Comments from the Chair of the House

William R. Bay

We had a very productive meeting of the House in Las Vegas. Thanks to each of you for your preparation and active participation. A special thanks to all our House Committee members, but particularly the Rules & Calendar Committee, chaired by Christina Plum of Wisconsin for their terrific work and our dedicated staff who make everything better.

This third issue of the Newsletter features another of our continuing efforts to tell the House story. In this issue, we give you a sense of the subject matter of the resolutions the House has passed in the last 3 years, where they come from and how many are adopted.

The Resolution Impact Committee (chaired by Kate Madigan of New York and Vice-Chair Judge James Hill of North Dakota) has done excellent work in reviewing resolutions adopted by the House in 2016-2018 and placing them into broad categories. It is a difficult process because some resolutions address several subjects. The analysis represents the best efforts to categorize the resolutions adopted by the House of Delegates during the period 2016-2018. Richard Raleigh’s “Who We Are” column in this edition of the newsletter provides you all the information and general findings.

The Resolution Impact Committee is also working on a project to expand significantly the number of videos that show the impact of House resolutions. Our Video Challenge about resolutions that have already had a demonstrable impact was announced in a prior House of Delegates Newsletter and during the Las Vegas Midyear Meeting. We anticipate showing the videos from our first set of winners at the 2019 Annual Meeting in San Francisco. This contest will continue at the 2020 Midyear Meeting in Austin, TX.

In our next issue, we will provide you links to all of the resources we have created to tell the House story, including a PowerPoint, handouts and a link to a video. All of these are designed with one goal in mind – to better equip each of you to be our ambassador to your constituents.

Please feel free to contact me, committee leadership, or staff with your questions.
WHAT IS THE SUBJECT MATTER OF THE RESOLUTIONS FROM THE ABA HOUSE OF DELEGATES?

During 2016-2018, the House of Delegates has considered resolutions covering a number of relevant subjects*:

1 in 5 resolutions concern the legal profession (e.g. legal education, ethics, ADR, paralegals, legal services, etc)

1 in 4 resolutions cover civil practice (e.g. employment law, family law, intellectual property law, children’s law, etc)

1 in 6 concern access to justice, civil rights and diversity & inclusion

1 in 6 concern criminal and juvenile justice

1 in 6 concern federal law and policy

1 in 10 concern rule of law and international law

* It’s difficult to categorize the subject of each resolution, as some resolutions address several subjects. This represents our best efforts to categorize resolutions adopted by the House of Delegates during the period from 2016-2018.
What We Do?
By Richard J.R. Raleigh, Jr. of Alabama

You may have seen articles such as, “ABA House of Delegates rejects changes to the bar passage standard for law schools,” “ABA House of Delegates Approves Recommended APA Amendments,” “ABA Delegates Overwhelmingly Approve Anti-Bias Rule,” and “Delegates urge Congress to exempt Puerto Rico from outdated maritime law.” But even if you have listened closely during the debate on various resolutions on the House agenda and you voted on the resolutions, you may still wonder, “What is it exactly that the ABA House of Delegates does?” “Where do these resolutions come from?” and “Why does this matter?”

The purpose of the House of Delegates is to set policy, and the resolutions are policy statements. For example, the House sets the ABA’s policy on major legislative, national and professional issues. The control and administration of the ABA is vested in the House of Delegates, the policy-making body of the association. Action taken by the House of Delegates on specific issues becomes official ABA policy. Discussing and deciding on these resolutions is what we do.

So, if proposing, debating, revising, and voting on resolutions is what we do, then in some ways the various categories of resolutions reflect who we are, what we are interested in, and where we are going. This article looks at the number and categories of resolutions, and where they come from.

How many resolutions does the House consider?

• 197 during the three-year period 2016 – 2018

• The numbers of resolutions have increased 50% since 2016.

How many do we approve?

• 84% of proposed resolutions are approved by the House

• 165 resolutions were approved by the ABA House of Delegates in the last three-year period (2016 – 2018).
**What subject matters do these resolutions touch upon?**

Here’s a flavor of the various subject matters involved:

- 1 in 5 resolutions concern the legal profession in areas such as legal education, ethics, ADR, paralegals, and legal services.
- 1 in 4 of the resolutions cover civil practice in areas such as employment law, family law, intellectual property law, and children’s law.
- 1 in 6 concern criminal and juvenile justice.
- 1 in 6 concern federal law and policy.
- 1 in 6 concern access to justice, civil rights, and diversity and inclusion.

