Comments from the Chair of the House

William R. Bay

Since the Annual Meeting, there continues to be a focus on telling the House of Delegates’ story -- who we are, what we do and how we do it.

We have several new members serving on committees. Both the prior chair and vice-chair of Drafting now serve on the Board of Governors. The new chair of Drafting is Jennifer Parent of New Hampshire and the new vice-chair is Dana Hrelic of Connecticut. Pam Roberts of South Carolina is the new vice-chair of the Select Committee. Soon, we will provide you an updated roster, as well as updated statistics on the House. Below is a brief update on some HOD happenings:

Drafting Policies and Procedures Committee We are focused on how we can be of service to our House members and the entities that submit resolutions. We just finished a webinar on drafting resolutions which is posted to our website. It details practical help, guidelines, resources and advice from Christina Plum, Chair of Rules and Calendar, Jennifer Parent, Chair of Drafting and Janae LeFlore, Director of Policy & Planning. Approximately 80 people signed up for the webinar. You can link to the Webinar and the Power Point Presentation.

Rules & Calendar Committee The Rules & Calendar Committee (Chair, Christina Plum of Wisconsin) is beginning its work to prepare for the Austin House of Delegates meeting. The Sneak Preview was a taste of what is to come for the House proceedings. Rules & Calendar met in Chicago on December 6-7, 2019 to finalize the preliminary agenda.

Working Group on House Operations I have appointed a new working group on state bar involvement. In the last year, we have been monitoring and working with state bar leaders on issues such as representation and recusals in the House of Delegates. Several bar associations have also told us of the challenges they are facing or anticipate facing in connection with full participation in the agenda of the House of Delegates. Given all this, it seems an appropriate time to review these issues and challenges and the potential effect on the work of the House.

The working group is comprised of representatives from various bar associations who will review issues regarding the current and ongoing participation of state bar associations in the work of the House as it relates to resolutions, the calendar, recusals and other issues. The working group will report to the House of Delegates no later than the Annual meeting in August 2020 with any recommendations, as appropriate. Immediate past president and former chair of the House, Bob Carlson will serve as Chair of the working group. Also, as many of you know, Bob is a past president of the State Bar of Montana.

The working group will reach out to the House of Delegates for suggestions and input from any member or bar association. We anticipate holding listening sessions at the Midyear meeting in Austin where the working group will be available to hear your suggestions and comments and share its progress. We welcome your input. Please feel free to contact any of the following members of the working group:
Members:
• Bob Carlson, MT, Chair     • Nate Alder, UT
• Deborah Enix-Ross, NY     • Paula Frederick, GA
• Tom Grella, NC      • Scott LaBarre, CO
• Amie Martinez, NE     • Jennifer Parent, NH
• Wendy Shiba, CA      • Mary Torres, NM
• Gene Vance, KY      • Janet Welch, MI
• Sheila Willis, SC

Liaisons:
• Eileen Letts, IL (Chair, House Credentials Committee)
• Hilary Young, TX (Chair, Section Officer’s Conference)

Staff:
• Alpha Brady, IL
• Janae Leflore, IL

As always, please feel free to contact me if you have any questions or suggestion about the House. Thank you and Happy Holidays!
HOD Caucus Profiles

As part of our on-going effort to reflect “Who We Are” and “What We Do” in the House of Delegates, the Technology and Communications Committee highlights the following caucuses of the House. This is part one of a two-part series profiling various caucuses of the House. Please note, each caucus is open to all Delegates (and ABA members) and welcomes your attendance and participation.

ABA LGBT CAUCUS

**Formed:** 2015

**Goals:** (1) Address the ever-increasing ABA resolutions and policy involving LGBTQ+ legal issues; (2) create a space where members from the ABA can convene to discuss legal issues facing the LGBTQ+ community; and (3) provide ABA LGBTQ+ members and Allies a forum to hear from ABA leadership and a chance to ask them questions.

**Impetus:** As the national environment and acceptance for LGBTQ+ people changed, so did the need for the LGBT Caucus. Prior to this acceptance, we didn’t believe it possible to have or sustain an independent LGBT caucus.

**Purpose/Mission/Jurisdiction:** None codified yet.

**Officers:** There are no official officers. Currently, leadership is provided by the Chair of the ABA Commission on Sexual Orientation and Gender Identity (SOGI) and SOGI’s Staff Director.

