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AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

RESOLVED, That the American Bar Association House of Delegates concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2020 to Rules 13, 29, 30 to 36, 37, and 39 of the ABA Standards and Rules of Procedure for Approval of Law Schools:

1. Rule 13. Actions on Determinations of Noncompliance with a Standard
2. Rule 29. Teach-Out Plan
4. Rule 37. Complaints in General
5. Rule 39. Disposition of Complaints
Rule 13. ACTIONS ON DETERMINATIONS OF NONCOMPLIANCE WITH A STANDARD

(a) Following a determination by the Council of non-compliance with a Standard in accord with Rule 11(a)(4), the Council shall:

(1) Require the law school to bring itself into compliance and submit information by a specific date to demonstrate that it has come into compliance with the Standard; and

(2) Direct that representatives of the law school, including any person specifically designated by the Council, appear at a hearing to determine whether to impose sanctions and/or direct specific remedial action in connection with the law school's non-compliance with the Standard.

(b) The period of time by which a law school is required to demonstrate compliance with a Standard shall not exceed two years from the date of determination of noncompliance, except as provided for in subsection (c).

(c) Upon request of the law school and for good cause shown, the Council may extend the date of compliance.

Rule 29. TEACH-OUT PLAN

(a) If a provisional or fully approved law school or branch decides to is closing, suspending, or ceasing to operate or suspending some or all of its cease approved program of legal education operations or close a branch campus, the law school shall promptly provide notice to the public, all students at the law school, make a public announcement of the decision and shall notify the Managing Director, the appropriate state licensing authority, and the United States Department of Education of the action decision.

(b) A provisional or fully approved law school must submit a teach-out plan for approval upon occurrence of any of the following events:

(1) The law school notifies the Managing Director's Office that it intends to close, suspend, or cease operations of the law school operations or close a branch campus;

(2) The Council acts to withdraw, terminate, or suspend, the accreditation of the law school;
(3) The United States Secretary of Education notifies the Managing Director's Office that the Secretary has initiated an emergency action against an institution, in accordance with section 487(c)(1)(G) of the HEA, or an action to limit, suspend, or terminate an institution participating in any title IV, HEA program, in accordance with section 487(c)(1)(F) of the HEA, and that a teach-out plan is required;

(4) A state licensing or authorizing agency notifies the Managing Director’s Office that an institution’s license or legal authorization to provide an educational program has been or will be revoked;

(5) The Executive Committee of the Council determines that the law school is at risk of sudden closure, suspension, or ceasing of some or all of its operations because it is in financial distress, under governmental investigation, or facing other significant challenges.

(c) The law school shall submit the teach-out plan for the law school or branch being closed as required by paragraph (b) to the Managing Director’s Office within the time specified by the Managing Director. Upon submission of the teach-out plan, the law school must cease recruiting students, accepting deposits, and to admitting new students.

(d) The Managing Director’s Office, in consultation with the Chair of the Council may require a law school to enter into a teach-out agreement as part of its teach-out plan if the law school will not be able to teach out its own students prior to its closure as a law school.

(ed) A law school must submit the “Teach-Out Plan Approval Form,” as adopted by the Council, and address each item in the form.

(fe) If the Council a law school voluntarily enters into a teach-out agreement or if the Managing Director requires a law school to submit a teach-out agreement as part of a teach-out plan, the law school must submit the “Teach-Out Agreement Approval Form,” as adopted by the Council, and address each criterion in the form.

(gf) The Executive Committee of the Council shall either approve or deny the teach-out plan submitted in accordance with (b) and (c).

(1) Approval of the teach-out plan may be conditioned on specified changes to the plan.

(2) If the teach-out plan is denied, the law school must revise the plan to meet the deficiencies identified and resubmit the plan as directed, no later than 30 days after receiving notice of the decision.
(hg) Upon approval of a teach-out plan of a law school or branch that is also accredited
by another recognized accrediting agency, the Managing Director’s Office shall notify
that accrediting agency within 30 days of its approval.

(ih) Upon approval of a teach-out plan, the Managing Director shall within 30 days notify
all recognized agencies that accredit other programs offered by the institution of which
the law school is a part.

(i) For a law school that is suspending or reducing operations, the Council may withdraw
approval from the law school if it ceases to operate as an educational institution, if its
legal authorization to operate and grant degrees is terminated, or if the Council
determines, based on its review, that what remains of the law school is no longer in
compliance with the Standards as required to sufficiently provide students with a
quality legal education.

(ki) In the event a law school closes without an approved teach-out plan or agreement, the
Managing Director’s office will work with the United States Department of Education
and the appropriate State agency, to the extent feasible, to assist students in finding
reasonable opportunities to complete their education without additional charges.

VII. APPEALS PANEL PROCEDURE

Rule 30. NOTICE OF APPEAL OF DECISIONS OF THE COUNCIL

(a) The Appeals Panel shall consist of at least five persons appointed by the Chair of
the Council. Members shall serve a one-year term beginning at the end of the
Annual Meeting of the Section and continuing to the end of the next Annual
Meeting of the Section or until replaced. Appeals Panel members are eligible to
serve consecutive terms or non-consecutive multiple terms.

(b) Every member of the Appeals Panel shall be:

(1) A former member of the Council; or

(2) An experienced site evaluator.

(c) Members of the Appeals Panel shall be:

(1) Experienced in and knowledgeable about the Standards, Interpretations
and Rules of Procedure;

(2) Trained in the Standards, Interpretations and Rules of Procedure at a
retreat or workshop or by other appropriate methods within the 3 years
prior to appointment; and

(3) Subject to the Section’s Conflicts of Interest Policy, as provided in IOP 13.
The Appeals Panel shall include:

1. an academic;
2. an administrator;
3. a legal educator;
4. a practitioner or member of the judiciary; and
5. a representative of the public.

No more than fifty percent of the members may be persons whose primary professional employment is as a law school, dean, faculty, or staff member. Public members shall have qualifications and representation consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools.

Rule 31. FORM AND CONTENT OF APPEALS TO THE APPEALS PANEL

(a) A law school may appeal decisions of the Council specified in Rule 3 by filing a written Notice of Intent to Appeal within 10 days the Managing Director within 30 days of the date of the letter from the Managing Director to the Law School reporting the decision of the Council ("Decision Letter") to the law school reporting the decision of the Council.

(b) If a law school is required to file a Teach-Out Plan subsequent to the decision of the Council, the time line to file the appeal is stayed until the Teach-Out Plan is filed pursuant to the timetable set by the Managing Director and approved by the Council.

(a) The written appeal shall include:

1. A statement of the grounds upon which the appeal is based; and
2. Argument and documentation in support of the grounds upon which the appeal is based.

Rule 31. GROUNDS FOR APPEAL FORM AND CONTENT OF APPEALS TO THE APPEALS PANEL

(a) The grounds for an appeal are limited to the following:
(1) The decision of the Council was arbitrary and capricious and not supported by the evidence on record; or

(2) The Council failed to follow the applicable Rules of Procedure, and the procedural error prejudiced its decision. The decision of the Council was inconsistent with the Rules of Procedure and that inconsistency prejudiced the decision.

Rule 32. MEMBERSHIP OF APPEALS PANEL AND FOR THE PROCEEDING PANEL

(a) The Appeals Panel shall consist of at least five persons appointed by the Chair of the Council. Members shall serve a one-year term beginning at the end of the Annual Meeting of the Section and continuing to the end of the next Annual Meeting of the Section or until replaced. Appeals Panel members are eligible to serve consecutive terms or non-consecutive multiple terms.

(b) Every member of the Appeals Panel shall be:

(1) A former member of the Council; or

(2) An experienced site evaluator.

(c) Members of the Appeals Panel shall be:

(1) Experienced in and knowledgeable about the Standards, Interpretations and Rules of Procedure; and

(2) Trained in the Standards, Interpretations and Rules of Procedure at a retreat or workshop or by other appropriate methods within the 3 years prior to appointment; and

(2) Subject to the Section’s Conflicts of Interest Policy, as provided in IOP 13.

(d) The Appeals Panel shall include at least one person who can fill the following roles:

(1) an academic;

(2) an administrator;

(3) a legal educator;

(4) a practitioner or member of the judiciary; and

(5) a representative of the public.

(e) No more than fifty percent of the members may be persons whose primary professional employment is as a law school, dean, faculty, or staff member. Public
members shall have qualifications and representation consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools.

By virtue of background and experience, some members may appropriately serve in more than one role. The roles that members can fulfill shall be determined each year when the Panel is appointed.

(a) No more than fifty percent of the members may be persons whose primary professional employment is as a law school, dean, faculty, or staff member. Public members shall have qualifications and representation consistent with the regulations of the United States Department of Education applicable to the accreditation of professional schools.

(e) Within 30 days of receipt of the Notice of Intent to Appeal, if it is a written appeal within the scope of authority of the Appeals Panel, the Managing Director shall appoint three members of the Appeals Panel to hear the appeal. The appointed members shall be known as the Proceeding Panel. The Managing Director shall designate one member of the Proceeding Panel as chair. The Managing Director shall also appoint a staff person who will serve as Liaison and provide support to the Proceeding Panel.

(f) For law schools for which the Council is the institutional accreditor, the Managing Director shall appoint an academic, an administrator, and a representative of the public to serve on the Proceeding Panel. For law schools for which the Council is the programmatic accreditor, the Managing Director shall appoint a legal educator, a practitioner or member of the judiciary, and a representative of the public to serve on the Proceeding Panel.

(g) In the event a member of the Appeals Panel cannot be appointed to participate in a decision on appeal so as to ensure that the Proceeding Panel meets the requirements of Rule 32, the Managing Director shall appoint to the Proceeding Panel another person that is not a member of the Appeals Panel who meets those requirements.

(h) Members of the Proceeding Panel will receive training prior to the hearing regarding its responsibilities and in the Standards, Interpretations, and Rules of Procedure.

(i) The Managing Director shall notify the law school of the Liaison and members of the Proceeding Panel and shall afford the law school an opportunity to present objections regarding conflict of interest; Such objections shall be ruled on by the Managing Director within 30 days of the date of the Decision Letter.
Rule 33. DESIGNATION OF THE RECORD SCHEDULING OF HEARINGS

(a) The Managing Director shall refer the appeal to the Proceeding Panel within 30 days of receipt of a written appeal within the scope of authority of the Appeals Panel. In referring the appeal, the Managing Director shall provide the Proceeding Panel with copies of:

(1) The written appeal;
(2) The decision of the Council; and
(3) The record before the Council, including any transcript of hearing.

(b) The Managing Director, in consultation with the Chair of the Proceeding Panel, shall set the date, time, and place of the hearing.

(1) The hearing shall be scheduled within 45 days of the Managing Director's referral of the appeal to the Proceeding Panel.
(2) The Managing Director shall inform the law school of the date, time, and place of the hearing at least 30 days in advance of the hearing, unless the law school agrees to the hearing on less than 30 days' notice.

(a) Within 20 days of the date of the Decision Letter, the Managing Director Council shall deliver to the law school, the Record on Appeal.

(b) The Record on Appeal shall be:

(1) The record before the Council;
(2) The decision letter from which the appeal is taken; and
(3) The transcript of the hearing before the Council.

