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<tr>
<td><strong>10A</strong></td>
<td>PHILADELPHIA BAR ASSOCIATION&lt;br&gt;CHICAGO BAR ASSOCIATION&lt;br&gt;BAR ASSOCIATION OF SAN FRANCISCO&lt;br&gt; PENNSYLVANIA BAR ASSOCIATION&lt;br&gt;ALLEGHENY COUNTY BAR ASSOCIATION&lt;br&gt;MONTGOMERY COUNTY BAR ASSOCIATION</td>
<td>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.</td>
<td>Motion to Divide Question Approved; First Two Resolved Clauses Approved; Third Resolved Clause Postponed Indefinitely</td>
</tr>
<tr>
<td><strong>10B</strong></td>
<td>MASSACHUSETTS BAR ASSOCIATION</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td><strong>41-4</strong></td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Amends §1.2 of the Association’s Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.”</td>
<td>Postponed Indefinitely</td>
</tr>
<tr>
<td><strong>11-2</strong></td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Amends §2.1 of the Association’s Constitution to realign the districts for representation on the Board of Governors.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td><strong>11-3</strong></td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Amends §2.1 and §6.3 of the Association’s Constitution to define “accredited” and to clarify that the person elected as State Delegate must be accredited to the state for which elected.</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>11-4</strong></td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Amends §6.4(a) of the Association’s Constitution to provide the United States Virgin Islands with a young lawyer delegate in the House of Delegates.</td>
<td>Approved</td>
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<tr>
<td>11-5</td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Amends §10.1(a) of the Association’s Constitution to change the name of the Section of Public Utility, Communications and Transportation Law to the Infrastructure and Regulated Industries Section.</td>
<td>Approved</td>
</tr>
<tr>
<td>11-6</td>
<td>AMENDMENT TO BYLAWS</td>
<td>Amends §31.7 of the Association’s Bylaws to revise the jurisdictional statement of the Standing Committee on Legal Assistance for Military Personnel to expand the size of the standing committee to not more than ten members.</td>
<td>Approved</td>
</tr>
<tr>
<td>11-7</td>
<td>AMENDMENT TO BYLAWS</td>
<td>Amends §31.7 of the Association’s Bylaws to create a Standing Committee on International Trade in Legal Services.</td>
<td>Approved</td>
</tr>
<tr>
<td>100</td>
<td>SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR</td>
<td>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).</td>
<td>Approved</td>
</tr>
<tr>
<td>101</td>
<td>STANDING COMMITTEE ON PARALEGALS</td>
<td>Grants approval and reapproval to several paralegal education programs, withdraws the approval of three programs at the request of the institutions, and extends the term of approval to several paralegal education programs.</td>
<td>Approved</td>
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<tr>
<td>102</td>
<td>NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES JUDICIAL DIVISION APPELLATE JUDGES CONFERENCE NATIONAL CONFERENCE OF STATE TRIAL JUDGES NATIONAL CONFERENCE OF SPECIALIZED COURT JUDGES NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY TORT TRIAL AND INSURANCE PRACTICE SECTION</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>103</td>
<td>STANDING COMMITTEE ON ELECTION LAW SECTION OF STATE AND LOCAL GOVERNMENT LAW</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>104</td>
<td>STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS NATIONAL LEGAL AID AND DEFENDER ASSOCIATION</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>405</td>
<td>BRUCE WILDER, ABA MEMBER</td>
<td>Supports specific principles that relate to electronic voting in elections to federal office and urges Congress and federal agencies to enact laws and adopt rules, regulations and policies that embody those principles.</td>
<td>Withdrawn</td>
</tr>
</tbody>
</table>
STANDING COMMITTEE ON LAWYER REFERRAL AND INFORMATION SERVICE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK
AUSTIN BAR ASSOCIATION
BROOKLYN BAR ASSOCIATION
CINCINNATI BAR ASSOCIATION
LAW PRACTICE DIVISION
OREGON STATE BAR
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
STANDING COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS
STANDING COMMITTEE ON GROUP AND PREPAID LEGAL SERVICES
THE BAR ASSOCIATION OF SAN FRANCISCO
NEW YORK STATE BAR ASSOCIATION

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.

