SUMMARY OF RESOLUTIONS

AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2019 ANNUAL MEETING
SAN FRANCISCO, CALIFORNIA

REPORT #   SUBJECT

10A NEW YORK STATE BAR ASSOCIATION
NEW YORK COUNTY LAWYERS ASSOCIATION
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES
CENTER FOR INNOVATION
INTERNATIONAL LAW SECTION
Encourages online providers of legal documents to adopt the ABA Best Practice Guidelines for Online Legal Document Providers.

10B COLORADO BAR ASSOCIATION
MONTANA BAR ASSOCIATION
TORT TRIAL & INSURANCE PRACTICE SECTION
SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES
Urges Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States.

10C MARICOPA COUNTY BAR ASSOCIATION
Urges all private and public universities and colleges to uphold the principles of free expression on university and college campuses to promote freedom of debate and thought, and to protect that freedom when others attempt to restrict it.

11-1 CONSTITUTIONAL AMENDMENT
Amends §1.2 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.”

11-2 CONSTITUTIONAL AMENDMENT
Amends §6.2(a)(1) to provide the U.S. Virgin Islands with a State Delegate, who pursuant to the existing language of §9.2 would automatically serve as a member of the Nominating Committee.
11-3 CONSTITUTIONAL AMENDMENT
Amends §6.4(a) to allow individuals who meet a state’s definition of young lawyer to serve as a young lawyer member of the House of Delegates for that state.

11-4 CONSTITUTIONAL AMENDMENT
Amends §6.7(b) to allow the Law Student Division to increase their number of delegates in the House of Delegates from 3 to 6 delegates.

11-5 CONSTITUTIONAL AMENDMENT
Amends §6.8 to include the Electric Cooperative Bar Association (ECBA) as an affiliated organization of the American Bar Association (ABA) and be represented in the ABA House of Delegates accordingly.

11-6 BYLAWS AMENDMENT
Amends §31.7 to sunset the Standing Committee on Governmental Affairs.

11-7 BYLAWS AMENDMENT
Amends §31.7 to sunset the Standing Committee on the American Judicial System.

11-8 BYLAWS AMENDMENT
Amends §31.7 to change the number of members from 15 to 12 for the Standing Committee on Public Education and from 12 to 8 for the Advisory Commission to the Standing Committee.

11-9 BYLAWS AMENDMENT
Amends §§ 33.1 and 33.2 to change the language in order to normalize the work of the Board of Editors, and the appointed volunteer members to be able to provide their perspectives and guidance regarding the Journal.

100A NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
Encourages state, local and territorial jurisdictions that do not presently have a central panel system to establish this proven model of state administrative law adjudications.

100B NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
Encourages federal, state, and local governments to take all measures to maximize the ability of all Administrative Adjudicators to render decisions, freely, fairly, and independent of agency interference.
NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
CRIMINAL JUSTICE SECTION
Urges Congress to make the ameliorative provisions of the First Step Act retroactive and urges the President and Attorney General to take action to implement the provisions of the Act.

LAW STUDENT DIVISION
Urges state, territorial, tribal courts and law schools to explore the feasibility of implementing a “Pro Bono Scholars”-style program in their respective jurisdictions to allow law students, in the final semester of their third year of law school, to obtain a full-time, externship placement providing supervised pro bono services and to allow these scholars to take the February Bar examination (if offered) during their final semester of law school.

COMMISSION ON LAW AND AGING
SENIOR LAWYERS DIVISION
Urges Congress to repeal the statutory exclusion of dental care and dentures from Medicare and expressly add coverage of comprehensive dental and oral health services to the Medicare program.

COMMISSION ON LAW AND AGING
REAL PROPERTY, TRUST AND ESTATE LAW SECTION
Urges all lawyers who provide estate planning services to include counseling for advance care planning that comports with eight principles that were developed through the John A. Hartford Foundation funded project.

CRIMINAL JUSTICE SECTION
Urges Congress to enact legislation to resolve the current stalemate between state and federal law over marijuana regulation and to update federal marijuana policy.

