disputes. 90M110

Persistent Organic Pollutants. Supports prompt ratification and implementation by the United States of the Stockholm Convention on Persistent Organic Pollutants. 02M113B

Procurement. Urge the United States to participate in negotiations to establish international norms of government procurement practices that would eliminate the discriminatory effects of buy-national legislation and promote competition in the government procurement sector of the world economy, including procurements substantially funded by national governments. 78M100

Protection for Refugees. Urge the United Nations (1) to provide international protection for refugee health needs; (2) to review the adequacy of current international agreements to address the health and related humanitarian needs of refugees and other displaced persons; (3) to strengthen the protection of refugee health under the existing international agreements; and (4) to develop international agreements, or other mechanisms, to protect the health needs of all other displaced persons. 91A116B
Reaffirms and expands existing policy regarding refugees in light of the January 27, 2017 Executive Order, calls for increased funding and legislation to process and handle refugee applications, and urges Congress to pass legislation that would provide for individualized assessments of refugee applications and that they be conducted expeditiously and justly. 17M10B

Urges the President to withdraw Executive Order 13769, and follow legal procedures and legal rights in the promulgation of future Executive Orders regarding border security, immigration enforcement, and terrorism. 17M10C

**Protection of Women's Human Rights.** Endorse international and domestic efforts to promote and protect women's human rights through the adoption and enforcement of legal provisions for equality and equal protection law. Recommend that the United States Government and Non-Governmental Organizations participating in the United Nation's Fourth World Conference on Women in Beijing, China, in 1995, actively support the inclusion in the Platform for Action of effective measures to accelerate the removal of the remaining obstacles to the realization of women's basic rights. 11/94BOG2.7

**Racial Discrimination Convention.** Support accession of the United States to the International Convention on the Elimination of All Forms of Racial Discrimination, subject to certain understandings and reservations. 78A105.3

**Reduction of Conventional Arms in Europe.** Urge early agreement between the North Atlantic Treaty Organization countries and Warsaw Pact countries to reduce levels of conventional arms in Europe from the Atlantic to the Urals. Support the Convention Forces in Europe negotiations to reduce levels of NATO and Warsaw Pact forces in Europe from current levels to parity. 90M113B

**Repayment of Debt to the United Nations.** Strongly urges that the executive and legislative branches of the United States Government pay immediately and in full the United States' debt to the United Nations for its regular and peacekeeping expenses. 92A127

**Rights of the Child, U.N. Convention on.** Support in principle the ratification by the United States of the provisions of the United Nations Convention on the Rights of the Child (Articles 1-54). Urge the convening of a working group to work with the Executive Branch and the Senate on the identification and clarification of issues related to possible reservations that might be considered as part of the ratification process. 91M119

**Rule of Law.** Support independence of lawyers, judges and legal processes in foreign countries through ABA communications to the U.S. Secretary of State. 75M108.2

Reaffirm support of the rule of law in the international community and its recognition of the need for an independent judiciary and for the independence of lawyers; note with concern the reported arrest, detention without charge and disappearance of lawyers in Argentina because of their representation of individual clients. Note also with concern the case of fellow attorney Lev Lukyanenko, presently imprisoned in the Soviet Union, reportedly for attempting to defend and preserve the integrity of the Rule of Law in that country. 8/80 Assembly Resolution II

Reaffirm support for the Rule of Law in the international community and recognition of the need for an independent judiciary and for the independence of lawyers. Affirms its support for human rights advocates who are striving to uphold human rights and the Rule of Law. 8/97BOG177B

Adopts the Statement of Core Principles of the legal profession, adopted at the international bar presidents meeting in Paris, France, on November 19, 2005. Urges bar associations throughout the world actively to support and advance the Rule of Law. 2/06BOG, 2.7; 06M111
Rotterdam Rules. 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. 10M101

Rule of Law and Global Environmental Issues. Urges governments, businesses, nongovernmental organizations and other organizations to consider and integrate Rule of Law initiatives with global environmental issues. 07A110A

Russia. Urge Russian President Yelstin and other Russian authorities (1) to establish a democratic republic under the Rule of Law by holding free and democratic elections for the newly created legislative bodies and for the office of President; (2) to adopt a democratic constitution which will provide for individual liberties, democratically elected legislative bodies, and an independent judiciary with jurisdiction to determine constitutional issues; and (3) prior to any elections, to (a) enable widespread participation in all aspects of the electoral process, and (b) assure candidates and the Russian public full and equal rights of freedom of expression and access to media in order to foster full discourse on all relevant issues. Resolve to stand ready, through the provision of experts, information, and technical assistance, within its resources, to assist Russia, upon request in accomplishing these important tasks. 11/93BOG2.7

START II Treaty. Urge the ratification of the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Arms, the START II Treaty, which eliminates land-based ballistic missiles with multiple warheads and significantly reduces the overall number of long-range nuclear weapons possessed by both Parties to the U.S. level of the early 1960s and the Soviet level of the mid-1970s. 93A105D

Statutes of Limitation. Urges all countries not to apply statutes of limitation with respect to 1) genocide, 2) crimes against humanity, and 3) serious war crimes. 13A107A


Urge all governments not to make concessions to terrorists, including those who hold citizens of any such government hostage, or to the states whose leaders sponsor or otherwise participate in such terrorist acts. 89M108

Pursuant to its dedication to the Rule of Law, supports the call of the President of the United States to bring to justice the perpetrators of global terrorism and those who harbor the terrorists or give them aid. 02M104

Urges the President to withdraw Executive Order 13769, and follow legal procedures and legal rights in the promulgation of future Executive Orders regarding border security, immigration enforcement, and terrorism. 17M10C

Torture. Support the concept of federal legislation that would clearly establish a federal right of action by aliens and U.S. citizens against persons who, under color of foreign law, engage in acts of torture or extrajudicial killing. 85A111D

Condemns any use of torture or other cruel, inhuman or degrading treatment upon persons within the custody or under the physical control of the United States Government (including its contractors) and any endorsement or authorization of such measures by government lawyers, officials and agents. Urges the United States government to comply fully with the Constitution and laws of the United States and treaties to which the United States is a party, to take all measures necessary to ensure that no person within the custody or under the physical control of the United States government is subjected to torture or other cruel, inhuman or degrading treatment or punishment. 04A10B
Trafficking Victims. Urges federal, state, local, territorial and tribal governments to pass legislation, authorize funding that strengthens protection and assistance for victims of trafficking in persons, within the United States or abroad, as well as bolsters prevention efforts and encouraging bar associations to engage members of the legal profession in raising awareness of trafficking in persons in their communities and in providing pro bono legal services to victims of trafficking. 07A110C

Urges state, tribal, and territorial legislatures to aid minors who are victims of human trafficking by (1) permitting their immediate protective custody as dependent children in suitable residential environments and, except in extreme and compelling circumstances, not charging children under the age of 18 with the crimes of engaging in prostitution or soliciting themselves, loitering with the intent to engage in prostitution, or status offenses that are incident to their trafficking situation; (2) amending juvenile dependency laws; (3) establishing programs and other services for prompt access by law enforcement, public health officials, and child protective services; (4) authorizing courts to issue and enforce protective orders; and (5) providing a civil cause of action for child victims to receive compensation and services. 11A103A

Treaties Concerning the Reciprocal Encouragement and Protection of Investments. Favor ratification by the United States of the treaties between the U.S. and the Arab Republic of Egypt, Republic of Panama, Republic of Senegal, Republic of Haiti, Republic of Turkey, Kingdom of Morocco, Republic of Zaire, Republic of Cameroon, People's Republic of Bangladesh and Republic of Grenada. 86A301

Treatment of Judges, Lawyers, Other Member of the Legal Profession, Extended Families. Reaffirms the ABA's commitment to advance the rule of law and condemns the harassment arbitrary arrest and detention, arbitrary disbarment, denial of due process, other ill-treatment, and killings of judges, lawyers, other members of the legal profession, and their extended families throughout the world for serving in their designated capacities. 18A106A

Treaty Implementation. (1) Urges that legislation be enacted to provide procedures for implementing commitments in existing treaties on an expedited basis where the President reports to Congress that binding measures are necessary to avoid the imminent risk of breach by the U.S. (2) Urges that the Executive Branch, with respect to future treaties, seek treaty language consistent with its intent as to whether treaty provisions are self-executing; to identify in treaty transmittal documents which provisions are self-executing and how other provisions will be implemented; and if implementing legislation is required for U.S. compliance, not to bring the treaty into force until that legislation is enacted. (3) Urges the Senate, with respect to future treaties, to declare in resolutions of advice and consent which provisions are self-executing and its expectation, in instances where new implementing legislation is required, that the treaty will not be brought into force for the U.S. until such legislation is enacted. 10M108C


U.N. Convention of Recovery Abroad of Maintenance. Support accession of the United States to the Convention and urge the U.S. Senate to give its advice and consent to ratification of the Convention. 80A113A


Urge that the United States expeditiously ratify the Optional Protocol to the U.N. Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. 00A106A
Urge that the United States expeditiously ratify the Optional Protocol to the U.N. Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. 00A106B


**United Nations.** Authorize application for ABA accreditation to the U.N. as a non-governmental organization. 66M

Favor U.S. Government measures leading the General Assembly of the U.N. to adopt the principle that in all the organs and specialized agencies of the U.N, all nations having a population of over 200 million would be automatically entitled to representation on an equal basis with various regional blocs. 84M104

Urge the executive and legislative branches of the U.S. Government to take cooperative action so that payment will be made without delay to the United Nations, including its specialized agencies, of all amounts assessed to the United States. 88M131

Reaffirm support for an effective United Nations as essential to achieving peace, promoting sustainable development and advancing the Rule of Law, and urge the U.S. Government to enhance its relationship with the U.N. Urge the U.S. Government to honor its legal obligations to the U.N, and to work to assure effective financing of U.N. institutions in the future. Urge the Senate to expedite consideration of international agreements pending before it and in particular, urge prompt approval and ratification of four agreements that are supported by the ABA. 00A10H

**United Nations Democracy Caucus.** Supports the creation of a United Nations Democracy Caucus within the United Nations (UN) framework to work towards the strengthening of democracy, human rights and the rule of law throughout the UN system. 04M106

**United Nations Educational, Scientific and Cultural Organization.** Support efforts of the United States and other nations to bring about specific reforms in the United Nations Educational, Scientific and Cultural Organization (UNESCO). Support U.S. participation in efforts to rehabilitate and improve UNESCO so that the United States will be in a position to consider a return to membership. 86M109A

Support the return of the United States to membership in the United Nations Educational, Scientific and Cultural Organization (UNESCO). Support increasing efforts of the U.S. Government directed toward that purpose. Urge the U.S. Government to finalize arrangements necessary to enable the U.S. Government to renew at the earliest feasible time its membership in UNESCO. 89M101A

Urge the United States Government to rejoin UNESCO at the earliest possible time, so that it may take part in UNESCO's mandate to promote international cooperation through education, science and culture. 95A125C

**United Nations Member States.** Oppose any limitation on participation in General Assembly and all other U.N. activities by member states. 75A Assembly Resolution II

**United Nations Military Forces.** Recommend that the United States Government support the creation by the United Nations, in addition to trained peacekeeping forces, of trained standby military forces for peacemaking and peace enforcement, composed of units from the national military forces of State Members of the United Nations, which would be available on call by the Security Council under conditions prescribed in agreements to be concluded pursuant to Article 43 of the United Nations Charter. 94A114E
United States Agency for International Development (USAID). Oppose pending legislation to abolish the United States Agency for International Development. 2/95BOG3.35

Unsworn Declarations. Urges the adoption by states and territories of a uniform law that would permit unsworn declarations under penalty of perjury to be executed by persons located outside the United States in lieu of affidavits, verifications, or other sworn documents, as is currently the federal practice under 28 U.S.C. §1746. Further resolved that the resolution be submitted to the National Conference of Commissioners on Uniform State Laws. 06M110

Uruguay Round of Multilateral Trade Negotiations. Urge Congress and the United States to approve and implement the agreements resulting from the Uruguay Round of multilateral trade negotiations. Endorse the Uruguay Round Understanding on Rules and Procedures Governing the Settlement of Disputes, which develops a unitary dispute resolution procedure, reforming the procedure for approval of dispute panel reports, increasing transparency and creates a procedure for appeal of GATT panel reports. Support the Agreement Establishing the World Trade Organization. 94M300

U.S. Treaties. Recommend that the U.S. Government take all steps necessary to bring up to date immediately the publication of the following series maintaining their traditional form and comprehensive content: United States Treaties and Digest of United States Practice in International Law. 89M101B

Vienna Convention on Consular Relations (Article 36) and Foreign Nationals. 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 are extended fully and without obstacle to foreign nationals within United States borders. 10M104

Violence Against Women. Urges federal, state, local, territorial and tribal governments to adopt legislation and appropriate funding to strengthen protection and assistance for victims of gender-based violence within the United States and abroad and urging Congress to enact and fund the International Violence Against Women Act of 2007 or similar legislation. 08A109

Urges the United Nations, the United States and other governments and relevant international actors to develop and implement methodologies to measure and track the prevalence of sexual and gender-based violence. 17M105

Weapons of Mass Destruction. Recommend that the United States Government take certain specified actions with the cooperation and agreement of other nations whenever possible to maintain and strengthen the international regimes designed to control the proliferation of weapons of mass destruction. 94A107

World Bank. Oppose unilateral legislative restrictions on contributions to the World Bank and other international development banks that are inconsistent with their charters. 79A104B

Urges Congress to fund U.S. participation in capital increases and replenishments for the World Bank, the Inter-American Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development. 11A113B

World Health Organization. Endorse the global strategy of the World Health Organization (WHO) for the worldwide prevention and control of AIDS. Urge support for the WHO global program on AIDS and the effective coordination of certain international AIDS programs. 89A104D

Recommend that the government of the United States continue to give its strong support to the World Health Organization (WHO) and that it support more effective implementation of public health improvements through increased WHO standard setting and development of elements of model legislation, regulations and enforcement measures, adaptable to countries' individual needs. 95A125B
World Peace Through Law Conference. Oppose the oppression of the Rule of Law and recommend that the World Peace Through Law Center Conference be cancelled or moved to another country. 6/89BOG2.8

Zionism. Oppose and deplore U.N. resolution branding Zionism as racist. 76A108

**JUVENILE JUSTICE STANDARDS**

ABA approves the following volumes of the Juvenile Justice Standards:

**Adjudication.** 79M110

**Appeals and Collateral Review.** 79M110

**Architecture of Facilities.** 79M110

**Corrections Administration.** 79M110

**Confidentiality and Expungement of Juvenile Delinquency Records** 15A103A

**Counsel for Private Parties.** 79M110

**Court Organization and Administration.** 80M121

**Dispositional Procedures.** 79M110

**Dispositions.** 79M110

**Interim Status.** 79M110

**Juvenile Delinquency and Sanctions.** 80M121

**Juvenile Probation Function.** 80M121

**Juvenile Records and Information Systems.** 79M110

**Monitoring.** 79M110

**Planning for Juvenile Justice.** 79M110

**Police Handling of Juvenile Problems.** 79M110

**Pretrial Court Proceedings.** 79M110

**Prosecution.** 79M110

**Rights of Minors.** 79M110

**Transfer Between Courts.** 79M110

**Youth Service Agencies.** 79M110

**LABOR LAW**

Asbestos-Related Disease Claims. Supports enactment of federal legislation that would: (1) allow those alleging non-malignant asbestos-related disease claims to file a cause of action in state or federal court only if they meet the medical criteria in the ABA Standard For Non-Malignant Asbestos-Related Disease Claims dated February 2003 (which the House will be requested to update periodically in accordance with medical advances and scientific research) or an appropriate similar medical standard; and (2) toll all applicable statutes of limitations until such time as the medical criteria in such standard are met. Does not support limitations on the filing of claims for asbestos-related malignancies. Does not support the preemption of legal
definitions for claiming or impairment as they may be found in regulations relating to certain federal laws; their state, territorial and local counterparts; Workers Compensation statutes and their regulations; and federal, state and territorial laws regulating employee benefit plans and employer health care coverage plans. 03M302

Recommends that states and territories adopt the Model Statute of Limitations for Asbestos, dated February 2005, governing the accrual of actions for injury, illness or wrongful death based upon exposure to asbestos. 05M300C

Without taking a position on the advisability of the establishment of an administrative process as an exclusive mechanism for the compensation of an asbestos-related injury subject to tort-based claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based asbestos-related claims should insure access by claimants to adequate representation in the claims process, including: (1) a claimant's assistance program with adequate funding, personnel and resources; (2) in cases pending on the effective date of any such legislation, provisions that would adequately compensate claimants and their attorneys for attorney services and costs reasonably expended or incurred on their behalf in the terminated litigation in the courts or administrative systems; and (3) access to private attorneys without unreasonable restrictions as to fees or other aspects of necessary representation in the claims process, if desired by a claimant. 06M106A

Without taking a position on the advisability of the establishment of an administrative process as an exclusive mechanism for the compensation of an asbestos-related injury subject to tort-based asbestos-related claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based claims should: (1) insure that awards to claimants not be depleted by subrogation from any private or governmental entity; (2) apply existing laws concerning taxation of awards to claimants (which generally are not subject to taxation); and (3) not unduly foreclose independent claims existing under state, territorial or federal law relating to safety or other obligations of employers. 06M106B

Without taking a position on the advisability of an administrative process as an exclusive mechanism for the compensation of an asbestos-related injury subject to tort-based claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based asbestos-related claims should contain specific provisions to insure adequate up-front financing and disclosure of certain information concerning the contributors. 06M106C

Without taking a position on the establishment of an administrative process as an exclusive mechanism for the compensation of an asbestos-related injury subject to tort based claims, recommends that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based asbestos related claims should contain the following contingent provisions to respond to any potential occurrence of a shortfall of funds: (1) speedy determination and announcement of shortfall; (2) if there are not sufficient funds to pay claims, there should be a remedy in the courts; (3) claimants with mesothelioma and/or who have been certified to have a reasonable life expectancy of less than twelve months, should be allowed immediately to file suit in any appropriate court; and (4) any applicable statute of limitations or statute of repose should be tolled during the existence of any administrative process and for a period of 180 days after the time the claimant is eligible to return to the court system, unless applicable state, federal, or territorial law provides for a longer tolling period. 06M106D

**Boards, Diversity.** Urges public companies in the United States to diversify their boards to more closely reflect the diversity of society and the workforce in the United States. 16M116
Civil Rights Tax Relief Act. Recommends that Congress enact the Civil Rights Tax Relief Act (H.R. 840 and S. 917) or similar legislation that would provide relief to civil rights and employee complainants by, in whole or in part: (1) treating compensatory damages (other than back pay and front pay) in civil rights and employee cases in the same manner as compensatory damages in personal physical injury cases; (2) providing that no portion of the award or settlement paid in civil rights or employment cases to cover attorneys fees and expenses should be taxable to the client; and (3) allowing income averaging for complainants who receive in one year awards or settlements of back pay or front pay covering more than one year. 03M115

Discrimination in Compensation. Urges Congress to amend Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(e), and federal age and disability employment discrimination laws to ensure that in claims involving discrimination in compensation, the statute of limitations runs from each payment reflecting the claimed unlawful disparity. 07A302


Employment/Reemployment of Returning Veterans. Urges Congress to amend the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§4301-4335, by adding provisions to require employers to (1) provide certain reasonable accommodations for returning veterans with combat injuries that might not manifest themselves until after a return to work, (2) provide authority for the award of comprehensive attorney’s fees, costs and damages to redress violations of USERRA, (3) make unenforceable any clause of any agreement between an employer and an employee that requires arbitration of a dispute under USERR, and (4) authorize the U.S. Department of Labor to initiate investigation and prosecution of appropriate claims to address patterns and practices of USERRA violations that rise to the level of a nationally-compelling interest. 11A120

Federal Black Lung Compensation Program. Express opposition in principle to any revisions of the Code of Federal Regulations (20 CFR Part 725) recommended by the United States Department of Labor (62 Federal Register 3337 et seq.) pertaining to the Federal Black Lung compensation program which are contrary to the requirements of the Federal Administrative Procedure Act or the Black Lung Benefit Act and express opposition to certain specific revisions of the Code. 97A115

International Labor Organization. Recommend that the United States continue to be an active supportive member of the International Labor Organization (ILO). Commend the United States Government for creating and maintaining the tripartite President's Committee on the ILO, Consultative Group on the ILO, and Tripartite Advisory Panel on International Labor Standards. Urge accelerated progress by these bodies toward ratification of those ILO conventions on human rights which are consistent with U.S. law and practice. 95A303

Labor Trafficking and Child Labor. Adopts the black letter Model Principles of the ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor, dated February 2014, and urges businesses to adopt and implement their own business and supplier policies on labor trafficking and child labor that are consistent with the Model Principles of the ABA Model. 14M102B

Mandatory Arbitration. Urges legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status as a victim of domestic or sexual violence. 19M107B

Workplace Violence. Urge employers to address workplace violence by adopting policies and practices to help them better prevent and manage on-site violence and threats. 98A110

LEGAL EDUCATION

Admission by Motion. Adopts the Model Rule on Admission by Motion pursuant to the recommendations of the Commission on Multijurisdictional Practice. 02A201G; amended February 2011 to eliminate provisions
that prohibit in-house counsel and judicial law clerks from qualifying on the basis of practice performed in the jurisdiction where admission on motion is being sought. 11M100C

Amended August 2012, pursuant to the recommendation of the Commission on Ethics 20/20, to allow lawyers to qualify for admission by motion after three, instead of five, years of practice. 12A105E

**Admission of Native Americans.** Urges the Law School Admissions Council and ABA-approved law schools to require additional information, including Tribal citizenship, Tribal affiliation or enrollment number, and/or a heritage statement, from individuals who indicate on their applications for testing or admission that they are Native American. 11A102

**Bar Admissions.** Urges state and territorial bar licensing entities to eliminate from applications required for admission to the bar any questions that ask about mental health history, diagnoses, or treatment and instead use questions that focus on conduct or behavior that impairs an applicant’s ability to practice law in a competent, ethical, and professional manner. State and territorial bar licensing entities are not precluded from making reasonable and narrowly-tailored follow-up inquiries concerning an applicant’s mental health history if the applicant has engaged in conduct or behavior that may otherwise warrant a denial of admission, and a mental health condition either has been raised by the applicant as, or is shown by other information to be, an explanation for such conduct or behavior. 15A102

**Civil Immunity for Board of Law Examiners.** Urge (1) appropriate state and territorial officials to consider the adoption of a rule concerning civil immunity for members of the Board of Law Examiners (or other appropriate entity exercising bar admissions authority), members, employees and agents, and entities providing information to the Board regarding an applicant; (2) that such members are immune from all civil liability for damages for conduct; and (3) communications occurring in the performance of their official duties and that records, statements of opinion and other information regarding an applicant for admission to the bar communicated without malice to the Board or its members is privileged and civil suits for damages predicated thereon may not be instituted. 98M105

**Clinical Legal Education.** Support continued authorization of and appropriations for Title XI program of assistance for clinical legal education. 72M23.3.