Rule 34. FILING OF WRITTEN APPEAL BURDENS AND EVIDENCE IN PROCEEDINGS

(a) The law school appealing to the Appeals Panel has the burden of demonstrating that the Council’s decision was arbitrary and capricious, and not supported by the evidence on record, or inconsistent with the Rules of Procedure and that inconsistency prejudiced the decision.

(b) The appeal shall be decided exclusively on the record before the Council, the transcript of the hearing before the Council, and the decision letter of the Council.
Except as provided in Rule 36(e), no new evidence shall be considered by the Proceeding Panel.

(a) A law school shall file electronically, a written appeal with the Liaison and Council within 40 days of the date of the Decision Letter, unless the time period has been extended.

(b) The written appeal shall include:

(1) A statement of the grounds upon which the appeal is based; and

(2) Documentation in support of the grounds upon which the appeal is based.

(c) The written appeal and supporting documentation may not contain or refer to any new evidence, nor may the law school refer to any new evidence in its written appeal or arguments to the Proceeding Panel unless the only remaining deficiency cited by the Council in support of an adverse decision is the law school’s non-compliance with a Standard dealing with financial resources for the law school. In that case, the process set out in Rule 39(e) applies to new financial information that the law school may want to submit with its appeal.

Rule 35. COUNCIL’S RESPONSE TO THE APPEAL PROCEDURE IN HEARING BEFORE PROCEEDING PANEL

(a) The hearing will be a closed proceeding and not open to the public.

(b) The law school shall have a right to have representatives, including legal counsel, appear at the hearing.

(c) The Council shall be represented at the hearing through the Chair, other members of the Council as the Chair of the Council deems appropriate and legal representation for the Council.

(d) The Managing Director or designee shall be present at the hearing. The Managing Director may designate additional staff to be present at the hearing.

(e) The hearing shall be transcribed by a court reporter and a transcript of the hearing shall be provided to the Proceeding Panel, the Council, and the law school.

(a) The Council’s written response to the law school’s written appeal shall be filed by the Council with the law school and the Liaison the latter of 60 days of the date of the Decision Letter, or 20 days of the date of the law school’s Written Appeal.
(b) The Council’s written response and supporting documentation may not contain or refer to any new evidence, nor may the Council refer to any new evidence in its written response or statements to the Proceeding Panel.

Rule 36. SCHEDULING OF HEARINGS

(a) The Managing Director shall refer the appeal to the Proceeding Panel the latter of 70 days of the date of the Decision Letter or 30 days of the date of the law school’s Written Appeal. In referring the appeal, the Liaison shall provide the Proceeding Panel with copies of:

(1) The written appeal;
(2) The Council’s response;
(3) The Decision Letter of the Council; and
(4) The record before the Council, including any hearing transcripts.

(b) The Managing Director, in consultation with the Chair of the Proceeding Panel, shall set the date, time, and place of the hearing.

(1) The hearing shall be held the latter of 100 days of the date of the Decision Letter or 60 days of the date of the law school’s Written Appeal.

(2) The Managing Director shall inform the law school of the date, time, and place of the hearing at least 30 days in advance of the hearing, unless the law school agrees to the hearing on less than 30 days’ notice.

Rule 37. BURDENS

The appealing law school has the burden of demonstrating that the Council’s decision was arbitrary and capricious, and not supported by the evidence on record, or inconsistent with the Rules of Procedure and that inconsistency prejudiced the decision.

Rule 38. HEARING PROTOCOL

(a) The Chair of the Proceeding panel shall conduct the hearing. The Proceeding Panel may ask questions of the law school, Council representatives, and the staff of the Managing Director’s Office.

(b) The hearing will be a closed proceeding and not open to the public.
100A

(c) The law school shall have a right to have representatives, including legal counsel, appear at the hearing, any of whom shall be allowed to make any statement or presentation or to respond to any questions directed to the law school by the Proceeding Panel.

(d) The Council shall have a right to have representatives, including legal counsel, appear at the hearing, any of whom shall be allowed to make any statement or presentation on behalf of the Council or to respond to any questions directed to the Council representatives by the Proceeding Panel.

(e) The Managing Director or designee shall be present at the hearing. The Managing Director may designate additional staff to be present at the hearing.

(f) The hearing shall be transcribed by a court reporter and a transcript of the hearing shall be provided to the Proceeding Panel, the Council, and the law school.

Rule 39. DECISION OF THE PROCEEDING PANEL

(a) The Proceeding Panel shall issue a written decision no later than 130 days following the hearing. The decision shall state specifically the grounds upon which it is based.

(b) The Proceeding Panel, following a hearing, has the authority to:

(1) Affirm the decision of the Council;

(2) Reverse the decision of the Council and enter a new decision;

(3) Amend the decision of the Council; or

(4) Remand the decision of the Council for further consideration.

(c) The decision of the Proceeding Panel shall be effective upon issuance. If the Proceeding Panel remands a decision for further consideration or action by the Council, the Proceeding Panel shall identify specific issues that the Council must address.

(d) Decisions by the Proceeding Panel under (b)(1), (2) and (3) are final and not appealable.

(e) When the only remaining deficiency cited by the Council in support of an adverse decision is a law school’s failure to meet the Standards dealing with financial resources for a law school, the law school may request a review of new financial information that was not part of the record before the Council at the time of the adverse decision if all of the following conditions are met:
(1) A written request for review is filed with the Office of the Managing Director within 30 days after the date of the Decision Letter reporting the adverse decision of the Council to the law school;

(2) The financial information was unavailable to the law school until after the adverse decision subject to the appeal was made; and

(3) The financial information is significant and bears materially on the financial deficiencies that were the basis of the adverse decision by the Council.

(f) The request to review new financial information will be considered by the Council at its next meeting occurring at least 30 days after receipt of the request.

(g) A law school may request review of new financial information only once and a decision made by the Council with respect to that review does not provide a basis for appeal.

Rule 4037. COMPLAINTS IN GENERAL

(a) The United States Department of Education procedures and rules for the recognition of accrediting agencies require a recognized accrediting agency to have a process for the reporting of complaints against accredited institutions that might be out of compliance with the agency’s accreditation standards. This is the process for the Council with regard to law schools having J.D. programs approved by the Council.

(b) The process for Complaints under these Rules is designed to bring to the attention of the Council, and the Managing Director, facts and allegations that may indicate that an approved law school is operating its program of legal education out of compliance with the Standards.

(c) This process is not available to serve as a mediating or dispute-resolving process for persons with complaints about the policies or actions of an approved law school. Neither the Council nor the Managing Director will intervene with an approved law school on behalf of an individual with a complaint against or concern about action taken by a law school that adversely affects that individual. The Council will, as a part of this process, provide no individual relief for any person, nor will it order any specific action by a law school with respect to any individual.

(d) If a law school that is the subject of a complaint is due to receive a regularly scheduled sabbatical site evaluation within a reasonable amount of time after the complaint is received, usually within one year, the complaint may be handled as part of the sabbatical site evaluation.

Rule 4239: DISPOSITION OF COMPLAINTS
(a) The Managing Director, upon receiving a complaint submitted in accordance with Rule 37, and not dismissed, shall proceed as follows:

(1) The Managing Director shall acknowledge receipt of the complaint within 14 days of its receipt.

(2) The Managing Director shall determine whether the complaint alleges facts that raise issues relating to an approved law school’s compliance with the Standards. This determination shall be made within six weeks of receiving the complaint. If the Managing Director concludes that the complaint does not raise issues relating to an approved law school’s compliance with the Standards, the matter will be closed.

(3) If the Managing Director determines that the complaint may raise issues relating to an approved law school’s compliance with the Standards, the Managing Director will send the complaint to the law school and request a response within 30 days. The Managing Director may extend the period for response if, in the judgment of the Managing Director, there is good cause for such an extension.

(4) The Managing Director will review any response to a complaint within 45 days of receipt. If the response establishes that the law school is not out of compliance with respect to the matters raised in the complaint, the Managing Director will close the matter.

(b) If the law school’s response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, the Managing Director, in consultation with the Chair of the Council, may appoint a fact finder to investigate the issues raised by the complaint and the law school’s response.

(c) If the law school’s response to a complaint does not establish that it is in compliance with the Standards on the matters raised by the complaint, then the Managing Director shall refer the complaint, along with the law school’s response, the fact-finder’s report, if any, and any other relevant information, to the Council for further action in accordance with these Rules.

(d) If a law school that is the subject of a complaint is due to receive a regularly scheduled sabbatical site evaluation within a reasonable amount of time after the complaint is received, usually within one year, the complaint may be handled as part of the sabbatical site evaluation.
1. **Summary of the Resolution**

   Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2020 to Rules 13, 29, 30-36, 37, and 39 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

2. **Summary of the Issue that the Resolution Addresses**

   The resolution addresses Rules 13, 29, 30-36, 37, and 39 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. In accordance with Internal Operating Practice 9, the Council engages in an ongoing review of the Standards.

3. **Please Explain How the Proposed Policy Position will address the issue**

   The proposals amend the 2019-2020 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. **Summary of Minority Views**

   None.
RESOLVED, That the American Bar Association House of Delegates concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2020 to Standards 202, 307, 310, 502, 509 and Definitions of the ABA Standards and Rules of Procedure for Approval of Law Schools:

Standard 202. Resources for Program
Standard 307. Studies, Activities, and Field Placements Outside the United States
Standard 310. Determination of Credit Hours for Coursework
Standard 502. Educational Requirements
Standard 509. Required Disclosures
Definition of Credit(s) or Credit Hour(s)
American Bar Association
Section of Legal Education and Admissions to the Bar
Revised Standards for Approval of Law Schools
February 2020

Standard 202. RESOURCES FOR PROGRAM

(a) The current and anticipated financial resources available to the law school shall be sufficient for it to operate in compliance with the Standards and to carry out its program of legal education.

(b) A law school that is part of a university shall obtain at least annually from its university an accounting and explanation for all charges and costs assessed against resources generated by the university against law school and for any use of resources generated by the law school to support non-law school activities and central university services.

(c) A law school is not in compliance with the Standards if its current financial condition has a negative and material effect on the school's ability to operate in compliance with the Standards or to carry out its program of legal education.

(d) A law school is not in compliance with the Standards if its anticipated financial condition is reasonably expected to have a negative and material effect on the school's ability to operate in compliance with the Standards or to carry out its program of legal education.

(e) A law school shall be given the opportunity to present its recommendations on budgetary matters to the university administration before the budget for the law school is submitted to the governing board for adoption.

Interpretation 202-1

"Resources generated by the law school" include law school tuition and fees generated by the law school, appropriated support, endowment income restricted to the law school, restricted and unrestricted gifts to the law school, and any other revenue generated by the law school, including but not limited to revenue from grants, contracts, and property of the law school.

Interpretation 202-2

A law school satisfies Standard 202(b) if the accounting identifies resources generated by the law school, all charges and costs assessed by the university, and the general disposition of any surplus or source of any deficit. The accounting must provide line-item specificity with regard to resources generated and charges and costs.


**100B**

**Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED STATES**

(a) A law school may grant credit for study outside the United States that meets the requirements of the Criteria adopted by the Council.

(b) A law school may grant credit for field placements outside the United States that meet the requirements of Standard 304.