STANDING COMMITTEE ON GUN VIOLENCE
CRIMINAL JUSTICE SECTION
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
JUDICIAL DIVISION
Urges state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security.

COMMISSION ON WOMEN IN THE PROFESSION
Urges all legal employers to implement and maintain policies and practices to close the compensation gap between similarly situated male and female lawyers.
STANDING COMMITTEE ON PROFESSIONAL REGULATION
YOUNG LAWYERS DIVISION
LITIGATION SECTION
STANDING COMMITTEE ON PUBLIC PROTECTION IN THE PROVISION OF LEGAL SERVICES
STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON PROFESSIONALISM
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
NATIONAL ORGANIZATION OF BAR COUNSEL

Urges each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory (PMBR) programs to enhance compliance with applicable rules of professional conduct and supplement existing disciplinary enforcement mechanisms.

STANDING COMMITTEE ON SPECIALIZATION

Grants reaccreditation to the Child Welfare Law program of the National Association of Counsel for Children, and the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy.

YOUNG LAWYERS DIVISION

Seeks to ensure that children who live in poverty, high crime communities, or experience race based trauma, or related stress, receive the in-school service support needed to maintain or restore good health.

INTELLECTUAL PROPERTY LAW SECTION

Supports legislation creating the establishment of a Copyright Small Claims Program, with authority to adjudicate copyright small claims as a lower-cost, less-time-consuming alternative to federal court litigation of copyright claims.

INTELLECTUAL PROPERTY LAW SECTION

Urges federal courts to interpret the clause “where the defendant has committed acts of infringement and has a regular and established place of business,” in the special venue statute, 28 U.S.C. § 1400(b) when applied to Abbreviated New Drug Application (ANDA) litigation under 35 U.S.C. § 271(e)(2) to mean a district in which the defendant who filed an ANDA application is anticipated to commit acts of infringement.

INTELLECTUAL PROPERTY LAW SECTION

ENVIRONMENT, ENERGY, AND RESOURCES SECTION
LAW STUDENT DIVISION
INTERNATIONAL LAW SECTION
SCIENCE & TECHNOLOGY LAW SECTION
Urges the United States Government, state, territorial, and tribal governments to take a leadership role in addressing the issue of climate change and urges Congress to enact and the President to sign appropriate climate change legislation.

SCIENCE & TECHNOLOGY LAW SECTION
Urges courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence.

CENTER FOR HUMAN RIGHTS

CENTER FOR HUMAN RIGHTS
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges all governments to prioritize dignity rights in crafting, implementing, and enforcing laws, policies, regulations, and procedures.

CENTER FOR HUMAN RIGHTS
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, particularly the Human rights provisions thereof.

COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
CRIMINAL JUSTICE SECTION
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
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, and to reject any requirement that sexual assault victims have a legal burden of verbal or physical resistance.
115A  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
COMMISSION ON HOMELESSNESS AND POVERTY
Urges Congress to ensure that the health care delivered by the Indian Health
Service (IHS) is exempt from government shutdowns and federal budget
sequestrations on par with the exemptions provided to the Veterans Health
Administration.

115B  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges Congress, states, and territories to enact legislation that would provide
stronger remedies and protections against pay discrimination on the basis of sex
(including gender and gender identity), race and ethnicity to help overcome the
persistent barriers that continue to impede the achievement of pay equity.

115C  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
COMMISSION ON YOUTH AT RISK
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
Supports the constitutionality of the Indian Child Welfare Act (ICWA) in the
effort to strengthen tribal jurisdiction over their child welfare system,
uphold tribal kinship and set standards specific for American Indians/Alaska
Natives child and youth placement.

115D  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges the Department of Justice to retain—as a minimum threshold—existing
policy protections, as codified at 28 C.F.R. § 50.10 (2016), that limit federal law
enforcement in obtaining information from, or records of, members of the news
media, and that limit federal law enforcement in questioning, arresting, or
indicting members of the news media.

115E  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
Urges the United States Congress, and local, state, territorial and tribal
governments to enact legislation or regulations that require all law enforcement
entities to meet training standards set by the Commission on Police Officer and
Standard Training (POST) similar to California’s legislation, AB 2504, Peace
Officer Training.

