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<tr>
<td>10A</td>
<td>NEW YORK STATE BAR ASSOCIATION BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES ILLINOIS STATE BAR ASSOCIATION INDIANA STATE BAR ASSOCIATION NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES OHIO STATE BAR ASSOCIATION</td>
<td>Urges federal elected officials to adequately fund the federal courts and the Legal Services Corporation as they negotiate deficit reduction with the imminent threat of the implementation of sequestration if they fail.</td>
<td>Approved</td>
</tr>
<tr>
<td>100</td>
<td>STANDING COMMITTEE ON MEDICAL PROFESSIONAL LIABILITY TORT TRIAL AND INSURANCE PRACTICE SECTION HEALTH LAW SECTION COMMISSION ON LAW AND AGING SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW</td>
<td>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, and urges Congress and the Department of Health and Human Services to establish reasonable time limits and procedures for responding to such requests.</td>
<td>Approved</td>
</tr>
<tr>
<td>101A</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW SECTION OF SCIENCE AND TECHNOLOGY LAW</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>101B</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW SECTION OF SCIENCE AND TECHNOLOGY LAW</td>
<td>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.</td>
<td>Approved as Revised*</td>
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* See Attached
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<tr>
<td>102A</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS</td>
<td>Approves the <em>Uniform Asset Freezing Orders Act</em>, 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.</td>
<td>Approved</td>
</tr>
<tr>
<td>102B</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS</td>
<td>Approves the <em>Uniform Deployed Parents Custody and Visitation Act</em>, 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.</td>
<td>Approved</td>
</tr>
<tr>
<td>102C</td>
<td>NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS</td>
<td>Approves the <em>Uniform Premarital and Marital Agreements Act</em>, 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.</td>
<td>Approved</td>
</tr>
<tr>
<td>103</td>
<td>STANDING COMMITTEE ON SPECIALIZATION</td>
<td>Reaccredits the Elder Law Program of the National Elder Law Foundation of Tucson, Arizona, the Legal Malpractice Program of the American Board of Professional Liability Attorneys and the Medical Malpractice Program of the American Board of Professional Liability Attorneys, of Atlanta, Georgia, for additional five-year terms as designated specialty certification programs for lawyers.</td>
<td>Approved</td>
</tr>
<tr>
<td>104A</td>
<td>CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS STANDING COMMITTEE ON PROFESSIONALISM DEATH PENALTY REPRESENTATION PROJECT SPECIAL COMMITTEE ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES NEW YORK STATE BAR ASSOCIATION</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
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* See Attached
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 ABUSE AND NEGLECT.

URGES 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.

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.

URGES JURISDICTIONS TO ENSURE THAT DEFENSE COUNSEL INQUIRES AND INVESTIGATES A JUVENILE DEFENDANT’S IMMIGRATION STATUS AND INFORMS THE DEFENDANT ABOUT ANY POSSIBLE COLLATERAL CONSEQUENCES.
URGES 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 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.

Approved as Revised*
104G  GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
      YOUNG LAWYERS DIVISION

cont’d

URGE GOVERNMENTS TO AID VICTIMS OF HUMAN TRAFFICKING BY 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.