**Members:** We do not have a set number of members and all are welcome. The average attendance varies widely from 10-40.

**How to Join:** Simply show up and participate.

**How to Become an Officer:** Express an interest and follow-through.

**Typical Meeting Time:** 3 PM on the Sunday preceding the HOD Annual and Midyear Meetings.

**How to Obtain More Information:** The caucus has a listserv and is creating an ABA Connect group. Marketing emails are also sent out and the caucus is promoted on various ABA websites.

**Meeting Structure:** General introductions; presentations from ABA leadership; review of pre-identified resolutions; presentations by individuals regarding specific resolutions; old business and new business.

**Speakers:** ABA Leadership speaks on various issues; members present on behalf of pending resolutions; candidates seeking ABA leadership positions introduce themselves and ask for support.

**Constituent Members:** All ABA members, but more specifically LGBTQ+ members and Ally members. We obtain feedback from room discussion. We do not formally report-out our discussions.

**Other Thoughts:** This is a grassroots caucus that is still struggling to find a foothold. By nature, our numbers are not that large, but the caucus continues to grow. We want our caucus to be a place not just for review of resolutions and a sounding board, but a place where members who are truly interested in and compassionate about LGBTQ+ issues can convene, network, and discuss what the ABA can be doing to help the LGBTQ+ Community.
NATIONAL CAUCUS OF STATE BAR ASSOCIATIONS

**Formed**: 1993

**Goals**: To advance the cause of state bar associations, the associations who are representatives of the total interest and needs of practitioners throughout the land and in the ABA, contrasted with the special interests of the various substantive sections, divisions, and forums.

**Impetus**: Report on ABA Governance developed by the ABA Section Officers Conference that State Bar Delegates in the HOD felt would have diminished the relative power of bar associations in the ABA House of Delegates.

**Purpose/Mission/Jurisdiction**: The caucus is a non-profit unincorporated association comprised of: (a) state bar associations of the 50 states of the United States and the District of Columbia Bar having representation in and recognized by the House of Delegates of the American Bar Association (the “ABA”); (b) the commonwealth and territorial bar associations of any commonwealth and territory of the United States recognized and have representation in the House of Delegates of the ABA; and (c) the six regional bar conferences of state and/or commonwealth or territorial bar associations in the United States recognized by the ABA.

**Officers**: Current President: Alice Paylor, past president of the South Carolina Bar; President-Elect to be designated in February 2020.

**Members**: All State Bar Delegates in the HOD are members of the caucus. State Delegates are also invited to meetings. Guests are welcome. The meeting is typically very well attended.

**How to Join**: One becomes a member of the caucus by virtue of serving as a State Bar Delegate.

**How to Become an Officer**: The regional conferences generally select the officers of the caucus on a rotating basis.

**Typical Meeting Time**: The caucus meets at Annual and Midyear Meetings, on the Sunday morning before the HOD meets.

**How to Obtain More Information**: About a month before the meeting, ABA staff (ABA Division for Bar Services) sends information to state bar executive directors to share with potential attendees. A few days before the meeting, staff sends another message to potential attendees with meeting details. State bar executive directors and the leadership of the National Conference of Bar Presidents have this information in advance of the annual and midyear meetings. Questions regarding the meetings can be addressed to the ABA Division for Bar Services.

**Meeting Structure**: General introductions, and then attendees hear from selected proponents and opponents of resolutions coming before the HOD. The resolutions are selected based upon their relevance to state bar associations. Attendees may ask questions about the proposed resolutions. Discussion of resolutions is followed by remarks from the ABA president, president-elect, and/or HOD chair. A member of the ABA GAO staff generally provides an overview of recent ABA advocacy efforts.

**Speakers**: ABA Leadership speaks on various issues; members present on behalf of pending resolutions; and candidates seeking ABA leadership positions introduce themselves and ask for support.

**Constituent Members**: The constituents or stakeholders of the caucus are the leaders of state bar associations and the members they represent.

**Other Thoughts**: The caucus may sponsor or co-sponsor resolutions. From time to time, the caucus may survey leaders of state bars on issues. The caucus is presently considering the structure of the organization to ensure the success of leaders is maintained and sustainable.
ABA YOUNG LAWYER CAUCUS

**Formed:** 2011

**Goals:** (1) Ensure that the relevant issues for young practitioners are discussed and presented in an orderly manner; (2) inform caucus attendees of the actions the Young Lawyers Division (“YLD”) Assembly took on resolutions calendared for the upcoming HOD meeting; (3) allow other interested sections, divisions, and forums a vehicle for seeking YLD input; and (4) discuss the relevant resolutions of the Division.

