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<tr>
<td>10A</td>
<td>NEW YORK STATE BAR ASSOCIATION SECTION OF INTERNATIONAL LAW BEVERLY HILLS BAR ASSOCIATION BAR ASSOCIATION OF ERIE COUNTY TASK FORCE ON TREATMENT OF ENEMY COMBATANTS</td>
<td>Urges U.S. courts to grant to detainees all rights granted to habeas petitioners consistent with Federal statutory habeas criminal law principles where applicable, appropriate to the facts and circumstances of that petitioner's case.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>10B</td>
<td>CONNECTICUT BAR ASSOCIATION COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW TORT TRIAL AND INSURANCE PRACTICE SECTION NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW YOUNG LAWYERS DIVISION</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>10C</td>
<td>OHIO STATE BAR ASSOCIATION SECTION OF LITIGATION</td>
<td>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).</td>
<td>Approved</td>
</tr>
<tr>
<td>10D</td>
<td>BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA</td>
<td>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.</td>
<td>Approved</td>
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* See attached.
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<tr>
<td>11-1</td>
<td>AMENDMENT TO HOUSE RULES OF PROCEDURE</td>
<td>Amends §45.2(d) of the House Rules of Procedure to clarify that the Committee on Rules and Calendar shall ensure that reports which accompany Reports with Recommendations conform with the final language of the recommendations, if revised or amended by the House of Delegates.</td>
<td>Approved</td>
</tr>
<tr>
<td>11-2</td>
<td>AMENDMENT TO HOUSE RULES OF PROCEDURE</td>
<td>Amends §45.2 of the House Rules of Procedure to provide that, where appropriate, all recommendations adopted by the House of Delegates which urge state legislatures, courts or bar associations to take action shall be understood to include legislatures, courts and bar associations of territories, tribes, local governments, the Commonwealth of Puerto Rico and the District of Columbia.</td>
<td>Approved</td>
</tr>
<tr>
<td>100</td>
<td>STANDING COMMITTEE ON PARALEGALS</td>
<td>Grants approval, reapproval and the extension of the term of approval to several paralegal education programs.</td>
<td>Approved</td>
</tr>
<tr>
<td>101A</td>
<td>CRIMINAL JUSTICE SECTION COMMISSION ON YOUTH AT RISK NATIONAL DISTRICT ATTORNEYS ASSOCIATION NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>101B</td>
<td>CRIMINAL JUSTICE SECTION SECTION OF DISPUTE RESOLUTION NATIONAL DISTRICT ATTORNEYS ASSOCIATION NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION COMMISSION ON DOMESTIC VIOLENCE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS YOUNG LAWYERS DIVISION</td>
<td>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.</td>
<td>Approved as Revised*</td>
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* See attached.
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<tr>
<td>101C</td>
<td>CRIMINAL JUSTICE SECTION COMMISSION ON IMMIGRATION AMERICAN IMMIGRATION LAWYERS ASSOCIATION NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS SECTION OF INTERNATIONAL LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES TORT TRIAL AND INSURANCE PRACTICE SECTION YOUNG LAWYERS DIVISION</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>101D</td>
<td>CRIMINAL JUSTICE SECTION NATIONAL DISTRICT ATTORNEYS ASSOCIATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>102A</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS SECTION OF INTERNATIONAL LAW</td>
<td>Approves the Uniform Unsworn Foreign Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.</td>
<td>Approved</td>
</tr>
<tr>
<td>102B</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS SECTION OF INTERNATIONAL LAW</td>
<td>Approves the Revised Uniform Unincorporated Nonprofit Association Act (2008), promulgated by the National Conference of Commissioners on Uniform State Laws in 2008 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.</td>
<td>Approved</td>
</tr>
<tr>
<td>102C</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW SECTION</td>
<td>Approves the Uniform Common Interest Owners Bill of Rights Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2008, as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.</td>
<td>Approved</td>
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<tr>
<td>102D</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON</td>
<td>Approves the Uniform Common Interest Ownership Act, promulgated by the</td>
<td>Approved</td>
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<td>UNIFORM STATE LAWS</td>
