AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES

Delegate Handbook

November 1, 2017
INTRODUCTION

The Delegate Handbook delineates the purposes and functioning of the American Bar Association and its House of Delegates. The information collected here attempts to answer your questions on the internal operations and procedures of the House, and your role and responsibilities as a delegate.

You should have recently received a link to the electronic version of the Association’s 2017-2018 Constitution and Bylaws. This booklet also contains the Rules of Procedure of the House of Delegates. Where appropriate in the text of the Handbook, a parenthetical reference indicates the section of the Constitution, Bylaws, or House Rules on which the statements are based.

The appendices contain a "Summary of ABA Legislative Issues" which provides a quick reference to Association policy on hundreds of legislative issues. The full text of these policy statements may be obtained from the Policy and Planning Division.

You will soon be receiving a link to the electronic version of the 2017-2018 Policies and Procedures Handbook (“Green book”) which is a quick reference guide to internal Association policy and operating procedures, designed for the use of House of Delegates members, Section officers, members of the Board of Governors and Committee chairs. This is a searchable PDF with bookmarks and links throughout the Table of Contents for easy navigation.
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1. HISTORY OF THE HOUSE OF DELEGATES

The House of Delegates was established in 1936 when the Association's present Constitution was adopted, resulting in the reorganization of the Association in essentially today's form. Jefferson P. Chandler of Los Angeles, California, Chairman of the Special Committee on Coordination of the Bar, in presenting his committee's plan to the Association's Assembly that year, emphasized the committee's commitment to fulfilling its charge to prepare such amendments to the Constitution and Bylaws of the Association to provide for an organic connection between the American Bar Association and the several state and local bar associations.

"The plan is an effort to make the American Bar Association representative of the lawyers of the United States. We have about 30,000 members in this Association and there are about 175,000 lawyers in the United States. It has been the opinion of many members of this Association for a long period of time that this Association could not occupy the position that it should occupy in the United States unless it placed itself in position to express the opinion of the Bar of America, that this was absolutely essential to the lawyers, and that the only way this Association could accomplish that purpose was to create an organic relation with the bar associations of the country."

..."We have created a House of Delegates, to be composed of about 160 members. That is about as large a body as can work effectively. The state bar associations are represented, and some of the local bar associations are represented. It was necessary that some of the local bar associations, particularly the larger ones, be represented because of the fact that there is not a complete organization of the lawyers in the different states. In many of the states there is no relation at all between the local association and the state bar association, and consequently in order that this American Bar Association may receive the benefit of the great work that is being done by some of the larger local associations, it was determined that the local association having a membership of its own and having a percentage of membership in the American Bar Association should be entitled to representation in the House of Delegates. We could not make every local association a member because there are nearly 1500 local bar associations in the United States, and such a number would render the House of Delegates ineffective."

The Committee's report to the House describes the need to be fulfilled by the new House of Delegates:

"In the nature of things, there are many matters on which a national leadership and the development of a truly representative national opinion in the profession is needed by the state bar organizations and by lawyers and the public generally. There is a real necessity for ascertaining the informed opinion of the legal profession in all of the states, and then for setting up these crystallized opinions as recommended standards, as to such matters as
the standards of legal education and admission to the Bar, the Canons of Professional Ethics and the standards of professional conduct, the rights of the public to be protected against the unauthorized practice of law by persons and corporations lacking as to professional training and background, the disciplinary procedures necessary for purging the profession of its relatively few undesirables, the improvement of criminal law and its better enforcement, the form and effects of federal legislation affecting the administration of justice and the jurisdiction of the courts, the maintenance and vitality of the form of government and the rights of persons vouchsafed in the Constitution of the United States, the improvement of the law of municipal and local self-government, and the like."

"The same need for national leadership and for crystallizing the opinion of the whole Bar applies also to the orderly development of the law of such subjects of nationwide aspect, as admiralty and maritime law, commerce, commercial law and bankruptcy, federal taxation, insurance in its modern phases, patents and copyrights and many others."

"Obviously, such a useful service to the profession and to the country cannot effectively be rendered, unless the structure of organization is such as to elicit, in a fair and representative way, the judgment and the experience of more than half of the lawyers of the land. ...The determinations made and the actions taken by and through the American Bar Association, in the name of the legal profession, need and should have the sanctions and support which can come only if they are the representative decisions of those freely chosen to act and speak in behalf of a majority of the lawyers of the whole country."

The House held its first meeting at the 1936 Annual Meeting, and has met at every subsequent Annual and Midyear Meeting, except in 1937 when no midyear meeting was held "due to financial reasons" and in 1945 when none was held due to "problems arising by reason of travel and convention restrictions" during World War II.

The structure of that first House of Delegates closely resembled its present structure, offering representation to state and local bar associations and affiliated organizations, and providing for the election of a State Delegate from each state as well as five Assembly Delegates. The Chair of each Section was a voting member of the House, as were the officers of the Association and the members of the Board of Governors, and certain federal officials were considered ex officio members.

Over the years, representation in the House has been studied and altered. Section Delegates were added, the formula for calculating state bar association representation has been adjusted and a requirement for certain states to certify a young lawyer delegate has been imposed. Additional representation is granted to bar associations and to Sections based on ABA membership statistics. Constitutional amendments approved at the 1990 Annual Meeting removed a ceiling on House membership and provide for representation in the House for each local bar association with more than 2,000 members.
As the House has maintained its original structure, it has also continued to pursue the objectives of its architects. The House provides national leadership on a wide range of matters as evidenced by the Association's current legislative priorities. Based on policy statements adopted by the House of Delegates over the years, the Association devotes much of its lobbying efforts to such issues as: increased federal judicial compensation; opposing efforts to undermine the Legal Services Corporation; support for fair housing legislation and increased funding for the Council on Legal Education Opportunity; support for a number of issues related to the right to representation; support for issues relating to the improvement of the tort liability system; developing appropriate legal standards for the use of RICO in civil litigation; opposition to curtailing or eliminating diversity jurisdiction; support for the exclusionary rule; opposition to federal court subject matter limitations; opposition to Federal Trade Commission intrusion on the traditional responsibility of the states to regulate the legal profession; opposition to creation of a national court of appeals or an intercircuit panel; concern for abridgement of the doctrine of judicial immunity; support for favorable tax treatment of prepaid legal service plans; and support for creation of a State Justice Institute as a vehicle to provide modest sums of financial and other assistance for state and local court systems.
2. **POWERS AND FUNCTIONS**

The House of Delegates has the ultimate responsibility for establishing Association policy, both as to the administration of the Association and its positions on professional and public issues. (§6.1)

The House elects officers of the Association and members of the Board of Governors upon nominations of its Nominating Committee. (§7.2, §8.2) It elects members of the Committee on Scope and Correlation of Work upon nominations by the Scope Nominating Committee. (§27.1) It has the sole authority to amend the Association's Bylaws. (§12.1) It may amend the Constitution upon a vote of two-thirds or 150, whichever is greater, of the members present and voting. (§13.1) It authorizes committees and Sections of the Association and discontinues them. (Articles 30 and 31) It sets Association dues upon recommendation of the Board of Governors. (§21.8) The House is the judge of its own members. (§6.1)
3. **HOUSE STRUCTURE AND MEMBERSHIP**

As of October 10, 2017, the House of Delegates consisted of 598 members (see §6.2 et seq. of the Constitution):

- 52 State Delegates
- 257 State Bar Association Delegates
- 78 Local Bar Association Delegates
- 18 Delegates-at-Large
- 33 Former Officers
- 43 Present Officers and Board members
- 75 Section, Division and Conference Delegates
- 2 Ex Officio Members
- 27 Affiliated Organization Delegates
  - 1 American Samoa
  - 1 Commonwealth of the Northern Mariana Islands
  - 1 Guam
  - 2 Virgin Islands Bar Association
- 8 Goal III Members-at-Large who are not otherwise seated in the House

**Role of the State Delegate**

1. **Constitutional Duties**

   The ABA State Delegate performs two functions prescribed in the American Bar Association's Constitution. He or she serves as a member of the Nominating Committee of the House of Delegates, which nominates Association Officers and District members of the Board of Governors of the Association. (§9.2) She or he also chairs the state's delegation in the House of Delegates.
2. **Nominating Committee**

In her/his role as a member of the Nominating Committee, the State Delegate votes on Association officers and members of the Board of Governors. The exercise of this political role presents the State Delegate with the opportunity to include the members of the delegation representing the state, local and specialty bar associations in the process. Without compromising the right of the State Delegate to make the final decision on support of a candidate, the State Delegate should provide a forum for candidates to meet delegates, familiarize them on the platform or positions of the candidates and present the delegates the opportunity to provide input to the State Delegate. States with small delegations should join together for such a meeting with candidates or attend the candidates' forum to meet and hear the candidates. The objective of the State Delegate in including the members of the delegation in the process is to make the ABA and its leadership more relevant to individual delegates and through them to their constituencies at the state and local levels.

3. **Chair of State Delegation**

As Chair of the state delegation, the State Delegate serves as an important source of education and information for her or his delegation with respect to the key issues on the agenda for the annual and mid-year meetings. The state's ABA delegation should meet prior to the upcoming ABA meeting and the State Delegate or a designee of the State Delegate should review select agenda items and familiarize the members of the delegation with the divergent positions on those agenda items. When a Board of Governors member, or other ABA leader, or proponent of a resolution is available, the State Delegate should invite that person to comment on the anticipated key issues. The State Delegate should also communicate to the delegation any comments or positions received from the state, local and specialty bar associations in the state. The State Delegate should also convene a meeting of the delegation just prior to the opening session of the House of Delegates to report on new developments or to give a status report on key agenda items.
The State Delegate should utilize the opportunity presented by delegation meetings to improve and expand communications between the ABA and the state, local and specialty bars through the members of the delegation representing those entities. The State Delegate, as chair of the delegation, should welcome new members to the delegation by letter and personally, if possible. The welcoming letter should provide the new delegate with information as to process and operation of the delegation and urge the new delegate to attend the orientation session at the next mid-year meeting of the ABA to learn more about the ABA, its operation and/or services available to its members. In addition, either in advance of the next delegation meeting or at the beginning of the meeting, the State Delegate should personally welcome the new members of the delegation and brief them with respect to their role and responsibilities as members of the delegation.

At the conclusion of a delegate's tenure as a delegation member, the State Delegate should thank the delegate for her/his service in the delegation.

4. Communications with State, Local and Specialty Bar Associations

Because of the variance in the size of state delegations and the manner in which the delegations function, the role of the State Delegate necessarily differs from state to state. However, as the link between the ABA and the lawyers in each state, the State Delegate has the responsibility of maintaining a close liaison with the state bar association and with the major local and specialty bar associations in the state. The State Delegate has the responsibility of developing a program to improve and expand his or her relationship with the bar associations within the state. The State Delegate should communicate regularly with the leadership of the respective bar associations within the state with the objective of improving the relationship and the communication between the State Delegate, representing the ABA members in the state, and the respective bar associations.

a. State Bar Associations

In some states, the ABA State Delegate serves as a voting member of the Board of Governors or the governing body of the state bar association. In other states, the State Delegate
serves in an ex-officio capacity on the governing body and is invited to attend and participate in meetings, but without a vote. Where either such relationship exists, state delegates and bar leaders have found the interaction positive and beneficial. The State Delegate can gain a better appreciation of the position of the state bar on various issues which will be considered by the ABA House of Delegates, and the state bar governors become aware of the issues which will be the subject of debate and/or consideration by the ABA House of Delegates. The State Delegate should attend orientation programs given by state bar associations for their members to educate them on the way the ABA functions, and on the benefits of ABA membership and participation. This is an especially important and direct communication opportunity available to the State Delegate. For these reasons, the State Delegate has the responsibility of establishing and maintaining a formal relationship with state bar leaders.

b. Local and Specialty Bar Associations

The ABA State Delegate has the responsibility of making the ABA more relevant to local and specialty bar associations within the state. Improvement and expansion in communications is a first step. For example, in some states, the State Delegate sends copies of the preliminary agenda of the upcoming meeting of the House of Delegates to the local and specialty bar officers and governing body members with an invitation to communicate positions on various issues to the State Delegate, who then transmits these positions to the State's ABA delegation. The State Delegate, on request, can also obtain more detailed information or reports on agenda items of interest or concern to local or specialty bar associations. After each ABA annual and mid-year meeting, the Select Committee of the House prepares and circulates to the members of the House a summary of the action of the House during that meeting. The State Delegate sends copies of the Select Committee's summary or prepares a separate report on the meeting and circulates the same to the state bar, to local and specialty bars, and to legal publications within the state. The publications and journals of the state, local and specialty bars provide an important source of communication by the ABA with lawyers throughout the state on the work which the ABA does on behalf of those lawyers, the services and resources of the ABA available to its members, the issues under consideration by the House of Delegates, and the action on those issues. Each State Delegate has the responsibility for establishing and maintaining communication with the local and specialty bars in the state.
5. **ABA Committee Appointments**

The appointment to ABA committees by the president-elect of the Association presents an important opportunity to improve relations between the ABA and the state, local and specialty bar associations. As the link between these entities, the State Delegate can serve a mutually beneficial role. For those lawyers who have become active in various ABA entities, for those bar leaders who have, as a result of their leadership roles in their local and state bar associations, been exposed to the ABA and the National Conference of Bar Presidents, the State Delegate can provide a link to the ABA president-elect in making recommendations for committee appointments. The ABA President, in coordination with the Conference of State Delegates, should develop a formal procedure to include the State Delegate, and through the State Delegate, the state, local and specialty bar associations, in the ABA committee selection process. The work of the ABA and its various committees thus becomes more accessible, more understandable, and more relevant to the state, local and specialty bar associations.

6. **The Conference of State Delegates**

The Conference of State Delegates consists of all the elected state delegates. Each State Delegate automatically is a member of the Conference. The Conference meets during the Association's Annual and Midyear meetings to discuss matters of mutual interest or concern to the state delegates and their respective constituents. The Conference presents State Delegates with an important forum for communicating the viewpoints of their constituencies in the state, and for communicating the position of the State Delegates on important issues to the Association's House of Delegates.

7. **Conclusion**

The role of the ABA State Delegate is extremely important to both the Association and to the ABA members in the state who have elected the State Delegate as their representative in the House of Delegates. The responsibilities and activities discussed above, if properly discharged by the State Delegate, will significantly benefit the Association and its members throughout the nation.
There is a State Delegate for each of the 50 states, one for Puerto Rico and one for the District of Columbia. State Delegates are elected by the members of the Association in the state and serve for a three-year term. Election schedules are established by the Board of Elections and can be found at Appendix F. Effective at the conclusion of the 1980 Annual Meeting, State Delegates may serve only for three consecutive full terms. ($6.3)

State and Local Bar Association Delegates

The base allocation of delegates to a state bar association is based on the following formula applied to the number of resident and active lawyers in the state: ($6.4)(a)

A state bar association is entitled to at least one delegate in the House of Delegates, except that if there is more than one state bar association in a state the House shall determine which associations may select delegates. A state bar association in a state that has more than 4,000 lawyers is entitled to an additional delegate for each additional 2,500 lawyers above 4,000 until it is entitled to four delegates. A state bar association in a state that has more than 14,000 lawyers and not more than 20,000 lawyers is entitled to five delegates. If it has more than 20,000 lawyers, it is entitled to six delegates. If the bar associations of a state are entitled to four or more delegates, at least one delegate representing the state bar or a local bar association in that state must have been admitted to practice in his or her first bar within the past five years, or must be less than 36 years old at the beginning of the term. Each state delegation, as well as the United States Virgin Islands, that did not have an additional young lawyer delegate prior to the 2015 Annual Meeting shall be entitled to one additional delegate, chosen by either the state bar association or one of the qualifying local bar associations referred to in Articles 6.4(b) and 6.9 below, provided that such delegate was admitted to his or her first bar within the past five years or is less than 36 years old at the beginning of his or her term. It is the responsibility of the state bar association to ensure that this requirement is satisfied. However, a state bar association is entitled to at least as many delegates as it was entitled to certify at the 1990 annual meeting.

State and local bar association delegates serve for two-year terms. If a state or local bar association has only one delegate, the delegate's term ends with the adjournment of the annual meeting in an even-numbered year. If a state or local bar association has more than one delegate, the expiration of the terms must be alternated beginning with an even-numbered year, so that the terms are staggered as equally as possible. ($6.4(d)) In states where bar associations are entitled to four or more delegates, at least one delegate representing the state bar or a local bar association in that State must have been admitted to practice in his or her first bar within the past five years, or must be less than 36 years old at the beginning of his or her term. It is the responsibility of the
state bar association to ensure that this requirement is satisfied. (§6.4(a)).
A local bar association with more than 2,000 members is entitled to one delegate in the House. (§6.4(c)). A local bar association that has more than 2,500 Association members is entitled to one additional delegate. (§6.4(b))

Section, Division and Conference Delegates

Each Section is entitled to at least two delegates in the House. Sections are entitled to additional delegates based on a formula applied to the number of members and Non-U.S. Lawyer Associates in the Section. Section Delegates serve three-year terms and are appointed in accordance with the Section's Bylaws. (§6.6)

§6.6 Section Delegates. Each section shall be entitled to a minimum of two delegates. A section with more than 20,000 members and Non-U.S. Lawyer Associates, shall elect from its membership one additional delegate to the House. A section with more than 45,000 members and Non-U.S. Lawyer Associates, shall elect from its membership one additional delegate. All terms shall be staggered and in each succeeding third year each position shall then be elected for a term of three Association years. The term of a Section Delegate is three Association years, beginning with the adjournment of the annual meeting during which elected. A Section Delegate elected as an officer or member of the Board of Governors ceases to be a Section Delegate at the beginning of the term as officer or governor. If a vacancy occurs, the council of the section shall select a successor for the unexpired term. This section does not apply to divisions.

The Young Lawyers Division has five delegates, the Law Student Division has three, the Senior Lawyers Division has three, the Government & Public Sector Lawyers Division has two, the Solo, Small Firm and General Practice Division has three, and the Law Practice Division has two. The Judicial Division has one delegate; however each of its eligible judicial conferences is also entitled to a delegate. With the exception of the Law Student Division Delegates who serve one year terms, each Division Delegate's term is three years. (§6.7)

Delegates-at-Large

At each annual meeting the members of the Association registered for the annual meeting shall elect by ballot six members of the Association as Delegates-at-Large to the House of Delegates, no two of whom are accredited to the same state, territory or possession. The term of a Delegate-at-Large is three Association years, beginning with the adjournment of the meeting during which elected. (§6.5)
**Affiliated Organizations**

Certain national legal organizations named in §6.8 of the Association's Constitution are entitled to a delegate in the House.

An organization seeks representation in the House of Delegates through a Constitutional amendment which provides that the organization is named in §6.8. This was successfully accomplished by the Hispanic National Bar Association in 1986, the National Asian Pacific American Bar Association in 1990, the National Organization of Bar Counsel, the National Association of Women Judges and the National Conference of Women's Bar Associations in 1991, the National Lesbian and Gay Law Association in 1992, the Federal Circuit Bar Association in 1996, and the National Native American Bar Association in 2001.

**Members of the Board and Officers and Former Officers of the Association**

All Officers of the Association (except the administrative officer) serve as members of the House of Delegates during their terms of office. Members of the Board of Governors serve in the House during their terms. (§6.2(a))

Former Presidents of the Association and former chairs of the House of Delegates have lifetime membership in the House. (§6.2(a))

Former Secretaries and Treasurers elected prior to August 15, 1975 and who have three or more years of service, have life membership. Those with three or more years of service and elected after that time serve only for five Association years immediately following expiration of their terms, and except that a former officer first elected to an office that qualifies him or her under this provision after August 15, 1989, may serve for only the three Association years immediately following the end of his or her term. (§6.2(a))

**Ex Officio Members**

There are two *ex officio* members, the Attorney General of the United States, or at his or her option, the Deputy Attorney General, the Associate Attorney General or the Solicitor General, and the Director of the Administrative Office of the United States Courts or, at the Director's option, the Assistant Director for Congressional, External and Public Affairs. (§6.2(a))
**Delegates from the Territories**

The delegates from each of the Territories: American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands, shall be selected in a manner determined by the respective bar associations. The term is two Association years ending with the adjournment of the annual meeting in an even-numbered year. The bar associations shall certify to the House of Delegates the name and address of its delegate. If a vacancy occurs, the bar association shall select and certify a successor to serve for the unexpired term. (§6.9)

The attached chart provides a breakdown of House membership and indicates the term and expiration for each category of membership.

**Alternate Delegates**

Each state, territorial and local bar association, section, or affiliated organization represented in the House of Delegates shall certify to the House the names and addresses of its delegates. However, any of those entities may certify to the Secretary the name and address of an alternate delegate to serve during the absence of any of its delegates at a meeting of the House. The alternate delegate’s service is: (a) limited to that meeting of the House for which certified; (b) not counted in determining length of service in the House; and (c) not considered a lapse in service for the elected delegate. (§6.10)

Certification of the alternate delegate must be completed before the roster is approved by the House. Once the roster is approved, no additional changes may be made.
### House of Delegates

**598 Members as of October 10, 2017**

<table>
<thead>
<tr>
<th>Delegates</th>
<th>% of House</th>
<th>Term</th>
<th>Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>52 State Delegates</td>
<td>8.7%</td>
<td>3 years</td>
<td>staggered (Approx. 1/3 each year)</td>
</tr>
<tr>
<td>257 State Bar Assn. Delegates</td>
<td>43.1%</td>
<td>2 years</td>
<td>staggered(^1)</td>
</tr>
<tr>
<td>78 Local Bar Assn. Delegates</td>
<td>13.0%</td>
<td>2 years</td>
<td>staggered(^1)</td>
</tr>
<tr>
<td>18 Delegates-at-Large</td>
<td>3.0%</td>
<td>3 years</td>
<td>staggered (6 each year)</td>
</tr>
<tr>
<td>43 Current Officers &amp; Board. Members</td>
<td>7.2%</td>
<td>During office(^1) and 3 yrs respectively(^2)</td>
<td>staggered (Approx. 1/3 each year)</td>
</tr>
<tr>
<td>33 Former Officers</td>
<td>5.5%</td>
<td>3 and 2 years (^3)</td>
<td>officer prior to 1975 for life</td>
</tr>
<tr>
<td>51 Section Delegates</td>
<td>8.5%</td>
<td>3 years</td>
<td>staggered</td>
</tr>
<tr>
<td>24 Division &amp; Conference</td>
<td>4.0%</td>
<td>3 years</td>
<td>(Law Student Delegates Div., 1 year) staggered</td>
</tr>
<tr>
<td>2 Ex Officio Members</td>
<td>.3%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27 Affiliated Organization Delegates</td>
<td>4.5%</td>
<td>2 years</td>
<td>odd-numbered years</td>
</tr>
<tr>
<td>1 American Samoa</td>
<td>.2%</td>
<td>2 years</td>
<td>odd-numbered years</td>
</tr>
<tr>
<td>1 Commonwealth of the Northern Mariana Islands</td>
<td>.2%</td>
<td>2 years</td>
<td>even-numbered years</td>
</tr>
<tr>
<td>1 Guam</td>
<td>.2%</td>
<td>2 year</td>
<td>odd-numbered years</td>
</tr>
<tr>
<td>2 Virgin Islands</td>
<td>.3%</td>
<td>2 years</td>
<td>even-numbered years</td>
</tr>
<tr>
<td>8 Goal III At-Large Members</td>
<td>1.3%</td>
<td>3 years</td>
<td></td>
</tr>
</tbody>
</table>

1. Beginning in 1988, associations with more than one delegate have terms staggered so that half expire in the even-numbered years, and half in the odd-numbered years.
2. The term of the Chair of the House is two years; the terms of the Secretary and Treasurer are three years; all other officers serve one year terms.
3. The former presidents of the Association and former chairs of the House of Delegates have lifetime membership in the House.
4. **HOUSE COMMITTEES**

In addition to the Nominating Committee, the House has four standing committees and seven special committees. The Chair of the House and the Secretary of the Association are *ex officio* members of all House committees. (§49.1) The Chair of the House may create special committees to perform an assigned task as needed.

**Standing Committees**

**Credentials and Admissions**

The Committee on Credentials and Admissions, consisting of seven delegates, shall consider and report on all questions relating to qualifications, selection, or credentials of delegates or relating to the compliance of an organization with the requirements for representation in the House. The Committee presents the roster at each meeting for the approval of the House.

**Drafting Policies and Procedures**

The Committee on Drafting, consisting of five delegates, shall serve as a resource for all members who are interested in bringing resolutions with reports to the House for consideration. Drafters are encouraged to seek the committee’s assistance prior to the deadline for submission of resolutions. In addition, the Committee shall report to the House on any resolution, report, or other matter referred to it by the House or the Chair for revision as to scope, substance, or phraseology.
Rules and Calendar

In addition to duties otherwise required, the Committee on Rules and Calendar, consisting of five delegates, shall: (a) assist the Chair in the expeditious handling of the business of the House; (b) report to the House on proposals to amend the Rules of Procedure; (c) prepare and send to the Secretary the preliminary calendar for each meeting of the House in time for the required distribution; and (d) make recommendations to the House on the order of business and late reports. More details concerning the functioning of this Committee can be found in Chapters 8 and 9.

Scope Nominating Committee

The Scope Nominating Committee consists of the following *ex officio* members: the Chair of the House of Delegates, as chair, the chair of the Board's Profession, Public Service and Diversity Committee, the chair of Scope, the member of Scope with the longest continuous service on the Committee who is not the chair, and the chair of the Section Officers Conference. The Committee shall make nominations for membership on the Committee on Scope and Correlation of Work.

Special Committees

Advisory Committee to the Chair of the House

The Advisory Committee makes recommendations on the orderly functioning of the House and its various committees, the smooth transition of administration, and such other matters as the Chair of the House may request the Advisory Committee to review from time to time. It is composed of the former Chairs of the House.

Issues of Concern to the Legal Profession

This Committee will identify issues of concern to the legal profession and find ways to effectively engage the House of Delegates in full debate of these issues.
Resolution and Impact Review Committee

This Committee shall review the dissemination, use, implementation and impact of House of Delegates’ resolution.

Select Committee of the House

The Select committee reviews the overall functioning of the House with respect to the role of the individual delegate (including reviewing conflict of interest or other allegations against a delegate), effective use of the Houses time through an ongoing review of House customs and procedures. Specific responsibilities undertaken by the Select Committee include: ongoing administration of the new members orientation program; and continuing preparation and distribution of the pre-meeting “Sneak Preview” and post-meeting “Report of Actions Taken” reports to members.

Steering Committee of the Nominating Committee

This special committee advises on the orientation and training of new Nominating Committee members. The Committee also monitors the compliance of the Principles and Guidelines on the Election Process and sets the agenda for meetings of the Nominating Committee.

Technology and Communications

This committee will examine how to improve communications among delegates, between delegates and their constituencies, and between the House of Delegates and other entities within the ABA and outside of the ABA.

Tellers

The Tellers Committee is authorized by §46.3 of the House Rules to count written ballots. The Tellers also count standing votes taken in the House and perform such other duties as the Chair may prescribe.
5. COMMITTEE ON SCOPE AND CORRELATION OF WORK

The Committee on Scope and Correlation of Work shall study the structure, functions, and work of the sections, committees, and other agencies of the Association. It shall make such recommendations to the House or the Board of Governors as it considers appropriate to correlating the work of the Association as a whole and providing better use of the Association’s resources. (§27.2)

It consists of five members of the Association, one of whom is elected in each year by the House of Delegates to serve a five-year term beginning with the adjournment of the annual meeting during which elected. Nominations must be made from the floor at the first session of the House and the election is held at the next session of the House. (§27.1)

The Committee annually designates its chair. The Chair of the House appoints a liaison member from the Sections, who serves without vote, from among three nominations submitted by the Section Officers Conference. The chairs of the Improving the Profession and the Finance and Internal Operations Committees of the Board of Governors each designate a member to serve as an *ex-officio* liaison representative to Scope, without vote. (§27.1)

The Scope Committee devotes itself for the most part to a study of the work of the various Committees and Sections and the occasional overlapping of their jurisdictions, to the end that the proper field of each one may more definitively be determined. It places all ABA committees, commissions, task forces, etc. on a continuing regular and routine review cycle. Special circumstances may cause a group to be examined outside the routine review cycle.

Should the Committee's review result in a recommendation for discontinuance of a Standing Committee of the Association or the altering of its jurisdictional statement, Scope
makes its recommendation to the House in the form of a proposed amendment to the
Association's Bylaws to alter or delete the committee's jurisdictional statement. Scope makes its
recommendations concerning special committees, commissions or task forces to the Board of
Governors and action is then taken as appropriate.
6. NOMINATING COMMITTEE AND ELECTION OF OFFICERS AND MEMBERS OF THE BOARD OF GOVERNORS

Nominating Committee Composition and Terms

The composition of the Nominating Committee of the House of Delegates is set forth in §9.2 of the Constitution. The Committee consists of the State Delegates, seven Section delegates, one Judicial Division Delegate, one Young Lawyers Division member who need not be a delegate when named to the Committee but who becomes a delegate while serving on the Nominating Committee, and eight Goal III members-at-large who need not be delegates in the House of Delegates when selected, but who become delegates while serving on the Nominating Committee. No more than five members of the Nominating Committee may be from the same state at any one time.

The term of a member of the Nominating Committee begins with the adjournment of the annual meeting following the member's election or appointment. A member of the Nominating Committee may not serve for more than three consecutive full three-year terms as such.

State Delegates are elected by the members of the American Bar Association in each state and are members of the Nominating Committee by virtue of their office. The Judicial Division Council selects the Judicial Division Delegate from among the Judicial Division and Conference Delegates. The Young Lawyers Division Assembly selects the Young Lawyers Division representative who becomes a member of the House for the length of service on the Nominating Committee.

The Goal III members-at-large shall be appointed by the President, from nominations solicited from the diversity commissions, sections, divisions, forums, state and local bar associations and the membership at large. The President shall appoint as Goal III members-at-large no fewer than three women, three minorities, one who self-identifies as LGBT, and one who self-identifies as have a disability.
**Section and Division Delegates on the Nominating Committee**

The Section Officers Conference selects the seven Section Delegates to serve on the Nominating Committee pursuant to procedures adopted by the Conference. Each Section is assigned to a grouping, Tier I through VII. Within each Tier each Section is listed in the rotational order of service on the Nominating Committee. The order within a Tier may be varied by unanimous agreement among the affected Sections:

- **Tier I:** Business Law; Litigation; Real Property, Trust and Estate Law
- **Tier II:** Tort Trial and Insurance Practice; Taxation; Labor and Employment Law
- **Tier III:** Law Practice Division; Intellectual Property Law; Environment, Energy and Resources
- **Tier IV:** International Law; Solo, Small Firm & General Practice Division; Family Law; Senior Lawyers Division
- **Tier V:** Legal Education and Admissions to the Bar; Antitrust Law; Criminal Justice; Health Law
- **Tier VI:** Administrative Law and Regulatory Practice; State and Local Government Law; Science and Technology Law; Dispute Resolution
- **Tier VII:** Public Contract Law; Infrastructure and Regulated Industries Section; Civil Rights and Social Justice; Government and Public Sector Lawyers Division
**Nomination of Officers and Members of the Board of Governors**

The Nominating Committee nominates the Officers and members of the Board of Governors of the Association as set forth in §9.2 of the Constitution. At each Midyear Meeting, the Nominating Committee meets to make nominations for offices to be filled by election by the House of Delegates at the subsequent Annual Meeting. The nominating meeting is usually held on Sunday prior to the House of Delegates meeting, immediately following the Nominating Committee Business Session. At the same nominating meeting, a nomination is made for each seat on the Board of Governors which will become vacant at the conclusion of the next Annual Meeting. Only one nomination is made for each office or Board of Governors seat.

Traditionally, the Nominating Committee also meets at the Midyear Meeting to hear statements from candidates seeking nomination at the next Midyear Meeting. These meetings are usually held on Sunday morning and are scheduled by the Steering Committee of the Nominating Committee, which is appointed by the Chair of the House. The meeting provides an opportunity for Nominating Committee members to obtain information on the candidates' qualifications and is open to the Association membership.

The full Nominating Committee nominates the Officers of the Association. Each year, one nomination is made for the Office of President-Elect and, in each even-numbered year, a nomination is also made for the Office of the Chair of the House of Delegates. The President-Elect automatically becomes President at the conclusion of each Annual Meeting. At the Annual Meeting in 1986 and in each succeeding third year until 2016, a nomination is made for each of the Offices of Secretary and Treasurer whose terms begin at the conclusion of the next annual meeting following the annual meeting at which they are elected. In the Association year prior to commencement of their terms, they serve as Secretary-Elect and Treasurer-Elect, respectively. Beginning in 2020 and in each succeeding third year, a Secretary shall be elected by the House of Delegates at the Annual Meeting for a term of three association years beginning with the adjournment of the Annual Meeting during which elected and does not serve as Secretary-elect.
The State Delegates nominate each district member of the Board of Governors. The three-year rotation of the Districts on the Board of Governors is set forth in §26.1 of the Association's Bylaws.

The composition of the Districts is established in §2.1 of the Constitution, which also establishes the rotational order of representation on the Board among the states. The rotational order may be varied by unanimous agreement among the affected states. At the 2016 Annual Meeting, the rotational order for representation on the Board of Governors for 2017 was approved. Copies of the realigned Districts are available upon request to the Division for Policy and Planning. (§2.1)

The Section Delegates nominate each of the six Section members-at-large on the Board. The three-year rotation of Section members-at-large is also set forth in §26.1. The procedures assign each Section to a grouping, Tiers A through F, with each Section listed in the rotational order of service on the Board of Governors. The order within a Tier may be varied by unanimous agreement among the affected Sections:

Tier A: Business Law; Litigation; Real Property, Trust and Estate Law

Tier B: Tort Trial and Insurance Practice; Taxation; Labor and Employment Law

Tier C: Law Practice Division; Intellectual Property Law; Environment, Energy and Resources

Tier D: International Law; Solo, Small Firm & General Practice Division; Family Law; Senior Lawyers Division

Tier E: Legal Education and Admissions to the Bar; Antitrust Law; Criminal Justice; Health Law

Tier F: Administrative Law and Regulatory Practice; State and Local Government Law; Science and Technology Law; Dispute Resolution

Tier G: Public Contract Law; Infrastructure and Regulated Industries Section; Civil Rights and Social Justice; Government and Public Sector Lawyers Division
The Judicial Division Delegate nominates the judicial member-at-large on the Board, and the Young Lawyers Division Delegate nominates the young lawyer member-at-large. The three-year rotation of the young lawyer member-at-large and the judicial member-at-large are also set forth in §26.1. The members-at-large of the Nominating Committee shall nominate each woman and minority member-at-large.

**Principles and Guidelines on the Election of Officers (adopted August 2008)**

With the recognition that seeking office in the Association is a political process, it is the intent of these Rules to minimize the expenditures of a campaign required for office and to ensure that all members of the Association have fair access to the political process without unnecessary financial burdens or sacrifice.

1. A person seeking to serve as President-Elect, Chair of the House of Delegates, Secretary or Treasurer of the Association shall commence the campaign for office by filing a signed letter of intent setting forth the office and the term with the Policy and Planning Division at the American Bar Center. A candidate’s letter of intent shall be filed no earlier than the last January 1 occurring more than 12 months prior to the Midyear Meeting at which the nomination will be made. The letter of intent shall be in the form attached to these Rules and may be accompanied by a resume. The letter shall state that the candidate has read these Rules and commits to abide by them.

2. After determining that the letter of intent meets the requirements of these Rules, the Policy and Planning Division shall forward a copy of the letter to all members of the House of Delegates. All questions of interpretation with respect to these Rules shall be directed to the Policy and Planning Division, which shall respond promptly to such questions.

3. No candidate or prospective candidate (references in this paragraph and in paragraph 6 to “candidate” shall include “prospective candidate”), and no person acting on his or her behalf, shall solicit a public or private commitment from any member of the Nominating Committee, other than from his or her State Delegate, prior to the candidate’s filing the letter of intent as required by Rule #1. Nominating Committee members (with the single exception noted above) shall not give any such commitments. Meetings by or on behalf of any member exploring or considering a candidacy for any office may be held no earlier than one year before the date that such member would be eligible to declare his or her candidacy under these guidelines. Except for the State Delegate from the prospective candidate’s state, members of the Nominating Committee or their designees may not attend the meetings referenced in the preceding sentence.

4. Each member of the Nominating Committee is personally responsible for providing each candidate who desires to meet with the member an opportunity for a meeting. Nominating Committee members are encouraged to hold such meetings during a Midyear
or Annual Meeting and the member may choose to include at the meeting others whose views such member may wish to hear. If this does not prove feasible, the member should provide the candidate an opportunity to meet at the Section Officers Conference or the Nominating Committee Orientation meeting, and travel and a per diem will be paid to the candidate for such meeting (other than for a meeting held in conjunction with the Annual Meeting or Midyear Meeting). Candidates and prospective candidates are discouraged from arranging visits to Nominating Committee members in their home cities and Nominating Committee members are discouraged from accepting such visits.

5. Each member of the Nominating committee is encouraged to afford the candidate an opportunity to meet with other members of his or her delegation or constituency. Each State Delegate member is encouraged to consult with all members of his or her delegation before making a commitment.

6. A candidate shall not sponsor, or permit others to sponsor on the candidate’s behalf, any reception, or organized social function, in support of his or her candidacy. This provision is not intended to interfere with business meetings or functions not sponsored by a candidate or on a candidate’s behalf attended by a candidate and member(s) of the Nominating Committee. Staff may secure a conference room for use by a candidate for a non-social function during the Midyear and Annual Meetings. Nothing in these guidelines shall prohibit a candidate from serving non-alcoholic beverages and snacks at a meeting permitted by these guidelines.

7. After a candidate has filed his or her letter of intent, the candidate may speak at the Forums sponsored by the Nominating Committee at the immediately following Midyear and Annual Meetings. The Forums will be open to any member of the Association who wishes to attend and suitable notice will be given of the time and place of the Forums.

8. A candidate who decides to terminate his or her campaign for office promptly shall supply a signed letter to that effect to the Policy and Planning Division, which promptly will forward such letter to all members of the House of Delegates.

**Nomination of Members of the Nominating Committee**

In accordance with Constitutional amendments adopted at the 1995 Annual Meeting, if a member of the Nominating Committee seeks nomination as an officer of the Association or member of the Board of Governors, the candidate must recuse himself or herself from service on the Nominating Committee during the meeting at which the nomination would be acted upon, by providing written notice to the Secretary at least 30 days prior to the meeting. If a State Delegate is recused from service for this reason, he or she remains the State Delegate and the state bar association delegate from that state with the longest continuous service in any capacity in the
House, or if there are two or more with equal service, the one selected by lot by the Chair of the House shall serve on the Nominating Committee during that meeting. Where no state bar association delegate is able to attend, the state bar association shall appoint a temporary state bar delegate to serve on the Nominating Committee during that meeting. If a Section Delegate is recused for this reason, the Section Officers Conference selects a delegate from among existing Section Delegates to serve on the Nominating Committee during the meeting. If a Division Delegate is so recused the Division shall select a delegate from among the existing members of the House to serve on the Nominating Committee during that meeting. If a member-at-large of the Nominating Committee is so recused or is unable to participate in a meeting of the Nominating Committee, the Chair of the Commission that nominated the member-at-large shall designate a member of the House of Delegates to serve on the Nominating Committee during that meeting. (§9.2(d))

**Nomination by Petition**

To be eligible for nomination as a member of the Board of Governors by the Nominating Committee, a person must file a petition signed by 25 Association members with the Secretary 30 days prior to the convening of the meeting of the Nominating Committee at which the nomination is considered. If the petition is for nomination to the Board of Governors from a district, it must be signed by 25 Association members from that district. (§9.2 (c)) Petitions for nomination to the Board of Governors must specify which position the petitioner seeks; no person may petition for more than one position.

Section 9.3 of the Constitution provides for additional nominations by petition for the Board of Governors or for any office to be filled by election. Petitions must be filed no earlier than 120 days nor later than 70 days before the beginning of each annual meeting.

**Election of Officers and Members of the Board of Governors**

In accordance with §8.2 of the Constitution and §26.1 of the Bylaws, the House elects officers and members of the Board of Governors at its first session at the Annual Meeting.
7. **THE ROLE OF THE DELEGATE**

Delegates to the House of Delegates are responsible for attending each meeting of the House, participating fully in its proceedings, and discharging the responsibilities of the House as described in Chapter 2, Powers and Functions.

In addition, it is the responsibility of each delegate to keep his or her constituency fully apprised of actions taken by the House and, to the extent possible, matters pending before the House; and to assist constituent entities in presenting issues of concern for debate and action by the House.

**Meetings**

The House of Delegates meets twice each year, at the Association's Annual Meeting in August, and at the Association's Midyear Meeting in February. The schedule of House meetings through 2019 is as follows:

<table>
<thead>
<tr>
<th>Midyear</th>
<th>Annual</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 5, 2018</td>
<td>August 6-7, 2018</td>
</tr>
<tr>
<td>Vancouver, BC</td>
<td>Chicago, IL</td>
</tr>
<tr>
<td>January 28, 2019</td>
<td>August 12-13, 2019</td>
</tr>
<tr>
<td>Las Vegas, NV</td>
<td>San Francisco, CA</td>
</tr>
</tbody>
</table>

At the Annual, the House of Delegates usually meets on Monday and Tuesday; and at the Midyear Meeting usually on Monday only.

Several months prior to each meeting, members of the House of Delegates will receive an email notice that online registration is open. A block of rooms at the hotel in which the House will meet is usually reserved for delegates, but as the time of the meeting approaches, those rooms will be released to general registrants.
The Meetings and Travel Department also arranges for discounted airfares to the meeting destination, with one or more airlines. Information regarding these discounts is included on the meeting website.

At each meeting, House members are required to sign a roster which indicates their attendance at that particular meeting. At Midyear Meetings, this roster is located at the Registration Desk and prominently identified so that members can sign it as they pick up registration materials. At Annual Meetings, the House roster is located at the Delegate-at-Large Voting area which is located near general registration. At the opening session of the House, the roster is sent to the floor of the House and delegates may sign it there.

If a constituency is eligible to certify an alternate delegate for a particular meeting, certification of that delegate must be completed before the roster is approved by the House. Once the roster is approved, no additional changes may be made. *(See also page 13)*

**House of Delegates Meeting Materials**

All of the House of Delegates meeting materials are posted on the House of Delegates webpage on the ABA’s website. *(http://www.americanbar.org/groups/leadership.html)*. All materials, including the Resolutions with Reports and the Summary of Action, are available in electronic format. In order to receive emails with links to House documents and other important information, please make sure you are a subscriber to the House of Delegates listserv. Contact Leticia Spencer at leticia.spencer@americanbar.org or 312/988-5160 for any questions regarding the listserv.

**The Sneak Preview**

The Select Committee of the House of Delegates has observed that integral to fostering better communication between delegates and their constituencies is being able to provide delegates with advance notice of possible items which have some likelihood of appearing on the House’s agenda. To assist delegates, the Committee has created a “Sneak Preview” of future House agenda information (Attachment A) which consists of as much information as can be
gathered on issues being developed for presentation to the House at the next or a future meeting. Notice of the Sneak Preview is sent electronically and posted to the House of Delegates website to all members of the House approximately two months in advance of the meeting to allow adequate time for coordination and action by interested entities. Delegates are encouraged to review this list for items of interest to their constituencies and to share this information with them so that they will have the earliest possible opportunity for consideration and input.

**Preliminary Agenda**

Shortly after the filing deadline for resolutions with reports, notice of the Preliminary Agenda (Attachment B), containing a brief description of all resolutions with reports which were filed by the deadline, is posted to the House of Delegates website and sent electronically to each member of the House of Delegates, section and committee chairs, and presidents and executive directors of associations represented in the House. Although all reports may not be in final form at that time, advance copies of individual reports which are of interest to members of the House may be obtained by calling the Policy and Planning Division.

**Executive Summary**

At approximately the same time, the full text of resolutions submitted and an Executive Summary of each report is posted to the House of Delegates website and sent electronically to each member of the House of Delegates. The Executive Summary is limited to two pages, and must contain a Summary of the Report which includes the reasons for adoption of the resolution, a summary of its impact, and a summary of any minority view or opposition that has been identified.

**Summary of Resolutions**

Approximately five weeks prior to the House meeting, notice of the Summary of Resolutions is posted to the House of Delegates website and sent electronically to House members, state and local bar associations, and Section and committee chairs. (Attachment C)
The Summary provides a detailed description of each resolution and the copy sent to delegates is accompanied by a form requesting information on the items which should be removed from the Consent Calendar. At this stage, all reports are in final form and individual reports are available on request to the Policy and Planning Division.

**Bound Book of Reports**

The bound book of resolutions with reports which constitutes the substantive agenda for each meeting of the House is sent electronically to all House members at least fifteen days in advance of the meeting. Resolutions with Reports are discussed in detail in Chapter 9.

**Reporting on Actions Taken**

At the conclusion of each meeting of the House the important task remains for the delegate of reporting fully to constituent entities on actions taken by the House of Delegates.

To assist delegates in carrying the message to their constituencies, the Select Committee prepares a comprehensive report (Attachment D) on actions taken by the House and other activities at that meeting in a format which can be adapted as a report, letter, or bar journal article. The Select Committee Report is sent electronically and posted to the House of Delegates website approximately 3 weeks after each meeting of the House.

Every effort should be made to report to all constituencies as soon as possible after each meeting to provide them with a more complete understanding of the scope and diversity of matters dealt with by the House of Delegates. If more than one Delegate represents an organization, delegates may wish to report jointly or designate one Delegate to report on behalf of the delegation.

**State and Local Bar Delegates**

At the 1989 Annual Meeting in Honolulu, the House of Delegates approved a resolution submitted by the Select Committee of the House which states:
BE IT RESOLVED, That the American Bar Association urges each state and local bar association represented in the House of Delegates to invite its State Delegate or, alternatively, to designate one of the bar association delegates, to serve on its governing board as an ex officio member with or without vote. Such a representative should at a minimum be invited to attend such meetings of the governing board as an observer.

BE IT FURTHER RESOLVED, That the American Bar Association urges state and local bar associations to present for consideration by the House of Delegates, policy recommendations on issues which concern those associations, particularly those affecting the professional life of lawyers and the practice of law.

BE IT FURTHER RESOLVED, That it is the responsibility of each State Delegate and each state and local bar association delegate to encourage and assist their constituencies in presenting matters of interest for consideration by the House, and to report fully on the actions taken at each meeting of the House.

In addition to carrying the message from the House of Delegates to the organizations they represent in the House, each Delegate is his or her organization’s link to the House of Delegates. To that end, each delegate is responsible for working within his or her state delegation to keep them apprised of issues which may have relevancy in the House and encouraging and assisting their constituencies in presenting matters of interest for consideration by the House.
House of Delegates

2018 Vancouver Midyear Meeting Sneak Preview

As part of its ongoing effort to improve communication, the Select Committee of the House has prepared the Sneak Preview, which includes information concerning issues that are being developed for presentation to the House of Delegates at the 2018 Midyear Meeting in Vancouver, British Columbia.

The Committee urges all Delegates to review this list for items of interest to their constituencies, and to act as the catalyst for further contact and action so that each entity will have ample opportunity for consideration and input.

Please note that: 1) this list is tentative in nature, and 2) with the exception of state and local bar associations, the filing deadline for submission of Resolutions with Reports by Association entities and affiliated organizations is Wednesday, November 15, 2017.

The Committee thanks all of those who provided information for this report. If you have additional information on any new developments or issues, please inform one of the Committee members or Leticia Spencer.

Respectfully submitted,

Sandra R. McCandless, Chair
Carlos A. Rodriguez-Vidal, Vice-Chair
Bonnie E. Fought, Reporter
Access the Sneak Preview - 2018 Vancouver Midyear Meeting
POTENTIAL AGENDA ITEMS FOR THE 2018 MIDYEAR MEETING
OF THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION

NOTE: This list includes issues that may be presented for consideration at the 2018 Midyear Meeting or a future meeting of the House of Delegates. Please remember that, with the exception of state and local bar associations, the filing deadline for submission of Resolutions with Reports by Association entities and affiliated organizations is Wednesday, November 15, 2017.

DISPUTE RESOLUTION

1. Use of Dispute Neutrals
   Urges all domestic and international providers of legal and neutral services to work to expand and create opportunities for diverse neutrals, by encouraging the selection of diverse neutrals in general and as part of their efforts to implement the goals of Resolution 113 adopted by the House in August 2016. Section of Dispute Resolution. Contact: Linda Warren Seely**, 1050 Connecticut Ave., N.W., Suite 400, Washington, D.C. 20036, Phone: 202/662-1685, E-mail: Linda.Seely@americanbar.org.

FAMILY LAW

2. Military Retired Pay Upon Divorce
   Opposes federal rules which divest the states of their historic authority to equitably divide property. It further requests the repeal of the Uniformed Services Former Spouses' Protection Act, 10 U.S.C. 1408, which was amended last December to treat the division of military retirement benefits on divorce differently than any other type of retirement benefits. Section of Family Law. Contacts: Anita Ventrelli, Esq., Schiller, DuCanto & Fleck, LLP, 200 N. LaSalle Street, Suite 3000, Chicago, IL 60601-1098, Phone: 312/609-5506, E-mail: aventrelli@sdfllaw.com; Scott Friedman, Esq., Friedman & Mirman Co., L.P.A., 1320 Dublin Rd., Columbus, OH 43215, Phone: 614/221-0090, E-mail: SFriedman@friedmanmirman.com; G. Brentley Tanner, Esq., Sullivan & Tanner, P.A., 5511 Capital Center Drive #320, Raleigh, NC 27606, Phone: 919/832-8507, E-mail: brentleytanner@ncfamilylaw.com; Mark E. Sullivan, Esq., Sullivan & Tanner, P.A., 5511 Capital Center Drive #320, Raleigh, NC 27606, Phone: 919/832-8507, E-mail: mark.sullivan@ncfamilylaw.com; Cynthia Swan*, Phone: 312/988-5619, E-mail: cynthia.swan@americanbar.org.

3. Model Act Governing Assisted Reproductive Technology

   Proposes the Model Act Governing Assisted Reproductive Technology [2017] to update the 2008 Model Act previously adopted by the House of Delegates. Social, legal, and medical advancements in the area of assisted reproductive technologies ("ART") require modernization of the Model Act. Section of Family Law. Contacts: Anita Ventrelli, Esq., Schiller, DuCanto & Fleck, LLP, 200 N. LaSalle Street, Suite 3000, Chicago, IL 60601-1098, Phone: 312/609-5506, E-mail:

*American Bar Association, Chicago Office, 321 N. Clark Street, Chicago, IL 60654
**American Bar Association, Washington Office, 1050 Connecticut Avenue, NW, Washington, DC 20036
HUMAN RIGHTS

4. **Best Practices regarding science, evidence and experience related to HIV/AIDS**
Proposes policy regarding HIV/AIDS to update previously adopted policies to reflect the latest science, evidence and experience from best practices over the last couple of decades. **Center for Human Rights**. Contact: Michael Pates**, Phone: 202/662-1025, E-mail: michael.pates@americanbar.org.

INTERNATIONAL LAW

5. **Attacks on the Legal Profession and Judiciary**
Urges the UN Human Rights Council to look at the increasing attacks on the legal profession and the judiciary around the world; and encourages adoption of the Basic Principles on the Role of Lawyers by the Association and includes a call for governments, bar associations worldwide and lawyers to uphold and reinforce the application of these principles. **Section of International Law**. Contacts: Luke Wilson, Section of International Law IHRC, Phone: 781/799-9780; E-mail: lphw44@gmail.com; Maria Chhabria**, Phone: 202/662-1670, E-mail: maria.chhabria@americanbar.org.

6. **Model Provision Related to Cross-Border Data Flows for Trade Agreements**
Adopts a model provision related to cross-border data flows for trade agreements which provide an overview of international e-commerce/digital trade (e.g., USITC, ITIF, UNCTAD) and why it is important for U.S. businesses and workers and the U.S. economy; evolution of e-commerce rules in trade agreements; non-U.S. FTAs treatment of e-commerce; and new negotiating opportunities (e.g., TISA). **Section of International Law**. Contacts: John Rosero, Prudential Financial, 80 Livingston Ave., Mailstop NJ-09-02-20, Roseland, NJ 07068, Phone: 973/802-4336, E-mail: john.rosero@prudential.com; Maria Chhabria**, Phone: 202/662-1670, E-mail: maria.chhabria@americanbar.org.

PARALEGAL EDUCATION

7. **Paralegal Education Programs**
Grant approval, reapproval, withdrawal and/or extension of the term of approval to several paralegal education programs. **Standing Committee on Paralegals**. Contact: Peggy C. Wallace*, Phone: 312/988-5618, E-mail: peggy.wallace@americanbar.org.

*American Bar Association, Chicago Office, 321 N. Clark Street, Chicago, IL 60654
**American Bar Association, Washington Office, 1050 Connecticut Avenue, NW, Washington, DC 20036
8. Uniform Directed Trust Act
Approves the Uniform Directed Trust Act (UDTA) which clarifies and modernizes trust law for this era of specialization. The UDTA imports an enacting state’s existing law governing trustees, and applies the same rules to trust directors. National Conference of Commissioners on Uniform State Laws. Contacts: James P. Spica, Dickinson Wright PLLC, 500 Woodward Ave., Ste. 4000, Detroit, MI 48226, Phone: 313/223-3090, Fax: 313/223-3598, E-mail: jspica@dickinsonwright.com; Karen Boxx, University of Washington, School of Law, 316 William H. Gates Hall, P.O. Box 353020, Seattle, WA 98195, Phone: 206/478-2091, Fax: 206/543-5671, E-mail: kboxx@uw.edu; Amy E. Heller, Skadden, Arps, Slate, Meagher & Flom, Four Times Square, New York, NY 10036, Phone: 212/735-3686, Fax: 917/777-3686, E-mail: amy.heller@skadden.com.

9. Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act
Approves the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGCOPAA) which modernizes the law and protects the rights of individuals who are subject to guardianship and conservatorship. It encourages courts to impose the least-restrictive orders possible to adequately protect vulnerable minors and adults, and to monitor the protective arrangement to continuously adapt to an individual's changing capabilities and needs. National Conference of Commissioners on Uniform State Laws. Contacts: Catherine A. Seal, Kirtland & Seal, P.O. Box 2682, Colorado Springs, CO 80901, Phone: 719/448-0734, Fax: 719/634-0485, E-mail: cas@kirtlandandseal.com; Eddie J. Varon Levy, 2276 Torrence Blvd., Torrence, CA 90501, Phone: 310/824-3937, E-mail: eddymxlaw@aol.com; Cory Kallheim, Leading Age, 2519 Connecticut Ave, NW, Washington, DC 20008, Phone: 202/558-5691, E-mail: ccallheim@leadingage.com; Hon. Cheryl D. Cesario, 1004 Washington St., Unit 1, Evanston, IL 60202, Phone: 773/320-6440, Fax: 312/603-4850, E-mail: cherylcesario@icloud.com; Hon. Kristin B. Glen, City Univ. of New York School of Law, 2 Court Sq., Long Island, NY 11101, Phone: 718/340-4147, E-mail: kbg@mail.law.cuny.edu.

Approves the Uniform Parentage Act (UPA) which provides states with a uniform legal framework for establishing parent-child relationships. UPA (2017) updates prior versions of the UPA, last revised in 2002 (UPA (2002)). National Conference of Commissioners on Uniform State Laws. Contacts: Steven H. Snyder, Steven H Snyder & Associates, 11270 86th Ave N, Maple Grove, MN 55369; Prof. Mary Louise Fellows, P.O. Box 730, Grand Marais, MN 55406, Phone: 763-420-6700, E-mail: steve@snyderlawfirm.com.
11. Uniform Protected Series Act
Approves the Uniform Protected Series Act (UPSA) which is drafted as a "module" to be inserted into the enacting state’s existing LLC act and may be adopted whether or not the state’s LLC statute is based on the Limited Liability Company Act. National Conference of Commissioners on Uniform State Laws. Contacts: Allan G. Donn, Willcox & Savage, P.C., 440 Monticello Ave., Suite 2200, Norfolk, VA 23510, Phone: 751/628-5521, E-mail: adonn@wilsav.com; Norman M. Powell, Young Conaway Stargatt & Taylor LLP, Rodney Square, 1000 N. King St., Wilmington, DE 19801, Phone: 302/571-6629, Fax: 302/576-3328, E-mail: npowell@ycst.com; J. Leigh Griffith, Waller Lansden Dortch & Davis, LLP, 511 Union St., Suite 2700, Nashville, TN 37219; Marjorie R. Bardwell, Fidelity National Title Group, 601 Riverside Ave., Bldg. 5, Jacksonville, FL 32204, Phone: 904/854-8105, Fax: 904/357-1043, Email: Marjorie.bardwell@fnf.com.

12. Uniform Regulation of Virtual Currency Businesses Act
Approves the Uniform Regulation of Virtual Currency Businesses Act (URVCBA) which provides a statutory framework for the regulation of companies engaging in "virtual currency business activity." National Conference of Commissioners on Uniform State Laws. Contact: Stephen Middlebrook, Womble Carlyle, 271 17th St NW, Suite 2400, Atlanta, GA 30363, Phone: 202/492-6853, E-mail:

13. Revised Uniform Unclaimed Property Act
Approves the Revised Uniform Unclaimed Property Act (RUUPA) which is an update to the Uniform Unclaimed Property Act, which was last amended in 1995. The Revised Uniform Unclaimed Property Act makes a number of updates to earlier versions of the uniform act in order to keep up with technological changes and new forms of property, as well as to clear up contested issues raised by various unclaimed property constituencies. National Conference of Commissioners on Uniform State Laws. Contacts: Ethan Millar, Alston & Bird LLP, 333 S. Hope St., 16th Floor, Los Angeles, CA 90071, Phone: 213/293-7258, E-mail: ethan.millar@alston.com; Alexandra Darraby, The Art Law Firm, 11620 Wilshire Blvd., Suite 900, Los Angeles, CA 90025, Phone: 310/361-8589, Fax: 310/943-0435, E-mail: darrabya@artlawfirm.com; Charolette Noel, Jones Day, 2727 N. Harwood St., Dallas, TX 75201, Phone 214/869-4538, E-mail: cnoel@jonesday.com; Scott Heyman, Sidley Austin LLP, One S. Dearborn St., Chicago, IL 60603, Phone: 312/853-7501, Email: sheyman@sidley.com.

*American Bar Association, Chicago Office, 321 N. Clark Street, Chicago, IL 60654
**American Bar Association, Washington Office, 1050 Connecticut Avenue, NW, Washington, DC 20036
House of Delegates

Preliminary Agenda - 2017 New York Annual Meeting

The Preliminary Agenda for the 2017 Annual Meeting of the House of Delegates in New York, New York is now available on the ABA’s website. It contains a brief description of all Resolutions with Reports that were submitted by the May 9 filing deadline.

This document is designed to give you advance notice of matters submitted for consideration by the House of Delegates at the forthcoming meeting. Please be aware that matters listed on this preliminary agenda may be revised or removed from the agenda prior to submission to the House in final form. This could result in resolution numbers being changed or eliminated.

If there are matters on this preliminary agenda which you wish to review prior to receipt of the electronic House report book, you may obtain a copy of any Resolution with Report by contacting Adrienne Barney. The report will be sent to you as soon as it is in final form. For your convenience, a more detailed Summary of Resolutions as well as the Resolutions with Reports and the Informational Reports will be posted on the ABA's House of Delegates website the week of June 12, 2017.

We are pleased to offer the House report books in electronic format. Bound books will no longer be automatically printed and mailed. You will be sent a link to the electronic version of the House book the week of July 10, 2017. Members of the House of Delegates that prefer a printed copy of the House book must provide
your mailing information no later than June 16, 2017. To receive a printed copy of the 2017 Annual Meeting Resolutions with Reports please complete Report Book Request Form. If you do not indicate that you would like a printed copy, one will not be mailed to you.

We will also provide the Summary of Action from the 2017 Miami Midyear Meeting in electronic format. As a reminder, the House will vote on approval of the Summary at the 2017 Annual Meeting. To receive a printed copy of the 2017 Midyear Meeting Summary of Action please complete the Request Form no later than June 16, 2017. If you do not indicate that you would like a printed copy, one will not be mailed to you.

If you request a printed copy of either book, it will be mailed to you the week of July 10, 2017. If you have any questions, please do not hesitate to contact Rochelle E. Evans.

Request a printed copy of the 2017 Annual Meeting Resolutions with Report

Request a printed copy of the 2017 Midyear Meeting Summary of Action
PRELIMINARY AGENDA

AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2017 ANNUAL MEETING
NEW YORK, NEW YORK

REPORT # SUBJECT

11-1 CONSTITUTIONAL AMENDMENT
Amends §1.2 of the Association's Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.”

11-2 CONSTITUTIONAL AMENDMENT
Amends §6.8 of the Association's Constitution to provide for representation of the National Creditors Bar Association as an affiliated organization in the House of Delegates.

11-3 HOUSEKEEPING AMENDMENT
Amends §6.5(a) of the Association's Constitution to indicate that if six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected.

11-4 HOUSEKEEPING AMENDMENT
Amends §44.1(a) of the House Rules of Procedure to include a "commission" as having the privileges of the floor of the House of Delegates.

100 STANDING COMMITTEE ON PARALEGALS
Grants approval and reapproval to several paralegal education programs, withdraws the approval of two programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.

101 TIMOTHY STANLEY, ABA MEMBER
EDWARD J. WALTERS, ABA MEMBER
Urges Congress to require that any works of the U.S. government that are published privately also be deposited with the Government Printing Office and subsequently distributed on the Internet, to the member libraries of the Federal Depository Library System, to the Library of Congress, and to the National Archives.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
102A TORT TRIAL AND INSURANCE PRACTICE SECTION
Opposes the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supports enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposes legislation and regulations that would authorize, encourage or enforce such agreements.

102B TORT TRIAL AND INSURANCE PRACTICE SECTION
Urges legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management.

102C TORT TRIAL AND INSURANCE PRACTICE SECTION
Supports common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege.

103 SECTION OF DISPUTE RESOLUTION
Encourages greater use and development of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes.

104 STANDING COMMITTEE ON THE AMERICAN JUDICIAL SYSTEM
SECTION OF LITIGATION
TORT TRIAL AND INSURANCE PRACTICE SECTION
CRIMINAL JUSTICE SECTION
WASHINGTON STATE BAR ASSOCIATION
HAWAII STATE BAR ASSOCIATION
KING COUNTY BAR ASSOCIATION
BEVERLY HILLS BAR ASSOCIATION
Reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.

105 COMMISSION ON LAW AND AGING
Urges the President of the United States to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
106 STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS CRIMINAL JUSTICE SECTION
Urges Congress to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel.

107 SENIOR LAWYERS DIVISION
Adopts the ABA Guidelines for Best Practices for Individual Retirement Accounts and Comments, dated August 2017, and urges adoption by financial institutions for IRA accounts.

108 LAW STUDENT DIVISION
Urges the bar admission authorities in each state and territory not to deny bar admission to undocumented immigrants, who have met all the necessary prerequisite qualifications for admission in their respective jurisdictions, solely due to their immigration status.

109A SECTION OF INTERNATIONAL LAW
Adopts the ABA Model Provisions on Electronic Commerce for International Trade Agreements, dated August 2017, and recommends them as a standard template for use in international trade agreements and other relevant international agreements and guidelines.

109B SECTION OF INTERNATIONAL LAW
Urges national governments worldwide to adopt laws to phase out the manufacture, import, and sale of lead paint, supports efforts to promote the phase-out of lead paint by no later than 2020, and supports adoption of laws to phase out and eliminate lead paint thru pro bono support, educational initiatives, and other appropriate measures.

110 STANDING COMMITTEE ON CLIENT PROTECTION
STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE COMMISSION ON INTEREST ON LAWYERS’ TRUST ACCOUNTS
Amends the black letter of Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyer Disciplinary Enforcement (MRLDE) to minimize instances of lawyer misappropriation of monies held in trust accounts and hold lawyers accountable when appropriate.

111 STANDING COMMITTEE ON SPECIALIZATION
Accredits the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a 5-year term as a designated specialty certification program for lawyers.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
112A CRIMINAL JUSTICE SECTION
Adopts the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017, to address the unique situations for juveniles caught in two court systems at the same time and to provide guidance regarding best practices in these situations.

112B CRIMINAL JUSTICE SECTION

112C CRIMINAL JUSTICE SECTION
Urges governments to adopt policies and procedures that favor release on personal recognizance bonds or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such financial conditions and no other conditions will assure appearance, and that pretrial detention should never occur due solely to an inability to pay.

112D CRIMINAL JUSTICE SECTION
Urges governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of release.

112E CRIMINAL JUSTICE SECTION
COMMISSION ON YOUTH AT RISK
Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18.

112F CRIMINAL JUSTICE SECTION
Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.

112G CRIMINAL JUSTICE SECTION
Urges governments to enact laws allowing for the expungement of convictions or other statutory ordinances or violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness.

113 COMMISSION ON DISABILITY RIGHTS
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW
COMMISSION ON LAW AND AGING
Urges all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
114A SECTION OF INTELLECTUAL PROPERTY LAW
Adopts policy supporting the view that proof of willfulness is not a requirement for an accounting of a defendant's profits in trademark infringement, unfair competition, or cyber-piracy cases under Sections 32, 43(a), and 43(d) of the federal Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d).

114B SECTION OF INTELLECTUAL PROPERTY LAW
Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that a sale or an offer to sell a product or service embodying an invention must have been “available to the public” and made the invention known to the public to invalidate claims directed to that invention.

114C SECTION OF INTELLECTUAL PROPERTY LAW
Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that in a post-issuance proceeding at the U.S. Patent and Trademark Office (PTO) in which a previously issued patent is challenged by a third party, the PTO may not, as a condition of accepting new claims, require the patent owner to first demonstrate the patentability of the new claims.

115 COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
MASSACHUSETTS BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
NEW YORK COUNTY LAWYERS ASSOCIATION
SECTION OF LITIGATION
NEW YORK CITY BAR ASSOCIATION
WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS
Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.

116 SECTION OF LITIGATION
JUDICIAL DIVISION
Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
117A COMMISSION ON THE LAWYER'S ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGH-QUALITY EDUCATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON YOUTH AT RISK
CENTER ON CHILDREN AND THE LAW
STANDING COMMITTEE ON PUBLIC EDUCATION
Urges all governments to adopt and implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education.

117B COMMISSION ON THE LAWYER'S ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGH-QUALITY EDUCATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON YOUTH AT RISK
STANDING COMMITTEE ON ELECTION LAW
CENTER ON CHILDREN AND THE LAW
STANDING COMMITTEE ON PUBLIC EDUCATION
Urges all governments to develop and implement an age appropriate curricula designed to instill in all students a sense of the personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections.

117C COMMISSION ON THE LAWYER'S ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGH-QUALITY EDUCATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CENTER ON CHILDREN AND THE LAW
COMMISSION ON YOUTH AT RISK
Adopts the Blueprint for Change: Education Success for Children in Foster Care Goals and the Blueprint for Change: Education Success for Youth in the Juvenile Justice System Goals, dated August 2017, which provide a framework to improve educational access, stability, and success for court-involved youth.

118A STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
118B STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including *ex parte* orders.

119A SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF STATE AND LOCAL GOVERNMENT LAW
COMMISSION ON HOMELESSNESS AND POVERTY
COMMISSION ON VETERANS LEGAL SERVICES
Urges governments to enact legislation prohibiting discrimination in housing based on the nature of one's lawful source of income.

119B SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
STANDING COMMITTEE ON PUBLIC EDUCATION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal.

120 COMMISSION ON VETERANS LEGAL SERVICES
STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL
Recommends review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one's discharge is reviewed.

121 YOUNG LAWYERS DIVISION
JUDICIAL DIVISION
SECTION OF LITIGATION
Urges all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education.

400A RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

400B RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
Notice is hereby given that the House of Delegates will meet at the 2017 Annual Meeting in New York, New York, on Monday, August 14 and Tuesday, August 15, 2017. On Monday, the House session will begin at 9:00 a.m. and will recess at approximately 5:30 p.m. On Tuesday morning, the meeting will reconvene and will adjourn when the House has completed its agenda, most likely early that afternoon. The meeting will be held in the Grand Ballroom, 3rd Floor, at the New York Hilton Midtown Hotel.

The Summary of Resolutions that will be presented for consideration at this meeting is now available on the ABA’s website. The Summary is being transmitted to you at this time to give you a full opportunity to consider resolutions of particular interest.

The bound book of Resolutions with Reports will be offered in electronic format. A link to the electronic House book will be sent to members of the House and to Staff Liaisons the week of July 10, 2017. It is important that you download the PDF to your tablet, laptop or e-reader before the House meeting.

Advance copies of any particular resolution may be obtained by clicking on the report number on the Summary of Resolutions. For your convenience, Informational Reports also will be posted on the ABA’s website [click on
Having reviewed all Resolutions with Reports submitted by the May 9 filing deadline, the Committee on Rules and Calendar currently has placed the following Resolutions with Reports on the Consent Calendar:

Report No. 11-3
HOUSEKEEPING AMENDMENT
Amends §6.5(a) of the Association’s Constitution to indicate that if six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected.

Report No. 11-4
HOUSEKEEPING AMENDMENT
Amends §44.1(a) of the House Rules of Procedure to include a “commission” as having the privileges of the floor of the House of Delegates.

Report No. 100
STANDING COMMITTEE ON PARALEGALS
Grants approval and reapproval to several paralegal education programs, withdraws the approval of three programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.

Report No. 105
COMMISSION ON LAW AND AGING
Urges the President of the United States to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention.

Report No. 111
STANDING COMMITTEE ON SPECIALIZATION
Accredits the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a 5-year term as a designated specialty certification program for lawyers.

Report No. 112B
CRIMINAL JUSTICE SECTION
Amends the black letter ABA Standards for Criminal Justice: Prosecution Function,

**Report No. 400A**

RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

**Report No. 400B**

RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.

A delegate who wishes to remove any item from the Consent Calendar in order that it may be debated, may do so by filing the Consent Calendar Reply Form. Please return the form to the attention of Rochelle E. Evans in the ABA Policy and Planning Division, via email at rochelle.evans@americanbar.org or fax at 312/988-5153.

The Committee on Rules and Calendar will hold open hearings on Saturday, August 12 and Sunday, August 13, 2017, from 2:00 p.m. to 3:00 p.m., in the Murray Hill West Room, 2nd Floor, at the New York Hilton Midtown Hotel. At these sessions the Committee will hear requests concerning special orders of business, privileges of the floor, and the filing of bar association resolutions and late resolutions, as well as other matters pertaining to the House calendar.

Section 45.7(c) of the House Rules of Procedure provides that “no motion to postpone indefinitely House consideration of a resolution to permit further study is in order unless the party seeking postponement has notified the sponsor of the resolution and the Committee on Rules and Calendar of its intention to postpone prior to the conclusion of the last scheduled meeting of that Committee before the meeting of the House at which the resolution is to be considered. This subsection does not apply to a resolution in a late report.”

Section 45.6 of the House Rules provides that “a resolution that a state or local bar association proposes to submit to the House of Delegates must be presented to the Committee on Rules and Calendar prior to the conclusion of the last scheduled meeting of that Committee before the meeting of the House at which it is to be
considered.”

If you have any questions, please feel free to contact Rochelle E. Evans in the Chicago office.

Summary of Resolutions - 2017 New York Annual Meeting
SUMMARY OF RESOLUTIONS

AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2017 ANNUAL MEETING
NEW YORK, NEW YORK

REPORT #  SUBJECT

11-1 CONSTITUTIONAL AMENDMENT
Amends §1.2 of the Association's Constitution to include the following language as one of the purposes of the Association: "to defend the right to life of all innocent human beings, including all those conceived but not yet born."

11-2 CONSTITUTIONAL AMENDMENT
Amends §6.8 of the Association's Constitution to provide for representation of the National Creditors Bar Association as an affiliated organization in the House of Delegates.

11-3 HOUSEKEEPING AMENDMENT
Amends §6.5(a) of the Association's Constitution to indicate that if six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected.

11-4 HOUSEKEEPING AMENDMENT
Amends §44.1(a) of the House Rules of Procedure to include a "commission" as having the privileges of the floor of the House of Delegates.

100 STANDING COMMITTEE ON PARALEGALS
Grants approval and reapproval to several paralegal education programs, withdraws the approval of two programs at the request of the institutions, and extends the term of approval to several paralegal education programs.

101 TIMOTHY STANLEY, ABA MEMBER
EDWARD J. WALTERS, ABA MEMBER
Urges Congress to require that any works of the U.S. government that are published privately also be deposited with the Government Publishing Office and subsequently distributed on the Internet, to the member libraries of the Federal Depository Library System, to the Library of Congress, and to the National Archives.
102A TORT TRIAL AND INSURANCE PRACTICE SECTION
Opposes the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supports enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposes legislation and regulations that would authorize, encourage or enforce such agreements.

102B TORT TRIAL AND INSURANCE PRACTICE SECTION
Urges legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management.

102C TORT TRIAL AND INSURANCE PRACTICE SECTION
Supports common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege.

103 SECTION OF DISPUTE RESOLUTION
Encourages greater use and development of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes.

104 STANDING COMMITTEE ON THE AMERICAN JUDICIAL SYSTEM
SECTION OF LITIGATION
TORT TRIAL AND INSURANCE PRACTICE SECTION
CRIMINAL JUSTICE SECTION
WASHINGTON STATE BAR ASSOCIATION
HAWAII STATE BAR ASSOCIATION
KING COUNTY BAR ASSOCIATION
BEVERLY HILLS BAR ASSOCIATION
Reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.

105 COMMISSION ON LAW AND AGING
Urges the President to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention.
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
CRIMINAL JUSTICE SECTION
Urges Congress to enact legislation to enable the United States Department of
Justice to ensure compliance with the Sixth Amendment right to effective
assistance of counsel to: 1) pursue civil actions to obtain equitable relief where
violations of that right occur and 2) recognize a cause of action for equitable relief
in federal court from systemic violations of the right to counsel.

SENIOR LAWYERS DIVISION
Adopts the ABA Guidelines for Best Practices for Individual Retirement
Accounts, dated August 2017, and urges adoption by financial institutions for IRA
accounts.

LAW STUDENT DIVISION
Supports the principle that bar admission should not be denied based solely on
immigration status and urges Congress to amend 8 U.S.C. § 1621(d).

SECTION OF INTERNATIONAL LAW
Adopts the ABA Model Provisions on Electronic Commerce for International
Trade Agreements, dated August 2017, and recommends them as a standard
template for use in international trade agreements and other relevant
international agreements and guidelines.

SECTION OF INTERNATIONAL LAW
Urges national governments worldwide to adopt laws to phase out the
manufacture, import, and sale of lead paint, supports efforts to promote the
phase-out of lead paint by no later than 2020, and supports adoption of laws to
phase out and eliminate lead paint thru pro bono support, educational initiatives,
and other appropriate measures.

STANDING COMMITTEE ON CLIENT PROTECTION
STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE
COMMISSION ON INTEREST ON LAWYERS’ TRUST ACCOUNTS
Amends the black letter of Rule 7 (Roster of Lawyers) of the ABA Model Rules
for Lawyer Disciplinary Enforcement (MRLDE) to minimize instances of lawyer
misappropriation of monies held in trust accounts and hold lawyers accountable
when appropriate.

STANDING COMMITTEE ON SPECIALIZATION
Accredits the Privacy Law program of the International Association of Privacy
Professionals of Portsmouth, New Hampshire for a 5-year term as a designated
specialty certification program for lawyers.
112A CRIMINAL JUSTICE SECTION
Adopts the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017, to address the unique situations for juveniles caught in two court systems at the same time and to provide guidance regarding best practices in these situations.

112B CRIMINAL JUSTICE SECTION

112C CRIMINAL JUSTICE SECTION
Urges governments to adopt policies and procedures that favor release on personal recognizance bonds or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such financial conditions and no other conditions will assure appearance, and that pretrial detention should never occur due solely to an inability to pay.

112D CRIMINAL JUSTICE SECTION
Urges governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of release.

112E CRIMINAL JUSTICE SECTION
COMMISSION ON YOUTH AT RISK
Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18.

112F CRIMINAL JUSTICE SECTION
Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.

112G CRIMINAL JUSTICE SECTION
Urges governments to enact laws allowing for the expungement of convictions or other statutory ordinances or violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness.

113 COMMISSION ON DISABILITY RIGHTS
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW
COMMISSION ON LAW AND AGING
Urges all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed.
SECTION OF INTELLECTUAL PROPERTY LAW
Adopts policy supporting the view that proof of willfulness is not a requirement for an accounting of a defendant's profits in trademark infringement, unfair competition, or cyber-piracy cases under Sections 32, 43(a), and 43(d) of the federal Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d).

SECTION OF INTELLECTUAL PROPERTY LAW
Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that a sale or an offer to sell a product or service embodying an invention must have been “available to the public” and made the invention known to the public to invalidate claims directed to that invention.

SECTION OF INTELLECTUAL PROPERTY LAW
Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that in a post-issuance proceeding at the U.S. Patent and Trademark Office (PTO) in which a previously issued patent is challenged by a third party, the PTO may not, as a condition of accepting new claims, require the patent owner to first demonstrate the patentability of the new claims.

COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
MASSACHUSETTS BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
NEW YORK COUNTY LAWYERS ASSOCIATION
SECTION OF LITIGATION
NEW YORK CITY BAR ASSOCIATION
WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS
SECTION OF INTERNATIONAL LAW
Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.

SECTION OF LITIGATION
JUDICIAL DIVISION
Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans.
117A  COMMISSION ON THE LAWYER'S ROLE IN ASSURING EVERY CHILD'S
RIGHT TO A HIGH-QUALITY EDUCATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON YOUTH AT RISK
CENTER ON CHILDREN AND THE LAW
STANDING COMMITTEE ON PUBLIC EDUCATION
Urges all governments to adopt and implement laws, policies, and other effective
measures to provide every child with equal access to elementary and secondary
public schools funded at levels adequate to ensure a high-quality education.

117B  COMMISSION ON THE LAWYER'S ROLE IN ASSURING EVERY CHILD'S
RIGHT TO A HIGH-QUALITY EDUCATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON YOUTH AT RISK
STANDING COMMITTEE ON ELECTION LAW
CENTER ON CHILDREN AND THE LAW
STANDING COMMITTEE ON PUBLIC EDUCATION
Urges all governments to develop and implement an age appropriate curricula
designed to instill in all students a sense of the personal responsibility to cast
informed votes and to teach them how to educate themselves regarding
candidates and issues in elections.

117C  COMMISSION ON THE LAWYER'S ROLE IN ASSURING EVERY CHILD'S
RIGHT TO A HIGH-QUALITY EDUCATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CENTER ON CHILDREN AND THE LAW
COMMISSION ON YOUTH AT RISK
Endorses the Blueprint for Change: Education Success for Children in Foster
Care (2007) and the Blueprint for Change: Education Success for Youth in the
Juvenile Justice System (2016), dated August 2017, which provide a framework
to improve educational access, stability, and success for court-involved youth.

118A  STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges Congress to amend the Gun Control Act of 1968 to include, among the list
of those ineligible to possess, purchase, sell, deliver or otherwise transfer any
firearm, persons who have been previously convicted of a misdemeanor crime
of violence that was motivated by hate or bias because of the actual or perceived
race, color, religion, national origin, gender, sexual orientation, gender identity or
diversity, or disability of any person.
STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders.

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF STATE AND LOCAL GOVERNMENT LAW
COMMISSION ON HOMELESSNESS AND POVERTY
COMMISSION ON VETERANS LEGAL SERVICES
Urges governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income.

STANDING COMMITTEE ON PUBLIC EDUCATION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Urges all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal.

COMMISSION ON VETERANS LEGAL SERVICES
STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL
Recommends review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one's discharge is reviewed.

YOUNG LAWYERS DIVISION
JUDICIAL DIVISION
SECTION OF LITIGATION
Urges all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education.

RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.
House of Delegates

Select Committee Report – 2017 New York Annual Meeting

The Select Committee Report is prepared to aid House members in informing their constituencies about actions of the House and other highlights of the 2017 New York Annual Meeting. We thank Bonnie E. Fought of California, the Select Committee Reporter, and the Policy Staff for their work in bringing this report to you.

The report is comprehensive and identifies for your constituency the scope and diversity of matters dealt with by the House. You will note that links have been provided to speeches of the Officers and remarks by John G. Levi, Chairman of the Board of Directors, Legal Services Corporation. Links also have been provided to the final adopted language of Resolutions and the full text of the Reports.

You may choose to use a link to this document from the House of Delegates website either as your report, or as a guide for a report you prepare yourself. In any event, the Select Committee hopes that delegates will report to their constituencies in order to provide them with a more complete understanding of the variety of matters that come before the House for its consideration. If more than one delegate represents an organization, you may consider reporting jointly or designating one delegate to report on behalf of the delegation.

The Select Committee welcomes any suggestions you may have which would improve the report. If you have any comments or suggestions, please direct them
to Rochelle E. Evans or Leticia Spencer.

Respectfully submitted,

Sandra R. McCandless, Chair
Carlos A. Rodriguez-Vidal, Vice Chair
Bonnie E. Fought, Reporter
Lynn M. Allingham
Jonathan J. Cole
James M. Durant III
Pamela C. Enslen
Ellen J. Flannery
C. Elisia Frazier
Glenn P. Hendrix
Jill Marie Kastner
Mark A. Robertson
Jennifer A. Rymell
Reginald M. Turner, Jr.
Robert N. Weiner
Walter H. White, Jr.

Select Committee Report - 2017 New York Annual Meeting
MEMORANDUM

TO:

FROM:

SUBJECT: 2017 Annual Meeting of the American Bar Association and Meeting of the House of Delegates

DATE: September 13, 2017

REPORT ON THE ABA ANNUAL MEETING

The 139th Annual Meeting of the American Bar Association (the “ABA” or the “Association”) was held August 9-15, 2017, at the New York Hilton Midtown Hotel, in New York, New York. Wide varieties of programs were sponsored by committees, sections, divisions, forums and affiliated organizations. The House of Delegates met for one and a half days. The Meeting of the Membership was held and the Nominating Committee also met.

The Nominating Committee sponsored a “Coffee with the Candidates” Forum on Sunday, August 13, 2017. The following candidates seeking nomination at the 2018 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association present: Judy Perry Martinez of Louisiana, candidate for President-Elect for the 2018-2019 term; and William R. Bay of Missouri, candidate for Chair of the House of Delegates for the 2018-2020 term.

THE HOUSE OF DELEGATES


The New York City Police Department Ceremonial Color Guard presented the colors. The invocation for the House was delivered by Reverend David Mertz, Senior Pastor of the First United Methodist Church. The Chair of the House Committee on Credentials and Admissions, Hon. Adrienne Nelson of Oregon, welcomed the new members of the House and moved that the signed roster be approved as the permanent roster for this meeting of the House. The motion was approved.

Paula J. Frederick of Georgia, Chair of the Committee on Rules and Calendar, provided a report on the Final Calendar for the House. She stated that in an effort to conserve resources, all supplemental materials for the House were sent electronically and posted on the House’s webpage. She moved to adopt the final calendar and approve the list of individuals who sought privileges of the floor. All motions were approved. Ms. Frederick noted that the deadline for submission of Resolutions with Reports for the 2018 Midyear Meeting is Wednesday, November 15, 2017, while the deadline for Informational Reports is Friday, December 1, 2017.
She also referred to the consent calendar, noting the deadline for removing an item from the consent calendar or from the list of resolutions to be archived. Ms. Frederick reminded the House of the treatment of Reports 400A and 400B regarding the archiving of policies.

Ms. Frederick noted that in an effort to streamline ceremonial activities in the House while continuing to respect and acknowledge deceased members of the House, the practice for memorials during the meeting of the House has changed, beginning at this meeting.

Later in the day, Ms. Frederick moved the items remaining on the consent calendar. The motion was approved.

Secretary Mary T. Torres of New Mexico moved that the proposed Summary of Action for the House for the 2017 Miami Midyear Meeting be adopted as the official record of the House. The motion was approved. Secretary Torres noted the submission of Report No. 177 the Board of Governors Informational Report. Secretary Torres also moved that the House adopt the recommendations for the continuation of certain special committees and commissions (Report 177A). The motion was approved.

Deceased members of the House were named and remembered by a moment of silence. In recognition of past ABA presidents recently deceased, Chair Enix-Ross recognized Palmer Gene Vance II of Kentucky to speak in honor of Wm. T. ("Bill") Robinson III, the Hon. Cara Lee Neville of Minnesota to speak in honor of David R. Brink, and Larry McDevitt of North Carolina to speak in honor of Alfred P. ("A.P.") Carlton, Jr. of North Carolina.

For more details of the House meeting, see the following two-part report of the House session. The first part of the report provides a synopsis of the speeches and reports made to the House. The second part provides a summary of the action on the resolutions presented to the House.

I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES

Statement by the Chair of the House of Delegates

Deborah Enix-Ross of New York, Chair of the House of Delegates, welcomed the delegates to the House and thanked the ABA Communications and Media Relations Division for informing ABA members, the legal community and the general public about developments in the House by providing updates and reporting on the proceedings of the House via Twitter @ABAESQ. Chair Enix-Ross extended a special welcome to new members of the House and recognized those delegates who have served the House for 25 years or longer.

In her statement to the House, Chair Enix-Ross discussed the procedure for addressing the business and calendar of the House and reminded members that the House Rules of Procedure could be found on page 49 of the Association's Constitution and Bylaws. She recognized and thanked members of the various House Committees. Chair Enix-Ross also recognized the Committee on Rules and Calendar, chaired by Paula J. Frederick of Georgia and comprised of members Laura V. Farber of California, Suzanne E. Gilbert of Florida, Rew R. Goodenow of Nevada and Amit D. Ranade of Washington, and Committee staff members,
Alpha M. Brady and Rochelle E. Evans. She introduced the Tellers Committee and reviewed procedures for speaking.

Chair Enix-Ross recognized the Fund for Justice and Education ("FJE") as the ABA’s charitable arm and urged member support of FJE. She also recognized the importance of the ABA Legal Opportunity Scholarship Fund, which is an FJE project.

Chair Enix-Ross highlighted the important policy role of the House, identifying recent successes in the ABA’s work with Congress to support the Legal Services Corporation and reauthorization of the Violence Against Women Act. She encouraged all members to be active in the ABA Grassroots Action Team and participate in ABA Day in Washington, D.C. on April 10-12, 2018.

Chair Enix-Ross recognized the value of the Law Library of Congress and commended the ABA’s relationship with the Law Library maintained through the ABA’s Standing Committee on Law Library of Congress. She noted that there are many resources available to lawyers through the Law Library.

Chair Enix-Ross highlighted the ABA’s Diverse Speakers Directory and encouraged diverse lawyers to sign up on the web site to expand their speaking opportunities.

Chair Enix-Ross referred delegates to materials at the delegates’ seats or on the publications’ table highlighting ABA Insurance, ABA Blueprint, ABA Leverage, the 60th Anniversary of the ABA Silver Gavel Awards, and the Judges’ Journal magazine that focuses on the timely topic of immigration.

Chair Enix-Ross noted that the ABA Medal was presented at the General Assembly and she congratulated Dean Emeritus John D. Feerick of New York as the 2017 recipient of the ABA Medal.

Statement by Alphonso B. David, Counsel to the Governor of New York

Alphonso B. David, Counsel to the Governor of New York, welcomed the ABA, its officers, and the House of Delegates to the State of New York. He noted the recent horrific events in Charlottesville, Virginia and the continuing need for lawyers to advocate for justice and equality. He urged lawyers to serve their communities and promote equal protection and due process for all. He discussed the role New York has played in promoting these principles. He urged steadfast commitment to the rule of law and the vigilant defense of the access to justice.

Statement by the ABA President

ABA President Linda A. Klein of Georgia began by addressing the recent events in Charlottesville, Virginia. She noted that as we lawyers come together at the Annual Meeting to celebrate the rule of law, in the media we see people filled with hate. As lawyers, we must lead in bringing people together and defend the values that unite us. We must fight for the rule of
law, defend our constitution and expand access to justice. She stated that tolerance and liberty will prevail over the forces of hatred and racism.

In her travels she met lawyers who bravely overcame disabilities, who were dissidents or represented dissidents, who helped their communities regardless of the ability to pay, and those how offered counsel to refugees. These selfless lawyers demonstrate to all what it means to be a lawyer.

At the beginning of her term she urged a focus on the basics - justice for all and giving lawyers what they need to better serve their clients. Ms. Klein noted that by focusing on the basics we were able to respond to the challenges we faced, including: personal attacks on judges and the judiciary; the Department of Education’s reversal of loan-forgiveness assurances to public-service lawyers; lack of due process in death penalty cases; public defenders with overwhelming caseloads in under-staffed and underfunded offices; and threats to defund the Legal Services Corporation.

Initiatives during the past year included:

ABA Veterans Legal Services, an initiative providing better access to justice for veterans, their families and caregivers, including the first-ever online legal check-ups as well as better systems for referrals of veterans to pro bono lawyers.

Law Day, where the ABA worked with other bar associations to draw national attention to the importance of civics education, resulting in a record number of governors issuing Law Day proclamations and the first-ever Law Day proclamation from Chief Justice Roberts.

ABA Commission on the Lawyer’s Role in Assuring Every Child’s Right to a High-Quality Education, which explored how lawyers can contribute to this important issue and created new ABA policy to help.

ABA Working Group on Building Public Trust in the Justice System, which produced a toolkit for bar associations and communities to help reduce police-community tensions.

ABA Center for Innovation, which brought together LSC and tech companies to provide helpful technologies to legal service offices.

ABA Blueprint, a one-stop online service that helps small firms and solo practitioners manage their businesses by providing discounts on management and consultation products.

The ABA did a study in conjunction with other organizations, including the Conference of Chief Justices, and issued a report on lawyer wellness with over forty recommendations on how to improve the well-being of lawyers.
As veterans were a focus of this past year, Ms. Klein told the story of her experience launching off an aircraft carrier on one of her trips and the recognition that a team of people were working to ensure her safe landing. She thanked the ABA team that supported her during her year as president including the Board of Governors and officers of the ABA as well as everyone who worked on the New York Annual Meeting, with increased attendance, and especially the chairs that organized and the local firms that sponsored the new CLE in the City (open for both members and non-members). She also thanked ABA Meetings & Travel, the staff and lawyers who worked on the Veterans Initiative, Law Day, ABA Day, and Blueprint. She thanked staff at the ABA including the Media Relations and Ira Pilchen and Sarah Vetrano in the Office of the President as well as her firm (Baker, Donelson), her parents and husband, Michael S. Neuren.

Ms. Klein noted this was "our year", a defining moment for the legal profession, a year where we stood up for the rule of law, for our fair and impartial judiciary, for access to justice for all. She thanked everyone for their hard work, support and dedication to the profession and the rule of law.

**Statement by the Treasurer**

ABA Treasurer, G. Nicholas Casey, Jr., of West Virginia addressed the House of Delegates on the finances of the Association. Mr. Casey noted that as of June 2017 the Association’s consolidated financials showed a loss of $1.1M. More specifically he noted that general operations was $3.7M unfavorable to budget because of a $2.4M shortfall in dues revenue and expenses being over budget by $600K. The expense over run was primarily due to the payment of severance obligations. Mr. Casey noted that there will be additional revenues and expenses incurred before the end of the fiscal year, but estimates that the Association will finish with $1M loss.

In reviewing the Statement of Financial Position, Mr. Casey noted that net assets were down $1.7M even though investments increased $7.1M. Mr. Casey also noted that currently there is $45M of unrestricted net assets for general operations. This is down significantly from five years ago because the Association has been drawing down its reserves (over and above the reserve policy imitation of 5%) to pay for ongoing operations. This is not sustainable and in response, the 2017-2018 general operations budget is breakeven. To achieve this, the Board of Governors and management reduced expenses $11.1M from the prior year and limited the reserve draw to 3.5% (in line with the new reserve policy adopted by the Board of Governors).

**Presentation by the American Bar Endowment**

Chair Enix-Ross recognized J. Anthony Patterson, Jr. of Montana, President of the American Bar Endowment (the “ABE”) to report to the House of Delegates on the importance of the American Bar Endowment and the revenue generated by its insurance offerings. Mr. Patterson was joined by Ellen J. Flannery (President of the American Bar Foundation “ABF”), G. Nicholas Casey, Jr (Treasurer of the ABA), Michelle A. Behnke (Treasurer-Elect of the ABA) and Jack L. Rives (Executive Director of the ABA) for the presentation of checks from the ABE to the ABF and the Fund for Justice and Education in the amount of $3,414,720.
Statement of Judge Sukru Say of Turkey

Kevin J. Curtin of Massachusetts reminded the House of its prior action in support of the judiciary in Turkey and introduced Judge Sukru of Turkey to speak to this issue. Judge Say stated that under the state of emergency declared in Turkey, the executive has seized total control over the judiciary and as a result there is no justice today in Turkey. He is a judge who was dismissed by the government and for whom the government has issued an arrest warrant. He encouraged lawyers in America to bear witness to these actions, encourage Turkish lawyers to fight for the rule of law, have bar associations condemn arbitrary detentions and fake trials, and urge the US Government to urge Turkey to return to democracy.

Passing of the President's Gavel and Statement by President-Elect

ABA President Linda A. Klein introduced and passed the gavel to President-Elect Hilarie Bass of Florida. Ms. Bass was sworn in as President of the American Bar Association by Hon. Ellen Venzer of Florida.

Ms. Bass recognized the importance and value of the ABA. She reflected on her travels to Haiti with the ABA after the earthquake to train lawyers there in how to rebuild their justice system. She noted that today, many are concerned about the Unites States' own justice system and its future. Ms. Bass stated that lawyers must protect this democracy and ensure it becomes stronger; advocate for a more fair and equitable justice system; and educate people about the importance of the rule of law by standing up for the legal principles on which our democracy is based.

She noted that in today's environment we are reminded of the important role lawyers play in our democracy and she gave various examples. Our citizens have a renewed understanding of the importance of our Constitution and the role lawyers have in protecting it. In a world of fake news and alternative facts, she announced the creation of ABA Legal Fact Check that will provide a service to the public and the media by providing fair and accurate analysis of statements about the law.

Ms. Bass stated that being recognized as the largest voluntary organization in the world gives us power, but we must be relevant and connected to our members (especially younger lawyers). This year there will be a renewed focus on doing things better, doing things differently and doing different things. Ms. Bass will work to ensure that the financial and substantive foundation of the ABA is protected for generations to come. The ABA will remain committed to fighting for all lawyers in this country in areas such as defending lawyer student loan forgiveness programs and cash accounting rules. In addition, we will be focused on providing access to justice for all by supporting continued and increased funding for the Legal Services Corporation.

We will continue to develop tools through the Innovation Center to help citizens better understand their legal needs and where they can find legal help. We will provide opportunities and support for lawyers who want to do pro bono work. For example, the ABA will pair lawyers with shelters who provided services to children living on the street and give these lawyers the information they need to help meet the legal needs of these children.
A Commission on the Future of Legal Education will be established to seek solutions to the issues facing legal education and find innovative solutions to challenges such as declining bar examination scores and the role education can play in eliminating the justice gap. The ABA will also launch a longitudinal study to understand why women are leaving the practice of law in large numbers. So far $380,000 has been raised to study this issue. In addition, we will continue to stem the tide of the population’s eroding confidence in the legal system by continuing the work of the task force created to address this issue and other projects in this area.

Ms. Bass commented on the value the ABA has given to her and noted that we need to tell young lawyers why working together at the ABA to make the justice system better is important, representing the power of the American Bar Association. Ms. Bass thanked various people for their support. She gave special thanks to her mother and to her grandfather who left his country so his grandchild could reach for the stars. She thanked her law firm (Greenberg Traurig), especially her mentor, Mel Greenberg and her family including her daughter Rebecca and her grandson Dexter.

Statement by the Executive Director

ABA Executive Director Jack L. Rives of Illinois thanked President Klein and the outgoing members of the House of Delegates and the Board of Governors for their service, and welcomed Hilarie Bass and incoming Association leaders. He referred the House to his written report and stated he would focus his remarks on the impact of technological change facing the profession and society. He noted the decisions we make -- or fail to make -- in today’s world will have a tremendous impact on the profession and Association far into the future.

Mr. Rives observed that some technological innovations can be readily understood and incorporated while others are disruptive. He discussed Moore’s Law and its impact on the exponential advancement of technology. The legal field is not exempt from the fast pace of change; consider, for example, kiosks in court rooms and online forms. Our Association essentially has two choices -- stay on the sidelines as the changes inevitably occur, or actively engage and affect the changes in a manner that enables the ABA to lead the profession into the future.

Mr. Rives then outlined some examples of what the ABA is doing to adapt to the accelerated rate of change. (1.) Two years ago, the ABA began offering free membership for law students; student membership in the Association has grown from less than 20 percent to about 77 percent, and 96 law schools are now fully enrolled in the ABA. The law student program is critical, as it shows the future members of our profession the value of our Association, and how membership can make them better lawyers. (2.) The Center for Innovation was established a year ago and is a prime example of how we are partnering with law schools, firms, businesses, courts, and others to develop new ways to deliver justice, particularly for low-income individuals and those struggling with law-related issues. (3.) ABA Blueprint was established to assist solo and small firms manage their businesses. (4.) ABA Law Connect is the umbrella term for our programs that build on emerging technologies. We are expanding legal services and products to offer consumers less expensive, online alternatives to assist with some legal issues. (5.) Free Legal Answers is a nationwide virtual
legal clinic connecting pro bono attorneys with clients. It provides access to justice for
Americans throughout the country when they go online. (6.) ABA Publishing has worked to
improve its programs, including profitability for entity publications. Changes in this area have
saved more than $2 million annually. (7.) The ABA is now offering MCLE accreditation services
to outside entities on a fee-for-service basis. (8.) ABA Insurance is a sticky member benefit,
begun just last year and now offering almost two dozen separate insurance products from top
carriers, specially priced for our members. Mr. Rives noted ABA Insurance does not compete
with and should not be confused with the dividend-generating insurance policies provided by
the American Bar Endowment (ABE). He expressed great thanks to the ABE, which has
provided almost $285 million in grants to the Fund for Justice and Education and the American
Bar Foundation through the years.

Mr. Rives also highlighted new ABA email policies that have reduced the number of
emails sent to members while assuring messages are more targeted and impactful. The ABA
is also currently updating our website to provide better mobile access and better e-commerce.
Mr. Rives noted recent success at keeping ABA expenses in line; next year’s general
operations budget has been reduced by more than 10 percent ($11 million dollars). One
example of savings is the recently renegotiated lease for our Chicago headquarters, which will
save significant funds in coming years.

In addition to expense reductions, Mr. Rives stressed the importance of revenue
 generation, both from dues and non-dues sources. In particular, he noted that the ABA is
examining what we can do to make our membership more attractive and increase dues-related
revenues. A new membership model, currently called “OneABA,” is being explored. It would
make our dues rates understandable and affordable and include bundles of valuable benefits
for members. More about OneABA will be presented in the future.

Mr. Rives noted that the world has changed dramatically in recent years. We should
view the changes as opportunities. We must adapt and embrace emerging technologies. If
we do, the ABA will help our members be better and more effective attorneys who will
effectively lead the profession and advance the Rule of Law.

**Election of Officers and Members of the Board of Governors**

On behalf of the Nominating Committee, Eileen M. Letts of Illinois, Vice-Chair of the
Steering Committee of the Nominating Committee, reported on the nominations for officers of
the Association and members of the Board of Governors. The House of Delegates elected the
following persons for the terms noted:

**OFFICER OF THE ASSOCIATION**

**President-Elect for 2017-2018 Term**

Robert M. Carlson of Montana
MEMBERS OF THE BOARD OF GOVERNORS (2017-2020 Term)

District Members

District 1: Frank H. Langrock of Vermont
District 2: W. Anthony Jenkins of Michigan
District 4: Allen C. Goolsby of Virginia
District 6: Lee DeHihns III of Georgia
District 12: Randall D. Noel of Tennessee
District 19: David Brown of Iowa

Goal III Minority Member-at-Large

Myles V. Lynk of Arizona

Goal III Woman Member-at-Large

Hon. Eileen A. Kato of Washington

Section Members-at-Large

Section of Business Law
Lynne B. Barr of Massachusetts

Section of International Law
Michael H. Byowitz of New York

Law Practice Division
Tom Bolt of the U.S. Virgin Islands

Law Student Member-at-Large (One-Year Term 2017-2018)

G. Meredith Parnell of Massachusetts

Young Lawyer Member-at-Large

C. Edward Rawl, Jr. of South Carolina

It was noted that the Association's Constitution provides that the President-Elect automatically becomes the President at the conclusion of the Annual Meeting and Hilarie Bass of Florida will assume that office. In addition, the Secretary-Elect and Treasurer-Elect become the Secretary and Treasurer, and Mary L. Smith of Illinois and Michelle A. Behnke of Wisconsin will assume those offices, respectively.
Remarks by President-Elect Nominee

President-Elect Nominee, Robert M. Carlson of Montana extended many thanks to all of those who have supported him and his involvement in the ABA. Mr. Carlson specifically recognized the support and mentorship he received from the late Armando Lasa-Ferrer, Alan Joseph, and Wm. T. ("Bill") Robinson III. He thanked his wife, Cindy, and his law firm for their support. Mr. Carlson also thanked the ABA staff and the officers for their service.

Mr. Carlson stated that the ABA stands for justice for all. We are the defenders of the Constitution and protectors of the American judicial system. The work of the ABA is more important than ever as we work to regain the public’s trust in our judicial system; ensure our courts are independent, adequately funded and open and accessible to all; and, that our justice system is diverse. We must continue to speak out about the rule of law and lead on issues of diversity and inclusion, access to justice, judicial independence, criminal justice reform, legal ethics and the future of legal education and the profession.

Mr. Carlson noted that the ABA offers real value for all lawyers, both professionally and personally. We must work with other bar associations and the various ABA entities to share ideas and address the challenges of our world. We will rise to the challenges of our time through a commitment to our mission and to doing the best for our profession and our society. We will speak loudly and proudly about our work and the value to all lawyers of standing together as members of the ABA.

Issues of Concern to the Legal Profession Panel Presentation

Chair Enix-Ross recognized Mark I. Schickman of California, Chair of the Committee on Issues of Concern to the Legal Profession to introduce the program on the rule of law and accountability. The panel discussed the role of lawyers as heroes and included: James R. Copland, Director of Legal Policy at the Manhattan Institute; Robert J. Grey, Jr. past President of the ABA; and Dean Blake D. Morant of the George Washington Law School.

Remarks by Chairman of the Board of Directors of the Legal Services Corporation

John G. Levi, Chairman of the Board of Directors of Legal Services Corporation ("LSC") thanked President Linda Klein for her partnership with the LSC. He noted it is a privilege to serve as chair of the LSC and that as its chair he will fight to ensure LSC’s continued existence.

Mr. Levi stated that LSC recently released a report regarding the gap in access to the civil justice system in the United States. He noted the study showed that 86% of civil legal problems of low-income citizens receive inadequate or no legal support. In 2017, low-income people will seek assistance with 1.7 million problems through the LSC, but more than 50% will receive limited or no assistance due to scarce resources. People are being left out of our civil justice system and we need to act to eliminate this gap. To address this, Mr. Levi suggests we need to educate and inform. LSC is doing this through various educational programs and has established the LSC Leaders Council to assist in these efforts.
Mr. Levi noted that after an initial proposal from the White House to defund LSC, the Senate Appropriations Committee voted to continue funding LSC at the current level of $385 million. However, this level of funding will not address the lack of access to legal services noted earlier and therefore Mr. Levi asked for support from all lawyers and the ABA to continue to support the work of the LSC and to work to end the nation’s justice gap.

**SCOPE Nominating Committee**

Thomas M. Fitzpatrick of Washington, Chair of the Committee on Scope and Correlation of Work ("SCOPE"), nominated Jose C. Feliciano of Ohio, to serve on the Committee on Scope for a 5-year term, beginning at the conclusion of the 2017 Annual Meeting. Chair Fitzpatrick then moved to close the nominations. The motion was **approved**. Later in the meeting, Mr. Feliciano was **elected** by the House for the term specified.

**Delegate-at-Large Election Results**

Secretary Mary T. Torres of New Mexico announced the results of the Delegate-at-Large Election as follows: Mark D. Agrast of the District of Columbia, David F. Bienvenu of Louisiana, Pamela A. Bresnahan of Maryland, Myra L. McKenzie-Harris of Arkansas, Kari Petrasek of Washington, and Thomas W. Snook of Florida. She also announced the results of the Delegate-at-Large Vacancy Election as follows: Mario A. Sullivan of Illinois and Barry C. Hawkins of Connecticut.

II. **RESOLUTIONS VOTED ON BY THE HOUSE**

A brief summary of the action taken on resolutions brought before the House follows. The resolutions are categorized by topic areas and the number of the resolution is noted in brackets.

**ASSOCIATION’S CONSTITUTION, BYLAWS AND HOUSE RULES OF PROCEDURE**

**[11-1]** Association Member Edward Haskins Jacob of the United States Virgin Islands presented and Secretary Mary T. Torres of New Mexico moved Report 11-1 amending §1.2 of the Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.” Carlos A. Rodriguez-Vidal of Puerto Rico, Chair of the Standing Committee on Constitution and Bylaws, reported the action of the standing committee. Robert L. Weinberg spoke in opposition to the resolution. Mark I. Schickman of California moved to postpone indefinitely. Robert L. Weinberg spoke in opposition to the motion. The motion passed. The resolution was **postponed indefinitely by a vote of 279 to 178**.

**[11-2]** Michael A. Glasser of Virginia **withdrew** Resolution 11-2 amending §6.8 of the Association’s Constitution to provide for representation of the National Creditors Bar Association as an affiliated organization in the House of Delegates.
[11-3] The House approved by consent Report 11-3 amending §6.5(a) of the Association’s Constitution to indicate that if only six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, territory or possession, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected.

[11-4] The House approved by consent Report 11-4 amending §44.1(a) of the Association’s Constitution to include a “commission” as having the privileges of the floor of the House of Delegates.

**ANIMAL RIGHTS**

[102B] On behalf of the Tort Trial and Insurance Practice Section, Joan E. Schaffner of the District of Columbia, moved Resolution 102B urging legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management. The resolution was adopted.

**ARCHIVING**

[400A] The House adopted by consent revised Resolution 400A recommending that certain Association policies that pertain to public issues and are 10 years old or older be archived. Item 61 was removed from the archival list prior to approval.

[400B] The House adopted by consent revised Resolution 400B recommending that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained, be archived. Items 24 and 38 were removed from the archival list prior to approval.