Reaffirms support for ethical independence of law school clinical programs consistent with the ABA Model Rules of Professional Conduct; and opposes attempts by persons or institutions outside law schools to interfere in the ongoing activities of law school clinical programs and courses. 11M100A

**Debt Counseling and Debt Management Education** Encourages law schools to offer comprehensive debt counseling and debt management education to all currently admitted and enrolled law students, and encourages bar associations to offer similar debt counseling and debt management education to young lawyers and newly admitted lawyers. 15M106

**Discrimination, Reverse.** Urge the strengthening of legal education and the uplifting of the legal profession by encouraging the training of law school applicants with high academic qualifications, and request the Section of Legal Education and Admissions to the Bar to investigate the applicants and report its finding, if any, to the House of Delegates. 76A Assembly Resolution I

**Domestic Violence Programs.** Encourages law schools and law students to promote awareness of domestic violence through law school activities and programs. 03A120
Educational Loan Repayment Program. Urge Congress to amend Section 125 of the Internal Revenue Code of 1986 to include an educational loan repayment program as part of a qualified benefit assistance program (cafeteria plan) that is sponsored by employers and offered to employees. Support legislation whose primary purpose is to give incentives to employers to provide educational loan repayment programs, which provisions should not impose income caps on the individuals receiving the benefit. 99A118

Opposes changes in current educational debt loan forgiveness programs for public service lawyers and urges Congress and the Administration to support and continue public service student loan repayment and forgiveness programs. 14A107

Employment Data. Urges all ABA-Approved Law Schools to report employment data that identifies whether graduates have obtained full-time or part-time employment within the legal profession, whether in the private or public sector, or whether in alternative professions and whether such employment is permanent or temporary. 11A111B

Ethics and Professionalism Instruction. Recommend five specified principles with respect to law school instruction in ethics and professionalism, new methods of dealing with legal problems, standards of ethics and professionalism in law schools, codes of student conduct, and law school admission and graduation standards. 89A132

Recommend that members of law school faculties throughout the United States be encouraged to provide, continue and expand the initial instruction and discussions about professionalism in addition to instruction on legal ethics, to invite practicing lawyers to participate, and to review the substance of ethics and professionalism courses currently being offered. Encourage courts and appropriate authorities to require instruction on professionalism. Encourage appropriate entities to include issues of professionalism within the content of their CLE programs. 91A104

Federal Student Aid. Urges Congress to enact legislation to repeal the restrictions on federal student aid eligibility contained in the Higher Education Act, 20 U.S.C. § 1091(r), which affects eligibility for federal student aid based on certain drug convictions. 17M100

Federal Trial Advocacy. Support that portion of the King Committee Report, which encourages law schools to continue improvements in practice-oriented training and bar associations to increase the availability of continuing legal education. Oppose that portion of the Devitt and King committees' recommendations regarding examination and trial experience requirements for admission to practice in federal court. 86A117B

Forensic Science. Urges the National Commission on Forensic Science to develop a model curriculum in the law and forensic science, and to provide training in that curriculum for federal, state, local, territorial and tribal judges. 15A115

Immigrants, Undocumented and Bar Admission. Urges the bar admission authorities in each state and territory not to deny bar admission to undocumented immigrants, who have met all the necessary prerequisite qualifications for admission in their respective jurisdictions, solely due to their immigration status. 17A108

Law Practice Management/Client Relations Skills Training. Urge (1) the training and education of lawyers and law students in current law practice management and client relations skills necessary effectively to deliver legal services; and (2) that mandatory continuing legal education governing bodies give full credit for courses which teach current law practice management and improved client relations. 94A10A

Law School Admission Test/Test Taker with Disability. Urges entities that administer a law school admission test to provide appropriate accommodations for a test taker with a disability to best ensure that the exam results reflect what the exam is designed to measure and not the test taker’s disability. 12M111
Legal Assistant Education Programs, Guidelines for Approval of. Guidelines G-202, G-203, G-204 and G-303 amended. 96A103A

Amendments were made to the following Guidelines to reflect changes in terminology, grammatical changes, and reorganization of some sections for clarity: Guidelines G-101 through G-107 (General Purposes, Procedures, and Definitions), Guidelines G-201 through G-206 (Organization and Administration), Guidelines G-301 through G-303 (Educational Programs), Guidelines G-401 through G-403 (Faculty), Guidelines G-501 through G-503 (Admissions and Student Services), Guideline G-601 (Library), Guidelines G-701 and G-702 (Physical Plant), and Guidelines G-801 and G-802 (Authority). 03M100B

Legal Assistant Licensure and/or Certification Policy Statement. Adopted 4/86; Definition of Legal Assistant revised. 97A11-9

Legal Assistants. Adopted the following definition of legal assistant: A legal assistant or paralegal is a person, qualified by education, training or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. 97A11-9

Amends the ABA Guidelines for Approval of Paralegal Education Programs, dated August 2018. 18A110B

Legal Education. Expressly disapprove the study of law by correspondence. Recommend that greater emphasis be placed on training lawyers for advocacy adopted. 69A18

Adopt the following statement concerning opportunities for the study of law and entry into the profession by qualified members of minority groups: Consistent with sound education policy and the Standards, the law schools are urged to demonstrate, by concrete action, a commitment to expanding opportunities for the study of law and entry into the profession by qualified members of the groups (notably racial and ethnic minorities) which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admission process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students, provided that no school is obligated to apply standards for the award of financial assistance to minorities different from those applied to other students. 80A117

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2016 to the ABA Standards and Rules of Procedure for Approval of Law Schools as follows: Standard 304 (Simulations Courses, Law Clinics and Field Placements); Standard 305 (Other Academic Study); Standard 307(a) (Studies, Activities and Field Placements Outside the United States); and Interpretation 311-1 (Academic Program and Academic Calendar). 16A100

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting amendments dated February 2018 to Standard 106 (Separate Locations and Branch Campuses) of the ABA Standards and Rules of Procedure for Approval of Law Schools. 218M100

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Rules of the ABA Standards and Rules of Procedure for Approval of Law Schools, to restructure the work of the ABA accreditation process by eliminating the Council’s Accreditation and Standards Review Committees, and having all work completed by the Council. 18A111A

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Standards of the ABA Standards and Rules of Procedure for Approval of Law Schools, to restructure the work of the ABA accreditation process by eliminating the Council’s Accreditation and Standards Review Committees, and having all work completed by the Council. 18A111B
Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Rules 3, 5, 10, 14, 22, 23, 24, 25, 34, 52, and 53 of the ABA Standards and Rules of Procedure for Approval of Law Schools. 88A111C

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018, to Standard 303 (Curriculum); Standard 304 (Simulation Courses, Clinics, and Field Placements); Standard 305 (Other Academic Study); Standard 306 (Distance Education); Standard 307 (Studies, Activities, and Field Placements Outside the United States); and Standard 601 (Library and Information Resources, General Provisions) of the ABA Standards and Rules of Procedure for Approval of Law Schools). 18A111E

**Loan Repayment and Forgiveness.** Recommends that the amount a law student may borrow annually in unsubsidized loans under the Stafford loan program be increased to at least $30,000. 02M300A

Urges Congress to enact legislation, or the Secretary of the U.S. Department of Education to amend existing regulations by (1) permitting forgiveness sooner than 25 years after a borrower begins repaying loans and (2) eliminating or reducing the marriage penalty. 02M300B

Reaffirms encouragement of law schools, state, local and territorial bar associations and foundations, IOLTA programs, public service employers and federal, state and territorial lawmakers to establish programs, such as loan repayment assistance or forgiveness programs and public service scholarships, to enable law graduates to accept and remain in lower paying government and public service legal employment. 03A113

Urges Congress to ensure that funding for the John R. Justice Prosecutors and Defenders Incentive Act (Section 951 of P.L. 110-315) is expanded beyond its original authorization of $25 million to cover the actual national need. 10M102J

Urges Congress to enact legislation and the President to sign legislation amending a) the Higher Education Opportunity Act of 2008 (HEOA) to expressly include all judge advocates as an enumerated public service position eligible for Perkins loan forgiveness, and b) Military Deferment statutes to delete the language during a war or other military operation or national emergency. Urges the Department of the Treasury and the Internal Revenue Service to issue published guidance for the exclusion from gross income discharges of student loans pursuant to the College Cost Reduction and Access Act (CCRAA) Public Service Loan Forgiveness Program. 10M113

Urges Congress, the Executive Branch and/or Commercial Lenders to develop and implement programs to assist students and recent graduates, including law students and recent law student graduates experiencing financial hardship due to deferred or lack of employment (and consequently lack of income) during a period of economic crisis with programs such as a) extending federal student loan repayment terms and federal student loan programs or comparable programs to such individuals who used alternative sources of credit from commercial lenders to fund their education in whole or in part, b) authorizing the use of Troubled Asset Relief Program (TARP) or other federal funds to provide such individuals with temporary assistance to meet their obligations to lenders with a corresponding obligation to repay such assistance, and/or c) making repayment terms in federal educational loans as beneficial to the borrower as possible to allow as many students and recent graduates as possible, including law students and recent law school graduates to qualify for such programs as income-based repayment, consolidation, and other forms of loan repayment assistance. 10M301

Urges Congress to enact legislation that assists individuals who are experiencing financial hardship due to excessive levels of student loan debt but are not covered by the provisions of the student loan overhaul passed into law on March 30, 2010, by (1) extending federal student-loan repayment terms and federal student-loan programs to individuals who borrowed from commercial lenders to fund their education in whole or in part; (2) establishing repayment terms for federal student loans that allow individuals to qualify for income-based
repayment, consolidation, and other forms of loan repayment assistance; and (3) creating loan forgiveness programs for public service lawyers similar to the Direct Loan Public Service Loan Forgiveness Program authorized by Congress for health care professionals in the Higher Education Opportunity Act (P.L. 110-315).

Encourages the Council of the Section of Legal Education and Admissions to the Bar to mandate through the ABA Standards for the Approval of Law Schools enhanced financial counseling for students on student loans and repayment programs, and urges all participants in the student loan business and process to develop and publish easily understood versions of the terms of various loan and repayment programs.

**Mandatory Continuing Legal Education.** Support the concept of mandatory continuing legal education for all active lawyers. Urge serious consideration of mandatory CLE by the various states that have not yet adopted such a program.

Urges all state and territorial continuing legal education accrediting agencies to approve for mandatory continuing legal education participatory credit the full spectrum of technology-based continuing legal education formats.

Urges state and territorial continuing legal education accrediting agencies to approve for mandatory continuing legal education, law practice skills program and training, including the use of technology, law practice management and client relations and not restrict the maximum number of credit hours that can be earned for such programs.

**Mandatory Continuing Legal Education on Chemical Dependency.** Encourage those bodies that govern attorneys and the practice of law in each state and territory which require mandatory continuing legal education to establish a requirement that every three years each attorney complete at least one hour of mandatory continuing legal education related to the prevention, detection, and treatment of chemical dependency in the profession.

**Mandatory Continuing Legal Education on Diversity and Inclusion.** Encourages all state, territorial and tribal courts, bar associations and other licensing and regulatory authorities, that have mandatory or minimum continuing legal education requirements (MCLE) to modify their rules to include as a separate credit, programs regarding diversity and inclusion for the legal profession of all persons regardless of race, ethnicity, gender, sexual orientation, gender identity or disabilities, and programs regarding the elimination of bias.

**Minimum Continuing Legal Education.** Adopt Model Rule for Minimum Continuing Legal Education Sections 2(b), 6(a) and (b), 7(a) through (i) with Comments, and the Comments of Section 9 amended.

Comment to Section 2 amended (regarding MCLE programs related to promotion of diversity and the elimination of bias in the legal profession).

**Minorities in the Pipeline to the Profession.** Urges all state, territorial and local bar associations to work with national, state and territorial bar examiners, law schools, universities and elementary and secondary schools to address significant problems facing minorities within the pipeline to the profession.

**National Service Legislation.** Support the enactment of and full funding for national service legislation which provides educational benefits for law students and law graduates in return for community service in our nation's system of justice.

**Privacy Concerns for Bar Admissions.** Recommend that when making character and fitness determinations for the purpose of bar admission, bar examiners (1) consider the privacy concerns of bar admission applicants;
(2) tailor questions concerning mental health and treatment narrowly in order to elicit information about current fitness to practice law; and (3) take steps to ensure that their processes do not discourage those who would benefit from seeking professional assistance with personal problems and issues of mental health from doing so. Recommend that fitness determinations may include specific, targeted questions about an applicant's behavior, conduct or any current impairment of the applicant's ability to practice law. 94A110

**Pro Bono Disclosure Requirements for Law School Recruiters.** Urges law schools to require legal employers that recruit on campus to disclose, and to make available to the schools' students and alumni, specific information regarding the employer's pro bono policies, practices and activities and urges law schools to adopt the *Pro Bono Disclosure Requirements for Law School Recruiters*, dated August 2006. 06A121B

**Pro Bono Programs for Law Schools.** Strongly encourage law schools to develop pro bono/public service programs as components of their skills training curricula or programs and to exchange information about such pro bono public service programs through the Section of Legal Education and Admissions to the Bar. 93A10H

**Pro Bono Programs for Bar Associations, Law Schools and Other Stakeholders.** Urges bar associations, law schools, and other stakeholders to develop and increase curricular offerings through which law students provide pro bono representation of incarcerated individuals and those reentering society. 18A100A

**Professional Development.** Recommends that law schools, law firms, CLE providers and others concerned with professional development provide the knowledge, skills, and values that are required of the successful modern lawyer. 11A10B

**Ranking of Law Firms and Law Schools.** That the American Bar Association examine any efforts to publish a national, state, territorial and local rankings of law firms and law schools. 10M10A

**Report of the Task Force on Law Schools and the Profession.** Urge bar associations and the judiciary to join with law schools to establish programs to inform students of the breadth, variety and differentiation of legal careers and to develop ways to build the education continuum envisioned by Legal Education and Professional Development – An Educational Continuum, the Report of the Task Force on Law Schools and the Profession: Narrowing the Gap. Urge law schools to consider the Statement of Skills and Values from the Report in assessing the extent to which their curricula advance their students' professional development and preparation for the practice of law and to take certain specified steps with respect to their students' professional development. Urge licensing authorities to consider modifying bar examinations which do not give appropriate weight to the acquisition of lawyering skills and professional values. Urge sponsors of programs of transition education to examine their programs to ensure the inclusion of significant skills and values instruction. Urge providers of continuing legal education to consider the Statement of Skills and Values and the developments in effective teaching of skills and values described in the Report. Direct the Council of the Section of Legal Education and Admissions to the Bar to consider the desirability of rescinding its policy of confidentiality of the information submitted annually by law schools to the Office of the ABA Consultant on Legal Education, and to consider amending the Interpretation to Standard 201(a) and invite the Section to report to the House on skills and values instruction issues. 94M8A

**Specialty Certification Programs.** Amends Section 4.06(C) (Certification Requirements) of the Standards for Accreditation of Specialty Certification Programs for Lawyers to respond to a need to regulate certifying organizations. 14A2101A

**Standards for the Approval of Law Schools.** Please note that action by the House of Delegates regarding Standards, Interpretations, or Rules of Procedure for Approval of Law Schools as submitted by the Section of Legal Education and Admissions to the Bar is concurrence of the action of the Section rather than adoption of the recommendations as policy of the Association.

Standard 211 amended to add including the employment of faculty and staff to the nondiscrimination/equal opportunity provisions. 89A105B
Standard 211 amended to add sexual orientation to the categories of prohibited discrimination. 94A106A

Standard 301(a) amended to read as follows: A law school shall maintain an educational program that is designed to qualify graduates for admission to the bar and to prepare them to participate effectively in the legal profession. 93A10C

Standard 505 amended to clarify the purpose of the original Standard 505. 94M

Standards 601-606, 704 and 706 pertaining to law libraries amended, and interpretations of the Standards approved. 95A110B

Recodification approved as amended including revisions to specific Standards. 96A121A

Urge bar associations to assist law schools within their jurisdictions with the development of curricula designed to accomplish the goals of Standards 301 (Objectives) and 302 (Curriculum). Urge bars to observe implementation of the new codification of the Standards within their jurisdictions in order to determine whether or not the new codification is helping to fulfill the law profession’s duties to the public, law students, and the profession itself as stated in the Preamble to the Standards. 96A10I

Rules of Procedure 6(b)(1) and 16 amended and new Interpretation 509.4 adopted. 98M302

Standards 101, 106, 801 and 803, and various rules of the Rules of Procedure amended relative to the restructuring of the law school accreditation process. 99M117

Revisions to Standards 301-307 and 401-404 and their interpretations dated 1999 adopted. 99A111

Concur with the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting revisions to the Standards for Approval of Law Schools dated July 2000. 00A300B

Additions and revisions to the following Standards for Approval of Law Schools, Interpretations thereto and Rules of Procedure for Approval of Law Schools, dated August 2001, were adopted: (1) Standards 302, 405(c), 405(d), 502(a), 511, 512; (2) Interpretations 105-1, 302-1, 405-6, 405-9, 701-3 - 701-5; and (3) Rules of Procedure 5, 6, 7, 9, 10, 14, 18, 19. 01A300A

Additions and revisions to the following Standards for Approval of Law Schools and the Interpretations thereto, dated August 2002, were adopted: (1) Standards 306 and Interpretations 306-1 through 306-9 and 305-4 (provide a new framework for the regulation of distance education at ABA approved law schools); (2) Standards 301 and 511 and Interpretations 301-2, 301-3, and 304-6 (residency and related rules for part-time programs); and (3) Interpretations 304-3 and 304-8 (credit for J.D. work done as a post-J.D. student). 01A301B

Additions and revisions to the following Standards for the Approval of Law Schools, Interpretations, and Rules of Procedure, dated February 2003, were adopted: Standards 105 and 106, Interpretations 105-1 through 105-5, and Rule 19 (Branch campus and Satellite campus); and Rule 20 (deleted). 03M300A

Additions and revisions to the following Standards for the Approval of Law Schools, Interpretations, and Rules of Procedure, dated August 2003, were adopted: Interpretations 102-5 and 102-6 (provides for electronic dissemination of information about a law school); Interpretation 102-9 (status of students if school loses provisional approval); Interpretation 304-9 (calculation of regularly scheduled class sessions to determine credit); Standard 503 and Interpretations 503-1 through 503-3 (law school admission test); Interpretation 509-3 (basic consumer information); and Rule 24 (reports concerning law school non-compliance with the Standards). 03A30B

Additions and revisions to the following Standards for the Approval of Law Schools, Interpretations, and Rules of Procedure related to the Accreditation Process, dated August 2003, were adopted: Rule 9(e) (levels out site
evaluation cycle of fully approved schools); revisions to various standards, Interpretations and Rules of Procedure concerning oversight of post-and non-J.D. programs; and Rule 29 (establishment of annual fee system for fully approved law schools and foreign programs). 03A300C

Additions and revisions to the following Standards for the Approval of Law Schools and Interpretations to these Standards, dated August 2004, were adopted: Standard 301 (Objectives); Standard 303 (Academic Standards and Achievement); Standard 304 (Course of Study and Academic Calendar); Standard 305 (Study Outside the Classroom); Standard 307 (Participation in Studies or Activities in a Foreign Country); Standard 308 (Degree Programs in Addition to J.D.); Standard 511 (Student Services); and Standard 512 (Career Services). 04A300A

Additions and revisions to the following Standards for the Approval of Law Schools and Interpretations to these Standards, dated February 2005, were adopted: Standard 302 (Curriculum) and Standard 305 (Study Outside the Classroom). 05M105B

Additions and revisions to the following Standards for the Approval of Law Schools and Interpretations to these Standards, dated August 2005, were adopted: Standard 102 (General-Provisional Approval); Standard 103 (General-Full Approval); Standard 105 (General-Major Change in Program or Structure); Standard 401 (Faculty Qualifications); Standard 402 (Size of Full-Time Faculty); Standard 403 (Instructional Role of Faculty); Standard 404 (Responsibilities of Full-Time Faculty); Standard 405 (Professional Environment for Faculty); Standard 601 (Library and Information Resources--General Provisions); Standard 602 (Library Administration); Standard 603 (Director of the Law Library); Standard 604 (Library Personnel); Standard 605 (Library Services); Standard 606 (Library Collection); Standard 701 (Facilities-General Requirements); Standard 702 (Facilities-Law Library); Standard 703 (Facilities-Research and Study Space); and Standard 704 (Facilities-Technological Capacities). 05A300C

Comprehensive revisions to the Rules of Procedure for Approval of Law Schools and to Standard 103 and its Interpretations (Full Approval) of the Standards for Approval of Law Schools, dated February 2006. 06M100

Additions and revisions to the following Standards for the Approval of Law Schools and Interpretations to these Standards, dated August 2006, were adopted: Standard 210 (Non-Discrimination and Equality of Opportunity); Standard 211 (Equal Opportunity and Diversity); and Standard 212 (Reasonable Accommodation for Qualified Individuals with Disabilities). 06A106B

Additions and revisions to Chapter 2 (Organization and Administration), Chapter 5 (Admissions and Student Services), and Chapter 8 (Council Authority, Variances and Amendments) of the Standards for the Approval of Law Schools and Interpretations to these Standards, dated August 2006. 06A301B