<td>National Conference of Commissioners on Uniform State Laws in 2008, as an</td>
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<td>SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW</td>
<td>appropriate Act for those States desiring to adopt the specific substantive</td>
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<td>law suggested therein.</td>
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<td>102E</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON</td>
<td>Approves the 2008 Amendments to the Uniform Interstate Family Support Act,</td>
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<td>UNIFORM STATE LAWS</td>
<td>promulgated by the National Conference of Commissioners on Uniform State</td>
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<td>SECTION OF INTERNATIONAL LAW</td>
<td>Laws in 2008, as an appropriate Act for those States desiring to adopt the</td>
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<td>specific substantive law suggested therein.</td>
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<td>103</td>
<td>SECTION OF ENVIRONMENT, ENERGY AND RESOURCES</td>
<td>Urges law firms and other law organizations to adopt the ABA-EPA Law Office</td>
<td>Approved</td>
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<td></td>
<td>STANDING COMMITTEE ON ENVIRONMENTAL LAW</td>
<td>Climate Challenge.</td>
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<td>SECTION OF SCIENCE AND TECHNOLOGY LAW</td>
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<td>YOUNG LAWYERS DIVISION</td>
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<td>104</td>
<td>STANDING COMMITTEE ON SPECIALIZATION</td>
<td>Reaccredits the Juvenile Law -- Child Welfare program of the National</td>
<td>Approved</td>
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<td>Association of Counsel for Children in Denver, Colorado and extends</td>
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<td>accreditation of the Family Law Trial Advocacy program of the National</td>
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<td>Board of Trial Advocacy, a division of the National Board of Legal Specialty</td>
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<td>Certification of Wrentham, Massachusetts, as designated specialty</td>
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<td>certification programs.</td>
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<tr>
<td>105</td>
<td>SECTION OF STATE AND LOCAL GOVERNMENT LAW</td>
<td>Urges Congress to enact and the President to sign legislation that would</td>
<td>Withdrawn</td>
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<td>allocate general revenue sharing funds to the several states of the United</td>
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<td>States of America and their respective local governments and political</td>
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<td>subdivisions by applying certain standards.</td>
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<td>106</td>
<td>SECTION OF FAMILY LAW STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION STANDING COMMITTEE ON ARMED FORCES LAW GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA YOUNG LAWYERS DIVISION</td>
<td>Opposes the enactment of federal legislation that would create a federal-question jurisdiction in child custody cases, including cases involving servicemember-parents and urges states to enact legislation prohibiting denial of child custody to a servicemember based solely on absence due to military deployment.</td>
<td>Approved</td>
</tr>
<tr>
<td>107A</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>107B</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS</td>
<td>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.</td>
<td>Approved</td>
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<tr>
<td>107C</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>107D</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>107E</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS</td>
<td>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.</td>
<td>Approved</td>
</tr>
<tr>
<td>107F</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>107G</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION SPECIAL COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS</td>
<td>Recommends state and territorial governments to adopt standards for handling residential and small business insurance claims for property damages resulting from hurricanes or storms.</td>
<td>Approved as Revised*</td>
</tr>
</tbody>
</table>