**CIVIL RIGHTS AND SOCIAL JUSTICE**

[119A] On behalf of the Section of Civil Rights and Social Justice, Walter H. White, Jr. of the United Kingdom moved Resolution 119A urging governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income. The resolution was adopted.

[119B] On behalf of the Section of Civil Rights and Social Justice, Estelle H. Rogers of California, moved Resolution 119B urging all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal. Harry S. Johnson of Maryland spoke in favor of the resolution. The resolution was adopted.
COURTS

[104] On behalf of the Standing Committee on the American Judicial System, Michael H. Reed of Pennsylvania, moved Resolution 104 reaffirming its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supporting ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions. James F. Williams of Washington spoke in support of the resolution. The resolution was adopted.

[116] On behalf of the Section of Litigation, Hon. Christopher T. Whitten of Arizona, moved Resolution 116 urging courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urging law firms and clients to take advantage of those plans. The resolution was adopted.

[121] On behalf of the Young Lawyers Division, Secretary Mary T. Torres of New Mexico moved and Lauren Marsicano of Florida presented Resolution 121 urging all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education. The resolution was adopted.

CRIMINAL JUSTICE

[10B] On behalf of the Massachusetts Bar Association, Kevin J. Curtin of Massachusetts, moved revised Resolution 10B opposing the imposition of a mandatory minimum sentence in any criminal case, and urging Congress and state legislatures to repeal existing criminal laws requiring minimum sentences. Tom Bolt of the U.S. Virgin Islands moved an amendment to the resolution. The amendment was adopted. Cynthia E. Nance of Arkansas spoke in support of the resolution. The resolution was adopted as revised and amended.

[112A] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of the District of Columbia, moved Resolution 112A adopting the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017, to address the unique situations for juveniles caught in two court systems at the same time and to provide guidance regarding best practices in these situations. The resolution was adopted.


[112C] On behalf of the Criminal Justice Section, Jaime Hawk of Washington, moved revised Resolution 112C urging governments to adopt policies and procedures that favor release on personal recognizance bonds or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such financial conditions and no other conditions will assure appearance, and that pretrial detention should never occur due solely to an inability to pay. Hon. Bernice B. Donald of Tennessee spoke in support of the resolution. The resolution was adopted as revised.
[112D] On behalf of the Criminal Justice Section, Neal R. Sonnett of Florida, moved Resolution 112D urging governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of release. The resolution was adopted.

[112E] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of the District of Columbia, moved revised Resolution 112E urging legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18. Hon. Bernice B. Donald of Tennessee and John D. ("Jay") Elliott of South Carolina spoke in support of the resolution. The resolution was adopted as revised.

[112F] On behalf of the Criminal Justice Section, Pauline A. Weaver of California, moved Resolution 112F urging governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction. The resolution was adopted.

[112G] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of the District of Columbia, moved Resolution 112G urging governments to enact laws allowing for the expungement of convictions or other statutory ordinances or violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness. The resolution was adopted.

DISABILITY RIGHTS

[113] On behalf of the Commission on Disability Rights, Secretary Mary T. Torres of New Mexico moved and Robert T. Gonzales of Maryland presented Resolution 113 urging all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed. The resolution was adopted.

DISPUTE RESOLUTION

[103] On behalf of the Section of Dispute Resolution, James J. Alfini of Texas, moved Resolution 103 encouraging greater use and development of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes. The resolution was adopted.

EDUCATION

[117A] On behalf of the Commission on the Lawyer’s Role in Assuring Every Child’s Right to a High-Quality Education, Reginald M. Turner, Jr. of Michigan, moved Resolution 117A urging all governments to adopt and implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education. Pauline A. Weaver of California spoke in support of the resolution. The resolution was adopted.
[117C] On behalf of the Commission on the Lawyer’s Role in Assuring Every Child’s Right to a High-Quality Education, Reginald M. Turner, Jr. of Michigan, moved Resolution 117C endorsing the Blueprint for Change: Education Success for Children in Foster Care (2007) and the Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016), dated August 2017, which provide a framework to improve educational access, stability, and success for court-involved youth. The resolution was adopted.

**ELECTION LAW**

[117B] On behalf of the Commission on the Lawyer’s Role in Assuring Every Child’s Right to a High-Quality Education, Pauline A. Weaver of California, moved Resolution 117B urging all governments to develop and implement an age appropriate curricula designed to instill in all students a sense of the personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections. Hon. Pamila J. Brown of Maryland spoke in favor of the resolution. The resolution was adopted.

**GOVERNMENT LAWYERS/PUBLICATIONS**

[101] On behalf of the proponents, Secretary Mary T. Torres of New Mexico withdrew Resolution 101 urging Congress to require that any works of the U.S. government that are published privately also be deposited with the Government Publishing Office and subsequently distributed on the Internet, to the member libraries of the Federal Depository Library System, to the Library of Congress, and to the National Archives.

**GUN VIOLENCE**

[118A] On behalf of the Standing Committee on Gun Violence, David W. Clark of Mississippi withdrew Resolution 118A urging Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.

[118B] On behalf of the Standing Committee on Gun Violence, Estelle H. Rogers of California, moved revised Resolution 118B urging governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders. Monte E. Frank of Connecticut, Marilyn J. Harbur of Oregon, David W. Clark of Mississippi, Donald R. Dunner of the District of Columbia, James R. Silkenat of New York, Robert N. Weiner of the District of Columbia and Judy Perry Martinez of Louisiana spoke in support of the resolution. Peter F. Langrock of Vermont and Rene Morency of Missouri spoke in opposition to the resolution. The resolution was adopted as revised.
IMMIGRATION

[10A] On behalf of the Massachusetts Bar Association, Neal R. Sonnett of Florida withdrew Resolution 10A urging the Department of Justice to rescind the memorandum issued by Attorney General Sessions' in May 2017 that directs federal prosecutors to charge and pursue the most serious, readily provable offense.

[10C] On behalf of the Massachusetts Bar Association, Alice E. Richmond of Massachusetts moved Resolution 10C urging Congress to amend Section 287 of the Immigration and Naturalization Act and to expand and codify Department of Homeland Security guidelines regarding immigration enforcement actions. Robert W. Harnais of Massachusetts, Wendy S. Wayne of Massachusetts, Robert E. Juceam of New York and Jose C. Feliciano of Ohio spoke in support of the resolution. The resolution was adopted.

[108] On behalf of the Law Student Division, Secretary Mary T. Torres of New Mexico moved and Thomas Kim of Oregon, presented revised Resolution 108 supporting the principle that bar admission should not be denied based solely on immigration status and urging Congress to amend 8 U.S.C. § 1621(d). Andrew M. Schpak of Oregon, Rene Morency of Missouri, Andrew Gowder of South Carolina and John Weber of Kentucky spoke in favor of the resolution. John R. B. ("Jack") Long of Georgia spoke in opposition to the resolution. The resolution was adopted as revised.

[115] On behalf of the Commission on Immigration, Mary M. McCarthy of Illinois, moved Resolution 115 supporting the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals. The resolution was adopted.

INTELLECTUAL PROPERTY

[114A] On behalf of the Section of Intellectual Property Law, Susan B. Montgomery of Massachusetts, moved Resolution 114A adopting policy supporting the view that proof of willfulness is not a requirement for an accounting of a defendant's profits in trademark infringement, unfair competition, or cyber-piracy cases under Sections 32, 43(a), and 43(d) of the federal Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d). The resolution was adopted.

[114B] On behalf of the Section of Intellectual Property Law, William L. ("Bill") LaFuze of Texas, withdrew Resolution 114B adopting policy in support of a clarification of the patent laws and supporting an interpretation of those laws such that a sale or an offer to sell a product or service embodying an invention must have been "available to the public" and made the invention known to the public to invalidate claims directed to that invention.
On behalf of the Section of Intellectual Property Law, Joseph M. Potenza of the District of Columbia, moved revised Resolution 114C adopting policy in support of a clarification of the patent laws and supporting an interpretation of those laws such that in a post-issuance proceeding at the U.S. Patent and Trademark Office (PTO) in which a previously issued patent is challenged by a third party, the PTO may not, as a condition of accepting new claims, require the patent owner to first demonstrate the patentability of the new claims. The resolution was adopted as revised.

INTERNATIONAL LAW

On behalf of the Massachusetts Bar Association, Michael S. Greco of Massachusetts moved Resolution 10D urging the United States Department of State to preserve the Office of Global Criminal Justice and the role of the War Crimes Ambassador, including funding and staffing to continue the work of the office and the United States’ commitment to international criminal justice and the prevention and prosecution of atrocity crimes. Former Ambassador Stephen J. Rapp and James M. Durant III of Illinois spoke in support of the resolution. The resolution was adopted.

On behalf of the Section of International Law, Glenn P. Hendrix of Georgia withdrew Resolution 109A adopting the ABA Model Provisions on Electronic Commerce for International Trade Agreements, dated August 2017, and recommending them as a standard template for use in international trade agreements and other relevant international agreements and guidelines.

Gabrielle M. Buckley of Illinois, moved Resolution 109B urging national governments worldwide to adopt laws to phase out the manufacture, import, and sale of lead paint, supporting efforts to promote the phase-out of lead paint by no later than 2020, and supporting adoption of laws to phase out and eliminate lead paint thru pro bono support, educational initiatives, and other appropriate measures. The resolution was adopted.

LAW AND AGING

On behalf of the Commission on Law and Aging, Carole L. Worthington of Tennessee and Hon. Patricia Banks of Illinois, withdrew Resolution 105 urging the President to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention.

On behalf of the Senior Lawyers Division, Albert C. Harvey of Tennessee withdrew Resolution 107 adopting the ABA Guidelines for Best Practices for Individual Retirement Accounts, dated August 2017, and urging adoption by financial institutions for IRA accounts.
LEGAL SERVICES

[106] On behalf of the Standing Committee on Legal Aid and Indigent Defendants, Hon. Lora J. Livingston of Texas, moved Resolution 106 urging Congress to enact legislation to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur; and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel. James F. Williams of Washington, Stephen A. Saltzburg of the District of Columbia, Seymour Wesley James, Jr. of New York, and Cynthia E. Hujar Orr of Texas spoke in favor of the resolution. Peter D. Webster of Florida and Hon. Margret G. Robb of the District of Columbia spoke in opposition to the resolution. The resolution was adopted.

MODEL RULES/LAWYER DISCIPLINE

[110] On behalf of the Standing Committee on Client Protection, Frank X. Neuner, Jr. of Louisiana, moved Resolution 110 amending the black letter of Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyer Disciplinary Enforcement (MRLDE) to minimize instances of lawyer misappropriation of monies held in trust accounts and hold lawyers accountable when appropriate. The resolution was adopted.

PARALEGALS

[100] The House approved by consent Resolution 100 as submitted by the Standing Committee on Paralegals, granting approval and re-approval to several paralegal education programs, withdrawing the approval of two programs at the requests of the institutions, and extending the term of approval to several paralegal education programs.

SPECIALIZATION

[111] On behalf of the Standing Committee on Specialization, Barbara J. Howard of Ohio, withdrew Resolution 111 seeking to accredit the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a 5-year term as a designated specialty certification program for lawyers.

TORT TRIAL AND INSURANCE

[102A] On behalf of the Tort Trial and Insurance Practice Section, C. Glennon Troublefield of New Jersey, withdrew Resolution 102A opposing the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supporting enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposing legislation and regulations that would authorize, encourage or enforce such agreements.

[102C] On behalf of the Tort Trial and Insurance Practice Section, Timothy W. Bouch of South Carolina, moved revised Resolution 102C supporting common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege. The resolution was adopted as revised.
VETERANS

[120] On behalf of the Commission on Veterans Legal Services, Scott F. Partridge of Texas, moved Resolution 120 recommending review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one's discharge is reviewed. Nanette M. DeRenzi of Virginia, Gregory L. Ulrich of Michigan, and Robert L. Weinberg of the District of Columbia spoke in support of the resolution. The resolution was adopted.

Closing Business

At the conclusion of the meeting of the House, Ms. Enix-Ross recognized Lawrence J. Fox of Pennsylvania to address the House and he recognized the work and collegiality of the delegates, the value of the ABA to profession and value of the independence of the profession.

William C. Hubbard recognized and thanked I. S. Leevy Johnson for his years of service to the House and the Association.

Secretary Mary T. Torres thanked her husband for his support and the other officers and Board members for their support during her term as secretary. Ms. Torres also recognized the Sections and thanked them for all the work that they do. Then she thanked the members of the House for their service and for the opportunity to serve as Secretary.

At the conclusion of the meeting of the House of Delegates on Tuesday, August 15, 2017, Laura V. Farber of California, moved a resolution of appreciation for the Special Advisors and the New York State Bar Association, acknowledging their efforts in hosting the meeting. The resolution was approved.

Chair Enix-Ross recognized Paula J. Frederick of Georgia who then moved the House adjourn sine die. The motion was approved.
8. **REPORTS TO THE HOUSE OF DELEGATES**

At each Midyear and Annual Meeting, the House of Delegates considers resolutions submitted to it by the various sections, committees, state and local bar associations and affiliated organizations, as well as by individual members of the Association.

The Committee on Rules and Calendar sets a deadline date approximately nine weeks before the Midyear or Annual Meeting for receipt of reports from sections, divisions, committees and members of the Association. Bar associations, though encouraged to comply with this deadline are not required to do so. (Rules pertaining to reports of state and local bar associations can be found later in this chapter.) Resolutions with Reports are available electronically and compiled in a bound book. Informational Reports are no longer published but are instead available electronically. Detailed instructions for filing reports to the House are included in the appendices. The Resolutions with Reports are required to be sent to House members at least fifteen days before the opening session of the House.

**Resolutions with Reports**

Each Resolution with Report is reviewed during a special meeting of Rules and Calendar held shortly after the deadline date. Consideration of these reports are governed by Article 45 of the House Rules of Procedure. Resolutions with Reports may not exceed 15 pages in length, unless authorized by the Committee on Rules and Calendar. §45.2(a) of the House Rules of Procedure provides:

A resolution of a delegate, section, committee, state or local bar association, affiliated organization or member may be considered by the House of Delegates only if:

1. the resolution proposes new policy or a change of policy, or reaffirms existing Association policy that has not been approved within the last ten years;
2. the resolution is accompanied by a written report;
3. the report accompanying the resolution contains a statement of the reasons for the resolution;
(4) the resolution is set forth at the beginning of the report so as to distinguish the resolution clearly from the body of the report, is in a style that facilitates consideration without confusion, and contains no recitals or supporting arguments;

(5) the report contains no language that commits the Association to a policy not set forth in the resolution;

(6) the report shows that it has been approved by the governing body of the sponsoring entity;

(7) in the case of a resolution proposing or opposing specific legislation, the report includes a complete summary of the phase of legislation under consideration together with relevant excerpts from the proposed bill, and five copies of the bill have been provided for the use of the Chair; and

(8) in the case of a resolution calling for action that may result in expenditures, the amount needed is shown.

Any report which violates the provisions for reports to the House listed in §45.2 may be referred back to the originating entity or delegate by the Committee on Rules and Calendar without calendaring and that entity is given at least seven days notice to make any corrections to a report which has been timely filed. (§45.2(b))

Usually these entities appreciate the suggestions for revision proposed by the Committee on Rules and Calendar because the revisions tend to assist in avoiding confusion during debate in the House of Delegates or later difficulty in implementation. Although Rules and Calendar has the power to refuse to calendar reports which do not meet the requirements of §45.2 of the House Rules, it rarely exercises its power and it is unlikely to do so except in extraordinary circumstances.

The Board of Governors is required by §24.1 of the Bylaws to transmit to the House, at its option, resolutions of sections and committees with any recommendations or comments that the Board may make. A report from the Board transmitting the recommendations is prepared immediately after the Board reviews the resolutions, which it does at a meeting immediately prior to the House of Delegates session.
In preparation for Board consideration of these resolutions, the staff prepares background papers detailing information relevant to each.

**Reports of State and Local Bar Associations**

According to §45.6 of the House Rules, a matter that a state or local bar association proposes to submit to the House of Delegates must be presented to the Committee on Rules and Calendar prior to the conclusion of the last scheduled meeting of that Committee before the meeting of the House at which it is to be considered. Rules and Calendar traditionally holds its meetings on the Saturday and Sunday prior to the opening session of the House, with open hearings from 2:00 p.m. to 3:00 p.m. on Saturday and Sunday.

Although not required to do so, bar associations are encouraged to comply with the rules for Resolutions with Reports that apply to other entities as described in §45.2.

**Minority Reports**

A minority report stating the views of fewer than half of the members of a committee or Section council on a recommendation of the majority will be printed at the request of its proponents over their signatures, provided that the view was presented at the time the committee or Section council acted on the matter and assuming proper notice was given. It will be appended to the report to which it relates. (§45.4)

**Late Resolutions**

A resolution submitted after the date prescribed for receipt is considered a late resolution. A late resolution may not be considered by the House unless the Committee on Rules and Calendar recommends a waiver of the filing deadline requirement and the Committee's recommendation is approved by a two-thirds vote of the House. Requests to file late resolutions must be given in writing to the Committee on Rules and Calendar by the time of the last scheduled meeting of that Committee before the opening of the first session of the House at which it is to be considered. Rules and Calendar may not recommend a waiver unless it believes that action at that meeting of the House is necessary or desirable. (§45.5)
**Informational Reports**

A Section or committee may make a written informational report to the House. Although the substance of the report will not be considered by the House, it may authorize its distribution to the public. (§45.3) Informational reports are posted to the ABA’s website at [www.americanbar.org/leadership/house/home.html](http://www.americanbar.org/leadership/house/home.html).

**Consideration of Proposed Constitutional Amendments**

According to §13.1 of the Constitution, the Constitution may be amended upon a vote of two-thirds or 150, whichever is greater, of the members present and voting in the House of Delegates.

**Resolutions by Association Members Who are Not Delegates**

A member of the Association who is not a delegate may submit one or more resolutions pertinent to the purposes of the Association. Such resolutions shall be referred to the Committee of Rules and Calendar. A resolution submitted after the deadline established by the Committee on Rules and Calendar may not be considered by the House unless the Committee on Rules and Calendar recommends a waiver of the time limitation and the House approves the recommendation. Resolutions must be submitted in writing to the Secretary. The Secretary shall refer each resolution to the Committee on Rules and Calendar. (5.1)
9. **OPERATING PROCEDURES**

**Meetings of the House**

The House is required by the Constitution to meet during the Annual Meeting of the Association. (§4.1) Other meetings, including the traditional Midyear Meeting in February, are held at such times and places as the Board of Governors determines. Special meetings of the House may be called by the President at the written request of a majority of the delegates with a 40-day notice required. The Board may authorize a special meeting of the House to be held solely for a limited purpose specified in a 15-day advance notice. (§6.11)

Meetings of the House are open to all members of the Association although the House may vote to exclude non-members of the House from a specified session. Representatives of the news media may attend open sessions. (§42.1)

See Attachment A for the physical layout of meetings of the House. The arrangement of states in the ballroom is rotated from one meeting to the next.

**Quorum**

A quorum is 150 delegates (§6.11) and each delegate is seated with the state delegation of the state to which his membership is accredited (§42.2). Under the provision for alternate delegates (§6.10), entities may certify to the Secretary the name and address of an alternate delegate to serve during the absence of any of its delegates at a meeting of the House. Each delegate indicates his or her presence at any meeting by signing the House Roster. Once the roster is approved by the House, which occurs at the first session, no additional changes may be made.
Rules and Calendar Committee

During meetings of the House of Delegates, the Rules and Calendar Committee assists the Chair of the House in expediting the business of the House. The Committee is mandated by the House Rules to present a preliminary calendar of business for the meeting (§43.1) and make recommendations concerning special orders of business (§43.2), the Consent Calendar (§43.3), reduction or extension of time limitations for debate (§44.2), the calendaring of oral informational reports and time limitations for such reports (§44.2), and recommendations for waiver of the time requirement to consider late filed resolutions (§45.5). The Committee also receives notice of a Section or Committee’s intent to move to postpone indefinitely a resolution of another Section or Committee to allow further study. (§45.7)

In addition to these duties, the Committee makes recommendations to the House concerning the granting of the privilege of the floor, considers requests for distribution of materials during House sessions, and makes recommendations for adoption of any necessary special rules to govern debate.

In order to fulfill its responsibilities, the Committee traditionally meets on the Saturday and Sunday prior to the opening session of the House. Reserving time before and after each open hearing for executive session discussion of the various requests which have been heard, the Committee usually holds an open hearing from 2:00 p.m. to 3:00 p.m. on Saturday and Sunday.

At the open hearing, the Committee receives requests pertaining to the business of the House and its calendar. Following these meetings, the Committee establishes the Final Calendar (Attachment B).

Calendar

House Rules provide that the order of business shall be conducted according to the Calendar, subject to change by Special Order. The Final Calendar is prepared by the Committee on Rules and Calendar at its last meeting before the House opens and must be approved as the
order of business of the House by a majority vote.  (§43.1) The Regular Order is established by the staff using a simple method of assigning report numbers to Resolutions with Reports on a first come first served basis, although there are occasional exceptions such as filling a numerical gap caused by compliance with a Rules and Calendar request to withdraw a resolution. The Special Orders are determined by Rules and Calendar after hearing all requests made during its two days of public hearings on the days prior to the meeting of the House and must be approved by a two-thirds vote of the House. The Calendar is placed on each delegate's desk prior to the opening session of the House.

Also included in the Calendar are certain items such as the reports of House Committees, statements by the Chair of the House, Chair of Rules and Calendar, and the Secretary, etc. At an Annual Meeting, there are also amendments to the Constitution and Bylaws.

**Consent Calendar**

The Consent Calendar (Attachment C) consists of those items which the Committee on Rules and Calendar believes are non-controversial. Those items are taken up and voted on in response to a single motion offered by the Chair of Rules and Calendar. Ordinarily, the Committee will not recommend that reports concerning federal legislation or national policy issues be included on the Consent Calendar. Items which require a two-thirds vote are voted upon as a separate Consent Calendar in a separate motion. Upon the written request of any delegate made to a member of the Committee on Rules and Calendar, any item listed on the Consent Calendar is removed and made subject to debate. Any item removed from the Consent Calendar is considered immediately following approval of the Consent Calendar.  (§43.3)

**Time Limitations for Debate**

The House Rules provide that a person presenting a resolution or a minority report may speak for not more than ten minutes in making that presentation in addition to any right such person may have to close debate, unless a time waiver is recommended by the Committee on Rules and Calendar and is approved by a two-thirds vote of the House. No other person may speak for more than five minutes at one time on any issue unless approved by a two-thirds vote
of the members of the House. No one may speak more than once on the same question without
the unanimous consent of the House except that the individual who presented the resolution
under discussion has five minutes to close the debate on it. If there is no opposition to a
resolution, at the discretion of the Chair of the House, the presenter will have (3) minutes to
present and (2) minutes to close and other speakers a maximum of (2) minutes. An individual
may present an oral informational report only on the recommendation of Rules and Calendar
which also prescribes time limitations for the report. (§44.2)

In order to assist in observing the time limitation, there is an electric timer on the front of
the rostrum. When the speaker is subject to a time limitation, a green light is on when he/she
commences to speak. A yellow light signals that there are three minutes remaining of a
ten-minute presentation, and one minute remaining of a five-minute presentation. When time has
expired a red light comes on, and when the red light begins to flash, the time allocation has been
exhausted.

**Seeking Recognition of the Chair**

At the front of the ballroom, to the side of the podium, is a screen upon which the number
of the report currently being discussed is projected, as well as the next order of business. Items
set for Special Order are noted at the bottom of the screen. All individuals who plan to present
resolutions to the House come forward and make their availability known to a member of Rules
and Calendar when the screen, which projects the current status of the Calendar, shows that their
Calendar number will be called next.

There are certain procedures which are followed when seeking the recognition of the Chair
to speak. All delegates and section or committee chairs who wish to be recognized fill out a
salmon colored form available from Rules and Calendar (Attachment D). These forms indicating
intention to speak are given to a member of Rules and Calendar.

The salmon slips constitute an informal procedure, not included in the House Rules. They
are collected by Rules and Calendar and arranged in logical order of debate, which the Chair may
alter as he or she pleases. The general practice, not always adhered to, is to recognize those who
have filed salmon slips before recognizing delegates who have not. Filing a salmon slip does not
ensure recognition, since a debate may terminate by one of several methods before all who have
filed slips have been recognized. Filing a slip only ensures recognition if the debate goes on long enough to hear from all who have filed.

Each delegate, when recognized, states his or her name and representative capacity for the record. This identification is necessary as House meetings are taped. If an individual rises to seek recognition and has not filled out a salmon slip, the Chair inquires as to the purpose for which the individual seeks recognition. As a matter of courtesy, the Chair usually declines to recognize a motion which would terminate debate before each side has had an adequate opportunity to be heard.

**Motions to Postpone Indefinitely**

According to §45.7(c) of the House Rules, no motion to postpone indefinitely House consideration of a resolution to permit study is in order unless the party seeking postponement has notified the sponsor of the resolution and the Committee on Rules and Calendar of its intention to postpone prior to the conclusion of the last scheduled meeting of that Committee before the meeting of the House at which it is to be considered. This provision does not apply to a resolution in a late report.

**Motions to Amend**

A motion to amend a resolution must be in writing unless the amendment contains six words or less. The Chair of the House may require that a copy be made available to each House member before a vote is taken. (§45.8)

**Parliamentary Authority**

According to §42.6 of the House Rules of Procedure, Robert's Rules of Order Newly Revised (11th edition) is the parliamentary authority of the House, unless the House otherwise directs.
Privilege of the Floor

The privilege of the floor can be extended to any individual by a two-thirds vote of the members of the House present. Privileges of the floor are requested for individuals by a member of the House with the Committee on Rules and Calendar making a recommendation on each such request.

Chairs of ABA sections, divisions, committees and commissions have the privilege of the floor, without vote, and may speak or make motions concerning a resolution of their section or committee or on any other matter within the jurisdiction of their entities. In the case of minority reports filed in connection with a resolution, one representative selected by the minority may speak once on the question.

If the Chair approves, the Executive Director may address the House. (§44.1)

Voting

The House acts upon resolution of sections and committees, of state or local bar associations, of affiliated organizations represented in the House, and of individual delegates and members of the Association. Decisions are made by majority vote except that a two-thirds vote is required to accept a late resolution, to set a special order, to amend the Constitution, or to extend the privilege of the floor to a non-member of the House. Voting shall be by voice or electronic voice. A written ballot is required if there is more than one nomination for an office of the Association, for membership on the Board of Governors, or for membership on the Committee on Scope and Correlation of Work. There is provision for a roll call vote on request of 100 or more delegates. (Article 46)

When a division is requested by a member, or when the Chair is in doubt, the members stand and are counted.

The Chair of the House appoints six members of the House to act as Tellers. They count the votes on any division called for in the House and prepare, distribute, collect and count ballots for any contested election. (§46.3)
Although there is no provision for a show of hands when the Chair is in doubt, this method of vote tallying is becoming increasingly popular. It is faster than counting and will usually satisfy both proponents and opponents, except when the vote is quite close and a count is actually needed to determine the result.

When voting electronically delegates must be in their seats or in the well of the House. If a division is called, it must be called before an electronic vote is taken. The Chair will ask delegates casting affirmative votes to stand while casting their votes and will then ask delegates casting negative votes to stand while casting their votes. No proxy voting is permitted.

Members of the House are responsible for exercising discretion when voting on matters before the House to avoid the appearance as well as the fact of conflict of interest. In 1973, the Board of Governors approved a Conflict of Interest policy, and in 1980 interpreted the policy as precluding an Association member from receiving a fee from a client for services rendered as a member of the Association or any of its constituent entities. The Conflict of Interest policy appears in the appendices.

**Daily Journal**

After the recess of each day's session of the House, the staff prepares a *Daily Journal* of the action taken by the House. This *Daily Journal* is sent electronically to the members of the House prior to the beginning of the House's next session. A copy of the completed *Daily Journal* is available on the House of Delegates website and sent electronically after the conclusion of the meeting of the House. A sample Daily Journal is included at the end of this chapter (Attachment E).

**Board of Governors Transmittal Report**

The Board of Governors is directed by §24.1 of the Bylaws to transmit to the House of Delegates, at its option, the resolutions of sections, divisions and committees of the Association, together with any recommendations and comments the Board may have. At the back of this chapter you will find a sample of Report No. 177A (Attachment F), and the Board of Governors Transmittal Report, which also is sent electronically prior to the opening session of the House.
In most instances, the Board transmits the resolutions to be considered by the House with the recommendation that they be approved, not be approved, or deferred. Due to the recent change in procedure, the Board may opt not to consider all resolutions.

**Board of Governors Informational Report**

The Board of Governors is directed by §48.2 of the House Rules of Procedure to report to the House on actions taken by the Board. At each meeting of the House the Board electronically submits a report, Report No. 177 (included in Attachment G), which summarizes the minutes of each of its meetings since the last meeting of the House.
FINAL CALENDAR

AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES

2017 ANNUAL MEETING
NEW YORK, NEW YORK
AUGUST 14 - 15, 2017

THE CHAIR OF THE HOUSE OF DELEGATES, DEBORAH ENIX-ROSS, PRESIDING

PRESENTATION OF COLORS

INVOCATION

1. REPORT OF THE COMMITTEE ON CREDENTIALS AND ADMISSIONS
   Hon. Adrienne Nelson, Oregon

   Approval of the Roster

2. REPORT OF THE COMMITTEE ON RULES AND CALENDAR
   Paula J. Frederick, Georgia

   Approval of the Final Calendar

3. APPROVAL OF THE SUMMARY OF ACTION
   Mary T. Torres, New Mexico

   - Board of Governors Informational Report to the House (Report No. 177)
   - Board of Governors Transmittal Report to the House (Report No. 177A)
     (RE: Approval of Continuation of Special Committees and Commissions)

4. STATEMENT BY THE CHAIR OF THE HOUSE OF DELEGATES
   Deborah Enix-Ross, New York

5. STATEMENT BY THE PRESIDENT (SEE SPECIAL ORDERS)
   Linda A. Klein, Georgia

6. STATEMENT BY THE TREASURER (SEE SPECIAL ORDERS)
   G. Nicholas Casey, Jr., West Virginia
   (A written report has been distributed.)

7. STATEMENT BY THE EXECUTIVE DIRECTOR (SEE SPECIAL ORDERS)
   Jack L. Rives, Illinois
   (A written report appears in the bound book of reports as Report No. 3.)

8. NOMINATION OF MEMBER OF COMMITTEE ON SCOPE AND CORRELATION OF WORK

9. ELECTION OF OFFICER AND MEMBERS OF THE BOARD OF GOVERNORS (SEE SPECIAL ORDERS)
CONSTITUTIONAL AMENDMENT
Primary Sponsor: Edward Haskins Jacobs, VI
(RE: Seeks to amend §1.2 of the Association’s Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.”)

CONSTITUTIONAL AMENDMENT (WILL BE WITHDRAWN)
Primary Sponsors:
(RE: Seeks to amend §6.8 of the Association’s Constitution to provide for representation of the National Creditors Bar Association as an affiliated organization in the House of Delegates.)

HOUSEKEEPING AMENDMENT (CONSENT)
Primary Sponsor: Carlos Rodriguez-Vidal, PR
(RE: Seeks to amend §6.5 of the Association’s Constitution to indicate that if six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, territory or possession, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected.)

HOUSEKEEPING AMENDMENT (CONSENT)
Primary Sponsor: Carlos Rodriguez-Vidal, PR
(RE: Seeks to amend §44.1(a) of the House Rules of Procedure to include a “commission” as having privileges of the floor of the House of Delegates.)

STANDING COMMITTEE ON PARALEGALS (CONSENT)
Chair: Laura C. Barnard, OH
(RE: Grants approval and reapproval to several paralegal education programs, withdraws the approval of two programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.)

TIMOTHY STANLEY, ABA MEMBER (WILL BE WITHDRAWN)
EDWARD J. WALTERS, ABA MEMBER
(RE: Urges Congress to require that any works of the U.S. government that are published privately also be deposited with the Government Publishing Office and subsequently distributed on the Internet, to the member libraries of the Federal Depository Library System, to the Library of Congress, and to the National Archives.)
102A  TORT TRIAL AND INSURANCE PRACTICE SECTION (WILL BE WITHDRAWN)
Chair: Sam H. Poteet, Jr., TN
Delegates: Timothy W. Bouch, SC; Michael W. Drumke, II, IL; G. Glennon
Troublefield, NJ
(RE: Opposes the use of mandatory, binding, pre-dispute arbitration agreements in
private student loan contracts and supports enactment of legislation and regulations
that would prohibit or invalidate such arbitration agreements and opposes
legislation and regulations that would authorize, encourage or enforce such
agreements.)

102B  TORT TRIAL AND INSURANCE PRACTICE SECTION
Chair: Sam H. Poteet, Jr., TN
Delegates: Timothy W. Bouch, SC; Michael W. Drumke, II, IL; G. Glennon
Troublefield, NJ
(RE: Urges legislative bodies and governmental agencies to interpret existing laws
and policies, and to adopt laws and policies that allow the implementation and
administration of trap-neuter-vaccinate-return programs for community cats within
their jurisdictions so as to promote their effective, efficient, and humane
management)

102C  TORT TRIAL AND INSURANCE PRACTICE SECTION (REVISED)
Chair: Sam H. Poteet, Jr., TN
Delegates: Timothy W. Bouch, SC; Michael W. Drumke, II, IL; G. Glennon
Troublefield, NJ
(RE: Supports common-interest doctrine, under which sharing of privileged
communications with persons of common interest who have agreed to maintain
confidentiality does not waive privilege.)

103  SECTION OF DISPUTE RESOLUTION
Chair: Nancy A. Welsh, PA
Delegates: James J. Alfiniti, TX; Pamela C. Enslen, MI
(RE: Encourages greater use and development of ombuds programs that comply
with generally recognized standards of practice as an effective means of
preventing, managing, and resolving individual and systemic conflicts and
disputes.)

104  STANDING COMMITTEE ON THE AMERICAN JUDICIAL SYSTEM
Co-Chairs: Michael H. Reed, PA and Dick A. Semerdjian, CA
SECTION OF LITIGATION
Chair: Laurence Pulgram, CA
Delegates: Don Bivens, ZA; Bernice B. Donald, TN; Dennis J. Drasco, NJ;
Lawrence J. Fox, CT
TORT TRIAL AND INSURANCE PRACTICE SECTION
Chair: Sam H. Poteet, Jr., TN
Delegates: Timothy W. Bouch, SC; Michael W. Drumke, II, IL; G. Glennon
Troublefield, NJ
CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL
WASHINGTON STATE BAR ASSOCIATION
Delegates: Jaime Hawk, WA; Kathleen J. Hopkins, WA; Joel D. Matteson, WA;
Matthew Mensik, WA; Deborah Perluss, WA; Amit D. Ranade, WA
HAWAII STATE BAR ASSOCIATION
Delegates: James A. Kawachika, HI; Alicia J. Mears, HI
KING COUNTY BAR ASSOCIATION
Delegate: James F. Williams, WA

BEVERLY HILLS BAR ASSOCIATION
Delegate: Diane L. Karpman, CA
(RE: Reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.)

COMMISSION ON LAW AND AGING
Chair: Hon. Patricia Banks, IL
(RE: Urges the President to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention.)

STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
Chair: Hon. Lora J. Livingston, TX
CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL
(RE: Urges Congress to enact legislation to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel.)

SENIOR LAWYERS DIVISION (WILL BE WITHDRAWN)
Chair: William D. Missouri, MD
Delegates: Ruth L. Kleinfeld, NH; Albert C. Harvey, TN
(RE: Adopts the ABA Guidelines for Best Practices for Individual Retirement Accounts, dated August 2017, and urges adoption by financial institutions for IRA accounts.)

LAW STUDENT DIVISION (REVISED)
Chair: Kareem S. Aref, CA
Delegates: Jenna C. Le, GA; Rene Morency, MO; John Weber, KY
(RE: Supports the principle that bar admission should not be denied based solely on immigration status and urges Congress to amend 8 U.S.C. § 1621(d).)

SECTION OF INTERNATIONAL LAW (WILL BE WITHDRAWN)
Chair: Sara P. Sandford, WA
Delegates: Gabrielle M. Buckley, IL; Jeffrey B. Golden, London UK; Glenn P. Hendrix, GA
(RE: Adopts the ABA Model Provisions on Electronic Commerce for International Trade Agreements, dated August 2017, and recommends them as a standard template for use in international trade agreements and other relevant international agreements and guidelines.)
SECTION OF INTERNATIONAL LAW
Chair: Sara P. Sandford, WA
Delegates: Gabrielle M. Buckley, IL; Jeffrey B. Golden, London UK; Glenn P. Hendrix, GA
(RE: Urges national governments worldwide to adopt laws to phase out the manufacture, import, and sale of lead paint, supports efforts to promote the phase-out of lead paint by no later than 2020, and supports adoption of laws to phase out and eliminate lead paint thru pro bono support, educational initiatives, and other appropriate measures.)

STANDING COMMITTEE ON CLIENT PROTECTION
Chair: Frank X. Neuner, Jr., LA

STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE
Chair: Paula J. Frederick, GA

COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS
Chair: Hon. James S. Hill, ND
(RE: Amends the black letter of Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyer Disciplinary Enforcement (MRLDE) to minimize instances of lawyer misappropriation of monies held in trust accounts and hold lawyers accountable when appropriate.)

STANDING COMMITTEE ON SPECIALIZATION (WILL BE WITHDRAWN)
Chair: Shontra D. Irving, IN
(RE: Accredits the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a 5-year term as a designated specialty certification program for lawyers.)

CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL
(RE: Adopts the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017, to address the unique situations for juveniles caught in two court systems at the same time and to provide guidance regarding best practices in these situations.)

CRIMINAL JUSTICE SECTION (CONSENT)
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL

CRIMINAL JUSTICE SECTION (REVISED)
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL
(RE: Urges governments to adopt policies and procedures that favor release on personal recognizance bonds or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such financial conditions and no other conditions will assure appearance, and that pretrial detention should never occur due solely to an inability to pay.)
112D  CRIMINAL JUSTICE SECTION  
Chair: Matthew F. Redle, WY  
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL  
(RE: Urges governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of release.)

112E  CRIMINAL JUSTICE SECTION (REVISED)  
Chair: Matthew F. Redle, WY  
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL  
COMMISSION ON YOUTH AT RISK  
Chair: Marguerite D. Downing, CA  
(RE: Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18.)

112F  CRIMINAL JUSTICE SECTION  
Chair: Matthew F. Redle, WY  
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL  
(RE: Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.)

112G  CRIMINAL JUSTICE SECTION  
Chair: Matthew F. Redle, WY  
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL  
(RE: Urges governments to enact laws allowing for the expungement of convictions or other statutory ordinances or violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness.)

113  COMMISSION ON DISABILITY RIGHTS  
Chair: Robert T. Gonzales, MD  
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE  
Chair: Kirke Kickingbird, OK  
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC  
SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW  
Chair: David J. Dietrich, MT  
Delegates: Jo Ann Engelhardt, FL; Andrew F. Palmieri, DC; Susan Porter, NY  
COMMISSION ON LAW AND AGING  
Chair: Hon. Patricia Banks, IL  
(RE: Urges all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed.)

114A  SECTION OF INTELLECTUAL PROPERTY LAW  
Chair: Donna P. Suchy, IA  
Delegates: Joseph M. Potenza, DC; William L. LaFuze, TX; Susan B. Montgomery, MA  
(RE: Adopts policy supporting the view that proof of willfulness is not a requirement for an accounting of a defendant's profits in trademark infringement, unfair competition, or cyber-piracy cases under Sections 32, 43(a), and 43(d) of the federal Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d).)
SECTION OF INTELLECTUAL PROPERTY LAW (WILL BE WITHDRAWN)
Chair: Donna P. Suchy, IA
Delegates: Joseph M. Potenza, DC; William L. LaFuze, TX; Susan B. Montgomery, MA
(RE: Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that a sale or an offer to sell a product or service embodying an invention must have been "available to the public" and made the invention known to the public to invalidate claims directed to that invention.)

SECTION OF INTELLECTUAL PROPERTY LAW (REVISED)
Chair: Donna P. Suchy, IA
Delegates: Joseph M. Potenza, DC; William L. LaFuze, TX; Susan B. Montgomery, MA
(RE: Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that in a post-issuance proceeding at the U.S. Patent and Trademark Office (PTO) in which a previously issued patent is challenged by a third party, the PTO may not, as a condition of accepting new claims, require the patent owner to first demonstrate the patentability of the new claims.)

COMMISSION ON IMMIGRATION
Chair: Mary M. McCarthy, IL

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
Chair: Kirke Kickingbird, OK
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC

COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
Chair: Rene A. Acosta, FL

COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
Chair: Mark L. Schickman, CA

STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
Chair: Hon. Lora J. Livingston, TX

MASSACHUSETTS BAR ASSOCIATION
Delegates: Kevin Curtin, MA; Robert W. Harnais, MA; Kay H. Hodge, MA; William T. Hogan, MA; Marsha V. Kazarosian, MA; Josephine A. McNeil, MA; Brigid E. Mitchell, MA; Francis C. Morrissey, MA

CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL

NEW YORK COUNTY LAWYERS ASSOCIATION
Delegates: Michael J. McNamara, NY; Carol A. Sigmond, NY

SECTION OF LITIGATION
Chair: Laurence Pulgram, CA
Delegates: Don Bivens, ZA; Hon. Bernice B. Donald, TN; Dennis J. Drasco, NJ; Lawrence J. Fox, CT

NEW YORK CITY BAR ASSOCIATION
Delegates: Helaine M. Barnett, NY; John S. Kierman, NY

WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS
Chair: Mary K. Ryan, MA

SECTION OF INTERNATIONAL LAW
Chair: Sara P. Sandford, WA
Delegates: Gabrielle M. Buckley, IL; Jeffrey B. Golden, London UK; Glenn P. Hendrix, GA
(RE: Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.)
SECTION OF LITIGATION
Chair: Laurence Pulgram, CA
Delegates: Don Bivens, ZA; Hon. Bernice B. Donald, TN; Dennis J. Drasco, NJ;
Lawrence J. Fox, CT

JUDICIAL DIVISION
Chair: Linda S. Murnane, OH
Delegate: Peter D. Webster, FL
(RE: Urges courts to implement plans that welcome opportunities for new lawyers
to gain meaningful courtroom experience, and urges law firms and clients to take
advantage of those plans.)

COMMISSION ON THE LAWYERS’ ROLE IN ASSURING EVERY CHILD’S
RIGHT TO A HIGH-QUALITY EDUCATION
Chair: Reginald M. Turner, Jr., MI

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
Chair: Kirke Kickingbird, OK
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC

COMMISSION ON YOUTH AT RISK
Chair: Marguerite D. Downing, CA

CENTER ON CHILDREN AND THE LAW
STANDING COMMITTEE ON PUBLIC EDUCATION
Chair: Harry S. Johnson, MD
(RE: Urges all governments to adopt and implement laws, policies, and other
effective measures to provide every child with equal access to elementary and
secondary public schools funded at levels adequate to ensure a high-quality
education.)

COMMISSION ON THE LAWYERS’ ROLE IN ASSURING EVERY CHILD’S
RIGHT TO A HIGH-QUALITY EDUCATION
Chair: Reginald M. Turner, Jr., MI

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
Chair: Kirke Kickingbird, OK
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC

COMMISSION ON YOUTH AT RISK
Chair: Marguerite D. Downing, CA

STANDING COMMITTEE ON ELECTION LAW
Chair: Christopher T. Saucedo, NM

CENTER ON CHILDREN AND THE LAW
STANDING COMMITTEE ON PUBLIC EDUCATION
Chair: Harry S. Johnson, MD
(RE: Urges all governments to develop and implement an age appropriate curricula
designed to instill in all students a sense of the personal responsibility to cast
informed votes and to teach them how to educate themselves regarding candidates
and issues in elections.)
COMMISSION ON THE LAWYERS' ROLE IN ASSURING EVERY CHILD'S
RIGHT TO A HIGH-QUALITY EDUCATION
Chair: Reginald M. Turner, Jr., MI
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
Chair: Kirke Kickingbird, OK
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC
CENTER ON CHILDREN AND THE LAW
COMMISSION ON YOUTH AT RISK
Chair: Marguerite D. Downing, CA
(RE: Endorses the Blueprint for Change: Education Success for Children in Foster Care (2007) and the Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016), which provide a framework to improve educational access, stability, and success for court-involved youth.)

STANDING COMMITTEE ON GUN VIOLENCE (WILL BE WITHDRAWN)
Chair: David Wright Clark, MS
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
Chair: Kirke Kickingbird, OK
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC
SECTION OF LITIGATION
Chair: Laurence Pulgram, CA
Delegates: Don Bivens, ZA; Hon. Bernice B. Donald, TN; Dennis J. Drasco, NJ; Lawrence J. Fox, CT
COMMISSION ON YOUTH AT RISK
Chair: Marguerite D. Downing, CA
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Chair: Ellen F. Rosenblum, OR
Delegates: W. Andrew Gowder, Jr., SC; Patricia E. Salkin, NY
(RE: Urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.)

STANDING COMMITTEE ON GUN VIOLENCE (REVISED)
Chair: David Wright Clark, MS
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
Chair: Kirke Kickingbird, OK
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC
CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redde, WY
Delegates: Stephen A. Saltzberg, DC; Neal R. Sonnett, FL
SECTION OF LITIGATION
Chair: Laurence Pulgram, CA
Delegates: Don Bivens, ZA; Hon. Bernice B. Donald, TN; Dennis J. Drasco, NJ; Lawrence J. Fox, CT
COMMISSION ON YOUTH AT RISK
Chair: Marguerite D. Downing, CA
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Chair: Ellen F. Rosenblum, OR
Delegates: W. Andrew Gowder, Jr., SC; Patricia E. Salkin, NY
(RE: Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders.)
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
Chair: Kirke Kickingbird, OK
Delegates: Estelle H. Rogers, CA; Walter H. White, Jr., DC

SECTION OF STATE AND LOCAL GOVERNMENT LAW
Chair: Ellen F. Rosenblum, OR
Delegates: W. Andrew Gowder, Jr., SC; Patricia E. Salkin, NY

COMMISSION ON HOMELESSNESS AND POVERTY
Chair: Theodore W. Small, Jr., FL

COMMISSION ON VETERANS LEGAL SERVICES
Co-Chairs: Dwight L. Smith, OK; Nanette M. DeRenzi, VA
(RE: Urges governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income.)

STANDING COMMITTEE ON PUBLIC EDUCATION
Chair: Harry S. Johnson, MD
(RE: Urges all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal.)

COMMISSION ON VETERANS LEGAL SERVICES (SEE SPECIAL ORDERS)
Co-Chairs: Dwight L. Smith, OK; Nanette M. DeRenzi, VA

STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL
Chair: Steven J. Lepper, VA
(RE: Recommends review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one's discharge is reviewed.)

YOUNG LAWYERS DIVISION
Chair: Anna M. Romanskaya, CA
Delegates: Myra L. McKenzie-Harris, AR; Andrew M. Schopp, OR; Lacy L. Durham, TX; Shenique Moss, MI; Stefan Palys, AZ

JUDICIAL DIVISION
Chair: Linda S. Murnane, OH
Delegate: Peter D. Webster, FL

SECTION OF LITIGATION
Chair: Laurence Pulgram, CA
Delegates: Don Bivens, ZA; Hon. Bernice B. Donald, TN; Dennis J. Drasco, NJ; Lawrence J. Fox, PA
(RE: Urges all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education.)
MASSACHUSETTS BAR ASSOCIATION
Delegates: Kevin Curtin, MA; Robert W. Harnais, MA; Kay H. Hodge, MA; William T. Hogan, MA; Marsha V. Kazarosian, MA; Josephine A. McNeil, MA; Brigid E. Mitchell, MA; Francis C. Morrissey, MA

CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL
(RE: Urges the Department of Justice to rescind the memorandum issued by Attorney General Sessions' in May 2017 that directs federal prosecutors to charge and pursue the most serious, readily provable offense.)

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CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL
(RE: Opposes the imposition of a mandatory minimum sentence in any criminal case, and urges Congress and state legislatures to repeal existing criminal laws requiring minimum sentences.)

MASSACHUSETTS BAR ASSOCIATION
Delegates: Kevin Curtin, MA; Robert W. Harnais, MA; Kay H. Hodge, MA; William T. Hogan, MA; Marsha V. Kazarosian, MA; Josephine A. McNeil, MA; Brigid E. Mitchell, MA; Francis C. Morrissey, MA

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SECTION OF LITIGATION
Chair: Laurence Pulgram, CA
Delegates: Don Bivens, ZA; Hon. Bernice B. Donald, TN; Dennis J. Drasco, NJ; Lawrence J. Fox, PA

COMMISSION ON IMMIGRATION
Chair: Mary M. McCarthy, IL
(RE: Urges Congress to amend Section 287 of the Immigration and Nationality Act to expand and codify Department of Homeland Security guidelines regarding immigration enforcement actions.)

MASSACHUSETTS BAR ASSOCIATION
Delegates: Kevin Curtin, MA; Robert W. Harnais, MA; Kay H. Hodge, MA; William T. Hogan, MA; Marsha V. Kazarosian, MA; Josephine A. McNeil, MA; Brigid E. Mitchell, MA; Francis C. Morrissey, MA

CRIMINAL JUSTICE SECTION
Chair: Matthew F. Redle, WY
Delegates: Stephen A. Saltzburg, DC; Neal R. Sonnett, FL

CENTER FOR HUMAN RIGHTS
Chair: Hon. Bernice B. Donald, TN
SECTION OF INTERNATIONAL LAW
Chair: Sara P. Sandford, WA
Delegates: Gabrielle M. Buckley, IL; Jeffrey B. Golden, London UK; Glenn P. Hendrix, GA
(RE: Urges the United States Department of State to preserve the Office of Global Criminal Justice and the role of the War Crimes Ambassador, including funding and staffing to continue the work of the office and the United States' commitment to international criminal justice and the prevention and prosecution of atrocity crimes.)
400A RESOLUTION WITH REPORT ON ARCHIVING (CONSENT)
Secretary: Mary T. Torres, NM
(RE: Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.)

400B RESOLUTION WITH REPORT ON ARCHIVING (CONSENT)
Secretary: Mary T. Torres, NM
(RE: Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.)
CONSENT CALENDAR

Removal by 11:00 a.m. on Monday, morning. To be considered at 1:30 p.m. on Monday, afternoon. Items removed from the Consent Calendar will be disposed of immediately following consideration of the Consent Calendar.

Report No. 11-3
HOUSEKEEPING AMENDMENT
Seeks to amend §6.5(a) of the Association’s Constitution to indicate that if six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected.

Report No. 11-4
HOUSEKEEPING AMENDMENT
Seeks to amend §44.1(a) of the House Rules of Procedure to include a “commission” as having the privileges of the floor of the House of Delegates.

Report No. 100
STANDING COMMITTEE ON PARALEGALS
Grants approval and reapproval to several paralegal education programs, withdraws the approval of two programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.

Report No. 112B
CRIMINAL JUSTICE SECTION

Report No. 400A
RESOLUTION WITH REPORT ON ARCHIVING
 Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

Report No. 400B
RESOLUTION WITH REPORT ON ARCHIVING
 Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.
SPECIAL ORDERS

Monday, August 14, 2017 – Morning Session

5 Statement by ABA President Linda A. Klein

Remarks by Judge Sukru Say of Istanbul

Monday, August 14, 2017 – Afternoon Session

Consent Calendar

Election of Member to Committee on Scope and Correlation of Work

Presentation of Checks

Resolution No. 120

Passing of the President’s Gavel (Followed by Remarks by Hilarie Bass)

7 Statement by ABA Executive Director Jack L. Rives

Issues of Concern Panel Presentation

Morning Session

10:30 a.m.

11:55 a.m.

Afternoon Session

1:30 p.m.

To Follow Consent Calendar

To Follow Election

To Follow Checks

3:00 p.m.

4:00 p.m.

To Follow Executive Director

Tuesday, August 15, 2017 – Morning Session

6 Statement by ABA Treasurer G. Nicholas Casey, Jr.

9 Election of Officer and Members of the Board of Governors (Followed by Remarks by Robert M. Carlson)

Remarks by LSC Chairman John G. Levi

Morning Session

9:00 a.m.

10:00 a.m.

To Follow Carlson
CONSENT CALENDAR

Removal by 11:00 a.m. on Monday, morning. To be considered at 1:30 p.m. on Monday, afternoon. Items removed from the Consent Calendar will be disposed of immediately following consideration of the Consent Calendar.