Approved as Revised*

* See Attached
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<tr>
<td>104I</td>
<td>GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION</td>
<td>Urges the Judicial Conference of the United States to amend the Model Grand Jury Charge to clarify that the Grand Jury should be instructed to vote separately on each defendant.</td>
<td>Approved</td>
</tr>
<tr>
<td>104J</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges the Judicial Conference of the United States to amend the Model Grand Jury Charge to clarify that the Grand Jury should be instructed to vote separately on each defendant.</td>
<td>Approved</td>
</tr>
<tr>
<td>105</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>
</tr>
<tr>
<td>106</td>
<td>COMMISSION ON THE AMERICAN JURY PROJECT</td>
<td>Amends Principles 1(C) through (F), 6(C), 10(C) and 11(A) of the 2005 ABA Principles for Juries and Jury Trials, dated February 2013.</td>
<td>Approved</td>
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<td>RPT NO.</td>
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<tr>
<td>107A</td>
<td>COMMISSION ON ETHICS 20/20 STANDING COMMITTEE ON CLIENT PROTECTION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY STANDING COMMITTEE ON PROFESSIONALISM STANDING COMMITTEE ON SPECIALIZATION TASK FORCE ON INTERNATIONAL TRADE IN LEGAL SERVICES SECTION OF BUSINESS LAW SECTION OF INTERNATIONAL LAW TORT TRIAL AND INSURANCE PRACTICE SECTION STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE NEW YORK STATE BAR ASSOCIATION YOUNG LAWYERS DIVISION</td>
<td>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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>107B</td>
<td>COMMISSION ON ETHICS 20/20 STANDING COMMITTEE ON CLIENT PROTECTION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY STANDING COMMITTEE ON PROFESSIONALISM STANDING COMMITTEE ON SPECIALIZATION TASK FORCE ON INTERNATIONAL TRADE IN LEGAL SERVICES SECTION OF BUSINESS LAW SECTION OF INTERNATIONAL LAW</td>
<td>Amends the ABA Model Rule for Registration of In-House Counsel to permit foreign lawyers to serve as in-house counsel in the U.S. but with added requirements.</td>
<td>Approved as Revised*</td>
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<tr>
<td><strong>107B</strong> cont’d</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE NEW YORK STATE BAR ASSOCIATION YOUNG LAWYERS DIVISION</td>
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<tr>
<td><strong>107C</strong></td>
<td>COMMISSION ON ETHICS 20/20 STANDING COMMITTEE ON CLIENT PROTECTION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY STANDING COMMITTEE ON PROFESSIONALISM STANDING COMMITTEE ON SPECIALIZATION TASK FORCE ON INTERNATIONAL TRADE IN LEGAL SERVICES SECTION OF BUSINESS LAW SECTION OF INTERNATIONAL LAW TORT TRIAL AND INSURANCE PRACTICE SECTION NEW YORK STATE BAR ASSOCIATION BEVERLY HILLS BAR ASSOCIATION YOUNG LAWYERS DIVISION</td>
<td>Amends the <em>ABA Model Rule on Pro Hac Vice Admission</em> to provide judges with guidance about whether to grant limited and temporary practice authority to foreign lawyers to appear in U.S. courts.</td>
<td>Approved as Amended*</td>
</tr>
<tr>
<td><strong>107D</strong></td>
<td>COMMISSION ON ETHICS 20/20 STANDING COMMITTEE ON CLIENT PROTECTION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE STANDING COMMITTEE ON PROFESSIONALISM</td>
<td>Amends Model Rule 8.5 of the <em>ABA Model Rules of Professional Conduct</em> to address an increasingly common choice of law problem arising in the context of conflicts of interest.</td>
<td>Approved</td>
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<td>107D</td>
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<td></td>
<td>STANDING COMMITTEE ON SPECIALIZATION TASK FORCE ON INTERNATIONAL TRADE IN LEGAL SERVICES SECTION OF BUSINESS LAW SECTION OF INTERNATIONAL LAW TORT TRIAL AND INSURANCE PRACTICE SECTION</td>
<td>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.</td>
<td>Approved as Amended*</td>
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<td>108</td>
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<td></td>
<td>STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION LAW PRACTICE MANAGEMENT SECTION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL STANDING COMMITTEE ON GROUP AND PREPAID LEGAL SERVICES COMMISSION ON INTEREST ON LAWYERS’ TRUST ACCOUNTS NATIONAL LEGAL AID AND DEFENDER ASSOCIATION AMERICAN JUDICATURE SOCIETY</td>
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<tr>
<td>109</td>
<td>SECTION OF BUSINESS LAW NEW YORK STATE BAR ASSOCIATION SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW MASSACHUSETTS BAR ASSOCIATION AMERICAN JUDICATURE SOCIETY DELAWARE STATE BAR ASSOCIATION YOUNG LAWYERS DIVISION</td>
<td>Supports the position that United States Bankruptcy Judges have the authority, upon the consent of all the parties to the proceeding, to hear, determine, and enter final orders and judgments in those proceedings designated as “core” within the meaning of 28 U.S.C. § 157(b) but that 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.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>110A</td>
<td>SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE NATIONAL CONFERENCE OF ADMINISTRATIVE LAW JUDGES</td>
<td>Urges the Federal Acquisition Regulatory Council (FAR Council) to promulgate model contract language that focuses on the most significant ethical risks that arise in government contracts as well as the activities most likely to implicate those risks.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>110B</td>
<td>SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES AMERICAN JUDICATURE SOCIETY</td>
<td>Supports efforts to increase disclosure of political and campaign spending and urges Congress to require organizations that are not required to do so by current law as interpreted and applied by the Federal Election Commission to disclose the source of funds used for making electioneering communications and expenditures and the amounts spent.</td>
<td>Approved</td>
</tr>
<tr>
<td>300</td>
<td>SECTION OF PUBLIC CONTRACT LAW SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE</td>
<td>Urges Congress to repeal 28 U.S.C. § 1500 and replace it with a presumptive stay as recommended by the Administrative Conference of the United States.</td>
<td>Approved</td>
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* See Attached
RESOLUTION