* See attached.
108 SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COMMISSION ON IMMIGRATION SECTION OF FAMILY LAW COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY AMERICAN IMMIGRATION LAWYERS ASSOCIATION ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK BAR ASSOCIATION OF SAN FRANCISCO BEVERLY HILLS BAR ASSOCIATION LOS ANGELES COUNTY BAR ASSOCIATION SECTION OF INTERNATIONAL LAW NATIONAL LESBIAN AND GAY LAW ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION YOUNG LAWYERS DIVISION

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.

Approved

109 STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY TENNESSEE STATE BAR ASSOCIATION SECTION OF LABOR AND EMPLOYMENT LAW STANDING COMMITTEE ON PARALEGALS SECTION ON ANTITRUST LAW SECTION OF HEALTH LAW SECTION OF BUSINESS LAW CRIMINAL JUSTICE SECTION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW YOUNG LAWYERS DIVISION NEW YORK STATE BAR ASSOCIATION NEW YORK COUNTY LAWYERS ASSOCIATION

Amends Model Rule of Professional Conduct 1.10 ("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.

Approved as Revised*
109 ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK
OREGON STATE BAR ASSOCIATION
PHILADELPHIA BAR ASSOCIATION
WASHINGTON STATE BAR ASSOCIATION
PENNSYLVANIA BAR ASSOCIATION
SECTION OF INTERNATIONAL LAW
SECTION OF INTELLECTUAL PROPERTY LAW

110 SECTION OF LITIGATION STANDING COMMITTEE ON PROFESSIONALISM

Amends Model Rule of Professional Conduct 1.10 ("Imputation of Conflicts of Interest: General Rule") and related Comments by adding new subsections to permit certain lawyers whose participation was not significant and who did not learn material confidential information to go to work for an adversary law firm without client consent so long as the transferring lawyer is screened and provides appropriate certification of compliance with the screen.

Motion to Substitute Fails

111A COMMISSION ON LAW AND AGING
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW
SECTION OF SCIENCE AND TECHNOLOGY LAW
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
YOUNG LAWYERS DIVISION

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.

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| 111B    | COMMISSION ON LAW AND AGING  
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW  
SECTION OF DISPUTE RESOLUTION  
SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE  
SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW  
TORT TRIAL AND INSURANCE PRACTICE SECTION  
SENIOR LAWYERS DIVISION  
YOUNG LAWYERS DIVISION | 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 opposes legislation and regulations that would authorize, encourage or enforce such agreements. | Approved as Revised* |
| 112     | JUDICIAL DIVISION  
NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY  
NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES  
NATIONAL CONFERENCE OF STATE TRIAL JUDGES  
TORT TRIAL AND INSURANCE PRACTICE SECTION  
AMERICAN JUDICATURE SOCIETY  
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION  
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW  
SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE  
SENIOR LAWYERS DIVISION | 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. | Approved |
| 113     | STANDING COMMITTEE ON JUDICIAL INDEPENDENCE  
NATIONAL CONFERENCE OF STATE TRIAL JUDGES  
APPELLATE JUDGES CONFERENCE  
OHIO STATE BAR ASSOCIATION JUDICIAL DIVISION  
NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY | 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. | Approved |

* See attached.
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<tr>
<td>113</td>
<td>MISSISSIPPI BAR ASSOCIATION</td>
<td>STANDING COMMITTEE ON CLIENT PROTECTION CENTER ON ETHNIC AND RACIAL DIVERSITY SECTION OF DISPUTE RESOLUTION NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES SAN DIEGO COUNTY BAR ASSOCIATION AMERICAN JUDICATURE SOCIETY STANDING COMMITTEE ON PROFESSIONALISM YOUNG LAWYERS DIVISION</td>
<td>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</td>
</tr>
<tr>
<td>114</td>
<td>STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL STANDING COMMITTEE ON ARMED FORCES LAW TORT TRIAL AND INSURANCE PRACTICE SECTION GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>301</td>
<td>SECTION OF LITIGATION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES TASK FORCE ON ATTORNEY CLIENT PRIVILEGE</td>
<td>* See attached.</td>
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1. RESOLVED, that consistent with the Supreme Court’s directive in *Boumediene v.*
2. *Bush* and President Obama’s January 22, 2009 Executive Order on “Review and
3. Disposition Of Individuals Detained At The Guantanamo Bay Naval Base And
4. Closure of Detention Facilities,” the American Bar Association urges the U.S.
5. Government to ensure that:

6. (a) All individuals who have been or are expected to be charged with
7. violations of criminal law should be prosecuted in Article III federal courts,
8. unless the Attorney General certifies, in cases involving recognized war crimes,
9. that prosecution cannot take place before such courts and can be held in other
10. regularly constituted courts in a manner that comports with fundamental notions
11. of due process, traditional principles of the laws of war, the Geneva Conventions
12. and the Uniform Code of Military Justice;

13. (b) All individuals currently detained at Guantanamo who, upon review, are
14. determined to have been improperly classified as or no longer considered to be
15. “enemy combatants” should be promptly released or resettled; and

16. (c) All remaining individuals currently detained as enemy combatants at
17. Guantanamo are granted a prompt habeas corpus hearing with full due process
18. rights and provided access to counsel and the right to review and confront the
19. evidence against them, including potential exculpatory evidence within the
20. government’s possession, whether or not used, or intended to be used at trial,
21. subject to appropriate conditions as may be set by the court to accommodate the
22. needs of the detainee and the requirements of national security; and

23. (d) No individual should be detained as an “enemy combatant” except pursuant
24. to an act of Congress defining this term.
RECOMMENDATION

RESOLVED, That the American Bar Association 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 and with adequate constitutional protections except in cases in which any of the participants are deemed to be susceptible to coercion, manipulation or re-traumatization as in a case of violent crime or domestic abuse.