**Impetus:** The YLD looked at how it could most effectively assert itself in an ever-growing demand for young lawyer attention from other ABA entities and avoid losing its niche within the association as the “Home for Young Lawyers”

**Purpose/Mission/Jurisdiction:** None codified yet. The caucus is a meeting designed to get currently disconnected groups within the ABA to talk to one another and coordinate their efforts at attracting, marketing to, and retaining young lawyers.

**Officers:** The caucus is led by the YLD HOD Representatives, currently Dana Hrelic, Anna Romanskaya, Daiquiri Steele, and Sheila Willis.

**Members:** While there is no formal policy on membership in the YLD caucus, invitations to attend are extended to all YLD members and young lawyer representatives in the HOD, regardless of YLD membership. All are welcome.

**How to Join:** Simply show up and participate. Membership is open to anyone who is a young lawyer representative to the HOD, or a friend to young lawyers.

**How to Become an Officer:** The YLD HOD Representatives serve as caucus officers. There representatives are elected by the delegates to the YLD Assembly. Interested parties are welcome to attend the caucus meetings.

**Typical Meeting Time:** The Caucus meets at every ABA Annual and Midyear Meeting. The meeting time is set for the Sunday prior to the HOD meeting, typically late afternoon.

**How to Obtain More Information:** The meeting date and time are included in the ABA’s general meeting calendar of events and also included the ABA YLD schedule. Agendas are made available at the meeting.

**Meeting Structure:** The meeting follows the prepared agenda. While the agenda varies for each meeting, updates on YLD resolutions on the HOD calendar and updates from the YLD Assembly are standing agenda items.

**Speakers:** Speakers present on various resolutions seeking support or advocating on behalf of resolutions. Speakers seeking a slot on the YLD caucus agenda should contact the YLD HOD representatives in advance.

**Constituent Members:** Our constituents and stakeholders are the members of the ABA Young Lawyers’ Division.

**Other Thoughts:** This is a caucus that has grown tremendously as young lawyers from each state were designated as part of the HOD makeup. We’re more than willing to have new folks join our caucus and share your thoughts, concerns, or feedback.
Highlights from the 2019 ABA Annual Select Committee Report

By Michelle A. Philo, CA

The Select Committee produces a robust report of each House Meeting. The Select Committee Report is separate and distinct from the House’s Daily Journal which provides a daily summary of the actions of the House. The Select Committee Report is sent to all House members and is made available on the House of Delegates webpage. It is divided in two parts: the first a summary of the speeches and reports made to the House and the second a summary of the actions on resolutions.

Here are some highlights from the Report on the 141st Annual ABA Meeting in San Francisco:

Fun Fact: Motions by the Numbers

The theme of the 2019 Annual Meeting was amendments. Of the 57 resolutions that came before the House, approximately 15 were approved with revisions or amendments, 35 passed without amendments; 8 passed on the consent calendar; 4 were withdrawn; 2 were postponed indefinitely; and 1 resolution was not approved. The numbers are “approximate” as there is a question as to whether a Motion to Divide is an additional motion, and whether the divided motion is two separate resolutions!

Remarks from Outgoing ABA President Robert M. Carlson

- Prior to President Carlson’s remarks, the House viewed a video produced by the ABA Commission on Lawyer Assistance Programs, featuring lawyers who have had or have advocated on behalf of those that have faced mental health and substance abuse in the profession and urging those who need help to seek it.
- President Carlson spoke about the ABA’s advocacy on behalf of due process for immigrants and asylum seekers. The ABA has urged Congress to approve funding to ensure the appropriate care of unaccompanied immigrant children in custody and to enforce standards of care for children.
- President Carlson reported numerous donations have been made to support the several organizations assisting with immigration along the border. In addition, he thanked the American Bar Endowment for its generous donation of $150,000 to staff a pro bono coordinator position.
- President Carlson thanks the Young Lawyers Division for leading efforts in providing disaster legal services to those affected areas.
- He pledged continued support for the ABA Committee on the Federal Judiciary, which evaluated 137 federal judicial nominees in the last year, more than twice the average.
- President Carlson concluded his remarks encouraging everyone to promote civility no matter how ugly public discourse may be, raising concerns when bigotry and hatred emanate from news organizations, candidates for public office, and prominent government officials. He powerfully concluded, “Words matters. How we treat each other matters.” In our public discourse, we must be aware of our own words and actions and talk to each other with mutual respect.
The House gave President Carlson a standing ovation, thanking him for his year as service as ABA President.