RESOLVED, That the American Bar Association 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;

FURTHER RESOLVED, That the American Bar Association supports the principle that a process meets the requirements of Section 101 where—

(1) 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

(2) the claimed process requires or involves a transformation of matter into a different state or thing.

FURTHER RESOLVED, That the American Bar Association 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;

FURTHER RESOLVED, That the American Bar Association 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.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association 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—

(1) no finding of direct infringement can be made absent a finding that at least one entity is liable as a direct infringer, which finding should be based on the totality of the circumstances;

(2) (1) 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;

(3) (2) 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;

(4) (3) a finding of direct infringement under (1) or (2) does not require the finding of an agency relationship or other contractual relationship between the entities a directing/controlling entity and other entities who are directed by the directing/controlling entities to perform steps of the patented process, and

(5) (4) an when a directing/controlling entity is liable as a direct infringer, a directed/controlled entity who is merely acting under the direction or control of the directing/controlling entity will not itself be liable as an infringer.

FURTHER RESOLVED, That the American Bar Association supports the requirement restoration of the common law principle 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 person who is liable as a direct infringer.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association 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.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, territorial, tribal, and local courts to:

(a) 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
   as well as 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.

(b) Provide Inform non-U.S. citizen juvenile defendants as early as possible in the court process,
   but in all cases at the plea colloquy, of their right to advice regarding 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 with judicial warnings about the immigration consequences of
   criminal or delinquency proceedings; and

(c) Ensure, without infringing attorney-client privilege and without inquiring into the juvenile’s
   immigration status unless alienage is an element of the charge, that a juvenile’s plea to any
   offense is knowingly, voluntarily, and intelligently made, and that the juvenile is aware of the
   right to obtain and has had the opportunity to obtain advice regarding 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, specifically considering any direct or indirect immigration
   consequences or penalties based on the individual’s entry of a plea to an offense.

FURTHER RESOLVED, That the American Bar Association urges legal service organizations,
   federal, state, and local bar associations, and other legal assistance providers to:

(a) Provide training to judges, prosecutors, criminal defense lawyers, and legal aid lawyers about
   the immigration consequences of criminal convictions and juvenile adjudications
   of delinquency and any available relief from such consequences, and in the duty of defense
   attorneys to fully address immigration consequences in their representation of juveniles; and

(b) Develop pro bono programs to counsel indigent, non-U.S. citizen juvenile defendants about
   the immigration consequences of criminal or delinquency proceedings; and

(b) Support efforts to provide necessary resources to defense counsel and defender agencies and
   organizations to provide their noncitizen juvenile clients effective legal representation that
   effectively and competently discharges their duty to fully address immigration consequences in
   their representation of juveniles.