Adopts Interpretation 302-10 concerning opportunities for law student participation in pro bono activities, dated August 2007, as an addition to the Standards for Approval of Law Schools and the Interpretations of the Standards. 07A103A

Amends Standard 801(a) (re: when a decision of the Council becomes final) and adopting Interpretation 509-3 (re: consumer information-publication of school's academic calendar), dated August 2007, of the Standards for Approval of Law Schools. 07A103B

Adopts amendments to Rule 13 (Action Concerning Apparent Non-Compliance with Standards); Rule 18 (Compliance with Sanctions or with Remedial or Probationary Requirements); Rule 20 (Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School); and Rule 21 (Major Change in the Program of Legal Education of a Provisionally or Fully Approved Law School) of the Rules of Procedure for Approval of Law Schools, dated August 2007. 07A103C

Deletes Standard 104 from the Standards for Approval of Law Schools, (Seek to Exceed Requirements), and Interpretation 104-1. 09A100
Adopts amendments to Standard 509 (Basic Consumer Information); Rule 10 (Appeal of an Adverse Decision of the Council); Rule 22 (Teach Out Plan and Agreement and Closure of a Law School); and Rule 24 (Complaints Concerning Law School Non-Compliance with the Standards) of the Standards and Rules of Procedure for Approval of Law Schools, dated February 2011. 11M100B

Additions of or revisions to the following Standards and Rules of Procedure for Approval of Law Schools, dated August 2011: Standard 512 (Student Complaints); Standard 306 (Distance Education); Standard 105 (Major Change in Program or Structure); Rule 20 (Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School); and Rule 24 (Complaints Concerning Law School Non-Compliance with the Standards). 11A119

Adopts amendments to Standard 510 (Student Loan Programs) and Rules 3 (Accreditation Committee Consideration), 5 (Jurisdiction of the Accreditation Committee), and 22 (Teach-out Plan and Agreement and Law School Closure) of the Standards and Rules of Procedure for Approval of Law Schools, dated February 2012. 12M106A

Makes non-substantive clarifications to Standard 512 (Student Complaints) of the Standards and Rules of Procedure for Approval of Law Schools, to which the House of Delegates previously concurred in August 2011. 12M106B

Makes non-substantive clarifications to Standard 306 (Distance Education) and Rule 20 (Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School) of the Standards and Rules of Procedure for Approval of Law Schools, to which the House of Delegates previously concurred in August 2011. 12M304

Adopts amendments to Standard 509 (Consumer Information) and Interpretations thereto and amendments to Rule 16 (Sanctions), dated August 2012, of the Standards and Rules of Procedure for Approval of Law Schools. 12A103

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments, dated August 2013, to Standard 509 (REQUIRED DISCLOSURES) of the ABA Standards and Rules of Procedure for Approval of Law Schools. 13A119

Concurs with comprehensive amendments to Standards with the exception of Interpretation 305-2. 14A103A

Concurs in making amendments to the ABA Rules of Procedure for Approval of Law Schools. 14A103B

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2015 to the following ABA Standards and Rules of Procedure for Approval of Law Schools. 15A107

Standards of Fair Conduct and Voluntary Cooperation for Continuing Legal Education. Approved 69A18

Thurgood Marshall Legal Educational Opportunity Program. Urge Congress to appropriate funds for the Thurgood Marshall Legal Educational Opportunity Program at a level sufficient to carry out its objectives. 499B0G2.4

Uniform Bar Examination. Urges the bar admission authorities in each state and territory to adopt expeditiously the Uniform Bar Examination in their respective jurisdictions. 16M109

Urges bar admission authorities to consider the impact on minority applicants in deciding whether to adopt the Uniform Bar Examination (UBE) in their jurisdiction and to consider including subjects not included on the
UBE, particularly Indian Law in each state or territory with sizable American Indian populations or trust land. 16M117

**Wage Garnishment Act.** Approves the Uniform Wage Garnishment Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117B

### LEGAL SERVICES

**Acceptance of Voluntary Legal Services in the Military.** Support amendment to 10 U.S.C. §1588 expressly to allow Secretaries of the Army, Navy and Air Force and the Secretary of Transportation (for the Coast Guard) to accept voluntary legal services. The amendment would allow retired military and civilian lawyers to supplement the existing civil legal services currently provided by the military. 01A109

**Affordable Housing Trust Fund.** Urges Congress and the President to support the establishment of a federal affordable housing trust fund to increase the availability of affordable housing consistent with certain principles. 05M111

**Center for Defense Services.** Support the establishment of an independent, federally funded center for defense services for the purpose of strengthening state and local criminal defense service programs. 73A; 79M

Urges Congress to establish an independent federally funded Center for Indigent Defense Services for the purpose of assisting state, local, tribal and territorial governments in carrying out their Constitutional obligation to provide effective assistance of counsel for the defense of the indigent accused in criminal, juvenile, and civil commitment proceedings, and to appropriate sufficient funds for the Center to successfully carry out its mission. 13M104A

**Chief Public Defender/Acceptance of Clients.** Urges state, territorial and tribal governments to enact legislation to prohibit the retaliatory discharge of a Chief Public Defender or other head of an indigent defense services provider because of his or her good faith effort to control acceptance of more clients than the office can competently and diligently represent, in accordance with their ethical obligations. 13M104C

**Civil Legal Aid (See also: Standards for the Provision of Civil Legal Aid).** Urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody, as determined by each jurisdiction. 06A112A

Adopts the Principles of a State System for the Delivery of Civil Legal Aid, dated August 2006, which describe a system for the delivery of civil legal aid that provides a full range of high quality, coordinated and uniformly available civil law-related services to the state's or territory's low-income and vulnerable populations in sufficient quantity to meet their civil legal needs. 06A112B

Adopts the black letter and commentary ABA Basic Principles of a Right to Counsel in Civil Legal Proceedings, dated August 2010, which represent an effort to state, in a clear and accessible fashion, the fundamental requirements for effectively providing representation in certain high-priority civil proceedings to persons unable to afford an attorney. 10A105 (See also: Model Access Act.)

Urges federal, state, local, territorial and tribal governments to adopt standards, guidance, best practices, programs, and regulatory systems that make communities more resilient to loss and damage from foreseeable hazards and enhance the disaster resilience of communities. 17M108

Urges governments to provide legal counsel as a matter of right at public expense to low-income persons in all proceedings that may result in a loss of physical liberty, regardless of whether the proceedings are: a) criminal or civil; or b) initiated or prosecuted by a government entity. 18M114
Class Action Residual Funds. Urges jurisdictions to adopt court rules or legislation authorizing the award of class action residual funds to non-profit organizations that improve access to civil justice for persons living in poverty. 16A104

Community Service by Lawyers. Urges all lawyers to contribute to the public good through community service in addition to exercising their professional responsibility to deliver pro bono service in accordance with Model Rules of Professional Conduct Rule 6.1, where applicable. Urges legal providers and other entities that employ lawyers to adopt policies and practices that afford lawyers the time and opportunity to engage in community service, and urges law schools and state, local and territorial bar associations to take all appropriate steps to facilitate and encourage lawyers to undertake such service. 06M105

Contracts for Criminal Defense Services. Oppose the awarding of government contracts for criminal defense services on the basis of cost alone or through competitive bidding without reference to quality of representation. Urge that the awarding of contracts should, in addition to cost, be based on certain specified qualitative criteria. 85M110

Costs of Counsel in Criminal Cases. Adopts the black letter ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases, dated August 2004, and urges compliance with these guidelines to ensure satisfactory procedural safeguards when accused persons are ordered to make a payment for representation furnished to them at government expense. 04A110

Criminal, Civil and Non-Legal Problems of Clients (Relationship of). Urges defender organizations, and criminal defense lawyers to: (1) establish and facilitate criminal defense lawyers’ linkages and collaborations with civil practitioners, civil legal services organizations, social service program providers and other non lawyer professionals who can serve, or assist in serving, clients in criminal cases with civil legal and non-legal problems related to their criminal cases, including the hiring of such professionals as experts, or where infrastructure allows, as staff. 12A107C

Disclosure of Client Information. Oppose provision in HEW Title XX regulations which requires reporting of client data. Oppose disclosure of client information as part of this audit procedure. 4/76BOG Exhibit III.E

Foster Care Independence Act (1999). Urges full implementation of the 1999 Foster Care Independence Act. Specifically, urges: (1) Congress and state and territorial legislatures to enact laws to provide youth in foster care full access, up to age 21, to independent and transitional living services and health care; and (2) state and territorial legislatures to permit the extension of jurisdiction of dependency courts over youth transitioning from foster care until age 21, when appropriate, to ensure that youth have access to the court, and to legal and social services through the court, and to fully implement the provisions of the federal Foster Care Independence Act, including implementation of the Medicaid expansion option. Supports access to competent counsel for youth transitioning out of foster care. 02A106

Homeless Court Programs. Supports the development of a comprehensive, systemic approach to addressing the needs of homeless misdemeanant defendants through multidisciplinary strategies that include coordination among the criminal justice, health, social service and education systems, and the community. Urges state, local and territorial courts and bar associations to facilitate the development of homeless court programs as treatment-oriented diversionary proceedings that may result in the dismissal of misdemeanor offenses upon completion of shelter/service agency activities. 03M116

Adopts principles for Homeless Court Programs and approves the criteria for individual participation, recognizing that administration of the programs will differ depending on the particular needs, goals and challenges of a jurisdiction. 06A108A

Housing and Community Economic Development Initiatives. Urge governments to support the implementation of housing and community economic development initiatives and programs in order to
revitalize low- and moderate-income communities in accordance with six specific efforts. Encourage pro bono activities that support and assist housing and community economic development initiatives and programs that benefit low- and moderate-income individuals or areas. 99A105

**Housing Courts.** Urges all jurisdictions to adopt the *Best Practices for Judges in the Settlement and Trial of Cases Involving Unrepresented Litigants in Housing Courts*, dated August 2008. 08A10A

**Housing Voucher Program.** Opposes legislation to repeal the federal Section 8 low-income housing voucher program or similar legislative proposals that would eliminate the present funding structure based on actual costs for the number of vouchers used and replace it with a state-administered block grant system. Urges state, local and territorial bar associations to promote better understanding of the Section 8 low-income housing voucher program and to ensure fair administration and access to the program for those entitled to participate. 03A121

**Identity Theft (Representation of Victims).** Urges national, federal, state, tribal, territorial and local bar associations, in cooperation with state and local pro bono, lawyer referral, and legal aid programs, to establish programs to assist or provide legal representation for victims of identity theft who need assistance in recovery from the crime. 08M102B

**Indigent Defense Programs.** Support congressional legislation mandating the inclusion of state and local indigent defense programs among those eligible for funding under the Anti-Drug Abuse Act of 1988 and similar federal laws, and further mandating the inclusion of research, training and technical assistance programs for state and local indigent defense systems in the discretionary grant programs under the Bureau of Justice Assistance and similar agencies. Urge Congress to authorize and appropriate funding to assist state and local governments in implementing the constitutional obligation to provide effective assistance of counsel for indigent defendants in state and local proceedings. Urge state legislatures in those states where funding for indigent defense services is primarily provided at the local level to increase the level of state funding. 91M103

Urge adoption of minimum standards for the creation and operation of its indigent defense delivery systems based on four specified sets of guidelines/standards. Urge encouragement and support of the adoption of minimum standards for the creation and operation of indigent defense systems. Urge that substantial compliance with such minimum standards be required as a condition for receiving funds. 98A115

Adopts or reaffirms the Ten Principles of a Public Defense Delivery System, dated February 2002, (Principles) which constitute the fundamental criteria to be met for a public defense delivery system to deliver effective and efficient, high quality, ethical, conflict-free representation to accused persons who cannot afford to hire an attorney. Recommends that each jurisdiction use the Principles to assess promptly the needs of its public defense delivery system and clearly communicate those needs to policy makers. 02M107

Urges that the following steps be taken to fulfill the constitutional guarantee of effective assistance of counsel under the Sixth Amendment as prescribed in decisions of the United States Supreme Court: (1) Increased funding for indigent defense by state, territorial and local governments; (2) stronger oversight mechanisms; (3) substantial federal financial support to states and territories for the provision of indigent defense services; (4) remedies to avoid work overload of defense counsel; (5) increased judicial scrutiny of ethical duties and lapses by prosecutors and defenders; (6) greater involvement of bar associations in monitoring criminal proceedings; and (7) involvement of community groups and individual citizens in improving the indigent defense system. 05A107

Adopts the Eight Guidelines of Public Defense Related to Excessive Workloads, dated August 2009, which contain essential steps to be taken by those organizations and lawyers who provide criminal defense services for persons in the United States who cannot afford to hire an attorney. 09A119
Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals. 17A115

**Language Interpreters.** Urges the federal government and the states, territories and possessions to commit sufficient resources to all courts and administrative agencies to enable them to provide qualified language interpreters to ensure that all parties and witnesses may fully and fairly participate in all proceedings. 02M110

**Lawyer Referral Service.** Approve Statement of Standards and Practices for a Lawyer Referral Service as a model for consideration by the states. 78M120; 84M113

Support the exclusion of initial consultation fees established by bar sponsored lawyer referral services from the application of federal and state antitrust laws. 85A120

Adopted black letter Model Supreme Court Rules Governing Lawyer Referral Services, dated August 1993, consisting of Rules I-XV, and the Model Lawyer Referral and Information Service Quality Assurance Act, dated August 1993, consisting of Section 1-9. Recommend the adoption by each state and territory of these model regulations for the establishment and operation of lawyer referral services, as appropriate for those states and territories desiring to adopt the substantive law suggested therein, and which have determined that such regulation is needed to protect that state's or territory's consumers of legal services. 93A10D

Reaffirms support of lawyer referral services sponsored by bar associations and encourages lawyer referral services sponsored by bar associations to adhere to the standards of the ABA Model Supreme Court Rules Governing Lawyer Referral and Information Services. 16A10A

Urges federal, state, territorial and tribal courts and legislative bodies to adopt rules or enact legislation to establish an evidentiary privilege for lawyer referral services and their clients ("LRS clients") for confidential communications between an LRS client and a lawyer referral service when an LRS client consults a lawyer referral service for the purpose of retaining a lawyer or obtaining legal advice from a lawyer. 16A106

**Lawyer Referral Standards.** Encourage each state to develop minimum quality standards for all lawyer referral services, and provide seven specified client protection features which such standards should incorporate. 89A123

**Lawyers’ Trust Accounts.** Approve in principle the concept of state programs, where authorized by the law of that state, for the use of interest on lawyer trust funds for the support of law-related public service activities. 4/83BOG2.16

Urge states that have voluntary interest on lawyers' trust accounts (IOLTA) programs to convert to and adopt a comprehensive IOLTA program in which all lawyers in the state who are required to maintain trust accounts will be required to participate. 88M101

Reaffirm its support for state programs which generate interest on lawyer trust account funds for the support of law-related public service activities, primarily civil legal services to the poor. Resolve that funds generated by IOLTA programs should not be used as a substitute for public funding for certain obligations of government, and that allocation of such funds should be determined in each state by an independent body, in light of that state's needs and priorities. 91M115

**Legal Aid.** Approve cooperation with the Office of Economic Opportunity. 65M
Urge state and local bar associations and communities to take more vigorous steps to upgrade the quality and broaden the scope of the representation of defendants in criminal proceedings who are financially unable to employ counsel. 68M27

Approve position that the OEO legal services program should operate with full independence of lawyers within the program, including cases involving action against government agencies. 2/70BOG77

Approve Standards for Legal Aid and Defender Services. 2/66; approve revised standards, 70A78

Recommend that the U.S. Supreme Court adopt a rule providing for appointment of counsel to prepare petitions for discretionary review of state court convictions, including appropriate postconviction or clemency petitions if necessary, in death penalty cases where the defendant cannot afford to hire counsel. Offer its assistance in identifying qualified attorneys. Recommend the amendment of the Criminal Justice Act (19 U.S.C. §3600A) to provide adequate compensation to counsel so appointed. 79M102.3

Urge states to take immediate action to ensure adequate funding to provide counsel to indigent defendants. 81A117

Urge that funding sources that provide for legal aid programs should not, in auditing receipts of funds, have access to client records when such access would be in violation of traditional precepts of attorney-client privilege. 01M8A

**Legal Assistance for Active-Duty Military Personnel.** Support amendment of 10 U.S.C. Section 1044 to make mandatory the provision of basic legal assistance for active-duty military personnel in pay grades E-6 and below and their dependents. 90A114

**Legal Assistance for the Institutionalized.** Support Legal Services Corporation efforts to provide assistance to the institutionalized equal to that provided to other eligible clients. 75A109.4

**Legal Assistance for Juvenile Status Offenders.** Urges state, local, territorial and tribal governments to provide legal counsel to children and/or youth at all stages of juvenile status offense proceedings as a matter of right and at public expense. 10A109A

**Legal Assistance by Law Students, Model Rule Relative to.** Adopt draft of a proposed Model Rule Relative to Legal Assistance by Law Students and urge its consideration by the several states. 69M28

**Legal Assistance for Members of the Military Reserves.** Support the concept of armed forces programs providing legal assistance for members of military reserves for their personal affairs prior to actual mobilization in times of national emergency. 77M110

**Legal Assistance to Prisoners Regarding Family Law Issues.** Urges bar 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 urges Congress to eliminate restrictions that prohibit recipients of Legal Services Corporation funds from providing legal assistance to prisoners on family law issues. 10M102F

**Legal Information Web Site Providers, Best Practice Guidelines for.** Adopted 03M110

**Legal Services by Newly-Admitted Lawyers.** Urges all bar associations and foundations, courts, law schools, legal aid organizations and law firms to create and advance initiatives that marshal the resources of newly-admitted lawyers to meet the unmet legal needs of underserved populations in sustainable ways. 14A108

**Legal Services Corporation.** Support strengthening of charter and adequate funding for Corporation. 2/65; 2/65BOG-VI.11; 5/73BOG; 4/81BOG 2.1
Strongly urge the President, the Executive Branch, the Legal Services Corporation Board of Directors, and Congress to support substantially increased funding of the Corporation so that there are adequate resources for a high-quality legal services program. Strongly urge the President and the Executive Branch to be supportive of the purposes for which the Legal Services Corporation was founded to ensure equal justice under law for all through a strong and independent legal services program. Strongly urge the President of the United States in nominating and the Senate of the United States in confirming members of the board of directors of the Legal Services Corporation to meet five specified requirements. Strongly urge Congress to pass a reauthorization bill for the Legal Services Corporation with certain specifications. 89M8F

Opposes any proposal to cut funding for the Legal Services Corporation for the Fiscal Year 2011, and urges Congress to support increased funding of the Corporation necessary to provide needed services to low income Americans. 11M10E

Urges federal elected officials, as they consider deficit reduction for fiscal year 2013 and beyond, to maintain the ability of individuals, as well as business and other organizations, to have access to justice by assuring that (1) the federal courts receive funding adequate to permit them to perform their constitutional functions effectively and efficiently, and (2) the Legal Services Corporation receives funding to meet the needs of our country’s most vulnerable individuals who are eligible for services provided by the nation’s legal service providers. 13M10A

Legal Services Corporation Act. Oppose legislation, which would amend the Legal Services Corporation Act in certain ways and urge state and local bar associations to adopt resolutions opposing the legislation and to communicate their opposition to their congressional delegations. 90A304

Legal Services for Veterans and Members of the Armed Forces. Urges Congress to enact legislation, like the Veterans Advocacy Act of 2007, which promotes the provision of legal services to veterans and members of the Armed Forces to assist them in obtaining the full range of health care, benefits and services to which they are lawfully entitled. 08M108

Encourages law schools to create veterans law clinics to ensure that all veterans who cannot afford legal services can access them. 14A104A

Legal Services Program Funding. Oppose attempts to diminish justice for poor people by reducing federal, state and local funding for legal services programs. Call upon bar associations and lawyers to exert strong leadership and advocacy to preserve existing funding for legal services, prevent the diversion of funds for other purposes and preclude limits on the purposes for which funds may be used. Urge bar associations and lawyers to undertake vigorous leadership and aggressive advocacy to identify, pursue and implement creative initiatives that will result in new funding mechanisms for legal services providers. 95A124

Urges Congress and the President to re-authorize, raise the appropriation level of, and fully fund the Legal Assistance for Victims Grant Program of the Violence Against Women Act, 34 U.S. Code § 20121. 218M106

Legal Services Provided by Solo, Small Firm and General Practice Lawyers. Supports and encourages the continued efforts of solo, small firm and general practice lawyers to provide access to justice by delivery of legal services to those in need. 12M115

Limited Scope of Representation/Unbundling of Legal Services. (1) Encourages practitioners, when appropriate, to consider limiting the scope of their representation, including the unbundling of legal services as a means of increasing access to legal services. (2) Encourages and supports the efforts of bar associations, the judiciary and court administrations, CLE providers, and those providing legal services to (a) take measures to assure that practitioners who limit the scope of their representation do so with full understanding and recognition of their professional obligations, and (b) increase public awareness of the availability of limited scope representation as an option to help meet the legal needs of the public. 13M108
**Loan Repayment Assistance or Forgiveness Programs.** Reaffirms encouragement of law schools, state, local and territorial bar associations and foundations, IOLTA programs, public service employers and federal, state and territorial lawmakers to establish programs, such as loan repayment assistance or forgiveness programs and public service scholarships, to enable law graduates to accept and remain in lower paying government and public service legal employment. 03A113

Urges Congress to ensure that funding for the John R. Justice Prosecutors and Defenders Incentive Act (Section 951 of P.L. 110-315) is expanded beyond its original authorization of $25 million to cover the actual national need. 10M102J

Urges Congress to enact legislation that assists individuals who are experiencing financial hardship due to excessive levels of student loan debt but are not covered by the provisions of the student loan overhaul passed into law on March 30, 2010, by (1) extending federal student-loan repayment terms and federal student-loan programs to individuals who borrowed from commercial lenders to fund their education in whole or in part; (2) establishing repayment terms for federal student loans that allow individuals to qualify for income-based repayment, consolidation, and other forms of loan repayment assistance; and (3) creating loan forgiveness programs for public service lawyers similar to the Direct Loan Public Service Loan Forgiveness Program authorized by Congress for health care professionals in the Higher Education Opportunity Act (P.L. 110-315). 11A111A

**Model Access Act.** Adopts the black letter and commentary of the *ABA Model Access Act*, dated August 2010, which is a model statute for implementing jurisdictions to establish administer a civil right to counsel, consistent with ABA policy adopted in August 2006. 10A104 (*See also*: Civil Legal Aid.)