(c) A law school may grant up to two-thirds of the credits required for the J.D. degree for study outside the United States provided the credits are obtained in a program sponsored by an ABA approved law school. Programs sponsored by an ABA-Approved law school include programs held in accordance with the Criteria for Foreign Summer and Intersession Programs Offered by ABA-Approved Law Schools in a Location Outside the United States; programs held in accordance with the Criteria for Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-Approved Law Schools; and field placements outside the United States.

(d) A law school may grant up to a maximum of one-third of the credits required for the J.D. degree for any combination of 1) student participation in study outside the United States under the Criteria for Accepting Credit for Student Study at a Foreign Institution and 2) credit for courses completed at a law school outside the United States in accordance with Standard 505(c).

(e) Credit hours granted pursuant to subsections (b), (c) and (d) shall not in combination exceed two-thirds of the total credits required for the J.D. degree.

(f) A student participating in study outside the United States must have successfully completed sufficient prerequisites or must contemporaneously receive sufficient training to assure the quality of the student educational experience.

*Interpretation 307-1*

For purposes of Standard 307, a course including only a brief visit outside the United States is not considered “study outside the United States.” A “brief visit” is one-third or less of the class time in a course that is offered and based primarily at the law school and approved through the school’s regular curriculum approval process.

**Standard 310. DETERMINATION OF CREDIT HOURS FOR COURSEWORK**

(a) A law school shall adopt, publish, and adhere to written policies and procedures for determining the credit hours that it awards for coursework.
(b) A “credit hour” is an amount of work that reasonably approximates:

(1) not less than 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time; or

(2) at least an equivalent amount of work as required in subparagraph (1) of this definition for other academic activities as established by the institution, including simulation, field placement, clinical, co-curricular, and other academic work leading to the award of credit hours.

Interpretation 310-1

Based on For purposes of this Standard, the fifty minutes suffices for one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week over the fifteen-week (or its equivalent) period required by the Standard, is sixty minutes. The fifteen-week period may include one week for a final examination. At least 42.5 hours of total in-class instruction and out-of-class student work is required per credit [15 x 50 minutes + 15 x 2 hours]. Time devoted to taking a required final examination may count toward the in-class time required, and time devoted to studying for a required final examination may count toward the out-of-class time required. However, merely scheduling a general “exam week” or “exam weeks” does not permit allocating “exam time” to every class. In order to count time spent studying for and taking a final examination, an exam of appropriate length must be required for the particular class.

Interpretation 310-2

A school may award credit hours for coursework that extends over any period of time, if the coursework entails no less than the minimum total amounts of classroom or direct faculty instruction and of out-of-class student work (42.5 hours) specified in Standard 310(b).

Standard 502. EDUCATIONAL REQUIREMENTS

(a) A law school shall require for admission to its J.D. degree program a bachelor’s degree that has been awarded by an institution that is accredited by an accrediting agency recognized by the United States Department of Education.

(b) Notwithstanding subsection (a), a law school may also admit to its J.D. degree program:

(1) an applicant who has completed three-fourths of the credits leading to a bachelor’s degree as part of a bachelor’s degree/J.D. degree program if the institution is accredited by an accrediting agency recognized by the United States Department of Education; and
(2) a graduate of an institution outside the United States if the law school assures
that the quality of the program of education of that institution is equivalent to
that of institutions accredited by an accrediting agency recognized by the
United States Department of Education.

(c) In an extraordinary case, a law school may admit to its J.D. degree program an
applicant who does not satisfy the requirements of subsections (a) or (b) if the
applicant's experience, ability, and other qualifications clearly demonstrate an
aptitude for the study of law. For every such admission, a statement of the
considerations that led to the decision shall be placed in the admittee’s file.

(d) Within a reasonable time after a student registers, except in extraordinary
circumstances, a law school shall have on file the each enrolled student’s official
transcripts verifying all academic credits undertaken and degree(s) conferred by
the following deadlines:

(i) for students matriculating in the fall, by October 15; and

(ii) for students matriculating at any other time, within 4 weeks of the date
classes begin.

Standard 509. REQUIRED DISCLOSURES

(a) All information that a law school reports, publicizes, or distributes shall be complete,
accurate and not misleading to a reasonable law school student or applicant. A law
school shall use due diligence in obtaining and verifying such information. Violations
of these obligations may result in sanctions under Rule 15 of the Rules of Procedure
for Approval of Law Schools.

(b) A law school shall publicly disclose on its website, in the form and manner and for the
time frame designated by the Council, the following information:

(1) admissions data;

(2) tuition and fees, living costs, and financial aid;

(3) conditional scholarships;

(4) enrollment data, including academic, transfer, and other attrition;

(5) numbers of full-time and part-time faculty, professional librarians, and
administrators;

(6) class sizes for first-year and upper-class courses; number of seminar, clinical and
cocurricular offerings;
(7) employment outcomes; and

(8) bar passage data.

(c) A law school shall publicly disclose on its website, in a readable and comprehensive manner, the following information on a current basis:

(1) refund policies;

(2) curricular offerings, academic calendar, and academic requirements; and

(3) policies regarding the transfer of credit earned at another institution of higher education. The law school's transfer of credit policies must include, at a minimum:

(i) A statement of the criteria established by the law school regarding the transfer of credit earned at another institution; and

(ii) A list of institutions, if any, with which the law school has established an articulation agreement.

(d) A law school shall distribute the data required under Standard 509(b)(3) to all applicants being offered conditional scholarships at the time the scholarship offer is extended.

(e) If a law school makes a public disclosure of its status as a law school approved by the Council, it shall do so accurately and shall include the name and contact information of the Council in a form and manner approved by the Council.

Definitions

As used in the Standards, Interpretations, and Rules of Procedure:

(5) “Credit(s) or Credit Hour(s)” means semester hour credits as defined in Standard 310. Law schools that use academic schedules other than semesters, such as a quarter system, shall convert these credits in a manner that is consistent with the provisions of Standard 310 or as otherwise provided in a particular Standard or Interpretation.
1. **Summary of the Resolution**

   Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2020 to Standards 202, 307, 310, 311, 502, 509 and Definitions of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

2. **Summary of the Issue that the Resolution Addresses**

   The resolution addresses 202, 307, 310, 311, 502, 509 and Definitions of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. In accordance with Internal Operating Practice 9, the Council engages in an ongoing review of the Standards.

3. **Please Explain How the Proposed Policy Position will address the issue**

   The proposals amend the 2019-2020 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. **Summary of Minority Views**

   None.
RESOLVED, That the American Bar Association: supports recognition of a rebuttable presumption of irreparable harm for purposes of the availability of injunctive relief in a trademark infringement action in which there is a finding of a likelihood of success on the merits of an infringement claim (for a preliminary injunction or temporary restraining order) or a finding of infringement (for a permanent injunction); and

FURTHER RESOLVED, That the American Bar Association further supports amending Section 34 of the Lanham Act, 15 U.S.C. § 1116, to provide for such a presumption.
EXECUTIVE SUMMARY

1. Summary of the Resolution.
   This Resolution supports a rebuttable presumption of irreparable harm for purposes of preliminary or permanent injunctive relief in trademark infringement cases. This Resolution also supports amending Section 34 of the Lanham Act, 15 U.S.C. § 1116, to provide for such a presumption.

2. Summary of the issue that the resolution addresses.
   This Resolution supports that when a trademark owner seeks injunctive relief in an infringement case, a rebuttable presumption of irreparable harm shall exist when there is a finding of reasonable likelihood of success on the merits of the mark owner’s infringement claim (for a preliminary injunction or temporary restraining order) or a finding of infringement (for a permanent injunction).

3. Please explain how the proposed policy position will address the issue.
   This Resolution would allow the ABA to file an amicus brief to support resolution of a pronounced split in the federal circuits on a substantial question of federal law and to support an amendment to the remedial section of the Lanham Act, 15 U.S.C. § 1116, regarding injunctive relief.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.
   The Section of Intellectual Property Law is unaware of any ABA or non-ABA minority views or opposition.
RESOLVED, That the American Bar Association supports a right that would legally compel
the disclosure of internet domain name registrant contact information by any U.S. entity
that administers and maintains such contact information, upon receipt of a notice alleging
a legitimate interest based on the registrant’s violations of applicable laws relating to
intellectual property protections.
EXECUTIVE SUMMARY

1. Summary of the Resolution.

The Resolution supports a right that would legally compel the disclosure of domain registrant contact information by any U.S. entity administering and maintaining such contact information, upon receipt of a notice alleging a legitimate interest based on the registrant’s violations of applicable laws relating to intellectual property protections.

2. Summary of the issue that the resolution addresses.

The Resolution proposes that intellectual property owners challenging violations of applicable law relating to intellectual property protections should have a right to access the contact information of a domain registrant based upon plausible allegations of an intellectual property violation by such registrant. In this way, the parties would have an opportunity to address the dispute directly without costly litigation or a costly proceeding under the Uniform Domain Name Dispute Resolution Policy.

3. Please explain how the proposed policy position will address the issue.

The Resolution would allow the ABA to provide comments to support the consideration of intellectual property rights in any federal or state legislation or regulations regarding data privacy, including regulations or amendments to the California Consumer Privacy Act.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

The Section of Intellectual Property Law is unaware of any ABA or non-ABA minority views or opposition.
RESOLVED, That the American Bar Association approves the following paralegal education programs: Pikes Peak Community College, Paralegal Program, Colorado Springs, CO; Palm Beach State College, Paralegal Program, Palm Beach Gardens, FL; and Montgomery College, Paralegal Studies Program, Rockville, MD; and

FURTHER RESOLVED, That the American Bar Association reapproves the following paralegal education programs: American River College, Legal Assisting Program, Sacramento, CA; Community College of Aurora, Paralegal Program, Denver, CO; Miami Dade College, Paralegal Studies Program, Miami, FL; Ball State University, Legal Studies Program, Muncie, IN; Louisiana State University, Paralegal Program, Baton Rouge, LA; Lansing Community College, Paralegal Program, Lansing, MI; Hamline University, Legal Studies Program, St. Paul, MN; Winona State University, Paralegal Program, Winona, MN; New Hampshire Technical Institute, Paralegal Studies Program, Concord, NH; Rowan College at Burlington County, Paralegal Program, Mount Laurel, NJ; Rowan College of South Jersey, Paralegal Program, Sewell, NJ; Union County College, Paralegal Studies Program, Cranford, NJ; Hilbert College, Legal Studies Program, Hamburg, NY; LaGuardia Community College, Paralegal Studies Program, Long Island City, NY; Schenectady County Community College, Paralegal Studies Program, Schenectady, NY; Lakeland Community College, Paralegal Studies Program, Kirtland, OH; Peirce College, Legal Studies Program, Philadelphia, PA; Highline College, Legal Studies Program, Des Moines, WA; and Lakeshore Technical College, Legal Assistant Program, Cleveland, WI; and

FURTHER RESOLVED, That the American Bar Association withdraws the approval of the following paralegal education programs: Midstate College, Paralegal Studies Program, Peoria, IL; Sullivan University, Lexington, Legal Studies Program, Lexington, KY; University of Louisville, Paralegal Studies Program, Louisville, KY; East Central University, Legal Studies Program, Ada, OK; University of Tulsa, Paralegal Studies Program, Tulsa, OK; and Volunteer State Community College, Paralegal Studies Program, Gallatin, TN; and