CRIMINAL JUSTICE SECTION

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.

SECTION OF INTELLECTUAL PROPERTY LAW

Supports the treatment of the likelihood-of-confusion standard in federal trademark law as a question of fact.

SECTION OF INTELLECTUAL PROPERTY LAW

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.

* See Attached
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<tr>
<td>108C</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW</td>
<td>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).</td>
<td>Approved</td>
</tr>
<tr>
<td>109</td>
<td>STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY</td>
<td>Amends Rule 8.4 of the ABA Model Rules of Professional Conduct to add an anti-discrimination and anti-harassment provision.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>110</td>
<td>SPECIAL COMMITTEE ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES</td>
<td>Urges federal, state, local and territorial law-enforcement authorities to provide a culturally, substantively and accurate translation of the Miranda warning in Spanish.</td>
<td>Approved</td>
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<tr>
<td>111A</td>
<td>YOUNG LAWYERS DIVISION</td>
<td>Urges legislatures to enact laws that criminalize internet grooming tactics that target children and make them vulnerable to victimization and encourages states to review criminal laws and engage stakeholders to ensure that laws governing sexual misconduct involving the internet are sufficient to protect children.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>111B</td>
<td>YOUNG LAWYERS DIVISION</td>
<td>Urges state, local, territorial and tribal legislatures to abolish “offender funded” systems of probation supervised by private, for profit companies.</td>
<td>Approved</td>
</tr>
<tr>
<td>112</td>
<td>SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF INTELLECTUAL PROPERTY LAW SECTION OF PUBLIC UTILITY, COMMUNICATIONS AND TRANSPORTATION LAW SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW SECTION OF SCIENCE AND TECHNOLOGY LAW</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>113</td>
<td>DIVERSITY &amp; INCLUSION 360 COMMISSION</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>114</td>
<td>STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES STANDING COMMITTEE ON LAWYER REFERRAL AND INFORMATION SERVICES STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS</td>
<td>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.</td>
<td>Approved as Amended*</td>
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<tr>
<td>114</td>
<td>STANDING COMMITTEE ON PARALEGALS SPECIAL COMMITTEE ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>115</td>
<td>COALITION ON RACIAL AND ETHNIC JUSTICE COUNCIL FOR RACIAL AND ETHNIC DIVERSITY IN THE EDUCATIONAL PIPELINE</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>116</td>
<td>COMMISSION ON THE AMERICAN JURY DIVERSITY &amp; INCLUSION 360 COMMISSION</td>
<td>Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.</td>
<td>Approved</td>
</tr>
<tr>
<td>400A</td>
<td>RESOLUTION WITH REPORT ON ARCHIVING</td>
<td>Recommends that certain Association policies that pertain to public issues that were adopted in 1996 which were previously considered for archiving but retained be archived.</td>
<td>Approved</td>
</tr>
<tr>
<td>400B</td>
<td>RESOLUTION WITH REPORT ON ARCHIVING</td>
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RESOLUTION

RESOLVED. That the American Bar Association, which supports the independence of the judiciary and the legal profession and opposes any Nation’s state’s detention of individuals without charge or access to counsel, calls upon the Government of the Republic of Turkey to:

(1) immediately release each detained judge, lawyer, prosecutor, journalist and any other individual unless there is evidence establishing reasonable grounds to believe that the individual has committed a crime;

(2) meet its obligations to protect human rights, to respect the prohibition against torture, to respect freedom of speech and of the press, and to ensure that any measures taken during the declared state of emergency including the seizure of assets of detained individuals derogate from those obligations only to the extent that the exigencies of the situation absolutely require;

(3) provide a fair hearing before an impartial tribunal applying established legal principles before suspending or dismissing any judge from the bench or any lawyer from the bar and adhere to international standards concerning the independence of judges and lawyers;

(4) fully inform the Secretary General of the Council of Europe of each measure that it has taken in derogation of the European Convention on Human Rights, including the reasons for each such measure; and

(5) fully inform the Secretary-General of the United Nations of each measure that it has taken in derogation of the International Covenant on Civil and Political Rights, including the reasons for each such measure and the date on which it ceases the measure.