**Model Expanded Legal Assistance Program Rule for Military Personnel.** Model adopted. States and territories urged to adopt the model rule in order to provide low-income military service members and their dependents free civil legal assistance and in-court representation by military attorneys. 03M111

**Monitoring and Evaluation of Providers of Legal Services, Standards for.** Adopt Standards for the Monitoring and Evaluation of Providers of Legal Services for the Poor, dated February 1991. Recommend appropriate application of the standards to the monitoring and evaluation of providers of free legal services to the poor by their public and private funding sources. 91M115

**Older Americans Act.** Urges Congress and the Administration to reauthorize and implement the Older Americans Act of 1965 as amended, giving increased priority to the delivery of legal services and elder justice. 4/81BOG2.2; 10A106B

**Online Legal Forms.** Urges courts and other governmental entities, bar associations, non-profit organizations and entrepreneurial entities that make forms for legal services available to individuals through the Internet to provide clear and conspicuous information on how people can access a lawyer or a lawyer referral service to provide assistance with legal matters to prevent errors or omissions. 16A114

**Poll Workers.** Urges law firms and other legal employers to allow time spent by lawyers as official poll workers (not poll watchers) to qualify as community service or voluntary public service hours and for non-lawyer staff to be allowed paid leave to serve as official poll workers. 08A119B

**Prepaid Legal Services.** Encourage development of prepaid legal service plans designed to make legal services available at reasonable cost. 83M115

**Private Lawyer Involvement.** Urge amendment of the Legal Services Corporation Act to mandate the opportunity for substantial involvement of private lawyers in providing legal services to the poor. 10/80BOG7
Pro Bono. Recognize and support the professional obligation of all attorneys to devote a reasonable amount of time, but in no event less than at least 50 hours per year, to pro bono and other public service activities. Urge law firms and corporate employers to promote and support the involvement of associates and partners in pro bono and public service activities. Urge law schools to adopt a policy under which they would request law firms recruiting on campus to provide a written statement of its policy, if any, concerning the involvement of its attorneys in such activities. 88A122A

Along with other bar associations, resolve (1) to make the expansion of pro bono legal services by practicing lawyers a critical priority; (2) to develop effective and innovative strategies to promote pro bono service and to allocate sufficient bar resources to ensure that these strategies can be effectively implemented; (3) to coordinate development of the strategies with legal services providers and pro bono programs, and to consider including five specified activities. 95A114

Encourage bar associations to participate in planning efforts in partnership with legal services, lawyer referral services, pro bono programs, the judiciary and others to develop within each jurisdiction an integrated, comprehensive system for delivery of a full range of legal services to the poor and persons of modest means. Encourage bar organizations and affiliated young lawyer organizations to consider whether projects to provide persons of modest means with legal assistance at a reduced, reasonable rate are needed as part of the comprehensive delivery system and, if so, to take steps to establish and implement such projects. 97M111B

Encourages state and territorial bar associations and other attorney licensing entities to adopt practice rules that establish guidelines to allow pro bono legal service by qualified retired or otherwise inactive lawyers, under the auspices of qualified legal services or other non-profit programs. 06A118

Urges solo and small firm attorneys, larger law firms, corporate law departments and government and military law offices to encourage their lawyers, partners as well as associates, to serve their communities through pro bono and public service activities consistent with applicable rules of professional conduct and adopts Pro Bono Policies and Procedures, dated August 2006, to provide their lawyers with opportunities to do pro bono work and to adopt specific internal policies and procedures to support such work. 06A121A

Urges all federal, state, local and territorial courts to develop programs, in collaboration with state, local and territorial bar associations and pro bono programs and legal services offices, to encourage, facilitate and recognize pro bono representation of indigent parties in civil cases. 06A121C

Reaffirms the ABA’s commitment to the core values of the legal profession including the pro bono provision of legal services to those in need and the independence of the legal profession. Commends those lawyers and law firms that provide pro bono services. Urges state, local, specialty and territorial bar associations to educate the public on the vital role the lawyers who provide services to unpopular clients or causes perform for the benefit of the American system of justice and condemns governmental attacks on the independence of the legal profession. 07M10C

Urges corporate counsel to work with the corporation and outside counsel to waive certain limited positional conflicts in areas related to mortgage, bankruptcy and consumer finance in order to reduce the number of pro bono matters declined by outside counsel due to conflicts, so long as the waivers are not inconsistent with applicable rules of professional conduct. 09A102A

Urges federal, state and local governments to address the unmet legal needs of low-income residents of communities affected by major disasters by action which includes providing additional emergency funding for not-for-profit legal services providers, bar associations and pro bono programs. 09A102B

Urges the appropriate governing bodies of states and territories to adopt a rule permitting and encouraging in-house counsel already authorized to engage in the practice of law to provide pro bono legal services in that jurisdiction. 14A104B
Right to Counsel. Urges Congress to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel. 17A106

Senior Outreach Projects. Urge lawyer referral programs to increase outreach to older persons and to create special panels and fee adjustments to serve the elderly of moderate means. 80A122A

Encourage bar associations and affiliated bar young lawyer organizations to establish and implement Senior Outreach Projects to provide free legal services to homebound senior citizens without sufficient means to hire counsel. 99M112A

Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information. Adopt the Standards for the Operation of a Telephone Hotline Providing Legal Advice and Information, dated August 2001, which provide operational direction to those who provide legal services in whole or in part through the telephone hotline structure. 01A114

Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means. Adopts the black letter Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, dated August 2013, to supplant the Standards adopted August 1996, and recommends appropriate implementation of these Standards by entities providing civil pro bono legal services to persons of limited means. 13A109

Standards for the Provision of Civil Legal Aid. Adopt revised Standards, dated August 2006, and recommend implementation by entities providing civil legal aid to the poor. 06A111

Technology and Access to Justice. Urge Congress, the Administration and other appropriate entities to enact legislation and/or strengthen and develop initiatives to bridge the digital divide and to establish and support technology-based access to justice by increasing access to technology and technology skills for underserved communities. 01A105A

MEDICAL MALPRACTICE

Apology Legislation. Supports enactment of apology legislation at the state and territorial levels which relate only to the pain, suffering or death of a person and would provide that certain apologies by a medical provider or the staff of a medical provider as the result of unanticipated outcomes of medical care shall be inadmissible as evidence of an admission of liability. 07M112

Awards for Medical Malpractice. Support several principles relative to the statute of limitations applicable to such claims. Oppose any monetary ceiling on awards. 78M117

Reaffirms opposition to legislation that places a dollar limit on recoverable damages that operates to deny full compensation to a plaintiff in a medical malpractice action. Recognizes that the nature and extent of damages in a medical malpractice case are triable issues of fact (that may be decided by a jury) and should not be subject to formulas or standardized schedules. Opposes the creation of health care tribunals that would deny patients injured by medical negligence the right to request a trial by jury or the right to receive full compensation for their injuries. 06M103

Medical Professional Liability. Oppose legislation, including the Medical Offer and Recovery Act, to provide for an alternative liability system for medical malpractice in the case of injuries under federally funded health care programs if states fail to provide for comparable alternative liability systems. 86M114
Adopts principles pertaining to medical professional liability that include regulation of medical professional liability, frivolous suits, strengthening of medical licensing and disciplinary boards, punitive damages, notice of intent to sue, malicious prosecution actions, qualification of experts, collateral source rule, contingent fees, structured settlements, and cost and causes of claims. 86M114

**National Elder Law Foundation of Tucson.** Grants reaccreditation to the Elder Law program of the National Elder Law Foundation of Tucson, Arizona for a five-year term and extends accreditation to the Medical Malpractice and Legal Malpractice programs of the American Board of Professional Liability Attorneys until August 2018. 18M103B

**Tort Law and Procedure.** Support tort law improvements in the area of medical malpractice concerning access to medical records, panels of experts, advance payments, *ad damnum* clauses, exchange of experts' reports, itemized verdicts and prejudgment interest. 78M118

## MILITARY LAW

**Acceptance of Voluntary Legal Services in the Militaries.** Support amendment to 10 U.S.C. §1588 expressly to allow Secretaries of the Army, Navy and Air Force and the Secretary of Transportation (for the Coast Guard) to accept voluntary legal services. The amendment would allow retired military and civilian lawyers to supplement the existing civil legal services currently provided by the military. 01A109

Access to Legal Services. Urges lawmakers at all levels to work with the legal profession to collaborate in the identification and removal of legal barriers to veterans’ access to due and necessary assistance, including housing, education, employment, treatment, benefits, and services, particularly those provided by the Department of Veterans Affairs. 17M118

Access to Military Installations. Supports the establishment of published standards and procedures governing the process by which military installation commanders may bar access, in whole or part, to military installations in the United States by vendors, civilian employees and other individuals, which balance the need to preserve and protect order, security and property on the installation and to safeguard the health, safety and welfare of the armed forces with the interests of fair, accurate, prompt and just access determinations. Recommends four procedures to be included and a provision for barment in emergency circumstances. 92A104

**Advance Medical Directives.** Support the enactment of federal legislation to provide that advance medical directives prepared for members of the Armed Forces, their spouses, and other persons eligible for legal assistance be recognized as lawful and given full legal effect notwithstanding state and territorial law. 94A117

**Child Care Resources for Children of Deployed Parents.** Urges federal, territorial, state and local lawmakers to respond to the increasing social and family support needs of the young and teenage children of deployed American military members by: (1) enacting laws entitling designated caregivers of children and families of deployed American service members to use employment leave time or sick time that such employees have already earned or accrued, to provide direct care and support to those children and families; and (2) ensuring that all state public school residency laws permit, and make clear that, children of deployed parents who are living with temporary non-parental caretakers, such as grandparents, other relatives or family friends, may attend their local public school tuition-free, or such children may attend their pre-deployment public school tuition-free even when required to move outside that school district to reside with a temporary caretaker. 07M108B

**Child Custody-Federal-Question Jurisdiction.** Opposes the enactment of federal legislation that would create a federal-question jurisdiction in child custody cases, including cases involving servicemember-parents and urging states to enact legislation prohibiting denial of child custody to a servicemember based solely on absence due to military deployment. 09M106
Congressional Review of Military Decisions. Oppose congressional subpoena or other congressional deposition of any individuals in the Armed Forces who exercise decisional responsibility under the Uniform Code of Military Justice (10 U.S.C. § 801, et seq.) to provide testimony before Congress concerning their discretionary decisions in individual cases. 11/96BOG2.6

Continuation Pay. Note with approval Section 629(b) of the National Defense Authorization Act for Fiscal Year 2000. Commend the armed services for steps they have taken to implement continuation pay and urge effective and ongoing utilization of such authority. 00A104

Court of Appeals Jurisdiction. Urge Congress to expand the jurisdiction of the United States Court of Appeals for the Federal Circuit to include review of all purely legal issues decided by the United States Court of Appeals for Veterans Claims, formerly the Court of Veterans Appeals. 00A116B

Court of Military Appeals. Support creation of a study group to address the issue of changing the status of the U.S. Court of Military Appeals to a court under Article III of the U.S. Constitution and that the Association become an integral part of the study group. 87A124

Court-Martial. Support changes to the Rules for Courts-Martial to provide an opportunity for convicted service members to review and submit matters for consideration at all stages of military administrative review, and petitions requesting certification to the United States Court of Military Appeals. Support amendments to certain Rules for Courts-Martial to permit convicted service members to review and submit matters for consideration by military administrative reviewing authorities, and petitions to the appropriate service Judge Advocate General for certification of a case to the United States Court of Military Appeals. 93M107A

Recommend that defendants in military capital cases be given the right to trial before court-martial panels whose size is fixed at twelve members. 01A10A

Court-Martial Manual. Urge adoption of rules requiring that all recommendations for changes to the Manual for Courts-Martial (MCM) be promulgated with the same formality of public notice, opportunity for comment and analysis of comments received as are changes to other important rules and regulations published pursuant to the Administrative Procedure Act and the Federal Register Act, and that no further changes to the MCM be implemented until such rules are adopted. 95M115

Delivery of Legal Services in the Military. Urges the Secretary of Defense temporarily to suspend implementation of the March 3, 1992 memorandum issued by the Deputy Secretary of Defense intended to reallocate responsibility for delivery of legal services within the Military Departments of the Department of Defense until such time as all interested parties have a full opportunity to review the memorandum and to provide the Department of Defense with their views on the legal and policy effects of the memorandum. 92A106

Detention Cases (Review of). Urges the President and the United States Department of Defense to assure that there is an opportunity for public notice and comment with respect to the issuance of rules for the periodic review of continued law of war detention cases required by the President's Executive Order No. 13567, 76 Fed. Reg. 13277 (2011). 11A105E

Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism. Urges that, with respect to the November 13, 2001 Military Order Regarding Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism, or any similar military order that is issued, the President and Congress should assure that the law and regulations governing any tribunal will: (1) not be applicable to United States citizens, lawful resident aliens, and other persons lawfully present in the United States; (2) not be applicable to persons apprehended or to be tried in the United States, except for persons subject to the settled and traditional law of war who engage in conduct alleged to be in violation of such law of war; (3) not be applicable to cases in which violations of federal, state or territorial laws, as opposed to violations of such law of war, are alleged; (4) not permit indefinite pretrial detention of persons subject to the order; (5) require that its procedures for
trials and appeals be governed by the Uniform Code of Military Justice, except Article 32; and (6) require compliance with Articles 14 and 15(1) of the International Covenant on Civil and Political Rights. Further urges the Executive and Legislative branches, in establishing and implementing procedures and selecting venues for trial by military tribunals, to give full consideration to the impact of its choices as precedents in (a) the prosecution of U.S. citizens in other nations and (b) the use of international legal norms in shaping other nations' responses to future acts of terrorism. 02M8C

Calls upon Congress and the Executive Branch to ensure that all defendants in any military commission trials that take place have the opportunity to receive the zealous and effective assistance of Civilian Defense Counsel. 03A301

**Discharge of Armed Forces Personnel.** Urge Congress to establish an accessible, centralized system of judicial review for military administrative discharges and other military administrative actions significantly affecting the rights of service members, and that this review should be accomplished by the United States Court of Military Appeals. 93M106B

**Employment/Reemployment of Returning Veterans.** Urges Congress to amend the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§4301-4335, by adding provisions to require employers to (1) provide certain reasonable accommodations for returning veterans with combat injuries that might not manifest themselves until after a return to work, (2) provide authority for the award of comprehensive attorneys fees, costs and damages to redress violations of USERRA, (3) make unenforceable any clause of any agreement between an employer and an employee that requires arbitration of a dispute under USERR, and (4) authorize the U.S. Department of Labor to initiate investigation and prosecution of appropriate claims to address patterns and practices of USERRA violations that rise to the level of a nationally-compelling interest. 11A120

**Feres Doctrine.** Support legislation to partially overturn the doctrine enunciated in *Feres v. United States* and allow members of the armed services to sue the United States for damages under the tort Claims Act for non-combat-related injuries caused by negligent medical or dental treatment. 87A120B

Urges Congress to examine the Incident to service exception to the Federal Tort Claims Act created by the Supreme Court in *Feres v. United States*, 340 U.S. 135 (1950), provide that only the exceptions specifically provided in the Act limit active duty military members' access to the courts when they are victims of tortious government conduct, and amend the Act to provide that the exception limiting access for conduct that occurs in combatant activities applies during time of armed conflict rather than during time of war. 08A10B

**Judge Advocate Career Program.** Support the career program for judge advocates serving on extended duty as set forth in standards. 5/73BOG; 78A109

**Judicial Review of Military Personnel Actions.** Recommend that current procedures for judicial review of military administrative personnel actions not be modified, and that the legislation entitled Military Personnel Review Act of 1997 not be enacted, until Congress has had an opportunity to hold hearings and to conduct a thorough review of the entire system for correction of military records, including a review of both the report of the Secretary of Defense mandated by Congress in section 554 of the National Defense Authorization Act of 1996 and the report of the Advisory Committee mandated by section 551 of that Act. 97A10A

**Jurisdiction in Military Selection Board Cases.** Urge that Congress not enact legislation restricting or modifying the jurisdiction of federal courts, or modifying the remedies available therein, in cases involving military selection boards, as proposed in the Department of Defense Authorization Act for 2001, unless and until Congress has had an opportunity to hold hearings on the proposed legislation. Urge rejection of the proposal in Section 554 of the proposed Act or any similar proposal, which would apply such legislation retroactively for cases already pending. 00A10C
**Lawyers in the Armed Forces Serving in a Combat Zone.** Urges all bar associations and other appropriate regulatory bodies to adopt a policy that provides for the waiver or suspension of association dues, CLE requirements and other membership obligations for members who are serving in the U.S. Armed Forces and are performing services in a Combat Zone as designated by an Executive Order of the President of the United States. 07A115

**Legal Assistance for Active-Duty Military Personnel.** Support amendment of 10 U.S.C. § 1044 to make mandatory the provision of basic legal assistance for active-duty military personnel in pay grades E-6 and below and their dependents. 90A114; reaffirmed 07M108A

**Legal Assistance for Military Personnel and Dependents.** Support legislation creating a statutory, instead of the current voluntary, authorization for legal assistance. 8/70BOG7; 72A25; 75A120

**Legal Malpractice in U.S. Coast Guard.** Support legislation to extend to the legal staff of the U.S. Coast Guard the provisions of law currently applicable to such legal personnel within the Department of Defense relating to defense of certain suits arising out of legal malpractice. 87A112A

**Legal Services for Veterans and Members of the Armed Forces.** Urges Congress to enact legislation, like the Veterans Advocacy Act of 2007, which promotes the provision of legal services to veterans and members of the Armed Forces to assist them in obtaining the full range of health care, benefits and services to which they are lawfully entitled. 08M108

Encourages law schools to create veterans law clinics to ensure that all veterans who cannot afford legal services can access them. 14A104A

**Loan Forgiveness.** Urges Congress to enact and the President to sign legislation amending a) the Higher Education Opportunity Act of 2008 (HEOA) to expressly include all judge advocates as an enumerated public service position eligible for Perkins loan forgiveness, and b) Military Deferment statutes to delete the language during a war or other military operation or national emergency. Urges the Department of the Treasury and the Internal Revenue Service to issue published guidance for the exclusion from gross income discharges of student loans pursuant to the College Cost Reduction and Access Act (CCRAA) Public Service Loan Forgiveness Program. 10M113

**Military Bar Membership Category.** Urge consideration by bar admission and attorney registration authorities of a policy to afford a military membership or registration as a distinct category in which annual or periodic fees or dues are waived or reduced. 87A112B

**Military Correctional System.** Recommend that the military continue to operate a system of corrections for military prisons and oppose any transfer of management or operations of the military correctional system to the Federal Bureau of Prisons. 90A102

**Military Defense Counsel.** Support amendment of the Uniform Code of Military Justice to avoid duplication of military defense counsel in trials by court-martial and to provide uniform standards for determining the reasonable availability of requested military defense counsel. 78A122.3

**Military Lawyers.** Endorse and urge adoption of S. 1362 and H.R. 4372 (94th Congress, 1st Session) which provides special pay and incentives for lawyers in uniform. 75A121

**Military Records.** Oppose any administrative requirement that interferes with an applicant's right to file an application directly with the boards for correction of military records. 83A113

Recommends review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one's discharge is reviewed. 17A120
Military Spouse Attorneys. Urges state and territorial bar admission authorities to adopt rules, regulations and procedures that accommodate the unique needs of military spouse attorneys, who move frequently in support of the nation’s defense. 12M108

Military Survivor Benefit Plan Payments. Urges Congress to enact legislation amending Title 10, United States Code, to permit the payment of military Survivor Benefit Plan benefits to a special needs trust for the benefit of a disabled beneficiary. 11M105

Model Expanded Legal Assistance Program Rule for Military Personnel. Model adopted. States and territories urged to adopt the model rule in order to provide low-income military service members and their dependents free civil legal assistance and in-court representation by military attorneys. 03M111

Model State Code of Military Justice/Model Manual for Courts-Martial. Urges states and territories to adopt the Model State Code of Military Justice and the Model Manual for Courts-Martial to provide an updated body of law for military forces not subject to the Uniform Code of Military Justice when military forces are serving under the exclusive jurisdiction of Chapter 47 of Title 10, United States Code. 11M103

Pets. Urges Congress and the United States Department of Defense to direct the Armed Forces and its Public Private Venture housing contractors to enact uniform breed-neutral pet policies for families living in military housing. 19M112

Polling Places for Elections. Urge Congress to authorize the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in federal, state, local and territorial elections for public office, where suitable alternative non-Department of Defense facilities do not exist. 01A112B

Pro Bono Services by Military Lawyers. Urge bar admission authorities to revise, where necessary, existing rules regarding admissions on motion to provide that military lawyers associated with organized legal service programs be specially admitted for the purpose of providing pro bono publico legal services. 95A130

Reserve or Guard Attorneys. Urge that attorneys who are also in the reserve or guard are not prejudiced by reason of their military affiliation and receive the assistance of the legal community when ordered to extended duty. 79A119.2

Reserve Judge Advocate Program. Endorse for reserve judge advocates a program that includes an adequate number of reserve judge advocates to meet the military's legal needs, recognition of their professional status, utilization of their civilian skills, and sufficient military training. 79A119.1

Servicemembers Civil Relief Act. Urges Congress to amend the federal Servicemembers Civil Relief Act (the SCRA) to clarify that a private right of action exists under the SCRA and to provide that a prevailing plaintiff in such an action may recover reasonable attorney’s fees. 09M114

Servicemen's Group Life Insurance. Urge action by the Secretary of Defense and the Secretary of Transportation (with regard to Coast Guard personnel) to publish appropriate directives requiring all servicemembers who elect to purchase Servicemen's Group Life Insurance (SGLI) to designate beneficiaries by name, rather than by law. 93A111