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Report No. 112B
CRIMINAL JUSTICE SECTION

Report No. 400A
RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

Report No. 400B
RESOLUTION WITH REPORT ON ARCHIVING
Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.
American Bar Association House of Delegates
Notice of Intention to Speak

Position to be taken:

____ Move Recommendation
____ Pro Recommendation
____ Con Recommendation

____ Move Amendment (an amendment of more than six words must be in writing below)
____ Pro Amendment
____ Con Amendment
____ Other (explain below)

PLEASE PRINT LEGIBLY

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

PLEASE PRINT LEGIBLY

Name: _____________________________________________

Representative Capacity: ______________________________

State: ___________________________
AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES

2017 ANNUAL MEETING
NEW YORK, NEW YORK
AUGUST 14 – 15, 2017

DAILY JOURNAL

<table>
<thead>
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<td>10A</td>
<td>MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION</td>
<td>Urges the Department of Justice to rescind the memorandum issued by Attorney General Sessions' in May 2017 that directs federal prosecutors to charge and pursue the most serious, readily provable offense.</td>
<td>Withdrawn</td>
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<td>10B</td>
<td>MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION</td>
<td>Opposes the imposition of a mandatory minimum sentence in any criminal case, and urges Congress, state and territorial legislatures to repeal laws requiring minimum sentences.</td>
<td>Approved as Revised and Amended*</td>
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<td>10C</td>
<td>MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION SECTION OF LITIGATION COMMISSION ON IMMIGRATION</td>
<td>Urges Congress to amend Section 287 of the Immigration and Nationality Act to expand and codify Department of Homeland Security guidelines regarding immigration enforcement actions.</td>
<td>Approved</td>
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<td>10D</td>
<td>MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION CENTER FOR HUMAN RIGHTS SECTION OF INTERNATIONAL LAW</td>
<td>Urges the United States Department of State to preserve the Office of Global Criminal Justice and the role of the War Crimes Ambassador, including funding and staffing to continue the work of the office and the United States' commitment to international criminal justice and the prevention and prosecution of atrocity crimes.</td>
<td>Approved</td>
</tr>
<tr>
<td>11-1</td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Seeks to amend §1.2 of the Association's Constitution to include the following language as one of the purposes of the Association: &quot;to defend the right to life of all innocent human beings, including all those conceived but not yet born.&quot;</td>
<td>Postponed Indefinitely by Vote of 279;178</td>
</tr>
<tr>
<td>11-2</td>
<td>CONSTITUTIONAL AMENDMENT</td>
<td>Seeks to amend §6.8 of the Association's Constitution to provide for representation of the National Creditors Bar Association as an affiliated organization in the House of Delegates.</td>
<td>Withdrawn</td>
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* See Attached.
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<td>Approved</td>
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<td>HOUSEKEEPING AMENDMENT</td>
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<td>Approved</td>
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<td>100</td>
<td>STANDING COMMITTEE ON PARALEGALS</td>
<td>Grants approval and reapproval to several paralegal education programs, withdraws the approval of two programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.</td>
<td>Approved</td>
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<tr>
<td>101</td>
<td>TIMOTHY STANLEY, ABA MEMBER EDWARD J. WALTERS, ABA MEMBER</td>
<td>Urges Congress to require that any works of the U.S. government that are published privately also be deposited with the Government Publishing Office and subsequently distributed on the Internet, to the member libraries of the Federal Depository Library System, to the Library of Congress, and to the National Archives.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>102A</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION</td>
<td>Opposes the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supports enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposes legislation and regulations that would authorize, encourage or enforce such agreements.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>102B</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION</td>
<td>Urges legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management.</td>
<td>Approved</td>
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<tr>
<td>102C</td>
<td>TORT TRIAL AND INSURANCE PRACTICE SECTION</td>
<td>Supports common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>103</td>
<td>SECTION OF DISPUTE RESOLUTION</td>
<td>Encourages greater use and development of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes.</td>
<td>Approved</td>
</tr>
<tr>
<td>104</td>
<td>STANDING COMMITTEE ON THE AMERICAN JUDICIAL SYSTEM SECTION OF LITIGATION TORT TRIAL AND INSURANCE PRACTICE SECTION CRIMINAL JUSTICE SECTION WASHINGTON STATE BAR ASSOCIATION HAWAII STATE BAR ASSOCIATION KING COUNTY BAR ASSOCIATION BEVERLY HILL BAR ASSOCIATION</td>
<td>Reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.</td>
<td>Approved</td>
</tr>
<tr>
<td>105</td>
<td>COMMISSION ON LAW AND AGING</td>
<td>Urges the President to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>106</td>
<td>STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS CRIMINAL JUSTICE SECTION</td>
<td>Urges Congress to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel.</td>
<td>Approved</td>
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<td>107</td>
<td>SENIOR LAWYERS DIVISION</td>
<td>Adopts the ABA Guidelines for Best Practices for Individual Retirement Accounts, dated August 2017, and urges adoption by financial institutions for IRA accounts.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>108</td>
<td>LAW STUDENT DIVISION</td>
<td>Urges the bar admission authorities in each state and territory not to deny bar admission to undocumented immigrants, who have met all the necessary prerequisite qualifications for admission in their respective jurisdictions, solely due to their immigration status.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>109A</td>
<td>SECTION OF INTERNATIONAL LAW</td>
<td>Adopts the ABA Model Provisions on Electronic Commerce for International Trade Agreements, dated August 2017, and recommends them as a standard template for use in international trade agreements and other relevant international agreements and guidelines.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>109B</td>
<td>SECTION OF INTERNATIONAL LAW</td>
<td>Urges national governments worldwide to adopt laws to phase out the manufacture, import, and sale of lead paint, supports efforts to promote the phase-out of lead paint by no later than 2020, and supports adoption of laws to phase out and eliminate lead paint thru pro bono support, educational initiatives, and other appropriate measures.</td>
<td>Approved</td>
</tr>
<tr>
<td>110</td>
<td>STANDING COMMITTEE ON CLIENT PROTECTION STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE COMMISSION ON INTEREST ON LAWYERS' TRUST ACCOUNTS</td>
<td>Amends the black letter of Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyer Disciplinary Enforcement (MRLDE) to minimize instances of lawyer misappropriation of monies held in trust accounts and hold lawyers accountable when appropriate.</td>
<td>Approved</td>
</tr>
<tr>
<td>111</td>
<td>STANDING COMMITTEE ON SPECIALIZATION</td>
<td>Accredits the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a 5-year term as a designated specialty certification program for lawyers.</td>
<td>Withdrawn</td>
</tr>
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<td>112A</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Adopts the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017, to address the unique situations for juveniles caught in two court systems at the same time and to provide guidance regarding best practices in these situations.</td>
<td>Approved</td>
</tr>
<tr>
<td>112C</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges governments to adopt policies and procedures that favor release on personal recognizance bonds or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such financial conditions and no other conditions will assure appearance, and that pretrial detention should never occur due solely to an inability to pay.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>112D</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of release.</td>
<td>Approved</td>
</tr>
<tr>
<td>112E</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>112F</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.</td>
<td>Approved</td>
</tr>
<tr>
<td>112G</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges governments to enact laws allowing for the expungement of convictions or other statutory or ordinance violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness.</td>
<td>Approved</td>
</tr>
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* See Attached.
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<tr>
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<tbody>
<tr>
<td>113</td>
<td>COMMISSION ON DISABILITY RIGHTS, SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE, SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW, COMMISSION ON LAW AND AGING</td>
<td>Urges all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed.</td>
<td>Approved</td>
</tr>
<tr>
<td>114A</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW</td>
<td>Adopts policy supporting the view that proof of willfulness is not a requirement for an accounting of a defendant’s profits in trademark infringement, unfair competition, or cyber-piracy cases under Sections 32, 43(a), and 43(d) of the federal Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d).</td>
<td>Approved</td>
</tr>
<tr>
<td>114B</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW</td>
<td>Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that a sale or an offer to sell a product or service embodying an invention must have been “available to the public” and made the invention known to the public to invalidate claims directed to that invention.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>114C</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW</td>
<td>Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that in a post-issuance proceeding at the U.S. Patent and Trademark Office (PTO) in which a previously issued patent is challenged by a third party, the PTO may not, as a condition of accepting new claims, require the patent owner to first demonstrate the patentability of the new claims.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>115</td>
<td>COMMISSION ON IMMIGRATION, SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE, COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES, COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS</td>
<td>Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.</td>
<td>Approved</td>
</tr>
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<tr>
<td>115 Cont'd</td>
<td>MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION NEW YORK COUNTY LAWYERS ASSOCIATION SECTION OF LITIGATION NEW YORK CITY BAR ASSOCIATION WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS SECTION OF INTERNATIONAL LAW</td>
<td></td>
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</tr>
<tr>
<td>116</td>
<td>SECTION OF LITIGATION JUDICIAL DIVISION</td>
<td>Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans.</td>
<td>Approved</td>
</tr>
<tr>
<td>117A</td>
<td>COMMISSION ON THE LAWYERS' ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGHER-QUALITY EDUCATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON YOUTH AT RISK CENTER ON CHILDREN AND THE LAW STANDING COMMITTEE ON PUBLIC EDUCATION</td>
<td>Urges all governments to adopt and implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education.</td>
<td>Approved</td>
</tr>
<tr>
<td>117B</td>
<td>COMMISSION ON THE LAWYERS' ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGHER-QUALITY EDUCATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON YOUTH AT RISK STANDING COMMITTEE ON ELECTION LAW CENTER ON CHILDREN AND THE LAW STANDING COMMITTEE ON PUBLIC EDUCATION</td>
<td>Urges all governments to develop and implement an age appropriate curricula designed to instill in all students a sense of the personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections.</td>
<td>Approved</td>
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<tr>
<td>117C</td>
<td>COMMISSION ON THE LAWYERS' ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGHER-QUALITY EDUCATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CENTER ON CHILDREN AND THE LAW COMMISSION ON YOUTH AT RISK</td>
<td>Endorses the Blueprint for Change: Education Success for Children in Foster Care (2007) and the Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016), which provide a framework to improve educational access, stability, and success for court-involved youth.</td>
<td>Approved</td>
</tr>
<tr>
<td>118A</td>
<td>STANDING COMMITTEE ON GUN VIOLENCE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF LITIGATION COMMISSION ON YOUTH AT RISK SECTION OF STATE AND LOCAL GOVERNMENT LAW</td>
<td>Urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.</td>
<td>Withdrawn</td>
</tr>
<tr>
<td>118B</td>
<td>STANDING COMMITTEE ON GUN VIOLENCE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION OF LITIGATION COMMISSION ON YOUTH AT RISK SECTION OF STATE AND LOCAL GOVERNMENT LAW</td>
<td>Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>119A</td>
<td>SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF STATE AND LOCAL GOVERNMENT LAW COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON VETERANS LEGAL SERVICES</td>
<td>Urges governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income.</td>
<td>Approved</td>
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<tr>
<td>119B</td>
<td>SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE STANDING COMMITTEE ON PUBLIC EDUCATION</td>
<td>Urges all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal.</td>
<td>Approved</td>
</tr>
<tr>
<td>120</td>
<td>COMMISSION ON VETERANS LEGAL SERVICES STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL</td>
<td>Recommends review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one’s discharge is reviewed.</td>
<td>Approved</td>
</tr>
<tr>
<td>121</td>
<td>YOUNG LAWYERS DIVISION JUDICIAL DIVISION SECTION OF LITIGATION</td>
<td>Urges all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education.</td>
<td>Approved</td>
</tr>
<tr>
<td>400A</td>
<td>RESOLUTION WITH REPORT ON ARCHIVING</td>
<td>Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.</td>
<td>Approved as Revised**</td>
</tr>
<tr>
<td>400B</td>
<td>RESOLUTION WITH REPORT ON ARCHIVING</td>
<td>Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.</td>
<td>Approved as Revised**</td>
</tr>
</tbody>
</table>

**Items No. 61 was removed from the 400A archival list; Item Nos. 24 and 38 were removed from the 400B archival list.**
RESOLUTION

RESOLVED, That the American Bar Association opposes the imposition of a mandatory minimum sentence in any criminal case; and

FURTHER RESOLVED, That the American Bar Association urges Congress, and state, and territorial legislatures to repeal existing criminal laws requiring minimum sentences, to refrain from enacting criminal laws punishable by mandatory minimum sentences in the future.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal legislative, judicial and other governmental bodies to support the principles that:

1. the holder of the attorney-client privilege does not waive the privilege or protection by sharing communications or materials (or by having contemporaneous communications with) with another person (not jointly represented by the same counsel) who,

2. (a) having common legal interests with the holder in some matters (such as parallel lawsuits),

(b) has agreed with the holder of the privilege or protection

(i) to cooperate with one another to develop and pursue a joint legal strategy with respect to some aspect of the matter or matters in which the parties have common interests, and

(ii) to maintain the confidentiality of any privileged or protected communications or materials shared in pursuit of such cooperation;

provided that the communications or materials shared relate to the parties' common interests;

(2) no party to such a common-interest arrangement can unilaterally waive privilege or protection with respect to communications or materials other than the waiving party's own communications or materials;

(3) in the event of later adverse proceedings between or among the parties to the common-interest arrangement, any party may use communications or materials shared against any other party;

(4) existence of a common-interest or agreement to a common-interest arrangement is not a basis to compel the holder of a privilege or protection to disclose to others having that common interest any communications or materials that the holder does not voluntarily share;

(5) while some authorities condition protection of common-interest sharing on each party to the common-interest arrangement being separately represented, no such requirement should be applied when the parties to the common-interest arrangement have a preexisting relationship (including, without limitation, indemnitor-indemnitee, insurer-insured, patent holder-licensee, or lead lender and participants in the loan) that
REVISED 102C

(a) binds them to a common outcome on the issue(s) as to which they have a common interest,

(b) creates duties to respect one another’s interests, and

(c) creates rights to participate in decision making regarding the common interest (at least to the extent of providing input).

Nothing in this Resolution applies to waiver of work product protection, which is governed by different standards than attorney-client privilege. (Paragraph (5) has no application in criminal litigation.)

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association supports the principle that bar admission should not be denied based solely on immigration status.

FURTHER RESOLVED, That the American Bar Association urges Congress to amend 8 U.S.C. § 1621(d) to insert, at the conclusion of all existing language, the following sentence:

"A state court vested with exclusive authority to regulate admission to the bar may, by rule, order, or other affirmative act, permit an undocumented alien seeking legal status to obtain a professional license to practice law in that jurisdiction."

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to promote public safety and assure that defendants appear in court by adopting policies and procedures that:

1. favor release of defendants upon their own recognizance or unsecured bond;
2. require that a court determine that release on cash bail or secured bond is necessary to assure the defendant's appearance and no other conditions will suffice for that purpose before requiring such bail or bond;
3. prohibit a judicial officer from imposing a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant's inability to pay;
4. permit a court to order a defendant to be held without bail where public safety warrants pretrial detention and no conditions of pretrial release suffice, and require that the court state on the record the reasons for detention; and
5. bar the use of "bail schedules" that consider only the nature of the charged offense, and require instead that courts make bail and release determinations based upon individualized, evidence-based assessments that use objective verifiable release criteria that do not have a discriminatory or disparate impact based on race, ethnicity, religion, socio-economic status, disability, or sexual orientation, or gender identification.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement — the involuntary placement alone in a cell, room or other area for any reason other than as a temporary response to behavior that threatens immediate harm and ends when the threat is over and, in no case, more than 4 hours — of children and youth under age 18.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association supports, in a post issuance proceeding at the
U.S. Patent and Trademark Office in which a previously issued patent is challenged by a
petitioner, applying the statutory requirement that the petitioner asserting the unpatentability of a
patent "shall have the burden of proving unpatentability by a preponderance of the evidence" on
both the challenged claims and any amendment of the claims proposed by the patent owner
during the proceeding; provided that the patent owner has the initial burden of production
(burden of going forward) on the patentability of any proposed amended claims.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
RESOLUTION

RESOLVED, That the American Bar Association urges state, local, territorial, and tribal
governments to enact statutes, rules, or regulations authorizing courts to issue gun violence
restraining orders, including *ex parte* orders, that include at least the following provisions:

1. That a person (a “petitioner”) with documented evidence that another person (a
   “respondent”) poses a serious threat to himself or herself or others may petition a court
   for an order temporarily suspending the respondent’s possession of a firearm or
   ammunition poses a credible threat;

2. That there shall be a verifiable procedure to ensure the surrender of firearms and
   ammunition pursuant to the court order; and

3. That the issuance of the gun violence restraining order shall be reported to appropriate
   state or federal databases in order to prevent respondent from passing a background
   check required to purchase a firearm or obtain a firearm license or permit while
   restraining order is in effect.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED
Section 24.1 of the Association’s Bylaws provides the Board of Governors with the option to transmit to the House of Delegates the reports of sections, divisions and committees of the Association, together with any recommendations and comments the Board may have. This report transmits to the House those reports containing resolutions with such comments as the Board has voted to bring to the attention of the House.

The Board did not consider or take action on any Resolutions with Reports which will be considered by the House of Delegates at the 2017 Annual Meeting.
The Board recommends that the following special committees and commissions be continued:

ABA Center for Human Rights
    Human Rights Advisory Council
ABA Rule of Law Initiative
Africa Law Initiative Council
Annual Meeting Program Planning, Special Committee on
Asia Law Initiative Council
Center for Professional Responsibility, Coordinating Council for the
    Central European and Eurasian Law Initiative Council
Death Penalty Representation, Special Committee on
Disability Rights, Commission on
Domestic and Sexual Violence, Commission on
Hispanic Legal Rights and Responsibilities, Special Committee on
Homelessness and Poverty, Commission on
Immigration, Commission on
    Advisory Committee to the Commission on Immigration
Interest on Lawyer Trust Accounts, Commission on
Latin America and Caribbean Law Initiative Council
Law and Aging, Commission on
Lawyer Assistance Programs, Commission on
    Advisory Commission to the Commission on Lawyer Assistance
    Programs
Lawyers and Certified Public Accountants, National Conference of
Middle East and North Africa Law Initiative Council
Racial and Ethnic Diversity, Center for
Racial and Ethnic Diversity in the Educational Pipeline, Council for
Racial and Ethnic Diversity in the Profession, Commission on
Racial and Ethnic Justice, Coalition on
Sexual Orientation and Gender Identity, Commission on
Women in the Profession, Commission on
Youth-at-Risk, ABA Commission on
    Advisory Committee to the Commission on Youth-at-Risk
AMERICAN BAR ASSOCIATION
INFORMATIONAL REPORT OF THE BOARD OF GOVERNORS
TO THE HOUSE OF DELEGATES

2017 Annual Meeting
August 14, 2017
New York, New York
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The Board of Governors ("Board") is directed by §48.2 of the House Rules of Procedure to report to the House of Delegates on actions taken by the Board. This report sets forth actions taken by the Board since the 2017 Midyear Meeting. During that period, the Board met on June 9-10, 2017 and the Board's Executive Committee met on May 30, June 8 and 30 (email ballot), 2017.

**ABA Medal**

In executive session, the Board selected John D. Feerick the recipient of the 2017 ABA Medal.

**Amicus Briefs**

By email ballot, the Executive Committee approved the filing of an amicus curiae brief in *GG v. Gloucester County School Board*, subject to review and approval of the final language of the amicus curiae brief by the Office of the General Counsel and the Standing Committee on Amicus Curiae Briefs.

May 2017

The Executive Committee approved the filing of an amicus curiae brief in *New Mexico v. Shoopbridge* in the New Mexico Supreme Court, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

May 2017

The Executive Committee approved the filing of an amicus curiae brief in *Supreme Court of New Mexico v. United States*, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

May 2017

The Executive Committee approved the filing of an amicus curiae brief in *Ayestas v. Davis* (in the Supreme Court of the United States) subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

June 2017

**Awards**

The Board approved the request of the Section of Antitrust Law to continue the International Scholar-in Residence Program for fiscal years 2018-2020.

June 2017

The Board approved the request of the Forum on Entertainment & Sports Industries for an annual student writing competition for three consecutive fiscal years, 2018 thru 2020, and to contribute $10,000 which will be paid from Forum Funds.

August 2017
**Business Conduct Standards**
The Board approved the request of the Office of the General Counsel to amend the Business Conduct Standards to create an Ethics Review Committee to be composed of three ABA Board of Governors members appointed by the President. The Ethics Review Committee will evaluate and investigate reports regarding members and determine whether a complaint merits referral to the full Board of Governors.

June 2017

**Bylaw Amendments**
The Board approved the requests to amend bylaws from the following entities:

Young Lawyers Division
Section of Business Law

June 2017

Section of Family
Law Practice

August 2017

**Committees, Commissions and Task Forces**
The Board approved the request of the Committee on Scope and Correlation of Work to sunset the Special Committee on Bioethics and the Law and the Commission on American Jury.

June 2017

The Board approved the request of President-Elect Hilarie Bass to amend the jurisdictional statement of the Executive Committee to expand its size to include a representative from each of the three Board classes for 2017-2018, appointed by President-Elect Bass.

August 2017

The Board approved the request of the Commission on the American Jury to continue without ABA general revenue funding.

August 2017

The Board approved a new jurisdictional statement for the Center on Diversity and Inclusion and its Advisory Council.

August 2017

The Board approved the request of President-Elect Hilarie Bass to create an ABA Working Group to Advance Wellbeing in the Legal Profession to examine and make recommendations regarding the high rate of depression, suicide and addiction among lawyers, with the understanding that no general revenue funding is requested or required.

August 2017
Co-sponsorships

Section of Civil Rights and Social Justice: to co-sponsor with the Center for Reproductive Rights a panel on August 13, 2017 entitled, “Connecting the Dots: The Connection Between State Restrictions on Women’s Rights and Lack of Access to Programs Benefiting Low Income Women and Children.”

June 2017

Judicial Division to co-sponsor with the Bar Association of San Francisco the Fifth Annual Veterans Law Conference on November 3, 2017.

June 2017

Section of International Law to co-sponsor Section programming with certain outside entities in the 2017-2018 Association year.

June 2017

Section of Intellectual Property Law to co-sponsor certain Section committee programs with specific outside entities in the 2017-2018 Association year.

June 2017

Section of Antitrust Law to continue co-sponsoring and administering the Janet D. Steiger Fellowship Project with State Attorneys General Offices and Territories for the summers of 2018, 2019, and 2020.

June 2017

ABA Rule of Law Initiative to co-sponsor with the Wayamo Foundation and Freedom House a high-level, two-day judicial conference to be held in Arusha, Tanzania, on August 7-8, 2017.

June 2017

Section of Environment, Energy, and Resources to co-sponsor future non-CLE events with the National Hydropower Association to be held in 2017, 2018, and 2019.

June 2017

Commission on Veterans Legal Services and Legal Assistance for Military Personnel to co-sponsor with the Jones Day law firm a pilot of the VetLex veteran’s online pro bono referral platform.

June 2017

Standing Committee on Legal Aid and Indigent Defendants to co-sponsor with the Center for Access to Justice at Georgia State University the first annual State of the South Conference which will bring together scholars and practitioners from across the Southeast to discuss the intersection of civil and criminal representation sometimes referred to as “holistic defense.”

August 2017

Commission on Disability Rights (3 requests):

(i) to co-sponsor with Accenture to provide a summer internship opportunity for a law student with a disability who has completed his or her first year for the next three years (2018, 2019, 2020).

August 2017
(ii) to partner with Prudential Financial, Inc. of Newark, New Jersey to provide a summer internship opportunity for a law student with a disability who has completed his or her first year for the next three years (2018, 2019, 2020).

August 2017

(iii) to partner with the Travelers Indemnity Company to promote its summer internship program for law students with disabilities who have completed their first year for the next three years (2018, 2019, and 2020).

August 2017

Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds to Blue Water Baltimore for up to $3,000.

August 2017

Section of Science & Technology (2 requests):

(i) to co-sponsor blanket approval for Section "Committee Programs", also referred to as "Brown Bags," with certain outside entities in the 2017-2018 Association year.

August 2017

(ii) to co-sponsor The Road from Nanomedicine to Precision Medicine conference to be conducted on September 25, 2017, at the Albany College of Pharmacy and Health Sciences in Albany, New York.

August 2017

Commission on Hispanic Legal Rights and Responsibilities to co-sponsor with the National Latino/a Law Student Association (NLLSA), a not-for-profit 501 (c)(3) corporation serving as a conduit for Latina/o law student voices, its 2017 Annual Conference and Moot Court Competition to be held in Atlanta, Georgia, on September 28-30, 2017.

August 2017

Section of Antitrust Law (2 requests):

(i) to co-sponsor with ABA-accredited law schools during the 2017-2018 Association year by presenting the Section's "Why Antitrust/ Why Consumer Protection Law?" programs.

August 2017

(ii) to co-sponsor certain Section "Committee Programs," formerly called "Brown Bag" programs, with specific outside entities in the 2017-2018 Association year.

August 2017

Standing Committee on Public Education (2 requests):

(i) to co-sponsor with the iCivics, the Campaign for the Civic Mission of Schools, the Jonathan M. Tisch College of Civic Life at Tufts University, and the Lou Fry Institute, the Carnegie Corporation of New York, the Robert R. McCormick Foundation, and
the William and Flora Hewlett Foundation, the "Democracy at a Crossroads National Summit" on September 21, 2017, in Washington, DC.

(ii) to co-sponsor with Quimbee and the ABA Law Student Division a series of videos that focus on upcoming and recently decided United States Supreme Court cases.

Center for Innovation to create and co-sponsor a Social Entrepreneurship Initiative with the Legal Services Corporation.

ABA Rule of Law Initiative to co-sponsor with the Bingham Centre for the Rule of Law its Annual Global Rule of Law Exchange on October 12, 2017 in Washington, DC.

Editorial Policy
The Board approved revisions to the ABA Editorial Policy and mandated that all publishing entities come into compliance with the new policy no later than June 1, 2018. In addition, the Board directed the Standing Committee on Publishing Oversight to review Chapter 6 of the Policy and Procedures Handbook and make recommendations as appropriate.

Elections, Appointments and Nominations
The Board approved the request from President-Elect Bass to create and approve special advisor positions for eight entities. In addition, the Board approved the request for the continuation of a total of 55 special advisors to 36 separate entities. In approving the request, the Board understood that no additional ABA general revenue is requested or required.

The Board elected Leslie Ann Hayashi of Honolulu, Hawaii, as the ABA Board of Governors representative to the National Judicial College Board of Trustees for a three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting and re-elected Christopher T. Whitten of Phoenix, Arizona, as the ABA Judicial Division representative on the National Judicial College Board of Trustees for a three-year term beginning July 1, 2017 and expiring June 30, 2020.

The Board re-elected Norman M. Powell of Wilmington, Delaware, as a liaison-advisor to the Permanent Editorial Board of the Uniform Commercial Code for a three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.

The Board elected Howard H. Vogel of Knoxville, Tennessee, as the American Bar Endowment representative to the A-E-F-C Pension Plan Administration Committee for a
three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.  

June 2017

The Board elected Barry C. Hawkins, of Stamford, Connecticut, and Sally Doubet King, of Chicago, Illinois, both as members of the A-E-F-C Pension Plan Administration Committee for three-year terms beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.  

June 2017

The Board elected Sylvia H. Walbolt, of Tampa, Florida, as an ABA representative to the Appellate Judges Education Institute Board of Directors, for a three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.  

June 2017

The Board elected Myles V. Lynk, of Phoenix, Arizona, for a three-year term as the ABA Board of Governors representative on the Standing Committee on Audit beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting, Allan J. Tanenbaum, of Atlanta, Georgia, to a second three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting, and Alan S. Kopit, of Pepper Pike, Ohio, for a one-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2018 Annual Meeting.  

June 2017

The Board terminated the position of an ABA representative to the National Foster Care Coalition because the National Foster Care Coalition closed in early 2016.  

June 2017

The Board terminated the position of an ABA representative to the American Correctional Association Commission on Accreditation for Corrections. Due to a constitutional change, the ACA-CAC is no longer accepting liaisons from other organizations.  

June 2017

The Board terminated the position of an ABA representative to the National College of District Attorneys: Board of Regents because the Board of Regents was merged with the National District Attorneys Association and is no longer a stand-alone organization.  

June 2017

The Board, sitting as members of CEELI, Inc., elected Hilarie Bass, Robert M. Carlson, and Mary L. Smith as Directors.  

August 2017
The Board elected Honorable Jorge Labarga of Tallahassee, Florida, Chief Justice of the Supreme Court of Florida, as Chair; Honorable J. Michelle Childs of Columbia, South Carolina, and Thomas R. Curtin of Morristown, New Jersey, as members of the Board of Elections to serve one-year terms beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2018 Annual Meeting.

August 2017

The Board re-elected Lawrence M. Prosen of Potomac, Maryland, as the ABA representative to the National Construction Dispute Resolution Committee of the American Arbitration Association for a three-year term beginning in November 2017 and expiring in November 2020.

August 2017

The Board re-elected Louis F. Burke of New York, New York, as the ABA Delegate to the UIA International Association of Lawyers for a three-year term beginning October 1, 2017, and expiring at the conclusion of the UIA meeting in September or October 2020.

August 2017

The Board re-elected Randy Aliment of Seattle, Washington, as the ABA Delegate to the UIA International Association of Lawyers for a three-year term beginning October 1, 2017, and expiring at the conclusion of the UIA meeting in September or October 2020.

August 2017

The Board elected Dirk Nuyts of Zürich, Switzerland, as the ABA Delegate to the UIA International Association of Lawyers for a three-year term beginning October 1, 2017, and expiring at the conclusion of the UIA meeting in September or October 2020.

August 2017

The Board elected Justin H. Bingham of Spokane, Washington, as the ABA representative to the National District Attorneys Association for a three-year term beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2020 Annual Meeting.

August 2017

The Board elected Katherine Earle Yanes of Tampa, Florida, as the ABA liaison to the United States Sentencing Commission for a three-year term beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2020 Annual Meeting.

August 2017

The Board elected Brandon W. Neuschafer of St. Louis, Missouri, as an ABA representative to the Council for Agricultural Science and Technology ("CAST") as a member of their Board of Directors for a three-year term beginning October 1, 2017, and expiring October 1, 2020, and to pay CAST dues of up to $1,500 annually from Section funds for membership years 2017-2018, 2018-2019 and 2019-2020.

August 2017
The Board elected Karen J. Mathis of Denver, Colorado, as the ABA representative to the International Legal Assistance Consortium for a three-year term beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2020 Annual Meeting.

August 2017

The Board elected Lucian T. Pera of Memphis, Tennessee, to a two-year term and Pamela A. Bresnahan of Annapolis, Maryland, to a three-year term on the American Bar Endowment Board of Directors (“ABE Board”). The Board also elected Robert M. Carlson of Butte, Montana, to the ABE Board to serve in an ex-officio capacity as ABA President-Elect for a one-year term, and Michelle A. Behnke, of Madison, Wisconsin, to serve as an ex-officio capacity as ABA Treasurer for a three-year term. All terms will begin at the conclusion of the 2017 Annual Meeting.

August 2017

The Board elected George S. Frazza, David S. Houghton, Judy Perry Martinez, Walter L. Sutton, and Lauren Robel to the American Bar Foundation Board of Directors.

August 2017

Email Communications
The Board granted the ABE an exception to the email policy in the ABA Policy and Procedures Handbook, which would allow ABE to promote its plans to ABE’s members via the ABA’s email distribution system from September 1, 2017 to August 31, 2018. ABE’s use of the ABA’s email services will remain subject to approval of the Member Services Committee and must comply with current ABA policies and procedures on email marketing as determined by the Executive Director. ABE has no right to use ABA email address information other than via the ABA’s email distribution system. ABE will reimburse ABA for these services.

August 2017

Facilities
The Executive Committee approved the Chicago lease plan to move forward with an extension of the current lease at 321 N. Clark in Chicago.

June 2017

The Board approved the request of the Standing Committee on Publishing Oversight to terminate the ABA’s agreement with the ABA Library at Northwestern University Law Library, subject to an evaluation of what is archived and how to preserve it, if appropriate.

August 2017

The Board approved the decommission and delivery of the Abbot Pattison Relief Sculptures currently located on Lower Level One of the facility located at 321 N. Clark Street, Chicago, Illinois, to the family member responsible for managing the estate of the artist with the caveat that the giving of the art does not conflict with the Visual Artist Rights Act of 1990.

August 2017

Financial Matters
The Board approved the request of the Standing Committee on the Delivery of Legal Services to seek outside funding to contribute to the costs of a national conference on
unbundled legal services and to create a project fund in order to maintain contributions until expenditures become due.

June 2017

The Board approved the request of the Tort Trial and Insurance Practice Section for a onetime contribution of $25,000 derived from Program Support Funds to the National Judicial College.

June 2017

The Board approved the request of the Section of Taxation to contribute $2 million, from the Section’s reserves, to the Tax Assistance Public Service (“TAPS”) endowment, with the understanding that the amount contributed to the TAPS fund by the Section of Taxation is not considered to be “restricted” funds by Generally Accepted Accounting Principles.

June 2017

The Board approved the request of the Law Student Division for partial reimbursement of expenses, up to a maximum total of $16,000, incurred by members of the Law Student Division Council for attendance at Division meetings to be held in conjunction with the ABA Annual Meeting, August 9 -15, 2017 in New York.

June 2017

The Board approved the request of the ABA Fund for Justice and Education ("ABA/FJE ") Council to amend its charter to clarify the advisory role the ABA/FJE Council plays in relation to the Board of Governors so it can effectively fulfill its role as the Board of the ABA/FJE.

June 2017

The Board approved a normalization formula for Sections, Divisions, and Forums ("S/D/F") general revenue funding to be transitioned over two years.

August 2017

The Board approved the request to consider and evaluate reinstituting the Enterprise Fund in 2019.

August 2017

The Board approved the request of the Section of Environment, Energy, and Resources to contribute $10,000, derived from Section funds, to the Water Justice Fund at The National Judicial College, to support the Dividing the Waters Program.

August 2017

The Board approved the request of the Forum on Construction Law ("Forum") to make a charitable donation to the ACE Mentor program in the amount of $10,000, derived from Forum funds.

August 2017

The Board approved the consolidated FY2018 Budget.

August 2017
The Board approved the FY2018 Annual Audit Plan.  

August 2017

The Board approved the request of the Standing Committee on Audit that Officers and members of the Board of Governors submit expense reimbursements within 60 days of the occurrence of the event for which the reimbursement is being requested, allowing staff to work with volunteer leadership to insure the fair implementation of this requirement.

August 2017

**International Matters**

The Board approved the request of ABA Rule of Law Initiative for an Updated List of Countries of Representative Offices, specifically to add Uzbekistan to the list of Authorized Registration of Representative or Branch Offices.

June 2017

The Board approved the request of ABA Rule of Law Initiative for an Updated List of Approved Countries of Operation, Donors and Thematic Program Areas, specifically to add the following new donors: Thomson Reuters Foundation; Aids Healthcare Foundation; Knight Foundation; Tent Foundation; Bitfury; Facebook; and J.P. Morgan.

June 2017

The Board approved the request of ROLI of an updated list of Approved Countries of Operation, Donors, and Thematic Program Areas, and specifically to request approval to establish a Sri Lanka entity or registered branch office.

August 2017

**Membership Matters**

The Board approved the request of the Standing Committee on Membership to add Madwire Media to the ABA Advantage Program.

June 2017

**Memoranda of Understanding/Agreement**

The Board approved the request of the Section of International Law to enter into a Cooperation Agreement with the Organization of American States, subject to review and approval by the ABA Office of General Counsel.

June 2017

The Board approved the request of ABA Rule of Law Initiative ("ROLI") to enter into the following Memoranda of Understandings ("MOU"), subject to review and approval of the MOUs by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division: a) Chamber of Advocates of Armenia, and b) Tajikistan.

June 2017
The Board approved the request of the Forum on Construction Law to enter into an Expression of Mutual Interest Agreement with the Construction Manager’s Association of America, subject to review and approval of the Expression of Mutual Interest agreement by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division.

August 2017

The Board approved the request of the Forum on Construction Law to enter into a Memorandum of Understanding with the Associated General Contractors of America, subject to review and approval of the Memorandum of Understanding by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division.

August 2017

The Board approved the request of the ABA Rule of Law Initiative to extend the Memorandum of Understanding ("MOU") with the InterAction Democracy, Rights, and Governance Initiative for 2017-2018, subject to review and approval of the MOU by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division.

August 2017

**Online Legal Directory**

In executive session, the Board approved the request to develop an online legal directory.

June 2017

**Office of General Counsel**

The Board approved the request of the ABA Office of General Counsel to authorize a limited exception to ABA Contract Policy permitting selected low-cost/low risk categories of contracts to be executed without prior review and approval by the Office of General Counsel.

June 2017

**Pension Plan**

The Board approved certain amendments to The Thrift Plan for Employees of the American Bar Association and Affiliates and the A-E-F-C Pension Plan.

June 2017

**Presidential Citations**

The Subcommittee on Presidential Citations approved the request of President Klein to award a Presidential Citation to Pricilla Ryan.

June 2017

The Subcommittee on Presidential Citations approved the request of President Klein to award a Presidential Citation to Ropes and Gray.

August 2017
Programmatic Matters
The Board approved the request of the ABA/FJE Council for the increased involvement of the ABA/FJE in the monitoring and compliance of Program Support Funds.

June 2017

The Board approved the request of the Commission on Lawyer Assistance Programs to co-publish a report from the National Task Force on Lawyer Wellbeing entitled The Path to Lawyer Well-Being: Practical Recommendations for Positive Change and to participate in the distribution of the report.

August 2017

Strategic Plan
The Board approved the draft ABA Strategic Plan accepts the Strategic Plan as drafted with understanding that it will be submitted to the Section Officers Conference and the Board of Governors for final consideration at the October 2017 or February 2018 meeting, is whichever is most practical.

August 2017

The Board approved the three year strategic plan of the ABA Fund for Justice and Education.

August 2017

Technical Commenting Authority
The Board approved the requests to submit or to renew technical commenting authority under the Association’s Blanket Authority Procedure for a three-year period, to begin June 2017 and expire June 2020, for the following Sections:

i. Section of Administrative Law and Regulatory Practice
ii. Section of Antitrust Law
iii. Section of Business Law
iv. Section of Environment, Energy, and Resources
v. Section of Health Law
vi. Infrastructure and Regulated Industries Section
vii. Section of Intellectual Property Law
viii. Section of International Law
ix. Section of Labor and Employment Law
x. Section of Public Contract Law
xi. Section of State and Local Government Law
xii. Section of Real Property, Trust and Estate Law
xiii. Section of Taxation

In accordance with the Blanket Authority Procedure, the Board also received, for informational purposes, notifications that the sections of Administrative Law and Regulatory Practice; Antitrust Law; Business Law; Environment, Energy and Resources, Health Law, Infrastructure and Regulated Industries; Intellectual Property Law; International Law; and Science and Technology Law wish to serve as reviewing entities for some or all of the technical comments referenced in Exhibit 3.3a above.

June 2017
10.  **EXPENSES**

**Transportation**

A member of the Association who is not a staff member or a law student member may be reimbursed from non-General Operations Association funds for travel expenses incurred in attending an annual meeting with the same *per diem* as is allowed for other Association meetings within the budgetary constraints and policies of the reimbursing entity, provided the reimbursing entity holds governance meetings at the annual meeting. This authorization extends to those travel expenses incurred in attending a meeting held at the site or in the geographical area of an annual meeting within seven days immediately before and after the annual meeting. A staff member, law student member or a member of the Board of Governors may be reimbursed for other expenses incurred in attending an annual meeting, or a meeting held at the site or in the area of an annual meeting. A *per diem* will be administered in a manner prescribed by the Board of Governors. However, a *per diem* allowance may be provided for attending a meeting of:

(a) a committee of the House of Delegates;
(b) a committee of the Association; or
(c) a section council or committee, including the equivalent component of the Law Student Division,

held at any time before or after the annual meeting. Payment of travel expenses and *per diem* allowances to special guests or speakers who would not otherwise attend the meeting, whether or not members of the Association, may be authorized under conditions prescribed by the Board. (§28.4)

**Per Diem Allowance**

A *per diem* allowance of $100 is allowed for members of House Committees for each day the House Committee meets at the Midyear or Annual Meeting.

**Reimbursement**

Each request for reimbursement shall be submitted in writing using an approved ABA reimbursement form. Upon completion this form shall be signed and dated by the person submitting it, and shall be accompanied by receipts supporting meals of more than $25.00 and any other expenditure more than $75.00. American Bar Association reimbursement forms are available from the Chicago office. Members of the Board of Governors and national officers should use the more
detailed forms developed for their use. The completed forms together with supporting documents are to be sent to the committee or section chair for approval. The committee or section chair then sends the approved reimbursement request to one of the following offices in the Association headquarters to ensure prompt processing and payment.

- Board of Governors and House of Delegates reimbursement forms are sent to the Policy and Planning Division.
- Officers' reimbursement requests should be submitted to their respective staff support units; expenses charged to Association accounts must be substantiated by submission of a travel report within 30 days.
- Committee and section reimbursement forms are sent, after approval by the committee or section chair, to the staff liaison assigned to the committee or section. Law Student Division reimbursement forms are sent, after approval by the Division Treasurer, to the Law Student Division Director.

Requests for reimbursement, appropriately substantiated, should be submitted promptly. To be reimbursed, Officers and members of the Board of Governors must submit expense reimbursements within 60 days of the occurrence of the event for which the reimbursement is being requested. Officers shall be reimbursed for their travel expenses up to the budgeted amount for that fiscal year, with any excess not reimbursable.
# AMERICAN BAR ASSOCIATION

## HOUSE OF DELEGATES – REIMBURSEMENT REQUEST FORM

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<tr>
<th>Name:</th>
<th>Destination:</th>
<th>Attended Dates:</th>
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<tr>
<td>ABA Membership No.</td>
<td>Purpose of Expenditure:</td>
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### MEETING AND TRAVEL EXPENSES

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<tr>
<td>1</td>
<td>Air (coach rate only) <em>Note: No reimbursement will be issued for tickets obtained through frequent flyer programs.</em></td>
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<td>2</td>
<td>Rail <em>Note: If no air travel was made, please include copy of hotel bill.</em></td>
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<td>3</td>
<td>To and From Terminals (taxi, limousine, etc.)</td>
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<td>Automobile Mileage [@ 53.5 mi.]</td>
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<td>Parking/Tolls</td>
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<td>6</td>
<td>Other (attach explanation) <em>Lodging and meals are not reimbursed.</em></td>
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**TOTAL MEETING AND TRAVEL EXPENSES**

**FOR HOUSE COMMITTEE MEMBERS ONLY.** (Limited to $100 per day the committee meeting was held.) Please include copy of hotel bill and specify which House Committee(s): ☐ Conference of State Delegates ☐ Constitution and Bylaws ☐ Credentials and Admissions ☐ Drafting ☐ Issues of Concern to the Profession ☐ Nominating ☐ Resolution and Impact ☐ Rules and Calendar ☐ Select Committee ☐ Steering Committee of the Nominating Committee ☐ Technology and Communications ☐ Tellers

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The expenses above are for business expenses only. **MUST ATTACH ALL RECEIPTS. TOTAL REIMBURSEMENT REQUESTED**

"By signing below, I certify that I have read the ABA’s Business Conduct Standards ("BCS") and that this expense report and the business I have conducted on behalf of the ABA comply with the BCS."

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**Make Check Payable To:** *(PLEASE PRINT)*

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**ABA Staff Approval**

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**PER DIEM TOTAL**

*Please mail signed original to:*
American Bar Association
Attn: Adrienne Barney
Policy and Planning Division
321 North Clark Street, 21st Floor
Chicago, IL 60654

*SCANNED OR FAXED FORMS WILL NOT BE ACCEPTED.*
HOUSE OF DELEGATES
REIMBURSEMENT RULES

Policy

The following expenses for attendance at meetings of the House of Delegates may be reimbursed for Midyear Meetings and any special meetings, which may be held. House members qualify for reimbursement when it can be determined from the signed roster book or otherwise that the delegate was, in fact, in attendance at the meeting.

Members of the House must be present at the end of the meeting of the House in order to be eligible for reimbursement of their transportation expenses.¹

**UNDER NO CIRCUMSTANCES WILL REIMBURSEMENT BE MADE IF THE REQUEST THEREFORE IS NOT SUBMITTED WITHIN SIX MONTHS AFTER THE END OF THE FISCAL YEAR IN WHICH THE EXPENSE IS INCURRED.**

Transportation

All necessary long distance transportation on the basis of coach rate or economy class fares published by the appropriate commercial air carrier, or rail fare, or, when a private automobile is used, at the rate of 53.5 per mile plus tolls and parking (01/01/17); and local transportation to and from air terminal or railroad stations, to or from hotels, home or office.

Please note that no reimbursement will be issued for airline tickets obtained through frequent flyer programs.

Lodging and Meals - House Committees

Members of the House of Delegates are not entitled to reimbursement for lodging and meals; however, members of House Committees which are required to meet the days before the House sessions begin either at Midyear or Annual Meetings may be allowed their actual expenses not to exceed $100.00 to cover lodging and meals. Committee members are also eligible for $100.00 per diem for the days on which the committee is required to meet for special meetings. In addition, members of the Nominating Committee are allowed their actual expenses not to exceed $100.00 to cover lodging and meals for the day on which the Nominating Committee holds its nominating meeting and orientation session.

Annual Meetings

Reimbursement of travel expenses to attend the Annual Meeting of the House of Delegates is not authorized by the Association's Bylaws and implementing reimbursement policy. However, a per diem allowance of $100 may be paid for attendance to a House Committee Meeting for days the committee meeting is held.

¹The Board of Governors upon recommendation of the House Committee on Rules and Calendar approved this interpretation of the Policy on Authorized Expenditures and Procedures for Reimbursement in December, 1995.
11. SUMMARY OF ACTION AND LEGISLATIVE IMPLEMENTATION

Summary of Action

After each meeting of the House of Delegates, a Summary of Action is prepared as the official record of the meeting. It is disseminated to the members of the House, section and committee chairs, and bar associations.

The Summary constitutes the official minutes of the House meeting. Any delegate who believes that a correction should be made in the Summary must notify the Secretary within ten days after receiving the Summary. Action on the proposed correction must be taken at the next session of the House. (§47.1)

Legislative Implementation

Following each House meeting, the Governmental Affairs Office coordinates implementation of the policies and serves as the focal point for the Association's advocacy efforts before Congress, the Executive Branch and other governmental entities.

According to §25.1 of the Bylaws, only the President or his/her designee is authorized to express the policy of the Association. No other member or employee of the Association may represent the Association or a section or committee before a legislative body, court or governmental agency unless specifically authorized by the House.

Typically, the President of the Association will designate the Chair of the entity which proposed the policy to testify on behalf of the Association and to supplement the standard implementation letters. Questions concerning further legislative activity should be addressed to Denise Cardman, Deputy Director, Governmental Affairs Office.
12. **PROFILE OF THE AMERICAN BAR ASSOCIATION**

The American Bar Association is a voluntary incorporated association with approximately 416,982 members constituting approximately half of the practicing lawyers in the nation. Any lawyer admitted to practice in any state or territory of the United States who is in good standing professionally, may join the Association, as may judges, law teachers, lawyers in government, court administrators, lawyers in business, and those in various other professional capacities. (§3.1) In addition, members of the legal profession of another country who are admitted to practice law but are not admitted to the bar of any state, territory, or possession of the United States, may qualify as International Law Associates. (§21.12(a)) Individuals who are not admitted to practice law in any jurisdiction, but have an interest in the work of the American Bar Association, may also qualify as General Associates. (§21.12(b))

The combined annual budget is approximately $210,906,564 for fiscal 2017-2018 with the fiscal year running from September 1 through August 31. Revenues come from multiple sources, the two largest of which are membership dues and foundation and governmental grants for special projects.

The Association's constitutional objectives are set forth in §1.2 of the Constitution. In the aggregate, all of the activities of the Association have as their primary purpose (1) improving the legal profession and the processes of justice, and (2) fulfilling the profession's public service obligations.

**ASSOCIATION GOALS**

The following mission statement and Association goals were adopted by the House of Delegates in August 2008:

**MISSION**

To serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession.
Goal I: SERVE OUR MEMBERS
Objective: Provide benefits, programs and services which promote members’ professional growth and quality of life.

Goal II: IMPROVE OUR PROFESSION
Objectives: 1. Promote the highest quality legal education.
2. Promote competence, ethical conduct and professionalism.
3. Promote pro bono and public service by the legal profession.

Goal III: ELIMINATE BIAS AND ENHANCE DIVERSITY
Objectives: 1. Promote full and equal participation in the association, our profession, and the justice system by all persons.
2. Eliminate bias in the legal profession and the justice system.

Goal IV: ADVANCE THE RULE OF LAW
Objectives: 1. Increase public understanding of and respect for the rule of law, the legal process, and the role of the legal profession at home and throughout the world.
2. Hold governments accountable under law.
3. Work for just laws, including human rights, and a fair legal process.
4. Assure meaningful access to justice for all persons.
5. Preserve the independence of the legal profession and the judiciary.

The Association encourages professional improvement through numerous educational programs and activities, largely sponsored by the substantive law sections of the ABA. The Association works to maintain high standards of law schools and continuing legal education for lawyers, and also to promote education about law in primary and secondary schools. The ABA has the primary role in the accreditation of law schools, and in the formulation of model codes of legal ethics and standards of professional discipline.

A basic principle underlying Association activities is that public and professional service are interdependent goals. Many ABA programs are designed to improve the administration of civil and criminal justice, and to make legal services more easily available to the public. The Association supports research and sponsors experiments covering a wide range of delivery methods including prepaid legal services, lawyer referral services, legal assistance to the mentally disabled and the indigent, and in the specialized practice of law.
**House of Delegates**

The policy making authority of the American Bar Association is vested in the House of Delegates. Action taken by the House on specific issues becomes official policy. The House represents not only various groups within the Association but also the legal profession as a whole. The membership of approximately 598 delegates comprises representatives of ABA entities, state and qualifying local bar associations, other national organizations of the legal profession, and delegates elected by the Association members registered at the Annual Meetings and the sections of the ABA. The Attorney General and the Director of the Administrative Office of the U.S. Courts are members of the House by virtue of their office. The House meets twice a year; the Midyear Meeting is usually in February, the Annual Meeting in August. It presently has four standing committees and seven special committees.

**Board of Governors**

The Board of Governors is authorized by the Constitution to act on behalf of the Association between meetings of the House of Delegates, not inconsistently with any action taken by the House.

The Board is currently comprised of 43 members including district and at-large members who are elected for three-year terms, and 8 ex-officio members. The elected members include 19 district representatives, nine section members-at-large, one judicial member-at-large, two young lawyer members-at-large, one law student member-at-large, and five Goal III members-at-Large two women members-at-large and two minorities and one of whom must self-identify either as LGBT or as having a disability members-at-large. The following members are ex-officio: the President, President-Elect, Chair of the House of Delegates, Immediate Past President, Secretary and Treasurer, and in every third year the Secretary-elect (until 2016) and Treasurer-elect.

The Board meets four or five times each year, including the Midyear and Annual Meetings. It presently has four standing committees: Executive Committee, Member Services Committee, Profession, Public Service and Diversity Committee, and Finance Committee.
Sections and Divisions

Sections are semi-autonomous entities which Association members may join. Most sections represent a substantive area of the law. A complete listing of the 21 sections and seven divisions including the jurisdictional statement of each may be found in Chapter 4 of the ABA Policy and Procedures Handbook. All Sections operate under bylaws approved by the Board. Section leadership is provided by officers and council members elected by members of the section. Section committees are appointed by the chair and report to the council.

There are seven divisions: the Law Practice Division, the Law Student Division, the Judicial Division, the Young Lawyers Division, the Senior Lawyers Division, the Government and Public Sector Lawyers and the Solo, Small Firm and General Practice Division.

Throughout the Constitution and Bylaws, the term "section" is intended to apply to divisions unless otherwise noted. The internal structure of divisions differs from that of sections. The Law Student Division is governed by a Board of Governors and has an Assembly which functions only at the Annual Meeting. The Judicial Division consists of judicial conferences, each with its own delegate to the House, and a committee structure. The structures of Young Lawyers Division, the Senior Lawyers Division, the Government and Public Sector Lawyers Division, and the Solo, Small Firm and General Practice Division more closely resemble that of other ABA sections.

Normally, the resolutions of a Section are presented to the House of Delegates for consideration, but in some instances, sections may act on their own behalf in legislative matters, when appropriate, under "Blanket Authority."

Committees and Commissions

At the present time, there are 34 standing committees and 40 special committees, commissions, consortium, and coordinating groups. An Association committee is either standing or special depending upon the probable duration of the committee's work. Standing committees with continuing assignments are created within the Association Bylaws. A commission is a
special committee whose membership includes non-members of the Association. A special committee or commission is automatically discontinued at the time of the Annual Meeting each year unless continued by the House. A list of the existing standing and special committees and commissions and the jurisdictional statement of each may be found in Chapter 4 of the ABA Policy and Procedures Handbook.

Normally, a standing committee will consist of seven members appointed for staggered three-year terms by the President who also designates a chair annually. Unless otherwise formulated, special committees and commissions number five members, each appointed by the President for a one-year term.

**Other ABA Entities**

A task force is created occasionally by the Board of Governors to perform a short-term assignment. It reports to the Board within a time limit set by the Board and then is discontinued.

Conference groups have been created under the aegis of the Standing Committee on National Conference Groups. The membership is divided between Association members and members of another profession or discipline. As an example, there are conferences with doctors, scientists, realtors and others.

Forum committees may be created by the House to serve lawyers in specialized practice whose numbers are insufficient to warrant section status. Their activities are monitored by the Standing Committee on Forum Committees. Forum committees have characteristics of both standing committees and sections. Each committee, of which there are seven, deals with a substantive area of law which is not being fully served by an existing ABA entity. A governing committee, appointed by the President for staggered three-year terms with the chair appointed annually, directs the affairs of each forum committee. Any Association member may participate by paying the required annual dues and by meeting the additional qualification of also being a member of an ABA Section. (See Chapter 4 of the ABA Policy and Procedures Handbook for a list of existing forum committees.)
Consortiums consisting of a number of committees and other Association entities having a common interest in a given area of activity have been created, such as the Consortium on Legal Services.

A coordinating group consists of members appointed by the President from ABA entities having a common interest in a specified area, such as the Coordinating Group on Bioethics and the Law. Each entity contributes a pro rata share of the group's total operating budget. In addition at-large members may be appointed, the number of which may not exceed one less than the number of participating ABA entities.