The House also frequently considers resolutions related to the Rule of Law and International Law.

**Where do these resolutions come from?**

Resolutions can be submitted by sections, committees, affiliated organizations, bar associations, delegates to the House, and individual members of the Association.

These entities and persons submit Resolutions with Reports for publication in the House of Delegates bound book. They are submitted to the Secretary of the Association. The Committee on Drafting Policies and Procedures is available to serve as a resource to all members who are interested in bringing a Resolution with Report to the House for consideration. There is a deadline for submission of resolutions. Notice of the deadlines is sent out in advance of the Midyear Meeting and Annual Meeting.

Many resolutions are submitted with joint sponsors. Here’s the breakdown on the primary sponsors of resolutions by percentage during the period 2016-2018:

- Practice-focused Sections and Forums – 39%
- ABA Standing Committees – 14%
• ABA Commissions – 14%
• Entities that are treated in a special way such as National Conference of Commissioners on Uniform State Law, Section of Legal Education & Admissions to the Bar, and Standing Committee on Paralegals – 14%
• State, local, and special-focus bar associations – 9%
• ABA Divisions such as Young Lawyers, Law Students, and Senior Lawyers – 6%
• Other ABA entities – 4%

To conclude, the House of Delegates does exactly what you would expect the voice of the profession to do: it addresses critical issues of the day, the concerns lawyers have, and issues that lawyers face in their practices and their communities.

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Note: The House Resolution and Impact Review Committee, chaired by Kathryn Grant Madigan of New York, was responsible for the aggregation and categorization of the data sets expressed in this article. The Committee reviewed resolutions adopted by the House of Delegates from 2016-2018 and categorized the resolutions into the following subject matter “buckets”:

- Access to Justice
- Civil Rights
- Criminal and Juvenile Justice
- Diversity and Inclusion
- Family and Children’s Law
- Federal Law and Policy
- Rule of Law and International Law
- Legal Profession
- Civil Practice
- Employment Law

The process of categorization was difficult given that many resolutions impact more than one subject matter.
Highlights from the 2019 ABA Midyear Select Committee Report

By Michelle A. Philo (CA)

Did you know? 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 also included as a link in the report that State Delegates are encouraged to send to the ABA members in their states before and after each Midyear and Annual Meeting. 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 Midyear Meeting in Vegas:

Fun Fact: Motions, Motions, Motions

The delegates were active during the ABA Midyear Meeting, keeping Chair William R. Bay busy for his first House meeting. There were 9 Motions to Amend Resolutions, 2 Motions to Call the Previous Question, and 1 Motion to Postpone Indefinitely.

Remarks from ABA President Robert M. Carlson

- President Carlson thanked the members of the House, recognizing that participation in the work of the House fortifies our united, strong, and respected voice that stands for professional excellence, equal justice, due process, and the rule of law.
- If you consider all of the lawyers who belong to the multitude of bar associations represented by the delegates of the House, the ABA speaks for more than a million lawyers.
• President Carlson called for funding of the courts. A failure to fund the courts and the institutions of justice is an attack on the rule of law and the independence of the judiciary.

• Through J.K. Rowling’s Lumos Foundation’s support and the American Bar Endowment’s $150,000 opportunity grant, the ABA is able to partner with social workers and hire a pro bono coordinator to assist ABA’s pro bono immigration lawyers at the border.
• President Carlson addressed lawyer wellness and called for attorneys to sign the pledge for a campaign of innovation to improve the substance use and mental health landscape of the legal profession. The pledge can be found here.