Soldiers' and Sailors' Civil Relief Act. Urge the amendment of the Soldiers’ and Sailors' Civil Relief Act in the three specified areas to clarify the Act, and to update provisions of the Act, so as to reaffirm and strengthen the protections originally provided by the Act to men and women called to serve in this nation's armed forces. 91M125
Support action to clarify and modernize the civil protections offered by the Soldiers' and Sailors' Civil Relief Act, and urge adoption in the 103d Congress of legislation similar to H.R. 4763, 102d Congress. 93M120

**Supreme Court Review of Court of Military Appeals Decisions.** Urge amendment of the Uniform Code of Military Justice in accordance with certain specified principles. 85A106

Recommend the amendment of Article 67 of the Uniform Code of Military Justice: (1) to provide that a judge of the United States Court of Military Appeals who is not reappointed to the court shall upon the expiration of his term of office become a senior judge except in certain instances; (2) provide an effective system whereby senior judges of the court can be utilized on a temporary or continuing basis to perform judicial duties with the court; and (3) provide an effective system for the temporary performance of judicial duties with the court by judges of the United States Circuit Courts of Appeals in certain instances. 89A129

Support legislation to amend the Victims of Crime Act of 1984: (1) to recognize that victims of crimes committed under the Uniform Code of Military Justice are entitled to receive the benefits intended to compensate other victims under the Act; (2) to make compensation available to nonworking spouses and children who are victims under the Act; and (3) to expand the geographic applicability of the Act to include U.S. citizens and their family members who may be outside the United States and who may become victims of crimes committed under the Uniform Code of Military Justice. 93M107B

Recommend that Article 93, Uniform Code of Military Justice (UCMJ) (10 USC 893) be amended to establish expressly sexual harassment of a military subordinate by a military superior in a duty setting as a criminal offense triable by court-martial, and to be gender-neutral. 93A100

**United States Armed Forces.** Urges the federal government to recognize that service by persons who otherwise meet the standards for accession or retention, as applicable, in the United States Armed Forces should not be restricted, and transgender persons should not be discriminated against, based solely on gender identity. 18A118

**Veterans' Federal Benefits.** Supports legislation to repeal the statutory provision preventing veterans from paying an attorney to represent them in connection with their claims for federal benefits. 05M8A

**Veterans' Treatment Courts.** (1) Supports the development of comprehensive, systemic approaches to address the special needs of veterans within civil and criminal court contexts, including but not limited to proceedings involving veterans service-related injuries, disorders, mental health and substance abuse needs, through programs that connect veterans to appropriate housing, treatment and services through partnerships with the local Veterans Affairs Medical Centers, community-based services and housing providers. (2) Urges state, local, and territorial courts to facilitate the development of Veterans Treatment Courts, including but not limited to, specialized court calendars or the expansion of available resources within existing civil and criminal court models focused on treatment-oriented proceedings. (3) Adopts six principles for Veterans Treatment Courts to the extent appropriate and feasible for each jurisdiction. 10M105A

**PATENT, TRADEMARK AND COPYRIGHT LAW**

**Claim Terms.** Urges Courts to apply certain principles in interpreting claim terms in patents. 04A302

**Combination/Modification of Previous Inventions.** Supports the retention of a test used to determine when a claimed invention that consists of combining or modifying previous inventions is obvious and therefore not eligible for a patent. 06A306

**Commissioner of Patents and Trademarks.** Favor in principle that any person selected to be commissioner or deputy commissioner of patents and trademarks be a lawyer having experience in patent and trademark law, knowledgeable in both domestic and international law concerning these matters, and well qualified to represent
the U.S. Patent and Trademark Office domestically and to advocate U.S. positions on patent and trademark matters internationally and that such person have management skills sufficient to oversee the operations of the Patent and Trademark Office. 98A106

**Copyright Licensing Protection.** Resolve that the ABA should negotiate an ABA member discounted rate for members seeking to receive copyright licensing protection from the Copyright Clearance Center. 00A10B

**Copyright Protection.** Favor the application of principles of copyright and neighboring rights protection to the digital electronic environment, and specifically, support ratification by the United States of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, but without taking a position at this time on any implementing legislation. 97M300

**Definiteness Requirement.** Supports the continued application by courts of the legal principles to determine if an issued patent claim meets the definiteness requirement under 35 U.S.C. §112. 11A117

**Dilution.** With respect to the proper interpretation and application of the Federal Trademark Dilution Act (the Act), supports interpretation and amendment of the federal trademark law (Lanham Act) to insure that questions of trademark dilution under the Act are uniformly resolved under the standard of whether the junior user’s mark is likely to cause dilution of the senior user’s mark (i.e, likelihood of dilution), rather than under a standard of actual dilution. 6/02BOG2.3

**DNA Technology.** Supports evaluation of inventions relating to DNA technology by the same uniform standards that apply in evaluating patent eligibility of inventions relating to other natural materials or subject matter, and opposes new exclusionary rules for DNA that go beyond the long-standing exceptions to patent eligibility recognized by the U.S. Supreme Court. 11M111

**Doctrine of Equivalents.** Favor in principle that in determining infringement under the doctrine of equivalents, consideration be given to any relevant factors supported by the evidence, including but not limited to certain specified factors. Favors in principle that the range of equivalents that may be determined to be an infringement be discretionary. 1/94 Executive Committee January 25, 1994

Adopt the following policies that are important in maintaining the doctrine of equivalence as a viable and useful principle of patent law: (1) Oppose in principle the concept that an amendment to a patent claim shall necessarily operate as a bar to all equivalents with respect to the amended language of the claim; and (2) oppose in principle an absolute bar to the application of the doctrine of equivalents with respect to unclaimed subject matter that is disclosed in the specification of a patent. 01M301

**Domain Names.** Favors in principle a requirement by the Internet Corporation for Assigned Names and Numbers (ICANN) that all accredited domain name registrars provide continued, free access to Whois information obtained from domain name applicants. 02M111A

**Fair Use Doctrine.** Encourages a consistent approach to the application of the “fair use” doctrine in copyright law in the context of the digital environment and with respect to repackaging copyrighted material. 19M104

**First Sale Doctrine/Importation Right.** 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 importation of goods embodying a copyrighted work that were not manufactured in the United States. 10M109

**Government’s Attorney Fees.** Opposes intellectual property laws and agency and court interpretations of intellectual property laws that impose the payment of the government’s attorney fees on a party challenging a decision of the United States Patent and Trademark Office in federal district court, unless the statute in question explicitly directs the courts to award attorney fees. 16M108A

Lanham Act. Supports an interpretation of the federal Lanham Act, 15 U.S.C. § 1051 et seq., recognizing that the ineligibility of an otherwise valid mark for registration with the U.S. Patent and Trademark Office (USPTO), through the cancellation of an existing federal registration or the denial of an application for a federal registration, does not in and of itself disqualify that mark for protection under all provisions of the Lanham Act, the common law, or from registration on the state registers.

Law Library of Congress. Urges Congress to approve appropriations to the Library of Congress necessary to enable the United States Copyright Office to adequately staff, maintain, modernize, and enhance its services, facilities, databases, studies, and digital projects.


Opinion of Counsel in Patent Infringement Cases. Oppose a blanket rule under which the failure of a defendant in an action for patent infringement to introduce an opinion of counsel at trial will permit an inference to be drawn that either no opinion was obtained or, if an opinion was obtained, it was contrary to the accused infringer's desire to initiate or continue its use of the patentee's invention.

Patent Claim. Supports the authority of the U.S. Patent and Trademark Office to cancel a patent claim in congressionally established administrative proceedings, and supports the authority of a court to dismiss a suit based on such a claim, notwithstanding an earlier conflicting non-final court judgment relating to the claim.

Patent Infringement. Favor in principle amendment of Section 337(a) of the Tariff Act of 1930, as amended, to eliminate the requirement for injury to or tendency to injure U.S. industry in certain instances.

Recommends that a party’s assertion of the advice-of-counsel defense to a charge of willful patent infringement does not waive the attorney-client privilege with respect to communications with that party’s trial counsel so long as such trial counsel is not the same counsel who provided the opinion upon which the accused infringer relies.

Supports in principle the long-established precedent that patent infringement must be proven by a preponderance of the evidence, and the fact that a product or process accused of infringing a patent-in-suit is itself separately patented does not alter the burden of proof, or create a presumption of non-infringement.

(1) Supports clarification of the standards for finding direct infringement under 35 U.S.C. §271(a) for a patent directed to a multiple-step process in the fact situation where separate entities collectively, but not individually, perform the required steps of the patented process, as follows: (a) direct infringement may be found on the part of a single entity who does not perform all the steps of a patented process, if such entity directs or controls others who perform all of the process steps that the directing/controlling entity itself does not perform; (b) direct infringement may be found on the part of multiple entities who act in concert to perform, or to direct or control the performance of, all of the steps of a patented process, as part of a common design or purpose of such entities for carrying out the process; (c) a finding of direct infringement under (a) or (b) does not require the finding of an agency relationship or other contractual relationship between the entities; and (4) an entity who is merely acting under the direction or control of the directing/controlling entity will not itself be liable as an infringer. (2) Supports the requirement that indirect infringement, through active inducement of infringement under 35 U.S.C. §271(b) or contributory infringement under 35 U.S.C. §271(c), requires a predicate finding of direct infringement by at least one entity who is liable as a direct infringer.
Supports interpretation and application of the statutory six-year patent damages period (35 U.S.C. §286) as limiting availability of the judicially created laches defense as a bar to legal damages for patent infringement. 16M108B

Supports an interpretation that venue in patent infringement actions is the sole province of the special patent venue statute, 28 U.S.C. § 1400(b), such that the general venue statute, 28 U.S.C. § 1391, neither supplements, interprets or applies to 28 U.S.C. § 1400(b), except in instances that are not addressed by 28 U.S.C. § 1400(b). 16A108C

Adopts policy supporting the view that proof of willfulness is not a requirement for an accounting of a defendant’s profits in trademark infringement, unfair competition, or cyber-piracy cases under Sections 32, 43(a), and 43(d) of the federal Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d). 17A114A

Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that in a post-issuance proceeding at the U.S. Patent and Trademark Office (PTO) in which a previously issued patent is challenged by a third party, the PTO may not, as a condition of accepting new claims, require the patent owner to first demonstrate the patentability of the new claims. 17A114C

Urges federal courts, Congress and the U.S. Patent and Trademark Office (USPTO) to adopt rules or enact legislation to establish an evidentiary privilege applicable only to clients of patent agents who are registered with the USPTO. 18M101A

Supports efforts in Congress and federal courts to allow the filing of a copyright infringement action once a proper application for registration of a copyright has been delivered to the Copyright Office. 18M101B

**Patent Licensing.** Supports the rule, reaffirmed by the Federal Circuit in *Medimmune v. Genentech, Inc*, 427 F.3d 958 (Fed. Cir. 2005), requiring that a patent licensee commit a material breach of the license agreement (such as refusing to pay royalties) as a condition of bringing an action seeking a declaration of patent invalidity, unenforceability, or noninfringement. 6/06BOG2.4

**Patent and Trademark Office - Denial of Patent.** Adopts policy relating to the right of a patent applicant to obtain judicial relief after being denied a patent by the U.S. Patent and Trademark Office. 11A304A

**Patent and Trademark Office Revenue.** Favor in principle that Congress provide that all revenue generated by fees paid by patent and trademark applicants and owners to the United States Patent and Trademark Office remain with the USPTO without limitation, and specifically, oppose the withholding or diversion of any such revenue to fund any unrelated programs. 00A301

**Patent Protection of Computer Implemented Inventions.** Support interpretation and application of patent law in such a manner that subject matter that is potentially eligible for patent protection includes novel and non-obvious computer implemented inventions encompassing business methods, user interfaces, algorithms, performance enhancements, data structures, and usability enhancements, that have a beneficial result or other practical application. 01A116B

**Patentability of Plants and Seeds.** Support the patentability of plants and seeds, on the same basis as other subject matter. 6/01BOG2.3

**Patents/Scope of Subject Matter.** Urges courts to provide guidance for the determination of the scope of subject matter that is eligible to be considered for patenting. 09A302

Adopts policy supporting the principle that laws of nature, physical phenomena, and abstract ideas are not eligible for patenting under 35 U.S.C. §101. 11A304B
(1) Supports the principle that laws of nature, physical phenomena, and abstract ideas are not eligible for patenting as a process under 35 U.S.C § 101, even if they had been previously unknown or unrecognized. (2) Supports the principle that a process meets the requirements of Section 101 where (a) the claimed process as a whole, other than a mental process, is limited to a specific application of a law of nature, natural phenomenon, or abstract idea; or (b) the claimed process requires or involves a transformation of matter into a different state or thing. (3) Supports the principle that the inquiry into subject matter eligibility for patenting under 35 U.S.C. § 101 is a separate and distinct requirement for patent eligibility which should be resolved independently from the conditions of patentability under Sections 102 and 103, and the requirements for obtaining a valid patent under Section 112. (4) Opposes application of a patent eligibility test under Section 101 that imports into the patent eligibility analysis the criteria or analysis for determining patentability addressed by Sections 102 and 103, as well as the criteria required for obtaining a valid patent under Section 112. 13M101A

**Process Patents.** Support legislation that would (1) provide that process patentees may prevent others from using or selling products in the United States that were produced in accordance with a process patented in the United States; (2) provide that infringement of the process patent would occur whether the product was manufactured outside or inside the United States; and (3) qualify a proposed rebuttable presumption that a product that could have been made by use of a patented process was so made whenever the manufacturer is either subject to the jurisdiction of a U.S. district court or consents to such jurisdiction. 86M122

**Subject Matter Limitation.** Supports the role of U. S. patent law in encouraging and rewarding scientific and technical research and innovation. Opposes any restriction or limitation on the use of funds otherwise lawfully appropriated by Congress if that restriction or limitation has or may have the effect of imposing any subject matter limitation on the patents which the Patent and Trademark Office may issue, in addition to the statutory limitations on the scope of patentable subject matter set forth in 35 U.S.C. §101. 04A104

**Unenforceability of a Patent Based Upon Inequitable Conduct Arising From Proceedings in Patent and Trademark Office.** Opposes the elimination of the defense of unenforceability of a patent based upon inequitable conduct arising from proceedings in the United States Patent and Trademark Office, without diminishing the authority of the United States Patent and Trademark Office to control the conduct of its own proceedings. 09A107A

Urges that any judicially administered defense of unenforceability of a patent based upon inequitable conduct arising from proceedings in the United States Patent and Trademark Office be predicated on principles of common law fraud and that any judgment of such unenforceability be entered only upon proof by clear and convincing evidence. 09A107B

Urges that, in considering whether to hold a United States patent unenforceable based upon an applicant’s alleged inequitable conduct arising from proceedings in the United States Patent and Trademark Office, information not be found to be material if it would not have been material under statutory and regulatory standards applicable during the prosecution of the application for the patent or its reexamination. 09A107C

Urges that the defense of unenforceability of a patent based on inequitable conduct arising from proceedings in the United States Patent and Trademark Office (PTO) can be established only by proof by clear and convincing evidence of a specific intent to deceive the PTO by knowingly and willfully misrepresenting a material fact or material information to the PTO. 09A107D

Urges Congress to approve appropriations to the Library of Congress necessary to enable the United States Copyright Office to adequately staff, maintain, modernize, and enhance its services, facilities, databases, studies, and digital projects. 18A117

**Uruguay Round Agreements Act.** Supports the principle that under the Copyright Clause of the Constitution of the United States (Article I, section 8, clause 8), Congress has the power to implement U.S. obligations under international copyright treaties by restoring copyrights in certain works of foreign origin that have gone into
the public domain. Favors the position that section 514 of the Uruguay Round Agreements Act (1994), including
the transitional protection it provides for prior users of restored works, does not violate, and is fully in
accordance with, the Copyright Clause and the First Amendment of the Constitution of the United States.
10A301

PRIVACY

Bank Secrecy Act and Money Laundering Control Act. Recommend that the United States adopt
prosecution policies to encourage compliance with the Bank Secrecy Act and Money Laundering Control Act
by establishing guidelines and standards governing prosecution of financial institutions. Recommend that the
standards and guidelines encourage financial institutions to adopt comprehensive Bank Secrecy Act compliance
programs and anti-money-laundering programs and to cooperate with law enforcement authorities. 90A101A

CAN-SPAM Act of 2003. (1) Supports federal legislation and regulations that would prohibit the sending of
false, misleading, predatory, or abusive commercial e-mail messages, but opposes measures such as Section
106 (a) of S.877, the CAN-SPAM Act of 2003, that would impose on law abiding entities a duty to prevent
third parties from promoting the entities’ products or services in an improper way; (2) supports federal
legislation, regulations, and other measures that would protect and strengthen the ability of associations and
other tax-exempt nonprofit organizations to communicate with, or otherwise serve, their members and the
public, including the sending of commercial and non-commercial e-mail messages; and (3) opposes any
legislation, regulations, or other measures prohibiting or regulating commercial or non-commercial e-mail
messages to the extent that such measures could interfere with the ability of associations and other tax-exempt
nonprofit organizations to communicate with, or otherwise serve, their members and the public. 11/03BOG2.9

Confidentiality of Personally Identifiable Health Information. Support legislation that protects the
confidentiality of personally identifiable health information in either paper or electronic form. Resolve that such
legislation should include individual privacy protections that ensure three specified protections. Encourage, in
the absence of legislative mandate, the parallel development of a code of fair health information practices,
which should promote the confidentiality and protection against misuse of personally identifiable health
information. 96M106

Cybersecurity. Urges the Executive and Legislative branches to consider the following guiding principles
throughout the decision-making process when making U.S. policy determinations to improve cybersecurity for
the U.S. public and private sectors: Principle 1: Public-private frameworks are essential to successfully protect
United States assets, infrastructure, and economic interests from cybersecurity attacks. Principle 2: Robust
information sharing and collaboration between government agencies and private industry are necessary to
manage global cyber risks. Principle 3: Legal and policy environments must be modernized to stay ahead of or,
at a minimum, keep pace with technological advancements. Principle 4: Privacy and civil liberties must remain
a priority when developing cybersecurity law and policy. Principle 5: Training, education, and workforce
development of government and corporate senior leadership, technical operators, and lawyers require adequate
investment and resourcing to be successful in cybersecurity. 11-12BOG2.4

Condemns unauthorized, illegal governmental organizational and individual intrusions into the computer
systems and networks of lawyers and law firms and urges governmental bodies to examine, and if necessary,
amend or supplement, existing laws to promote deterrence and provide appropriate sanctions. 13A118

Data Protection and Privacy Laws of Foreign Sovereign. Urges that, where possible in the context of the
proceedings before them, U.S. federal, state, territorial, tribal and local courts consider and respect, as
appropriate, the data protection and privacy laws of any applicable foreign sovereign, and the interests of any
person who is subject to or benefits from such laws, with regard to data sought in discovery in civil litigation.
12M103
Disclosure of Information Benefiting One Taxpayer. Urge the Senate and House of Representatives to amend the rules that govern their respective bodies to require the disclosure of certain information with respect to all legislation drafted in a manner that would benefit only one taxpayer, project or transaction or a few identifiable taxpayers, projects or transactions. 90A113D

Domestic Electronic Surveillance. (1) Calls upon the President to abide by the limitations which the Constitution imposes on a president under our system of checks and balances and respect the essential roles of the Congress and the judicial branch in ensuring that our national security is protected in a manner consistent with constitutional guarantees. (2) Opposes any future electronic surveillance inside the United States by any U.S. government agency for foreign intelligence purposes that does not comply with the provisions of the Foreign Intelligence Surveillance Act (FISA) and urges the President, if he believes that FISA is inadequate to safeguard national security, to seek appropriate amendments or new legislation rather than acting without specific statutory authorization. (3) Urges Congress to affirm that the Authorization for Use of Military Force of September 18, 2001, did not provide a statutory exception to the FISA requirements, and that any such exception can be authorized only through affirmative and explicit congressional action. (4) Urges Congress to conduct a thorough, comprehensive investigation to determine the nature and extent of electronic surveillance of U.S. persons conducted by any U.S. government agency for foreign intelligence purposes that does not comply with FISA, what bases were advanced for the legality of such surveillance, whether Congress was properly informed, the nature of the information obtained, and whether the information was used in legal proceedings against any U.S. citizen. (5) Urges Congress to ensure that such proceedings are open, except to the extent Congress determines that any portions of such proceedings must be closed to prevent the disclosure of classified or other protected information. (6) Urges Congress to thoroughly review and make recommendations concerning the intelligence oversight process and urges the President to ensure that the House and Senate are fully and currently informed of all intelligence operations as required by the National Security Act of 1947. 06M302

Electronic Mail Communication. Urge state, local and territorial courts to accord a lawyer-client electronic mail communication, whether by the Internet or any other means, the same expectation of privacy and confidentiality as lawyer-client communications by telephone calls, United States mail and other means of communication traditionally deemed private and confidential. 98A119A

Expunge Criminal Justice Records. Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction. 17A112F

Urges governments to enact laws allowing for the expungement of convictions or other statutory or ordinance violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness. 17A112G

Urges federal, state, local, territorial and tribal legislatures to define criminal arrests, charges and dispositions that are eligible for expungement or removal from public view by sealing, and set out procedures for individuals to apply for the same. 19M109B

FCC Do-Not-Fax Rules. Opposes the Federal Communications Commission (FCC) rules and regulations implementing the Telephone Consumer Protection Act of 1991, published July 25, 2003, that would eliminate the established business relationship exception to the general rule prohibiting the sending of unsolicited facsimile advertisements and urges the FCC to revise the rules and regulations accordingly. Urges the FCC to issue a clarification that the rules and regulations do not prohibit unsolicited facsimile advertisements sent by tax-exempt nonprofit organizations in pursuit of their authorized tax-exempt nonprofit purposes. Urges Congress and the FCC to take appropriate action to restore the established business relationship exception and to permit tax-exempt nonprofit organizations to send unsolicited facsimile advertisements in pursuit of their authorized tax-exempt nonprofit purposes. 8/03BOG2.12
Federal Shield Law for Journalists. Urges Congress to enact a federal shield law for journalists, which incorporates specific principles, to protect the public's needs for information and to promote the fair administration of justice. 05A104B