FURTHER RESOLVED, That the American Bar Association extends the terms of approval until the August 2020 Annual Meeting of the House of Delegates for the following paralegal
education programs: California State University, East Bay, Paralegal Studies Program, East Bay, CA; De Anza College, Paralegal Studies Program, Cupertino, CA; Fullerton College, Paralegal Studies Program, Fullerton, CA; University of California, Riverside, Paralegal Studies Program; Riverside, CA; West Los Angeles College, Paralegal Studies Program, Culver City, CA; Manchester Community College, Paralegal Studies Program, Manchester, CT; University of Hartford, Paralegal Studies Program, West Hartford, CT; Wesley College, Legal Studies Program, Dover, DE; Valencia College, Paralegal Studies Program, Orlando, FL; University of North Georgia; Paralegal Program, Gainesville, GA; Illinois Central College, Paralegal Program, Peoria, IL; MacCormac College, Paralegal Studies Program, Chicago, IL; South Suburban College, Paralegal/Legal Assistant Program, South Holland, IL; Bay Path University, Legal Studies Program, Longmeadow, MA; North Shore Community College, Paralegal Program, Danvers, MA; Suffolk University, Paralegal Studies Program, Boston, MA; Harford Community College, Paralegal Program, Bel Air, MD; Atlantic Cape Community College, Paralegal/Law Program, Reno, NV; Marist College, Paralegal Program, Poughkeepsie, NY; Westchester Community College (SUNY), Paralegal Studies Program, Valhalla, NY; Meredith College, Paralegal Program, Raleigh, NC; Kent State University, Paralegal Studies Program, Kent, OH; Rhodes State College, Paralegal/Legal Assisting Program, Lima, OH; Clarion University, Paralegal Studies Program, Clarion, PA; Villanova University, Paralegal Program, Villanova, PA; Roger Williams University, Paralegal Studies Program, Providence, RI; Trident Technical College, Paralegal Program, Charleston, SC; Florence-Darlington Technical College, Paralegal Program, Florence, SC; Roane State Community College, Paralegal Studies Program, Harriman, TN; Amarillo College, Legal Studies Program, Amarillo, TX; El Centro College, Paralegal Studies Program, Dallas, TX; Lone Star College, Paralegal Studies Program, Houston, TX; San Jacinto College, Paralegal Program, Houston, TX; Texas A&M University-Commerce, Paralegal Studies Program, Commerce, TX; American National University, Paralegal Program, Salem, VA; Northern Virginia Community College, Paralegal Studies Program, Alexandria, VA; and Milwaukee Area Technical College, Paralegal Program, Milwaukee, WI.
EXECUTIVE SUMMARY

Submitting Entity: Standing Committee on Paralegals

Submitted By: Chris S. Jennison, Chair

1. Summary of the Resolution

This Resolution recommends that the House of Delegates grants approval to 3 paralegal education programs, grants reapproval to 19 programs, withdraws the approval of 6 programs at the requests of the institutions, and extends the term of approval to 38 programs.

2. Summary of the issue which the Resolution Addresses.

The programs recommended for approval and reapproval in the enclosed report meet the Guidelines for the Approval of Paralegal Education Programs. The programs recommended for withdrawal of approval in the enclosed report have requested that approval be withdrawn.

3. Please Explain How the Proposed Policy Position will address the issue.

The programs recommended for approval, reapproval, and withdrawal of approval in this report have followed the procedures required by the Association and are in compliance with the Guidelines for the Approval of Paralegal Education Programs.

4. Summary of Minority Views

No other positions on this resolution have been taken by other Association entities, affiliated organizations or other interested groups.
RESOLVED, That the American Bar Association adopts the amendments to the ABA Guidelines for the Approval of Paralegal Education Programs dated February 2020.
REvised definition of paralegal in the
Guidelines for the approval of paralegal programs

As Used In The Guidelines:

(a) “Program” means the entity or unit within the institution that provides the paralegal education;
(b) “Committee” means the American Bar Association Standing Committee on Paralegals;
(c) “Approval Commission” means the Approval Commission of the Standing Committee on Paralegals;
(d) A legal assistant or paralegal is a person, qualified by education, training, or work experience who is employed or retained by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work for which a lawyer is responsible. For the purposes of the Guidelines, the terms “legal assistant” and “paralegal” are used interchangeably.
EXECUTIVE SUMMARY

1. Summary of the Recommendation(s)

The Standing Committee on Paralegals is recommending that the House of Delegates adopt the amendment to the ABA Guidelines for the Approval of Paralegal Education Programs, eliminating the term “legal assistant” from the definition of “paralegal.”

2. Summary of the Issue which the Recommendation(s) Address

The amendment will update the ABA Guidelines for the Approval of Paralegal Education Programs by revising the definition of a paralegal to be more reflective of current terminology used by the legal community. In the past the titles of “paralegal” and “legal assistant” have been used interchangeably.

3. An Explanation of How the Proposed Policy Position Will Address the Issue

The adoption of the amendment will update the Guidelines for the Approval of Paralegal Education Programs so that they keep pace with current terminology used by the legal community.

4. A Summary of any Minority Views or Opposition which have been Identified

No other positions on this recommendation have been taken by other Association entities, affiliated organizations or other interested groups.
RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal legislative bodies to enact laws, and governmental agencies to adopt policies, that provide law enforcement officers with comprehensive animal encounter training on the reasonable use of force necessary to better secure the safety of such officers, protect public health, reduce legal liability, and ensure the humane treatment of the animals encountered.
EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges all federal, state, local, territorial, and tribal legislative bodies and/or governmental agencies to enact laws that provide for comprehensive animal encounter training to law enforcement officers on the reasonable use of force necessary to better secure the safety of such officers, protect public health, reduce legal liability, and ensure the humane treatment of the animals encountered.

2. Summary of the Issue that the Resolution Addresses

The number one reason U.S. police officers discharge their weapons is to fire at dogs, and in some cities, police shooting guns at dogs accounts for 75% of all service weapon use. When insufficiently trained officers are thrust into situations where they have to make split-second decisions without the benefit of education about animal behavior and non-lethal options, the physical, emotional, legal, and financial consequences can be catastrophic for the entire community impacted. All interested parties benefit from the reduction of unnecessary harmful accidents: members of the public, families and their pets, police officers, the governmental entities they work for, and the taxpayers or insurance companies who bear the ultimate financial liability for fatal mistakes. But despite the documented success of existing non-lethal animal encounter training programs in reducing unnecessary harmful accidents in the states, counties, and municipalities that have implemented them, most police officers in the U.S. still are not afforded such training.

3. Please Explain How the Proposed Policy Position will address the issue

When police officers are provided comprehensive animal encounter training, not only are they better prepared to protect themselves from dog bites, they also are less likely to resort to using deadly force that may unjustifiably harm or kill innocent human bystanders and family pets. By encouraging legislative action to provide such training, the proposed policy position will assist implementation of a consistent U.S. legal regime that better secures the safety of such officers, protects public health, reduces legal liability, and ensures the humane treatment of the animals encountered in accordance with the goals of the American Bar Association. This resolution builds upon existing ABA Criminal Justice Standards on Urban Police Function that focus on limiting the excessive or unnecessary use of force against individuals encountered by law enforcement officers.

4. Summary of Minority Views

None.
RESOLVED, That the American Bar Association urges Congress to enact legislation to clarify and explicitly ensure that it shall not constitute a federal crime for lawyers, consistent with state, territorial, and tribal ethical rules, to provide legal advice and services to clients regarding marijuana-related activities that are in compliance with state, territorial, and tribal law.
EXECUTIVE SUMMARY

1. Summary of this Resolution

This Resolution resolves the current uncertainty facing lawyers in the provision of advice and legal services to clients within the cannabis industry resulting from the tension between state and federal law over marijuana regulation. A majority of states have legalized marijuana in at least some circumstances, while the federal government continues to ban the drug outright. Because marijuana related activities remain federally criminal conduct, the fear of prosecution for conspiring to commit a crime or aiding and abetting a crime is currently deterring lawyers from advising clients operating state-authorized marijuana businesses, who are thus deprived of desperately needed counsel and guidance. This Resolution is necessary to clarify that such provision of advice and legal services in compliance with state law does not constitute unlawful activity pursuant to Federal law. This Resolution is crucial for allowing lawyers to advise clients without fear of criminal liability, assist such clients to comply with both state and federal laws, allow for the development of laws and regulations, and will align with the ultimate objectives of the Department of Justice: adherence to the rule of law.

2. Summary of the Issue that this Resolution Addresses

This Resolution addresses the lack of clarity as to whether lawyers may be prosecuted for violating or conspiring to violate any federal act merely by providing advice and legal services to a client relating to a state-authorized marijuana activity or business. Statutory clarity will remove the fear of prosecution, allowing lawyers to advance the rule of law by providing such clients with much needed counsel and guidance on adhering to state laws and navigating the tension between state and federal law.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This Resolution will provide explicit statutory clarity that exempts from criminal prosecution the provision of advice and legal services relating to statute-authorized marijuana activity or business, consistent with the ethical rules of that state.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified.

Not applicable / None.
RESOLVED, That the American Bar Association urges state, territorial, and federal courts to apply the modern incorporation doctrine standards to the Seventh Amendment to the Constitution of the United States and make its formulation of the fundamental right to trial by jury in civil cases applicable to all states of the Union.
EXECUTIVE SUMMARY

1. Summary of the Recommendation

This resolution urges state, territorial, and federal courts to apply the modern incorporation doctrine standards to the Seventh Amendment to the Constitution of the United States and make its formulation of the fundamental right to trial by jury in civil cases applicable to all states and territories of the Union.

2. Summary of the Issue that the Recommendation Addresses

The Supreme Court has not revisited incorporation of the Seventh Amendment since 1916. In the time since then, the Supreme Court has applied the Incorporation Doctrine to nearly every provision of the Bill of Rights. In the past decade, it has incorporated the Second Amendment’s right to bear arms and the Eighth Amendment’s Excessive Fines Clause. This term, it is considering the Sixth Amendment’s unanimous criminal jury requirement. If the latter is incorporated, it leaves only the Seventh Amendment’s civil-jury guarantee and the Third Amendment’s quartering of troops provision as unincorporated. That Third Amendment has not figured in litigation, so that it effectively treats the civil jury as an orphan from the rest of the Bill of Rights, even though its claim for importance and its place in our history and traditions is second to none. This resolution seeks to remedy that and help restore the civil jury trial right to its proper place in the pantheon of rights guaranteed by the Bill of Rights.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This resolution will permit the Association to participate as amicus curiae on the incorporation question involving civil juries as it has, most recently, on the incorporation of the Excessive Fines Clause.

4. Summary of Minority Views or Opposition Which Have Been Identified

At this time, the sponsors do not know of any opposition.
RESOLVED, That the American Bar Association urges Congress to enact legislation to clarify and ensure that it shall not constitute a federal crime for banking and financial institutions to provide services to businesses and individuals, including attorneys, who receive compensation from the sale of state-legalized cannabis or who provide services to cannabis-related legitimate business acting in accordance with state, territorial, and tribal laws; and

FURTHER RESOLVED, That the American Bar Association urges that such legislation should clarify that the proceeds from a transaction involving activities of a legitimate cannabis-related business or service provider shall not be considered proceeds from an unlawful activity solely because the transaction involves proceeds from a legitimate cannabis-related business or service provider, or because the transaction involves proceeds from legitimate cannabis-related activities.
EXECUTIVE SUMMARY

1. Summary of this Resolution

This Resolution encourages Congress to enact legislation to ensure financial institutions, attorneys, and others may provide services to individuals and businesses operating in, or as part of, the state-legalized cannabis industry, consistent with state or tribal law in jurisdictions where cannabis has been legalized, without fear of federal prosecution. The Resolution further encourages Congress to ensure that proceeds from transactions involving cannabis-related businesses in such jurisdictions are not considered proceeds from an unlawful activity solely because the transaction involves proceeds from the state-legalized cannabis industry.

