POTENTIAL AGENDA ITEMS FOR THE 2019 ANNUAL MEETING
OF THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION

NOTE: This list includes issues that may be presented for consideration at the 2019 Annual Meeting or a future meeting of the House of Delegates. Please remember that, with the exception of state and local bar associations, the filing deadline for submission of Resolutions with Reports by Association entities and affiliated organizations is Tuesday, May 7, 2019.

1. **Proactive Management-Based Regulation Programs**
   Urges state supreme courts to study and adopt jurisdictionally appropriate Proactive Management-Based Regulation (“PMBR”) programs. **Standing Committee on Professional Regulation** Contact: Ellyn S. Rosen*, E-mail: ellyn.rosen@americanbar.org, Phone: 312.988.5311.

2. **Response of the United States to the Rohingya Refugee Crisis**
   Recommends a number of measures for U.S. governmental action to address the Rohingya refugee crisis including: issuing a legal determination regarding the crimes committed against the Rohingya; imposing targeted sanctions against Burmese military officials; utilizing tools of economic pressure to ensure access for humanitarian aid; applying U.S. diplomatic influence to support referring the situation to the International Criminal Court; continuing to provide humanitarian aid and encouraging other countries to do so; engaging with the Burmese government to remove barriers to humanitarian assistance; and ensuring safe and voluntary repatriation of the Rohingya. **Section of International Law** Contact: Sahar Hafeez, E-mail: Sahar.hafeez@pillsburylaw.com, Phone: 202.663.8051; Maria A. Chhabria**, E-mail: maria.chhabria@americanbar.org, Phone: 202.662.1670.

3. **GDPR-Style Data Protection at the Federal Level**
   Urges Congress to strengthen the disclosure requirements, safeguards and protections for all individuals interacting with others in interstate commerce by using the Internet, social media or other means. **Section of International Law** Contact: Linda V. Priebe, E-mail: lpriebe@culhanemeadows.com, Daniel McGlynn, Phone: 202.663.8051; Maria A. Chhabria**, E-mail: maria.chhabria@americanbar.org, Phone: 202.662.1670.

4. **Anti-Money Laundering and Beneficial Ownership Reporting Policies**
   Updates the ABA’s existing anti-money laundering and beneficial ownership reporting policies. Expresses support for reasonable and necessary measures to detect and combat money laundering and terrorist financing. The Resolution will also support legislation and related regulations that would require every domestic business entity to designate either (i) a responsible individual who significantly participates in the control or management of the entity or (ii) a records contact individual with responsibility for obtaining, maintaining, and taking reasonable measures to verify applicable beneficial or record ownership information for the entity, or both, and then provide law enforcement agencies with timely access to information regarding the entity’s responsible individual, beneficial ownership, and/or record ownership in

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response to a valid subpoena, summons, or warrant. Further, the Resolution will provide that any legislation and related regulations to detect and combat money laundering and terrorist financing must be consistent with the eight fundamental principles outlined in the Resolution. **ABA Task Force on Gatekeeper Regulation and the Profession.** Contact: William H. Clark, Jr., Drinker Biddle & Reath LLP, One Logan Square, Ste. 2000, Philadelphia, PA 19103-6996, E-mail: William.Clark@dbr.com, Phone: 215.988.2804.

5. **Compensation Gaps in the Legal Profession**
Urges all employers in the legal profession to implement and maintain policies and practices to address and close the compensation gap between similarly situated men and women lawyers. Recognizing that compensation systems are complicated and dependent on many factors, including access to advancement in the profession, the Resolution offers suggestions for guidelines that legal employers may follow to close the gap which include in brief summary: a review of implicit bias in performance evaluations and compensation systems; equal access to assignments, sponsorship and business generation; attention to committee memberships, leadership development; and developing transparency in compensation systems. **Commission on Women in the Profession.** Contact: Melissa Wood*, E-mail: Melissa.Wood@americanbar.org, Phone: 312.988.5676.

6. **First Step Act**
Urges the federal government to immediately implement the First Step Act of 2018 by providing all necessary funding for its full implementation, and by engaging the National Institute of Justice to choose a nonpartisan, nonprofit organization, with expertise in risk and needs assessment, to host an Independent Review Committee to develop a risk-and-needs-assessment system necessary to implement the “earned time credits” provided for in the Act, so that certain federal prisoners can earn good-time credits by completing rehabilitative programming and engaging in productive activities that can be applied to pre-release custody or supervised release. **Criminal Justice Section.** Contact: Linda Britton**, E-mail: Linda.Britton@americanbar.org, Phone: 202.662.1730.

7. **Conviction Integrity**
Urges prosecutors’ offices to adopt and implement the following internal conviction-integrity policy: When the office supports a defendant’s motion to vacate a conviction based on the office’s doubts about the convicted defendant’s guilt, or about the lawfulness of the convicted defendant’s conviction, the office should only choose to file new charges it believes are supported by admissible evidence sufficient to prove a conviction beyond a reasonable doubt and should not condition its support for the defendant’s motion to vacate the conviction on a plea of guilty, a nolo contendere plea, an Alford plea, or their equivalent to the charge that is the subject of the motion or to other charges. **Criminal Justice Section.** Contact: Linda Britton**, E-mail: Linda.Britton@americanbar.org, Phone: 202.662.1730.

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8. **Definition of Consent in Sexual Assault Cases**
   Urges legislatures and courts to define consent in sexual assault cases as the assent of a person who is competent to give consent to engage in a specific act of sexual penetration, oral sex, or sexual contact, to provide that consent is expressed by words or action in the context of all the circumstances, to reject any requirement that sexual assault victims have a legal burden of verbal or physical resistance; and urges legislatures and courts to enact legislation or to adopt court rules that require judges in sexual assault cases to specifically instruct juries that “evidence that a person did not resist, verbally or physically, a specific act of sexual penetration, oral sex, or sexual contact does not mean [in and of itself] that the person consented to that act.”
   **Criminal Justice Section.** Contact: Linda Britton**, E-mail: Linda.Britton@americanbar.org, Phone: 202.662.1730.

9. **Reform on Marijuana Legislation**
   Urges Congress to remove marijuana from Schedule I of the Controlled Substances Act, enact legislation to exempt from the Controlled Substances Act any production, distribution, possession, or use of marijuana carried out in compliance with state laws, and enact legislation to encourage scientific research into the “efficacy, dose, routes of administration, or side effects of commonly used and commercially available cannabis products in the United States” as recommended by the National Academy of Medicine in its January 2017 report, “The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research.”
   **Criminal Justice Section.** Contact: Linda Britton**, E-mail: Linda.Britton@americanbar.org, Phone: 202.662.1730.