Foreign Intelligence Surveillance Act. Urges Congress to conduct regular and timely oversight of the government’s use of the Foreign Intelligence Surveillance Act (FISA) to ensure that government investigations undertaken pursuant to the FISA do not violate the First, Fourth, and Fifth Amendments to the Constitution and adhere to the FISA’s purposes of accommodating and advancing both and the individual’s interest in being free from proper government intrusion. 03M118

Freedom of Information Act. Support enactment of legislation improving procedures and balancing more carefully interests of private and public parties under the FOIA and providing increased protection for financial, commercial and business information and national security and intelligence. 74A101.5; 82M107; 83M102D; 83A110B

Favor amendment of the Freedom of Information Act to define agency record to cover any record (1) prepared on behalf of the agency through direct government funding; (2) if the agency has a right to obtain possession of such record; and (3) if such record was relied on by the agency in the performance of any agency rulemaking or adjudicatory function. 83A110A

Favor amendments to Exemption 7(D) to afford clearer protection to confidential sources. 84M100A

Urge federal agencies to adhere to regulations which provide that, to the extent individuals seek access to individually identifiable records concerning themselves they shall receive, in addition to records they are entitled to receive under the Privacy Act, access to all records required to be disclosed under Freedom of Information Act. 84M100B

Recommend that federal agencies adopt procedures and policies to ensure that access to information under the Freedom of Information Act not be diminished because the information is maintained in electronic form, and recommend enactment of clarifying legislation to ensure compliance with three specified principles. 90M102

International Association of Privacy Professionals. Grants accreditation to the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a five-year term as a designated specialty certification program for lawyers. Bank Secrecy Act. 02M103A

PATRIOT Act of 2001. Opposes efforts to repeal the sunset provision of the USA PATRIOT Act of 2001 and urges Congress to conduct a thorough review of the implementation of the powers granted to the Executive Branch under the Act before considering any extension or expansion of surveillance authority under the Act. 03A112B

Privacy Concerns for Bar Admissions. Recommend that when making character and fitness determinations for the purpose of bar admission, bar examiners (1) consider the privacy concerns of bar admission applicants; (2) tailor questions concerning mental health and treatment narrowly in order to elicit information about current fitness to practice law; and (3) take steps to ensure that their processes do not discourage those who would benefit from seeking professional assistance with personal problems and issues of mental health from doing so. Recommend that fitness determinations may include specific, targeted questions about an applicant's behavior, conduct or any current impairment of the applicant's ability to practice law. 94A110

Privacy of Consumer Financial Information/Gramm-Leach-Bliley Act. Recommend (1) that attorneys at law engaged in the practice of law should not be subject to the notice provisions of the Gramm-Leach-Bliley Act (Public Law 106-102), applicable to providers of financial services, regarding privacy of consumer financial information and take such reasonable measures as are appropriate to determine the applicability of the Act to lawyers; and (2) if necessary seek a ruling or file a petition with the Federal Trade Commission or other appropriate governmental agency to obtain the exclusion of the practice of law from the applicability of the Act.
and particularly the exclusion of the practice of law from the definition of the provision of financial services and the applicability of the Act’s notice requirements. 6/01BOG2.9

**Privacy of Criminal Justice Records.** Support legislation to facilitate and regulate the exchange of criminal justice information in a manner to protect against unauthorized use and to ensure privacy. 72A1.2

**Privacy of Personal Records.** Support various principles to protect the privacy of personal records that are kept by the government or by organizations. 79A108

**Racial Privacy Initiative.** Opposes the text of the Racial Privacy Initiative or any similar measure, which would prohibit any public entity (including schools, employers, or law enforcement agencies) from collecting or sorting any data on the basis of race or ethnicity, and urges bar organizations and associations to join in opposing such measures. Urges state, local and territorial bar associations to engage in educational programs for the electorate, the media and other organizations to inform those groups about the compelling reasons to collect and maintain ethnic and racial data. 03A10C

**Red Flags Rule (Identity Theft).** Urges the Federal Trade Commission and Congress to clarify that the Commission’s Red Flags Rule imposing requirements on creditors relating to identity theft is not applicable to lawyers while they are providing legal services to clients. 6/09BOG2.4

**Subpoena of Confidential Communications.** Urge Congress to refrain from subpoenaing from administrative agencies documents that reveal confidential communications between agency administrators and their staffs except on the basis of a demonstrated need. Recommend factors to be considered in determining whether such a need exists. 88A102

**Use of Information in Electronic Form.** Supports actions designed to facilitate and promote the orderly development of legal standards to: (1) support and encourage the use of information in electronic form, and (2) encourage the use of appropriate and properly implemented security techniques, procedures and practices to assure authenticity and integrity of information in electronic form. Recognize that such information, where appropriate, may be considered to satisfy certain legal requirements to the same extent as information on paper or in other conventional forms, when appropriate security techniques, practices, and procedures have been adopted. 92A115

**Wireless Communications.** Urge courts to adopt principles that (1) wireless telephone communications should be accorded the same expectation of privacy as ordinary telephone calls; (2) that interception of a lawyer-client wireless telephone communication should not result in a waiver of the lawyer-client communications privilege; and (3) that a lawyer's use of a wireless telephone for a lawyer-client communication should not in itself subject the lawyer to civil liability. 99A117

**PUBLIC CONTRACT LAW**

**Buy-National Laws.** Support U.S. participation in negotiations to establish international norms for government procurement practices to eliminate discriminatory effects of buy-national legislation. 78M100

**Contract Disputes Act.** Support comprehensive and uniform statutory approach to resolution of federal contract disputes through enactment of the Act. 70M39; 76A104.7

**Contractor Indemnification.** Support provisions in the reauthorization of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, and appropriate regulations, policy and contract clauses that would provide for effective contractor indemnification and insurance from liabilities arising out of contractual performance of services necessary to control or clean up hazardous waste, pollutants or contaminants. 4/85BOG2.11

**Cost-Plus-Fixed-Fee Research and Development Subcontracts.** Amend Model Terms and Conditions for Cost-Plus-Fixed-Fee Research and Development Subcontracts. Authorize the Section of Public Contract Law
to update the model subcontract terms and conditions to the extent necessary to comply with new contract clauses mandated by changes in federal procurement law and regulations. 88M124A

**Debarment and Suspension.** Support enactment of legislation incorporating the 38 principles of a proposed debarment and suspension act. 82M113

Opposes the adoption of legislation by Congress that would mandate suspension or debarment of a single entity or class from bidding on or receiving federal contracts and grants without regard to the existing regulatory framework which provides for agency discretion in suspension and debarment determinations. 11M116

**Fixed-Price Construction Contracts.** Approved Model FAR-Compatible Provisions for Subcontracts Under Federal Government Fixed-Price Construction Contracts. 87M105

**Fixed-Price Supply Subcontracts.** Amend Model Terms and Conditions for Fixed-Price Supply Subcontracts. Authorize the Section of Public Contract Law to update the model subcontract terms and conditions to the extent necessary to comply with new contract clauses mandated by changes in federal procurement law and regulations. 88M124B

**Government Contractor Indemnification.** Support federal legislation allocating product liability risks between the federal government and its contractors and providing, in certain instances, indemnity against those risks. 83M113.III

**Labor Standards in Government Contracts.** Urge Congress not to adopt certain proposed regulations relating to the Davis-Bacon Act, the Service Contract Act, the Contract Work Hours and Safety Standards Act, and Executive Order No. 11246 which are inflationary beyond their statutory authority or an unjustifiable burden to the procurement process. 80A123

**Model Contract Language/Conflicts of Interest Language.** (1) Supports the action by the Federal Acquisition Regulatory Council (FAR Council) in promulgating, in response to the FY2009 National Defense Authorization Act, the 2011 rule on preventing personal conflicts of interest for contractor employees performing acquisition functions, which includes model contract language that focuses on the activities likely to give rise to such conflicts in such contracts, as well as the significant risks such conflicts present. (2) Encourages the FAR Council, consistent with the FY2013 National Defense Authorization Act, to consider extending such model personal conflict of interest contract language to contracts in which employees perform other high risk functions closely associated with inherently governmental functions. (3) That the American Bar Association encourages the Administrator for Federal Procurement Policy to consider requiring contractors subject to such model contract language to certify that they have taken appropriate steps to comply with its requirements. 13M110A

**Model Procurement Code.** 2000 Model Procurement Code for State and Local Governments, dated July 2000, approved. 00A110

**Public Acquisitions.** Urge that any public acquisition at the federal, state, territorial, and local levels adhere to ten specified principles of competition in obtaining supplies, services and construction. 98A111

Urge all parties to any public acquisition to adhere to six specified principles regarding the resolution of controversies and the availability of remedies at all stages of the process including formation, performance, and enforcement, and support legislation and regulations to implement such principles. 99M113

**Public Procurement Contracts.** Urge all parties to any public acquisition, when drafting public procurement contracts to (1) clearly identify the risks of performance for both parties; and (2) allocate those risks and the values exchanged in a commercially reasonable manner, consistent with the broader obligations of parties to public contracts. 99A120
Renegotiation Act. Urge Congress not to renew the Act nor to provide any new, similar authority for renegotiation during peace time. 78A112.2

REAL PROPERTY/HOUSING LAW

Bankruptcy Code Amendment-Debtor is Lessor. Urges Congress to amend Section 363(f) of the Federal Bankruptcy Code, 11 U.S.C. §363(f) to clarify that a sale of real property free and clear of an unexpired lease under which the debtor is the lessor, can be accomplished only if the non-debtor lessee is granted the same rights afforded to non-debtor lessees when their leases are rejected. 07A102A

CERCLA. Urge Congress and the Environmental Protection Agency to recognize the necessity for clarification of the security interest exemption under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and recommend to Congress and the EPA six steps to achieve the clarification. 91M100B

Declaratory Judgment Action. Recommends that the Internal Revenue Code of 1986 be amended to permit an estate to maintain a declaratory judgment action to contest the Internal Revenue Service's denial of its election to pay estate taxes in installments. 92A101A

 Disclosure in Real Estate Transactions. Urges enactment of state legislation providing that the fact or suspicion that an owner or occupant was infected with HIV, diagnosed with AIDS, or diagnosed with any other disease determined by medical evidence not to be transmittable through occupancy of improvements located on such property is not a material fact requiring disclosure in real estate transactions. 92A124B

Discrimination in the Sale or Rental of Housing. Support legislation to prohibit discrimination on the basis of race, color, creed, sex or national origin in the sale or rental of housing. 80M124

Recommends amendment of federal fair housing legislation to enhance the ability of the Department of Housing and Urban Development to resolve housing discrimination complaints through conciliation. Authorize administrative law judges to hear and decide the outcome of housing discrimination complaints provided that full due process rights and the right to appeal such decisions to a court of appeals are afforded, and to extend the protection of fair housing legislation to the handicapped and to families with children. 87A110E

Home Equity Conversions. Support the development and promulgation of local, state and federal policies that ensure that loan proceeds from home equity conversion mechanisms are disregarded in determining the eligibility of elders for the benefits of public assistance programs. 89A119

Recognize that home equity conversion offers older homeowners a viable option for accessing the equity in their homes and that the rapid growth of home equity conversion products reinforces the need for consumer education and safeguards, including full disclosure of the legal and financial consequences of these products, and counseling about other housing and service options that may be appropriate. Support the development and promulgation of policies ensuring that loan proceeds from home equity conversion products are disregarded in determining borrower eligibility for government benefits. 95A105

Homelessness. Support the adoption of creative and comprehensive measures to address homelessness by eliminating illegal residential segregation, increasing the availability of affordable transitional and permanent housing and improving the accessibility of such housing to employment, schools, transportation, and human services, with such efforts to include: (1) stronger enforcement of existing laws designed to eradicate discrimination in housing; (2) affirmative plans to increase and preserve the supply of adequate affordable housing; (3) regional initiatives to provide affordable housing that is accessible to employment, schools, transportation and human services; (4) programs to integrate communities by race and income; (5) provision of incentives and rewards to encourage the planning and development of affordable housing in integrated communities; and (6) enactment of specific affordable housing laws. 95A111
**Human Right to Adequate Housing.** Urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right. 13A117

**Investment Advisers Act.** Urges that any amendment regarding the present lawyers' exemption in the Investment Advisers Act of 1940 be consistent with five specified principles. 91M100A

**Mediation, Use of in Foreclosures.** Supports legislation, regulations or court rules that utilize mediation to assist in resolving disputes that could lead to foreclosure of mortgages on residential real property. 09A300

**Planned Communities.** Support the Uniform Planned Community Act promulgated in 1980 by the National Conference of Commissioners on Uniform State Laws. 81M106C


Urge amendment of certain rules and regulations pertaining to the Real Estate Settlement Procedures Act (RESPA) with respect to: (1) compensation of its employees for referral of settlement business to the employer and to third parties; (2) computerized loan origination services and (3) elimination of protection accorded to specified controlled business arrangements. Urge the reexamination of controlled business exceptions under Section 8(c)(iv) of the Act to further consumer protection and further competition in the settlement process. 94A103

**Refunds of Debtors Who Owe Debts to the State.** Urges Congress to enact legislation similar to H.R. 1956 and S. 3989 (111th Congress) that would amend the federal tax code to let states recover overdue debts due to them, including court-ordered victims’ restitution, fines, fees and costs, by intercepting federal tax refunds that are due to the debtors who owe the debts to the states. 11M10B

**Refund of Estate Taxes.** Recommends that the Internal Revenue Code of 1986 be amended to permit an estate that has elected to pay estate taxes in installments to institute a suit for refund before full payment of those taxes. 92A101B

**Ticket to Work and Work Incentives Improvements Act.** Urge repeal of that portion of the Ticket to Work and Work Incentives Improvement Act of 1999 that imposes a 6.3 percent user fee tax on an approved attorney’s fee for representation of disability claimants in Title II cases before the Social Security Administration. 00M111B

**TAX LAW**

(For additional policy positions, see Summaries of Legislative and Administrative Recommendations, 1980, Section of Taxation.)

**Acquisitive Corporate Reorganization.** Support Internal Revenue Code amendment to simplify, redefine and make more uniform various forms of acquisitive corporate reorganization. 82M105.III

**Administrative Tax Tribunal Act.** Adopts the *Model State Administrative Tax Tribunal Act*, dated August 2006 and recommends to state and territorial legislatures the adoption of the Act. The Model Act guarantees that every tax payer aggrieved by a state tax assessment receives a *de novo* hearing of record, before paying the tax, from a judge with tax expertise who is independent from the state's tax collecting agency. 06A101

**Alternative Minimum Tax.** Urges Congress to reduce the federal tax burdens and compliance costs attributable to the Alternative Minimum Tax (AMT) on individuals by repealing the individual AMT or, if repeal is not feasible, then the AMT should be modified in a manner consistent with its original purpose. 04A120
Appropriations for U.S. Tax Court. Support adequate funding for the U.S. Tax Court to enable it to fully execute its judicial functions in a timely and effective manner. Support Fiscal Year '82 appropriation of U.S. Tax Court. 4/82BOG 2.7

Beneficiary. Recommends that Congress amend Section 1361(e)(2) of the Internal Revenue Code of 1986, which defines the term potential current beneficiary, to permit most common types of trusts to hold S Corporation stock under the Small Business Job Protection Act of 1996. 04M100

Budget Reconciliation Bill. Urge Congress to repeal Section 1021 of the Budget Reconciliation Bill (H.R. 2014, Code Sec. 6045 (f) as amended by 97 Act Section 1021 (a)) which, effective January 1, 1998, requires gross income tax 1099 reporting of all payments made to attorneys by a trade or business regardless of whether the attorney is the exclusive payee. 98M8B

Capital Gains. Support Internal Revenue Code amendment to permit long-term capital gain treatment on gains resulting from the sale of livestock acquired from a decedent. 82M105.II

CERCLA. Urge Congress and the Environmental Protection Agency to recognize the necessity for clarification of the security interest exemption under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and recommend to Congress and the EPA six steps to achieve the clarification. 91M100B

Civil Rights Tax Relief Act. Recommends that Congress enact the Civil Rights Tax Relief Act (H.R. 840 and S.917) or similar legislation that would provide relief to civil rights and employee complainants by, in whole or in part: (1) treating compensatory damages (other than back pay and front pay) in civil rights and employee cases in the same manner as compensatory damages in personal physical injury cases; (2) providing that no portion of the award or settlement paid in civil rights or employment cases to cover attorneys fees and expenses should be taxable to the client; and (3) allowing income averaging for complainants who receive in one year awards or settlements of back pay or front pay covering more than one year. 03M115

Corporate Distributions. Support Internal Revenue Code amendment to provide that stock indirectly reflected in the assets of a decedent's gross estate be taken into account in applying the criteria for exchange treatment on a redemption of stock to pay death taxes. 81M110.I

Declaratory Judgment Action. Recommends that the Internal Revenue Code of 1986 be amended to permit an estate to maintain a declaratory judgment action to contest the Internal Revenue Service's denial of its election to pay estate taxes in installments. 92A101B

Earned Income Tax Credit. Support legislative and administrative actions to preserve and enhance the effectiveness of the earned income tax credit provided by Section 32 of the Internal Revenue Code of 1986, as amended (EITC), or of any program which replaces the EITC in whole or in part and achieves the purposes of the EITC as set forth in its legislative history. Support legislative and administrative actions which meet the goals set forth in the EITC’s legislative history, including without limitation, five specified actions. 96M102

Employment Taxes for Domestic Workers. Recommend that the Internal Revenue Code of 1986 be amended to simplify rules concerning employment taxes for domestic workers to increase compliance, reduce taxpayer burden, and bring domestic workers within the social security and unemployment insurance safety nets. 94A113A

Enactment of Tax Legislation. Recommend to Congress that tax legislation be enacted only after careful consideration of its economic, social, and tax policy implications and after reasonable public exposure, preferably through public hearings, and that amendments to the Internal Revenue Code designed to raise revenue needed to offset revenue lost by other proposed amendments not be an exception to this procedure. 94M116
Exemption of Capital Gains. Urges Congress to continue the exemption for capital gains derived by foreign investors on sales of stock of U.S. corporations other than U.S. real property holding corporations so as not to burden foreign direct investment in the United States with a second level tax not imposed on U.S. individual investors similarly situated. 92M107

Foreign Conventions. Oppose restrictions imposed by the Tax Reform Act of 1976 on deductions by individuals for expenses incurred while attending foreign conventions. 10/77BOG-III.4

Gifts. Support Internal Revenue Code amendment clarifying that existing rules for establishing the value of prior gifts for gift tax purposes extends to estate tax and generation-skipping transfer tax computations. 81M110.IV

Income Tax Equality Between Single and Married Persons. Support legislation creating such equality. 74M122.III

Independent Contractors. Urge amendment of the Internal Revenue Code of 1954 to provide a safe harbor for independent contractors. 82A105C

Interest Paid on Student Loans. Recommends that Congress amend the Internal Revenue Code to allow a full deduction for interest paid on student loans obtained for the purpose of attending an institution of post-secondary education. 92A118

Internal Revenue Code. Recommend to Congress that the Internal Revenue Code of 1986 be amended to (1) reinstate section 1275 (a) (4), as in effect before the enactment of the Revenue Reconciliation Act of 1990 and that certain modifications be made to the reinstated section; and (2) make the tax treatment of creditors in debt-for-debt exchanges consistent with that accorded debtors under section 1275 (a) (4). Recommends that the foregoing changes be effected through the enactment of proposed specified legislative language. 93A112

Internal Revenue Code Amendment. Recommend repeal of 6013(d)(3) and (e) and amendment of Section 66 of the Internal Revenue Code of 1986 to eliminate joint and several liability of a taxpayer who has signed a joint return with his or her spouse for tax on income properly attributed to his or her spouse. 95M8E Urge Congress to amend the Internal Revenue Code of 1986 to provide that mandatory minimum distributions from qualified pension plans need not be taken until after actual retirement in all cases, regardless of age, and regardless of percentage of ownership in the business. 97M8A

Recommend amendment of Section 7430 of the Internal Revenue Code of 1986 to (1) eliminate the ceilings on net worth and on the number of employees; (2) eliminate the $110 per hour cap on attorneys’ hourly rates, and, instead, allow awards of reasonable attorneys’ fees; and (3) permit awards of reasonable administrative costs incurred after the earlier of the date of (a) the first letter of proposed deficiency that allows for review by the Appeals Division, or (b) the notice of deficiency. Repeal February 1978 position stating that the award of costs should be permitted to prevailing party in tax litigation. 97A105A

Recommend that Section 708(b)(1)(B) of the Internal Revenue Code of 1986 be repealed to eliminate terminations of partnerships upon the sale or exchange of 50 percent or more of the interests in partnership capital and profits within a twelve month period and that all necessary technical and conforming changes be made. 97A105B

Recommend that Section 705(b) of the Internal Revenue Code of 1986, authorizing an alternative rule for the calculation of a partner’s interest in a partnership, be repealed and that all necessary technical and conforming changes be made. 97A105C

Internal Revenue Service Funding. Recommend that the Internal Revenue Service be provided with adequate funding and personnel to assure quality performance by the IRS of each of the functions comprising its mission without undue intrusiveness. 86M302
Jurisdiction of Civil Tax Cases. Oppose proposals to grant to a specialized court exclusive jurisdiction over the trial or appeal of civil tax cases. 90M109A

Lawyer Referral Service. Support in principle the exclusion from federal taxation of income otherwise qualified for Section 501(c)(6) tax exemption derived by bar-sponsored lawyer referral services organized on a not-for-profit basis. 6/83BOG2.2

Lawyers' Exemption for Regulation of Investment Advisers. Urge that any state and territorial regulation of investment advisers and financial planners allow a lawyers' exemption consistent with the federal Investment Advisers Act. 94A105

Legal Expenses. Support legislation to amend the Internal Revenue Code to provide a deduction for expenses for legal services. 82A101

Lobbying Expense. Urge Congress to oppose the enactment of H.R.2264, Section 14222, or similar legislation, which would disallow all deductions for lobbying expenses in the computation of federal income tax. 6/93BOG2.4