115F  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON WOMEN IN THE PROFESSION
Urges federal, state, local, territorial, and tribal governments to refrain from
imposing upon reproductive healthcare providers requirements that are not
medically necessary or have the purpose or effect of burdening women’s access
to such services.
115G  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
STATE AND LOCAL GOVERNMENT LAW SECTION  
COMMISSION ON HOMELESSNESS AND POVERTY  
Urges Congress to amend the Equal Credit Opportunity Act to require documentation and collection of the applicant’s race, gender or national origin for non-mortgage credit transactions specifically for vehicle transactions and urges Congress and all state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies that require an enhanced nondiscrimination compliance system for a vehicle loan.

115H  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE  
COMMISSION ON HOMELESSNESS AND POVERTY  
Urges the United States Government, and Governments around the world to promote the human right to a basic income by increasing the funding, development and implementation of basic income strategies to prevent infringement of this right.

116  LITIGATION SECTION  
Urges courts, as well as their respective bar associations, to carefully review their policies on use and admittance of cellphones in courthouses, to ensure meaningful access to our judicial system, balancing the security risks posed by cellphone use with the needs of litigants, and in particular, those who are self-represented or of lower income.

117A  HEALTH LAW SECTION  
Urges states, counties, tribal and local governments to enact legislation to ensure that any proceeds they receive from the current opioid litigation be used for remedying the harm resulting from the opioid epidemic.

117B  HEALTH LAW SECTION  
Urges Congress to enact legislation to amend the Ethics in Patient Referrals Act of 1989 (commonly known as the Stark Law) to modernize the law and encourage the adoption of value-based payment arrangements and other coordinated care arrangements that will lower costs to the Medicare program and improve the quality of services to its beneficiaries.

118  COMMISSION ON YOUTH AT RISK  
COMMISSION ON HOMELESSNESS AND POVERTY  
LITIGATION SECTION  
Emphasizes the right of parents and children to family integrity and family unity and the maintenance of family connectedness if a child does need to enter foster care.
119 TASK FORCE ON GATEKEEPER REGULATION AND THE PROFESSION
SECTION OF BUSINESS LAW
SECTION OF REAL PROPERTY, TRUST & ESTATE LAW
CRIMINAL JUSTICE SECTION
Provides 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.

120 INTERNATIONAL LAW SECTION
Urges the United States and other countries to take measures in response to the
crimes committed against the Rohingya by the Burmese military.

121A COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review amend 8 C.F.R.
§1003.1(h) and establish, through rulemaking, standards and procedures for the
Attorney General certification process.

121B COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review create a
presumption to extend the filing of an appeal to the Board of Immigration Appeals
(BIA) for pro se applicants.

121C COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review continue the
implementation of an integrated, system-wide electronic filing and case
management system nationwide, with adequate funding from Congress.

121D COMMISSION ON IMMIGRATION
Recommends that the Department of Homeland Security (DHS) codify the core
requirements of the 2009 Parole Directive into regulation.

121E COMMISSION ON IMMIGRATION
Recommends that the Circuit Court of Appeals establish or expand pro bono
programs to provide pro bono representation to pro se appellants to help
efficiently resolve immigration cases.

121F COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review amend
regulations to eliminate the automatic termination of voluntary departure when
an applicant petitions for judicial review under 8 C.F.R. §1240.26(i) and also to
implement an automatic stay of removal or deportation pending judicial review
by the U.S. Circuit Court of Appeals or the pendency of the appeal period.
STANDING COMMITTEE ON PARALEGALS
Grants approval to 3 programs, grants reapproval to 17 paralegal education programs, withdraws the approval of 8 programs at the request of the institutions, and extends the term of approval for 42 paralegal education programs.

STEERING COMMITTEE OF THE NOMINATING COMMITTEE
Revises the *Principles and Guidelines on the Election Process for Officers of the Association*.

RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues that were adopted in 1999 which were previously considered for archiving but retained be archived.