(Deletions Struck Through; Additions Underlined)
PROPOSAL: Amends §2.1 of the Association’s Constitution to realign the districts.

(Legislative Draft – Additions underlined; deletions struck through)

Article 2. Definitions and General Provisions

§2.1 Definitions. In this Constitution, the Bylaws, and any rules of the House of Delegates the term:

... (g) "District" refers to the following areas with states listed in the rotational order of representation on the Board, which order within a district may be varied by unanimous agreement among the affected states:

At the conclusion of the 2004 2017 Annual Meeting:

District 1 Rhode Island, Maine, Vermont, New Hampshire
District 2 Connecticut, Michigan, Massachusetts
District 3 New Jersey, Pennsylvania
District 4 Virginia, District of Columbia
District 5 Kentucky, Alabama, North Carolina
District 6 Louisiana, Tennessee, Georgia, Maryland
District 7 Ohio, Illinois
District 8 Florida, Texas
District 9 Missouri, Minnesota, Wisconsin
District 10 Wyoming, Nebraska, South Dakota, North Dakota
District 11 Arizona, Colorado, Oklahoma
District 12 Arkansas, Iowa, New Mexico, Tennessee, Kansas, Louisiana
District 13 Montana, Alaska, Oregon, New Mexico, Puerto Rico
District 14 California
District 15 New York
District 16 South Carolina, Delaware, Mississippi, West Virginia, Arkansas
District 17 Utah, Hawaii, Nevada, Idaho
District 18 Maryland, Washington, Indiana, Connecticut
District 19 Iowa, Oregon, South Carolina

Article 26. Board of Governors

§26.1 Terms and Election.

(b) In 1985 and each succeeding third year, a member of the Board from each of the third, fifth, ninth, fourteenth, fifteenth, sixteenth, and seventeenth districts shall be elected; in 1986 and each succeeding third year, a member of the Board from each of the seventh, eighth, tenth, eleventh, and thirteenth districts shall be elected; in 1987 and each succeeding third year, a member of the Board from each of the first, second, fourth, sixth, and twelfth districts shall be elected; and in 1989 and each succeeding third year, a member of the Board from the eighteenth districts shall be elected; and in 2017 and each succeeding third year, a member of the Board from the nineteenth district shall be elected.
RESOLUTION

RESOLVED, That the American Bar Association 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.

PART I: THE CRIMINAL JUSTICE SYSTEM AND THE MENTAL HEALTH SYSTEM

... Standard 7-1.4. Roles of the attorney representing a defendant with a mental disorder

... (d) Attorneys who represent defendants with mental disorders should seek relevant information from family members and other knowledgeable collateral sources. Unless Model Rule of Professional Conduct 1.14b (regarding an attorney’s duty to take protective action for clients with diminished capacity) applies, attorneys should share information about their clients with family members and knowledgeable collateral sources only with their clients’ assent, and in a way that does not compromise the attorney-client privilege.

... (Deletions Struck Through; Additions Underlined)
RESOLUTION

RESOLVED, That the American Bar Association amends Rule 8.4 and Comment of the ABA Model Rules of Professional Conduct as follows (insertions underlined, deletions struck through):

Rule 8.4: Misconduct

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

(e) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law; or

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or

(g) ENGAGE IN CONDUCT THAT THE LAWYER KNOWS OR REASONABLY SHOULD KNOW IS HARASSMENT OR DISCRIMINATION harass or discriminate on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This Rule PARAGRAPH does not limit the ability of a lawyer to accept, decline, or withdraw from a representation in accordance with Rule 1.16. THIS PARAGRAPH DOES NOT PRECLUDE LEGITIMATE ADVICE OR ADVOCACY CONSISTENT WITH THESE RULES.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
Comment

[3] Discrimination and harassment by lawyers in violation of paragraph (g) undermines confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others because of their membership or perceived membership in one or more of the groups listed in paragraph (g). Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct towards a person who is, or is perceived to be, a member of one of the groups. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The substantive law of antidiscrimination and anti-harassment statutes and case law may guide application of paragraph (g).