Low Income Taxpayer Clinic Program. Recommends: (1) that Congress provide adequate funding to the Low Income Taxpayer Clinic (LITC) program under Section 7526 of the Internal Revenue Code of 1986; (2) that Section 7526 be amended to clarify that LITC funding should be considered not only as seed money but also as a source of continued funding; and (3) that the LITC program should only fund organizations that either engage in controversy representation on behalf of low income taxpayers or that provide taxpayer rights and responsibilities outreach to individuals who speak English as a Second Language, provided that this outreach does not generally include tax return preparation for the current year. 02A102

Partnerships. Recommend that Congress repeal section 707(c) of the Internal Revenue Code of 1986, which provides that, to the extent determined without regard to the income of the partnership, payments to a partner for services or for the use of capital will be treated for certain purposes as though made to a person who is not a member of the partnership. 99M104B

Recommend that Congress (1) simplify section 702(a) of the Internal Revenue Code of 1986 by substituting a requirement that each partner shall take into account separately his distributive share of any partnership item which, if separately taken into account by any partner, would result in an income tax liability for that partner different from that which would result if the partner did not take the item into account separately; and (2) repeal section 702(c) which provides that, in any case where it is necessary to determine the gross income of a partner, a partner shall include his distributive share of the gross income of the partnership. 99M104D

Recommends that Section 751(b) of the Internal Revenue Code of 1986 be amended by removing the substantial appreciation requirement in order to conform the tax treatment of transactions under Sections 751(a) and 751(b). 03M108

Penalty for Fraudulent Tax Returns. Recommend that the Internal Revenue Code of 1986 be amended to clarify (1) that the purpose of the penalty authorized by Section 6701 is to penalize conduct that results in the submission of a false or fraudulent return or other document to the Internal Revenue Service; (2) that there is no statute of limitations regarding the assessment of this penalty; and (3) that the standard of proof necessary to support the assessment of the penalty is clear and convincing evidence. 94A112

Pension Plans. Supports legislation, which makes employees of tax-exempt organizations, including bar associations, eligible for 401(k) pension plans. 92A10G
Urge Congress to amend the Internal Revenue Code of 1986 to provide that mandatory minimum distributions from qualified pension plans need not be taken until after actual retirement in all cases, regardless of age, and regardless of percentage of ownership in the business. 97M8A

**Phase-Outs of Itemized Deductions.** Recommend that Congress (1) repeal Section 68 and Subsection 151(d)(e) of the Internal Revenue Code of 1986, which phase out itemized deductions and personal exemptions if an individual taxpayer has adjusted gross income over a given threshold; and (2) replace the revenue currently raised by Subsection 151(d)(3) and Section 68 with adjustments to the explicit tax rates in the tax brackets of Section 1(a)-(d) to raise the same amount of revenue, distributed in substantially the same way among tax brackets. 99M104A

**Political Activities.** Oppose the enactment of any legislation, such as H.R. 3485, which would (1) obligate exempt organizations to obtain the prior approval of their members before engaging in political activities; (2) define political activities so broadly as to preclude the traditional types of communications between citizens and public officials, upon which public officials have frequently drawn for a fuller understanding of issues under debate; and (3) require exempt organization to add an additional layer of classifying activities and administrative procedures to the rigorous record keeping requirements already imposed by the Internal Revenue Service, the Federal Election Commission, and the Lobbying Disclosure Act of 1995. 4/98BOG5.7

**Pooled-Income Funds.** Recommend that Congress amend Section 642(c)(5) of the Internal Revenue Code of 1986 in order to permit pooled income funds to be invested more prudently for total return and to permit the creation of a unitrust interest in assets transferred to pooled income funds. 01A106

**Preindictment Review.** Support the long-standing system of centralized preindictment review and the prosecution of criminal tax cases by the Department of Justice Tax Division, and oppose the elimination or transfer of this function. 6/87BOG

**Prepaid Legal Services.** Support enactment of legislation providing tax exclusion from income of premiums paid to and benefits received from employer-funded prepaid legal services plans. 74A105

**Property Taxes.** Recommend model state legislation providing protest and appeal procedures to be followed in connection with locally assessed property taxes, and model legislation providing uniform administrative procedures for the assessment of state taxes and the administrative determination of state tax controversies. 83A116E

**Refund of Estate Taxes.** Recommends that the Internal Revenue Code of 1986 be amended to permit an estate that has elected to pay estate taxes in installments to institute a suit for refund before full payment of those taxes. 92A101A

**Retroactive Tax Legislation.** Adopts and urges the Congress to follow six specified principles with respect to the issue of retroactive tax legislation that adversely affects taxpayers and the related issue of the effective dates of such tax legislation. 92M107

**S Corporations.** Recommend amendment of income tax statutes to provide a uniform system for the taxation of federal S corporations and their shareholders. Approve the Model S corporation Income Tax Act as an appropriate act for states desiring to adopt the substantive law therein. 90M109B

**Sale of a Marital Residence.** Recommend to the Congress that Section 1034 of the Internal Revenue Code of 1986 be amended to permit a divorced or separated taxpayer to rollover the gain from the sale of a marital residence for a period of time following his or her separation from the marital residence. 93M102A

**Social Security Benefits.** Support legislation to eliminate income earned by self-employed persons before retirement and received after retirement from the Social Security earnings test. 10/79BOG2.5
Support efforts to correct inequities in the present distribution of social security benefits as they affect two-wage-earner couples, widows and widowers, divorced persons and single elderly men and women. Support legislation based on the theory of earnings sharing to correct the inequities. 89M100

Support elimination of the restriction in the Social Security Act, which permits older widows and widowers to qualify for disability benefits based on their deceased spouses’ earnings record only within the first seven years following the deceased spouse’s death. Recommend that the option for widows and widowers to qualify for Social Security disability benefits based on deceased spouse earnings records should be made available to widows and widowers at an earlier age range than the present 50 to 59, preferably running from ages 40 to 59. 93A102

**Social Security Disability.** Support the continuation of effective representation and access to justice for Social Security disability claimants. Support the current system by which the Social Security Administration administers payment of attorney fees in disability insurance cases by authorizing and establishing reasonable fees, and withholds a portion of past-due benefits from successful claimants in order to make direct payment to attorney representatives. Oppose efforts to impose a $2,500 fee limitation in administrative proceedings. 96M115

Urge Congress to amend the Social Security Act whereby remarriage at age 55 or older shall not prevent a divorced spouse, surviving spouse, or divorced surviving spouse from collecting benefits based upon his or her former spouse’s earnings record. 96M112C

**Social Security Tax Rates.** Oppose legislation, which would cut significantly current social security tax rates and return the financing of social security to a pay-as-you-go system; recognizing that the federal deficit is being misrepresented by including the social security trust fund, support legislation to remove the trust fund from the federal government's operating budget. 90M300

**Spousal Consent Form.** Recommend that the Internal Revenue Service publish standard model spousal consent forms for qualified retirement plans under the Employee Retirement Income Security Act of 1974 (ERISA), in plain language advising the spouse of the financial effect of signing a spousal consent form waiving a survivor benefit and warning that once waived, the survivor benefits cannot be reinstated by agreement of the parties or by order of court unless permitted by the plan. 96M112B

**State and Local Tax Procedures Standards.** Recommend adoption of standards for state and local tax procedures that call for: (1) identical statutes of limitations for deficiencies and refunds; (2) identical interest rates for deficiencies and refunds; (3) no automatic imposition of penalties; (4) payment of disputed taxes only after the taxpayer is provided a hearing; (5) no seizure of property until after final adjudication; (6) a period of at least 90 days between the date of the deficiency notice and the date a notice of appeal is due; (7) the elimination of state fees to cover audit expenses; (8) provision to taxpayers of due process; and (9) elimination of the need for taxpayers to relitigate identical legal issues in the same jurisdiction. 90A113A

**State Taxation of Business.** Support enactment of federal legislation governing when a state may impose business taxes and exempting Edge Act corporations from non-domiciliary state taxation. 82M105.1

**Supplemental Security Income Modernization Project.** Support in principle the recommendations of the Final Report of the Supplemental Security Income Modernization Project, to improve access to the Supplemental Security Income Program for all eligible persons, to ensure that claims are processed fairly and efficiently, and to eliminate rules and procedures that are unreasonable, demeaning and harsh. Support certain priorities as set forth in the above report. 94M110

**Supplemental Security Income Restoration Act of 2013.** Urges Congress to enact the Supplemental Security Income (SSI) Restoration Act of 2013 (H.R. 1601) or similar legislation that strengthens SSI by updating the limits on resources to account for inflation. 13A100B
**Tax Law Simplification.** Support numerous IRC amendments that would result in simplification. 4/76BOG-III.I.

**Tax on Legal Services.** Based on constitutional and policy considerations, oppose state or federal legislation that would authorize government agencies to levy a sales or use tax on professional services rendered by attorneys on behalf of their clients. 87A10

**Top-heavy Rules.** Recommend to the Congress to amend the Internal Revenue Code of 1986 by repealing Section 416, relating to special rules for qualified top-heavy retirement plans, effective for plan years beginning after December 31, 1988. 89A116A

**Transactional Tax Overpayment Act.** Adopts the Model Transactional Tax Overpayment Act, dated February 2011 and recommends its adoption by appropriate legislative bodies. 11M101

**Trusts.** Support Internal Revenue Code amendment to provide an exemption, with exceptions, for charitable remainder trusts having unrelated business taxable income. 81M110.VI

Urges Congress to reallocate payroll tax revenues between the Old-Age and Survivors Insurance Trust Fund (OASI) and the Disability Insurance Trust Fund (DI) as needed to prevent depletion of the reserves of either Trust Fund. 14A115

**Unrelated Business Income Tax.** Recommend that Congress not enact the proposal contained in the President's Fiscal Year 2000 Budget that would subject the investment income of organizations described in Section 501(c)(6) of the Internal Revenue Code of 1986 to the unrelated business income tax. 4/99BOG2.3

**Venue.** Support amendment to the Judicial Code to allow, in the district courts, tax refund suits brought by nonresidents of the United States. 81M110.II

**White House Access.** Support enactment of statutory restrictions on the release by the IRS of personal tax information to the White House. 76M117.IV

**Zero Bracket Amount.** Urge amendment of the Internal Revenue Code to remove the zero bracket amount from the definition of taxable income and restore the concept of a standard deduction that would be fixed in amount and incorporated in the tax tables. 80M109.VIII

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**UNIFORM ACTS**

*Please note that action by the House of Delegates regarding Uniform Acts as submitted by the Uniform Law Commission does not constitute adoption of the substance of the Act as policy of the American Bar Association, but rather approval as an appropriate Act for those states desiring to adopt the specific substantive law suggested in the Act.*

**Adoption Act (1994).** Designed to promote uniformity of adoption law among the states. Replaces the original Act of 1953 and the amended version of 1969. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 95M122D

**Alcoholism and Intoxication Treatment Act.** Provides for treatment of alcoholics and intoxicated persons instead of subjecting such persons to criminal penalties, establishes facilities and machinery for treatment of such persons, and provides for voluntary commitment to a treatment facility or involuntary commitment by court order. 72M90
Antitrust Act. Forbids a contract, combination, or conspiracy between two or more persons in restraint of, or to monopolize, trade or commerce in a relevant market or the establishment, maintenance, or use of a monopoly, or an attempt to establish a monopoly, of trade or commerce in a relevant market by any persons, for the purpose of excluding competition or controlling, fixing or maintaining prices. 74M131

Certification of Questions of Law (Act)(Rule) (1995). Designed to serve the fundamental principle that any jurisdiction’s own courts should always rule upon a point of that jurisdiction’s common law. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 96M105A

Commercial Code. Provide for the governing of all commercial transactions. 1957, 1962; Amended 1978. Amendments, including substantial revision of Article 9 on Secured Transactions. 72M90

Approve Article 2A, Leases, promulgated by the NCCUSL and the American Law Institute, while recognizing that due consideration will be given during the enactment process to divergent views. 88A100

Approve Article 6, Bulk Sales, and Article 4A, Funds Transfers, as appropriate articles for those states desiring to adopt the substantive law suggested therein. 90M121D

Approve Article 2A Amendments as an appropriate article for those states desiring to adopt the substantive law suggested therein. 91M121A

Approve Revised Article 3. Negotiable Instruments as an appropriate article for those states desiring to adopt the substantive law suggested therein. 91M121C

Approve Article 4 Amendments (1990) as appropriate amendments for those states desiring to adopt the substantive law suggested therein. 91M121D

Approved Section 3-312 as an amendment to the Uniform Commercial Code Article 3. 92M123A

Approved Revised Article 8 - Investment Securities (with conforming and miscellaneous amendments to Articles 1, 4, 5, 9 and 10) as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 95M122B

Approved Revised Article 5 - Letters of Credit as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 96M105D

Approved Revised Article 9 - Secured Transactions of the Uniform Commercial Code, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 99M103C

Approve Revised Article 1 – Definitions and General Provisions, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 02M106E

Approves Article 3 (Negotiable Instruments) and Article 4 (Deposits and Collections—the law of Checks) Amendments as appropriate Amendments for those States desiring to adopt the specific substantive law suggested therein. 03M113D

Approves Revised Article 7 – Documents of Title, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 04M111A

Approves 2003 Amendments to Article 2A – Leases, as appropriate Amendments for those states desiring to adopt the specific substantive law suggested therein. 04M111B

Approves 2003 Amendments to Article 2 – Sales, as appropriate Amendments for those states desiring to adopt the specific substantive law suggested therein. 04M111C
Approves 2010 Amendments to Article 9 – Secured Transactions, as appropriate Amendments for those for those States desiring to adopt the specific substantive law suggested therein. 11M109D

**Common Interest Ownership Act.** Governs the formation, management, and termination of a common interest community, whether that community is a condominium, planned community, or real estate cooperative. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 95M122A

**Condominium Act.** Provide reasonable, balanced, coherent rules for the creation, sale, management and disposition of condominiums, as well as protection for purchasers and owners of condominium units. 78M112.3

**Conflict of Laws-Limitations Act.** Address the problems created by statutes of limitations when more than one state may be a forum for litigation and the substantive law of more than one state may be chosen to apply to the suit. Under this Act, when a state chooses the law of another state to decide a lawsuit, it also chooses that state's applicable statute of limitations. 83M109A

**Construction Lien Act.** Permits any and all contractors, subcontractors and material suppliers to file liens against specific real property upon which the materials or contracted services are expended. 89A130B

**Consumer Credit Code.** Based on certain basic assumptions: That a statutory ceiling on the rate of interest or finance charge should apply only to transactions where the normal bargaining process may fail to produce terms reasonably set by the market. For competition effectively to determine the pricing of money, the Code provides for relatively easy entry by grantors into the market. It substitutes a ceiling applicable to all credit transactions involving natural persons and frees nearly all other transactions from controls on the cost of money.

Approve technical amendments to reflect existing federal regulatory practices. 70A87

**Consumer Sales Practices Act as Amended.** Simplifies state laws governing consumer sales practices, protects consumers from deceptive or unconscionable sales practices, and encourages development of fair consumer sales practices. 72M90

**Controlled Substance Act.** Would supersede the Uniform Narcotics Drug Act. Classifies dangerous drugs, provides for regulation of use by physicians and scientific experimenters, classifies possession of marijuana as a misdemeanor rather than a felony and outlines rehabilitation provisions for treatment of drug addicts. 71M14; amended 74M131

**Controlled Substances Act (1994).** Fundamental law pertaining to control of narcotic drugs in 46 states. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 97M105B

**Correction or Clarification of Defamation Act (Uniform Correction or Clarification of Defamation Act).** Seeks to remedy flaws in current law by providing strong incentives for individuals promptly to correct or clarify an alleged defamation as an alternative to costly litigation. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 94M115C

**Crime Victims Reparations Act.** Establishes program of state reparations to persons injured or the dependents of those killed by criminally injurious conduct with the exception of crimes involving the use of motor vehicles. 74M131

**Criminal History Records Act.** Provides fundamental law to govern Criminal History Records Information (CHRI), such as the responsibilities of the collecting agency, its rule-making powers, what it collects and who may have access to the information once it is collected. 87M116A
**Custodial Trust Act.** Allows for the creation of a custodial trust by execution of a simple statement that the property is being placed in trust under the Act. 88M116B

**Determination of Death Act.** Defines death: An individual who has sustained either (1) irreversible cessation of circulatory and respiratory functions; or (2) irreversible cessation of all functions of the entire brain, including the brain stem, is dead. Determination of death must be made in accordance with accepted medical standards. 81M106

**Disclaimer of Property Interests Act (1999).** Supercedes the prior Uniform Disclaimer of Property Interests Act, the Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act and the Uniform Disclaimer of Transfers under Non-testamentary Instruments Act. Approved as an appropriate act for those states desiring to adopt the specific substantive law suggested therein. 00M101B

**Disposition of Community Property Rights at Death Act.** Provides procedures for use in common-law states for disposition of community property of couples moving from community property to common-law states. 72M90

**Directed Trust Act.** Approves the Uniform Directed Trust Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 18M112B

**Dormant Mineral Interests Act.** Provides clear indicia of uses and events that maintain mineral interests and a procedure to terminate dormant mineral interests. 87M116C

**Drug Dependence Treatment and Rehabilitation Act.** Provides for treatment services for all drug-dependent persons processed through the criminal justice system who desire treatment and for whom treatment is available, whether or not the criminal process is initiated or continued. For drug-dependent persons apprehended for simple possession or other consumption-related offenses, the therapeutic process must be utilized in lieu of criminal prosecution. 74M131

**Duties to Disabled Persons Act.** Good Samaritan Law. Provides for the use of identifying devices and also provides for the duty owed persons in a disabled condition. 73A123

**Electronic Transactions Act.** Provides uniform rules to govern transactions in electronic commerce that should serve in every state. Approved as an appropriate act for those states desiring to adopt the specific substantive law suggested therein. 00M101A

**Employee and Student Online Privacy Protection:** Approves the Uniform Employee and Student Online Privacy Protection Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117C

**Enforcement of Support Act.** Provides by reciprocal legislation for the enforcement across state lines of duties of support. 68A

**Exemptions Act.** Establishes a basic category of exemptions that can reasonably be expected to provide for the debtor's continuance, and that of his or her family, after the bankruptcy. 77A131.3

**Extradition and Rendition Act.** Provides improved procedures for the transfer of fugitives back to a state with jurisdiction over the crime. 81M106B

**Family Law Arbitration Act.** Approves the Uniform Family Law Arbitration Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117A
**Foreign-Money Claims Act.** Facilitates uniform judicial determination of claims expressed in the money of foreign countries. Approved as an appropriate act for those states desiring to adopt the substantive law suggested therein. 90M121B

**Franchise and Business Opportunities Act.** Codifies minimum standards of conduct in franchise and business opportunity relationships and addresses franchise sales practices and business opportunities sold on the strength of representation of near-certain profitability. 88M116C

**Fraudulent Transfer Act.** Classifies a category of transfers as fraudulent to creditors and provides defrauded creditors with a remedy. 85M103A

**Guardianship and Protective Proceedings Act.** Amendments to Article V of the Uniform Probate Code to provide for the appointment and supervision of guardians and conservators for incapacitated adults and unemancipated minors. 83M107A

Uniform Guardianship and Protective Proceedings Act (1998) refines the 1982 Act which provided procedures for appointment of guardians and conservators to serve minors or incapacitated persons, and represents experience with those states which have enacted it, the developed case law and thoughtful reassessment of provisions. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 98A116

Approves the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 18M112C

**Health-Care Decisions Act (Uniform Health-Care Decisions Act).** Addresses the broader problem of healthcare decision-care decision-making and the narrower problem of who decides when to withdraw treatment, allowing a patient to die. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 94M115B

**Health Care Information Act.** Provide answers to questions pertaining to the control of and access to an individual's medical records. 86M104C

**Human Trafficking Act.** Approves the Uniform Prevention of and Remedies for Human Trafficking Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 13A102

**Jury Selection and Service Act.** Outline methods of obtaining the largest possible cross-section of a community to act as jurors and give control of venire lists to the supreme court of the state. 71M14; amendment approved 72M90

**Juvenile Court Act.** Provide for informal adjustment of juvenile matters but requires the court to make the availability of the full judicial process known to the child and parents. Provides for taking children into custody, detention and release, sealing of records and, after a lapse of time, that the proceedings shall be deemed never to have occurred. 68A

**Land Transactions Act.** Simplify, clarify and modernize law governing contracts conveying interest in real estate and the law governing security interest in real estate. 78M112.2

**Limited Liability Partnership Act:** Amendments to Uniform Partnership Act (1994) to add significant option to partnership law. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 97M105A


Marital Property Act. Approve as an appropriate act for those states desiring to adopt the substantive law suggested therein. 84A103

Marriage and Divorce Act. Provide for dissolution of marriage based upon irretrievable breakdown which may be supported by evidence either of separation for 180 days or of serious marital discord adversely affecting the attitude of one or both of the parties toward marriage. The Act also deals with the subject of disposition of property, age of consent and marriage licenses and certificates among other things. 74M131

Minor Students' Capacity to Borrow Act. Provide for a uniform and certain rule applicable to a loan for college education regardless of the number of states involved. 69A

Notarial Acts. Define the content and form of notarial acts and provide for the recognition of such acts performed in other jurisdictions. 83A109C; Revised Uniform Law on Notarial Acts, promulgated in 2010, approved 8/11 as appropriate legislation for those states desiring to adopt the specific substantive law suggested therein (11A110A)

Parentage Act. Provide for legal equality for all children regardless of the marital status of their parents. 74M131

Approves the Uniform Parentage Act (2017), promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 18M112D

Partnership Act (Uniform Partnership Act). Governs the creation of a partnership, establishes the nature of the business organization, and provides some rules respecting the rights and obligations of partners among themselves, and those between partners and other parties that do business with the partnership and the partners. Approved as an appropriate Act for those states and territories desiring to adopt the substantive law suggested therein. 94A108B

Periodic Payment of Judgments Act. Approves the Uniform Periodic Payment of Judgments Act as an appropriate act for those states desiring to adopt the substantive law suggested therein. 91M121B

Planned Community Act. Address all aspects of dealing with multiunit residential planned communities in which private ownership of individual units is coupled with community association ownership of property used in common by all residents. 81M106C

Postconviction Procedure Act. Establish a means for efficient resolution of all claims for relief recognized by appropriate substantive law. 81M106A

Powers of Appointment Act. Approves the Uniform Powers of Appointment Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested herein. 14M100