Remarks from Incoming ABA President Judy Perry Martinez
ABA President Judy Perry Martinez was sworn in as President of the ABA by Louisiana Supreme Court Chief Justice Bernette Joshua Johnson.

- President Martinez expressed support for the many activities the ABA conducts to promote due process and humane treatment for immigrants and asylum seekers.
- She noted the ABA’s four goals are intertwined:
  - ABA serves its members to improve and advocate for the profession.
  - ABA improves the profession by working to eliminate bias and increase diversity.
  - ABA’s focus on diversity is key to promoting the rule of law.
  - ABA’s promotion of the rule of law provide a benefit to its members who see the legal profession as a calling and share in the passion for justice and liberty.
- President Martinez announced a 19th Amendment centennial celebration efforts, marking the expansion of the right to vote to women.
- She announced the State Membership Chair Project, to support efforts to introduce ABA membership to more lawyers.
- President Martinez stated the ABA is prepared to act on its more than 20 policies that is has adopted on gun safety.
- She announced the theme of the centennial for the ABA Standing Committee on Legal Aid and Indigent Defendants National Pro Bono Celebration will be legal services for domestic violence survivors.
- President Martinez called for the ABA to not be an insular profession, removed from the people we serve, but to be a people’s profession, that is defending liberty and pursuing justice.

Remarks from President-Elect Nominee Patricia Lee Refo
- President-Elect Nominee Patricia Lee Refo announced her commitment to supporting President Martinez’s agenda over the next year.
- She is enthusiastic about the future of the ABA and the work it continues to do across numerous broad topics.
- She challenged the House to recruit one new member for the ABA between the Annual Meeting and the Midyear Meeting.

Remarks from ABA Treasurer Michelle A. Behnke
- Treasurer Michelle Behnke provided year to date results for Fiscal Year 2019, and a review of the budget for Fiscal Year 2020.
- Expenses have been reduced by over $30 million in the last several years because budgeting is done earlier, allowing time to plan accordingly.
- The grants the ABA receives demonstrate and recognize the ABA’s expertise and quality of work and allow the ABA to continue the work without terminating or slashing those budgets.
- Ongoing expenses associated with the new membership model will need to be incorporated into the budget.
- Additional changes have included a revised spending policy, a more robust review on program support funds, and continuing to review for changes to help the ABA strategically deploy its resources and strengthen its financial position.
Remarks from Chairman of the Board of Directors of the Legal Services Corporation

- Chairman John G. Levi thanked the ABA for being LSC’s indispensable ally.
- Upcoming projects from LSC include:
  - Reports on the opioid epidemic and national disasters
  - Veteran’s Day Summit recognizing the 100th Anniversary of Veterans Day
- By the Numbers:
  - Based on its intake census, LSC reported 42% of the legal problems presented by qualified individuals receive no service of any kind and only 27% of the eligible problems are fully served.
  - In 75% of civil cases in state court, one or both parties are unrepresented.
  - When tenants represent themselves, they are evicted nearly 50% of the time, but stay in their home 90% of the time with representation.

Remarks from ABA Executive Director Jack L. Rives

- Executive Director Rives focused his remarks on the successful implementation of the new dues structure. The membership price points have been reduced from 157 to 5.
- New member benefits include an online CLE Marketplace which is expected to have over 650 on demand courses in the next year; complimentarily membership in the Law Practice Division and the Solo, Small Firm, and General Practice Division. The ABA Career Center had over 3,000 jobs posted.
- The new ABA logo has been implemented, along with brand standards. The logo has been implemented in the ABA’s 120 different periodicals for a consistent image across all ABA products.
- Executive Director Rives reported the ABA is not simply talking about problems, but taking steps towards solutions and highlighted some of the work of the ABA including:
  - The Death Penalty Representation Project has represented 345 death row inmates, with 102 of those removed from death row.
  - The ABA has provided legal representation to more than 20,000 immigrant children separated from their families at the border.
  - 400 law firms and 105 corporations have committed to take the ABA survey in support of Resolution 113 passed by the House, seeking economic fairness for diverse attorneys.
  - The ABA Rule of Law Initiative has been in more than 100 countries to advance the rule of law.
  - In the past two years, 6,200 attorneys from more than 40 jurisdictions have answered 76,000 questions through the Free Legal Answers platform.