FURTHER RESOLVED, That the American Bar Association encourages federal, state, territorial, and local governments to initiate, continue and expand the use of mediation, early resolution courts, prefiling diversion, expeditors, restorative justice programs and other process innovations, where appropriate, to assist with plea negotiations and/or the expedition and resolution of both pending misdemeanor and felony cases.

FURTHER RESOLVED, That the American Bar Association encourages federal, state, territorial, and local governments to use only those individuals who have received appropriate mediation training.

FURTHER RESOLVED, That the American Bar Association encourages federal, state, territorial, and local governments to adhere to proper mediation protocols and recognize the rights, needs and sensitivities of the mediation participants, including the assurances that statements will not be used against the accused directly or derivatively and the accused will be fully apprised of the collateral consequences should the mediation fail.

FURTHER RESOLVED, That the American Bar Association encourages federal, state, territorial, and local governments to support continuing research regarding mediation as a method to assist in the processing and resolution of appropriate criminal and quasi criminal matters, and to disseminate those research results.

(Deletions struck through; Additions underlined)
RECOMMENDATION

RESOLVED, That the American Bar Association 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 encouraging the issuance of catastrophe (CAT)-linked securities consistent with the study of the United States Treasury.

FURTHER RESOLVED, That State and territorial governments should take the following steps to encourage capital markets to finance the assumption of catastrophic risks:

A. Insurance regulators and the Financial Accounting Standards Board (FASB) should reform insurance and public accounting rules to facilitate the issuance of catastrophe (CAT)-linked securities in the United States; and

B. The National Association of Insurance Commissioners and state governments should undertake a study to determine what other changes in state laws and regulations would reduce barriers to the issuance of catastrophe (CAT)-linked securities in the United States.

Deletions struck through; Additions underlined
RESOLVED, That the American Bar Association urges the federal government to address the liquidity needs of individuals and businesses in the aftermath of future natural catastrophes, including but not limited to:

... 

FURTHER RESOLVED, for catastrophic natural disasters that are certified by the Treasury Secretary as posing a grave financial risk to state insurance guaranty funds, the Congress should give the Treasury Department the authority to lend to those state funds to assure prompt payment of claims when there has been a demonstration of need to avoid guaranty fund insolvency.

FURTHER RESOLVED, That the federal government should provide incentives through the tax code to encourage catastrophe risk-taking by private insurers:

(a) the federal government and the Financial Accounting Standards Board ("FASB") could recognize and allow for multi-year tax-deferred catastrophe reserves to be established by insurers and other parties at risk for natural catastrophes and allow annual net additions to such reserves. Such tax incentives or reserves should be restricted to paying claims for future mega-catastrophes. (b) Congress could also provide income-tax credits incentives to homeowners and businesses that invest in catastrophe mitigation measures in high-risk areas.

(Deletions struck through; Additions underlined)
RESOLVED, That the American Bar Association urges the federal government to use the multiple tools available to it to mitigate losses from future mega-catastrophes including:

A. Establish risk appropriate federal standards for specific catastrophes in the regions of the country exposed to the risk requiring strong, damage-resistant building codes for new construction that reflects best practices for reducing catastrophe loss exposure and vigorous enforcement of these codes;

B. Require cost-effective retrofitting measures when residences are modified substantially and otherwise encourage provide incentives to homeowners to invest in mitigation retrofitting through federal tax incentives, including when substandard construction techniques are discovered after the fact, or better practices are available, and

C. Adopt land use policies that discourage or prevent construction in areas that are difficult to evacuate or that pose unusually high risk to personal safety (to consumers and first responders) or property loss, and require FEMA to incorporate the adoption and effective enforcement of statewide building codes in its Hazard Mitigation Grant Program. In addition, FEMA and the Congress should implement a preference in making pre-disaster grants to proposals by states and localities seeking support for the training of state and local building code inspectors to improve enforcement.