**Affiliated and Related Organizations**

The American Bar Association Journal. The ABA Journal is the official publication of the Association. It is published by a Board of Editors consisting of nine Association members elected by the Board of Governors and four *ex officio* members. Molly McDonough of Chicago, Illinois, is the Editor and Publisher of the Journal.

The American Bar Foundation. The American Bar Foundation is the legal research affiliate of the ABA and conducts scholarly research on law related topics. Members of the Board of Governors of the ABA are members of the corporation. Ajay K. Mehrotra of Chicago, Illinois, is the Director of the Foundation.

The National Judicial College. The National Judicial College provides educational programs for judges. Its fifteen Directors are elected by the ABA Board. Three are nominated by the Judicial Division, nine by the Board of the ABA, and three by the Board of the National Judicial College. The members of the Board of Governors of the ABA are members of the College. Benes Z. Aldana of Reno, Nevada, is President.

The American Bar Retirement Association (ABRA). ABRA, organized by the ABA, makes available to law firms both Keogh and Professional Corporation retirement plans. The members of the ABA Board of Governors are members of the Corporation. Scarlett Ungurean of Chicago, Illinois, is the Executive Director of ABRA.
The American Bar Endowment. All members of the American Bar Association are members of the American Bar Endowment which is dedicated to the advancement of jurisprudence and the promotion of justice. The Endowment fulfills its charter by supporting research and educational activities of the bar through contributions by members of premium dividends from five group insurance programs administered by the Endowment. Renee Leskiw of Chicago, Illinois, is the Executive Director of the American Bar Endowment.

The Fund for Justice and Education (FJE). The FJE is the entity of the ABA which may accept tax-deductible grants and gifts in support of law-related public service activities. It is directed by the ABA Board of Governors sitting as the Board of the Fund. Bill Phelan of Chicago, Illinois, is the Chief Financial Officer/CFO) of The Fund for Justice and Education.
13. **ASSOCIATION STAFF**

The ABA employs approximately 850 staff members based primarily in Chicago and Washington, D.C. The Executive Director functions as the chief operating officer of the Association. This position is supported by Senior Managers. Respectively they supervise the Business Services Group, the Office of the General Counsel, the Planning, Policy and Governance Group, Membership and Marketing Division, Professional/Specialty Services Group, Public Services Division, the Publishing Services Group and the Washington, DC Operations. Each senior staff member reports directly to the Executive Director. The Executive Director reports to the President and the Board of Governors. Following is information regarding staff:

1. **Executive Director and Chief Operating Officer**

   Jack L. Rives, Executive Director and Chief Operating Officer 312/988-5225

   Jim Dimos
   Deputy Executive Director 312/988-5193

   Amy Eggert, Chief of Staff 312/988-5131

2. **Key Staff Support of Association Entities**

   **Administrative Services**
   Diana Z. Gilbert, Director 312/988-6251

   **ABA Journal**
   Molly McDonough, Editor and Publisher 312/988-5911

   **ABA Publishing**
   Donna Gollmer, Director 312/988-5680

   **Bar Services Division**
   Pamela Robinson, Director 312/988-5345

   **Center for Innovation**
   Janet Jackson, Director 312/988-5118
MCLE Accreditation and Center for Professional Development
Gina Roers-Liemandt, Director 312/988-6215

Center for Professional Responsibility
Tracy Kepler, Director 312/988-5294

Communications and Media Relations Division
Carol Stevens, Director 202/662-1095

Consultant on Legal Education
Barry Currier, Managing Director 312/988-6744

D.C. Operations
Holly Cook, DC Associate Executive Director 202/662-1860

Diversity and Inclusion
Pedro Windsor, Director 312/988-5279

Financial Resources
Jerry Kiska, Deputy Chief Financial Officer 312/988-5838

Financial Services
Bill Phelan, Senior Associate Executive Director & Chief Financial Officer/CFO 312/988-5422

Fund for Justice and Education
Jackie Casey, Director 312/988-5404

General Counsel's Office
Jarisse Sanborn, Associate Executive Director & General Counsel 312/988-5215

Governmental Affairs Office
Thomas M. Susman, Associate Executive Director 202/662-1765

Human Resources
Annette Reyes, Director 312/988-5526

Information Systems Department
Joe Andrews, Director 312/988-5938
Jess Moyar, Director 312/988-5919
Internal Audit Department
   Janae LeFlore, Director 312/988-5810

Legal Services Division
   Terrence Brooks, Director 312/988-5747

Meetings and Travel Department
   Marty Balogh, Associate Executive Director 312/988-5876

Membership and Marketing Division
   Michael Kreisberg, Chief Marketing Officer 312/988-5519

Office of the President
   Andre Burke, Director 312/988-5891

Public Services & Governance Group
   Alpha M. Brady, Senior Associate Executive Director, Chief Governance Officer 312/988-5155

Policy and Planning Division
   Rochelle E. Evans, Director 312/988-5157

Professional/Specialty Services Group
   H. Maria Enright, Associate Executive Director 312/988-5663

Professional Services Group – DC
   Robert (Bob) Horowitz, Director 202/662-1742

Public Education Division
   Frank Valadez, Director 312/988-5731

Rule of Law Initiative (ABA ROLI)
   Elizabeth Andersen, Associate Executive Director 202/662-1960
POLICY AND PLANNING DIVISION STAFF

Staff support for the House of Delegates is provided by the Policy and Planning Division. This office also provides support for the Chair of the House, the Board of Governors, the Delegates-at-Large, the Secretary of the Association, and other governing groups such as the Board of Elections and the Standing Committee on Constitution and Bylaws.

Whenever you need assistance or have questions, please do not hesitate to contact:

Rochelle Evans, Director 312/988-5157
Questions about:
All aspects of Division for Policy and Planning,
House of Delegates, Board of Governors,
Annual Reports, House Reports, Informational Reports,
Committee on Rules and Calendar

Carri L. Kerber, Assistant Director 312/988-5161
Questions about:
Board of Governors, Board Member Services Committee,
Blanket Authority, Policy & Procedures Handbook
Resolution and Impact Committee

Laura Macias, Assistant Director 312/988-5407
Questions about:
Planning, Program Support Fund, Board Profession, Public Service and Diversity Committee, StC on Constitution & Bylaws

Leticia Spencer, House Committees and Elections Manager 312/988-5160
Questions about:
House of Delegates (membership and representation),
State, Delegate-at-Large, Board of Governors and Officer Elections
Board of Elections, Nominating Committee, House Committees
Kathy Haase, Program Associate 312/988-5417
Questions about:
Planning, Program Support Fund (general information)
Redbook
Nominations

Adrienne Barney, House of Delegates Administrator 312/988-5230
Questions about:
Meetings of the House of Delegates,
Rules and Calendar,
Reimbursements for HOD and
House Committees

Kathryn R. Jones, Administrative Assistant 312/988-5216
Questions about:
House of Delegates roster and mailing lists,
House History, Board of Elections (general information),
House Profile updates, House Meeting Transcripts
and House Committees

Shirley S. Myles, Division Administrator 312/988-5169
Questions about:
General Departmental Issues, Board of Governors

Richard Collins, Records and Information Supervisor 312/988-5162
Questions about:
Records and information pertaining to the
Association, Record Retention
14. **APPENDICES**

A. List of House Committee Members  
B. Deadlines Established for Receipt of Reports to the House  
C. Instructions for Filing House Reports  
D. Policy on Conflict of Interest  
E. Resolution Concerning Discriminatory Clubs  
F. State Delegate Election Schedules  
G. Rotational Order of Sections on the Nominating Committee and the Board of Governors  
H. Principles and Guidelines on the Election Process  
I. Summary of ABA Legislative Issues
ABA House of Delegates

Advisory Committee to the Chair of the House of Delegates

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**Issues of Concern to the Legal Profession**

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**Resolution and Impact Review**

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**Rules and Calendar**

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### Select Committee

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### Steering Committee of the Nominating Committee

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Deadline Dates for Receipt of Reports to the House of Delegates

2018 Midyear Meeting
Resolutions with Reports  Wednesday, November 15, 2017
Informational Reports  Friday, December 1, 2017

2018 Annual Meeting
Resolutions with Reports  Tuesday, May 8, 2018
Informational Reports  Friday, June 1, 2018
House of Delegates

Filing Instructions for the 2018 Midyear Meeting of the House of Delegates

Details for filing Resolutions with Reports and Informational Reports to the House of Delegates for the 2018 Vancouver Midyear Meeting are available on the ABA’s website. Procedures for the preparation and submission of reports are contained in the attached Filing Instructions as follows:

- Memo to Members of the House of Delegates/Section and Committee Chairs

- Memo to Presidents and Executive Directors of State and Local Bar Associations Represented in the House of Delegates

- Memo to Presidents and Executive Directors of Affiliated Organizations Represented in the House of Delegate

Resolutions with Reports should be filed electronically as soon as possible but no later than the close of business on Wednesday, November 15, 2017. Informational Reports are due on Friday, December 1, 2017. As you work to submit Resolutions with Reports, 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. Members are encouraged to seek the Committee’s assistance prior to the deadline for submission of resolutions. Its assistance should help you to prepare your resolution for publication in the House of Delegates bound book. Please feel free to contact Christina Plum, Chair of the
Drafting Committee, prior to the November 15 filing deadline with any questions you have as it relates to drafting your Resolutions with Reports. Also available for your use is the Committee's Drafting Guide for Resolutions with Reports.

For your convenience, a template which can be used to format your documents for submission can be accessed.

Pursuant to the Instructions for Filing Resolutions with Reports and Informational Reports to the House of Delegates, in order to be listed as a cosponsor on Resolutions with Reports submitted for consideration at the 2018 Vancouver Midyear Meeting, entities must notify the sponsoring entity and the Policy and Planning Division of its cosponsorship no later than the printing deadline which is Wednesday, December 13, 2017.

If you have any questions, please do not hesitate to contact Rochelle E. Evans.

Click Here to Download the Filing Instructions for the 2018 Midyear Meeting of the House of Delegates
MEMORANDUM

TO: Members of the House of Delegates
   Section and Committee Chairs

FROM: Mary L. Smith

SUBJECT: Filing Instructions for Resolutions and Reports to the
         House of Delegates for the 2018 Vancouver Midyear Meeting

DATE: September 19, 2017

As we approach the February 2018 Midyear Meeting in Vancouver, British
Columbia, outlined below are the requirements and procedures for filing
Resolutions with Reports and Informational Reports to the House of Delegates.

RESOLUTIONS WITH REPORTS

Resolutions with Reports for the 2018 Midyear Meeting of the House of Delegates
should be filed electronically at resolutionswithreports@americanbar.org as soon
as possible, but no later than the close of business on Wednesday, November
15, 2017. Reports submitted after the date prescribed for receipt may not be
considered unless the Committee on Rules and Calendar recommends a waiver of
the time requirement and the recommendation is approved by a two-thirds vote of
the delegates voting at the meeting.

As you work to submit a Resolution with Report, 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.
Members are encouraged to seek the Committee’s assistance prior to the deadline
for submission of reports. Its assistance should help to prepare your reports for
publication in the House of Delegates bound book. Please feel free to contact Chair
Christina Plum (christina@christinaplum.com) prior to the November 15 filing
deadline with any questions you have related to drafting your Resolution with
Report.

Procedures for the preparation and submission of reports are contained in the
attached Instructions for Filing Resolutions with Reports and Informational Reports
to the House of Delegates. Please review the instructions carefully. Technical
requirements for the submission of Resolutions with Reports apply to all submitting
entities. Reports are limited to 15 pages in length.
As a reminder, the Rules and Calendar Committee has instituted the following definitions and procedures regarding resolutions. The term cosponsor will refer to an entity which has worked closely with the sponsoring entity to draft and develop the resolution and is identified as such by the printing deadline. Such entities will be included in the bound book and on documents such as the final calendar, daily journal and the "official" summary of action. The term supporter will be used to describe an entity which votes to endorse the resolution but has not been integrally involved with the original drafting. Such entities may be mentioned during the presentation of the resolution, but will not be included in the bound book or printed on documents such as the final calendar, daily journal or the "official" summary of action.

In order to be listed as a cosponsor on Resolutions with Reports submitted for consideration at the 2018 Vancouver Midyear Meeting, entities must notify the sponsoring entity and the Division for Policy and Planning of its cosponsorship no later than the printing deadline which is Wednesday, December 13, 2017.

Please note that an Executive Summary must be included with each filing. An Executive Summary of all Resolutions with Reports will be sent electronically to each delegate following the filing deadline and will constitute notice that the matters are filed for consideration by the House of Delegates.

In accordance with §45.2(c) of the House Rules of Procedure, once a Resolution with Report has been calendared, it cannot be withdrawn without the concurrence of the Committee on Rules and Calendar or a vote of the House of Delegates. If the Committee concurs, the proponent of the report being withdrawn shall advise the House of Delegates as to the reasons for withdrawal.

Once a resolution has been filed and approved for calendaring, it becomes the property of the House of Delegates. To the extent that amendments are made and revisions are agreed to by all parties after the filing/calendaring deadline, the movant must provide an explanation to the House regarding why the revision and/or amendment was agreed to or made. This will provide the House with additional information helpful to ensuring that they are casting as informed a vote as possible.

The Committee on Rules and Calendar will meet December 1-2, 2017 to review all Resolutions with Reports submitted by the filing deadline. After that meeting, the Committee's staff will contact each submitting entity to discuss its report.
INFORMATIONAL REPORTS

Sections and Committees are encouraged to submit Informational Reports to the House of Delegates. These reports should be brief and concise and must be filed electronically at informationalreports@americanbar.org no later than **Friday, December 1, 2017**. Informational Reports will not be printed in a bound book but instead posted on the ABA's Website (click on Informational Reports).

If you have any questions, please contact Rochelle E. Evans (Rochelle.Evans@americanbar.org) at 312/988-5157 or Adrienne Barney (Adrienne.Barney@americanbar.org) at 312/988-5230 in the Chicago office. They will be pleased to assist you.

Thank you for your cooperation. I look forward to seeing you in Vancouver.

cc: Section and Committee Staff Liaisons
INSTRUCTIONS FOR FILING
RESOLUTIONS WITH REPORTS AND
INFORMATIONAL REPORTS TO THE HOUSE OF DELEGATES

2018 VANCOUVER MIDYEAR MEETING

FILING DEADLINES

Wednesday, November 15, 2017 - Resolutions with Reports
Friday, December 1, 2017 – Informational Reports
Wednesday, December 13, 2017 – Printing Deadline

WHERE TO FILE

Resolutions with Reports should be filed electronically
at: resolutionswithreports@americanbar.org.

Questions should be directed to:

Rochelle E. Evans
American Bar Association
Division for Policy and Planning
Phone: 312/988-5157
E-mail: rochelle.evans@americanbar.org

Please send submissions electronically to resolutionswithreports@americanbar.org. The
resolution, report, general information form, and the executive summary form should be submitted
as one document formatted for MS Word. For your convenience, a template which can be used
to format your documents for submission can be accessed here. PLEASE DO NOT SEND
RESOLUTIONS WITH REPORTS VIA FAX, WORDPERFECT FORMATTED FILES, OR PDF
FILES.

As a reminder, the Committee on Rules and Calendar Committee has instituted the following
definitions and procedures regarding resolutions for the 2018 Midyear Meeting. The term
cosponsor will refer to an entity which has worked closely with the sponsoring entity to draft and
develop the resolution and is identified as such by the printing deadline. Such entities will be
included in the bound book and on documents such as the final calendar, daily journal and the
“official” summary of action. The term supporter will be used to describe an entity which votes to
endorse the resolution but has not been integrally involved with the original drafting. Such entities
may be mentioned during the presentation of the resolution, but will not be included in the bound
book or printec on documents such as the final calendar, daily journal or the “official” summary of
action.

In order to be listed as a cosponsor on Resolutions with Reports submitted for
consideration at the 2018 Vancouver Midyear Meeting, entities must notify the sponsoring
entity and the Division for Policy and Planning of its cosponsorship no later than the
printing deadline which is December 13, 2017.
RESOLUTIONS WITH REPORTS

Each Resolution with Report must include the following:

- A resolution
- A report
- A general information form
- An executive summary form

Reports are limited to 15 pages in length. This limit does not include the executive summary or general information forms, which are separate documents. If the resolution proposes adoption of a set of standards or model rules appended to the report, that appendix will not be counted in determining compliance with the 15-page limitation.

A report which exceeds 15 pages must be accompanied by a memorandum to the Committee on Rules and Calendar explaining why the report must exceed 15 pages and requesting a waiver of the limitation.

Resolution

Format

- The resolution is separate from the report and should include a title that carries the name of the submitting entity or entities, and cosponsors.
- Please format the resolution to include line numbers along the left margin.
- There must be a 2-inch margin at the top of the first page; a 1-inch margin at the top, bottom, left and right of each succeeding page.
- The required font size must be Arial, 12-point.
- Do not number the 1st page of the resolution.

A resolution must propose a new policy or a change of policy. It may reaffirm existing policy only if that policy is older than 10 years. It may not contain any recitals, supporting arguments, or "whereas clauses." The House of Delegates adopts the resolution, not the report.

Report

Format

- Margins must be 1-inch on all sides.
- The required font size must be Arial, 12-point and Arial, 10-point for footnotes.
- The report must be single-spaced.
- The name of the chair or president of the section, committee, bar association, or affiliated organization submitting the report should be typed at the end of the report, dated February 2018.
- Number all pages at the bottom.

The report should contain the reasons for the resolution and may not contain any language that commits the Association to a policy not set forth in the resolution. If the report addresses specific legislation, it must include a summary of the phase of legislation under consideration, and a copy or relevant excerpt of the bill.
General Information Form

The General Information Form can be found in the template here and must be filled out completely in accordance with the following instructions:

1. Briefly summarize the resolution.

2. Indicate when the resolution was approved or will be considered by the governing body of the submitting entity. If the vote was taken other than at a regularly scheduled meeting of the governing body, describe the procedure.

3. If this or a similar resolution has been submitted previously to the House of Delegates or the Board of Governors, please include all relevant information – a summary of the resolution, when and before what group the resolution was considered, and what action or position was taken on the matter.

4. Are there any existing Association policies which are relevant to this resolution, and if so, how would they be affected by the adoption of this resolution?

5. If this is a late report, explain what urgency exists which requires that action on this matter be taken at this meeting. If deferral is acceptable, note the time by which action is necessary.

6. If the resolution is a legislative resolve, indicate the current status in the Congress.

7. Briefly explain plans for implementation of the policy, if adopted by the House of Delegates.

8. If adoption of the resolution would result in expenditures, estimate the funds necessary, suggest the anticipated source for funding, and list proposed direct and indirect costs. Indirect costs include those such as staff time or administrative overhead.

9. Review the background of the proponents of the resolution to determine if there are potential conflicts of interest. If such potential is found, list by name those proponents who have a material interest in the subject matter of the resolution due to specific employment or representation of clients. Note all individuals who abstained from voting on the resolution due to a conflict of interest.

10. List the sections, committees, bar associations, or affiliated entities to which the resolution has been referred, the date of the referral, and the response of each group, if known.

11. Indicate the name, address, and telephone number of the person who should be contacted prior to the meeting concerning questions about the report.

12. Indicate the name of the person who will present the resolution to the House and who should be contacted at the meeting when questions arise concerning its presentation and debate. Please be sure to include email addresses and cell phone numbers for your on-site contacts.
Executive Summary

Each report must be submitted with an Executive Summary. The Executive Summary should be concise and must include the following:

a) A summary of the resolution;
b) A summary of the issue which the resolution addresses;
c) An explanation of how the proposed policy position will address the issue; and
d) A summary of any minority views or opposition internal and/or external to the ABA which have been identified.

Format

- Margins must be 1-inch on all sides.
- The required font size must be Arial, 12-point.
- **Number all pages at the bottom.**

The Executive Summary Form can be found in the template [here](#).

INFORMATIONAL REPORTS

The Rules of Procedure of the House of Delegates allow any section or committee to make a written informational report to the House of Delegates. Informational reports should be brief – a maximum of two pages is traditional. Reports should be submitted on plain white paper, not letterhead. These reports will not be printed in a bound book but instead posted on the ABA’s Website ([click on Informational Reports](#)).

Format

- Margins should be 1-inch on all sides.
- The required font size must be Arial, 12-point.
- The name of the chair of the section or committee submitting the report should be typed at the end of the report, dated **February 2018.**
- **Number all pages at the bottom.**

Informational Reports may be filed electronically at [informationalreports@americanbar.org](mailto:informationalreports@americanbar.org) no later than Friday, December 1, 2017. Please send the document formatted for MS Word.
MEMORANDUM

TO: Presidents and Executive Directors of State and Local Bar Associations Represented in the House of Delegates

FROM: Mary L. Smith

SUBJECT: Filing Instructions for Resolutions and Reports to the House of Delegates for the 2018 Miami Midyear Meeting

DATE: September 19, 2017

As we approach the February 2018 Midyear Meeting in Vancouver, British Columbia, outlined below are the requirements and procedures for filing Resolutions with Reports and Informational Reports to the House of Delegates.

RESOLUTIONS WITH REPORTS

State and local bar associations represented in the House of Delegates are entitled to submit matters for consideration by the House. Matters that state and local bar associations wish to present at the 2018 Midyear Meeting must be filed electronically at resolutionswithreports@americanbar.org as soon as possible, but no later than the close of business on Wednesday, November 15, 2017 in order to be included in the bound book of Resolutions with Reports distributed to delegates before the meeting.

Section 45.6 of the House Rules of Procedure provides that the final date for submission of matters by state and local bar associations is the last scheduled meeting of the Committee on Rules and Calendar before the House meeting begins. Such matters must be submitted in writing to the Committee at, or prior to, that time. The last scheduled meeting of the Committee on Rules and Calendar at the 2018 Midyear Meeting will be held on Sunday, February 4, 2018. To provide members of the House with some opportunity to review reports submitted after the filing deadline and therefore not contained in the bound book of Resolutions with Reports, the Committee on Rules and Calendar has determined that any such reports may be calendared for consideration by the House on the afternoon of a one-day House meeting or on the second day of a two-day meeting.
As you work to submit Resolutions with Reports, 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. Members are encouraged to seek the Committee’s assistance prior to the deadline for submission of reports. Its assistance should help to get your reports ready for publication in the House of Delegates bound book. Please feel free to contact Chair Christina Plum (christina@christinaplum.com) prior to the November 15 filing deadline with any questions you have related to drafting your Resolution with Report.

Procedures for the preparation and submission of reports are contained in the attached Instructions for Filing Resolutions with Reports and Informational Reports to the House of Delegates. Please review the instructions carefully. Technical requirements for the submission of Resolutions with Reports apply to all submitting entities. Reports are limited to 15 pages in length.

As a reminder, the Rules and Calendar Committee has instituted the following definitions and procedures regarding resolutions. The term cosponsor will refer to an entity which has worked closely with the sponsoring entity to draft and develop the resolution and is identified as such by the printing deadline. Such entities will be included in the bound book and on documents such as the final calendar, daily journal and the “official” summary of action. The term supporter will be used to describe an entity which votes to endorse the resolution but has not been integrally involved with the original drafting. Such entities may be mentioned during the presentation of the resolution, but will not be included in the bound book or printed on documents such as the final calendar, daily journal or the “official” summary of action.

In order to be listed as a cosponsor on Resolutions with Reports submitted for consideration at the 2018 Vancouver Midyear Meeting, entities must notify the sponsoring entity and the Division for Policy and Planning of its cosponsorship no later than the printing deadline which is Wednesday, December 13, 2017.

Please note that an Executive Summary must be included with each filing. An Executive Summary of all Resolutions with Reports will be sent electronically to each delegate following the filing deadline and will constitute notice that the matters are filed for consideration by the House of Delegates.

In accordance with §45.2(c) of the House Rules of Procedure, once a Resolution with Report has been calendared, it cannot be withdrawn without the concurrence of the Committee on Rules and Calendar or a vote of the House of Delegates. If the Committee concurs, the proponent of the report being withdrawn shall advise the House of Delegates as to the reasons for withdrawal.
Once a resolution has been filed and approved for calendaring, it becomes the property of the House of Delegates. To the extent that amendments are made and revisions are agreed to by all parties after the filing/calendaring deadline, the movant must provide an explanation to the House regarding why the revision and/or amendment was agreed to or made. This will provide the House with additional information helpful to ensuring that they are casting as informed a vote as possible.

The Committee on Rules and Calendar will meet December 1-2, 2017 to review all Resolutions with Reports submitted by the filing deadline. After that meeting, the Committee’s staff will contact each submitting entity to discuss its report.

If you have any questions, please contact Rochelle E. Evans (Rochelle.Evans@americanbar.org) at 312/988-5157 or Adrienne Barney (Adrienne.Barney@americanbar.org) at 312/988-5230 in the Chicago office. They will be pleased to assist you.

Thank you for your cooperation. I look forward to seeing you in Vancouver.

cc: Pamela Robinson
INSTRUCTIONS FOR FILING
RESOLUTIONS WITH REPORTS AND
INFORMATIONAL REPORTS TO THE HOUSE OF DELEGATES

2018 VANCOUVER MIDYEAR MEETING

FILING DEADLINES

Wednesday, November 15, 2017 - Resolutions with Reports
Friday, December 1, 2017 – Informational Reports
Wednesday, December 13, 2017 – Printing Deadline

WHERE TO FILE

Resolutions with Reports should be filed electronically at: resolutionswithreports@americanbar.org.

Questions should be directed to:

Rochelle E. Evans
American Bar Association
Division for Policy and Planning
Phone: 312/988-5157
E-mail: rochelle.evans@americanbar.org

Please send submissions electronically to resolutionswithreports@americanbar.org. The resolution, report, general information form, and the executive summary form should be submitted as one document formatted for MS Word. For your convenience, a template which can be used to format your documents for submission can be accessed here. PLEASE DO NOT SEND RESOLUTIONS WITH REPORTS VIA FAX, WORDPERFECT FORMATTED FILES, OR PDF FILES.

As a reminder, the Committee on Rules and Calendar Committee has instituted the following definitions and procedures regarding resolutions for the 2018 Midyear Meeting. The term cosponsor will refer to an entity which has worked closely with the sponsoring entity to draft and develop the resolution and is identified as such by the printing deadline. Such entities will be included in the bound book and on documents such as the final calendar, daily journal and the “official” summary of action. The term supporter will be used to describe an entity which votes to endorse the resolution but has not been integrally involved with the original drafting. Such entities may be mentioned during the presentation of the resolution, but will not be included in the bound book or printec on documents such as the final calendar, daily journal or the “official” summary of action.

In order to be listed as a cosponsor on Resolutions with Reports submitted for consideration at the 2018 Vancouver Midyear Meeting, entities must notify the sponsoring entity and the Division for Policy and Planning of its cosponsorship no later than the printing deadline which is December 13, 2017.
RESOLUTIONS WITH REPORTS

Each Resolution with Report must include the following:

- A resolution
- A report
- A general information form
- An executive summary form

Reports are limited to 15 pages in length. This limit does not include the executive summary or general information forms, which are separate documents. If the resolution proposes adoption of a set of standards or model rules appended to the report, that appendix will not be counted in determining compliance with the 15-page limitation.

A report which exceeds 15 pages must be accompanied by a memorandum to the Committee on Rules and Calendar explaining why the report must exceed 15 pages and requesting a waiver of the limitation.

Resolution

Format

- The resolution is separate from the report and should include a title that carries the name of the submitting entity or entities, and cosponsors.
- Please format the resolution to include line numbers along the left margin.
- There must be a 2-inch margin at the top of the first page; a 1-inch margin at the top, bottom, left and right of each succeeding page.
- The required font size must be Arial, 12-point.
- Do not number the 1st page of the resolution.

A resolution must propose a new policy or a change of policy. It may reaffirm existing policy only if that policy is older than 10 years. It may not contain any recitals, supporting arguments, or "whereas clauses." The House of Delegates adopts the resolution, not the report.

Report

Format

- Margins must be 1-inch on all sides.
- The required font size must be Arial, 12-point and Arial 10-point for footnotes.
- The report must be single-spaced.
- The name of the chair or president of the section, committee, bar association, or affiliated organization submitting the report should be typed at the end of the report, dated February 2018.
- Number all pages at the bottom.

The report should contain the reasons for the resolution and may not contain any language that commits the Association to a policy not set forth in the resolution. If the report addresses specific legislation, it must include a summary of the phase of legislation under consideration, and a copy or relevant excerpt of the bill.
General Information Form

The General Information Form can be found in the template here and must be filled out completely in accordance with the following instructions:

1. Briefly summarize the resolution.

2. Indicate when the resolution was approved or will be considered by the governing body of the submitting entity. If the vote was taken other than at a regularly scheduled meeting of the governing body, describe the procedure.

3. If this or a similar resolution has been submitted previously to the House of Delegates or the Board of Governors, please include all relevant information – a summary of the resolution, when and before what group the resolution was considered, and what action or position was taken on the matter.

4. Are there any existing Association policies which are relevant to this resolution, and if so, how would they be affected by the adoption of this resolution?

5. If this is a late report, explain what urgency exists which requires that action on this matter be taken at this meeting. If deferral is acceptable, note the time by which action is necessary.

6. If the resolution is a legislative resolve, indicate the current status in the Congress.

7. Briefly explain plans for implementation of the policy, if adopted by the House of Delegates.

8. If adoption of the resolution would result in expenditures, estimate the funds necessary, suggest the anticipated source for funding, and list proposed direct and indirect costs. Indirect costs include those such as staff time or administrative overhead.

9. Review the background of the proponents of the resolution to determine if there are potential conflicts of interest. If such potential is found, list by name those proponents who have a material interest in the subject matter of the resolution due to specific employment or representation of clients. Note all individuals who abstained from voting on the resolution due to a conflict of interest.

10. List the sections, committees, bar associations, or affiliated entities to which the resolution has been referred, the date of the referral, and the response of each group, if known.

11. Indicate the name, address, and telephone number of the person who should be contacted prior to the meeting concerning questions about the report.

12. Indicate the name of the person who will present the resolution to the House and who should be contacted at the meeting when questions arise concerning its presentation and debate. Please be sure to include email addresses and cell phone numbers for your on-site contacts.
Executive Summary

Each report must be submitted with an Executive Summary. The Executive Summary should be concise and must include the following:

a) A summary of the resolution;

b) A summary of the issue which the resolution addresses;

c) An explanation of how the proposed policy position will address the issue; and

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

Format

- Margins must be 1-inch on all sides.
- The required font size must be Arial, 12-point.
- **Number all pages at the bottom.**

The Executive Summary Form can be found in the template [here](#).

INFORMATIONAL REPORTS

The Rules of Procedure of the House of Delegates allow any section or committee to make a written informational report to the House of Delegates. Informational reports should be brief – a maximum of two pages is traditional. Reports should be submitted on plain white paper, not letterhead. These reports will not be printed in a bound book but instead posted on the ABA’s Website ([click on Informational Reports](#)).

Format

- Margins must be 1-inch on all sides.
- The required font size must be Arial, 12-point.
- The name of the chair of the section or committee submitting the report should be typed at the end of the report, dated **February 2018.**
- **Number all pages at the bottom.**

Informational Reports may be filed electronically at [informationalreports@americanbar.org](mailto:informationalreports@americanbar.org) no later than Friday, December 1, 2017. Please send the document formatted for MS Word.
MEMORANDUM

TO: Presidents and Executive Directors of Affiliated Organizations Represented in the House of Delegates

FROM: Mary L. Smith

SUBJECT: Filing Instructions for Resolutions and Reports to the House of Delegates for the 2018 Vancouver Midyear Meeting

DATE: September 19, 2017

As we approach the February 2018 Midyear Meeting in Vancouver, British Columbia, outlined below are the requirements and procedures for filing Resolutions with Reports and Informational Reports to the House of Delegates.

RESOLUTIONS WITH REPORTS

Affiliated organizations represented in the House of Delegates are entitled to submit matters for consideration by the House. Matters that affiliated organizations wish to present at the 2018 Midyear Meeting must be filed electronically at resolutionswithreports@americanbar.org as soon as possible, but no later than the close of business on Wednesday, November 15, 2017. Reports submitted after the date prescribed for receipt may not be considered unless the Committee on Rules and Calendar recommends a waiver of the time requirement and the recommendation is approved by a two-thirds vote of the delegates voting at the meeting.

As you work to submit a Resolution with Report, 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. Members are encouraged to seek the Committee’s assistance prior to the deadline for submission of reports. Its assistance should help to prepare your reports for publication in the House of Delegates bound book. Please feel free to contact Chair Christina Plum (christina@christinaplum.com) prior to the November 15 filing deadline with any questions you have related to drafting your Resolution with Report.
Filing Instructions for Affiliated Organizations
September 19, 2017
Page 2

Procedures for the preparation and submission of reports are contained in the attached Instructions for Filing Resolutions with Reports and Informational Reports to the House of Delegates. Please review the instructions carefully. Technical requirements for the submission of Resolutions with Reports apply to all submitting entities. Reports are limited to 15 pages in length.

As a reminder, the Rules and Calendar Committee has instituted the following definitions and procedures regarding resolutions. The term cosponsor will refer to an entity which has worked closely with the sponsoring entity to draft and develop the resolution and is identified as such by the printing deadline. Such entities will be included in the bound book and on documents such as the final calendar, daily journal and the “official” summary of action. The term supporter will be used to describe an entity which votes to endorse the resolution but has not been integrally involved with the original drafting. Such entities may be mentioned during the presentation of the resolution, but will not be included in the bound book or printed on documents such as the final calendar, daily journal or the “official” summary of action.

In order to be listed as a cosponsor on Resolutions with Reports submitted for consideration at the 2018 Vancouver Midyear Meeting, entities must notify the sponsoring entity and the Division for Policy and Planning of its cosponsorship no later than the printing deadline which is Wednesday, December 13, 2017.

Please note that an Executive Summary must be included with each filing. An Executive Summary of all Resolutions with Reports will be sent electronically to each delegate following the filing deadline and will constitute notice that the matters are filed for consideration by the House of Delegates.

In accordance with §45.2(c) of the House Rules of Procedure, once a Resolution with Report has been calendared, it cannot be withdrawn without the concurrence of the Committee on Rules and Calendar or a vote of the House of Delegates. If the Committee concurs, the proponent of the report being withdrawn shall advise the House of Delegates as to the reasons for withdrawal.

Once a resolution has been filed and approved for calendaring, it becomes the property of the House of Delegates. To the extent that amendments are made and revisions are agreed to by all parties after the filing/calendaring deadline, the movant must provide an explanation to the House regarding why the revision and/or amendment was agreed to or made. This will provide the House with additional information helpful to ensuring that they are casting an informed vote as possible.
The Committee on Rules and Calendar will meet December 1-2, 2017 to review all Resolutions with Reports submitted by the filing deadline. After that meeting, the Committee’s staff will contact each submitting entity to discuss its report.

If you have any questions, please contact Rochelle E. Evans (Rochelle.Evans@americanbar.org) at 312/988-5157 or Adrienne Barney (Adrienne.Barney@americanbar.org) at 312/988-5230 in the Chicago office. They will be pleased to assist you.

Thank you for your cooperation. I look forward to seeing you in Vancouver.
INSTRUCTIONS FOR FILING
RESOLUTIONS WITH REPORTS AND
INFORMATIONAL REPORTS TO THE HOUSE OF DELEGATES

2018 VANCOUVER MIDYEAR MEETING

FILING DEADLINES

Wednesday, November 15, 2017 - Resolutions with Reports
Friday, December 1, 2017 – Informational Reports
Wednesday, December 13, 2017 – Printing Deadline

WHERE TO FILE

Resolutions with Reports should be filed electronically
at: resolutionswithreports@americanbar.org.

Questions should be directed to:

Rochelle E. Evans
American Bar Association
Division for Policy and Planning
Phone: 312/988-5157
E-mail: rochelle.evans@americanbar.org

Please send submissions electronically to resolutionswithreports@americanbar.org. The
resolution, report, general information form, and the executive summary form should be submitted
as one document formatted for MS Word. For your convenience, a template which can be used
to format your documents for submission can be accessed here. **PLEASE DO NOT SEND RESOLUTIONS WITH REPORTS VIA FAX, WORDPERFECT FORMATTED FILES, OR PDF FILES.**

As a reminder, the Committee on Rules and Calendar Committee has instituted the following
definitions and procedures regarding resolutions for the 2018 Midyear Meeting. The term
cosponsor will refer to an entity which has worked closely with the sponsoring entity to draft and
develop the resolution and is identified as such by the printing deadline. Such entities will be
included in the bound book and on documents such as the final calendar, daily journal and the
“official” summary of action. The term supporter will be used to describe an entity which votes to
endorse the resolution but has not been integrally involved with the original drafting. Such entities
may be mentioned during the presentation of the resolution, but will not be included in the bound
book or printed on documents such as the final calendar, daily journal or the “official” summary of
action.

**In order to be listed as a cosponsor on Resolutions with Reports submitted for consideration at the 2018 Vancouver Midyear Meeting, entities must notify the sponsoring entity and the Division for Policy and Planning of its cosponsorship no later than the printing deadline which is December 13, 2017.**
RESOLUTIONS WITH REPORTS

Each Resolution with Report must include the following:

- A resolution
- A report
- A general information form
- An executive summary form

Reports are limited to 15 pages in length. This limit does not include the executive summary or general information forms, which are separate documents. If the resolution proposes adoption of a set of standards or model rules appended to the report, that appendix will not be counted in determining compliance with the 15-page limitation.

A report which exceeds 15 pages must be accompanied by a memorandum to the Committee on Rules and Calendar explaining why the report must exceed 15 pages and requesting a waiver of the limitation.

Resolution

Format

- The resolution is separate from the report and should include a title that carries the name of the submitting entity or entities, and cosponsors.
- Please format the resolution to include line numbers along the left margin.
- There must be a 2-inch margin at the top of the first page; a 1-inch margin at the top, bottom, left and right of each succeeding page.
- The required font size must be Arial, 12-point.
- Do not number the 1st page of the resolution.

A resolution must propose a new policy or a change of policy. It may reaffirm existing policy only if that policy is older than 10 years. It may not contain any recitals, supporting arguments, or "whereas clauses." The House of Delegates adopts the resolution, not the report.

Report

Format

- Margins must be 1-inch on all sides.
- The required font size must be Arial, 12-point and Arial 10-point for footnotes.
- The report must be single-spaced.
- The name of the chair or president of the section, committee, bar association, or affiliated organization submitting the report should be typed at the end of the report, dated February 2018.
- Number all pages at the bottom.

The report should contain the reasons for the resolution and may not contain any language that commits the Association to a policy not set forth in the resolution. If the report addresses specific legislation, it must include a summary of the phase of legislation under consideration, and a copy or relevant excerpt of the bill.
General Information Form

The General Information Form can be found in the template here and must be filled out completely in accordance with the following instructions:

1. Briefly summarize the resolution.

2. Indicate when the resolution was approved or will be considered by the governing body of the submitting entity. If the vote was taken other than at a regularly scheduled meeting of the governing body, describe the procedure.

3. If this or a similar resolution has been submitted previously to the House of Delegates or the Board of Governors, please include all relevant information – a summary of the resolution, when and before what group the resolution was considered, and what action or position was taken on the matter.

4. Are there any existing Association policies which are relevant to this resolution, and if so, how would they be affected by the adoption of this resolution?

5. If this is a late report, explain what urgency exists which requires that action on this matter be taken at this meeting. If deferral is acceptable, note the time by which action is necessary.

6. If the resolution is a legislative resolve, indicate the current status in the Congress.

7. Briefly explain plans for implementation of the policy, if adopted by the House of Delegates.

8. If adoption of the resolution would result in expenditures, estimate the funds necessary, suggest the anticipated source for funding, and list proposed direct and indirect costs. Indirect costs include those such as staff time or administrative overhead.

9. Review the background of the proponents of the resolution to determine if there are potential conflicts of interest. If such potential is found, list by name those proponents who have a material interest in the subject matter of the resolution due to specific employment or representation of clients. Note all individuals who abstained from voting on the resolution due to a conflict of interest.

10. List the sections, committees, bar associations, or affiliated entities to which the resolution has been referred, the date of the referral, and the response of each group, if known.

11. Indicate the name, address, and telephone number of the person who should be contacted prior to the meeting concerning questions about the report.

12. Indicate the name of the person who will present the resolution to the House and who should be contacted at the meeting when questions arise concerning its presentation and debate. Please be sure to include email addresses and cell phone numbers for your on-site contacts.
Executive Summary

Each report must be submitted with an Executive Summary. The Executive Summary should be concise and must include the following:

   a) A summary of the resolution;
   b) A summary of the issue which the resolution addresses;
   c) An explanation of how the proposed policy position will address the issue; and
   d) A summary of any minority views or opposition internal and/or external to the ABA which have been identified.

Format

   . Margins must be 1-inch on all sides.
   . The required font size must be Arial, 12-point.
   . *Number all pages at the bottom.*

The Executive Summary Form can be found in the template [here](#).

INFORMATIONAL REPORTS

The Rules of Procedure of the House of Delegates allow any section or committee to make a written informational report to the House of Delegates. Informational reports should be brief – a maximum of two pages is traditional. Reports should be submitted on plain white paper, not letterhead. These reports will not be printed in a bound book but instead posted on the ABA’s Website ([click on Informational Reports](#)).

Format

   . Margins must be 1-inch on all sides.
   . The required font size must be Arial, 12-point.
   . The name of the chair of the section or committee submitting the report should be typed at the end of the report, dated *February 2018.*
   . *Number all pages at the bottom.*

Informational Reports may be filed electronically at [informationalreports@americanbar.org](mailto:informationalreports@americanbar.org) no later than Friday, December 1, 2017. Please send the document formatted for MS Word.
POLICY ON CONFLICT OF INTEREST

THEREFORE, BE IT RESOLVED, That every member who has the responsibility of making appointments to any committee of the Association or any of its constituent parts shall make an affirmative effort to appoint persons who will represent as many points of view as are relevant considering the assignment of the committee; and

BE IT FURTHER RESOLVED, That in the report accompanying any recommendation to the Board of Governors or House of Delegates, there shall be disclosed any material interest in the subject matter of the recommendation on the part of any member of any group within the Association which has approved of the recommendation and report prior to its submission to the Board or House by reason of specific employment or representation of clients; and

BE IT FURTHER RESOLVED, That the Secretary of the Association shall have the responsibility of reporting to the House of Delegates from time to time on the implementation of this resolution and shall report to the Board of Governors specific instances in which the provisions of this resolution have not been observed as soon as he or she shall discover them.

1973
AMERICAN BAR ASSOCIATION

BOARD OF GOVERNORS

RESOLUTION ON DISCRIMINATORY CLUBS
Adopted November 1993
Amended April 1994

It is inappropriate for an Officer of the Association or a Member of the Board of Governors to be a member of a club which discriminates by policy or in practice, on the basis of race, color, sex, religion, national origin, disability or sexual orientation (a “Discriminatory Club”).

Current Members of the Board and Officers of the Association and those nominated for such positions in February 1994 who hold membership in a Discriminatory Club should, by no later than November of 1994, resign from such Club, unless by such date such Club no longer constitutes a Discriminatory Club. After such date, no Officer of the Association and no Member of the Board should be a member of a Discriminatory Club while serving in such position.
The schedule for the 2018 State Delegate Election is as follows:

Petition Notice posted to the House Webpage ................................................................. Aug, 2017
Petitions Due .................................................................................................................. Monday, December 5, 2017
Hybrid Voting Commences ....................................................................................... Monday, January 15, 2018
Candidate Names and Signatories Published ............................................................. Feb 2018 issue of ABA Journal
Election Vendor to send Voting Reminders .................................................... Jan 29, Feb 12, 26 & March 2, 2018
Ballots Due/Voting Closes ......................................................................................... Monday, March 5, 2018
Certification by Board of Elections……..(tentative)..................................................... .Monday, March 12, 2018
Section Officers Conference Rotational Order on ABA Nominating Committee  
Three, Three, Three, Four, Four, Four Tier Division (7 seats)*  
(Based on 8.31.11 Lawyer Membership Figures)  
January 2012

At the conclusion of the Annual Meeting in:

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~Denotes the # of years of rotation within the Tier  
*Denotes that there are 3 tiers with 3 Sections/Divisions in the rotation and 4 tiers with 4 Sections/Divisions in the rotation. (Note: In addition to these 7 seats, the Judicial Division and Young Lawyers Division each have one permanent seat, for a total of 9 Section and Division seats. These seats are not part of the rotation).
Section/Division Rotational Order on ABA Board of Governors
(9 Seats*)
Confirmed October 2, 2015

At the conclusion of the Annual Meeting in:

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*As a result of the 2015 ABA Decennial Review, the number of section members-at-large on the Board of Governors increased from six (6) to nine (9). At the 2015 ABA Annual Meeting, an amendment was made to §26.1 (c) of the ABA Bylaws to include the following language regarding terms and election: "In 2016, one section member-at-large shall be elected for a one-year term, one section member-at-large shall be elected for a two-year term, and one section member-at-large shall be elected for a three-year term. At the end of those respective terms, and in each succeeding third year, a section member-at-large shall be elected for a term of three Association years." Section, Division, and Forum Chairs voted to conduct a drawing for the 1- and 2-year partial terms. The results of the drawing were:

^The Criminal Justice Section will serve a one-year partial term, which will begin at the conclusion of the 2016 ABA Annual Meeting.

#The Section of Public Utility, Communications and Transportation Law will serve a two-year term, which will begin at the conclusion of the 2016 ABA Annual Meeting.
PRINCIPLES AND GUIDELINES ON
THE ELECTION PROCESS FOR
OFFICERS OF THE ASSOCIATION
(August 2008)

With the recognition that seeking office in the Association is a political process, it is the intent of these Rules to minimize the expenditures of a campaign required for office and to ensure that all members of the Association have fair access to the political process without unnecessary financial burdens or sacrifice.

1. A person seeking to serve as President-Elect, Chair of the House of Delegates, Secretary or Treasurer of the Association shall commence the campaign for office by filing a signed letter of intent setting forth the office and the term with the Division for Policy Administration at the American Bar Center. A candidate’s letter of intent shall be filed no earlier than the last January 1 occurring more than 12 months prior to the Midyear Meeting at which the nomination will be made. The letter of intent shall be in the form attached to these Rules and may be accompanied by a resume. The letter shall state that the candidate has read these Rules and commits to abide by them.

2. After determining that the letter of intent meets the requirements of these Rules, the Division for Policy Administration shall forward a copy of the letter to all members of the House of Delegates. All questions of interpretation with respect to these Rules shall be directed to the Division for Policy Administration, which shall respond promptly to such questions.

3. No candidate or prospective candidate (references in this paragraph and in paragraph 6 to “candidate” shall include “prospective candidate”), and no person acting on his or her behalf, shall solicit a public or private commitment from any member of the Nominating Committee, other than from his or her State Delegate, prior to the candidate’s filing the letter of intent as required by Rule #1. Nominating Committee members (with the single exception noted above) shall not give any such commitments. Meetings by or on behalf of any member exploring or considering a candidacy for any office may be held no earlier than one year before the date that such member would be eligible to declare his or her candidacy under these guidelines. Except for the State Delegate from the prospective candidate’s state, members of the Nominating Committee or their designees may not attend the meetings referenced in the preceding sentence.

4. Each member of the Nominating Committee is personally responsible for providing each candidate who desires to meet with the member an opportunity for a meeting. Nominating Committee members are encouraged to hold such meetings during a Midyear or Annual Meeting and the member may choose to include at the meeting others whose views such member may wish to hear. If this does not prove feasible, the member should provide the candidate an
opportunity to meet at the Section Officers Conference or the Nominating Committee Orientation meeting, and travel and a per diem will be paid to the candidate for such meeting (other than for a meeting held in conjunction with the Annual Meeting or Midyear Meeting). Candidates and prospective candidates are discouraged from arranging visits to Nominating Committee members in their home cities and Nominating Committee members are discouraged from accepting such visits.

5. Each member of the Nominating committee is encouraged to afford the candidate an opportunity to meet with other members of his or her delegation or constituency. Each State Delegate member is encouraged to consult with all members of his or her delegation before making a commitment.

6. A candidate shall not sponsor, or permit others to sponsor on the candidate’s behalf, any reception, or organized social function, in support of his or her candidacy. This provision is not intended to interfere with business meetings or functions not sponsored by a candidate or on a candidate’s behalf attended by a candidate and member(s) of the Nominating Committee. Staff may secure a conference room for use by a candidate for a non-social function during the Midyear and Annual Meetings. Nothing in these guidelines shall prohibit a candidate from serving non-alcoholic beverages and snacks at a meeting permitted by these guidelines.

7. After a candidate has filed his or her letter of intent, the candidate may speak at the Forums sponsored by the Nominating Committee at the immediately following Midyear and Annual Meetings. The Forums will be open to any member of the Association who wishes to attend and suitable notice will be given of the time and place of the Forums.

8. A candidate who decides to terminate his or her campaign for office promptly shall supply a signed letter to that effect to the Division for Policy Administration, which promptly will forward such letter to all members of the House of Delegates.
# American Bar Association

## President-Elect

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<th>Candidate’s Name</th>
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### Candidate’s Photo

**Statement by the Candidate:**

I have read the Rules and agree to abide by them.

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Candidate’s Signature | Date

*The Candidate’s Curriculum Vitae is attached*
AMERICAN BAR ASSOCIATION

Chair, House of Delegates

Candidate’s Name

Date of Birth

Law Firm Name (if applicable)

Principal Office Street Address

City, State

Law School from which Graduated

Date and State First Admitted to the Bar

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LEGISLATIVE POLICIES

of the

AMERICAN BAR ASSOCIATION

GOVERNMENTAL AFFAIRS OFFICE

Last Updated: August 2017
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**Note:** The parenthetical notation after some entries represents a new identification system for tracking the adoption of resolutions. The first two numbers indicate the year of adoption, the letter designates Annual or Midyear meeting, and the last set of number is the report # assigned by the House of Delegates.
ADMINISTRATIVE LAW

(For additional policy positions, see Standards for the Establishment and Operation of Ombuds, August 2001)

ACUS Assistance to Foreign Countries. Support legislation which would authorize ACUS to provide assistance in response to requests relating to the improvements of administrative procedures in foreign countries. 11/91

ACUS Report on the Federal Administrative Judiciary. Urge that no action be taken by the Administrative Conference of the United States on the recommendations made in the draft report on the federal administrative judiciary until the ABA has had an opportunity to present its views, and urge that OPM reopen the register to new applicants for ALJ positions within 30 days. 11/92

Administrative Law Judges Conference. Urge Congress to establish the Administrative Law Judge Conference of the United States as an independent agency to assume current responsibilities of OPM with respect to testing, selection, and appointment of ALJ. (05A106A) 8/05

Administrative Law Judges: Compensation. Support establishment of a pay schedule for ALJs separate from other career civil servants. 4/84

Administrative Law Judges: Education. Approve and support education and training of the Administrative Judiciary in accordance with Standards for Education of the Administrative Judiciary. (99A101) 8/99

Administrative Law Judges: Immigration Proceedings. Support legislation that would require administrative law judges for immigration proceedings to be appointed pursuant to the Administrative Procedure Act. 2/83

Administrative Law Judges: Judicial Independence. Urge requirement that all members of the administrative judiciary to adhere to appropriate ethical standards adapted from ABA Model Judicial Code, and by applying due process standards before dismissal or removal of any member. (01A101B) 8/01

Reaffirm support for the judicial independence and authority granted to the Central Panel Administrative Law Judges in the Model Act Creating a State Central Hearing Agency. (11M112) 2/11

See also Judicial Independence entries under Courts.

Administrative Law Judges: Performance Evaluation and Complaints by and Against ALJs. Support legislation to create a system of periodic performance evaluation outside the employing agency on the basis of peer review; urge each agency to develop a system for receiving and evaluating complaints or allegations of misconduct by an ALJ or from an ALJ who alleges unlawful agency infringement of his or her decisional independence. 6/79; 8/94

Administrative Law Judges: Recruitment and Selection. Recommend that OPM or Congress, as necessary, eliminate Veterans' preference in the hiring of ALJs; permit the employing agency to select anyone from the top ten available applicants in register; ensure that the OPM Office of Administrative Law Judge has sufficient stature, leadership and resources. 8/76; 8/94

Urge the OPM as part of its mandate to select the best qualified candidates for federal administrative law judge positions, to consider judicial status in good standing as a satisfactory alternative to any requirement that candidates be active licensed attorneys in good standing. (09M112) 2/09

See also Environment/Natural Resources.
Administrative Law Judges: Retirement. Encourage Congress to establish a retirement plan for federal administrative law judges that is appropriate to their judicial status and functions and that is separate from retirement plans of other career civil servants. (04M113B) 02/04

Administrative Procedure Act. Support a package of APA amendments relating to appeals boards, uniform rules, subpoena power, compulsory process, sovereign immunity, ex parte communications, simplification of the form of proceeding (Section 703) and right to petition for rule making. 2/70; 2/81; 2/88

Urge agencies to encourage presiding officers to use APA powers to: require written rather than oral proceedings where appropriate; personally examine witnesses; set time limits for a proceeding; make increased use of official notice; and rule on summary judgment motions. 8/78

Urge Congress to consider in legislation that contains provision for administrative hearings whether those hearings should conform to certain provisions in the APA and to amend the APA to create a presumption of conformity with its provisions in absence of statutory language to the contrary. (00M113) 2/00

Urge Congress to amend and modernize the adjudication provisions of the APA and to expand certain fundamental fair hearings provisions of that Act by enacting legislation consistent with the draft bill entitled, “Federal Administrative Adjudication in the 21st Century”, dated February 2005. (05M114) 2/05

Employment Discrimination. Urge adoption of measures to provide that employment discrimination hearings conducted by the EEOC comply with the APA. (11A124) 8/11

Correctional Facilities. Urge Congress to update the rulemaking provisions of the Administrative Procedure Act in nine specific areas. (16M106B) 2/16

See entry under Corrections (14M103B) 2/14

Administrative Subpoenas. Urge Congress to oppose legislation granting the FBI authority to issue administrative subpoenas. 2/91

Alternative Dispute Resolution. Support the increased use of alternative means of dispute resolution by federal administrative agencies. 8/88

See also entry under Courts.