2. Summary of the Issue that this Resolution Addresses

This resolution addresses the main issues that cause depository institutions to close accounts owned by lawyers and others providing services to the state-legalized cannabis industry by supporting congressional legislation to provide statutory and regulatory clarity to depository institutions. Statutory and regulatory clarity will remove the fear of prosecution or regulatory violations, allowing banks to provide services to lawyers and others who advise clients in the state-legalized cannabis industry. The provision of banking services to attorneys serving the state-legalized cannabis industry will advance the rule of law by removing a major barrier that has prevented many attorneys and law firms from providing such clients with much needed counsel and guidance on adhering to state and federal laws and regulations.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This resolution will support congressional action to provide explicit statutory clarity that exempts from criminal prosecution the provision of banking services to the state-legalized cannabis industry. This will allow attorneys and law firms to provide legal services relating to statute-authorized marijuana activity or business, without fear of having their accounts closed and lines of credits revoked.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified.

Not applicable / None.
RESOLVED, That the American Bar Association urges all nations, including the United States, to become party to and implement the United Nations Convention on International Settlement Agreements Resulting from Mediation (also known as the Singapore Mediation Convention); and

FURTHER RESOLVED, That the American Bar Association urges the United States executive branch and Senate to regard the Singapore Mediation Convention as self-executing under U.S. law and urges that any U.S.-implementing legislation considered necessary be federal legislation.
EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges governments, including the U.S. government, promptly to adhere to the 2019 United Nations Convention on International Settlement Agreements Resulting from Mediation (also known as the Singapore Mediation Convention). The Convention provides that a mediated settlement may be enforced directly in any other country that is party to the Convention.

2. Summary of the Issue that the Resolution Addresses

Currently, a party to a mediated settlement agreement would need to bring an action to enforce that agreement in the United States and then seek recognition and enforcement in the foreign jurisdiction, or commence a new proceeding to enforce the contract. This convention will provide an expedited and simpler method for enforcement of such agreements.

3. Please Explain How the Proposed Policy Position will address the issue

The resolution will urge governments, including the U.S. government, to adhere to the Singapore Convention and to implement it.

4. Summary of Minority Views

None known at this time.
RESOLVED, That the American Bar Association, urges the U.S. federal government and
other national governments, as well as multinational and international organizations
around the world, to amend existing laws or enact new enforceable laws, policies and
procedures that protect and provide for the health and well-being of all Military Working
Dogs, whether deployed in service, armed forms or deployed to armed forces through
contracts with governments, to:

- provide for military transportation back to their home country at
decommission or retirement;
- grant priority of first adoption at retirement to their veteran soldier handlers;
- ensure the provision of skilled veterinary care while in military service, and
  fund the coverage of veterinary care costs in retirement for their lifetimes;
- and
designate specific government oversight for compliance and enforcement of
provisions for veterinary care, transportation and adoption processes at
decommission or retirement.
1. Summary of the Resolution

This Resolution urges the U.S. government and other national governments, multinational and international organizations to amend existing laws or enact new enforceable laws, policies and procedures that protect and provide for the health and well-being of MWDs in the areas of transportation to the home country at retirement, first priority adoptions by their military handlers, veterinary care, and oversight of compliance and enforcement of such procedures.

2. Summary of the Issue that the Resolution Addresses

Protect in law both the welfare of military and veteran personnel and their canine military partners while in service and at retirement.

3. Please Explain How the Proposed Policy Position Will Address the Issue

Support from the ABA legal community recognizing that domestic and international laws and codes are coalescing to secure the welfare of Military Workings will assist with promoting the adoption of legislation and laws and/or enforceable policies and procedures with accompanying administrative, policy regulatory action by the U.S. government and by other nations, multinational and international organizations; as well as further the global awareness for legal protections to ensure well-deserved care for the needs of MWDs throughout their lives and recognize the important human-animal bond between MWDs and their soldier handlers.

4. Summary of Minority Views or Opposing Internal and/or External to the ABA which has been Identified

None.
RESOLVED, That the American Bar Association reaccredits for an additional five-year term the following designated specialty certification programs for lawyers:

1) Civil Trial Law program of the National Board of Trial Advocacy of Wrentham, Massachusetts; and

2) Estate Planning Law program of the National Association of Estate Planners & Councils, Estate Law Specialist Board, Inc. of Cleveland, Ohio; and

FURTHER RESOLVED, That the American Bar Association extends the accreditation period of the following designated specialty certification programs for lawyers until the adjournment of the next meeting of the American Bar Association’s House of Delegates in August, 2020:

1) Social Security Disability Law program of the National Board of Trial Advocacy of Wrentham, Massachusetts; and

2) Business Bankruptcy Law, Consumer Bankruptcy Law, and Creditors’ Rights Law programs of the American Board of Certification of Cedar Rapids, Iowa.
APPENDIX

(Excerpted provisions of the Standards for Accreditation of Specialty Certification Programs For Lawyers)
SECTION 4: REQUIREMENTS FOR ACCREDITATION OF CERTIFYING ORGANIZATIONS

In order to obtain accreditation by the Association for a specialty certification program, an Applicant must demonstrate that the program operates in accordance with the following standards:

4.01 Purpose of Organization -- The Applicant shall demonstrate that the organization is dedicated to the identification of lawyers who possess an enhanced level of skill and expertise, and to the development and improvement of the professional competence of lawyers.

4.02 Organizational Capabilities -- The Applicant shall demonstrate that it possesses the organizational and financial resources to carry out its certification program on a continuing basis, and that key personnel have by experience, education and professional background the ability to direct and carry out such programs in a manner consistent with these Standards.

4.03 Decision Makers -- A majority of the body within an Applicant organization reviewing applications for certification of lawyers as specialists in a particular area of law shall consist of lawyers who have substantial involvement in the specialty area.

4.04 Uniform Applicability of Certification Requirements and Nondiscrimination

(A) The Applicant's requirements for certifying lawyers shall not be arbitrary and shall be clearly understood and easily applied. The organization may only certify those lawyers who have demonstrably met each standard. The requirements shall be uniform in all jurisdictions in which the Applicant certifies lawyers, except to the extent state or local law or regulation imposes a higher requirement.

(B) Membership in any organization or completion of educational programs offered by any specific organization shall not be required for certification, except that this paragraph shall not apply to requirements relating to the practice of law which are set out in statutes, rules and regulations promulgated by the government of the United States, by the government of any state or political subdivision thereof, or by any agency or instrumentality of any of the foregoing.

(C) Applicants shall not discriminate against any lawyers seeking certification on the basis of race, religion, gender, sexual orientation, disability, or age. This
paragraph does not prohibit an Applicant from imposing reasonable experience requirements on lawyers seeking certification or re-certification.

4.05 Definition and Number of Specialties -- An Applicant shall specifically define the specialty area or areas in which it proposes to certify lawyers as specialists.

(A) Each specialty area in which certification is offered must be an area in which significant numbers of lawyers regularly practice. Specialty areas shall be named and described in terms which are understandable to the potential users of such legal services, and in terms which will not lead to confusion with other specialty areas.

(B) An Applicant may seek accreditation to certify lawyers in more than one specialty area, but in such event, the organization shall be evaluated separately with respect to each specialty program.

(C) An Applicant shall propose to the Standing Committee a specific definition of each specialty area in which it seeks accreditation to certify lawyers as specialists. The Standing Committee shall approve, modify or reject any proposed definition and shall promptly notify the Applicant of its actions.

4.06 Certification Requirements -- An Applicant shall require for certification of lawyers as specialists, as a minimum, the following:

(A) Substantial Involvement -- Substantial involvement in the specialty area throughout the three-year period immediately preceding application to the certifying organization. Substantial involvement is measured by the type and number of cases or matters handled and the amount of time spent practicing in the specialty area, and require that the time spent in practicing the specialty be no less than twenty-five percent (25%) of the total practice of a lawyer engaged in a normal full-time practice.

(B) Peer Review -- A minimum of five references, a majority of which are from attorneys or judges who are knowledgeable regarding the practice area and are familiar with the competence of the lawyer, and none of which are from persons related to or engaged in legal practice with the lawyer.

(1) Type of References -- The certification requirements shall allow lawyers seeking certification to list persons to whom reference forms could be sent, but shall also provide that the Applicant organization send out all reference forms. In addition, the organization may seek and consider reference forms from persons of the organization's own choosing.

(2) Content of Reference Forms -- The reference forms shall inquire into the respondent's areas of practice, the respondent's familiarity with both the specialty area and with the lawyer seeking certification, and the length of time that the respondent has been practicing law and has known the
applicant. The form shall inquire about the qualifications of the lawyer seeking certification in various aspects of the practice and, as appropriate, the lawyer's dealings with judges and opposing counsel.

(C) Written Examination -- An evaluation of the lawyer's knowledge of the substantive and procedural law in the specialty area, determined by written examination of suitable length and complexity. The examination shall include professional responsibility and ethics as it relates to the particular specialty.

(D) Educational Experience -- A minimum of 36 hours of participation in continuing legal education in the specialty area in the three-year period preceding the lawyer's application for certification. This requirement may be met through any of the following means:
   (1) Attending programs of continuing legal education or courses offered by Association accredited law schools in the specialty area;
   (2) Teaching courses or seminars in the specialty area;
   (3) Participating as panelist, speaker or workshop leader at educational or professional conferences covering the specialty area; or
   (4) Writing published books or articles concerning the specialty area.

(E) Good Standing -- A lawyer seeking certification is admitted to practice and is a member in good standing in one or more states or territories of the United States or the District of Columbia.

4.07 Impartial Review -- The Applicant shall maintain a formal policy providing lawyers who are denied certification an opportunity for review by an impartial decision maker.

4.08 Requirements for Re-Certification -- The period of certification shall be set by the Applicant, but shall be no longer than five years, after which time lawyers who have been certified must apply for re-certification. Re-certification shall require similar evidence of competence as that required for initial certification in substantial involvement, peer review, educational experience and evidence of good standing.

4.09 Revocation of Certification -- The Applicant shall maintain a procedure for revocation of certification. The procedures shall require a certified lawyer to report his or her disbarment or suspension from the practice of law in any jurisdiction to the certifying organization.

SECTION 5: ACCREDITATION PERIOD AND RE-ACCREDITATION

5.01 Initial accreditation by the Association of any Applicant shall be granted for five years.
To retain Association accreditation, a certifying organization shall be required to apply for re-accreditation prior to the end of the fifth year of its initial accreditation period and every five years thereafter. The organization shall be granted re-accreditation upon a showing of continued compliance with these Standards.

SECTION 6: REVOCATION OF ACCREDITATION

6.01 A certifying organization’s accreditation by the Association may be revoked upon a determination that the organization has ceased to exist, or has ceased to operate its certification program in compliance with these Standards.