FURTHER RESOLVED, That the American Bar Association urges Congress to authorize and appropriate additional funds for disaster prevention and preparedness activities, including additional funds (on a matching basis) to states and localities in areas of high catastrophic risk, to support adoption and enforcement of modern building codes, and for mitigation grants, tax-credits incentives, and needs tested direct insurance subsidies.

Deletions struck through; Additions underlined
RECOMMENDATION

RESOLVED, That the American Bar Association recommends that the national, state, and territorial governments adopt the following standards for handling residential and small business insurance claims for property damages resulting from hurricanes or storms:

1. Uniform standards should be established for all insurers as to the procedures used in the adjusting of property damage claims.

   A. Such standards should be consistent with the Unfair Claims Settlement Act of the National Association of Insurance Commissioners.

   B. Such standards should also contain provisions guidelines for training and certification, licensing, or other appropriate form of oversight and regulation of all adjustors who engage in claims procedures.

2. Mediation programs should be created and maintained in advance of a particular disaster.

   A. Such programs should be modeled on the programs made available by Mississippi, Louisiana, and Florida with the assistance of qualified dispute resolution administrators, state bars, courts, or insurance companies.

   B. Mediation programs should allow any insured to request mediation and require the good-faith participation of both the insured and the insurer or insurers. The mediation fee should be paid by the insurer. Both the insured and the insurer or insurers should be able to be represented by an attorney if they so choose, the process should be non-binding unless the parties agree otherwise and qualitative measures of programs effectiveness should be tracked and publicly reported.

3. A study should be undertaken to create a database of reliable current information on the costs of items and services required for the repair or replacement of real property for various geographical areas. This database would be made available to insurers and insureds, adjustors, claims representatives, mediators, and others involved in the claim process to provide greater accuracy and uniformity in the adjusting of property damage claims.

FURTHER RESOLVED, That the American Bar Association recommends that the national, state, and territorial governments should conduct two studies of the handling of residential and small business insurance claims for property damages resulting from hurricanes or storms:

1. A study should be undertaken to assess whether or not states have enacted laws designed to prevent price gouging during times of catastrophe and whether those laws are uniformly and consistently enforced. A study should also be conducted to assess
the impact of major catastrophes on supply and demand in the realm of consumer
goods and services, the range of price fluctuations and changes in the availability of
certain goods.

FURTHER RESOLVED. That the American Bar Association urges Congress to enact legislation
that authorizes and directs the National Flood Insurance Program to participate in good faith in
the mediation programs established by the states and territories so there is a single mediation
venue for resolving all disputes for insurance claims resulting from hurricanes or storms.

Deletions struck through; Additions underlined
RESOLVED, That the American Bar Association amends Model Rule of Professional Conduct 1.10(a) and related Comments, and to Model Rule of Professional Conduct 1.0, Comment [8] to read as follows: (additions are underlined; deletions are struck through):

Rule 1.10 Imputation of Conflicts of Interest: General Rule

* * *

(a) While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7 or 1.9, unless

(1) the prohibition is based upon a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm; or

(2) the prohibition is based upon Rule 1.9(a), (or (b)), and

(i) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefore;

(ii) written notice is promptly given to any affected former client to enable the former client to ascertain compliance with the provisions of this Rule, which shall include a description of the screening procedures employed; a statement of the firm's and of the screened lawyer's compliance with these Rules; a statement that review may be available before a tribunal; and an agreement by the firm to respond promptly to any written inquiries or objections by the former client about the screening procedures; and

(iii) certifications of compliance with these Rules and with the screening procedures are provided to the former client by the screened lawyer and by a partner of the firm, at reasonable intervals upon the former client's written request and upon termination of the screening procedures.

(b) When a lawyer has terminated an association with a firm, the firm is not prohibited from thereafter representing a person with interests materially adverse to those of a client represented by the
formerly associated lawyer and not currently represented by the
firm, unless

(1) the matter is the same or substantially related to that in which
the formerly associated lawyer represented the client; and

(2) any lawyer remaining in the firm has information protected
by Rules 1.6 and 1.9(c) that is material to the matter.