Premarital Agreement Act. Provide for an agreement between spouses, made in contemplation of marriage and to be effective upon marriage, concerning the rights and obligations of both parties with respect to property, the right to conduct any known transaction concerning property, and the disposition of property at dissolution of the marriage, separation or death. 84M107B

Pretrial Detention Act. Authorize the pretrial detention of a criminal defendant charged with a violent crime, providing that the person detained is likely to commit further violent criminal acts if released. Approve as an appropriate act for those states desiring to adopt the substantive law suggested therein. 90M112.5
Probate Code. Propose to make probate more flexible and adaptable to the ordinary needs of transmitting wealth from one generation to the next, and to leave it to the adversary system to determine when court supervision is necessary. 1969. Amended 78M112.5; 80M123.1

Article VI-Nonprobate Transfers on Death. Approved 90A100

Article II-Intestacy, Wills, and Donative Transfers (including the free-standing Uniform Act on Intestacy, Wills, and Donative Transfers, Uniform Testamentary Additions to Trusts Act and Uniform Simultaneous Death Act promulgated in 1991). Approved as appropriate Article for those states desiring to adopt the substantive law suggested therein. 92M123C

Protective Series Act. Approves the Uniform Protected Series Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 0218M112E

Prudent Investor Act. Undertakes to update trust investment law in recognition of the alterations that have occurred in investment practice. Approved as an appropriate act for those states desiring to adopt the substantive law suggested therein. 95M122C

Putative and Unknown Fathers Act. Attempt to codify U.S. Supreme Court decisions in this area. Seek to protect the child and his or her emotional and financial interest in having a father, the security of adoption, and the privacy of the mother and child - all while meeting constitutional requirements and dealing fairly with unwed fathers. 89M113A

Regulation of Virtual-Currency Business Act. Approves the Uniform Regulation of Virtual-Currency Businesses Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 18M112F

Residential Landlord and Tenant Act. Describe in detail the obligations, rights and remedies of the landlord and tenant in residential real estate based upon the theory that the relationship of landlord and tenant in a residential tenancy is to follow the law of contract. 74M131


Rights of the Terminally Ill Act. Provide various means by which an individual's preferences can be carried out with regard to the administration of life-sustaining treatment. Approve as an appropriate act for those states desiring to adopt the substantive law suggested therein. 90M130

Rules of Criminal Procedure. Approve the Uniform Rules of Criminal Procedure as a valuable resource for those interested in achieving criminal procedural reform in their respective jurisdictions. This is not, however, an endorsement of each and every uniform rule except insofar as such rules are in accord with the ABA Standards for Criminal Justice, which represent the approved policy of the Association. 75A106

Approve as an effective tool for implementing the American Bar Association Standards for Criminal Justice because such rules are in substantial accord with those Standards. 88M116D

Rules of Evidence. Approve the Uniform Rules of Evidence. 75A106; Amended 87M116B
**Simplification of Land Transfers Act.** Deal with conveyances, records, priorities, limitations, construction (mechanics’ and materialmen's) liens, and land records. 78M112.2

**Status of Children of Assisted Conception Act.** Address problems relating to the status of such children and their rights and well-being. Approved 89M113B

**Statute and Rule Construction Act (1995).** Designed to connect and bridge the activities of drafting and interpretation of statutes and administrative rules. Approved as an appropriate Act for those states desiring to adopt the substantive law suggested therein. 96M105C

**Statutory Rule Against Perpetuities.** Alter the Common-Law Rule against Perpetuities by installing a workable wait-and-see element. 87M116D

**Statutory Will Act.** Provide a scheme of testamentary disposition of broad utility. 85A102

**Trade Secrets Act.** Codify the basic principles of common-law trade secret protection, preserving its essential distinctions from patent law. 80M123.2; Adopt amendments 86M104E

**Transfer of Litigation Act.** Designed to provide for the transfer of litigation from a court in one judicial system to a court in another judicial system. Approved as an appropriate act for those states desiring to adopt the substantive law suggested therein. 92M123B

**Transfers to Minors Act.** Propose a custodianship, in an adult or appropriate institution, of property that otherwise transfers directly to the minor. 84M107A

**Unclaimed Property Act.** Designed to change the common law and the law of escheat pertaining to abandoned intangible personal property. Approved as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 96A119

**Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.** Approves the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, promulgated in 2007, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. 08M110C


**Uniform Apportionment of Tort Responsibility Act.** Approves the Uniform Apportionment of Tort Responsibility Act, promulgated in 2002 and amended in 2003, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act reconciles the inherent conflicts in the uneven development of comparative fault doctrine and the issue of multiple tortfeasors. 04M111D

**Uniform Arbitration Act.** Approve the Uniform Arbitration Act, promulgated in 2000, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act replaces the Uniform Arbitration Act promulgated in 1955 and maintains the basic policy authorizing agreements to arbitrate before there is a dispute. However, the procedural side of arbitration is greatly augmented to meet modern needs. 01M100E
**Uniform Asset Orders Freezing Act.** Approves the Uniform Asset Orders Freezing Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2012, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act creates a uniform process for the issuance of asset freezing orders, which are *in personam* orders freezing the assets of a defendant, and imposing collateral restraint on nonparties such as the defendant’s bank, in order to preserve assets from dissipation, pending judgment. 13M102A

**Uniform Assignment of Rents Act.** Approves the Uniform Assignment of Rents Act promulgated in 2005 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act provides basic rules that establish the security interest of the creditor, the rights of tenants to notice and the effect of notice, and the priority of the security interest against other creditors. 06M104D

**Uniform Athlete Agent Act.** Approves the Uniform Athlete Agent Act promulgated in 2000 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act establishes significant disclosure, registration, and record-keeping requirements for sports agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports. 02M106D

Approves the Revised Uniform Athlete Agents Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 16M115A

**Uniform Certificate of Title Act.** Approves the Uniform Certificate of Title Act promulgated in 2005 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act contains uniform rules addressing paper and electronic certificates of title for motor vehicles, including basic rules for creation and transfer of certificates of title, the perfection of security interests through the certificate of title system and for electronic certificates of title in parallel with paper certificates. 06M104C

**Uniform Certificate of Title for Vessels Act.** Approves the Uniform Certificate of Title for Vessels Act, promulgated in 2011, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. In pertinent part, the objectives of the Act are to qualify as a state titling law that the Coast Guard will approve, facilitate transfers of ownership of a vessel, deter and impede the theft of vessels by making information about the ownership of vessels available to both government officials and those interested in acquiring an interest in a vessel, accommodate existing financing arrangements for vessels, and protect buyers and others acquiring an interest in an undocumented vessel by requiring that the title for the vessel be branded if a casualty or sinking has caused significant damage to the vessel’s hull integrity. 12M102A

**Uniform Child Abduction Prevention Act.** Approves the Uniform Child Abduction Prevention Act promulgated in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act gives the courts the means to identify risk factors for child abduction and a system for imposing appropriate abduction prevention measures. 07M105B

**Uniform Child Custody Jurisdiction and Enforcement Act.** Replaces the Uniform Child Custody Jurisdiction Act (UCCJA). Reconciles UCCJA principles with the Parental Kidnapping Prevention Act and adds interstate civil enforcement for child custody orders. Approve as an appropriate Act for those states and territories desiring to adopt the specific substantive law suggested therein. 98M101B

**Uniform Child Witness Testimony by Alternative Methods Act.** Approves the Uniform Child Witness Testimony by Alternative Methods Act promulgated in 2002 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act gives presiding officers clear authority to allow children to testify using alternative methods in criminal, civil and administrative matters. 03M113C

**Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.** Approves the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, promulgated by the National Conference of
Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 19M110B

**Uniform Collateral Consequences of Conviction Act.** Approves the Uniform Collateral Consequences of Conviction Act, promulgated in 2009, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act is an effort to improve public and individual understanding of collateral consequences of convictions and to provide modest means by which people who suffer from collateral consequences may, in appropriate circumstances, gain partial relief. Collateral consequences are the legal disabilities that attach as an operation of law when an individual is convicted of a crime (e.g., denial of government issued licenses or permits, ineligibility for public services and public programs, elimination or impairment of civil rights) but are not part of the sentence of the crime. 10M111B

**Uniform Commercial Real Estate Receivership Act.** Approves the Uniform Commercial Real Estate Receivership Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 16M115C

**Uniform Common Interest Owners Bill of Rights Act.** Approves the Uniform Common Interest Owners Bill of Rights Act, promulgated in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 09M102C

**Uniform Common Interest Ownership Act.** Approves the Uniform Common Interest Ownership Act, promulgated in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The original version of the UCIOA was promulgated in 1982 and amended in 1994. It governs the formation, management, and termination of a common interest community (e.g., condominium, planned community or real estate cooperative.) The 2008 amendments seek to address critical aspects of association governance, with particular focus on the relationship between the association and its individual members, foreclosures, election and recall of officers, and treatment of records. 09M102D (See Also: Uniform Common Interest Owners Bill of Rights Act below.)

**Uniform Consumer Leases Act.** Approves the Uniform Consumer Leases Act promulgated in 2001 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 02M106H

**Uniform Criminal Records Accuracy Act.** Approves the Uniform Criminal Records Accuracy Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 19M110A

**Uniform Debt-Management Services Act.** Approves the Uniform Debt-Management Services Act promulgated in 2005 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act provides states with a comprehensive mechanism to govern debt management services in the areas of registration of services, service-debtor agreements, and enforcement. 06M104B

**Uniform Deployed Parents Custody and Visitation Act.** Approves the Uniform Deployed Parents Custody and Visitation Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2012, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act responds to the need for uniformity and for efficient and just resolution of custody issues when a service member deploys. 13M102B

**Uniform Electronic Legal Material Act.** Approves the Uniform Electronic Legal Material Act, promulgated in 2011, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act provides states with an outcomes-based approach to the authentication and preservation of electronic legal material. The goals of the authentication and preservation standards contained in the Act are to enable end-users to verify the trustworthiness of the legal material they are using and to provide a framework for states to preserve legal material in perpetuity in a manner that allows for permanent access. 12M102B
**Uniform Electronic Recordation of Custodial Interrogations Act.** Approves the Uniform Electronic Recordation of Custodial Interrogations Act, promulgated in 2010, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act mandates the electronic recording of the entire custodial interrogation process by law enforcement, while allowing individual states to decide where and for what types of crimes this mandate applies as well as how the recording must be done. 11M109C

**Uniform Emergency Volunteer Healthcare Practitioners Act.** Approves the Uniform Emergency Volunteer Healthcare Practitioners Act promulgated in 2006 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act provides for interstate recognition of licenses held by professionals responding to disasters and emergencies. 06A305

**Uniform Environmental Covenants Act.** Approves the Uniform Environmental Covenants Act as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Uniform Environmental Covenants Act relies on the common law base of covenants but re-creates it for the specific purpose of controlling the use of contaminated real estate, perpetually if necessary, while allowing that real estate to be conveyed from one person to another subject to those controls. 04M111F

**Uniform Estate Tax Apportionment Act.** Approves 2003 revision of Uniform Estate Tax Apportionment Act and new Article 3, Part 9A of the Uniform Probate Code as appropriate Acts for those states desiring to adopt the specific substantive law suggested therein. Under these revisions, estate tax is apportioned ratably to each person that has an interest in the apportionable estate. 04M111E

**Uniform Faithful Presidential Electors Act.** Approves the Uniform Faithful Presidential Electors Act, promulgated in 2010, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act addresses the issue of electors who decide to vote inconsistently with the way they were elected to vote by the people of the state by creating a procedure that helps assure that all states attempting to appoint a complete complement of electors will succeed. 11M109B

**Uniform Fiduciary Access to Digital Assets Act.** Approves the Uniform Fiduciary Access to Digital Assets Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act. 15M103A

**Uniform Fiduciary Income and Principal Act.** Approves the Uniform Fiduciary Income and Principal Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 19M110C

**Uniform Foreign-Country Money Judgments Recognition Act.** Approves the Uniform Foreign-Country Money Judgments Recognition Act promulgated in 2005 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 06M104A

**Uniform Home Foreclosure Procedures Act.** Approves the Uniform Home Foreclosure Procedures Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 16M115D

**Uniform Interstate Depositions and Discovery Act.** Approves the Uniform Interstate Depositions and Discovery Act, promulgated in 2007, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. 08M110D

**Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act.** Approves the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act, promulgated in 2000 and amended in 2002, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act, as promulgated in 2000, addresses interstate enforcement of protection orders arising in a domestic-violence or family-violence context. In 2002, the Act was substantively amended to also cover orders arising
under an issuing state’s anti-stalking laws. The Act as amended is designed to make implementation of the full faith and credit mandates of these orders more feasible. 03M113E

**Uniform Interstate Family Support Act.** Developed to respond to new developments in state child support enforcement law. Intended to completely revise and replace the Uniform Reciprocal Enforcement of Support Act (URESA) and its revised version (RURESA). Approved as appropriate act for those states desiring to adopt the substantive law suggested therein. 93M123A; amendments adopted 02M106C; amendments adopted 09M102E

**Uniform Limited Cooperative Association Act.** Approves the Uniform Limited Cooperative Association Act, promulgated in 2007, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. 08M110E

**Uniform Limited Partnership Act.** Approves the Uniform Limited Partnership Act (ULPA) promulgated in 2001 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The 2001 ULPA replaces the Revised ULPA adopted by the ABA in 1976 (with amendments adopted by the ABA in 1985) and reflects modern business practices as well as a greater refinement of the scope and uses for limited partnerships. It is a stand-alone act that has been de-linked from both the original general partnership act and the revised Uniform Partnership Act. 02M106B

**Uniform Management of Public Employee Retirement Systems Act.** Provides legal rules that permit public employee retirement systems to invest their funds in the most productive and secure manner. Approve as an appropriate Act for those states and territories desiring to adopt the specific substantive law suggested therein. 98M101D

**Uniform Mediation Act.** Approves the Uniform Mediation Act (UMA) promulgated in 2001 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The UMA is intended to address the core concern of the confidentiality of mediation proceedings. For this reason, the central rule of the UMA is that mediation communication is confidential and, if privileged, is not subject to discovery or admissible in evidence in a proceeding. 02M106G

**Uniform Military and Oversees Voters Act.** Approves the Uniform Military and Oversees Voters Act, promulgated in 2010, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act extends to state and local elections the assistance and protections for military and overseas voters currently found in federal law. 11M109E

**Uniform Money Services Act.** Approves the Uniform Money Services Act (UMSA) promulgated in 2000 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The UMSA provides that persons may not engage in specific regulated activities (money transmission, check cashing, and currency exchange) unless they hold a qualifying license or are an authorized delegate of a person holding a qualifying license. 02M106I

**Uniform Nonjudicial Foreclosure Act.** Approves the Uniform Nonjudicial Foreclosure Act promulgated in 2002 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act provides for three methods of nonjudicial foreclosure (conventional foreclosure by means of an auction sale, foreclosure by negotiated sale, and foreclosure by appraisal) and permits the secured creditor to elect the method to be used. 03M113B

**Uniform Nonparent Custody and Visitation Act.** Approves the Uniform Nonparent Custody and Visitation Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 19M110D
Uniform Parentage Act. Approves the Uniform Parentage Act, promulgated in 2000 and amended in 2002, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act, as promulgated and amended, addresses technological changes, especially the development of DNA testing, in establishing legal parentage. 03M113A

Uniform Partition of Heirs Property Act. Approves the Uniform Partition of Heirs Property Act, promulgated in 2010, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act provides narrowly focused statutory procedures and a hierarchy of remedies for use in partition actions involving heirs' property only. 11M109A

Uniform Power of Attorney Act. Approves the Uniform Power of Attorney Act promulgated in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act enhances the usefulness of durable powers of attorney, while protecting the principal, the agent and those who deal with the agent. The Act supersedes the Uniform Durable Power of Attorney Act, the applicable sections of the Uniform Probate Code relating to durable power of attorney, and the Uniform Statutory Form Power of Attorney Act. 07M105D

Uniform Premarital and Marital Agreements Act. Approves the Uniform Premarital and Marital Agreements Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2012, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Act brings clarity and consistency across a range of agreements between spouses and those who are about to become spouses. The focus is on agreements that purport to modify or waive rights that would otherwise arise at the time of the dissolution of the marriage or the death of one of the spouses. 13M102C

Uniform Principal and Income Act (1997). Provides some basic answers to questions that any trustee must ask in dealing with trust assets, and that personal representatives need to ask in the administration of an estate. Approve as an appropriate Act for those states and territories desiring to adopt the specific substantive law suggested therein. 98M101A

Uniform Probate Code. Article V - Protection of Persons Under Disability and their Property Revised to add standby guardianship, a reporting requirement for guardian and a financial plan and report requirement. Approved as an appropriate revision to the Code for those states desiring to adopt the substantive law suggested therein. 99M103A

Article VI - Amended to provide for the rights of creditors of a deceased owner in assets transferred under Article 6. Approved as appropriate amendments to the Code for those states desiring to adopt the substantive law suggested therein. 99M103B

Approves 2003 revision of Uniform Estate Tax Apportionment Act and new Article 3, Part 9A of the Uniform Probate Code as appropriate Acts for those states desiring to adopt the specific substantive law suggested therein. Under these revisions, estate tax is apportioned ratably to each person that has an interest in the apportionable estate. 04M111E

Uniform Prudent Management of Institutional Funds Act. Approves the Uniform Prudent Management of Institutional Funds Act promulgated in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act supersedes the Uniform Management of Institutional Funds Act by providing a more exact set of rules for investing in a prudent manner. Specifically, the 2006 Act requires investment in good faith and with the care an ordinarily prudent person in a like position would exercise under similar purposes. 07M105E

Uniform Real Property Electronic Recording Act. Approves the Uniform Real Property Electronic Recording Act, promulgated in 2004, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act establishes that any requirement for originality is satisfied by an electronic document and signature, establishes what standards a recording office must follow and what the
office is required to do to make electronic recording effective, and establishes the board that sets state-wide standards and requires the board to set uniform standards that must be implemented in any recording office. 05M107B

**Uniform Real Property Transfer on Death Act.** Approves the Uniform Real Property Transfer on Death Act, promulgated in 2009, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act enables an owner of real property to pass the property to a beneficiary upon the owner's death, without probate, by means of a recorded transfer on death (TOD) deed. 10M111A

**Uniform Recognition of Substitute Decision-Making Documents Act.** Approves the Uniform Recognition of Substitute Decision-Making Documents Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act. 15M103B

**Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act.** Approves the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 16M115E

**Uniform Residential Landlord and Tenant Act.** Approves the Revised Uniform Residential Landlord and Tenant Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 16M115B

**Uniform Residential Mortgage Satisfaction Act.** Approves the Uniform Residential Mortgage Satisfaction Act, promulgated in 2004, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act establishes a uniform system of dealing with payoff statements and mortgage satisfactions nationally. 05M107C

**Uniform Rules of Evidence.** Approves the Uniform Rules of Evidence, promulgated in 1999, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act amends the original Uniform Rules of Evidence and updates certain existing provisions including expert testimony, sexual crime victim's past sexual behavior, and evidence of past crimes. 01M100C

**Uniform Rules Relating to the Discovery of Electronically Stored Information Act.** Approves the Uniform Rules Relating to the Discovery of Electronically Stored Information Act, promulgated in 2007 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. 08M110A

**Uniform Securities Act.** Approves the Uniform Securities Act promulgated in 2002 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The purpose of the 2002 Act, which replaces Acts promulgated in 1956 and 1985, is to reconcile and achieve better coordination of federal and state securities regulation. 03M113F

**Uniform Statutory Trust Entity Act.** Approves the Uniform Statutory Trust Entity Act, promulgated in 2009, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act brings clarity and uniformity to the law pertaining to statutory trusts, which are legal entities, separate from their trustees and beneficial owners, that have the capacity to sue, be sued, and transact business on their own. 10M111D

**Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act.** Approves the Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 19M110E
**Uniform Trust Code.** Approves the Uniform Trust Code as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act codifies the basic law of voluntary trusts, including rules for formation of a trust, trustee's fiduciary obligations, trustee's powers, spendthrift trusts, revocable trusts, certain honorary trusts, and remedies for breach of trusts. 01M100A

**Uniform Trust Decanting Act.** Approves the Uniform Trust Decanting Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 16M115F

**Uniform Unincorporated Nonprofit Association Act (Revised).** Approves the Revised Uniform Unincorporated Nonprofit Association Act (2008), promulgated in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The Revised Act establishes, in pertinent part, the definition of the types of organizations covered, the relation of the Act to other existing laws, the recognition that an unincorporated nonprofit association is a legal entity and the legal implications flowing from this status, and internal governance, fiduciary duties, and agency authority. 09M102B

**Uniform Unsworn Foreign Declaration Act.** Approves the Uniform Unsworn Foreign Declarations Act, promulgated in 2008, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The UUFDA harmonizes state and federal treatment of unsworn declarations. The Act alleviates the foreign affiant's burden in providing important information for state proceedings while at the same time helping to reduce congestion in U.S. consular offices and allowing U.S. consular offices to focus on core responsibilities. 09M102A

**Uniform Regulation of Virtual-Currency.** Approves the Uniform Regulation of Virtual-Currency Businesses Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 0218M112f

**Uniform Voidable Transactions Act.** Approves the Uniform Voidable Transactions Act (as amended in 2014), promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act. 15M103C

**Uniform Wage Withholding and Unemployment Insurance Procedure Act.** Approves the Uniform Wage Withholding and Unemployment Insurance Procedure Act, promulgated in 2004, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein. The Act establishes uniform exclusions from the compensation of every employee to determine the wage base for withholding the taxes and establishes uniform reporting requirements so that each employer will report to each state in exactly the same way and at the same time. 05M107A

**Unsworn Declarations Act.** Approves the Uniform Unsworn Domestic Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117F

**Unsworn Domestic Declarations Act.** Approves the Uniform Unsworn Domestic Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117E

**Victims of Crime Act.** Designed to provide effective, comprehensive, and systematic protection of the best interests of victims of crime. Approved, to the extent that the Act is not inconsistent with Association policies and standards, as an appropriate act for those states desiring to adopt the substantive law suggested therein. 93M108C
Wage Garnishment Act. Approves the Uniform Wage Garnishment Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. 17M117B