SECTION 7: AUTHORITY TO IMPLEMENT STANDARDS

7.01 Consistent with these Standards, the Standing Committee shall have the authority to:

(A) Interpret these Standards;

(B) Adopt rules and procedures for implementing these Standards, and amend such rules and procedures as necessary;

(C) Adopt an appropriate fee schedule to administer these Standards;

(D) Consider applications by any certifying organization for accreditation or re-accreditation under these Standards, evaluate those requests in accordance with the Standards and recommend approval by the Association of such requests when it deems the organization has met the requirements as set forth in these Standards; and

(E) Recommend the revocation of accreditation in accordance with the provisions of Section 6.01 of these Standards.

SECTION 8: ADOPTION AND AMENDMENT

8.01 These Standards become effective upon their adoption by the House of Delegates of the Association.

8.02 The power to approve an amendment to these Standards is vested in the House of Delegates; however, the House will not act on any amendment until it has first received and considered the advice and recommendations of the Standing Committee.
EXECUTIVE SUMMARY

1. Summary of the Resolution.

The resolution will grant reaccreditation to the Civil Trial Law program of the National Board of Trial Advocacy and the Estate Planning Law program of the National Association of Estate Planners & Councils, Estate Law Specialist Board, Inc.

The resolution will grant an extension of the accreditation period until the adjournment of the next meeting of the American Bar Association’s House of Delegates in August, 2020 for the NBTA Social Security Disability Law program and the Business Bankruptcy Law, Consumer Bankruptcy Law, and Creditors' Rights Law programs of the American Board of Certification.

2. Summary of the issue that the Resolution Addresses.

To respond to a need to regulate certifying organizations, the House of Delegates adopted standards for accreditation of specialty certification programs for lawyers, and delegated to the Standing Committee the task of evaluating organizations that apply to the ABA for accreditation and reaccreditation. This Resolution acquits the Standing Committee’s obligation to periodically review programs that the House of Delegates has accredited and recommend their further reaccreditation or revocation of accreditation.

3. Please explain how the proposed policy position will address the issue.

The recommendation addresses the issue by implementing previous House resolutions calling on the ABA to evaluate specialty certification organizations that apply for accreditation and reaccreditation.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

The Standing Committee on Specialization approved the proposed recommendation unanimously. No opposition has been identified.
RESOLVED, That the American Bar Association urges Congress to amend the Air Carrier Access Act, 49 U.S.C. § 41705 (1986), to establish a private right of action and to provide equitable and legal relief, including compensatory and punitive damages, as well as reasonable attorneys’ fees, reasonable expert fees, and the costs of the action to plaintiffs who prevail in civil discrimination actions.
EXECUTIVE SUMMARY

1. **Summary of the Resolution**
   
   This resolution calls on Congress to amend the Air Carrier Access Act, 49 U.S.C. § 41705 (1986), to establish a private right of action and provide equitable and legal relief, including compensatory and punitive damages, as well as reasonable attorneys' fees, reasonable expert fees, and the costs of the action to plaintiffs who prevail in civil discrimination actions.

2. **Summary of the Issue that the Resolution Addresses**
   
   People with disabilities routinely report problems in gaining equal access to travel by commercial aviation. For many years, federal courts recognized an implied private right of action to enforce the ACAA. This changed when the U.S. Supreme Court decided *Alexander v. Sandoval*, 532 U.S. 275 (2001). This decision served as the catalyst for several federal circuit courts to find that the ACAA does not provide for a private right of action.

   However, a private right of action is essential to effectively enforcing the civil rights of persons with disabilities who suffer discrimination by providing them with meaningful redress for their losses. Civil penalties levied against an airline do nothing for individuals who have suffered a loss as a result of discrimination. Plaintiffs who prevail in a civil action brought under the ACAA should be entitled to obtain equitable and legal relief, including compensatory and punitive damages. Further, for the private action to benefit claimants, it must be accompanied by a statutory right to reasonable attorneys’ fees, reasonable expert fees, and costs in order to minimize the cost of litigation to plaintiffs and maximize the incentive of potential defendants to stop discriminatory policies and practices.

3. **Please Explain How the Proposed Policy Position will address the issue**
   
   The policy position will allow the ABA to comment on and encourage current and proposed legislation amending the Air Carrier Access Act, as well as interpretations thereof.

4. **Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified**
   
   Tort Trial & Insurance Practice Section and Air & Space Law Forum do not support a private right of action under the ACAA.
RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would:

(a) make it unlawful for any person to transfer, sell, trade, give, transport, or deliver any unfinished firearm frame or receiver to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) unless (i) the unfinished frame or receiver is serialized in accordance with federal requirements for the serialization of firearms, (ii) the recipient passes a background check consistent with the federal requirements for a licensed dealer’s transfer of a firearm, and (iii) the seller or transferor of the unfinished frame or receiver creates and retains records consistent with the federal record-keeping requirements for licensed firearm dealers related to the disposition of firearms; and

(b) prohibit the possession, without a federal firearms license, of a finished or unfinished firearm frame or receiver that has not been serialized.
EXECUTIVE SUMMARY

1. Summary of the Resolution
Urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would make it unlawful for any person to transfer, sell, trade, give, transport, or deliver any unfinished firearm frame or receiver to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) unless the unfinished frame or receiver is serialized in accordance with federal requirements for the serialization of firearms, the recipient passes a background check consistent with the federal requirements for a licensed dealer’s transfer of a firearm, and records consistent with the federal record-keeping requirements for licensed firearm dealers are created and retained. Also urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would prohibit the possession, without a federal firearms license, of a finished or unfinished firearm frame or receiver that has not been serialized.

2. Summary of the Issue that the Resolution Addresses
A growing number of purveyors of so-called “ghost guns” undermine the intent of federal gun laws by selling — without any background checks — gun parts and kits that allow anyone to build a do-it-yourself gun with no serial number and no record-keeping.

3. Please Explain How the Proposed Policy Position Will Address the Issue
It would urge federal, state, local, territorial, and tribal governments to adopt laws that regulate do-it-yourself guns just as traditional firearms are regulated, by applying to homemade guns the same background check, serialization, and record keeping requirements that apply to guns made and sold by licensed gun companies.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified
None.
RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that:

1. Require any person seeking to acquire a designated firearm to apply for a permit from a designated law enforcement or public safety agency;
2. Require, at a minimum, the applicant to apply in person, be fingerprinted, and be subject to a background and criminal records check; and
3. Prohibit the sale, delivery or transfer of a firearm to anyone who does not possess a valid permit.
EXECUTIVE SUMMARY

1. Summary of the Resolution

Urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that would require any person seeking to purchase a firearm to apply for a permit from a designated law enforcement or public safety agency; that, at a minimum, the applicant apply in person, be fingerprinted, and be subject to a background and criminal records check; and prohibit the sale, delivery or transfer of a firearm to anyone who does not possess a valid permit.

2. Summary of the Issue that the Resolution Addresses

Over the years, gaps in the federal background check system have allowed many otherwise prohibited purchasers to acquire firearms, including those in private sales and transfers.

3. Please Explain How the Proposed Policy Position Will Address the Issue

A growing expansion of the federal background check system are state permit-to-purchase laws. This resolution would urge legislation to require a prospective gun purchaser, before going to buy a gun, to first apply for and obtain a permit. Usually this requires an in-person application at the local law enforcement agency allowing for a more direct engagement by the police who may know the applicant and have access to information beyond that contained in the NICS system.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None.
RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that: (a) define the requirements of safe storage of a firearm; (b) require firearm owners to meet those requirements; and (c) promote safe storage education for firearm owners; and

FURTHER RESOLVED, That the American Bar Association urges the federal government to incentivize safe storage programs within the states.
EXECUTIVE SUMMARY

1. Summary of the Resolution
Urges federal, state, local, territorial, and tribal governments to enact statues, rules and regulations that would: a) define the requirements of safe storage of a firearm; b) require firearm owners to meet those requirements; and c) promote safe storage education for firearm owners. Further urging the federal government to incentivize safe storage programs within the states.

2. Summary of the Issue that the Resolution Addresses
All too often, unauthorized users gain access to guns that are left unsecured in homes or in vehicles and use those guns to harm themselves or others.

3. Please Explain How the Proposed Policy Position Will Address the Issue
Urge legislation to create regulations to define safe storage requirements and require them to meet those requirements.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified
None.
RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation that provides, at a minimum, for eligible youth between the ages of 16 and 18 to preregister to vote; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to automatically add individuals who have preregistered to vote to the voter roll upon reaching their 18th birthday, or upon reaching the legal voting age in the jurisdiction, if earlier; and

FURTHER RESOLVED, That the American Bar Association urges high schools and colleges to provide every eligible student a meaningful opportunity to apply to register to vote, and to vote, when they are eligible; and

FURTHER RESOLVED, That the American Bar Association urges state and local educational institutions to adopt robust civic education programs to promote literacy in the institutions of American government, the methods of active civic participation in elections and governance, and a solid foundational understanding of the role and crucial importance of the rule of law; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation, promulgate regulations, and appropriate sufficient funds to implement voter preregistration and civics education as called for by this resolution.
EXECUTIVE SUMMARY

1. **Summary of the Resolution.**
   This resolution urges governmental entities to adopt laws and policies that provide for voter preregistration for eligible 16-18-year-olds and that they be added to the voter roll upon reaching the legal age for voting; for high schools and colleges to provide students a meaningful opportunity to register and vote and to provide robust civics education to promote well-informed voting; and for governmental entities to appropriate sufficient funds to implement voter preregistration and civics education as called for by this resolution.

2. **Summary of the issue that the resolution addresses.**
   The United States suffers from low voter participation levels. Young people 18-29 are particularly unlikely to vote and are registered at the lowest rate of any age demographic. This resolution provides a method for eligible youth aged 16-18 to register early and be added to the voter rolls automatically upon attaining legal voting age. It also addresses the decline in civics education in the schools and increasing “civic illiteracy” in our country.

3. **Please explain how the proposed policy position will address the issue.**
   The policy will allow the ABA to advocate for preregistration and civics education laws and policies on the state and federal levels and to file amicus briefs in litigation related to voter preregistration and civics education.

4. **Summary of any minority views or opposition internal and/or external to the ABA which have been identified.**
   None.
RESOLUTION

RESOLVED, That the American Bar Association approves the Uniform Automated Operation of Vehicles Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
EXECUTIVE SUMMARY

1. **Summary of the Resolution.**

That the American Bar Association approves the Uniform Automated Operation of Vehicles Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2019 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. **Summary of the issue that the resolution addresses.**

The Uniform Automated Operation of Vehicles Act explicitly accommodates and specifically regulates what it refers to as the automated operation of automated vehicles, commonly called autonomous, driverless, or self-driving cars. The Act reconciles automated driving with a typical state motor vehicle code and respects established state and federal roles in vehicle safety. The Act provides a framework for the registration of automated vehicles that utilizes a state’s existing process for registering conventional vehicles. The Act requires each automated vehicle to be associated with an automated driving provider. The automated driving provider might be an automated driving system developer, a vehicle manufacturer, or another kind of market participant that is willing to self-identify and able to meet the technical and legal requirements specified in the Act. An automated vehicle must be associated with an automated driving provider to be registered, and the automated driving provider is the party responsible for a violation of the rules of the road by an associated automated vehicle under automated operation. Under the Act, a state’s vehicle code continues to apply to automated vehicles without change except to the extent the Act effects a change. In this way, the Act provides a framework for the safe and responsible deployment of automated vehicles.