Attorneys' Fees. Support the principles of the payment of attorneys' fees and costs by the government in administrative proceedings and the judicial review of such proceedings considered to be in the public interest. 2/77; 2/78

Urge Congress to enact legislation which would (1) establish uniform principles for the regulation of attorneys' fees in proceedings before federal administrative agencies; (2) provide for reasonable fees; and, (3) implement these principles through the administrative rule-making process where appropriate. 8/80

Oppose efforts to impose a $2,500 fee limitation in Administrative proceedings. (96M115) 2/96

See also entry under Attorneys/General Practice.

Bumpers Amendment: Judicial Review. Support legislation strengthening judicial review of federal agency action. 8/79

Congressional Veto of Agency Regulations. Oppose legislation providing for congressional review of agency regulations, which would become effective only after the expiration of a set time, unless expressly vetoed by Congress. 2/72; 8/79

Consular Visa Adjudication and Review. See entry under Immigration Law.

Corps of Administrative Law Judges. Support the enactment of legislation to enhance the judicial independence and efficiency of federal administrative law judges through the establishment of a government-wide corps of ALJs. 8/88

Debt Collection. Support legislation authorizing contracts by appropriate federal agencies to retain private counsel to collect debts owed to the U.S. 8/84.

See also entry under Attorneys/General Practice.

Debt Collection within Department of Veterans Affairs. Urge the VA to administer its debt collection and forfeiture provisions so that veterans can hire attorneys without regard to attorney fee limitations in 38 U.S.C. 3404.
Devolution of Benefit Programs to States. Support application of existing ABA policies regarding federal benefit programs to states, territories and localities where primary control and/or funding for such programs is transferred from the federal government to those jurisdictions. (97M110) 2/97

Discipline and Regulation of Lawyers by Agencies. Support legislation to bar federal agencies from prescribing rules of conduct and discipline for attorneys practicing before them except as necessary to maintain order or to conform with action taken by state disciplinary boards. Urge state disciplinary boards to assure effective review of charges of professional misconduct brought by federal agencies. Undertake the development of a model enforcement mechanism for the discipline of lawyers who practice before administrative agencies. 8/82

See also entries under Attorneys.

Displaced Farmers Benefits. Support legislation to establish fair procedures for the treatment of farming operations displaced by federal and federally assisted programs. 8/76

Electronic Information Access Under FOIA. Recommend federal agencies adopt policies to ensure access to information under the Freedom of Information Act (FOIA) not to be diminished by virtue of the fact that information is kept in electronic form. (90M102) 2/90

Equal Employment Opportunity Commission. Urge Congress to amend Title 5 Section 7702 of the US Code which establishes a special panel to adjudicate mixed cases involving the EEOC and the Merit Systems Protection Board so that such decisions may be rendered in a timely fashion. 8/89

Urge Congress to provide EEOC with adequate funding to carry out its congressionally-mandated duties. (98M116A) 2/98

Executive Oversight. Support principles regarding executive oversight of federal Agency rule making, in particular, the implementation of Executive Orders 12291 and 12498. 2/86

Ex Parte Contacts in Administrative Proceedings. Urge members of Congress to comply with requisites of law restricting Ex Parte contacts in particular administrative proceedings and to reduce linkage between campaign contributions and constituent service. 2/96

Federal Acquisition Regulatory Council. Support and encourage actions by FAR Council, through model provisions and other means, to address conflicts of interest issues, with regard to contractor employees including those in contracts posing high risk of misuse of non-public information. (13M110A) 2/13

Foreign Service Grievance Procedure. Support legislation giving all Foreign Service employees the right to a grievance hearing before an independent board. 8/72

Harmonization. Urge President and agencies to take a series of procedural steps that seek to ensure effective public participation in significant agency efforts to harmonize domestic and foreign regulations though international negotiations that may require new regulations or the amendment of existing regulations. (01A107B) 8/01

Urge federal agencies to pursue regulatory cooperation with relevant foreign authorities where appropriate to develop harmonized regulatory standards, information sharing, etc. (12A109B) 8/12

Health Care Financing Administration (HCFA). Urge that HCFA establish more comprehensive rules of its administrative proceedings and publish in the Federal Register all of its interpretive and procedural guidelines used in the performance of its enforcement functions. 2/89

Homeless Person: Definition. See entry under Real Property/Housing Law.

Internet Access. Urge Administration to promote best practices for agency web sites by providing oversight and modernizing computer systems. Urge federal agencies to explore means to maximize their site’s usefulness and to encourage public participation in rulemaking on the Internet. (01A107A) 2/01

Urge Congress to enact legislation to
require federal agencies to provide free online access to any portion of a privately drafted standard that has been incorporated by reference into proposed or final regulations. (16A112) 8/16

**Judicial Review of Agency Actions or Orders.** Recommend guidelines for courts to use when deciding whether an agency's rule or order that is being remanded should be vacated pending the remand. 8/97

**Management of Administrative Agencies.** Urge agencies to reduce delay and improve management by making greater use of informal rulemaking, agency delegation of final authority to presiding officers and staff appeal boards, limits on oral argument, and certain management procedures subject to an outside audit. 8/78

**Medicare.** See also entries under Health/Mental Health.

**Monetary Penalties.** Support the use of administratively imposed civil money penalties by federal agencies against regulated persons and entities as one part of an administrative enforcement program that already includes civil or criminal sanctions: recommend that the opportunity for a formal adjudication pursuant to the APA be available to parties. (04A114) 08/04

**Non-Notarized or Unsworn Declarations.** Support legislation authorizing the optional use of such declarations, under penalty of perjury, for documents which presently require notarization or oath. 8/75

**Occupational Safety and Health Administration Rulemaking Procedures.** Recommend to OSHA that it establish a procedure for systematically setting priorities to promulgate standards regulating health and safety and that OSHA and Congress make extensive procedural changes to assist OSHA in fulfilling its statutory mandate. 8/88

**Ombuds.** Recommend state and local governments consider establishing within their jurisdictions an ombudsman who would be authorized to act as public auditor in the administrative context. 2/69

Urge the Administrative Conference to study the utility of the ombudsman concept within the federal context. 7/71

Support the greater use of Ombuds to receive, review and resolve complaints involving public and private entities; endorse Ombuds Standards dated August 2001. (01A107D) 8/01

Endorse the revised Standards for the Establishment and Operation of Ombuds Offices dated February 2004. (04M115) 02/04

Encourage greater use of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes. (17A103) 8/17

**Plain Language.** Urge agencies to use plain language in writing regulations to promote understanding of legal obligations. (99A103A) 8/99

**Preemption of State Regulations Affecting Conduct.** Recommend that Congress address foreseeable preemption issues clearly and explicitly when it enacts a statute affecting regulation of an area of conduct. 8/88

See Preemption of State Tort Law entry under Insurance and Tort Law.

**Public Participation in Information Dissemination.** Recommend President and agencies take certain steps to seek more effective public participation in significant agency information dissemination efforts intended to promote public policy goals. (01A107C) 8/01

**Qualified Immunity.** Support the principle that "private" lawyers representing governmental entities are entitled to claim the same qualified immunity provided "government" lawyers from 42 U.S.C. Section 1983 claims when they are acting "under color of state law." (12M302) 2/12

**Regulation of Collection Agencies.** Oppose legislation providing for federal regulation; urge that such regulation be left to the states. 2/77

**Regulatory Reform.** Support and oppose numerous amendments to the Administrative Procedure Act and other statutes to decrease federal regulation, streamline and simplify regulatory procedures, and to provide for improved coordination among federal agencies.
and increased public and private oversight of regulatory action. 2/78; 8/78; 2/79; 6/79; 8/79; 8/80

Regulatory Review Procedures for Proposed Rules. Urge the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget to amend its 1986 regulatory review procedures to limit delays and to explain inconsistencies between agency rules and presidential policies. (90M101C) 2/90

Retroactive Legislation and Rules. Retroactive legislation and rules imposing new legal duties and liabilities should be avoided. Federal agencies should act retroactively only when the need clearly outweighs the cost and is otherwise fair. This resolution does not address in any way the Civil Rights statutes, including the Civil Rights Act of 1991. (92M121) 2/92

Review of Proposed Regulatory Action. Support issuance of executive order directing federal agencies to prepare a regulatory analysis and inter-agency review of the impact that important proposed regulatory actions would have on the achievement of all relevant statutory goals. 8/79

Review of Existing Regulations. Urge that certain principles guide the review of existing regulations by federal administrative agencies including a commitment to periodic review, congressional requirement for review of programs and commensurate funding, etc. (95A103) 8/95

Recommend legislative and non-legislative changes in process for congressional review of agency regulations. (97A107A) 8/97

Risk Assessment. Recommend that any formal requirement that agencies of the federal government undertake formal risk assessments in advance of regulatory action concerning health and safety rules should be consistent with nine enumerated principles. (99A103B) 8/99

Rulemaking Analyses. Make recommendations for rulemaking analyses by federal agencies, including that copies of any analyses be made available to the public, and that information on how to obtain copies of analyses should be disseminated by the agency. (90A109A) 8/90

Rulemaking Authority. Recommend that all federal agencies with rulemaking authority review the causes of delay in rulemaking and to the extent feasible and practicable that they take recommended steps to improve their procedures for considering and adopting rules. (89M126B) 2/89

Rulemaking Impact Analyses. Urge the President and Congress to: exercise restraint in the number of rulemaking impact analyses; assess the usefulness of existing and planned analyses; and ensure agencies' adherence to recommendations of the ABA and the Administrative Conference of the U.S. (ACUS) pertaining to such impact analyses requirements. (92M113) 2/92

Rulemaking Oversight. Endorse guidelines that specify that presidential review should apply generally to all informal federal rulemaking, including that by independent regulatory agencies, and other issues. (90A302) 8/90

Recommend that any government entity designated by the president to oversee the rulemaking process should: (1) issue a written explanation whenever it returns a rule with a change; (2) reveal any communications with Congress or non-governmental people pertaining to the rule; and (3) regularly publish a list of all proposed or final rules for which review was concluded. (93M106A) 2/93

Rulemaking and Public Participation. See Internet Web Sites entry, this section.

Rulemaking Procedures for Agencies Dealing with Antitrust. Support in principle that the Department of Justice and the Federal Trade Commission should follow the informal rulemaking procedures prescribed by the Administrative Procedure Act when issuing, amending, or repealing interpretative rules or statements of general policy concerning antitrust law enforcement. 2/88

Rulemaking Procedures for Non-Legislative Rules. If an agency proposes to apply a non-legislative rule in a proceeding, the parties must have an opportunity to challenge the rule. If an agency proposes to depart from the policy of a non-legislative rule, and a party reasonably relied upon it, the agency must explain this departure, and the party may
request relief. (93A120C) 8/93

**Rulemaking Procedures Governed by 5 U.S.C. § 553.** Support legislative reform of federal agency rulemaking procedures governed by Section 553 of Title 5 of the U.S. Code and recommend that such legislative reform be based on the principles enumerated in the Report of the Sections of Administrative Law and Corporation, Banking and Business Law, dated June 9, 1981. (*Reactivated at request of Section of Administrative Law 2/14.*)

**Rulemaking Versus Adjudication.** Support an agency's right to announce new policies through an adjudicative proceeding, provided that it not be allowed to treat administrative decisions precisely as if they were rules; when feasible, however, an agency should use rulemaking rather than adjudication for large-scale changes. 2/85

**Rules of Evidence.** Encourage federal agencies to examine whether rules of evidence patterned after the Federal Rules of Evidence should be used in administrative adjudications. (92M124) 2/92

**Social Security Act Amendments of 1986.** Support legislation to postpone to January 1986 the effective date of Section 101(c) of the Social Security Act Amendments of 1986. 6/83

**Social Security Administration: Administrative Processes.** Support efforts to improve the administrative process used by the Social Security Administration in accordance with various principles recommended by the Symposium on Federal Disability Benefit Programs. 8/86

Support improvements in the fairness, timeliness, and efficiency of initial decision-making in Social Security disability claims. 8/91

**Social Security Administration: Funding.** Support a level administrative funding for the SSA that permits it to provide its mandated services in a timely manner, promptly adjudicate applications for disability insurance and supplementary security income benefits, overcome significant disability claims processing times and backlogs, and build the infrastructure necessary to manage the expanding workload challenges presented by serving the aging baby boomers filing disability and retirement claims. (408BOG) 4/08

**Social Security Administration: Non-acquiescence.** Urge SSA to observe in all stages of administrative proceedings applicable court of appeals decisions; urge Congress to enact legislation to provide that the SSA cease its policy of non-acquiescence and that such legislation incorporates specified principles. 8/85; 8/89; 2/90

**Social Security Administration: Relief for Claimants.** Support relief for claimants who did not exhaust remedies or file time petitions because of SSA failure to disclose improper reason for claim denial. 12/85

**Social Security Administration: Representative Payees.** Urge Congress and the Social Security Administration to act to strengthen protection of beneficiaries of the Old Age, Survivors and Disability Insurance programs and the Supplemental Security Income program who are subject to representation by designated "representative payees." (02M100) 2/02

**Social Security Benefits.** Oppose legislation cutting social security taxes and returning to the "pay-as-you-go" system. (90M300) 2/90

**Social Security Benefits: Earning Sharing.** Support efforts to correct inequities in the present distribution of Social Security benefits as they affect two wage earner couples, widows and widowers, divorced persons and single elderly men and women. 2/89

**Social Security Benefits: Widows, Divorced Persons and Remarried Spouses.** Urge Congress to amend the Social Security Act whereby remarriage at age 55 or older shall not prevent a divorced, surviving spouse, or divorced surviving spouse from collecting benefits based upon former spouses' earnings record. (96M112C) 2/96

**Social Security Court.** Oppose enactment of legislation to create an Article I Social Security Court. 8/86
Social Security Disability.  
Appeals. Support enumerated reforms in Social Security disability adjudication process to eliminate the backlog threatening the ability of SSA law judges to assure due process. (95A115) 8/95

Attorney Fees. Support continuation of effective representation and access to justice for Social Security disability claimants; support the current system by which the SSA administers payment of attorney fees in disability insurance cases. Oppose efforts to impose a $2,500 fee limitation in administrative proceedings. (96M115) 2/96

Urge Congress to repeal the 6.3 percent tax on attorneys’ fees for representation of disability claimants in Title II cases before the SSA. (00M111B) 2/00

Urge Congress to enact legislation amending Title 28, of the United States Code, to provide for the direct payment of attorney fees and costs to the attorney representing a prevailing party in certain Social Security Disability Insurance and Supplemental Security Income claims. (09M10B) 2/09

Benefits for Widows and Widowers. Support elimination of the restriction in the Social Security Act that permits widows and widowers to qualify for disability benefits based on their deceased spouses’ earnings only within the first seven years after the spouses’ death. Modify the age range of qualified widows and widowers under this section to age 40-49. (93A102) 8/93

Insurance Trust Fund. Urge Congress to reallocate payroll tax revenues between the Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Fund as needed to prevent depletion of the reserves in either trust fund. (14A115) 8/14

Social Security Old Age Survivors and Disability. Support continuation of the federal Old Age, Survivors, and Disability Insurance program, commonly known as Social Security, as a national system of social insurance. (05A113A) 8/05

Subpoenas of Administrative Documents by Congress. Believe that disclosure to Congress of confidential communications between agency administrators and their personal staffs risks jeopardizing the quality and independence of administrative decisions, and therefore recommend Congress not subpoena from administrative agencies any documents embodying such communications except on the basis of a demonstrated specific need. 8/88

Sunset Legislation. Support a limited form of sunset legislation, provided several considerations are met, which would require periodic review by Congress of federal regulatory agencies. 2/78

Supplemental Security Income Program. Support in principle the recommendations of the final report of the SSI Modernization Project, to improve access to the SSI program for all eligible persons, to ensure that claims are processed fairly and effectively and to eliminate rules and procedures that are unreasonable, demeaning and harsh. 8/84; 2/94

Urge Congress to amend SSI to provide two-party checks payable to attorney and client. (00M111A) 2/00

Urge Congress to enact the SSI Restoration Act of 2013 (H.R. 1601) or similar legislation that strengthens SSI by updating the limits on resources to account for inflation. (13A100B) 8/13

Veterans Claims: Attorney Fees. Support legislation to repeal the statutory provision preventing veterans from paying attorneys to represent them in connection with their claims for federal benefits. 2/05 (05M8A)

See also Legal Services/Assistance entry under Military Law.

Veterans Claims: Judicial Review. Support legislation to empower the federal courts to review decisions of the VA. 8/75

Recommend that the U.S. Court of Appeals for Veterans Claims and Congress take a series of procedural steps to seek faster and more efficient resolution of veterans’ disability claims. (03M102) 2/03

Wage-Price Controls. Support principles concerning public notice and participation and administrative due process in any program of voluntary or mandatory federal controls. 2/75

Welfare. See entries under Family Law.
Workers Compensation. See entries under Insurance and Tort Law.

**ADMIRALTY AND MARITIME LAW**

**Convention on Law of the Sea.** See entries under International Law.

**Maritime Law.** Support federal legislation to ensure uniformity of maritime laws. 8/76

**Navigation Easements.** Support legislation to authorize the granting of irrevocable permits for structures within and beyond U.S. harbor lines, with just compensation required for taking or other action by the U.S. 2/68; 2/69

**State/Federal Jurisdiction.** Oppose the admiralty and maritime provisions of S. 1876 (92nd Congress), a bill to provide for the division of jurisdiction between state and federal courts. 2/72; 8/72

Oppose impairment of the remedy of maritime attachment provided for in the Federal Rules of Civil Procedure. 8/72

**ANTI-TERRORISM AND CYBERSECURITY**

**NOTE:** Policies adopted after 9/11 regarding this government anti-terrorism response are listed in this section and a cross-referenced in other sections. Other pre-9/11 policies, listed throughout this compilation may also be relevant e.g. Secret Evidence under Immigration.

**Cybersecurity.** Urge the Executive and Legislative branches to consider five enumerated guiding principles throughout the decision-making process when making U.S. policy determinations to improve cybersecurity for the U.S. public and private sectors. (1112BOG) 11/2012

**Computer Networks of Lawyers.** Urge U.S. government to work with other nations and organizations to develop legal mechanisms to deter and punish unauthorized illegal intrusions into computer networks of lawyers; support government actions and policies to combat illegal intrusions that preserve client confidentiality. (13A118) 8/13

Encourage private and public-sector organizations to develop, implement and maintain an appropriate cybersecurity program that complies with applicable ethical and legal obligations. (14A109) 8/14

Urge funding for cybersecurity programs for the courts and training for court personnel to counter threats and protect judicial information systems for cyber intrusions. (15A116) 8/15

**Detainee Treatment and Interrogation.** Urge Congress to override Executive Order No. 13440 to ensure that the minimum protections required by Common Article 3 of the Geneva Conventions and the Army Field Manual are followed in the treatment and interrogation of detainees. (07A10B) 8/07

See also Torture entry in this section.

**Enemy Combatants.** Urge that U.S. citizens and residents who are detained within the United States based on their designation as “enemy combatants” be afforded the opportunity for meaningful judicial review of their status, including access to counsel; urge the establishment of clear standards and procedures governing their designation and treatment which have taken into account how that policy may affect the response of other nations to future acts of terrorism. (03M109) 2/03

Urge U.S. Government to ensure that: 1) enemy combatants detained at Guantanamo and charged with violations of criminal law are prosecuted in Article III federal courts, unless the Attorney General certifies that prosecution cannot take place before such courts and can be held in other regularly constituted courts in a manner that comports with due process, the Geneva Conventions and the UCMJ; 2) all others are granted habeas corpus hearings; 3) no individual should be detained as an “enemy combatant” except pursuant to an act of Congress defining this term. (09M10A) 2/09

**First Responder.** See entry in Disaster Preparedness.

**Foreign Intelligence Surveillance Act.** Urge Congress to conduct regular and timely oversight of the government’s use of the Foreign Intelligence Surveillance Act (FISA) to ensure that FISA investigations comply with
the First, Fourth, and Fifth Amendments to the Constitution; recommend amendments to FISA to clarify that FISA is intended to be used only for bona-fide foreign intelligence-gathering purposes and provide for an annual statistical report regarding the government’s use of its surveillance authority under FISA. (03M118) 2/03

Call upon the United States President to abide by the U.S. Constitutional system of checks and balances; respect the roles of Congress and the judiciary, and opposes any future electronic surveillance that does not comply with FISA. (06M302) 2/06

See also Patriot Act entry, this section.

Foreign Investments in the U.S. See entry under International Law.

Incommunicado Detention by the INS. Oppose incommunicado detention by INS and urges protection of the constitutional and statutory rights of detainees by disclosing the names and locations of detainees, charges against them, and access to them by attorneys and family members, as well as specific due process protections. (02A115B) 8/02

Military Commissions. Urge that military tribunals not be applied to individuals who have access to the U.S. judicial system, be limited in jurisdiction to violations of the law of war, and conform to specific procedures in certain specified civil and military codes. (02M8C) 2/02

Urge Congress and the Executive Branch to ensure that all defendants in any military commission trials have the opportunity to receive assistance of Civil Defense Counsel and endorse enumerated principles for the conduct of military commission trials. (03A301) 8/03

See Enemy Combatants entry, this section.

Money Laundering and Terrorist Financing. Support the enactment of reasonable and balanced initiatives designed to detect and prevent domestic and international money laundering and terrorist financing consistent with enumerated principles regarding the role of lawyers in such efforts. (03M104) 2/03

Support efforts to combat money laundering and terrorist financing, and adopt the Voluntary Good Practice Guidelines for Lawyers to Detect and Combat Money Laundering and Terrorist Financing. (10A110) 8/10

See also Attorney-Client Privilege entry under Attorney/General Practice and Bank Secrecy Act and Regulation of Lawyers Forming Business Entities and Money Laundering Concerns entries under Business Law.

PATRIOT Act. Oppose efforts to repeal the sunset provision of the USA PATRIOT Act of 2001; urge Congress to conduct a review of the implementation of the powers granted to the Executive Branch under the Act before considering any legislation that would further extend such powers; urge the Executive Branch to provide Congress with information necessary for it to fulfill its oversight responsibilities. (03A112B) 8/03

See also Foreign Intelligence Surveillance Act entry, this section.

Periodic Review of the Individuals Detained at Guantanamo Bay. Urge the President and the U.S. Department of Defense to assure that there is an opportunity for public notice and comment with respect to Executive Order No. 13567 on the Periodic Review of Guantanamo Detainees. (11A105E) 8/11

State Secrets Privilege. Urge Congress to enact legislation designed to ensure that whenever possible, federal civil cases are not dismissed based solely on the state secrets privilege. (07A116A) 8/07

Terrorism Insurance. See entry in Disaster Preparedness

Terrorist Activities – Pre-9/11 policy. Support the enactment of domestic laws that address terrorist activities such as violent acts against civilians, detention or highjacking of vehicles and vessels, and theft of nuclear explosive materials. 8/88

Torture. Support federal legislation to establish a federal right of action by both aliens and U.S. citizens against persons who, under color of foreign law, engage in acts of torture or extra-judicial killing as defined by the law of nations. 8/85

Condemn use of torture upon persons within the custody or under the physical control of the U.S. government and any endorsement or authorization of such measures by
government lawyers, officials and agents; urges U.S. to comply fully with Constitution and laws of U.S. and adopted treaties, including Geneva Conventions. (04A10B) 08/04
See also Detainee Treatment and Interrogations entry, this section.

ANTITRUST LAW

Antidumping Act. Oppose legislation which would amend the Antidumping Act of 1916 to create a new civil cause of action for dumping. 8/86

Bipartisan Commission. Recommend establishment of a bipartisan commission on the international application of U.S. antitrust laws. 8/81

Competition Improvement Act. Oppose the introduction into federal regulatory agency proceedings of excessively competitive considerations such as those contained in the proposed Act. 8/76

Consent Judgments. Oppose legislation which would substantially encumber antitrust consent judgment procedures. 4/73

Consolidated Pretrial Proceedings. Oppose legislation such as HR. 8276 (89th Congress) and support legislation such as S. 159 (90th Congress) to provide for consolidated pretrial proceedings of civil actions pending in different districts which involve common questions of fact. 8/66; 2/68

Dual Distribution. Oppose legislation imposing special restrictions on enterprises which engage in "dual distribution" marketing, i.e., act as both supplier and competitor of their customers. 8/66

Evidentiary Effect of Judgments. Oppose legislation extending the evidentiary effect of judgments in government antitrust cases. 8/66

Expediting Act. Support amendment to provide that appeals in suits by the government for equitable relief go to the circuit courts, and to the Supreme Court in exceptional cases. 2/66; 4/73

Foreign Investments in US (Exon-Florio). See entry under International Law.

FTC Injunctions. Approve in principle allowing the FTC to seek temporary court injunctions against deceptive advertisements or practices which fall under Section 5 of the FTC Act. 8/68

FTC International Practice. Recommend that the FTC amend Section 4.1 (a) (1) of its rules to grant the right to appear to lawyers who practice before a foreign competition law tribunal or agency that extends reciprocal rights to U.S. lawyers. 8/90

FTC Reauthorization. Support legislation reauthorizing the Federal Trade Commission for a one- or two-year period, free of any substantive provisions altering the FTC's enforcement mandate. 5/91; 8/91

FTC Rules. Support legislation limiting FTC civil penalty actions to "willful" violations of law; providing for consolidation of FTC consumer redress actions with private class actions; encouraging voluntary settlement procedures; restricting damages and restitution to those in the injured class; limiting the effect of legislative rules; and requiring simultaneous FTC issuance of administrative complaints and temporary injunctions. 2/72

FTC Termination of Competition Orders. Support adoption by FTC of policies regarding termination of competition orders that presume that policies older than ten years are defunct, and that sunset new orders after a set period of time. 8/90

Gasoline Pricing. Oppose enactment of legislation regulating gasoline pricing and modifying the antitrust laws by creating industry-specific laws applicable to the sale of gasoline. 8/92

Guidelines for International Operations. Urge the Department of Justice to revise guidelines in accordance with specified principles. 8/88

Interlocking Directorates. Support legislation to amend Section 8 of the Clayton Act relating to interlocking directorates to create de minimis exceptions to that Section. 2/86

ANTITRUST LAW
Keogh v. Chicago and Northwestern Railway. Support provisions of S. 443 and HR. 941 repealing the doctrine of Keogh vs. Chicago and Northwestern Railway as applied to railroads. 2/88

Lawyer Referral Services. Support the exclusion of initial consultation fees established by bar-sponsored lawyer referral services from the application of federal and state antitrust laws. 8/85

Limits on Criminal Penalties. Support legislation to increase criminal penalties to $500,000 for certain corporate antitrust violations, but oppose increased penalty limits for individuals. 4/73

McCarran-Ferguson Act. Recommend that the McCarran-Ferguson Act be repealed and replaced with legislation that makes the insurance industry subject to the same general antitrust laws as other businesses. 2/89

Motor Fuel Sales Competition Improvement Act. Oppose S. 1140 or similar legislation which would bar "any large integrated refiner" from operation of motor fuel service stations and would make illegal all exclusive dealing contracts of suppliers and retailers of branded motor fuel. 2/86

Newspapers. Oppose legislation to create an antitrust exemption for joint operating arrangements among newspapers. 5/70

Per Se Standard Under the Retail Competition Enforcement Act. Oppose S. 430, the Retail Competitive Enforcement Act, and HR. 585, or similar legislation that would codify per se treatment for all vertical price fixing agreements. 8/88

Petroleum Marketing Practices Act. Oppose H.R. 2406 or similar legislation to amend the Act to significantly restrict the ability of integrated refiners to operate efficiently in gasoline retail markets by creating a system of regulation to review the price and service terms of contracts between franchisers and franchisees which would limit price and service differences. 2/86

Rulemaking Procedures for Agencies Dealing with Antitrust. See entry under Administrative Law.

Sherman Act. Urge that Fed. R. Civ. P. 12(b) (6) be interpreted to require that a complaint alleging a conspiracy in violation of Section 1 of the Sherman Act must allege facts constituting more than mere parallel conduct and ordinary business behavior. (06A307) 8/06

Oppose interpreting the Sherman Act to apply a rule of per se illegality to agreements between a buyer and seller setting the price at which the buyer may resell goods or services purchased from the seller. (07M101) 2/07

Tax Deductibility of Treble Damages. Oppose legislation making any or all payments made in satisfaction of antitrust treble damages judgments or claims non-deductible for federal income tax purposes. 1/69

Tunney Act. Oppose expanding the Tunney Act to compel judicial review of voluntary dismissals of antitrust proceedings brought by the United States and more extensive judicial and third-party roles in approval of consent judgments subject to the Act. 8/84

Unfair Competition Act of 1967. Support enactment of the Act, with amendments prohibiting misrepresentation or misappropriation in any trade practice or course of conduct in commerce. 2/68

ATTORNEYS/GENERAL PRACTICE
(For additional positions, see also Accreditations Standards for Specialty Certification Programs for Lawyers, Ethical Guidelines for Settlement Negotiations; Model Court Rules on Insurance Disclosure [by attorneys]; Model Rules of Professional Conduct and Guidelines for Attorney Conduct; ABA Model Rules for Lawyer Disciplinary Enforcement and ABA Standards for Imposing Lawyer Sanctions; Model Standards of Conduct for Mediators, 8/2005; Model Rules for Lawyers’ Funds for Client Protection, 8/2006; Civil Trial Practice Standards, 8/2007; Civil Discovery Standards, 8/2004; Standard for Imposing Lawyer Sanctions, 2/2012)

Access to Legal Websites by the Disabled. Urge that websites provided by lawyers and
other individuals or entities associated with the legal profession be created and maintained in an accessible manner which is compatible with reasonable technologies (known as assistive technology) that permit individuals with visual, hearing, manual, and other disabilities to gain meaningful access to these websites. (07A108) 8/07

Administration of Justice. Urge lawyers to actively support enactment of and amendment to federal, state, and local legislation designed to improve the administration of justice and the functioning of the legal system. 8/88


Admission to Bar: Immigration Status. Support principle that bar admission should not be denied based solely on immigration status. (17A180) 8/17

Admission to Bar: Mental Health. Urge bar licensing entities to eliminate questions about mental health and substitute questions that focus on conduct or behavior when determining character fitness for bar admission. (15A102) 8/15

See also Model Rule on Conditional Admission to Practice Law, this section.

Admissions to Bar for Military Spouse. See entry under Military Law.

Ancillary Business Activities. Amend the ABA Model Rules of Professional Conduct to include a Rule 5.7, identifying the circumstances under which lawyers are subject to the Model Rules in their provision of law-related services. 2/94

See also Multidisciplinary Practice entry, this section.

Attorney-Client Privilege. Support principle that the attorney-client privilege should have the same scope and effect for in-house counsel and their clients as for outside counsel and their clients. 8/97

Accountants; Oppose legislation such as S.1737 (105th Congress) that would extend privilege to accountants and others not licensed to practice law. (498BOG) 4/98

Appellate Review: Support the right of participants in federal proceedings to take an immediate appeal from an order that rejects a claim of attorney-client privilege and requires the production of information or materials for which the privilege has been claimed as a collateral final decision under the doctrine set forth in Cohen v. Beneficial Industrial Loan Corp., 337 U.S. 541 (1949). (09M301) 2/09

Audit Process: Support the preservation of the attorney-client privilege and work product doctrine in connection with audits of company financial statements and urge the SEC and other organizations to take appropriate steps to ensure that attorney-client privilege and work product protections are preserved. (06A302A) 8/06

Common-interest Doctrine: Support common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege. Approved as Revised. (17A102C) 8/17.

Email Communication with Inmates: Urge DOJ and BOP to permit attorneys and incarcerated clients to communicate confidentially via email. (16M10A) 2/16

International Competition Inquiries: Urge the Commission of the European Economic Communities to grant the same protection against disclosure of client’s written communications with U.S. Lawyers that are accorded to such communications with lawyers from member states. Urge the commission to study and extend the attorney-client privilege to house counsel. 2/83 (archived 8/98 and reinstated BOG 2/08)

International Money Laundering: Urge the U.S. government to protect and uphold the attorney/client relationship, including in agreements regarding international money laundering. (02M101C) 2/02.

Law Firm Consultations with In-House Counsel: Urge courts and other governmental bodies to support enumerated principles to determine the availability of attorney-client privilege for law firm consultations with in-house counsel. (13A103) 8/13

Lawyer Referral Services (LRS): Urge courts and legislative bodies to adopt rules or enact legislation to establish an evidentiary privilege for LRS and their clients for
confidential communications when a client consults an LRS for the purpose of retaining a lawyer or legal advice. (16A106) 8/16

Privilege Waiver: Support the preservation of the attorney-client privilege and work-product doctrine; believe that waiver should occur only under certain circumstances; and oppose policies and practices of governmental bodies that have the effect of eroding them. 05A111) 8/05

See also Bankruptcy Abuse Prevention and Consumer Protection Act entry under Bankruptcy Law.

Attorney Fees. Support legislation to permit courts and administrative agencies to award attorney’s fees to a private party prevailing against government where public benefit results and economic interests are small. 2/77

Oppose legislation which would impose arbitrary and unreasonable limits on hourly fees for private attorneys that may be recovered from federal, state and local governments under fee shifting statutes. 8/82; 8/85

Oppose "loser pays" legislation that would apply to federal court cases brought under diversity jurisdiction. 2/95

See also Equal Access to Justice entry, this section; Attorneys’ Fees entry under Administrative Law; Attorney Fees entry under Civil Rights and Constitutional Law; Offer of Judgment and Attorney Fees entry under Insurance.

Attorney Impairment. Support principles to assist state and local bar associations in the development and maintenance of programs to help lawyers and law students impaired by alcoholism and substance abuse. 2/91

Adopt the revised black letter Model Lawyer Assistance Program dated February 2004, to assist state and local bar associations in the development and maintenance of effective programs to identify and help those lawyers, judges and law students impaired by alcoholism, other forms of chemical dependency or mental health problems. (04M114) 02/04

See also Model Rule on Conditional Admission to Practice Law entry, this section.

Bar Association Participation. Urge law firms and companies employing lawyers to encourage their lawyer employees to participate actively in bar association activities and not to penalize lawyer employees for their active participation in bar association activities. (01A110A) 8/01

Urge the state, territorial, and tribal courts or legislative bodies charged with the administration of justice, admission to the bar and regulation of the profession to allow the organized bar to express its views freely and independently to assist them in understanding the implications of their proposed polices and legislative actions on all aspects of the legal system, and to provide specialized advice and opinions on all matters of public policy "germane" to the bar’s charter. (12M10A) 2/12


Business Law. See entry under Criminal Law, and Courts/Judges/Procedures.

Campaign Contributions. See entries under Election Law.

Civic Education. See entry under Legal/Public Education.

Civility. See entry in Legal/Public Education.

Community Service. Urge lawyers to provide community service in addition to providing pro bono service in accordance with Model Rules of Professional Conduct Rule 6.1. (06M105) 2/06

See also Pro Bono Service entry under Legal Services.

Compensation for Assigned Counsel. Recommend that all jurisdictions provide by statute or rule of court that attorneys appointed to represent persons who have a constitutional right to counsel receive reasonable compensation and full reimbursement for costs and expenses. 8/88

Continuing Legal Education. See entries under Legal/Public Education.

Courtroom Experience. Urge courts to implement plans to help new lawyers gain meaningful courtroom experience, and urge law firms and clients to take advantage of those plans. (17A116) 8/17.

Debt Collection. Oppose legislation which
would eliminate the attorneys' exemption from the Fair Debt Collection Practices Act. 11/85

See all entry under Administrative Law.

Disaster Planning. See entries in Disaster Preparedness.

Discipline of Lawyers. Oppose legislation establishing disciplinary rules for the legal profession and maintain that such rules are the responsibility of the judicial branch. 2/72

Support creation of a Center for Professional Discipline. 2/73

Oppose federal legislation establishing rules governing and allowing proceedings in federal courts against lawyers admitted to federal practice, and granting prosecutorial discretion to U.S. Attorneys to initiate such proceedings. 2/76

Support the adoption of the Model Federal Rules of Disciplinary Enforcement by the Judicial Conference of the U.S. and by each federal court. 2/78

Adopt the recommendations contained in the "Report of the Commission on Evaluation of Disciplinary Enforcement" as revised and amended. 2/92

See also entries under Administrative Law and Bankruptcy Law and Model Rules entries, this section.

Disclosure of Cash Receipts. See entry under Tax Law.

Electronic Access to Data. Support actions designed to promote the development of legal standards encouraging the use of information in electronic form. 8/92

Urge the development of a coherent approach to the electronic provision and exchange of public government information, including court documents, which will provide public electronic access to governmental information through the Internet at no cost; and electronic filing and retrieval of documents using an open data interchange standard. (98A100) 8/98

See related policies under Administrative Law, Courts, and Privacy.

Electronic Mail Communication. See entry under Privacy.

Equal Access to Justice. Support amendment to act providing boards of contract appeals with authority to award attorney fees and costs under the Act; and support amendments to clarify and expand coverage of the Act. Oppose proposals to restrict eligibility or to impose arbitrary limits on hourly fees for private attorneys that might be recovered from the federal government; support extension of Act to include Social Security administrative hearings. 8/82; 3/84

See also Attorney Fee Shifting entry, this section.

Equal Access to Justice for State Courts. Urge states to adopt legislation similar to the federal Equal Access to Justice Act to provide litigation expenses, including attorneys' fees, to parties who have successfully challenged the government in court or in an administrative proceeding. 8/90

Employment of Diverse Attorneys. Urge all providers of legal services to expand opportunities for diverse attorneys; urge clients to help facilitate opportunities for diverse attorneys and to direct a greater percentage of the legal services they purchase to diverse attorneys. (16A113) 8/16

See also Courtroom Experience, this section.

Fee Arbitration. Amends the Model Rules for Fee Arbitration, originally adopted in 1995, in order to increase productivity, efficiency and fairness of fee arbitration programs. (12M105) 2/12

Gramm-Leach-Bliley. Oppose the federal regulation of attorneys by the Federal Trade Commission under the privacy of consumer financial information protection provisions of the Gramm-Leach-Bliley Act, Public Law 106-102. 6/01

Independence of the Profession. See Attorney-Client Privilege and Gramm-Leach-Bliley in this section, Attorney Liability entry under Bankruptcy Law and Pro Bono Representation under Legal Services.

IOLTA. Urge that funds generated by Interest on Lawyers’ Trust Accounts programs not be used by states as a substitute for governmental funding of constitutional or statutory obligations. 2/91
Law Practice Contingency Planning. Urge the promotion of programs to enable lawyers to plan for law practice contingencies by designating in advance another lawyer to assume the practice or to assist in the transfer of client matters in the event that the primary lawyer becomes unable to practice law. (07A105) 8/07

Lawyer Advertising. Endorse the Aspirational Goals for Lawyer Advertising, as amended. 8/88

Lawyer Trust Accounts. Support the enactment of rules by the highest courts in the states that would require the making and retention of records for lawyer trust accounts. 2/93

See also IOLTA entry, this section.

Legal Fees. Support awarding legal assistant/paralegal fees to law firms or attorneys who represent prevailing parties where statutes or current case law allow for the recovery of attorney fees. 8/93

Mandatory Retirement. Recommend that mandatory age-based law firm retirement policies be discontinued. (07A10A) 8/07

Medical-Legal Partnerships. See entry in Health/Mental Health.

Model Rules for Admission by Motion. Amends the ABA Model Rule for Admission by Motion, dated August 2012, to allow lawyers to qualify for admission by motion at an earlier point in their careers than the current Rule allows. (12A105E) 8/12


See also, IOLTA entry, this section.

Model Rules for Lawyer Disciplinary Enforcement: Rules 4, 11 and 12: Support amendments to rules 4 (Disciplinary Counsel), 11 (General), and 12 (Immunity) of the Model Rules for Lawyer Disciplinary Enforcement to: (1) incorporate language allowing referrals to programs providing alternatives to discipline for minor misconduct; (2) clarify the provision for discipline by consent.

Rules 14, 19 and 25: Support amendments to Rules 14, 19 and 25 to provide for: (1) enforcement of subpoenas from another jurisdiction; (2) immediate interim suspension of a lawyer upon determination of serious crime; and (3) for readmission of lawyer after five years. (99M115A) 2/99

Rule 7: Amends the black letter of Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyers Disciplinary Enforcement (MRLDE) to minimize instances of lawyers misappropriation of monies held in trust accounts and hold lawyers accountable when appropriate. (17A110) 8/17.

Model Rules for Registration of In-House Counsel. Amend Model Rule to permit foreign lawyers to serve as in-house counsel in the U.S. (13M107B) 2/13

Model Rules of Professional Conduct: Commission on Ethics 20/20. In August 2012 and February 2013, the ABA adopted 10 resolutions presented by Ethics 20/20 updating the regulation of lawyers to reflect changes in practice of law due to globalization and technology. (12A105A-F) 8/12; (13M107A-D) 2/13

Model Rules of Professional Conduct: Rule 1.10 - Imputation of Conflicts of Interest: General Rule. Amend Rule 1.10 to permit the screening of a lawyer who moves laterally from one private law firm to another, so that conflicts of interest that apply to the moving lawyer under Model Rule 1.9 (“Duties to Former Clients”) are not imputed to all the other lawyers in the new law firm. (09M109) 2/09

Adopt amendments. (09A109) 8/09

Model Rules of Professional Conduct: Rules 1.0, 1.6 and 4.4. Amend Rules and comments to provide guidance regarding confidentiality and lawyers’ use of technology. (12A105A) 8/12

Model Rules of Professional Conduct: Rules 1.1, 5.3 and 5.5. Amend Comments to above Model Rules to provide guidance regarding ethical implications of outsourcing. (12A105C) 8/12

Model Rules of Professional Conduct: Rule 
1.13. Amend Rule 1.13 to require the lawyer for an organizational client to report certain violations of law to higher organizational authority in certain circumstances unless reasonably believed not to be necessary for the best interest of the organization. (03A119B) 8/03

Model Rules of Professional Conduct: Rules 1.18 and 7.3. Amend Rule 1.18 and Comment to Rule 7.3 to provide guidance on client development and lawyers’ use of technology. (12A105) 8/12

Model Rules of Professional Conduct: Rules 1.6 and 1.17. Amend Comments to Model Rules to provide guidance on detecting conflicts when lawyers change firms, firms merge or sale of law practice. (12A105F) 8/12

Model Rules of Professional Conduct: Rule 1.6(b). Amend Rule 1.6(b) to permit the lawyer to reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent death, substantial bodily harm, commission of a crime or fraud or rectify substantial injury to financial interests or property of another. (03A119A) 8/03

Model Rules of Professional Conduct: Rules 3.6 and 3.8. Amend Rules 3.6 and 3.8, Trial Publicity and Prosecutor Responsibilities, by changing safe harbor provisions and adding a prohibition against gratuitous comments by a prosecutor which have a substantial likelihood of increasing public opprobrium toward the accused. 8/94

Amend Rule 3.8 by adding a new paragraph intended to limit the issuance of lawyer subpoenas in grand jury or similar proceedings to those situations where there is a genuine need to intrude into the client-lawyer relationship. Amend Rule 3.8 by deleting subparagraph (f)(2) and making conforming changes. 2/90; 8/95

Amend Rule 3.8 to identify prosecutors’ obligations when they know of new evidence establishing a reasonable likelihood that a convicted defendant did not commit the offense on which he was convicted. (08M105B) 2/08

Model Rules of Professional Conduct: Rule 4.2 - Contacts by Department of Justice Lawyers. Declare that Department of Justice lawyers may not be given blanket exemption from requirements of Rule 4.2 of the ABA Model Rules of Professional Responsibility as adopted in individual jurisdictions; oppose any attempt by the Department of Justice unilaterally to exempt its lawyers from the professional conduct rules that apply to all lawyers under applicable rules of the jurisdiction in which they practice. 2/90

Amend model rule by changing the term “party” to person and amend the comment to reflect case law and make clear that a lawyer may not evade the rule by avoiding actual knowledge. 8/95

Model Rules of Professional Conduct: Rule 5.5 – Unauthorized and Multijurisdictional Practice of Law.

Amend Rule 5.5 to authorize foreign lawyers to serve as in-house counsel. (13M107A) 2/13

Model Rules of Professional Conduct: Rule 5.5

Amend Rule 5.5 and ABA Model Rule for Regulation of In-House Counsel to specify that courts of highest appellate jurisdiction may allow foreign in-house lawyers, who do not qualify as a foreign lawyer, to practice as in-house counsel in the U.S. (16M103) 2/16

See Legal Services entry under Disaster Preparedness.

Model Rules of Professional Conduct: Rule 7.6 – Political Contributions. Adopt new Rule 7.6 to prohibit a lawyer or law firm from accepting a governmental legal engagement or appointment by a judge if the lawyer or firm makes or solicits political contributions for such a purpose. (00M110) 2/00

Model Rules of Professional Conduct: Rule 8.4 - Lawyer Bias. Amend comment to Rule 8.4 to clarify that biased or prejudiced conduct by a lawyer while representing a client may prejudice the administration of justice and thereby violate Rule 8.4. (98A116) 8/98

Amend Rule 8.4 and Comment to add a black letter anti-discrimination and anti-harassment provision. (16A109) 8/16

Model Rules of Professional Conduct: Rule 8.5 – Choice of Law. Amend commentary to Model Rule 8.5 to authorize lawyers and clients to specify a jurisdiction is within scope
of Rule.

**Multijurisdictional Practice.** Support amendment to existing rules and adoption of new rules governing multijurisdictional practice that balance the interests of a state in protecting its residents with the interest of clients in today's global economy in ability to employ or retain counsel of choice efficiently and economically. 8/02

See also **Legal Services Following a Disaster** entry under Disaster Preparedness.

**Model Rules on Conditional Admission to Practice Law.** Support Model Rule providing conditional admission to applicants who demonstrated recent rehabilitation from chemical dependency or successful treatment of mental or other illnesses that would otherwise render applicant unfit to practice law. (08M112B) 2/08

**Model Rules on Practice Pending Admission.** Amends the ABA Model Rule on Practice Pending Admission to enable a lawyer to practice in a new jurisdiction while the lawyer actively pursues admission through one of the procedures that the jurisdiction authorizes. (12A105D) 8/12

**Model Rules on Pro Hac Vice Admission.** Amend the ABA Model Rule on Pro Hac Vice Admission and Appendix A to provide judges with guidance regarding authority of foreign lawyers to appear pro hac vice. (13M107C) 2/13

**Multidisciplinary Practice.** Resolves to make no changes to Model Rules of Professional Conduct regarding Multidisciplinary Practice until and unless additional study demonstrates such changes. Will not sacrifice lawyer independence and profession's tradition of loyalty to clients. (99A10B) 8/99

Urge each jurisdiction to retain and enforce laws that generally bar the practice of law by entities other than lawyers and law firms, and to not revise laws barring the sharing of legal fees with non-lawyers or restricting non-lawyers and non-legal entities from ownership or control of practicing entities. Urge jurisdictions to reaffirm their commitments to vigorous enforcement of laws governing attorneys in order to protect the public and to preserve the core values of the legal profession because they are essential to the proper functioning of the legal system. Provide for a review of the Model Rules of Professional Conduct to assure consistency with these principles. (00M10F) 2/00

See also **Ancillary Business Activities** entry, this section.

**Multijurisdictional Practice.** Support amendment to existing rules and adoption of new rules governing multijurisdictional practice that balance the interests of a state in protecting its residents with the interest of clients in today's global economy in ability to employ or retain counsel of choice efficiently and economically. 8/02

See also **Legal Services Following a Disaster** entry under Disaster Preparedness.

**Practice of Law: Definition.** Urge every state and territory to adopt a definition of the practice of law that includes the basic premise that the practice of law is the application of legal principles and judgment to the circumstances or objectives of another person or entity; urge every state and territory to determine who may engage in the practice of law and under what circumstances. (03A100) 8/03

Urge jurisdictions that regulate the practice of law to continue to define the practice of law by case law decisions of its highest court or by court rule. (03A10B) 8/03

**Private Clubs.** Adopt a statement of policy on the use of private business clubs by lawyers. 8/88

**Professionalism.** Approve a "Lawyers' Pledge of Professionalism." 8/88

**Public Service Credit for Attorney Poll Workers.** Urge law firms and other legal employers to allow time spent by lawyers as official poll workers (not poll watchers) to qualify as community service or voluntary public service hours and for nonlawyer staff to be allowed paid leave to serve as official poll workers. (08A119B) 8/08

**Qualified Immunity.** Support the principle that "private" lawyers representing governmental entities are entitled to claim the same qualified immunity proved "government" lawyers from 42 U.S.C. Section 1983 claims when they are acting "under color of state law." (12M302) 2/12

See also

**Red Flags Rule.** Urge the Federal Trade
Commission and Congress to clarify that the Commission’s "Red Flags" Rule imposing requirements on creditors relating to identity theft is not applicable to lawyers while they are providing legal services to clients. (609BOG) 6/09

Regulation of Lawyers. See Discipline and Regulation of Lawyers by Agencies entry under Administrative Law. See Gramm-Leach-Bliley and Red Flags Rules entries, this section; See Bankruptcy Abuse and Prevention and Consumer Protection Act under Bankruptcy Law and see Financial Institution and Markets under Business Law.

Regulation of Non-traditional Legal Service Providers. Adopt ABA Model Regulatory Objectives for the Provision of Legal Services to provide guidance to state, territorial and tribal courts when assessing regulatory framework and other regulations for non-traditional legal service providers. (16M105) 2/16

Release of Net Worth Information. Oppose the automatic release of net worth information in conjunction with fee award applications under the Equal Access to Justice Act; support certain procedural protections which provide those who have filed such information the opportunity to keep it confidential. 2/83

Sale of a Law Practice. Amend Model Rules of Professional Conduct relating to the sale or purchase of a law practice and make necessary adjustments to Model Rules 5.4, 5.6 and 7.2. 2/90

Solicitation in Bhopal and Model Rule 7.3. Disapprove American lawyers who seek personal benefit from tragedy in Bhopal, India, by engaging in solicitation practices contrary to Rule 7.3 of the ABA Model Rules of Professional Conduct. 8/85

State/Local Bar Association Issues. Support state and local bar association development of resolutions for presentation to the House of Delegates and establish a committee to coordinate presentation of such. 2/90

Statement of Core Principles of the Legal Profession. See Rule of Law entry under International Law.

Tax on Legal Services. See entry under Tax

Unauthorized Practice. Urge each jurisdiction to establish and implement effective procedures for the discovery and investigation of violations of its laws prohibiting the unauthorized practice of law and to pursue active enforcement of these laws. (00M8A) 2/00

See also Multidisciplinary Practice entry, this section.

Unmet Legal Needs. See entry under Legal Services.

Women in the Legal Profession. Recognize that persistence of both overt and subtle barriers denies women the opportunity to achieve full integration and equal participation in the work, responsibilities, and rewards of the legal profession. 8/88

Support effort to eradicate bias and discrimination based on race and gender that prevent multicultural women from gaining full participation in legal profession. 2/95

See also Bias entries under Courts section.

Bankruptcy Law

Administrative Duties. Recommend reorganization of the bankruptcy system to free judicial officers from administrative duties. 5/73

Appeals, Notice of. Support the retention of the 10-day time limit for filing a notice of appeal from a judgment, order or decree in a bankruptcy case and opposes any proposed amendments to Rule 8002 of the Federal Rules of Bankruptcy Procedure to lengthen the time for filing a notice of appeal. (08M10C) 2/08

Attorney Liability. Oppose the enhanced attorney liability provisions in S. 420/ H.R. 333, bankruptcy reform legislation of the 107th Congress. (01A10C) 8/01

Bankruptcy Abuse Prevention and Consumer Protection Act. Oppose the provisions in the Bankruptcy Abuse Prevention and Consumer Protection Act, P.L.109-8, that impose restrictions upon the bankruptcy-
related legal advice lawyers can provide and require such lawyers to identify themselves as "debt relief agencies," as well as other similar federal legislative proposals, on the grounds that such provisions violate core First Amendment principles, undermine the confidential attorney-client relationship, and interfere and conflict with traditional state judicial regulation of the legal profession. (09A10B) 8/09

Bankruptcy and Asset Forfeiture Proceedings. Urge executive, judicial and legislative bodies to engage in actions designed to reduce expense and litigation and to foster coordination in cases where parallel actions or proceedings arise under both bankruptcy or insolvency law and asset forfeiture or analogous regulatory enforcement law. (14M102A) 2/14

Bankruptcy Appellate Panels. Support federal legislation urging each circuit to create Bankruptcy Appellate Panels (BAPs) and the requirement of consent by the parties as a precondition to a BAP's jurisdiction over the case. 2/92

Bankruptcy Appellate System. Urge a thorough evaluation of the bankruptcy appellate system to develop long-term solutions to ensure prompt, inexpensive resolution of bankruptcy cases and faster coherent development of bankruptcy precedents. 8/95

Bankruptcy Code. Oppose amendment of the Bankruptcy Code by a legislative process that avoids fair opportunity for open hearings; oppose retroactive amendment of the Bankruptcy Code; and oppose new types of claims entitled to priority under the Bankruptcy Code. 8/91

Bankruptcy Court Judges. See entries under Courts/Judges/Procedures.

Debtor's Counsel. Support amendment of the Bankruptcy Code to allow debtor's traditional counsel to continue to serve debtor after commencement of bankruptcy proceedings by eliminating "disinterested person" proviso. 8/91

Discipline of Lawyers by Bankruptcy Courts. Support the Proposed Attorney Discipline Amendments to the Federal Rules of Bankruptcy Procedure that would clarify the authority of bankruptcy courts to discipline attorneys and require district or bankruptcy courts to enforce local disciplinary rules which comply with the ABA Model Federal Rules of Disciplinary Enforcement and the ABA Standards for Imposing Lawyer Sanctions. (06A117) 8/06

Depository Institutions Netting Rules. Support federal legislation that binds all parties in the case of an insolvency to netting contracts between depository institutions and netting rules of payments clearing organizations. 2/90

Electronic Filing. Support legislation to revise 31 U.S.C. Section 3713 to bring the priority of Federal claims in non-bankruptcy administrations for the benefit of creditors and, in cases of insolvent decedents' estates, generally into conformity with the federal priorities under the Bankruptcy Code. 2/86

See entries under Courts and Federal Priority in Insolvency.

Filing Fees. Support legislation permitting waiver of filing fees for persons financially unable to pay for involuntary bankruptcy proceedings. 8/66

Judicial vs. Administrative Proceedings. Recommend that bankruptcy be retained in the federal judicial system rather than creating an administrative agency to administer the bankruptcy laws. 5/73

Partnerships. Support proposed amendments to the Bankruptcy Code, dated 7/31/96, and urge their adoption by the National Bankruptcy Review Commission and by Congress as the basis for administration and resolution of partnership cases under the Bankruptcy Code. 8/96

Railroad Reorganization. Recommend a package of amendments to the Bankruptcy Act to provide a means for more expeditious reorganization of railroads. 2/72

Reappointment of Bankruptcy Judges. Support amendments to the Bankruptcy Amendments and Federal Judgeship Act of 1984 to authorize the U.S. Court of Appeals to consider reappointment of incumbent bankruptcy judges under streamlined procedures which would include the evaluation of incumbent judges on the basis of their
performance in office without mandatory solicitation of additional applicants for the vacancy. 8/96

Sale of Real Property Involving Debtor-Lessor. Urge amendment to the Bankruptcy Code to clarify that a sale of leased real property when the debtor is the lessor can be accomplished only if the non-debtor lessee is granted the same rights afforded to non-debtor lessees when their leases are rejected. (07A102A) 8/07

Wage Earner Plans. Recommend detailed revisions of the Bankruptcy Act to make wage earner plans more acceptable to debtors, available to a greater number of debtors, and more easily administered. 7/71

BUSINESS LAW
(For additional policy positions, see Code of Ethics for Arbitrators in Commercial Disputes – 2004 Revision.)

Arbitration of International Business Transactions. See Arbitration entry under International Law.

Audit Process. See Attorney-Client Privilege entry under Attorneys/General Practice.

Banking Reform Act of 1971. Oppose provisions of the Act prohibiting a trustee, director, officer, or employee of a commercial bank, S&L association or mutual savings bank from providing legal services to a customer in connection with a transaction with the institution. 4/71

Bank Secrecy Act. Urge adoption of prosecution policies that encourage compliance with the Bank Secrecy Act and Money Laundering Control Act by establishing guidelines governing prosecution of financial institutions, and that encourage financial institutions to adopt comprehensive Bank Secrecy Act compliance programs and anti-money laundering programs. (90A101A) 8/90

See also Money Laundering and Terrorist Financing entries under Anti-Terrorism.

Civil RICO. Support amendment of the Racketeer Influenced and Corrupt Organization provisions of the Organized Crime Control Act to require prior conviction of racketeering activity or a violation of Section 1960 of the Act as a prerequisite to the filing of a private civil RICO action. Urge Congress to limit the availability in civil cases of the Act by changing its definition of “a pattern of racketeering activity,” providing penalties for bringing frivolous suits and making applicable Rule 65 of the Federal Rules of Civil Procedure. Support other limiting amendments affecting treble damages, investment-use injury and conspiracy. 8/86; 4/88; 8/93

Cooperation of Organizations in Government Investigations. Oppose policies and practices of prosecutorial and civil enforcement agencies that have the effect of eroding constitutional and other legal rights of employees, officers, directors or agents by requiring or encouraging prosecutors and other law enforcement officials to take into consideration specified factors in determining cooperation of an organization under investigation. (06A302B) 8/06

See also Attorney-Client Privilege under Attorneys/General Practice.

Corporate Citizenship. See Rule of Law entry under International Law.

Corporate Responsibility. Endorse specified corporate governance policies and practices involving structural and procedural reforms designed to enhance the independence and resources of outside directors of public corporations, and ability of involved lawyers to exercise independent professional judgment and thereby promote corporate responsibility. (03A119C) 8/03

See also SEC Funding entry, this section.

Code of Ethics. Adopt Code of Ethics for Arbitrators in Commercial Disputes. (04M107) 02/04

Corporate Citizenship. See Rule of Law entry under International Law.

Corporation Control. Oppose legislation directed at problems associated with tender offers for corporate control where such legislation interferes with state or court-evolved solutions; oppose changes in application of the business judgment rule. 2/85

Diversity on Corporate Boards. See entry
Do Not E-Mail. Support federal legislation and regulations that would prohibit the sending of false, misleading, predatory, or abusive commercial e-mail messages, but oppose measures such as Section 106 (a) of S. 877, the “CAN-SPAM Act of 2003”; oppose legislation, regulations, or other measures prohibiting or regulating commercial or non-commercial e-mail messages if they could interfere with the ability of associations and other tax-exempt nonprofit organizations to communicate with their members and the public. (1103BOG) 11/03

Do Not Fax. Oppose FCC rules and regulations implementing the Telephone Consumer Protection Act of 1991 that would eliminate the “established business relationship” exception to the general rule prohibiting the sending of unsolicited facsimile advertisements and urge the FCC to restore the exception; urge the FCC to issue a clarification that unsolicited facsimile advertisements sent by tax-exempt nonprofit organizations in pursuit of their authorized nonprofit purposes are not prohibited. (803BOG) 8/03

Federal Securities Code. Support the Code in the form proposed by the American Law Institute and recommend its enactment by Congress. 2/79

Financial Institutions and Markets.

Market Regulation. Endorse the principle that in lieu of governmental intervention, reliance be placed upon the competitive market as regulator supported by antitrust laws; support several enumerated analytical principles to avoid unnecessary regulation. 2/79

Regulation of Financial Institutions. Support federal legislation, regulations and other governmental measures designed to improve the regulation of financial institutions and markets in the United States, consistent with eight enumerated principles, including that regulation and supervision of financial intermediaries, products, and services should be integrated and comprehensive to the extent appropriate to protect investors and consumers of financial products and to ensure the strength and integrity of the financial system. (09A301) 8/09

Regulation of Lawyers. Oppose provision in the proposed Consumer Financial Protection Agency Act (111th Congress) or other legislation to establish regulatory jurisdiction of any federal financial regulatory agency, which seek to regulate lawyers engaged in the practice of law, except to the extent that lawyers are currently subject to regulation by a federal agency under existing law. (BOG1009) 10/09

Secured Lending. Support development and harmonization of international trade and commerce and the establishment of predictable systems of secured lending through the adoption of secured transactions reform in developing countries. (11A301) 8/11

Exon-Florio. See entry Foreign Investments in US under International Law.

Human Trafficking Business Standards. Adopt the black letter of the ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor and urge businesses to adopt their own policies consistent with ABA model standards. (14M102B) 2/14

Investment Advisors Act. Urge legislation to preserve the 1940 Investment Advisors Act exemption for lawyers and to require registration with the SEC only if the attorney engages in specified high risk activity. 2/91

Urge any state or territorial regulation of investment advisors and financial planners to allow a lawyers’ exemption consistent with this federal Act. 8/94

Loan Foreclosure Consumer Protections. Urge governments, courts, and bar associations to strengthen consumer protections regarding deceptive or fraudulent loan foreclosure rescue practices. (15M111C) 2/15

Line of Business Reports. Support legislation to protect the confidentiality of these reports submitted by individual companies to the FTC. 6/74

Urge the FTC to modify the report program to improve the usefulness of the data obtained. 8/74

Pension Plan Benefits. Support efforts to amend the Internal Revenue Service Code to
provide that mandatory minimum distributions from qualified pension plans need not be taken until after actual retirement in all cases. 2/97

Privilege Waiver. See Attorney-Client Privilege under Attorneys/General Practice.

Regulation of Lawyers Forming Business Entities and Money Laundering Concerns. Urge Congress to refrain from enacting legislation to regulate lawyers in formation of business entities; Urge that regulation of those forming business entities remain within the state jurisdiction; Urge matters relating to due diligence and beneficial ownership business not conflict with ethical requirements imposed by states and be risk-based. (08A300) 8/08

Pro Bono Representation. See entry under Legal Services.

Representation of Regulated Clients. Support federal legislation to amend the Federal Deposit Insurance Act to (1) prevent federal banking agencies from using their cease-and-desist enforcement powers to secure asset preservation orders without having prior recourse to court; (2) to clarify that they are not authorized to use their power to issue cease-and-desist orders as a means of securing money damages relief ordinarily only available through litigation; and (3) to urge federal banking agencies to adopt fair notice and comment procedures when formulating new policies regarding professional liability of lawyers. Oppose certain federal banking agencies’ interpretations of the Model Rules of Professional Conduct. 8/93

Sarbanes-Oxley. See Corporate Responsibility entry, this section.

Simplification of Securities Sales Procedures. Urge the SEC to promptly consider the proposals in the Wheat Report, and support congressional funding for implementation of these proposals. 8/69

SEC Funding. Urge the Administration and Congress to increase financial support for the U.S. Securities and Exchange Commission so that it is funded at adequate levels to enable it to protect investors and ensure market integrity; urge a FY 03 authorization and appropriation of at least $776 million. (03M301) 2/03

Securities Exchange Act (SEA). Urge Congress to amend clause (A) of Subsection (2) of Section13(p) of the SEA to state “the person is a registrant that files reports with the Commission under Sections 13(a) (15 U.S.C. 78m (a)) OR 15 (d) (15 U.S.C. 78 o(d)) of the SEA. (11M117) 2/11

SEC Standards of Conduct. Urge Securities and Exchange Commission to refrain from adopting proposed standards of conduct constituting unethical practice by lawyers before the commission. 11/81.

See also Discipline of Lawyers under Attorney/General Practice and Administrative Law.

Sentencing Guidelines for Organizations. See entry under Criminal Law.

Thompson Memorandum. See Cooperation of Organizations in Government Investigations entry, this section.

CIVIL RIGHTS AND CONSTITUTIONAL LAW

Abortion Financing for Indigent Women. Support legislation on the federal and state level to finance abortion services for indigent women. 8/78

See also Reproductive Choice, this section.

Access to Campus Placement Facilities. Oppose any efforts by government to withhold funds from or penalize educational institutions for denying access to campus placement facilities to government employers who contravene university policies by discriminating on the basis of sexual orientation. 2/92


Affirmative Action. Endorse legal remedies and voluntary actions that take into account as a factor race, national origin or gender to eliminate or prevent discrimination. 8/95

See also entry under Legal/Public Education and Discriminations in the Courts
under Court/Judges/Procedures.

**Anti-Drug Abuse Act.** Recommend that Congress reconsider Section 6486 of the Anti-Drug Abuse Amendments Act of 1988 for inconsistencies and ambiguities in regard to the availability of formal administrative hearings, standards of proof, right to counsel and if Congress wishes to retain civil penalties for personal use and possession of controlled substances, that provisions of Section 6486 be revised. 2/90

**Attorney Fees Award Act.** Support position that 42 USC 1988 authorizes the award of reasonable attorney fees to civil rights plaintiffs who recover nominal damages. 4/92

**Bias in the Child Welfare.** See *Bias in the Child Welfare System* entry under Family Law.

**Bias within the Legal Profession.** See entry under Attorneys/General Practice.

**Bias within the Judicial System.** See entry under Courts/Judges/Procedures

**Bicentennial.** Urge the organized bar to join with educational, media, governmental, business, and community groups in conducting educational programs commemorating the bicentennial of the Bill of Rights. 2/91

**Citizenship of Children.** Oppose amending the U.S. Constitution to alter the granting of U.S. citizenship under the Fourteenth Amendment to persons born in the U.S., based on the citizenship or immigration status of one or both parents at the time of the person’s birth. (11A303) 8/11

**Civil Rights Laws Restoration.** Support amending Title VII of the Civil Rights Act of 1964 and 42 USC 1981 to restore them to their status before the 1989 Supreme Court decisions; support amending Title VII to grant all protected classes the same rights to recover discrimination damages from an employer that are enjoyed by victims of discrimination under 42 USC 1981. 2/90

**Discrimination Based on Employment.** Urge Congress to enact the Civil Rights Tax Relief Act or similar legislation to provide relief to civil rights and employee complainants by excluding from gross income amounts received on account of claims based on certain unlawful discrimination, retaliation and employment claims and to allow income averaging for salary awards resulting from such claims. (03M115) 2/03

**Coerced Contraception or Sterilization.** Oppose coerced use of Norplant or other birth control in the context of either criminal sentencing or the receipt of public assistance. 8/93

**Courts Martial Convictions: Supreme Court Review.** See entry under Military Law.

**Desecration of the U.S. Flag.** Oppose the adoption of an amendment to the Constitution concerning the desecration of the American flag; oppose enactment of federal legislation to criminalize flag desecration as a political protest. 8/89

**Digital Divide.** Urge government and bar associations to take necessary steps to bridge the “digital divide.” Urge Congress and Administration to establish and support technology-based access to justice in under-served communities. (01A105A) 8/01

**Discrimination Based on Age.** See Age Limits for Chief Judges and Standards for State Judicial Retirement under Courts/Judges/Procedures and Mandatory Retirement under Attorney/General Practice.

**Discrimination Based on Disabilities.** Support in principle federal legislation to prohibit discrimination on the basis of disabilities, and to ensure equal opportunities in employment, public accommodations and services, telecommunications and activities of state and local governments. 8/76; 8/89

See Child Custody entry under Family Law.

**Discrimination Based on Employment.** Lilly Ledbetter. Urge Congress to amend the Civil Rights Act of 1964 and federal age or disability employment discrimination laws to ensure that in claims involving discrimination in pay, the statute of limitation runs from each paycheck reflecting an
improper disparity. (07A302) 8/07

Paycheck Fairness. See Discrimination Based on Sex entry, this section.

**Discrimination Based on HIV Status.** See HIV/AIDS under Health/Mental Health.

**Discrimination Based on Homeless Status.** Support legislation to prohibit discrimination based on transient or homeless status, provide emergency relief to families and individuals without permanent shelter, increase supply of low-cost housing and adopt programs to help the homeless become productive citizens. 8/86

**Discrimination Based on Marital Status.** Support legislation to prohibit discrimination in employment or housing on the basis of marital status. 2/74

**Discrimination Based on Sex.**

*Education and Title IX:* Support vigorous implementation and enforcement of Title IX of the Education Amendments Act of 1972, to promote equal educational opportunities without regard to sex. 8/75

*Reaffirm 1975 policy urging the vigorous and effective enforcement of Title IX to clarify that retaliation constitutes a form of discrimination prohibited by Title IX for which a private right of action exists.* (04A301) 04/08

*See also Federal Financial Assistance to Institutions that Discriminate entry, this section and Sexual Assault on Campuses entry, this section.*

*Pregnancy and Employment:* Support federal and state legislation assuring that prohibitions against sex discrimination in employment will also prohibit discrimination because of pregnancy. 2/78

*See also Family and Medical Leave Entry under Family Law.*

*Public Accommodations:* Urge amendment of Title II of the 1964 Civil Rights Act to prohibit sex discrimination in public accommodations, provided, however, that such amendment does not require access by both sexes to the same facilities where legitimate privacy concerns are involved. 8/80

*Wages:* Urge Congress to enact legislation to strengthen the Equal Pay Act to prohibit gender-based wage discrimination. (10M107) 2/10

**Discrimination Based on Sexual Orientation/Identity.** Support enactment of federal and state legislation to prohibit discrimination based on "sexual orientation" in employment, housing and public accommodations. 2/89

*Urg the federal, state, local and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression in employment, housing and public accommodations.* (06A122B) 8/06

**LGBT Rights.** Recognize the rights of LGBT individuals as basic human rights; condemn laws, regulations, rules and practices that discriminate against individuals on the basis of LGBT status. (14A114B) 8/14

*Recognize that LGBTQ individuals have the right to be free from attempts to change their sexual orientation and gender identity and urge governments to enact laws to prohibit professionals from using conversion therapy on minors.* (15A112) 8/15

*See Access to Campus Placement Facilities entry, this section, Child Custody, Foster Care, Gay Marriage, and Visitation and Sexual Orientation of Parent, and Domestic Violence entries under Family Law, Same Sex Partners entry under Immigration Law.*

**Discrimination Based on Substance Abuse.** See Substance Abuse entry under Health/Mental Health.

**Discrimination Based on Pay.** See Discrimination Based on Sex: Wages entry, this section.

**Discrimination in Correctional Facilities.** See Discrimination in Employment entry under Corrections.

**Discrimination in the Courts.** See Model Rule of Professional of Conduct: Rule 8.4 – Lawyer Bias entry under Attorney/General Practice and Bias within the Judicial System and Judicial Education Programs entries under Courts/Judges/Procedure.

**Discrimination in Housing.** Support legislation to prohibit discrimination on the basis of sex in the sale or rental of housing or in granting mortgage credit. 8/74

Support legislation to prohibit
discrimination on basis of race, color, creed, sex or national origin in the sale or rental of housing; supports legislation to strengthen the enforcement mechanisms of fair housing legislation and extend protection to the handicapped and families with children. 2/80; 8/87

Support legislation that prohibits discrimination in housing against victims of domestic violence; urge adoption and enforcement of regulations to combat such discrimination. (03M106B) 2/03

Urge governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income. (17A119A) 8/17

**Diversity on Corporate Boards.** Urge public companies to diversify their boards and to include board composition in public disclosure materials. (16M116) 2/16

**English Only.** Support the principle that federal, state, territorial, and local governments permit the use of languages in addition to English to improve communication, understanding, and provide access to the justice system. 8/97

   See *Language Interpreters* entry under *Courts/Judges/Procedure.*

**Equal Rights Amendment.** Support ratification of the proposed 27th Amendment to the Constitution. 2/72; 8/74

   Reaffirm support for ratification of the ERA and call upon bar associations to pursue ratification. (16M10B) 2/16

**Expert Fees.** Support legislation amending the Civil Rights Attorney's Fees Awards Act of 1976 and other federal fee-shifting statutes to permit the award to a prevailing party of reasonable expert fees for testimonial and non-testimonial services. 8/91

**Family Planning Clinics.** See *Gag Rule* entry, this section.

**Federal Financial Assistance to Institutions that Discriminate.** Oppose the provision of federal financial assistance for institutions which discriminate in any of their operations on the basis of sex, race, color, national origin, age or disability, support legislation which restores the principle of requiring non-discrimination throughout an institution receiving federal financial assistance. 2/86

**Federal Shield Law.** See Reporters' Privilege entry, this section.

**Fetal Tissue Research.** See entry in *Health/Mental Health.*

**Free Flow of Foreign Information.** Recommend that there be no prohibition on the import into the United States of ideas and information if the circulation of such is protected by the First Amendment to the Constitution. 2/85

**Free Speech and Government Funding.** Oppose the use of government funding programs to discourage speech activities by government grantees, based on government disapproval of the content of the speech. 2/93

**Foreign Intelligence Surveillance Act.** See entry under *Anti-Terrorism.*

**Gag Rule.** Support legislation which ensures the right of patients of federally funded family planning clinics to receive full counseling and referrals on all medical options relating to pregnancy and the right of health care professionals to advise their patients in accordance with their best medical judgment. 8/91

**Gag Rule – International.** Oppose Administration's policy prohibiting providing USAID funds to international family planning organizations that use non-U.S. government funds to provide abortion or abortion-related services. (01A118) 8/01

**Gay Marriage.** See entry under *Family Law.*

**Health Information Access and Confidentiality.** See entries under *Health/Mental Health.*

**Human Immunodeficiency Virus (HIV).** See *HIV/AIDS* under *Health/Mental Health.*

**Human Right to Adequate Housing.** See *Affordable Housing* under *Real Property/Housing Law.*

**Human Right to Adequate Food and Nutrition.** Urge governments to promote the
human right to adequate food and nutrition; urge the United States government to make it a domestic policy objective. (14M107) 2/14

Human Right to Freedom from Sexual Violence. See Domestic Violence entry under Family Law.

Indian Treaty Obligations. Urge federal government to follow policy of strict adherence to Indian treaty obligations except in extreme circumstances of national security or emergency. 2/80

Indian Water Rights. Endorses the use of negotiation and settlement processes to resolve Indian reserved water rights claims, and urge Congress and the Administration to support the settlement process through adequate funding and other measures. (02A110) 8/02

Indian Health. See Indian Health Services entry under Health/Mental Health.

Individuals with Disabilities Education Act. Support legislation, such as the Individuals with Disabilities Education Act, that guarantees children with mental and physical disabilities a free, appropriate education in the least restrictive environment; oppose efforts to limit, weaken, or circumvent such legislation; support inclusion of mediation provision and award of attorney’s fees in such legislation. 2/96

Violence Against Women. See entry under Criminal Law/Procedure.

Japanese American Detentions. Urge appropriate legislative recognition to those denied equal justice under law during WW II detention of Japanese Americans. 8/84

Native American Religious Lands. Support amending the American Indian Religious Freedom Act to require historical religious sites to be managed to minimize impacts which would impair Native Americans’ exercise of their religion, absent substantial federal interest; where there is such an interest, the least intrusive means of satisfying it should be required. 2/90

Native Hawaiian Governing Entity. Urge Congress to pass legislation to establish a process to provide federal recognition and restore self-determination to Native Hawaiian. (06M108B) 2/06

National Endowment for the Arts. See entry under Federal Government/Congress.

PATRIOT Act. See entry under Anti-Terrorism.

Private Clubs. See entry under Attorneys/General Practice.

Presidential Signing Statements. See entry under Federal Government/Congress.

Racial and Ethnic-Based Profiling. Support legislation requiring systematic collection and annual reporting of certain data to DOJ, including race and ethnicity, but not the identity of each person stopped. Further supports legislation requiring DOJ and state attorneys general to study such data to determine extent of problem and, if found, to identify methods for ending all such practices. (99A10A) 8/99

Oppose the text of the “Racial Privacy Initiative” or any similar measure that would prohibit public entities from collecting or sorting data on the basis of race or ethnicity; urge bar associations to oppose such measures and to engage in educational programs to inform the public of the reasons to collect and maintain ethnic and racial data. (03A10C) 8/03

Urge governments to enact effective legislation, policies, and procedures to ban racial or ethnic profiling by law enforcement agencies and police officers engaging in domestic law enforcement. (08A104C) 8/08

Amend the 2008 policy to include religious profiling and characteristics indicative of religious affiliation. (12A116) 8/12

Record Lyrics. Oppose state and federal legislation regulating the content of record lyrics. Support the adoption of a voluntary advisory logo to assist record buyers in identifying material containing explicit Lyrics. 8/91

Religious Freedom. Encourage efforts to increase public understanding of the Establishment Clause and the Free Exercise Clause of the U. S. Constitution as they apply in the public elementary and secondary schools. Supports legislation, policies, and
practices requiring that public elementary and secondary school officials in all public school-related activities: (a) avoid religious indoctrination; (b) avoid endorsement of a particular religion or religious doctrine; and (c) adopt measures that afford a reasonable accommodation of religious practice and belief. (08M106) 2/08

Religious Liberty Restoration. Support legislation to require that governmental bodies justify intrusions on religious practice by demonstrating that the intrusion is narrowly tailored to further a compelling interest and is the least restrictive means available. 2/91

Reporters’ Privilege. Urge the Congress to enact a federal shield law that protects journalists from compulsory disclosure of sources except in certain situations. (05A104B) 8/05

Reproductive Choice. Support state and federal legislation which protects the right of a woman to choose to terminate a pregnancy (i) before fetal viability, or (ii) thereafter, if necessary to protect the life or health of the woman. Oppose state or federal legislation which restricts this right. 8/92

Rights of Congressional Witnesses. See Witnesses in Congressional Hearing entry under Federal Government/Congress.

Rights of Institutionalized. Support legislation to permit U.S. Attorney General to bring suit on behalf of persons confined in prisons, mental hospitals and other state institutions. 8/76

Service Animals for Disabled. Urge legislative bodies and governmental agencies to enact laws and implement policies to ensure that persons with disabilities utilizing service animals are provided access to services, programs and activities of public entities and public accommodations pursuant to the regulations implementing the Americans with Disabilities Act. (12M303) 2/12

SLAPP Lawsuits. See entry under Courts.

Slavery Reparations. Urge Congress to create and appropriate funds for a Commission to study and make findings relating to the present day social, political and economic consequences of both slavery and the denial thereafter of equal justice under law for persons of African descent living in the United States; authorize the Commission to propose public policies or governmental actions, if any, that may be appropriate to address such consequences. (06M108A) 2/06

School Prayer. Oppose adoption of a constitutional amendment or federal legislation that would allow for officially sanctioned prayer in public schools; also oppose any action to remove prayer cases from federal court jurisdiction. 2/95

Sexual Harassment. Urge members of the legal profession to provide leadership and education in eradicating sexual harassment. Requires the ABA to ensure that all efforts are made to prevent sexual harassment from occurring in the course of conducting association business. 2/92

Student Journalists and Regulation of Speech. Urge all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgements necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal. (17A119B) 8/17.

Title IX: Equal Opportunities in Athletics. See Discrimination Based on Sex and Federal Financial Assistance Institutions that Discriminate entries, this section.

Travel Restrictions. Oppose legislation restricting travel by U.S. citizens to foreign countries and imposing sanctions not currently permitted. 2/74

Wards Cove Exemption. Supports enactment of legislation to repeal the Wards Cove exemption (Section 402(b)) of the Civil Rights Act of 1991. 2/93

Welfare Family Cap. See entry under Family Law.

Whistleblower Protection. Support federal legislation to strengthen private sector whistleblower protection and to provide uniform protection for employees who make good faith
disclosures about certain unsafe or unlawful actions. 2/90
See Whistleblower entry under Federal Government/Congress.

Women in the Legal Profession. See entry under Attorneys/General Practice.

Violence Against Women. See entry under Criminal Law/Procedure.

CORRECTIONS
(For additional policy, see “Blueprint for Cost-effective Pretrial Detention, Sentencing and Corrections Systems.”; See also ABA Criminal Justice Standards on the Treatment of Prisoners, 2/10)

Access to Courts by Prisoner. See entry under Criminal Law/Procedures.

Accountability. Urge governments to develop comprehensive plans to ensure that there is greater accountability to the public in the operation of correctional and detention facilities, and adopts the "Key Requirements for the Effective Monitoring of Correctional and Detention Facilities", dated August 2008. (08A104B) 8/08

APA Rulemaking Procedures. Urge state governments to apply the Administrative Procedure Act’s notice-and-comment rule-making provisions to regulations governing correctional facilities and officers. (14M103B) 2/14

Certification of Correctional Facilities. Adopt the Key Requirements for the Certification of Correctional Accrediting Entities, dated August 2011, and urges governments to require accreditation by one or more federally-certified accrediting entities. (11A105B) 8/11

Commission. Urge establishment of national commission to consider federal policies affecting correctional facilities. (99A113C) 8/99

Compassionate Release and Alternative Sentencing. Recommend that each jurisdiction review its procedures relating to medical release of terminally ill inmates and provide for expedited handling of requisitions for medical release. 2/96
Support model legislation on compassionate release and alternative sentencing for non-violent offenders with HIV, AIDS, or other late-stage terminal illness in order to promote the adoption of a regularized process to provide clarity and uniformity in the application of this policy. 8/96

Corrections Management. Urge the adoption of procedures by the federal government, states and territories to ensure that legislatures consider the impact of proposed legislation, resolutions or executive orders on correctional management. 8/96

Criminal Justice System Study. See entry under Criminal Law/Procedure.

Elderly. Urge federal, state and territorial correctional systems to review sentencing, release and other correctional policies and practices regarding the growing population of elderly prisoners. (00M102B) 2/00

Employment of Prisoners. Urge the federal government, States and territories to expand voluntary and productive work opportunities for the incarcerated. (02M101B) 2/02

Ex-Offender Employment. Support elimination of laws putting limitations on employment or occupational licensing of ex-offenders. 8/75

Kennedy Commission. See entry under Criminal Law/Procedure.

Literacy in Correctional Facilities. Support legislation to create an office or center of correctional education within the U.S. Dept. of Education, legislation to provide funding for vocational education within correctional institutions, and legislative initiatives that recognize, address, and attempt to correct illiteracy within correctional institutions. 2/90
See also Pell Grants for Prisoners entry, this section.

Monitored Home Confinement. Approve the "Principles for the Use of Electronically Monitored Home Confinement as a Criminal Sanction." 8/88

National Institute of Corrections. Support increased NIC funding. 2/83
Parents in Detention Facilities. Support the preservation and promotion of healthy relationships between children and their parents in custody. 8/96

Pell Grants for Prisoners. Urge Congress to restore Pell Grant eligibility to prisoners who qualify under existing need-based criteria to facilitate re-entry and reduce recidivism. (15A108B) 8/15

See also Literacy in Correctional Facilities entry, this section.

Prison Counsel. Urge that counsel be made available at prisons to determine whether prisoners’ cases raise federal constitutional issues and, if so, to prepare habeas corpus petitions. 8/82

Prison Industry. Support several guidelines for the development of meaningful prison industry programs. 2/83

Prison/Jail Overcrowding Impact Statement. Recommend state and local governments adopt procedures ensuring that a prison and jail impact statement be considered before the passing of laws which could lead to an increase in the number of persons incarcerated; recommend that legislation not be enacted that will increase the number of persons incarcerated unless necessary resources are available or other counterbalancing accommodations are made. 2/83; 2/90

Prisoner Reentry. Urge states, territories, and the federal government to ensure that prisoners are effectively supervised in safe and secure environments and to implement policies and programs to prepare and assist prisoners for release back into the community. (04A121D) 08/04.

See also Kennedy Commission entry under Criminal Law.

Privatization of Correctional Facilities. Urge extreme caution for jurisdictions considering authorizing private corporations or other private entities to operate prisons or jails. Urge recognition that incarceration is a core function of government; that delegation of such a responsibility involves complex legal issues; and that public interest suggests accountability, cost-effectiveness, proper care, and minimum standards. 2/86; 2/90

Probation, Parole and Supervised Release Violations. Urge the government to develop and implement sanctions for violators of probation, parole and other forms of supervised release in lieu of jail time, for persons whose original conduct was a non-violent felony or misdemeanor and whose violation is not considered criminal conduct. 2/97

See also Effective Criminal Sanctions Commission: Graduated Sanctions for Parole Violations entry under Criminal Law.

Sentencing Victims of Domestic Violence. See entry Sentencing Reduction under Criminal Law.

Solitary Confinement of Youth. Urge legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of youth under the age of 18 for more than 4 hours. (17A112E) 8/17.

Telephonic Communications. Encourage federal, state, territorial and local governments to provide prison and jail inmates with reasonable opportunities to maintain telephonic communication with the free community. (05A115B) 8/05

Women in Prison: Needs Assessment. Urge development and implementation of gender responsive needs assessments for women prisoners: utilize information to link them with needed services and avoid over classification of women as security risks. (11A105C) 8/11

Wrongful Imprisonment. Urge jurisdictions to enact statutes to adequately compensate individuals who have been convicted and incarcerated for crimes they did not commit, identifying factors that should be considered in drafting such statutes. (05M108A) 2/05

COURTS/JUDGES/PROCEDURE

(For additional policy positions, see the ABA Standards Relating to Trial Courts; Standards Relating to Court Delay Reduction; Standards Relating to Court Organization, including “Court Use of Electronic Filing Processes”; ABA Principles for Juries and Jury Trial, February 2005 and amended 2013; Standards
for Judicial Compensation; ABA Model Rules for Judicial Discipline Enforcement; Civil Trial Practice Standards dated August 2007; Civil Discovery Standards; Standards on State Judicial Selection Standards for State Judicial Retirement; Model Time Standards for State Courts 2/12.)

Age Limits for Chief Judges. Support legislation providing that chief judges of the circuit and district courts cease to serve as such at age 66. 2/66

Alternative Dispute Resolution. Support the continued use of and experimentation with alternative dispute resolution techniques, both before and after suit is filed as necessary and welcome components of the justice system. 8/89

Support legislation and programs that authorize any court to utilize systems of ADR, such as early neutral evaluation, mediation, settlement conferences and voluntary but not mandatory arbitration. 2/97

See also entry under Administrative Law and Arbitration-Mandatory entry, this section.

Arbitration-Mandatory. Oppose enactment by Congress of any legislation authorizing the installation of any mandatory arbitration program in the U.S. District Courts where involuntary participation is made a condition precedent to the right of civil case litigants to a trial. 8/94

Orders Interfering with Arbitration. Support enactment of legislation which would provide for appeals from interlocutory orders of a trial court which refuses a stay of litigation pending arbitration, denies an application to compel arbitration, or grants, continues or modifies an injunction against an arbitration. 2/86

Bias in the Judicial System. Support the enactment of authoritative measures requiring studies of the existence, if any, of bias in the federal judicial system, including bias based on race, gender, age, sexual orientation, and disability. 8/91

See related entries under Civil Rights and Constitutional Law and Criminal Law.

Bankruptcy Judges. Urge Congress to authorize the appointment of additional bankruptcy judges sufficient to meet the demands within each district. In the event that Title 28 is not amended before the temporary bankruptcy judgeships expire, consider a one-year extension of seven judgeships. (17M/101) 2/17

Bias in the Legal System. Support the enactment of authoritative measures requiring studies of the existence, if any, of bias in the federal judicial system, including bias based on race, gender, age, sexual orientation, and disability. 8/91

See related entries under Civil Rights and Constitutional Law and Criminal Law.

Budget Submission. Urge Congress to authorize the federal judiciary to submit its annual budget request, including its court facility construction request, directly to Congress. (99A110B) 8/99

Cameras in the Courtroom. Urge U.S. Judicial Conference to authorize further experimental with cameras in federal civil proceedings. 2/95

Urge U.S. Supreme Court to record and make available video recordings of its oral arguments. (16M110) 2/16

Case Dispositions. Urge federal and state courts of appeals to provide, at a minimum, reasoned explanations in case dispositions. (00M88) 2/00

Certification of State Law Questions. Urge states to adopt a procedure whereby the
highest state court may answer a question of state law certified from an Article III federal court in certain circumstances. 2/83

**Circuit Restructuring.** Oppose mandatory restructuring of the Ninth Circuit into adjudicative divisions. (99A110A) 8/99

Oppose several recommendations of the Commission on Structural Alternatives for the Federal Courts, including mandatory restructuring of the Ninth Circuit, district court appellate panels, and use of two-judge panels. (99A110A) 8/99

Reaffirm opposition to restructuring the Ninth Circuit and support ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law. (17A104) 8/17

**Civil and Criminal Forfeiture.** See entry under **Civil Law/Procedure.**

**Civil/Criminal Justice Reform.** Support immediate establishment of a task force to identify and create solutions to the problems facing the criminal and civil justice system. 2/90

Support legislation that is consistent with Congressional intent that the district courts develop plans for cost and delay reduction, which reflect guidelines and principles of Title I of the May 17, 1990 draft of S. 2648 but which are not mandatory in nature. 8/90

See also **Office for Improvement in Administration of Justice** entry, this section.

**Call to Action.** Urge all state courts to develop and implement a civil justice improvement plan to improve the delivery of civil justice guided by the Recommendations of Call to Action: Achieving Civil Justice for All, as endorsed by the Conference of Chief Justices in 2016. (17M/102) 2/17

**Civil Protection Orders for Sexual Assault Victims.** Urge governments to enact civil protection order statutes that extend protection to victims of sexual assault, rape, and stalking without the requirement of a relationship between the parties. (15M109A) 2/15

**Civil Tax Cases.** See entry under **Tax Law.**

**Claims Court.** Support legislation such as S. 1704 (90th Congress) authorizing the U.S. Court of Claims to issue orders and grant relief to implement its judgments for compensation. 8/68

Support legislation to (1) provide U.S. Claims Court judges with compensation benefits, disability protection, and retirement provisions sufficient to attract and retain well-qualified judges; (2) govern judicial terms of appointment; (3) grant the Court express powers to enforce its own rules, orders and processes and; (4) permit the use of retired judges for temporary service. 2/85

**Class Actions.**

See entry under **Legal Services.** (16A104) 8/16

**Commission on the 21st Century Judiciary.**

Adopt Principles and Conclusions of the Commission on the 21st Century Judiciary and urge bar associations to promote their implementation. (03A103) 8/03

**Consent Decrees.** Support the use of federal consent decrees as an important tool for resolving litigation and oppose legislation that limits the efficacy of consent decrees when state, local or territorial governments are parties thereto, such as those proposed in S. 489 and H.R. 1229. (06M109) 2/06

**Consolidation of Pretrial Proceedings.**

Oppose legislation providing for the temporary transfer to a single district, for coordinated or consolidated pretrial proceedings, of civil actions pending in different districts which involve common questions of fact. 8/66

**Courthouse Access for the Disabled.** Urge federal, state, territorial and municipal courts to make courthouses and court proceedings accessible to individuals with disabilities, including lawyers, court employees, witnesses and observers. (02M112) 2/02

**Courthouse Construction Funding.** Urge Administration to support FY1999 funding. If necessary, urge appropriate Congressional Committees to act on own initiative. (98A126) 8/98

Urge Administration and Congress to support FY2000 funding, and urge Administration to transmit future courthouse construction requests without modification. (499BOG) 4/99

COURTS/JUDGES/PROCEDURE
Courthouse Waiting Rooms for Children. Encourage federal and state legislatures and the federal and state court systems to support and assist with the establishment of children’s waiting rooms in all federal and state courthouses. 8/96

Court Costs and Delay. Encourage all courts, court supervisory bodies, and state and local bar associations to take an active role in reducing delay and excessive costs in litigation. 8/81

See also Civil Justice Reform entry, this section.

Court of Appeals for the Federal Circuit. Recommend that the nomination and appointment process for the selection of judges for the U. S. Court of Appeals for the Federal Circuit reflect consideration of the Court’s exclusive appellate jurisdiction over all patent cases. 8/87

Support the creation of a national commission to consider and recommend to the President candidates for nomination to the Court of Appeals for the Federal Circuit. 2/91

Urge Congress to expand the jurisdiction of the United States Court of Appeals for the Federal Circuit to include review of all purely legal issues decided by the United States Court of Appeals for Veteran Claims, formerly the Court of Veterans Appeals. (00A116B) 8/00

Courts Martial Convictions. See entry under Military Law.

Court-Stripping. Oppose legislative curtailment of jurisdiction of Supreme Court and the inferior federal courts for the purpose of effecting changes in constitutional law. 8/81

This policy extends to legislation, which seeks to curtail remedies available to federal courts in cases involving constitutional rights. 4/82

Criticism of Judges. Urge all bar associations to adopt programs enabling timely and effective responses to misleading criticism of judges and suggest Model Program Outline for State and Local Bars. 2/98

Cybersecurity. See entry under Antiterrorism and Cybersecurity.

Disclosure of Protected Material. Urge amendments to federal and state rules to establish consistent rules to resolve issues involving claims of inadvertent disclosure of materials protected by the attorney-client privilege or work product doctrine. (06A120D) 8/06

Discovery

Rules FRCP 26(A). Urge Congress to defer amendment to specific parts of Rules 26, 30, 31, 33 and 37 of the Federal Rules of Civil Procedure until after Dec. 31, 95

6/93

See Class Actions entry, this section.

Discovery: Expert Witnesses. Urge amendments of federal and state rules to protect from discovery of draft expert reports; counsel should enter voluntarily stipulation until such rules are adopted. (06A120A) 8/06

Civil Litigation. Urge U.S. courts to consider and respect data protection and privacy laws of foreign sovereigns & interests of persons subject to or benefiting from them with regard to data sought in civil litigation discovery. (12M103) 2/12

Discrimination and Diversity in the Courts. Encourage judicial leaders and court systems to adopt non-discrimination policies including merit-based personnel systems, equal employment opportunity and affirmative action plans; call upon legislative and executive branch officials and their advisory groups to incorporate affirmative action values in making judicial recommendations and appointments. 2/90

Urge greater diversity among judicial personnel. (16A103) 8/16

See also Bias and Diversity entries, this section, Affirmative Action entry under Civil Rights and Constitutional Law and Employment of Women entry under Criminal Law/Procedure.

District of Columbia Courts. Support and oppose various legislative proposals for D.C. court reorganization. 5/70; 9/73

Diversity on the Bench. Urge the elimination of any barriers to the selection of women and minorities as judges. 8/86

Urge the President of the United States to appoint minority lawyers of racial and ethnic diversity to all levels of the federal judiciary. 2/95
Support the selection as federal judges of men and women of diverse backgrounds and experiences. (08A118) 8/08

Urge the President, Senate, and lower federal courts to recognize the importance of racial, ethnic, disability, sexual orientation, gender identity and gender diversity in the selection process for lower court judges, including bankruptcy and magistrate judges, and to employ strategies, including the use of merit selection panels, to increase the pool of qualified diverse applicants, nominees and appointees; urge increased diversity among judicial branch employees. (16A102) 8/16

See also Discrimination entry, this section

Diversity Jurisdiction. Oppose legislation that would either abolish diversity jurisdiction in the federal courts or curtail it by precluding a resident plaintiff from invoking federal jurisdiction. 6/78

Reaffirm 1978 position and oppose efforts to raise the amount-in-controversy bar for diversity cases by: (1) increasing the minimum amount; (2) indexing it for inflation; and (3) excluding “non-economic” and other damages from the amount-in-controversy calculation. 6/96

Urge Congress to amend 28 U.S.C. §1332 to provide that unincorporated associations shall, for diversity jurisdiction purposes, be deemed a citizen of its state of organization and the state where the entity maintains its principal place of business. (15A103B) 8/15

Elder Abuse and Court-Focused Initiative. See related entries under Elder Law section.

Electronic Access/ Electronic Case File System Urge Federal, state, territorial and local courts to provide computer on-line access to court and docket information at no direct cost to the user. 8/95

Recommend the U.S. Bankruptcy Courts in each federal district permit attorneys who have received electronic case filing (ECF) training to file documents electronically in any district. (06M301) 2/06

Support efforts by the A.O. to enhance the functionality of the Federal Judiciary’s Electronic Case File system. (11M10A) 2/11

See related entries under Attorneys.

Expert Fees. See entry under Civil Rights and Constitutional Law.

Federal Courts Improvement Act: Specialized Courts and Interlocutory Appeals. Support in part and oppose in part certain provisions of the omnibus court reform legislation; e.g., oppose creation of Federal Circuit Court of Appeals, U.S. Claims Court, and U.S. Court of Tax Appeals. support in principle the deleted provisions of the Federal Courts Improvement Act of 1979, permitting a circuit court of appeals to entertain an appeal from an interlocutory order in a civil action under certain circumstances. 8/79

Federal Judgeships. Support legislation creating additional district and appeals court judgeships. 8/67; 2/74; 8/75; 8/76; 8/78

Support enactment of comprehensive legislation to authorize needed permanent and temporary judgeships, with particular focus on the federal districts with identified judicial emergencies so that affected courts may adjudicate all cases in a fair, just and timely manner. (13A115) 8/13

Federal Judgeships for Border Courts. Support authorization of additional judgeships for the five district courts situated along the U.S./Mexico border. (01A119) 8/01

Representation of Territories. Urge Congress to amend 28 U.S.C. § 44(c) to include the word “territory” ensuring that all territories, within the jurisdiction of the federal courts of appeal, will be represented on the appeals court bench. (14A10A) 8/14

Federal Judicial Center. Support creation of a Federal Judicial Center with non-judicial representation on the center’s board. 8/67

Foreign Intelligence Surveillance Act. See entry under Anti-Terrorism.

Foreign Law Citation. Oppose federal or state laws that impose blanket prohibitions on consideration or use of foreign or international law or impose blanket prohibitions on consideration or use of the entire body or doctrine of a particular religion. (11A113A) 8/11

Funding.

Justice system. Urge state and local bar associations to work together in a coordinated effort to ensure adequate and balanced funding for the justice system. 8/91
Urge bar associations to document and publicize the impact of funding cutbacks to their justice systems in their jurisdictions. Urge governments to recognize their constitutional duty to provide adequate funding and to develop strategies to provide stable and predictable levels of funding. (11A302) 8/11

Federal Courts. Urge Congress and the Administration to fund the Federal judiciary at levels sufficient to enable the courts to fulfill their Constitutional and statutory duties and to provide FY 2005 appropriations sufficient to maintain FY 2004 level of services to avoid further cutbacks. (04A10A) 08/04

Urge federal elected officials, as they consider deficit reduction for FY 2013 and beyond, to assure access to justice through adequate funding for courts and LSC. (13M10A) 2/13

Federal and State Courts. Urge legislative bodies and governmental agencies to adopt laws and policies that ensure full and adequate court funding. (13A10C) 8/13

State Courts. Urge states and territories to support quality and accessible justice by adopting judicial branch budget procedures that will ensure adequate, stable, long-term funding of their courts under all economic conditions; and adopts the black letter recommendations of the ABA Commission on State Court Funding, dated August 2004. (04A107) 08/04

Adopt the Principles for Judicial Administration, dated August 2013, as appropriate guidance for those states desiring to establish principles for judicial administration in their efforts to restructure court services and secure adequate court funding. (13A10C) 8/13

See entry under Tribal Law, this section.

Homeless Court Programs. See entry under Criminal Law/Procedure.

Immigration Courts. See entry under Immigration Law.

Immigration Judiciary. Support the creation of an Article I court, with trial and appellate divisions, to adjudicate Immigration cases. (10M114F) 2/10

Inspector General for the Judicial Branch. Oppose legislation such as H.R. 5219 and S. 2678 (109th Congress) that would establish a statutory Office of Inspector General for the Judicial Branch for the purpose of conducting investigations of matters pertaining to the Judicial Branch. (06A308) 8/06


Judicial Compensation: Federal. Urge legislation regarding how the Commission on Executive, Legislative and Judicial Salaries' recommendations on the quadrennial pay increases for federal officials are incorporated in the federal budget in order to replace the process which formerly relied on the legislative veto. 12/84

Support increases from current level and continuing more frequent future increases to keep pace with cost of living in order to retain qualified federal judges; oppose legislation such as the proposed Federal Judicial Salary Control Act, S.1847 (97th Congress), which would subject the federal judiciary to the annual authorization process of Congress. Urge Congress to authorize significant increases for Bankruptcy Judges and U.S. Magistrates. Urge Congress to implement increased salaries recommended by both President Reagan and Bush. 8/76; 12/76; 4/82; 8/87; 2/89

Urge Congress to de-link Congressional pay from judicial pay and make judicial salaries subject to the same automatic COLA granted career federal employees. 2/98

Urge Congress to take immediate action to enact a substantial pay increase for the federal judiciary. (07M10D) 2/07

Support the recommendations contained in the 2003 Report of the National Commission on the Public Service urging Congress to enact an immediate and significant increase in federal judicial salaries and break the statutory link between Congressional and judicial salaries. (03M303) 2/03

Urge Congress to amend the current method by which judicial cost-of-living adjustments (COLAs) are calculated and conferred by tying them to COLAS received by federal employees under the General Schedule; urge Congress to consider taking similar action with regard to its own COLAs; and reaffirm support for repeal Section 140 of the P.L. 97-92. (10M300) 2/10
Judicial Compensation: Federal and State. Urge that the salary levels of federal and state judges be reviewed on a regular periodic basis and adjusted to ensure that judicial salaries are not diminished by increases in cost of living. 8/80; 2/94

Judicial Compensation: State. Recommend substantially equal salaries for highest state court judges and federal circuit judges, and for state trial judges and federal district judges. 8/81

Pay Commissions. Reaffirm support for adequate levels of compensation, encourage bar associations to take leadership role, support use of pay commissions with specified characteristics. (03A105A) 8/03

Judicial Discipline and Removal. Urge House of Representatives to consider impeaching any federal judge who is convicted of a felony and has exhausted his appeals. 8/86

Support in principle the Judicial Discipline and Impeachment Reform Act of 1989, providing for a National Commission on Judicial Impeachment. 2/90

Related policies not summarized here: 8/73; 8/75; 8/88; 2/90.

Reaffirm support for the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980; oppose adding statutory removal from office as a method of discipline under the Act. 2/93

Support efforts within ABA and be bar associations to increase understanding of Act, and supports certain enumerated amendments to Act. 2/94

See also Judicial Independence entry, this section.

Judicial Disqualification and Recusal. Urge states to establish clearly articulated procedures for judicial disqualification determinations and prompt review of denials of request to disqualify a judge. (11A107) 8/11

Urge states and territories to adopt clear procedures for judges to disqualify or recuse themselves and to create mechanisms for the review of denials to disqualify or recuse. (14A105C) 8/14

Judicial Education Programs. Urge federal and state judicial education programs for judges include a course examining how racial and sexual bias affect judicial decision-making. 8/86

Support educational programs for judges about the civil, criminal, psychological, evidentiary and procedural issues relating to domestic violence; further, recommend that such educational training programs be mandatory for judges handling cases in certain specified issue areas. 2/96

Urge associations and the highest court of each state to establish, educational programs to assist individuals interested in becoming judges make a more informed decision regarding whether to pursue a judicial career. (09M113) 2/09

Encourage education and training for judges in the United States and abroad with regards to financial market products and practices that is accurate, timely, balanced, and reliable. (10A107B) 8/10

Urge National Commission on Forensic Science to develop a model curriculum in the law and forensic science and train judges in the curriculum. (15A115) 8/15

Implicit Bias. Urge all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education. (17A121) 8/17.

See entry under Administrative Law.

Judicial Elections. See entry under Election Law.

Judicial Impact Statements. Support legislation by states and the U.S. Congress mandating for each bill or resolution that affects the operations of the courts. 8/91

See Justice System Impact Statements under Federal Government/Congress.

Judicial Independence. Oppose recent congressional initiatives that infringe upon the separation of powers between Congress and the courts, and have the potential to inhibit the independence of the judiciary. 2/96

Board expresses concern over recent political attacks on independence of judiciary and calls upon lawyers to speak out for independence. 4/96

Reaffirm support for lifetime appointment of federal judges during good behavior as provided in Article III; oppose proposals, either by statute or constitutional amendment to limit the lifetime tenure or independence of Article III judges. 5/97

Recommend that public officials refrain
from threatening to initiate impeachment proceedings because of disagreement with isolated decisions of a federal judge. 2/98

Affirms that a fair, impartial, and independent judiciary is fundamental to a free society and calls on elected officials and others to support and defend our judiciary; will accelerate efforts to provide public education and assistance in responding to unjustified criticisms regarding the justice system. (05A10A) 8/05

Support efforts to defend against attacks on the judiciary and oppose any measure that interferes with or impedes the ability of courts to apply independently the law and the Constitution fairly and impartially. (07M10B) 2/07

Adopt the Principles on Judicial Independence and Fair and Impartial Courts, dated August 2007. (07A110D) 8/07

Support the following international standards on judicial independence: The United Nations Basic Principles on the Independence of the Judiciary; The International Bar Association Minimum Standards for Judicial Independence; and The Bangalore Principles of Judicial Conduct, and urges the United States government to support these standards. (07A110E) 8/07

See also Criticism of Judges and Term Limits of State Judges, this section and Judicial Elections under Election Law.

**Judicial Leave Policy.** Urge states to adopt standards for judicial leave and evaluate policies in accordance with the "Recommended Criteria for Evaluating Judicial Leave Policies." 2/89

**Judicial Participation in Law-Related Education.** See entry under Legal/Public Education.

**Judicial Performance Evaluations.** Adopt the black letter Guidelines for the Evaluation of Judicial Performance dated February 2005, which replace the 1985 Guidelines. (05M103) 2/05

See related entry under Ad. Law.

**Judicial Planning Agency.** Support creation of such an agency to provide planning capability and recommend appropriate changes in the federal judicial system. 12/77

**Judicial Sabbaticals.** Endorse the concept of judicial sabbaticals and urge the states to adopt legislation to allow a program providing sabbaticals. 8/88

**Judicial Selection.**

**Merit Selection:** Support establishment of procedures to encourage the appointment of federal judges strictly on the basis of merit and without regard to extraneous political considerations. 8/77

Urge all presidential candidates to disavow any platform plank inconsistent with concept of merit selection. 8/80

Urge state, territorial and local bar associations in jurisdictions where judges are elected to work for the adoption of merit selection and retention, and to consider means of improving the judicial elective process. 8/94

**Nominating Commissions:** Urge creation of bipartisan advisory nominating commissions to evaluate qualifications of candidates to District Court and Court of Appeals judgeships. (08A118) 8/08

**Pre-nomination Consultation:** Urge pre-nomination consultations between the President and the home Senators prior to submission of nominations. (08A118) 8/08

See also Minority Appointments to the Federal Judiciary, this section and Judicial Elections: Public Financing under Election Law.