Remarks from Honorable Paul L. Reiber, Chief Justice of the Supreme Court of Vermont
• This is the tenth year the President of the Conference of Chief Justices provided remarks to the House.
• Hon. Reiber acknowledged there are regional differences in this country, but there is one common purpose: justice under the law.
• A large increase in caseloads in addiction-related crime and child protection have arisen from the opioid crisis. Judges are faced with decisions about whether victims of opioid abuse should go to jail or treatment, as well as where affected children should live.
• Although 71% of low-income households in the country experienced at least one civil legal problem, 86% of those reported receiving inadequate or no legal help.
• It is vitally important that the House continues its support of an independent, a political judiciary by supporting recommendations for state and federal judges.

Remarks from ABA Treasurer Michelle A. Behnke
• Fiscal Year 2018 was strong with the ABA adding to its net assets.
• The first quarter of Fiscal Year 2019 is positive, but it’s positive based on managing expenses. The ABA is seeing softness in its revenues and needs to take steps to manage that.
• Fiscal Year 2020 will be the first year under the new membership model. The ABA will see a decrease in dues revenue of approximately $8 million and will need to decrease expenses by approximately $6.1 million.

Remarks from ABA Executive Director Jack L. Rives

• In 1977, 50% of American lawyers were members of the ABA. Today, it is fewer than 20%.
• The new membership model features many new membership benefits such as:
  o Complimentary membership in the Law Practice Division and Solo, Small Firm and General Practice Division
  o Center for Professional Responsibility’s information will be generally available at no cost to members
  o CLE marketplace with over 450 on-demand online courses available to members at no additional cost. The number is expected to increase to 650 within a year.
• The new contemporary logo will be used when the new membership model is launched on May 1, 2019.

A full copy of the Select Committee Report can be found here.
Event News You Can Use!!

Don’t forget to register for the Rule of Law Luncheon at the ABA’s Annual Meeting!

Every year, ABA’s Rule of Law Initiative (“ROLI”) hosts a Rule of Law Luncheon during the House of Delegates meeting. At the luncheon ABA ROLI presents information about their programs, honors the recipient of the ABA’s Human Rights Award, and discusses the most important issues facing the legal community around the world. This year’s event will feature a conversation between ABA ROLI’s Board Chair, Judge M. Margaret McKeown, of the United States Court of Appeals for the Ninth Circuit, and Justice Rosalie Abella, of the Supreme Court of Canada, about the role of judges in protecting human rights and the rule of law. If you’ve been to previous Rule of Law Luncheons, then you know that the event sells-out every year. Space is limited, so Delegates are encouraged to sign up as soon as possible by following the instructions below:

Follow the link to the ABA’s Annual Meeting Registration page:

https://www.americanbar.org/groups/departments_offices/meetings_travel_dept/annual-meeting/

If you have not registered for the ABA annual meeting:

1. Click on Attendee registration to proceed.
2. During the registration process, click on Rule of Law Initiative
3. Select: Rule of Law Luncheon, Monday, August 12, 2019 - 12:00 PM-1:30 PM
4. Follow the steps and submit your payment to finalize the transaction.
If you already registered for the ABA annual meeting:

1. To purchase tickets for the Rule of Law Luncheon, click on Access My Registration to login.

2. Select the option to purchase additional tickets

3. Find Rule of Law Initiative and select:

   Rule of Law Luncheon, Monday, August 12, 2019 - 12:00 PM-1:30 PM

4. Follow the steps and submit your payment to finalize the transaction.
Delegate Spotlight

Members of the ABA House of Delegates have many personal achievements we would like you to know about:

**M. Joe Crosthwait, Jr. of Oklahoma** was awarded the Joe Stamper Distinguished Service Award by the Oklahoma Bar Association (“OBA”) for long term service to the bar and the profession at the OBA 2018 Annual Meeting.

**Michelle A. Philo of California** was installed as the 2019 President of the Orange County Women Lawyers Association.

**Jennifer L. Parent of New Hampshire** has recently become a Fellow of the American College of Trial Lawyers.

**Hon. Jennifer Rymell of Texas** received the Distinguished Graduate Award for a jurist from St. Mary’s University School of Law.

**Hon. Shane A. Vannatta of Montana** was sworn in as District Court Judge earlier this year for the Fourth Judicial District, State of Montana.

[CLICK HERE](#) to provide us with information about recent awards or achievements that you or other House members have received since September 1, 2018, so we can consider the information for inclusion in future House of Delegates Newsletters.