3. **Please explain how the proposed policy position will address the issue.**

Approval of the Uniform Automated Operation of Vehicles Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

4. **Summary of any minority views or opposition internal and/or external to the ABA which have been identified.**

None known.
RESOLUTION

RESOLVED, That the American Bar Association approves the Uniform Electronic Wills Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.
EXECUTIVE SUMMARY

1. **Summary of the Resolution.**

That the American Bar Association approves the Uniform Electronic Wills Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2019 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. **Summary of the issue that the resolution addresses.**

The Uniform Electronic Wills Act updates the common law rules for execution of wills. Under the act, an electronic will is legally executed and admissible for probate if the will was in a form readable as text at the time of its execution, electronically signed by the testator and two witnesses, and stored in a tamper-evident format. An electronic will can be made self-proving by including notarized affidavits from the testator and witnesses attesting to the validity of the instrument and its execution. The act also provides conditions for recognition of electronic wills executed under the law of another state.

3. **Please explain how the proposed policy position will address the issue.**

Approval of the Uniform Electronic Wills Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

4. **Summary of any minority views or opposition internal and/or external to the ABA which have been identified.**

There is no known opposition within the ABA.
AMERICAN BAR ASSOCIATION
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS
SECTION OF INTERNATIONAL LAW
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association approves the Uniform Registration of
2 Canadian Money Judgments Act, promulgated by the National Conference of
3 Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to
4 adopt the specific substantive law suggested therein.
EXECUTIVE SUMMARY

1. Summary of the Resolution.

That the American Bar Association approves the Uniform Registration of Canadian Money Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2019 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the issue that the resolution addresses.

The Uniform Registration of Canadian Money Judgments Act ("Registration Act") creates a simple registration procedure to recognize and enforce a Canadian money judgment in the United States. The act eliminates the need to file a lawsuit to accomplish recognition and enforcement. The Registration Act is designed to streamline the recognition and enforcement process, conserve judicial resources, harmonize with Canadian law, and facilitate commerce between the United States and Canada. Once a Canadian judgment is registered under the Act, it may be enforced in the same way as a judgment rendered in the state. The Registration Act is designed to work alongside the Uniform Foreign-Country Money Judgments Recognition Act, also called the “Recognition Act,” which was previously approved by the House as 06M104A.

3. Please explain how the proposed policy position will address the issue.

Approval of the Uniform Registration of Canadian Money Judgments Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

None known.
RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments, and courts and court rule-making entities, to provide courts with discretion to allow defendants to remain on bond pending sentencing following a guilty plea or conviction as long as the court finds that the defendant is not likely to flee or pose a danger to the safety of any other person or the community if released, such as by amending 18 U.S.C. § 3143 or similar statutes in other jurisdictions.
1. Summary of the Resolution

This resolution urges federal, state, local, tribal and territorial governments and court rule-making entities to provide courts with discretion to allow defendants to remain on bond pending sentencing following a guilty plea or conviction as long as the Court finds that the defendant is not likely to flee or pose a danger to the safety of any other person or the community if released.

2. Summary of the Issue that the Resolution Addresses

The resolution addresses the unnecessary requirement in federal and state statutes to incarcerate defendants between a plea of guilty or trial and sentencing when they are unlikely to flee from the court’s jurisdiction and do not pose a threat to public safety. Certain laws, e.g., 18 U.S.C. §3143, require mandatory detention of a defendant between a plea of guilty and sentencing for certain offenses even when the defendant is likely to receive a probationary sentence or home confinement. These statutes remove discretion from the Court to continue pretrial release orders and create unnecessary incarceration of defendants.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The proposed policy can be used by Governmental Affairs to advocate to Congress that 18 U.S.C. §3143 should be amended by the change of “and” to “or” after (A) (ii) and renumbering (B) to (A)(iii). Likewise, state bar associations can review their own statutes or rules for amendment.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified.

None have been identified.
RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments, and their respective agencies and departments, to protect real property interests, including common law trespass and privacy rights, with respect to any statute, ordinance, regulation, administrative rule, order, or guidance pertaining to the development and usage of unmanned aircraft systems over private property.
EXECUTIVE SUMMARY

1. Summary of the Resolution.

The Resolution urges governmental protection of real property interests, particularly common law trespass and privacy rights, with respect to any legislation, statute, regulation, administrative rule, order, or guidance pertaining to the development and usage of unmanned aircraft systems over private property.

2. Summary of the issue that the Resolution addresses.

The popularity and usage of unmanned aircraft systems continues to grow exponentially among leisure and commercial users alike. These unmanned aircraft systems offer a variety of beneficial real world applications; however, they also raise complicated questions about how to resolve the sometimes-conflicting interests of unmanned aircraft systems operating over private property and private property occupants' common law trespass rights and privacy rights. Some form of legal or regulatory framework may be necessary to resolve such competing interests, to protect the privacy and physical safety of the real property owners and legal occupants, and to provide clear guidance to unmanned aircraft systems operators as to operation of such systems.

3. Please explain how the proposed policy position will address the issue.

The Resolution urges that any governmental action defend existing real property interests of real property owners and legal occupants. Specifically, the Resolution advocates that existing frameworks of common law trespass and privacy rights are considered, protected, and provide the framework of any legislative, regulatory, or other method of governing unmanned aircraft systems over private property.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

No minority view or opposition have been identified within the ABA. Nuisance law instead of trespass law was considered by the Uniform Law Commission as the standard in a draft uniform law that was postponed from consideration.
RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to enact legislation to remove voting barriers for Native Americans and Alaska Natives by:

1. Providing equal access to voter registration and polling sites for Native American and Alaska Natives to increase Native American and Alaska Native access at each stage of the voting process;
2. Ensuring equal treatment for Tribal identification by directing election officials and voting precincts to treat Tribal identification cards like state and local identification cards for purposes of voting and registering to vote;
3. Requiring jurisdictions to give notice and obtain consent from Native Americans and Alaska Native Tribes before eliminating the only polling location or voter registration site on tribal lands; closing or moving a polling place or voter registration site to a location one mile or further from the current location; or other aspects of election administration; and
4. Requiring adequate language assistance by directing states to consult with Tribes on appropriate methods for furnishing instructions, assistance, and other information related to registration and voting under Section 203 of the Voting Rights Act; and

FURTHER RESOLVED, That the American Bar Association urges the federal government to improve voter outreach and access in Indian Country by:

1. Providing Tribal leaders a direct pathway to request Federal election observers;
(2) Requiring the United States Department of Justice to conduct annual voting consultation with Indian Tribes; and

(3) Establishing a Native American Voting Rights Task Force under the Office for Civil Rights at the Office of Justice Programs of the Department of Justice, in coordination with the Department of the Interior, to provide grant funds to Tribal and state consortiums for purposes of boosting Native voter registration, education, and election participation in Tribal communities; and

FURTHER RESOLVED, That the American Bar Association urges Congress to pass the Native American Voting Rights Act of 2019 (H.R. 1694; S. 739), or similar legislation, which removes voting barriers and improve access to voting for Native American and Alaska Native voters.
EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution calls on federal, state, territorial and local governments to remove barriers to Native American and Alaska Native voter registration and participation, and to establish measures to ensure protections for Native American and Alaska Native voting rights.

2. Summary of the Issue that the Resolution Addresses

Access to voting is a fundamental right as it ensures the capacity for representation and participation. Native Americans and Alaska Natives have continually faced barriers to this fundamental right via (a) inadequate access to polling and registration places due to geography, insufficient broadband connectivity, or travel and transportation obstacles, (b) federal and state address requirements that do not accept reservation addresses, (c) language barriers including insufficient translation and language assistance, and (d) voter identification laws that discriminate against Tribal identification methods.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This Resolution aims to remove barriers faced by Native Americans and Alaska Natives to voter registration and participation by providing sufficient access to polling and registration sites at each stage of the voting process, notifying Tribal leaders and obtaining consent prior to changing polling and registration locations, providing adequate language assistance, and accepting all forms of Tribal identification.

Further, this Resolution seeks to establish a Native American Voting Rights Task Force under the Office for Civil Rights at the Office of Justice Programs of the Department of Justice, in coordination with the Department of the Interior, and to establish straightforward procedure for Tribal leaders to request federal election observers. Additionally, the Resolution urges the United States Department of Justice to conduct yearly consultation with Tribal leaders regarding voting access.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

N/A.
RESOLVED, That the American Bar Association encourages lawyers in all practice areas to use and promote technology-based platforms that facilitate the efficient, timely, and targeted matching of survivors of human trafficking who have legal needs with lawyers who have the requisite specialization and availability to meet those needs pro bono.
EXECUTIVE SUMMARY

1. **Summary of the Resolution**

   The resolution encourages lawyers to seek out and promote innovative technologies that enhance the provision of *pro bono* legal services to survivors of human trafficking.

2. **Summary of the Issue that the Resolution Addresses**

   Human trafficking continues to be a major human rights crisis worldwide, including in the United States. Survivors of the crime often face complex legal hurdles in restoring their lives and preventing their being trafficked again.

3. **Please Explain How the Proposed Policy Position Will Address the Issue**

   The resolution encourages lawyers' use and promotion of innovative technologies to facilitate such representation.

4. **Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified**

   None received thus far.
AMERICAN BAR ASSOCIATION

COALITION ON RACIAL AND ETHNIC JUSTICE
SECTION ON CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF STATE AND LOCAL GOVERNMENT
COMMISSION ON HOMELESSNESS AND POVERTY
NATIONAL NATIVE AMERICAN BAR ASSOCIATION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation that allows for the following general descriptions to be used in lieu of a traditional residential address, if required, for purposes of voter registration and voter identification:

(1) post office box;
(2) tribally designated building address;
(3) general description of physical location where the person resides;
(4) shelter address; or
(5) local governmental building address; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation or promulgate regulations that assign the voter to the precinct in which the person can be found, whether that location is expressed by a traditional address or a description such as (1)-(5) above.
EXECUTIVE SUMMARY

1. Summary of the Resolution

The American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation that allows for an individual to use an address other than a physical residential address for purposes of voter registration and urges the enactment of legislation or regulations that assign the voter to the precinct in which the person can be found, whether that location is expressed by a traditional address or description.

2. Summary of the Issue that the Resolution Addresses

The Resolution addresses physical address requirements in voter registration, and the disenfranchisement of otherwise qualified voters, particularly on Native American reservations, created by such requirements.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The Resolution asks the ABA to support legislation and regulations that expand what constitutes an acceptable physical address for the purpose of voter registration, in line with the ABA’s long history of supporting individual voting rights.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

To date, we are not aware of minority or opposing views.
RESOLVED, That the American Bar Association encourages U.S. jurisdictions to consider innovative approaches to the access to justice crisis in order to help the more than 80% of people below the poverty line and the majority of middle-income Americans who lack meaningful access to legal services when facing critical civil legal issues, such as child custody, debt collection, eviction, and foreclosure;

FURTHER RESOLVED, That the American Bar Association encourages U.S. jurisdictions to consider regulatory innovations that have the potential to improve the accessibility, affordability, and quality of civil legal services, while also ensuring necessary and appropriate protections that best serve the public; and

FURTHER RESOLVED, That the American Bar Association encourages U.S. jurisdictions to collect and assess data regarding regulatory innovations both before and after the adoption of any innovations to ensure that changes are effective in increasing access to legal services and are in the public interest.
EXECUTIVE SUMMARY

1. Summary of the Resolution.

Regulators and bar associations in several states, including Arizona, California, New Mexico, Oregon, Utah, and Washington, are proposing or adopting substantial regulatory innovations in order to address the increasingly dire access to justice crisis in the United States. More U.S. jurisdictions are considering doing the same.