A full copy of the Select Committee Report can be found [here](#).
Defending Liberty, Pursing Justice. These are not just words or a motto, but an embodiment of our legal profession. The ideal of Defending Liberty and Pursuing Justice is evident in every legal practice discipline. Whether you are practicing in a law firm, a solo practitioner, corporate counsel, law school professor or Judge, we each strive to defend liberty and pursue justice.

Through my membership in the American Bar Association, including my time as a State Bar Delegate to the ABA House of Delegates. I have developed a network of colleagues (who have become friends) around the country. I have been given opportunities to fight for diversity in the legal profession and equality for women. I have expanded my leadership skills, legal knowledge and my awareness of the role and responsibility of being an attorney. Through my legal practice and work with the American Bar Association, I found my way to defend liberty and pursue justice.

I am honored to serve as the State Membership Chair for Northern California. As State Membership Chair for Northern California, I seek to spearhead ABA membership growth and engagement in Northern California. In partnership with the ABA’s Standing Committee on Membership, the ABA has revitalized the constitutionally recognized State Membership Chair program with established clear responsibilities for creating and sustaining a local presence for our national association.

As the appointed Northern California State Chair, I am eager to share my experience and promote the tremendous benefits and value of the American Bar Association. With the launch of the ABA’s new value proposition, ABA membership now offers a wealth of resources, including access to over 400 titles of ABA CLE programming covering a broad range of practice areas to fulfill MCLE requirements.

The ABA’s greatest resource is its members and the ABA needs our members’ support. Our challenge as ABA members is to bring in at least one new member/lapsed member [www.ambar.org/discoverMORE].

Elizabeth Meyers serves as Staff Counsel for AIG.
In Memoriam….  We have lost several House members and we honor and recognize their contribution. Please take a moment to remember them.

John J. Bouma, AZ, 82. John was a former ABA Board of Governors member, and Past-President of the National Conference of Bar Presidents who passed away tragically, on January 22, 2019. Mr. Bouma was very active in the ABA and held many leadership roles: Board of Governors from 1998-2001, Arizona State Delegate from 1990-1998 and from 2014-present, Delegate-at-Large from 2001-2013, delegate from the State Bar of Arizona from 1987-1989, and several ABA Sections and Committees. Obituary

Damon Lynn Gannett, MT, 72. Damon served as the State Delegate from Montana (2012-present). He passed away peacefully on October 2, 2019 after a 3½ year battle with pancreatic cancer. Damon spent his professional career tirelessly advocating for the most disenfranchised among us: children. He practiced in Billings, Montana. His local newspaper wrote a glowing opinion about Damon. Obituary

Mark S. Cady, IA, 66. The Conference of Chief Justices recently credentialed Chief Justice Cady as a new member of the ABA House of Delegates with the term 2019-2021; Chief Justice Cady’s term started at the conclusion of the 2019 San Francisco Annual Meeting. A colleague commented that Justice Cady embraced justice, fairness, and compassion that appears once in a generation. He appreciated Iowa's rich history of being a leader in advancing the law for all citizens. His brilliant, tireless efforts won't be forgotten. Years from now, legal scholars, students and advocates for justice will study his life and rulings. Obituary

J. David (“Dave”) Andrews, WA, 86. Dave spent all of his approximately 59 years of practice with the Seattle office of Perkins Coie. He was nationally known for his expertise as a trial lawyer on labor and employment matters, he was a Fellow of the American College of Trial Lawyers, and he brought great honor to his firm and his state by serving as the Treasurer of the American Bar Association. Obituary

Donald R. Dunner, DC, 88. Don was very involved in the ABA. He was a former Board member, a leader in the Intellectual Property Law Section – serving as Chair of the Section and as its delegate to the House of Delegates for 11 years. Don was the 2015 recipient of the ABA-IPL Section’s prestigious Mark T. Banner Award. He held leadership positions in the District of Columbia Bar and the Bar Association of the District of Columbia and served as chairman of the Advisory Committee to the U.S. Court of Appeals for the Federal Circuit for the first ten years of the Court’s existence. Obituary