(c) Provide pro bono representation or reduced fee support services to advise indigent, non-U.S.
   citizen juvenile defendants about the immigration consequences in a particular case.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLVED, That the American Bar Association 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:

(a) not be prosecuted 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;

(b) be offered housing in circumstances appropriate for a victim;

(c) 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

(d) be assured that their names and identifying information will not be disclosed to the public.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

RESOLVED, That the American Bar Association urges local, state, territorial, tribal and federal governments to enact legislation allowing adult or minor human trafficking victims charged with prostitution related crimes offenses or other non-violent crimes offenses that are a direct result of their being trafficked to assert an affirmative defense of being a human trafficking victim.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to aid victims of human trafficking by:

a) Enacting and enforcing laws and policies that permit adult or minor victims of human trafficking to seek to vacate their criminal convictions, for crimes offenses related to their prostitution or other non-violent crimes offenses that are a direct result of their trafficking victimization; and

b) Establishing and ensuring funding for programs designed to assist human trafficking victims who are seeking to vacate such convictions.

FURTHER RESOLVED, That the American Bar Association 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.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

RESOLVED, That the American Bar Association 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, and enable them to direct victims and their families to social service 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.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association amends Rule 5.5 of the ABA Model Rules of Professional Conduct as follows (insertions underlined, deletions struck through):

RULE 5.5: UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

... (d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer’s employer or its organizational affiliates; and are not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and requires advice on concern the law of this or another U.S. jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; or

(2) are services that the lawyer is authorized by federal or other law or rule to provide in this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

COMMENT

... [16] Paragraph (d)(1) applies to a U.S. or foreign lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer’s officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The lawyer’s ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the lawyer’s qualifications and the quality of the lawyer’s work. To further decrease any risk to the client, when advising on the domestic law of a United States jurisdiction or on the law of the United States, the foreign lawyer authorized to practice under paragraph (d)(1) of this Rule needs to base that advice on the advice of a lawyer licensed and authorized by the jurisdiction consult with a U.S. lawyer authorized to provide such advice.

... DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED (ADDITIONAL REVISIONS ARE SHADED AND WILL APPEAR ON THE SCREEN)
RESOLUTION

RESOLVED, That the American Bar Association amends the ABA Model Rule for Registration of In-House Counsel as follows (insertions underlined, deletions struck through):

Model Rule for Registration of In-House Counsel

...  

SCOPE OF AUTHORITY OF REGISTERED LAWYER:

B. A lawyer registered under this section shall have the rights and privileges otherwise applicable to members of the bar of this jurisdiction with the following restrictions:

1. The registered lawyer is authorized to provide legal services to the entity client or its organizational affiliates, including entities that control, are controlled by, or are under common control with the employer, and for employees, officers and directors of such entities, but only on matters directly related to their work for the entity and only to the extent consistent with Rule 1.7 of the Model Rules of Professional Conduct [or jurisdictional equivalent provision in the jurisdiction];

2. The registered lawyer shall not:
   a. Except as otherwise permitted by the rules of this jurisdiction, appear before a court or any other tribunal as defined in Rule 1.0(m) of the Model Rules of Professional Conduct [jurisdictional equivalent]; or
   b. Offer or provide legal services or advice to any person other than as described in paragraph B.1., or hold himself or herself out as being authorized to practice law in this jurisdiction other than as described in paragraph B.1.; and
   c. If a foreign lawyer, provide advice on the law of this or another U.S. jurisdiction or of the United States except in consultation with a U.S. lawyer who is duly licensed and authorized to provide such advice.

...
RESOLUTION

RESOLVED, That the American Bar Association amends the ABA Model Rule on Pro Hac Vice Admission and Appendix A as follows (insertions underlined, deletions struck through):

ABA Model Rule on Pro Hac Vice Admission

...  

III. Admission of Foreign Lawyer in Pending Litigation Before a Court or Agency

...  

C. A court or agency of this state may, in its discretion, admit a foreign lawyer in a particular proceeding pending before such court or agency to appear pro hac vice as co-counsel or in an advisory or consultative role as a lawyer, advisor or consultant in that proceeding with an in-state lawyer, provided that the in-state lawyer is responsible to the client, responsible for the conduct of the proceeding, responsible for independently advising the client on the substantive law of a United States jurisdiction and procedural issues in the proceeding, and for advising the client whether the in-state lawyer’s judgment differs from that of the foreign lawyer. See paragraph III(E).