(c) A disqualification prescribed by this rule may be waived by the
affected client under the conditions stated in Rule 1.7.

(d) The disqualification of lawyers associated in a firm with former
or current government lawyers is governed by Rule 1.11.

Comment

[2] The rule of imputed disqualification stated in paragraph (a)
gives effect to the principle of loyalty to the client as it applies to
lawyers who practice in a law firm. Such situations can be
considered from the premise that a firm of lawyers is essentially
one lawyer for purposes of the rules governing loyalty to the client,
or from the premise that each lawyer is vicariously bound by the
obligation of loyalty owed by each lawyer with whom the lawyer is
associated. Paragraph (a)(1) operates only among the lawyers
currently associated in a firm. When a lawyer moves from one
firm to another, the situation is governed by Rules 1.9(b) and
1.10(a)(2) and 1.10(b). 

* * *

[7] Rule 1.10(a)(2) similarly removes the imputation otherwise
required by Rule 1.10(a), but unlike section (c), it does so without
requiring that there be informed consent by the former client.
Instead, it requires that the procedures laid out in sections (a)(2)(i)-(iii)
be followed. A description of effective screening mechanisms
appears in Rule 1.0(k). Lawyers should be aware, however, that,
even where screening mechanisms have been adopted, tribunals
may consider additional factors in ruling upon motions to
disqualify a lawyer from pending litigation.

[8] Paragraph (a)(2)(i) does not prohibit the screened lawyer from
receiving a salary or partnership share established by prior
independent agreement, but that lawyer may not receive
compensation directly related to the matter in which the lawyer is
disqualified.
[9] The notice required by paragraph (a)(2)(ii) generally should include a description of the screened lawyer’s prior representation and be given as soon as practicable after the need for screening becomes apparent. It also should include a statement by the screened lawyer and the firm that the client’s material confidential information has not been disclosed or used in violation of the Rules. The notice is intended to enable the former client to evaluate and comment upon the effectiveness of the screening procedures.

[10] The certifications required by paragraph (a)(2)(iii) give the former client assurance that the client’s material confidential information has not been disclosed or used inappropriately, either prior to timely implementation of a screen or thereafter. If compliance cannot be certified, the certificate must describe the failure to comply.

[711] Where a lawyer has joined a private firm after having represented the government, imputation is governed under Rule 1.11(b) and (c), not this Rule. Under Rule 1.11(d), where a lawyer represents the government after having served clients in private practice, nongovernmental employment or in another government agency, former-client conflicts are not imputed to government lawyers associated with the individually disqualified lawyer.

[812] Where a lawyer is prohibited from engaging in certain transactions under Rule 1.8, paragraph (k) of that Rule, and not this Rule, determines whether that prohibition also applies to other lawyers associated in a firm with the personally prohibited lawyer.

** Terminology

Rule 1.0 Terminology

Comment

Screened

[8] This definition applies to situations where screening of a personally disqualified lawyer is permitted to remove imputation of a conflict of interest under Rules 1.10, 1.11, 1.12 or 1.18.
RECOMMENDATION

RESOLVED, That the American Bar Association 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.

FURTHER RESOLVED, That the American Bar Association supports enactment of federal, state, and territorial legislation and regulations that would invalidate such arbitration agreements and opposes federal, state, and territorial legislation and regulations that would authorize, encourage, or enforce such agreements.

FURTHER RESOLVED, That the American Bar Association supports additional refinements to such legislation and regulations that would accomplish these objectives through a method other than amendment to Chapter 1 of the Federal Arbitration Act; and if practicable, would narrow the scope of the arbitration prohibition to disputes relating to the resident’s health care and supportive services.

Deletions struck through; Additions underlined
Resolved, that the American Bar Association supports the right of clients participants in federal proceedings to take an immediate appeal in federal court 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;

Further resolved, that the American Bar Association believes that the right to pursue such an immediate appeal will help to preserve the attorney-client privilege.

Further resolved, that the American Bar Association concludes that an order requiring disclosure of documents or information claimed to be protected by the attorney-client privilege should be immediately appealable as a collateral final decision under the doctrine set forth in Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949).