[4] Conduct related to the practice of law includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law. Paragraph (g) does not prohibit conduct undertaken to promote diversity. LAWYERS MAY ENGAGE IN CONDUCT UNDERTAKEN TO PROMOTE DIVERSITY AND INCLUSION WITHOUT VIOLATING THIS RULE BY, FOR EXAMPLE, IMPLEMENTING INITIATIVES AIMED AT RECRUITING, HIRING, RETAINING AND ADVANCING DIVERSE EMPLOYEES OR SPONSORING DIVERSE LAW STUDENT ORGANIZATIONS.

[5] Paragraph (g) does not prohibit legitimate advocacy that is material and relevant to factual or legal issues or arguments in a representation. A TRIAL JUDGE’S FINDING THAT PEREMPTORY CHALLENGES WERE EXERCISED ON A DISCRIMINATORY BASIS DOES NOT ALONE ESTABLISH A VIOLATION OF PARAGRAPH (G). A lawyer does not violate paragraph (g) by limiting the scope or subject matter of the lawyer’s practice or by limiting the lawyer’s practice to members of underserved populations in accordance with these Rules and other law. A lawyer may charge and collect reasonable fees and expenses for a representation. Rule 1.5(a). Lawyers also should be mindful of their professional obligations under Rule 6.1 to provide legal services to those who are unable to pay, and their obligation under Rule 6.2 not to avoid appointments from a tribunal except for good cause. See Rule 6.2(a), (b) and (c). A lawyer’s representation of a client does not constitute an endorsement by the lawyer of the client’s views or activities. See Rule 1.2(b).

...
RESOLUTION

RESOLVED, That the American Bar Association 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 their legal matters to prevent errors or omissions.

Deletions Struck Through; Additions Underlined
RESOLUTION

RESOLVED, That the American Bar Association urges all federal, state, territorial and local legislative bodies and governmental agencies to:

(a) adopt policies, legislation and initiatives designed to eliminate the school to prison pipeline whereby students of color, students with disabilities, LGBTQ (lesbian, gay, bisexual, transgender, questioning, or queer) students, homeless students, and other marginalized youth constituencies are disproportionately impacted by systemic inequities in education and over-discipline resulting in disparate school drop-out or “push-out” rates and juvenile justice system or prison interactions, i.e., school to prison;

(b) adopt laws and policies supporting legal representation for students at point of exclusion from school, including suspension and expulsion;

(c) support ongoing implicit bias training for teachers, administrators, school resource officers, police, juvenile judges, prosecutors, and lawyers and others dealing involved with juveniles students;

(d) require data reporting relating to school discipline, including distinctions between educator discipline and law enforcement discipline to the Office of Civil Rights;

(e) support legislation that eliminates the use of suspensions, expulsions, and referrals to law enforcement for lower-level offenses; and

FURTHER RESOLVED, That the American Bar Association urges state and local prosecutors’ offices, and national and state prosecutors associations to develop screening and charging policies and statements of best practices for school referred cases to juvenile courts.
RESOLUTION

RESOLVED, That the American Bar Association amends Principles 2(B) and 6 of the *ABA Principles for Juries and Jury Trials* as follows:

2(B) Eligibility for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, *marital status*, sexual orientation, *gender identity*, gender expression or any other factor that discriminates against a cognizable group in the jurisdiction other than those set forth in A. above.

6(C) The court should:

1. **Instruct the jury on implicit bias and how such bias may impact the decision-making process without the juror being aware of it;** and

2. **Encourage the jurors to resist making decisions based on personal likes or dislikes or gut feelings, THAT MAY BE BASED ON ATTITUDES TOWARD RACE, NATIONAL ORIGIN, GENDER, AGE, RELIGIOUS BELIEF, INCOME, OCCUPATION, DISABILITY, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR GENDER EXPRESSION.**

Deletions struck through; Additions underlined