The resolution acknowledges this trend and encourages more U.S. jurisdictions to consider regulatory innovations that foster new ways to deliver competent and cost-effective legal services, while retaining necessary and appropriate client and public protections.

The resolution also encourages U.S. jurisdictions to collect and assess data regarding regulatory innovations, both before and after the adoption of any innovations, to ensure that changes are data driven and in the interests of the public.

2. Summary of the issue that the resolution addresses.

Traditional efforts to address the access to justice crisis have proven to be inadequate. For decades, the legal profession and the organized bar have called for increased funding for civil legal aid, more pro bono work, and the recognition of civil Gideon rights that would afford people a right to a lawyer in matters involving essential civil legal needs. These solutions are important and have met with some modest success, but they have not come close to fixing the problems that exist. In fact, the problems are becoming more severe.

3. Please explain how the proposed policy position will address the issue.

With necessary and appropriate public protections, regulatory innovations may help to unlock promising new solutions to the access to justice crisis. Because we do not yet know which specific changes to the Model Rules of Professional Conduct or other ABA model polices will prove to be desirable, the resolution does not propose any such changes. Rather, it encourages U.S. jurisdictions to try new approaches and to collect data about those efforts. The data can then be analyzed and used to shape future reform proposals, including appropriate changes to or adoption of new ABA model rules and policies.

4. Summary of any minority views or opposition internal and/or external to the ABA which have been identified.

To date, the Center for Innovation has not heard of any opposition to this resolution.
RESOLVED, That the American Bar Association urges Congress to promptly amend and reauthorize the Violence Against Women Act as reflected in H.R. 1585 (as passed) and S. 2843 (as introduced), or similar legislation, that specifically provides funding to tribal governments and recognizes the inherent authority of American Indian and Alaska Native governments to prosecute non-Indian perpetrators of crimes arising from gender-based violence, such as domestic violence, dating violence, child abuse, elder abuse, sexual violence, stalking, sex trafficking, obstruction of justice, and assaults against law enforcement and corrections personnel, without rolling back existing authority or imposing additional burdens on tribal governments, and while ensuring that due process rights are protected as set forth in section 234(c) of the Tribal Law and Order Act, Public Law 111-211.
EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges Congress to recognize the inherent authority of American Indian and Alaska Native governments to prosecute non-Indian perpetrators of crimes arising from gender-based violence, without rolling back existing authority or imposing additional burdens on Tribal governments, and while ensuring that due process rights are protected as set forth in section 234(c) of the Tribal Law and Order Act, Public Law 111-211.

2. Summary of the Issue that the Resolution Addresses

While American Indian and Alaska Native governments have inherent authority to exercise full criminal jurisdiction over all persons on tribal lands, the current statutory scheme has the effect of limiting this authority. The named pending legislation seeks to remove barriers to tribal governments' exercise of jurisdiction.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The proposed policy proposition addresses this issue by supporting pending legislation (and similar legislation) that seeks to remove barriers to tribal governments' exercise of jurisdiction.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

n/a
RESOLVED, That the American Bar Association urges the federal government to maintain an asylum system that affords all persons seeking protection from persecution or torture access to counsel, due process, and a full and fair adjudication that comports with U.S. and international law;

FURTHER RESOLVED, That the American Bar Association opposes the imposition of limitations that restrict eligibility for asylum based on the place or manner of arrival at the U.S. border or submission of applications for protection in countries of transit;

FURTHER RESOLVED, That the American Bar Association opposes the implementation of procedures that allow U.S. immigration authorities to refuse to process asylum seekers arriving at the border or to transfer asylum seekers to other countries for processing of their asylum claims, without regard to the safety situation or the adequacy of the asylum process in those third countries; and

FURTHER RESOLVED, That the American Bar Association opposes procedural restrictions including but not limited to the Migration Protection Protocols ("MPP"), that prevent migrants from remaining in the United States during the adjudication of their asylum claims.
EXECUTIVE SUMMARY

1. Summary of the Resolution

The resolution urges the federal government to maintain an asylum system that affords all persons seeking protection from persecution or torture access to counsel, due process, and a full and fair adjudication that comports with U.S. and international law. This Resolution also expresses opposition to the following recent government policies: (1) the Migrant Protection Protocols, or Remain in Mexico policy; (2) metering, or turning away asylum seekers at ports of entry because of limits imposed on the number of individuals processed through the ports of entry; (3) restrictions on eligibility for asylum for those individuals who did not apply for protection in countries of transit; and (4) the development of international agreements that allow the U.S. to avoid its international protection obligations by transferring individuals to third countries without conducting an asylum adjudication in the United States.

2. Summary of the Issue that the Resolution Addresses

The resolution expresses opposition to several recent government policies which have operated together to severely restrict the ability of asylum seekers to access the asylum system and to receive the due process protections to which they are entitled. The resolution also expresses concern regarding any future government policies that would operate to (1) restrict eligibility for asylum based on the place or manner of arrival at the U.S. border or submission of applications for protection in countries of transit; (2) allow U.S. immigration authorities to refuse to process asylum seekers arriving at the border or to transfer asylum seekers to other countries for processing of their asylum claims, without regard to the safety situation or the adequacy of the asylum process in those third countries and without regard to individual circumstances that may favor adjudication in the United States; or (3) prevent migrants from remaining in the United States during the adjudication of their asylum claims.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The proposed Resolution will address the issue by expressing the ABA’s opposition to recent government policies and asserting the ABA’s position that the government should maintain an asylum system that affords all persons seeking protection from persecution or torture access to counsel, due process, and a full and fair adjudication that comports with U.S. and international law.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

There are no minority views.
RESOLVED, That the American Bar Association urges the United States Congress to protect the security and integrity of U.S. federal elections by enacting legislation that authorizes and appropriates necessary funding for the National Institute of Standards and Technology (NIST) to:

1. Define federal standards for cybersecurity of election systems software, infrastructure, and hardware, whether provided by the government or private sector companies, used in handling, storing, processing, or transmitting data for voter registration, vote tallying, voter polling, vote reporting, or the manufacturing, servicing, or writing of election parameters of voting machines/equipment ("Election Process").

2. Develop a certification process for the security and integrity of election systems software, infrastructure, and hardware (and associated components and modules) used in the Election Process.

3. Analyze the private sector’s role in the Election Process and recommend any functions or roles that should be changed or restricted to public sector election officials to address issues related to the security and integrity of federal elections;

FURTHER RESOLVED, That the American Bar Association urges the U.S. Congress to allocate adequate funding to protect the security and integrity of the federal Election Process and restrict the use of all such funding to only those election jurisdictions that:

1. Use such funding for the Election Process in a manner consistent with the NIST federal election standards;

2. Require annual comprehensive cybersecurity assessments by an independent third party of all systems used in the Election Process in accordance with the NIST federal election standards;
(3) Require annual comprehensive cybersecurity assessments by an independent third party of private sector companies involved in the Election Process in accordance with the NIST federal elections standards and make those assessments available to election officials contracting with them;

(4) Require that only election systems software, infrastructure, and hardware (and associated components and modules) that are certified by an independent third party in accordance with the NIST federal election standards be used in federal elections after October 2022;

(5) Require the deployment of human-readable paper ballots;

(6) Establish requirements for post-election auditing of votes, at least on the level of risk-limiting audits, and make the findings public; and

FURTHER RESOLVED, That the American Bar Association urges state, local, territorial, and tribal legislatures and governments to protect the security and integrity of U.S. election systems by allocating funding for the Election Process consistent with this Resolution.
EXECUTIVE SUMMARY

1. Summary of the Resolution
The Resolution identifies essential steps that should be taken by Congress, state and local governments, election officials, and private sector entities to secure the “election process” for federal elections. It consists of three measures designed to address the problem of election security head-on – by leveraging the power of Congress to protect federal elections when appropriating federal funds, drawing on the expertise of NIST (the federal agency designated by Congress to address complex technology issues and develop appropriate cybersecurity standards and certification processes), and recognizing the central role of states and local election officials to conduct federal, as well as state and local elections.

2. Summary of the Issue that the Resolution Addresses
Volumes of evidence establish that Russian cyber operations targeted election infrastructure in the U.S. in order to undermine the integrity and availability of the 2016 elections. Russia is the largest, but not the only threat. U.S. intelligence agencies and law enforcement have expressed concern “about ongoing campaigns by Russia, China and other foreign actors, including Iran, to undermine confidence in democratic institutions and influence public sentiment and government policies. The risk of foreign interference in U.S. elections remains at critical levels.

2. Please Explain How the Proposed Policy Position Will Address the Issue
The Resolution identifies essential steps that should be taken by Congress, state and local governments, election officials, and private sector entities to secure the “Election Process.” It consists of three measures designed to address the problem of election security head-on – by leveraging the power of Congress to protect federal elections when appropriating federal funds, drawing on the expertise of NIST (the federal agency designated by Congress to address complex technology issues and develop appropriate cybersecurity standards and certification processes), and recognizing the central role of states and local election officials to conduct federal, as well as state and local elections.

4. Summary of Minority Views
No minority views have come to our attention with respect to this Resolution and Report.
AMERICAN BAR ASSOCIATION
YOUNG LAWYERS DIVISION
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

RESOLVED, That the American Bar Association urges Congress to collect data and prepare a report on how youth experiencing mental health problems as a result of racism, poverty, and living in high crime communities have access to, and are receiving, adequate mental health screenings, interventions, and evidence-based treatment from school-based mental health service providers; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to appropriate and allocate funds to identify and address, in the school setting, mental health problems experienced by youth as a result of racism, poverty, and living in high crime communities.
EXECUTIVE SUMMARY

1. **Summary of Resolution.**

   This recommendation seeks to ensure that children who experience mental health problems as a result of racism, poverty, and living in high crime communities receive the in-school mental health services needed to maintain or restore good health. It further urges federal, state, local, territorial, and tribal governments to appropriate and allocate funds to support this initiative.

2. **Summary of the Issue which the Resolution addresses.**

   Children living in poverty and high crime communities, as well as children of color who experience racism, often encounter multiple or prolonged traumatic events. This can greatly impact a child’s academic performance, social, emotional, and behavioral health, and overall ability to be successful both in and out of school. Unfortunately, due to various factors, many of these children do not get the mental health support that they need. Furthermore, research suggest that many of these children are disproportionately punished in school when mental health services and interventions may be more appropriate.

3. **An explanation of how the proposed policy position will address the issue.**

   Through additional research, governments and interested entities will gain a deeper appreciation of these issues, which ideally will result in evidence-informed policy decisions. This can include additional funding to train both teachers and health professionals in mental health problems triggered by racism, poverty, and living in high crime communities. Finally, with appropriate in-school mental health services, student learning and overall-wellbeing will improve.

4. **A summary of any minority views or opposition internal and/or external to the ABA which have been identified.**

   No minority or opposing views have been identified.