D. The court or agency, in its discretion, may limit the activities of the foreign lawyer or require further action by the in-state lawyer, including but not limited to, requiring the in-state lawyer to sign all pleadings and other documents submitted to the court or to other parties, to be present at all depositions and conferences among counsel, and to attend all proceedings before the court or agency.

E.D. In addition to the factors listed in paragraph I(D)(3) above, a court or agency in ruling on an application to admit a foreign lawyer pro hac vice, as a lawyer, advisor or consultant or in an advisory or consultative role, may shall weigh the following factors, including:

...  

6. the extent to which it is possible to define the scope of the foreign lawyer’s authority in the matter as described in paragraph III (E)(1) so as to facilitate its fair and efficient resolution, including by a limitation on the foreign lawyer’s authority to advise the client on the law of a United States jurisdiction except in consultation with the in-state lawyer.

D.E. The court or agency shall limit the activities of the foreign lawyer or require further action by the in-state lawyer, as appropriate in its discretion in light of paragraph
Litigation Amendment
to 107C

III(D). It may, for example, require the in-state lawyer to sign all pleadings and other
documents submitted to the court or to other parties, to be present at all depositions and
conferences among counsel, or to attend all proceedings before the court or agency.

E.F. The provisions of Section I, paragraphs (D), (E), and (F) and Section II,
paragraphs (G) and (H), applicable to out-of-state lawyers, also apply to foreign lawyers
for purposes of the requirements of Paragraph III of this Rule.

...
RESOLUTION

RESOLVED, That the American Bar Association encourages practitioners, when appropriate, to consider limiting the scope of their representation, including the unbundling of legal services, when appropriate, as a means of increasing access to legal services.

FURTHER RESOLVED, That the American Bar Association encourages and supports the efforts of national, state, tribal, local and territorial bar associations, the judiciary and court administrations, and CLE providers to take measures to assure that practitioners who limit the scope of their representation do so with full understanding and recognition of their professional obligations.

FURTHER RESOLVED, That the American Bar Association encourages and supports the efforts of national, state, tribal, local and territorial bar associations, the judiciary and court administrations, and those providing legal services to increase public awareness of the availability of limited scope representation as an option to help meet the legal needs of the public.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association supports the position that United States Bankruptcy Judges have the authority: (1) upon the express 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.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association urges the Federal Acquisition Regulatory Council (FAR Council) to promulgate, for use in contracts posing a high risk of either personal conflicts of interest or misuse of certain non-public information, 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 most significant ethical risks that arise in government contracts as well as the activities most likely to implicate those risks such conflicts present;

FURTHER RESOLVED, That the American Bar Association 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;

FURTHER RESOLVED, 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;

FURTHER RESOLVED, That the American Bar Association supports the FAR Council’s action in proposing, for use in contracts posing a high risk of misuse of certain non-public information, model contract language that focuses on the activities likely to give rise to such misuse in such contracts, as well as the significant risks such misuse presents, and urges the FAR Council to complete that rulemaking;

FURTHER RESOLVED, That the American Bar Association urges the FAR Council’s action to encourage agencies to include the model Federal Acquisition Regulation (FAR) provisions in contracting actions involving procurements that pose risks of personal conflicts of interest and procurements that pose risks of contractor disclosure or misuse of non-public information;

FURTHER RESOLVED, That the American Bar Association supports the FAR Council’s action in proposing to encourage agencies to include model FAR provisions in contracting actions involving procurements that pose risks of contractor disclosure or misuse of non-public information, and urges the FAR Council to complete that rulemaking;

FURTHER RESOLVED, That the American Bar Association encourages the FAR Council to consider a provision requiring contractors to train their employees on recognizing personal conflict of interest risks and the misuse of certain non-public information.

FURTHER RESOLVED, That the American Bar Association supports the FAR Council to consider proposing model FAR provisions that prohibit agencies from using contractors to establish and manage scientific or technical advisory committees without requiring such contractors to apply to prospective and actual members of such committees the same ethical requirements that would apply if such individuals were special government employees; and
FURTHER RESOLVED, That the American Bar Association urges agencies not covered by the FAR to consider using or modifying the model FAR provisions when negotiating contracts for activities likely to implicate significant ethical risks.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED