<table>
<thead>
<tr>
<th>RPT NO.</th>
<th>PROPOSED BY</th>
<th>SHORT TITLE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>10A</td>
<td>NEW YORK STATE BAR ASSOCIATION NEW YORK COUNTY LAWYERS ASSOCIATION</td>
<td>Urges states to adopt General Provisions for Regulation of Online Providers of Legal Documents to establish reasonable standards of product reliability and efficacy.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>10B</td>
<td>NEW YORK STATE BAR ASSOCIATION NEW YORK CITY BAR ASSOCIATION</td>
<td>Urges Congress to enact legislation to provide a permanent exemption for the Commonwealth of Puerto Rico from the requirements of the Jones Act, 46 U.S.C. §§55101 et seq.</td>
<td>Approved</td>
</tr>
<tr>
<td>10C</td>
<td>MINNESOTA STATE BAR ASSOCIATION CRIMINAL JUSTICE SECTION SECTION OF INTERNATIONAL LAW CENTER FOR HUMAN RIGHTS CONNECTICUT BAR ASSOCIATION MASSACHUSETTS BAR ASSOCIATION</td>
<td>Urges Congress to enact immigration reform addressing children separated from their parents at the United States border.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>41-1</td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Amends §1.2 of the Association’s Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.”</td>
<td>Postponed Indefinitely</td>
</tr>
<tr>
<td>41-2</td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Amends §6.2(a)(1) of the Association’s Constitution 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.</td>
<td>Postponed Indefinitely (237;226)</td>
</tr>
</tbody>
</table>

* See Attached
CONSTITUTIONAL AMENDMENT

Amends §6.7(e) of the Association’s Constitution to increase the number of Senior Lawyers Division delegates to the House of Delegates from two to four. Approved

CONSTITUTIONAL AMENDMENT

Amends §7.3 of the Association’s Constitution to reconcile the eligibility requirements for a young lawyer member-at-large on the ABA Board of Governors with the definition of young lawyer in the ABA Young Lawyers Division Bylaws. Approved

BYLAWS AMENDMENT

Amends §29.6 of the Association’s Bylaws to clearly state that the Association’s financial statements are audited and not the Treasurer’s report, and that the Association’s annual financial statements shall be submitted for examination and audit by a certified public accountant designated by the Board of Governors upon recommendation of the Audit Committee. Approved

BYLAWS AMENDMENT

Amends §31.7 of the Association’s Bylaws to more completely and accurately reflect the Standing Committee on Audit’s duties as they have been assigned by the Board of Governors. Approved

BYLAWS AMENDMENT

Amends §31.7 of the Association’s Bylaws to change the name of the Standing Committee on Client Protection to the Standing Committee on Public Protection in the Provision of Legal Services and to amend its jurisdictional statement. Approved

BYLAWS AMENDMENT

Amends §31.7 of the Association’s Bylaws to discontinue the Standing Committee on Medical Professional Liability at the conclusion of the 2018 Annual Meeting and that its work be subsumed by the Tort Trial and Insurance Practice Section. Approved
<table>
<thead>
<tr>
<th>Number</th>
<th>Amendment Type</th>
<th>Description</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-9</td>
<td>BYLAWS AMENDMENT</td>
<td>Amends §31.7 of the Association’s Bylaws to change the name of the Standing Committee on Professional Discipline to the Standing Committee on Professional Regulation and to revise its jurisdictional statement.</td>
<td>Approved</td>
</tr>
<tr>
<td>11-10</td>
<td>BYLAWS AMENDMENT</td>
<td>Amends §31.7 of the Association’s Bylaws to revise the jurisdictional statement of the Standing Committee on Professionalism</td>
<td>Approved</td>
</tr>
<tr>
<td>11-11</td>
<td>BYLAWS AMENDMENT</td>
<td>Amends §31.7 of the Association’s Bylaws to revise the jurisdictional statement of the Standing Committee on Technology and Information Systems.</td>
<td>Approved</td>
</tr>
<tr>
<td>11-12</td>
<td>CONSTITUTION AND BYLAWS AMENDMENTS</td>
<td>Amends various Sections of the Association’s Constitution and Bylaws as necessary due to the New Membership Model adopted by the Board of Governors and the House of Delegates.</td>
<td>Approved</td>
</tr>
<tr>
<td>100A</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges bar associations, law schools, and other stakeholders to develop and increase curricular offerings through which law students provide pro bono representation of incarcerated individuals and those reentering society.</td>
<td>Approved</td>
</tr>
<tr>
<td>100B</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges Louisiana and Oregon to require unanimous juries to determine guilt in felony criminal cases and reject the use of non-unanimous juries where currently allowed in felony cases.</td>
<td>Approved</td>
</tr>
<tr>
<td>101</td>
<td>STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY</td>
<td>Amends Model Rules 7.1 through 7.5 and their related Comments of the ABA Model Rules of Professional Conduct regarding lawyer advertising rules.</td>
<td>Approved as Revised*</td>
</tr>
</tbody>
</table>

* See Attached
<table>
<thead>
<tr>
<th>Section</th>
<th>Section of Law</th>
<th>Urges/Adopts</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>102A</td>
<td>Section of Family Law</td>
<td>Urges governments to enact preserve tax code provisions that allow the alimony deduction for payors and treat alimony as taxable income to payees.</td>
<td>Approved</td>
</tr>
<tr>
<td>102B</td>
<td>Section of Family Law Section of Science and Technology Law</td>
<td>Adopts the ABA Model Act Governing Assisted Reproductive Technology, dated August 2018 to replace the 2008 Model Act, and urges its adoption by appropriate governmental agencies.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>103</td>
<td>ABA Working Group to Advance Well-Being in the Legal Profession Commission on Lawyer Assistance Programs</td>
<td>Adopts the ABA Model Law Firm Policy on Impairment, dated August 2018, to provide a mechanism within law firms to identify impairment and craft proper intervention, and to prevent professional standards and the quality of work for clients from being compromised by any law firm personnel's impairment, and urges law firms to adopt the Model Policy.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>104A</td>
<td>Section of Civil Rights and Social Justice</td>
<td>Urges Congress to enact legislation that implements the “Law Enforcement Equipment Working Group Recommendations Pursuant to Executive Order 13688” dated May 2015.</td>
<td>Approved</td>
</tr>
<tr>
<td>104B</td>
<td>Section of Civil Rights and Social Justice Section of State and Local Government Law</td>
<td>Urges governments to adopt and enforce stronger fair lending laws targeted against discrimination in vehicle sales market and urges Congress to amend the Equal Credit Opportunity Act to collect data on race and national origin for auto-lending transactions.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>104C</td>
<td>Section of Civil Rights and Social Justice Commission on Sexual Orientation and Gender Identity</td>
<td>Supports an interpretation of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116(a), that its prohibition on sex discrimination by covered health programs or activities includes but is not limited to discrimination on the basis of sexual orientation and gender identity.</td>
<td>Approved as Revised*</td>
</tr>
</tbody>
</table>

* See Attached
<table>
<thead>
<tr>
<th>Code</th>
<th>Section</th>
<th>Urges</th>
<th>Approved</th>
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</thead>
<tbody>
<tr>
<td>104D</td>
<td>SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE</td>
<td>Urges governments to enact legislation providing employees with job-guaranteed paid sick days and job-guaranteed paid family and medical leave.</td>
<td>Approved</td>
</tr>
<tr>
<td>104E</td>
<td>SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE</td>
<td>Urges governments and international institutions to adopt and implement legislation and regulations to eliminate, prevent and provide remedies for gender-based violence in the workplace, including sexual harassment, based on virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, the intersectionality between race and sex or status as a victim of domestic or sexual violence.</td>
<td>Approved</td>
</tr>
<tr>
<td>105</td>
<td>SECTION OF DISPUTE RESOLUTION</td>
<td>Urges providers of domestic and international dispute resolution to expand their rosters with minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities (“diverse neutrals”), and to encourage the selection of diverse neutrals.</td>
<td>Approved</td>
</tr>
<tr>
<td>106A</td>
<td>SECTION OF INTERNATIONAL LAW CENTER FOR HUMAN RIGHTS SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION JUDICIAL DIVISION ABA REPRESENTATIVES AND OBSERVERS TO THE UNITED NATIONS</td>
<td>Reaffirms the ABA’s commitment to advance the rule of law and condemns the harassment arbitrary arrest and detention, arbitrary disbarment, denial of due process, other ill-treatment, and killings of judges, lawyers, other members of the legal profession, and their extended families throughout the world for serving in their designated capacities.</td>
<td>Approved</td>
</tr>
</tbody>
</table>
Recognizes the important role that non-lawyer human rights defenders, journalists and others play in protecting justice and the rule of law, and deplores attacks on those professions, as well as on individuals, aimed at silencing or intimidating human rights voices.

Urges all emergency management agencies to provide proper training to staff and volunteers to respond to unique needs of intimate partner violence and sexual violence victims during and after a disaster.

Urges Congress to enact the Presidential Tax Transparency Act (H.R. 305) and the President-Elect Release of Tax Return Act (H.R. 1938), and supports efforts to require disclosure to appropriate authorities of recent federal income tax returns for certain candidates for the Office of President of the United States, and to incentivize certain candidates for the Office of President of the United States to disclose their recent federal income tax returns to the extent any such laws are permitted by the United States Constitution.
<p>| 108A | STANDING COMMITTEE ON SPECIALIZATION | Grants reaccreditation to the Medical Professional Liability and Legal Professional Liability programs of the American Board of Professional Liability Attorneys for additional five-year terms as designated specialty certification programs for lawyers. | Approved |
| 108B | STANDING COMMITTEE ON SPECIALIZATION | Grants accreditation to the Truck Accident Law program of the National Board of Truck Accident Attorneys, a division of The National Board of Trial Advocacy for a five-year term as a designated specialty certification program for lawyers. | Approved |
| 109 | STANDING COMMITTEE ON GUN VIOLENCE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE | Urges governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules or regulations that allow individuals to: 1) voluntarily and confidentially submit their names into databases used for gun background checks, and 2) remove themselves from those systems. | Withdrawn |
| 110A | STANDING COMMITTEE ON PARALEGALS | Grants approval to four programs, grants reapproval to eighteen paralegal education programs, withdraws the approval of three programs at the requests of the institutions, and extends the term of approval to several paralegal education programs. | Approved |
| 110B | STANDING COMMITTEE ON PARALEGALS | Amends the <em>ABA Guidelines for Approval of Paralegal Education Programs</em>, dated August 2018. | Approved |
| 111A | SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR | Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Rules of the <em>ABA Standards and Rules of Procedure for Approval of Law Schools</em>, to restructure the work of the ABA accreditation process by eliminating the Council’s Accreditation and Standards Review Committees, and having all work completed by the Council. | Approved |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>111B</td>
<td>SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR</td>
<td>Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Standards of the ABA Standards and Rules of Procedure for Approval of Law Schools, to restructure the work of the ABA accreditation process by eliminating the Council's Accreditation and Standards Review Committees, and having all work completed by the Council.</td>
</tr>
<tr>
<td>111C</td>
<td>SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR</td>
<td>Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Rules 3, 5, 10, 14, 22, 23, 24, 25, 34, 52, and 53 of the ABA Standards and Rules of Procedure for Approval of Law Schools.</td>
</tr>
<tr>
<td>111D</td>
<td>SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR</td>
<td>Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Standards 501 (Admission) and 503 (Admission Test) of the ABA Standards and Rules of Procedure for Approval of Law Schools.</td>
</tr>
<tr>
<td>111E</td>
<td>SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR</td>
<td>Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018, to Standard 303 (Curriculum); Standard 304 (Simulation Courses, Clinics, and Field Placements); Standard 305 (Other Academic Study); Standard 306 (Distance Education); Standard 307 (Studies, Activities, and Field Placements Outside the United States); and Standard 601 (Library and Information Resources, General Provisions) of the ABA Standards and Rules of Procedure for Approval of Law Schools.</td>
</tr>
</tbody>
</table>
112  COMMISSION ON LAW AND AGING  
SECTION OF INTERNATIONAL LAW  
Supports in principle the Inter-American Convention on Protecting the Human Rights of Older Persons, and encourages the United Nations to draft a convention on the rights of older persons.  
Approved

113  NATIONAL CONFERENCE OF THE  
ADMINISTRATIVE LAW JUDICIARY  
JUDICIAL DIVISION  
SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE  
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION  
COLORADO BAR ASSOCIATION  
DENVER BAR ASSOCIATION  
Adopts the ABA Model Code of Judicial Conduct for State Administrative Law Judges, dated August 2018, and urges governments to enact and adopt the Model Code.  
Approved as Revised*

114  WORKING GROUP ON BUILDING PUBLIC TRUST IN THE AMERICAN JUSTICE SYSTEM  
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE  
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS CRIMINAL JUSTICE SECTION  
SECTION OF STATE AND LOCAL GOVERNMENT LAW  
COMMISSION ON YOUTH AT RISK  
MASSACHUSETTS BAR ASSOCIATION  
KING COUNTY BAR ASSOCIATION  
WASHINGTON STATE BAR ASSOCIATION  
Adopts the black letter and commentary to the ABA Ten Guidelines on Court Fines and Fees, dated August 2018, and urges governmental agencies to promulgate law and policy consistent with the Guidelines.  
Approved

* See Attached
<table>
<thead>
<tr>
<th>Section</th>
<th>Committee/Commission</th>
<th>Action/Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>445</td>
<td>STANDING COMMITTEE ON GROUP AND PREPAID LEGAL SERVICES SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION</td>
<td>Approves the American Bar Association Standards for Accreditation of Legal Plans dated August 2018, to ensure that Legal Plans are providing affordable access to legal services.</td>
</tr>
<tr>
<td>446A</td>
<td>COMMISSION ON DISABILITY RIGHTS</td>
<td>Amends the Air Carrier Access Act (&quot;ACAA&quot;), 49 U.S.C. § 41705 (1986), to establish a private right of action violations of the ACAA and to provide equitable and legal relief, including compensatory and punitive damages, as well as reasonable attorneys' fees, reasonable expert fees, and the costs to plaintiffs who prevail in civil actions.</td>
</tr>
<tr>
<td>446B</td>
<td>COMMISSION ON DISABILITY RIGHTS</td>
<td>Urges governments to: 1) enact laws and adopt policies that prohibit the use of out-of-school suspension and expulsion of pre-kindergarten through second grade students; 2) require ongoing training of teachers, administrators, and other school staff on alternatives to school exclusion; and, 3) provide sufficient funding and resources to ensure the provision of alternatives to school exclusion.</td>
</tr>
<tr>
<td>446C</td>
<td>COMMISSION ON DISABILITY RIGHTS</td>
<td>Urges all courts and other appropriate government entities to interpret Titles II and III of the Americans with Disabilities Act to apply to technology, and goods and services delivered thereby, regardless of whether it exists solely in virtual space or has a nexus to a physical space.</td>
</tr>
<tr>
<td>447</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW STANDING COMMITTEE ON LAW LIBRARY OF CONGRESS</td>
<td>Urges Congress to approve appropriations to the Library of Congress necessary to enable the United States Copyright Office to adequately staff, maintain, modernize, and enhance its services, facilities, databases, studies, and digital projects.</td>
</tr>
</tbody>
</table>

* See attached
| 118 | COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY TORT TRIAL AND INSURANCE PRACTICE SECTION | Urges the federal government to recognize that service by persons who otherwise meet the standards for accession or retention, as applicable, in the United States Armed Forces should not be restricted, and transgender persons should not be discriminated against, based solely on gender identity. | Approved as Revised* |
| 119 | COMMISSION ON IMMIGRATION | Adopts the 2018 ABA Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States, to replace the 2004 Standards. | Approved as Revised** |
| 177 | STANDING COMMITTEE ON MEMBERSHIP | Amends the dues structure for the American Bar Association effective with FY2020 and each year thereafter. | Approved as Revised* |
| 300 | COMMISSION ON WOMEN IN THE PROFESSION COMMISSION ON RACIAL & ETHNIC DIVERSITY IN THE PROFESSION COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY SECTION OF CIVIL RIGHTS & SOCIAL JUSTICE | Urges legal employers not to require mandatory arbitration of claims of sexual harassment. | Approved |
| 400A | RESOLUTION WITH REPORT ON ARCHIVING | Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived. | Approved as Amended*** |
| 400B | RESOLUTION WITH REPORT ON ARCHIVING | Recommends that certain Association policies that pertain to public issues that were adopted in 1998 which were previously considered for archiving but retained be archived. | Approved as Amended*** |

* See Attached
** Please contact Policy and Planning Division to request copy.
***Item Nos. 35 and 36 were removed from the 400A archival list; Item Nos. 3 and 39 were removed from the 400B archival list.
RESOLUTION

1 RESOLVED, That the American Bar Association amends Rules 7.1 through 7.5 and
2 Comments of the ABA Model Rules of Professional Conduct as follows (insertions
3 underlined, deletions struck through):
Model Rule 7.1: Communications Concerning A Lawyer’s Services

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment

[1] This Rule governs all communications about a lawyer’s services, including advertising permitted by Rule 7.2. Whatever means are used to make known a lawyer’s services, statements about them must be truthful.

[2] Truthful statements that are misleading truthful statements are also prohibited by this Rule. A truthful statement is misleading if it omits a fact necessary to make the lawyer’s communication considered as a whole not materially misleading. A truthful statement is also misleading if there is a substantial likelihood exists that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer’s services for which there is no reasonable factual foundation. A truthful statement is also misleading if presented in a way that creates a substantial likelihood that a reasonable person would believe the lawyer’s communication requires that person to take further action when, in fact, no action is required.

[3] It is misleading for a communication to provide information about a lawyer’s fee without indicating the client’s responsibilities for costs, if any. If the client may be responsible for costs in the absence of a recovery, a communication may not indicate that the lawyer’s fee is contingent on obtaining a recovery unless the communication also discloses that the client may be responsible for court costs and expenses of litigation. See Rule 1.5(c).

[4] An advertisement A communication that truthfully reports a lawyer’s achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client’s case. Similarly, an unsubstantiated claim about a lawyer’s or law firm’s services or fees, or an unsubstantiated comparison of the lawyer’s or law firm’s services or fees with the services or fees those of other lawyers or law firms, may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison or claim can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public.
It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation. Rule 8.4(c). See also Rule 8.4(e) for the prohibition against stating or implying an ability to improperly influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

Firm names, letterhead and professional designations are communications concerning a lawyer’s services. A firm may be designated by the names of all or some of its current members, by the names of deceased members where there has been a succession in the firm’s identity or by a trade name if it is not false or misleading. A lawyer or law firm also may be designated by a distinctive website address, social media username or comparable professional designation that is not misleading. A law firm name or designation is misleading if it implies a connection with a government agency, with a deceased lawyer who was not a former member of the firm, with a lawyer not associated with the firm or a predecessor firm, with a nonlawyer or with a public or charitable legal services organization. If a firm uses a trade name that includes a geographical name such as “Springfield Legal Clinic,” an express statement explaining that it is not a public legal aid organization may be required to avoid a misleading implication.

A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction.

Lawyers may not imply or hold themselves out as practicing together in one firm when they are not a firm, as defined in Rule 1.0(c), because to do so would be false and misleading.

It is misleading to use the name of a lawyer holding a public office in the name of a law firm, or in communications on the law firm’s behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

Rule 7.2: Advertising Communications Concerning a Lawyer’s Services: Specific Rules

(a) Subject to the requirements of Rules 7.1 and 7.3, a lawyer may advertise communicate information regarding the lawyer’s services through written, recorded or electronic communication, including public any media.

(b) A lawyer shall not compensate, give or promise anything of value to a person who is not an employee or lawyer in the same law firm for recommending the lawyer’s services except that a lawyer may:

(1) pay the reasonable costs of advertisements or communications permitted by this Rule;
(2) pay the usual charges of a legal service plan or a not-for-profit or qualified lawyer referral service. A qualified lawyer referral service is a lawyer referral service that has been approved by an appropriate regulatory authority;

(3) pay for a law practice in accordance with Rule 1.17; and

(4) refer clients to another lawyer or a nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if:

(i) the reciprocal referral agreement is not exclusive; and

(ii) the client is informed of the existence and nature of the agreement;

and

(5) give nominal gifts as an expression of appreciation that are neither intended nor reasonably expected to be a form of compensation for recommending a lawyer’s services.

(c) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:

(1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate authority of the state or the District of Columbia or a U.S. Territory or that has been accredited by the American Bar Association; and

(2) the name of the certifying organization is clearly identified in the communication.

(d) Any communication made under pursuant to this Rule must shall include the name and office address contact information of at least one lawyer or law firm responsible for its content.

Comment

[1] To assist the public in learning about and obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public’s need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.
This Rule permits public dissemination of information concerning a lawyer’s or law firm’s name, or firm name, address, email address, website, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer’s fees are determined, including prices for specific services and payment and credit arrangements; a lawyer’s foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television and other forms of advertising, against advertising going beyond specified facts about a lawyer, or against “undignified” advertising. Television, the Internet, and other forms of electronic communication are now among the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, Internet, and other forms of electronic advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. But see Rule 7.3(a) for the prohibition against a solicitation through a real-time electronic exchange initiated by the lawyer.

Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Paying Others to Recommend a Lawyer

Except as permitted under paragraphs (b)(1)-(b)(4)(5), lawyers are not permitted to pay others for recommending the lawyer’s services, or for channeling professional work in a manner that violates Rule 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer’s credentials, abilities, competence, character, or other professional qualities. Directory listings and group advertisements that list lawyers by practice area, without more, do not constitute impermissible “recommendations.”

Paragraph (b)(1) however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, Internet-based advertisements, and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client development services, such as publicists, public-relations personnel, business-development staff, television and radio station employees or spokespersons and website designers.

Paragraph (b)(5) permits nominal gifts as might be given for holidays, or other ordinary social hospitality. A gift is prohibited if offered or given in consideration of any promise, agreement or understanding that such a gift would be forthcoming or that referrals would be made or encouraged in the future.
Paragraph (b)(5) permits lawyers to give nominal gifts as an expression of appreciation to a person for recommending the lawyer’s services or referring a prospective client. The gift may not be more than a token item as might be given for holidays, or other ordinary social hospitality. A gift is prohibited if offered or given in consideration of any promise, agreement or understanding that such a gift would be forthcoming or that referrals would be made or encouraged in the future.

Moreover, a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator’s communications are consistent with Rule 7.1 (communications concerning a lawyer’s services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person’s legal problems when determining which lawyer should receive the referral. See Comment [2] (definition of “recommendation”). See also Rule 5.3 (duties of lawyers and law firms with respect to the conduct of nonlawyers); Rule 8.4(a) (duty to avoid violating the Rules through the acts of another).

A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal
service plans and lawyer referral services may communicate with the public, but such communication must be in conformity with these Rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public to think that it was a lawyer referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.

[8] A lawyer also may agree to refer clients to another lawyer or a nonlawyer professional, in return for the undertaking of that person to refer clients or customers to the lawyer. Such reciprocal referral arrangements must not interfere with the lawyer’s professional judgment as to making referrals or as to providing substantive legal services. See Rules 2.1 and 5.4(c). Except as provided in Rule 1.5(e), a lawyer who receives referrals from a lawyer or nonlawyer professional must not pay anything solely for the referral, but the lawyer does not violate paragraph (b) of this Rule by agreeing to refer clients to the other lawyer or nonlawyer professional, so long as the reciprocal referral agreement is not exclusive and the client is informed of the referral agreement. Conflicts of interest created by such arrangements are governed by Rule 1.7. Reciprocal referral agreements should be of indefinite duration and should be reviewed periodically to determine whether they comply with these Rules. This Rule does not restrict referrals or divisions of revenues or net income among lawyers within firms comprised of multiple entities.

Communications about Fields of Practice

[9] Paragraph (a) of this Rule permits a lawyer to communicate that the lawyer does or does not practice in particular areas of law. A lawyer is generally permitted to state that the lawyer “concentrates in” or is a “specialist,” practices a “specialty,” or “specializes in” particular fields based on the lawyer’s experience, specialized training or education, but such communications are subject to the “false and misleading” standard applied in Rule 7.1 to communications concerning a lawyer’s services.

[10] The Patent and Trademark Office has a long-established policy of designating lawyers practicing before the Office. The designation of Admiralty practice also has a long historical tradition associated with maritime commerce and the federal courts. A lawyer’s communications about these practice areas are not prohibited by this Rule.

[11] This Rule permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by an organization approved by an appropriate authority of a state, the District of Columbia or a U.S. Territory or accredited by the American Bar Association or another organization, such as a state supreme court or a state bar association, that has been approved by the authority of the state, the District of Columbia or a U.S. Territory to accredit organizations that certify lawyers as specialists. Certification signifies that an objective entity has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law. Certifying organizations may be expected to apply standards of experience, knowledge and proficiency to ensure that a lawyer’s recognition as a
specialist is meaningful and reliable. To ensure that consumers can obtain access to useful information about an organization granting certification, the name of the certifying organization must be included in any communication regarding the certification.

**Required Contact Information**

[12] This Rule requires that any communication about a lawyer or law firm’s services include the name of, and contact information for, the lawyer or law firm. Contact information includes a website address, a telephone number, an email address or a physical office location.

**Model Rule 7.3: Solicitation of Clients**

(a) “Solicitation” or “solicit” denotes a communication initiated by or on behalf of a lawyer or law firm that is directed to a specific person the lawyer knows or reasonably should know needs legal services in a particular matter and that offers to provide, or reasonably can be understood as offering to provide, legal services for that matter.

(b) A lawyer shall not solicit professional employment by live person-to-person contact in-person, live telephone or real-time electronic contact solicitation professional employment when a significant motive for the lawyer’s doing so is the lawyer’s or law firm’s pecuniary gain, unless the person contacted is with a:

1. a lawyer; or
2. person who has a family, close personal, or prior business or professional relationship with the lawyer or law firm; or
3. person who routinely uses for business purposes the type of legal services offered by the lawyer is known by the lawyer to be an experienced user of the type of legal services involved for business matters.

(c) A lawyer shall not solicit professional employment by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

1. the target of the solicitation has made known to the lawyer a desire not to be solicited by the lawyer; or
2. the solicitation involves coercion, duress or harassment.

(c) Every written, recorded or by electronic communication from a lawyer soliciting professional employment from anyone known to be in need of legal services in a particular matter shall include the words “Advertising Material” on the outside envelope, if any, and at the beginning and ending of any recorded or electronic
communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2).

(d) This Rule does not prohibit communications authorized by law or ordered by a court or other tribunal.

(d)(e) Notwithstanding the prohibitions in this Rule paragraph (a), a lawyer may participate with a prepaid or group legal service plan operated by an organization not owned or directed by the lawyer that uses in-person or telephone live person-to-person contact to solicit enroll memberships or sell subscriptions for the plan from persons who are not known to need legal services in a particular matter covered by the plan.

Comment

[1] A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a Paragraph (b) prohibits a lawyer from soliciting professional employment by live person-to-person contact when a significant motive for the lawyer’s doing so is the lawyer’s or the law firm’s pecuniary gain. A lawyer’s communication is typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to electronic Internet searches.

[2] “Live person-to-person contact” means in-person, face-to-face, live telephone and other real-time visual or auditory person-to-person communications such as Skype or FaceTime, where the person is subject to a direct personal encounter without time for reflection. Such person-to-person contact does not include chat rooms, text messages or other written communications that recipients may easily disregard. There is a potential for abuse overreaching exists when a solicitation involves a lawyer, seeking pecuniary gain, direct in person, live telephone or real-time electronic contact solicits a person by a lawyer with someone known to be in need of legal services. These forms of contact subjects a person to the private importuning of the trained advocate in a direct interpersonal encounter. The person, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult to fully evaluate fully all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer’s presence and insistence upon being retained immediately an immediate response. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

[3] The potential for abuse overreaching inherent in live person-to-person contact direct in person, live telephone or real-time electronic solicitation justifies its prohibition, particularly since lawyers have alternative means of conveying necessary information to those who may be in need of legal services. In particular, communications can be mailed or transmitted by email or other electronic means that do not involve real-time contact
and do not violate other laws governing solicitations. These forms of communications and solicitations make it possible for the public to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the public to live person-to-person direct in-person, telephone or real-time electronic persuasion that may overwhelm a person’s judgment.

[4] The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to the public, rather than direct in-person, live telephone or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of Rule 7.1. The contents of live person-to-person direct in-person live telephone or real-time electronic contact can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.

[5] There is far less likelihood that a lawyer would engage in abusive practices overreaching against a former client, or a person with whom the lawyer has a close personal, family, business or professional relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer’s pecuniary gain. Nor is there a serious potential for abuse overreaching when the person contacted is a lawyer or is known to be an experienced user of routinely use the type of legal services involved for business purposes. For instance, an “experienced user” of legal services for business matters may include those who hire outside counsel to represent the entity; entrepreneurs who regularly engage business, employment law or intellectual property lawyers; small business proprietors who hire lawyers for lease or contract issues; and other people who retain lawyers for business transactions or formations. Examples include persons who routinely hire outside counsel to represent the entity; entrepreneurs who regularly engage business, employment law or intellectual property lawyers; small business proprietors who regularly routinely hire lawyers for lease or contract issues; and other people who routinely regularly retain lawyers for business transactions or formations. Consequently, the general prohibition in Rule 7.3(a) and the requirements of Rule 7.3(c) are not applicable in those situations. Also, Paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to their members or beneficiaries.

[6] But even permitted forms of solicitation can be abused. Thus, any A solicitation that which contains false or misleading information which is false or misleading within the meaning of Rule 7.1, that which involves coercion, duress or harassment within the meaning of Rule 7.3(b)(c)(2), or that which involves contact with someone who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule
7.3(b)(c)(1) is prohibited. Moreover, if after sending a letter or other communication as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the recipient of the communication may violate the provisions of Rule 7.3(b). Live, person-to-person contact of individuals who may be especially vulnerable to coercion or duress is ordinarily not appropriate, for example, the elderly, those whose first language is not English, or the disabled.

[7] This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third parties for the purpose of informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer’s firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

[8] The requirement in Rule 7.3(c) that certain communications be marked “Advertising Material” does not apply to communications sent in response to requests from potential clients or their spokespersons or sponsors. General announcements by lawyers, including changes in personnel or office location do not constitute communications soliciting professional employment from a client known to be in need of legal services within the meaning of this Rule.

[8] Communications authorized by law or ordered by a court or tribunal include a notice to potential members of a class in class action litigation.

[9] Paragraph (d)(e) of this Rule permits a lawyer to participate with an organization which uses personal contact to enroll members for its group or prepaid legal service plan, provided that the personal contact is not undertaken by any lawyer who would be a provider of legal services through the plan. The organization must not be owned by or directed (whether as manager or otherwise) by any lawyer or law firm that participates in the plan. For example, paragraph (d)(e) would not permit a lawyer to create an organization controlled directly or indirectly by the lawyer and use the organization for the in-person or telephone person-to-person solicitation of legal employment of the lawyer through memberships in the plan or otherwise. The communication permitted by these organizations also must not be directed to a person known to need legal services in a particular matter, but is to must be designed to inform potential plan members generally of another means of affordable legal services. Lawyers who participate in a legal service plan must reasonably assure that the plan sponsors are in compliance with Rules 7.1, 7.2 and 7.3(b)(c). See 8.4(a).

Rule 7.4 Communication of Fields of Practice and Specialization (Deleted in 2018.)
(a) A lawyer may communicate the fact that the lawyer does or does not practice in particular fields of law.

(b) A lawyer admitted to engage in patent practice before the United States Patent and Trademark Office may use the designation "Patent Attorney" or a substantially similar designation.

(c) A lawyer engaged in Admiralty practice may use the designation "Admiralty," "Proctor in Admiralty" or a substantially similar designation.

(d) A lawyer shall not state or imply that a lawyer is certified as a specialist in a particular field of law, unless:

   (1) the lawyer has been certified as a specialist by an organization that has been approved by an appropriate state authority or that has been accredited by the American Bar Association; and

   (2) the name of the certifying organization is clearly identified in the communication.

Comment

[1] Paragraph (a) of this Rule permits a lawyer to indicate areas of practice in communications about the lawyer's services. If a lawyer practices only in certain fields, or will not accept matters except in a specified field or fields, the lawyer is permitted to so indicate. A lawyer is generally permitted to state that the lawyer is a "specialist," practices a "specialty," or "specializes in" particular fields, but such communications are subject to the "false and misleading" standard applied in Rule 7.1 to communications concerning a lawyer's services.

[2] Paragraph (b) recognizes the long-established policy of the Patent and Trademark Office for the designation of lawyers practicing before the Office. Paragraph (c) recognizes that designation of Admiralty practice has a long historical tradition associated with maritime commerce and the federal courts.

[3] Paragraph (d) permits a lawyer to state that the lawyer is certified as a specialist in a field of law if such certification is granted by an organization approved by an appropriate state authority or accredited by the American Bar Association or another organization, such as a state bar association, that has been approved by the state authority to accredit organizations that certify lawyers as specialists. Certification signifies that an objective entity has recognized an advanced degree of knowledge and experience in the specialty area greater than is suggested by general licensure to practice law. Certifying organizations may be expected to apply standards of experience, knowledge and proficiency to insure that a lawyer's recognition as a specialist is meaningful and reliable. In order to insure that consumers can obtain access to useful information about an
organization granting certification, the name of the certifying organization must be included in any communication regarding the certification.

Rule 7.5 Firm Names And Letterheads (Deleted in 2018.)

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

Comment

[1] A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm’s identity or by a trade name such as the “ABC Legal Clinic.” A lawyer or law firm may also be designated by a distinctive website address or comparable professional designation. Although the United States Supreme Court has held that legislation may prohibit the use of trade names in professional practice, use of such names in law practice is acceptable so long as it is not misleading. If a private firm uses a trade name that includes a geographical name such as “Springfield Legal Clinic,” an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication. It may be observed that any firm name including the name of a deceased partner is, strictly speaking, a trade name. The use of such names to designate law firms has proven a useful means of identification. However, it is misleading to use the name of a lawyer not associated with the firm or a predecessor of the firm, or the name of a nonlawyer.

[2] With regard to paragraph (d), lawyers sharing office facilities, but who are not in fact associated with each other in a law firm, may not denominate themselves as, for example, “Smith and Jones,” for that title suggests that they are practicing law together in a firm.
RESOLUTION

RESOLVED, That the American Bar Association supports an interpretation of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116(a), that its prohibition on sex discrimination by covered health programs or activities includes, but is not limited to, discrimination on the bases of sexual orientation, and gender identity, sex stereotyping, pregnancy, and pregnancy related medical conditions (including false pregnancy, termination of pregnancy, child birth, and recovery therefrom).

FURTHER RESOLVED, That the American Bar Association urges the Attorney General of the United States and the Secretary of Education to reinstate the guidance letters concerning interpretation of Title IX that were rescinded on February 22, 2017; and

FURTHER RESOLVED, That the American Bar Association urges the Attorney General of the United States to withdraw the interpretation proposed by the U.S. Department of Justice in October 2017 that Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-16(a), does not protect transgender citizens against discrimination.
RESOLUTION

RESOLVED, That dues for lawyer members of the Association shall be in accordance with the following schedule, effective for dues commencing with FY2020 and each year thereafter:

$ 75 if admitted to the bar for less than five years
$150 if admitted to the bar five years but less than ten years
$250 if admitted to the bar ten years but less than fifteen years
$350 if admitted to the bar fifteen years but less than twenty years
$425 $450 if admitted to the bar twenty or more years

FURTHER RESOLVED, That lawyers employed by any federal, state, local, territorial or tribal government, lawyers employed by nonprofit public interest programs, judges, solo practitioners, small firm lawyers (those in firms of 2-5 lawyers), and retired lawyers shall pay $150 for dues effective in FY2020 and each year thereafter;

FURTHER RESOLVED, That paralegals shall pay $75 for dues effective in FY2020 and each year thereafter;

FURTHER RESOLVED, That affiliated professionals shall pay $150 for dues effective in FY2020 and each year thereafter;

FURTHER RESOLVED, That international lawyers shall pay $250 $150 for dues effective in FY2020 and each year thereafter;

FURTHER RESOLVED, That if a lawyer licensed by a state, commonwealth, territory or tribal government qualifies for more than one dues category, the lawyer shall pay the lowest amount;

FURTHER RESOLVED, That the Board of Governors is authorized to determine those benefits to be included as part of membership in the Association.

Deletions struck through; additions underlined