**Judicial Space and Facilities.** Support legislation permitting the transfer of such space to state and municipal judicial use. 8/75

**Judicial Vacancies.** Urge the President of the U.S. and Congress to expedite appointments to vacancies in the judicial system, with a special emphasis on the District Court of the Virgin Islands where there is currently no sitting judge. 2/90

Urge President and Senate to appoint and vote on nominees to fill current vacancies on the federal bench expeditiously. 2/98

Urge prompt nomination of federal judges by the President and prompt consideration of those nominations by the Senate. (08A10A) 8/02

**Jury Service.** Support an amendment to the Social Security Act to allow the use of social security numbers for the preparation of jury lists. 2/91

Support legislation to provide for the random selection of jurors and to prohibit
discrimination in juror selection on account of race, color, religion, sex, national origin or economic status, in federal or state courts. 8/67

Urge ABA to study and evaluate the issues and factors that contribute to low participation in jury service and to develop methods to help increase citizen participation. (01M8B) 2/01

Amends the ABA Principles for Juries and Jury Trials to add gender identity and gender expression to the factors that may not limit eligibility for jury service and to make it the court’s responsibility to educate jurors on how implicit bias may impact the decision making process. (16A/116) 8/16

Jury Size. Support legislation to restore size of a federal civil jury to 12 persons and to enable 10 of the 12 jurors to render a verdict in a civil trial. 2/90

See Jury Standards under Criminal Law.

Jury Trial. Oppose the suspension or delay of an individual’s right to a civil jury trial in the face of difficult fiscal circumstances. (14A105A) 8/14

See related entry under Criminal Law.

Justice Commissions. Support the establishment of access to justice commissions or comparable bodies in all states and territories. (13A10D) 8/13

Justice System Impact Statements. Support the use of Justice System Impact Statements at the federal, state, territorial, and local levels to examine the full economic and workload effect of proposed action or policy on all elements of the civil and criminal justice systems. 8/92

Language Access. Recommends that all courts be provided with language interpreters, including sign language, who are qualified through mandatory certification program. 8/97

Urge sufficient funding for qualified live in-person language interpreters for all courts and administrative agencies. (02M110) 2/02

See English Only under Civil Rights

Adopt the ABA Standards for Language Access in the Courts to provide guidance to courts in designing, implementing and enforcing a comprehensive system of language access services; urge legislative and executive branches to provide adequate funding to courts and other adjudicatory tribunals to fully implement language access services. (12M113) 2/12

Law Clerks in Circuit Courts. Support legislation increasing to two the number of law clerks available to each circuit court judge. 8/67

Lawsuit Abuse Reduction Act. Support the judicial rulemaking process under the Rules Enabling Act, setting forth principles of federalism and the current version of Rule 11 of the Federal Rules of Civil Procedure and opposes legislative changes to Rule 11, including changes proposed in the “Lawsuit Abuse Reduction Act” (H.R. 4571). (05M109C) 2/05

Lawsuit Data Collection. See entry under Insurance and Torts Law.

Law Students in the Courtroom. See entry under Legal/Public Education.

Limits on Oral Argument. Oppose rules of certain federal circuit courts which drastically curtail or eliminate oral arguments. 8/74

Line-Item Veto. Urge Congress to enact legislation to exclude from the Presidential line-item veto authority budgetary items involving the federal judiciary’s appropriations. 2/98

Litigation Filed Both in Federal and State Courts. Support the establishment of methods of cooperation between federal (including bankruptcy), state and territorial courts for the conduct of litigation filed in these courts (or in multiple state and territorial courts) arising out of common facts and support the exploration of methods of consolidation of such litigation within the context of constitutional limitations. 2/92

Long Range Plan for the Federal Courts. Support efforts by the Judicial Conference to plan for the future of the courts and adopt specific policies in response to Plan’s recommendations. 8/95

Magistrates. Support legislation to abolish the office of United States Commissioner and create in its place the office of United States Magistrate and Deputy United States Magistrate. 8/66

Supports the consent jurisdiction of US
magistrate judges as being consistent with and not violative of Article III of the U.S. Constitution. (12M10B) 2/12

See Peremptory Challenges entry, this section.

Megatrials. Urge the Judicial Conference to encourage the United States District Courts to fashion remedies in appropriate individual cases or encourage adoption of local rules in selected Districts to address the issue of long trials involving numerous defendants. 8/91

Merit Selection and Political Contributions. See Judicial Elections: Public Financing under Election Law.


Amend the Application Section of the 2007 ABA Model Code of Judicial Conduct. (10A113) 8/10

Ninth Circuit Restructuring. See Circuit Restructuring entry, this section.

Office for Improvements in the Administration of Justice. Supports the reestablishment of the Office for Improvements in the Administration of Justice in the U.S. Department of Justice. 2/92

Peremptory Challenges. Urge enactment of legislation permitting the peremptory challenge of a federal district judge, magistrate or bankruptcy judge in civil cases. 2/80

See entry, Criminal Law/Procedure.

Problem-Solving Courts. Support the continued development of specialized problem-solving courts, such as drug courts, domestic violence courts, etc. (01A117) 8/01

Punitive Damages. Urge amendment of FRCP and all state rules of civil procedure regarding pleading and discovery of the financial worth of the party against whom punitive damages may be claimed. 8/87

Removal Jurisdiction. Support legislation providing that a federal court to which an action is removed from a state court will not be barred from hearing and determining a claim because the state court lacked jurisdiction over it. 2/86

Rent Relief for the Judiciary. Support legislation to provide relief from excessive rents charged to the Judiciary by the General Services Administration. (06A115) 8/06

Residence for Chief Justice. Support legislation to establish a permanent residence for the Chief Justice. 10/71

Repeal of 28 U.S.C. § 1500. Urge Congress to repeal and replace 28 U.S.C. § 1500 in accordance with the recommendation of the Administrative Conference of the United States to eliminate unnecessary procedural obstacles to the fair and efficient review of claims against the United States in the U.S. Court of Federal Claims. (13M300) 2/13

Regulation of Non-traditional Legal Service Providers, Judicial Review of: See entry (16M105) under Attorneys/General Practice.

Revenue Generation Appointment Criteria. Urge that appointing authorities for judges do not use as criteria for appointment or reappointment revenue generation or conviction rate goals. 2/95

Rules Enabling Act. Support the Rules Enabling Act process which vests rulemaking authority in the Judicial Conference of the United States and provides a period for Congressional review and amendment. Oppose those portions of H.R.10, the Common Sense Legal Reforms Act, (104th Congress) that would circumvent the Rules Enabling Act process. 2/82;

See also Class Actions, Lawsuit Abuse Reduction Act and Sunshine in Litigation Act, this section.

Rulemaking: Membership of Rules Committees. Support federal legislation requiring that practicing lawyers comprise at least 50 percent of each Judicial Conference committee that recommends rules to be prescribed under 28 U.S.C. Section 2072. 8/94
Rules of Practice: Availability. Urge that all local rules adopted by federal district courts are made available in electronic and written format at a single national location. (00M107) 2/00

Rules of Practice: Civil Procedures. See Discovery: Expert Witnesses entry, this section.

Rules of Practice: Uniformity. Urge universal implementation of uniform numbering system, and urge courts to adopt practices that minimize departures from the Federal Rules. (00M107) 2/00


Security of Courthouses and Judges. Urge enumerated actions to improve federal judicial court security. (05A106C) 8/05
Urge governments to adopt laws and policies providing for the development and funding of judicial system security protocols. (14M106) 2/14

Senior Judges. Agree that a policy that a senior federal judge perform 25 percent of the workload of an active judge is not unreasonable, but oppose legislation such as H.R. 1930 on the basis that Congress mandating work criteria for federal judges is unwise, counterproductive and contrary to the spirit of judicial independence and separation of powers. 8/89 (Adopted by new Board, not by H/D)

SLAPP Lawsuits. Urge federal and state legislatures to enact legislation to protect individuals and organizations to choose to speak on matters of public concern form meritless litigation designed to suppress such speech, commonly known as SLAPPs – Strategic Lawsuits Against Public Participation. (12A115) 8/12

State Court Assessment Project. Urge state and territorial judiciaries, in cooperation with state, local, and specialty bar associations, to undertake assessments of their judicial systems, using the State Court Assessment Project developed by the ABA Standing Committee on Judicial Independence. (08A10D) 8/08

State Court Time Standards. Adopt the Model Time Standards for State Courts, dated August 2011, and urges state judicial systems to implement them. (11A123) 8/11

State Justice Institute. Urge continued federal funding for the State Justice Institute at a level adequate to support its programs. (02M301) 2/02

State Secrets. See entry in Anti-Terrorism.

Stipulations for Settlements of Cases Involving Pro Se Litigation. Urge adoption of rules, best practices, etc., for judges in reviewing stipulations for the settlement of cases involving pre se litigants. (08A10A) 8/08

Sunshine in Litigation Act of 2007. Oppose the Sunshine in Litigation Act of 2007 (S 2449) or other legislation that would impose similar requirements or burdens on federal courts for entering or modifying protective orders beyond those in FRCP 26(c) and reaffirm support for Rules Enabling Act. (09M10C) 2/09
See also Rules Enabling Act entry, this section.

Tax Court. See entry under Tax Law.

Tax Intercept of Overdue State Court Debt. Urge Congress to amend the federal tax code to allow state courts to use the federal Tax Offset Program to recover overdue state court debts through interception of federal tax refunds due to debtors. (11M10B) 2/11

Term Limits for State Judges. Oppose efforts to restrict the independence of state judiciaries through measures requiring an automatic limit on the number of terms a person may serve in a judicial position. Support consideration of the qualifications of the person to serve in that position. 8/96

Three-Judge District Courts. Oppose legislation that requires three-judge district court to hear applications for interlocutory or permanent injunctions when constitutionality of
Tribal Law Courts. Adopt and urge implementation of the recommendations contained in the Indian Law and Order Commission’s November 2013 report entitled A Roadmap for Making Native America Safer except for the circuit court provision of amendment 1.2. Urge Congress to establish means of creating consistent case law dealing with civil rights and federal law interpretation in Indian Country. (15M111A) 2/15

Funding. Urge Congress to support quality and accessible justice by ensuring adequate, stable, long-term funding for tribal justice systems. (08A117A) 8/08

Violence Against Women. Urge Congress to strengthen tribal jurisdiction to address crimes of gender-based violence on tribal lands in general, and specifically in the reauthorization of the Violence Against Women Act. (12A301) 8/12

See also additional entries under Criminal Law/Procedure and Family Law.

Unpublished Opinions. Oppose prohibitions against citing or relying on unpublished opinions by federal appellate courts and urge such courts to make their unpublished decisions widely available and to permit citation to relevant unpublished opinions. (01A115) 8/01

Veterans Claims. See entry under Administrative Law.

Veterans Treatment Courts. Support the development of comprehensive, systemic approaches to address the special needs of veterans within civil and criminal courts through programs that connect veterans to appropriate housing, treatment and services. Urge state, local, and territorial courts to facilitate development of Veterans Treatment Courts focused on treatment-oriented proceedings. (10M105A) 2/10

See also Substance Abuse entry under Health/Mental Health.

Virgin Islands. Urge Congress to establish the District Court of the Virgin Islands as a district court under Article III of the Constitution. (99M107) 2/99

Voir Dire. Support voir dire amendments to Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure to permit counsel and the court to conduct an oral examination of prospective jurors. 2/75; 8/76; 2/81

Witness Fees. Support legislation to allow a prevailing party in a case covered by a Federal fee-shifting statute to recover the costs of reasonable expert witness fees. 8/9

CRIMINAL LAW/PROCEDURE
(For additional policy positions, see the ABA Criminal Justice Standards, adopted amended on multiple occasions, including Standards on the Treatment of Prisoners, 2/10; Standards on Law Enforcement Access to Third Party Records, 2/12; Standards on Fair Trial and Public Discourse, 8/13; Standards for Criminal Justice: Prosecution Function and Defense Function 2/15; 8/17 Standards for Criminal Justice Monitors (15A108A) 8/15; Criminal Justice Standards on Mental Health (16A107) 8/16 and Standards Relating to Dual Jurisdiction Youth (17A112A) 8/17.

See also ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases, 8/04; and ABA Guidelines and on Speedy Trial and Timely Resolution of Criminal Cases, 8/04; and the Model Act Governing the Confidentiality and Expungement of Juvenile Delinquency Records (15A103A) 8/15.

Access to Courts by Prisoner. Urge jurisdictions to afford prisoners meaningful access to the courts and ensure that they are subject to procedures applicable to the general public when bringing lawsuits and urges Congress to repeal or amend specified provisions of the Prison Litigation Reform Act (PLRA). (07M102B) 2/07

Adult Community Corrections Act. Urge each state and territory to enact an Adult Community Corrections Act; support 1991 Model Act, 2/92

Acquittals. See Federal Rules of Criminal Procedure entry, this section.

AIDS and the Criminal Justice System. See HIV/AIDS and the Criminal Justice System entry, this section.

Anti-Terrorism. See entries under
Anti-Terrorism for all policies that affect criminal prosecution of detainees suspected of terrorist activities.

Asset Forfeiture. Urge the Department of Justice and other prosecutorial agencies to promulgate internal guidelines to govern the use of criminal and civil forfeiture. 2/91

Urge that federal asset forfeiture laws be amended to comply with the Statement of Principles on the revision of the Federal Asset Forfeiture Laws, dated November 11, 1995. 2/96

Pretrial Hearing. Urge federal, state, local and territorial courts to provide a pretrial adversarial hearing where a criminal defendant can challenge the evidentiary support, and underlying probable cause for a restraining order that freezes assets needed to retain counsel of their choice. (513BOG) 5/13

Attorneys as Witnesses before a Grand Jury. Oppose prosecuting attorneys issuing subpoenas to attorneys to appear before grand juries for the purpose of compelling the attorney to provide information concerning a person whom the attorney represents unless prior judicial approval has been obtained. 2/86

Attorney-Client Contact as Evidence of Guilt. Support principle that act of contacting or retaining an attorney should not be admissible as evidence of consciousness of guilt. 2/94

Attorney-Client Privilege. See International Money Laundering, and Email Communication entries under Attorneys/General Practice.

Bail Reform. Support amendments to the Bail Reform Act of 1966, including authorization for government and defendant appeals of pretrial release orders, limitations on pre-trial release and bail pending appeal and increased penalties for offenses committed during pretrial release. 2/72

See also Chapters 20 and 21 of the ABA Standards of Pretrial Release.

Recommend that all jurisdictions ensure that defendants are represented by counsel at bail hearing and that adequate resources are provided to ensure such representation for indigent defendants. (98A112D) 8/98

Personal Recognizance. Urge governments to adopt policies that: 1) favor release on personal recognizance bonds or unsecured bonds; 2) require courts to determine that only financial conditions will assure appearance; and 3) that prohibit pretrial detentions based solely on an inability to pay.

See related entries under Youth Offenders, this section.

Ballistic and Fingerprint Identification System. Urge Congress to enact legislation and authorization of funds for nationwide interoperability of the Automated Fingerprint Identification System; urge adoption of methods for improving the effectiveness of the National Integrated Ballistic Information Network through operational and technological improvements. (10A100H) 8/10

Bias in the Criminal Justice System: Racial and Ethnic. Urge bar associations, judges, prosecutors, defenders and police to address disparate treatment of racial and ethnic minority youth in the justice system and assure fair and equal treatment by adhering to specified principles. (03A101B) 8/03

Urge states, territories, and the federal government to strive to eliminate actual and perceived racial and ethnic bias in the criminal justice system and recommend the establishment of Criminal Justice Racial Task Forces to reduce or eliminate racial disparities at each stage of the criminal justice process. (04A121B) 08/04.

See also Kennedy Commission entry, this section.

Biological Evidence (Including DNA Evidence). Urge jurisdictions to adhere to certain principles concerning biological evidence collected in conjunction with the investigation of a criminal case, including the principle that appropriate scientific and privacy standards should be developed to guide the preservation of biological evidence. (00M115) 2/00

Hair Analysis. Urge the DoJ to continue its accuracy and quality assurance efforts in the area of microscopic hair analysis and urge prosecutors to conduct a timely review of all cases in which possible errors occurred. (M17/112A) 2/17

See Standards of DNA Evidence entry, this section.

See Hair Analysis, this section.
**Capital Punishment.** Urge the Supreme Court to adopt a rule providing for appointment of counsel to pursue post-conviction remedies in death penalty cases, and recommend that the Criminal Justice Act be amended to provide for adequate compensation to counsel in such cases. 2/79

Oppose in principle capital punishment for any offense committed while under the age of eighteen. 8/83

Recommend that two attorneys be appointed to represent defendants in death penalty cases, one of whom has substantial trial experience. 2/85

Oppose discrimination in capital sentencing on the basis of the race of either the victim or the defendant. 8/88

Opposes the death penalty for any mentally retarded person. 2/89

Support the adoption of the “Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases.” 2/89

Support legislative measures to prevent or minimize disproportionate effects of federal death penalty legislation on Native Americans subject to federal jurisdiction. 8/91

Support the adoption of the “Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases,” dated February 2003. (03M107) 2/03

Without taking a position supporting or opposing the death penalty, urges each jurisdiction that imposes capital punishment to implement specific policies and procedures as it relates to mental illness. (06A122A) 8/06

Urge courts in capital cases to adopt jury instructions that are understandable to jurors untrained in law. (12M101G) 2/12

Urge Congress to amend 28 U.S.C. § 2254(d) to require a federal district court to review de novo, based on the record made in the federal court, claims of ineffective assistance of counsel by petitioners under sentence of death. (12A107D) 8/12

**Execution Protocols.** Urge jurisdictions that impose capital punishment to promulgate execution protocols in a transparent manner, require public comment and disclosure to the public of all relevant information regarding execution procedures. (15M108B) 2/15

**Hair Analysis.** Urge the DoJ to continue its accuracy and quality assurance efforts in the area of microscopic hair analysis and urge prosecutors to a timely review of all cases in which possible errors occurred. (M17/112A) 2/17

**Moratorium.** Recommend that each jurisdiction imposing capital punishment not carry out the death penalty until it implements policies and procedures that are consistent with ABA policies intended to (1) ensure the fair and impartial administration of the death penalty, and (2) minimize the risk that innocent persons may be executed. 2/97

**Unanimous Juries.** Urge governments that impose capital punishment and the military to require that before a sentence of death is imposed juries unanimously recommend capital punishment and unanimously agree on any fact or aggravating factor that is a prerequisite. (15M108A) 2/15

See also *Wrongful Execution* entry, this section.

**Child Sexual Abuse.**

Urge governments to review child sexual abuse criminal statutes of limitations to determine whether extending the statute of limitations is warranted (12A107A) 8/12

**Sexual Assault Laws.** Urge legislative bodies to review their laws on luring, enticing, or intimidating minors for sexual acts to ensure that such laws explicitly address internet and other electronic means of communication. (M17/300) 2/17

**Child Victims and Childhood Violence.** See entry under *Family Law.*

**Child Witnesses in Abuse Cases.** Approve "Guidelines for the Fair Treatment of Child Witnesses in Cases Where Child Abuse is Alleged." 8/85

**Codification of Federal Criminal Laws.** Support codification in conformity with five declared principles and favor numerous specific amendments and deletions. 2/73; 8/73; 8/75

**Collateral Consequences for Non-U.S. Citizen.** See entry under *Immigration Law.*

**Collateral Sanctions.** See *Youth Offenders:* this section.

**Commission on Gambling.** Recommend immediate establishment of a Commission on the Review of the National Policy Toward Gambling. 7/71
Communication between Parents their Children. Urge federal, state, territorial, and local governments to facilitate contact and communication between parents in correctional custody and their children in the community; urge child welfare agencies facilitate communication with correctional facilities to enable them to track the incarceration status of parents of children in foster care. (10M102E) 2/10

Comprehensive Crime Control Act. Disapprove of using the forfeiture and subpoena provisions of the “Comprehensive Crime Control Act of 1984” against attorneys unless there are reasonable grounds to believe the attorney has engaged in criminal activity or accepted a fee to protect such activity. 8/85

Concealed Weapon. Support discretion of enforcement authorities to determine whether a permit or license to engage in “concealed carry” should be issued in jurisdictions that allow the carrying of concealed weapons, and opposes laws that limit such discretion. (11A115) 8/11

Contacts by Department of Justice Attorneys with Unrepresented Persons. See Model Rule 4.2 entry under Attorneys/General Practice.

Congressional Contacts with Federal Prosecutorial Agencies. Urge congressional committees to adhere to certain principles when seeking information from federal prosecutorial agencies. Generally, such principles should recognize the legitimate oversight role of congressional bodies, the obligation of federal prosecutorial agencies to respond to congressional inquiries, and the need to prevent improper interference with the investigation or prosecution of individual cases. 8/96

Convictions. Support legislation governing certificates setting aside convictions and permitting the record of conviction to be used and disseminated for certain purposes. 8/73

Wrongful Convictions. Urge prosecutor’s offices to adopt and implement internal conviction-integrity policies for situations when an office supports a defendant’s motion to vacate a conviction based on doubts about the lawfulness of the defendant’s conviction. (M17/112B) 2/17

Cooperation of Organizations in Government Investigations. See entry under Business Law.

Crack-Cocaine Sentencing. See Sentencing Guidelines for Drugs entry, this section.

Crime Labs. Urge federal state and local governments to reduce risk of convicting the innocent by accrediting crime labs and medical examiner offices, standardizing and publicizing lab procedures, appointing defense experts for indigent defendants, providing affordable attorney training in forensic science and providing such programs with adequate funding. (04A111B) 08/04

Urge the federal government to provide funding and resources sufficient to facilitate the examination of existing standards, accreditation and certification for government and private laboratories, examiners/analysts in government and private laboratories, and identified forensic science service providers who offer examination conclusions and/or interpretations of forensic laboratory results. (10A100E) 8/10

Urge governments to adopt pretrial discovery procedures to require laboratories producing reports for use in criminal trials to submit comprehensive laboratory and forensic science reports that include identification of procedures, results and other specified information. See also Forensic Science entry, this section.

Crime Victims Compensation. Support legislation to compensate victims of federal crimes and authorize payment to states to carry out the program. 8/67-R-5/74

Approve the “Guidelines Governing Restitution to Victims of Criminal Conduct” dated April 1988. 8/88

See also Victim and Witness Procedures entry, this section.

Criminal Defense Lawyers. Urge defender organizations and criminal defense lawyers to address clients’ interrelated criminal, civil and non-legal problems through specified means. Urge funding for these purposes. (12A107C) 8/12

Criminal Defense Services Contracts. Urge jurisdictions which utilize governmental contracts for criminal defense services to
choose them in accordance with Chapter 5 of the second edition, ABA Standards for Criminal Justice and Guidelines. 2/85; 8/85

**Criminal Justice Act.** Urge Congress to increase, or to provide a mechanism for administratively increasing, the per hour and maximum total amount of compensation authorized under the Act so that attorneys receive reasonable compensation in accordance with prevailing standards. 2/82

Urge Congress to fully fund the Criminal Justice Act, including sufficient monies to permit the United States Judicial Conference to implement a $113 panel attorney hourly rate for private attorneys representing indigent defendants. 4/01

**Criminal Justice Financial Assistance.** Support legislation to provide federal financial assistance to states and localities to help their crime-fighting efforts. 2/79

**Criminal Justice Information.** Support legislation to restrict unauthorized and harmful dissemination of criminal justice data identifiable to a person. 8/75

**Criminal Justice System Study.** Support enactment of legislation to provide for a national study of the state of criminal justice in the United States, with consideration given to all the serious criminal justice issues facing federal, state, local and territorial jurisdictions. (09A111B) 8/09

**Custodial Interrogations – Videotaping.** Urge law enforcement agencies to videotape or record all custodial interrogations of crime suspects; urge legislatures and/or courts to enact laws or rules of procedure requiring videotaping of custodial interrogations of crime suspects, to provide necessary funding, and to provide appropriate remedies for non-compliance. (04M8A) 02/04

Approval of the Uniform Electronic Recordation of Custodial Interrogations Act. (11M109C) 2/11

**Decriminalization of Consensual Sexual Conduct.** Urge non-federal legislatures to review, repeal or amend all statutes criminalizing private, non-commercial, consensual sexual conduct between persons with the legal capacity to consent or denigrating persons who engage in constitutionally protected sexual conduct. (16M102) 2/16

**Department of Justice Prosecutors and Model Rules.** See Model Rule 4.2 entry under Attorneys/ General Practice.

**Detainee Treatment and Interrogation.** See entry in Anti-Terrorism.

**District of Columbia Criminal Justice Act Funds.** Support full funding for the D.C. Criminal Justice program. 9/73

**Disclosure Obligations.** Urge federal, state, local and territorial courts to adopt a procedure to require that a criminal court, prior to a trial involving felony or serious misdemeanor charges, to conduct a conference with the parties with regard to their respective disclosure obligations under applicable discovery rules, statutes, ethical standards, etc. and to offer assistance in resolving disputes over disclosure obligations. (10M102D) 2/10

Urges federal, state, tribal and local courts to adopt and procedure whereby a criminal trial court shall disseminate a written checklist delineating the general disclosure obligations under *Brady v. Maryland.* (11M104A) 2/11

Urges adoption of disclosure rules requiring the prosecution to timely disclose to the defense before the commencement of trial all information known to the prosecution that tends to negate the guilt of the accused, mitigate the offense charges, or impeach the prosecution’s witnesses or evidence, except when relieved of this responsibility by protective order. (11A105D) 8/11

**Division of Government Crimes.** Support statutory establishment of such a division in the Department of Justice. 2/76

**Drug Abuse: Inhalants.** Urge state and local bars to join the ABA in developing state and local initiatives aimed at preventing inhalants abuse. 8/95

**Drug Courts and Pretrial Drug Testing.** Adopt the black letter of Standard 2.77, Procedures in Drug Treatment Courts as an amendment to the Standards Relating to Trial Courts. (01A101A) 8/01
Effective Assistance of Counsel. See *Indigent Defense Services*, this section.

Effective Criminal Sanctions Commission: Community Supervision Programs. Recommend the development of community supervision programs that allow all but the most serious offenders avoid incarceration and a conviction record and to support individuals seeking to develop deferred adjudication/deferred sentencing/diversion options that avoid a permanent conviction record (07M103A) 2/07

Urge jurisdictions to assist defenders in advising their clients of collateral consequences of conviction. (07M103E) 2/07

Support professional organizations developing programs to train all criminal justice professionals in promoting the sound exercise of their discretion. (07M103F) 2/07

Urge jurisdictions to develop and implement meaningful graduated sanctions for violations of probation or parole. (07M103B) 2/07

See also *Kennedy Commission and Youth Offenders* entries, this section.

Employment of Women. Urge strengthened recruitment and training programs to assure increased employment of women throughout the criminal justice system. 8/76

See also *Discrimination in Employment* entry under *Corrections*.

Enemy Combatants. See entry under *Anti-Terrorism*.

Evidence Collection and Investigator Conduct. Urge federal, state, local, and territorial governments to establish written policies governing collection and prosecution of evidence; establish training programs for investigative personnel and develop procedures for reporting misconduct; and provide adequate funding for all of above. (04A111E) 08/04.

Exclusionary Rule. Support retention in its current form of the exclusionary rule and oppose legislation which would restrict the application of the rule. 2/73

See also *Miranda Rules* entry, this section.

Expert Testimony. See *Forensic Science* entry, this section.

Expungement of Records. Urge governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction. (17A112F) 8/17

Urge governments to enact laws allowing for the expungement of convictions or other statutory or ordinance violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness. (17A112G) 8/17

Extradition. Support the Uniform Extradition and Rendition Act promulgated in 1980 by the NCCUSL. 2/81

Eyewitness Identification. Adopt the ABA Statement of Best Practices for Promoting the Accuracy of Eyewitness Identification Procedures, August 2004; recommend that police and prosecutors develop guidelines for improving the accuracy of lineups and photo spreads; authorize courts to allow expert testimony re: eyewitness accuracy and provide special jury instructions. (04A111C) 08/04.

Urge federal, state, local, and territorial trial judges provide a cross-racial identification jury instruction in certain cases to guard against the enhanced risk of eyewitness misidentification. Urge jurisdictions to develop procedures, including procedures for the procuring and use of expert witnesses and the developing of model instructions, which address the increased risk of cross-racial misidentification in appropriate cases. (08A104D) 8/08

Fair Treatment of Crime Witnesses/Victims. Adopted a set of 13 Guidelines for Fair Treatment of Crime Victims and Witnesses in the Criminal Justice System. 8/83

Federalization of State Crimes. Opposes legislation which would give federal prosecutors concurrent jurisdiction with state prosecutors in crimes where a gun transported in interstate commerce was used in the commission of a homicide or other violent or drug trafficking crime. 9/91

Oppose trend toward greater federalization of state crime, and urge Congress to consider enumerated principles, derived from the 1998 Report of the Task
Force on Federalization of Criminal Law, before creating new federal crimes. (99A113A) 8/99


**Federal Rules of Evidence.** Urges the Federal Rules of Evidence 404(b) and similar state rules which govern the purposes for which evidence of crimes may be admitted be amended to provide that in criminal cases admissibility of extrinsic acts offered as evidence be decided by the court. 2/89

**Federal Witness Immunity Act.** Urge amendment of the Act to permit the court to compel a defense witness to testify over a claim of privilege against self-incrimination. 8/67; 8/80

**Fingerprint Identification.** See *Ballistic and Fingerprint Identification System* entry, this section.

**Forensic Science.** Urge federal, state, local and territorial government to provide sufficient funding and resources to facilitate basic and applied scientific research to improve and/or further develop forensic science disciplines. (10A100D) 8/10

Urge the federal government to provide the funds, resources and other support necessary to effectively integrate the forensic science community into the nation’s system of homeland security. (10A100F) 8/10

**Expert Testimony:** Urge judges and lawyers to consider a number of factors in determining the manner in which expert forensic science testimony should be presented to a jury and how to instruct the jury in its evaluation of expert scientific testimony in criminal and delinquency proceedings. (12M101C) 2/12

**Voir Dire:** Urge judges and lawyers to consider potential jurors’ understanding of general scientific principles, scientific principles relevant to forensic science, and preconceptions or bias with respect to forensic scientific principles in formulating jury voir dire questions. (12M101D) 2/12

See also *Crime Labs* entry, this section.

**Gatekeeper Regulations and the Profession.** See *Money Laundering* and *Terrorist Financing* entries under Anti-Terrorism.

**Gay Panic Defense.** Urge enactment of legislation to curtail the “gay panic” and “trans panic” defenses, including requiring courts to instruct juries that neither non-violent sexual advance nor the discovery of person’s gender/sexual identity constitute legally adequate provocation to mitigate severity of non-capital crime. (13A113A) 8/13

**Government Appeal of Sentences.** Oppose in principle government appeal of sentences on grounds that they are too lenient; oppose inclusion of such a provision in legislation to recodify the Federal Criminal Code. 2/80

**Grand Jury Act.** Approve Model Grand Jury Reform Act of 1982. 2/82

**Grand Jury Reform.** Oppose constitutional amendment which would eliminate the requirement of an indictment in criminal cases. 8/75

Support legislation implementing several improvements in grand jury proceedings, concerning the right to counsel secrecy and limiting the use of hearsay, Fifth Amendment issues, pretrial discovery, etc. 8/74; 8/77; 8/80; 2/81; 2/84; 8/87

Urge the Judicial Conference of the United States to amend the Model Grand Jury Charge as suggested which clarifies that the Grand Jury should be instructed to vote separately on each defendant. (13M104J) 2/13

**Gun Control.** Support several measures to effectuate strong federal gun control including: limiting sale or possession of “Saturday Night Specials,” imposing a waiting period for purchase of firearms, severe penalties for use of a firearm in a crime, making licensing of dealers discretionary, periodic review of the eligibility of handgun owners, and other measures prohibiting purchase etc. of "assault weapons," by private citizens and urge limiting their availability to military and law enforcement organizations. 8/66; 2/73; 8/75; 2/83; 2/89; 8/93; 2/94

Support several measures to effectuate strong federal gun control including: requiring a license for purchase or transfer of handguns; requiring newly manufactured handguns to be equipped with safety features in order to reduce accidental injuries;
increasing federal tax on handguns; requiring federally licensed firearms dealers to report gun thefts and cooperating with criminal investigations; comply with local and state laws; limiting gun sales to premises; and support public education on Second Amendment and public health efforts to reduce gun violence. 8/94

Support measures to effectuate strong federal gun control including: limiting sale or possession of "Saturday Night Specials," imposing a waiting period for purchase of firearms, severe penalties for use of a firearm in a crime, making licensing of dealers discretionary, periodic review of the eligibility of handgun owners, and other measures prohibiting purchase etc. of "assault weapons," by private citizens and urge limiting their availability to military and law enforcement organizations. 8/66; 2/73; 8/75; 2/83; 2/89; 8/93; 2/94

Reaffirm ABA policies on gun control dating from 1965-1993; urge legislative bodies to pursue solutions to the problem of gun violence consistent with ABA policy. (94M8D) 2/94

Support laws that would restrict the sale, distribution, transfer and possession of .50 caliber sniper weapons except to the United States military, the National Guard and law enforcement agencies. (05A10C) 8/05

Background Check. Urge applicable governmental entities to take all appropriate measures to ensure that the National Criminal Instant Background Check System (NICS) is as complete and accurate as possible; urge the U.S. Department of Justice to immediately rescind its memorandum advising federal agencies that they need not report to the FBI. (11A10A) 8/11

Gun Violence Restraining Orders. Urge governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including ex parte orders. (17A118B) 8/17

Health Care Providers. Oppose limitations on the rights of physicians and other health care providers to ask their patients whether they possess guns and to counsel them about the dangers. (12A111) 8/12

Legal Immunity. Oppose federal, state or territorial legislation to create special legal immunity for firearms industry from civil tort liability. (01A10B) 8/01

Rights of Property Owners. Support the right of private employers and property owners to exclude from the workplace and other private property persons in possession of firearms and oppose to override that right. (07M107) 2/07

Rights of Victims. Urge amendment of the Gun Control Act of 1968 to provide a private cause of action, with concurrent state and federal jurisdiction, for those persons sustaining injury or damage as a result of violation of the Act; urge adoption and extension of state laws to provide civil claims for relief for those persons sustaining injury or damage as a result of the violation of state or municipal firearms laws. 2/96

Violence at Schools. Support comprehensive approach to address gun violence at schools by children that includes preventative peer-mediation, firearms education, increased enforcement of laws to prevent unauthorized access to firearms by minors, and enactment of additional firearms laws. (98A10E) 8/98

Microstamping. Urge federal, state, and territorial governments to enact laws requiring newly-manufactured semi-automatic pistols be fitted with microstamping technology to ensure that fired cartridges carry serial number of pistol. (10A115) 8/10

See also Zero Tolerance entry under this section.

Habeas Corpus. Support full utilization of the provisions pertaining to representation in federal habeas corpus death penalty proceedings contained in the Criminal Justice Act Revision of 1986 and the Criminal Justice Act Guidelines as amended in 1987 while urging each federal district and circuit court to adopt and each federal circuit judicial council to approve a plan for representation congruous with ABA recommendations. 2/88

Urge measures to be taken in the litigation of death penalty cases, including: providing for competent and adequately compensated counsel at all stages of the proceedings to enhance the efficiency and fairness of state and federal review of state death penalty decisions, a one year statute of limitations for filing all post-conviction applications in capital cases, consolidation of petitioners’ claims, restrictions on filing of successive petitions, and set asides on procedural barriers. 8/82; 2/90

See Habeas Corpus and Military Capital Prisoners entries under Military Law.

Hate Crimes. Urge vigorous efforts by federal,
state and local officials to prosecute perpetrators of violent crimes including those motivated by bias or prejudice. 8/87

Encourage educational initiatives to address hate crimes and intolerant acts by youth and anti-bias education. (02A104B) 8/02

**HIV/AIDS and the Criminal Justice System.**

Recommends procedures and policies for dealing with issues raised by the HIV epidemic for use by attorneys, the courts and correctional facilities which emphasize non-discriminatory treatment of individuals with HIV. 2/89

See also HIV/AIDS entry under Health/Mental Health.

**Homeless Court Programs.**

Support the development of a comprehensive, systemic approach to addressing the needs of homeless misdemeanor defendants; urge bar associations to facilitate court adoption of Homeless Court Programs as treatment-oriented diversionary proceedings that result in the dismissal of misdemeanor offense upon completion of shelter/service agency activities (03M116). 2/03

Adopt principles for Homeless Court Programs and approve criteria for individual participation recognizing that administration of the programs will differ depending on the jurisdiction. (06A108A) 8/06

**Homelessness and Criminal Penalties.** See entry under Housing Discrimination.

**Human Trafficking.**

Support legislation to provide funding to strengthen protection and assistance for victims of trafficking within the United States or abroad and bolster prevention efforts; encourage bar associations to raise awareness; and urge lawyers to provide pro bono legal services to victims of trafficking. (07A110C) 8/07

Urge legislatures to treat minors engaged in trafficking as victims rather than criminals and assure that they receive needed services. (11A103A) 8/11

Urge governments to enact laws regarding treatment of human trafficking victims by criminal justice system; urge bars to develop education programs on the subject. (13M104F) 2/13

Urge legislators to enact legislation allowing human trafficking victims charged with prostitution related crimes or other non-violent crimes that are a direct result of their being trafficked to assert an affirmative defense of being a human trafficking victim. (13M104G) 2/13

Urge legislators to enact and enforce laws and policies that permit victims of human trafficking to vacate their criminal convictions for crimes related to prostitution; encourage legal assistance providers to develop pro bono programs to assist victims of human trafficking to vacate convictions for offenses that are a direct result of their trafficking victimization. (13M104H) 2/13

Urge bar associations to develop and implement training programs for judges, prosecutors, defense counsel, law enforcement officers and other investigators that will enable them to identify victims of human trafficking and offer services and benefits. (13M104I) 2/13

See also entry under Reform of Immigration System in Immigration Law.

See also entry under Haiti in International Law.

See also entry under Human Trafficking Business Standards in Business Law. (14M102B) 2/14

**Illiteracy Among Criminal Offenders.**

Urges states, territories, localities, judges, prosecutors, defense attorneys and correctional officials to take steps to increase literacy among criminal offenders; support mandatory literacy programs for offenders if the programs meet certain criteria; and recommends use of 1991 Model Act. 2/92

**Immigration Status.** See entry under Immigration Law.

**Independent Counsel.**

Support retaining essence of the Special Prosecutor provisions of the Ethics in Government Act of 1978 to accomplish specified goals. 2/76; 8/82

Urge adoption of certain amendments to Independent Counsel provisions of Act. 8/93

Oppose reauthorization of the Independent Counsel provisions of the Ethics in Government Act; however, if Congress does reauthorize, it should adhere to several specified safeguards. (99M116A) 2/99

**Identity Theft.** See entry under Legal
Services.

**Indigent Defense Services.** Urge adequate federal and state funding for indigent criminal defense services in state and local courts. 5/73

Support legislation to provide funding for indigent defense programs and services. 2/91

Urge jurisdictions to adopt standards, using widely available models, and suggest that funding for such services be awarded contingent upon compliance with such standards. (98A115) 8/98

Adopt or reaffirm “The Ten Principles of a Public Defense Delivery System,” dated 2/02 and urge each jurisdiction to use them for assessment purposes. (02M107) 2/02

Urge that steps be taken to fulfill the constitutional guarantee of effective assistance of counsel under the Sixth Amendment. (05A107) 8/05


See Capital Punishment entry, this section and Compensation for Counsel under Attorneys/General Practice section.

Urge Congress to establish and fund an independent Center for Indigent Defense Services. (13M104A) 2/13

Urge state, territorial and tribal governments to enact legislation to prohibit the retaliatory discharge of a Chief Public Defender because of his or her good faith effort to control acceptance of more clients that the office can represent in a competent and diligent manner. (13M104C) 2/13

Urge Congress to enact legislation to: 1) enable DOJ to pursue civil actions to obtain equitable relief for systemic violations of the 6th Amendment right to effective assistance of counsel; and 2) recognize right of private litigants to obtain equitable relief for systemic violations. (17A106) 8/17

**Insanity Defense.** Support a defense of non-responsibility for crime focusing solely on whether a defendant, as a result of mental disease or defect, was unable to appreciate the wrongfulness of his or her conduct at the time of the offense charged; support allocating the burden of proof in insanity cases according to the insanity test employed; and oppose the enactment of guilty but mentally ill statutes. 2/83

**International Criminal Court.** See entries under International Law.

**Institute on Juvenile Justice.** Support legislation establishing an Institute for Continuing Studies of Juvenile Justice. 2/72

**Judicial Conference of the U.S. Criminal Justice Act Committee.** Recommend expansion of this committee. 8/80

**Judgment of Acquittal.** Opposes any amendment to the Federal Rules of Criminal Procedure that would eliminate the authority of federal district judges to enter final judgments of acquittal during trial and that would require the accused to waive his or her Fifth Amendment Double Jeopardy rights as a condition of seeking a judgment of acquittal during trial. (07M301) 2/07

**Jury Trial.** In criminal cases, urge (1) the right to jury trial whenever a prison term may result; (2) a jury of 12 if the prison term may exceed six months; and (3) unanimous jury verdicts. 2/76

**Juvenile Court Services.** Urge the Office of Juvenile Justice and Delinquency Prevention of DOJ to support implementation of adequate defense and prosecution services in juvenile courts, and that assessment and support of these services receive priority attention. 8/84

See Mental or Emotional Illness entry, this section.

**Juvenile Justice Reauthorization.** Support reauthorization of the Juvenile Justice and Delinquency Prevention Act but urge Congress to conduct comprehensive public hearings to determine its effectiveness and to examine its future goals. 2/92; 8/95

Urge full implementation of 2002 and 2003 amendments to the JJDPA and CAPTA to: 1) make youths’ child welfare records known to the juvenile court for effective treatment planning; 2) provide effective treatment and service continuity when youth transition between child welfare and juvenile justice systems; 3) assure that when youth are placed in settings funded through Title IV-E of the Social Security Act they receive full protections afforded under that law; and 4) collect state data on all youth transferred from one system to another. (08M300) 2/08

CRIMINAL LAW/PROCEDURE
Kennedy Commission: Sentencing/Corrections Reform. Urge states, territories and the federal government to implore the fairness, wisdom and efficacy of criminal punishment in the U.S. by implementing sentencing and corrections reforms based on enumerable principles including:

- Repeal mandatory minimum sentences.
- Study and fund treatment alternatives to incarceration for offenders who may not benefit from treatment for substance abuse and mental illness.
- Develop and implement policies and procedures to combat racial and ethnic profiling.
- Establish criminal justice racial and ethnic task force to study and make recommendations concerning racial and ethnic disparity in the various stages of the criminal justice process.
- Implement prison policies and procedures that assist prisoners in preparing to reenter society by providing appropriate treatment, training, and mental health counseling and services.
- Establish standards and procedures for reduction for sentencing and clemency requests by prisoners.
- Identify and removing unnecessary legal barriers that prevent released inmates from successfully reentering society.
- Establish broad community partnerships to promote successfully reentry into the community and that measure their performance by the overall success of reentry; and establish reentry clinics in law schools in which students assist released prisoners regain legal rights or remove collateral disabilities. (04A121A-D) 8/04

Law Enforcement Activities by White House Personnel. Support legislation to prohibit such activities and to make them punishable by a prison term. 2/76

Law Enforcement Assistance Administration. Support amendment of LEAA to provide adequate augmenting funds to state court systems, and to encourage long-range plans for improvement of state courts. 2/75; 2/76

Law Enforcement Award. Support legislation to establish the President’s Award for Distinguished Law Enforcement Service. 2/72

Logging of Contacts with Department of Justice. Support legislation requiring Justice Department personnel to record all outside contacts. 2/76

Mandatory Minimum Sentences. Oppose legislatively or administratively imposed mandatory minimum sentences not subject to probation or parole, including sentences for drug offenders. 2/74

- See also Kennedy Commission: Sentencing Reform entry, this section.
- Oppose the mandatory minimum sentences in any criminal cases, and urge Congress and legislatures to repeal—and not enact new—mandatory minimum sentences. (17A10B) 8/17

Miranda Rules. Urge federal, state, territorial and local legislative bodies and governmental agencies to support the development of simplified Miranda warning language for use with juvenile arrestees. (10M102B) 2/10

- Urge law enforcement authorities to provide a culturally and substantively accurate translation of the Miranda warning in Spanish. (16A110) 8/16
- Urge law enforcement authorities to develop and use translations of Miranda warnings in as many languages and dialects as necessary to accurately and fully inform individuals of their Miranda rights. (17M112C) 2/17

Mediation. Urge all levels of governments to use of mediation to resolve criminal matters, specifically at a time prior to actual case filing; urge expanded use of mediation of early resolution courts pre-filing diversion and other methods to assist with plea negotiations and case resolution; urge adherence to mediation protocols that protect the rights and needs of those involved; support continuing research regarding mediation. (09M101B) 2/09

Mental or Emotional Illness in Adults and Youth. See entry under Health/Mental Health.

Mens Rea. Urge governments to prescribe mens rea elements for all crimes other than strict liability and to re-examine strict liability offenses to determine whether the absence of a mens rea element results in imposition of unwarranted punishment on defendants who
lacked any culpable state of mind in performing acts that were not *malum in se*. (13A113D) 8/13

**Military Tribunals: Post 9/11.** See entry under Courts/Judges/Procedure.

**Miranda Rules.** Supports principle that person subject to custodial interrogation by law enforcement authorities should be fully advised of “Miranda rights”. (99A113D) 8/99

See also *Exclusionary Rule*, this section.

**Misdemeanors.** Urge local, state, territorial and federal governments to review the misdemeanor provisions of their criminal laws, and, where appropriate, to allow the imposition of civil fines or nonmonetary civil remedies instead of criminal penalties. (10M102C) 2/10

See also *Effective Criminal Sanction* entries, this section.

**Model Rules of Professional Conduct: Rule 4.2 -- Contacts by Department of Justice Lawyers.** See entry under Attorneys/General Practice.

**Money Laundering and Terrorist Financing.** See entry under Anti-Terrorism.

**Obscenity.** Support legislation to prohibit the use of interstate facilities, including the mails, for transportation of salacious advertising. 2/72

**Organized Crime.** Support legislation creating machinery corresponding to the antitrust laws for the prosecution of organized crime. 8/86

Support specific organized crime legislation subject to certain amendments. 7/70

**Parallel and Concurrent Proceedings.** Support amendment of the FRCP to address problems that may arise as a result of parallel and concurrent civil and criminal proceedings. 2/93

**Parental Rights.** Urge governmental entities to clarify that incarceration alone should not be grounds for judicial termination of parental rights (10M102E) 2/10

**Partisan Political Interests of Government Lawyers.** See entry under Federal Government/Congress.

**Peremptory Challenge of Judges.** Support adoption of provisions for the peremptory transfer of a criminal case to a judge other than the one to whom the case was assigned. 8/79

See also *Preemptory Challenges* under Courts/Judges/Procedure.

**Peremptory Challenges.** Support amendments to Rule 24 (b) of the Federal Rules of Criminal Procedure to provide for an equal number of peremptory challenges to the prosecution and defense in criminal trials where there is one defendant and to set time limits for such challenges. 2/86

**Plea Sentence Agreements and Waiver of Ineffective Assistance Claims.** Oppose plea or sentencing agreements that waive a criminal defendant’s post-conviction claims addressing ineffective assistance of counsel, prosecutorial misconduct or destruction of evidence unless based upon past instances of such conduct that are specifically identified in the plea or sentencing agreement or transcript of the proceedings. (13A113E) 8/13

**Presentence Investigations.** Urge amendment Rule 32 of the Federal Rules of Criminal Procedure to improve the exchange of information between probation officers and parties in connection with presentence investigations. (08A104A) 8/08

**Presidential Pardons.** Recommend that, except in extraordinary circumstances, no individual should be pardoned until appropriate judicial processes have been followed. 9/74

**Private Investigator Licenses.** Urge legislatures and regulatory bodies to refrain from requiring private investigator licenses for persons engaged in computer or digital forensic work, and support the development of certification and competency requirements for such forensic activities. (08A301) 8/08

**Probation Officers.** Oppose legislation providing for the transfer of probation officers from the district courts to the Department of Justice. 8/66

**Offender Funded Probation System.** Urge legislatures to abolish “offender funded” systems of probation supervised by private, for profit companies. (16A/111B) 8/16

53
Prosecutorial Misconduct. Urge trial and appellate courts, in criminal cases, when reviewing the conduct of prosecutors to differentiate between “error” and “prosecutorial misconduct.” (10A100B) 8/10

Prosecutors: Best Practices. Urge federal local state governments to adopt principals concerning prosecutors addressing adequate funding, workload standards; duty to inform prosecutors of exculpatory evidence; procedures for evaluating reliability of eyewitness identifications, confessions etc., and preservation of material evidence. (04A111F) 8/04

See also Eyewitness Identification and Cross-Racial Eyewitness Identification entries, this section; See also Kennedy Commission entries, this section

Prosecutors: Expansion of Traditional Role. Urge prosecutors to further protect the public through the use of a broad spectrum of strategies to assist victims and witness, prevent crime, use science and technology better. Urge increased funding for prosecutors to achieve these objectives (12A107B) 8/12

Prosecutors: Funding. Urge the federal government to restore, maintain and increase funding to organizations that provide training to state and local prosecutors to better promote justice. (13M104D) 2/13

Public Housing Laws. Urge federal government to encourage public housing authorities, and owners of federally subsidized rental housing to evaluate their rules regarding admission, termination, and additions to household to ensure that they do not unduly deny housing to persons with criminal records. (12M101E) 2/12

See also Public Housing in Real Property/Housing...

Racial and Ethnic-Based Profiling. See Kennedy commission Entries, this section, and entries under Civil Rights.

Racial Justice in Capital Sentencing. See Capital Punishment entry, this section.

Racketeer-Influenced and Corrupt Organizations Act (RICO). Support several amendments to RICO statute including the replacement of the term "racketeering activity" with the phrase "criminal activity" and the requirement that separate criminal acts be related by common scheme or plan. 8/82

See also Civil Rico entry under Business Law.

Rape. Urge the FBI to implement expeditiously the expanded definition of rape in the Uniform Crime Reporting Summary Reporting Program. (12M114) 2/12

Rape Law. Support redefinition of rape in terms of "persons" instead of "women," amendment of rules of evidence to protect the victim's privacy, establishment of treatment and study centers to aid victims and offenders, and other reform measures. 2/75

Urged governments to enact legislation and appropriate funds to eliminate the substantial backlog of rape kits collected from crime scenes and convicted offenders (11A109) 8/11

Reimbursement of Costs. Support reimbursement of costs, but not attorneys' fees, for non-convicted criminal defendants. 8/76

Removal. Support amendments to FRCP Rule 40.1 limiting the timing and number of petitions for removal of a criminal petitions from state court to a U.S. district court. 2/77

Rights of Accused to Test Evidence. Urge federal, state, local and territorial governments and courts to provide resources to assure that an accused is able to obtain the testing or re-testing of evidence, when feasible, by qualified experts and is provided expert testimonial or other assistance when necessary to assure a fair trial or sentencing proceeding. (10A100I) 8/10

See also Biological Evidence entry, this section and ABA Standards for Criminal Justice, DNA Evidence.

School-to-Prison Pipeline. See Education entry under Family Law. (16A115) 8/16

Sentencing Alternatives. See entry under Immigration Law.

Sentencing Commission. Support
sentencing reform including creation of commission to set guidelines. 8/68

Recommend that the U.S. Sentencing Commission adopt and publish internal rules of practice and procedure including those used by other agencies to invite public participation, etc. 8/95

Urge the President and Congress to expeditiously nominate and confirm persons to fill existing vacancies. (98A10A) 8/98

Urges the U.S. Sentencing Commission to assess current federal policy regarding sentencing for high-loss economic crimes and ensure guidelines are proportional to offense severity. (11M104C) 2/11

**Sentencing Guidelines after Booker.** In light of the Supreme Court’s decision in United States v. Booker, 2005 WL 50108 (January 12, 2005), the ABA urge Congress to assure that federal sentencing practices are congruent with the goals of the Sentencing Reform Act. (05M301) 2/05

**Sentencing Guidelines Study.** Support the recommendation of the Federal Courts Study Committee for an immediate and independent study of the effectiveness of the Federal Sentencing Guidelines. 2/92

**Sentencing Guidelines for Child Pornography.** Urge the Sentencing Commission to conduct a comprehensive assessment of the guidelines for child pornography offenses to ensure that they are proportional to offense severity, and individual culpability and circumstances. (11A105A) 8/11

**Sentencing Guidelines for Drugs.** Support Sentencing Commission proposals transmitted 5/1/95 to eliminate current differences in sentences for crack versus cocaine, and to assign greater weight with drug offense sentencing to factors such as weapons and violence. 8/95

**Sentencing Guidelines for Organizations.** Urge the United States Congress to direct the U.S. Sentencing Commission to make changes to the proposed amendments to the Sentencing Guidelines for Organizations to: (1) state that waiver of attorney-client privilege and work product doctrine is not a factor in sentencing reduction determinations based on cooperation with government; and (2) increase flexibility in determining effectiveness of compliance programs. (04A303) 08/04.

**Sentencing Reduction.** Urge the development and implementation of mechanisms for the reduction or modification of prison sentences based on extraordinary and compelling circumstances not foreseen at the time of sentencing; urge measures to ensure that physically and mentally challenged prisoners have access to assistance when seeking sentence reductions or appealing adverse decisions. (03M103B) 2/03

Urge states, territories, and the federal government to establish: standards and procedures by which prisoners may request a reduction of sentence or grant executive clemency and Urge the government to establish, accessible process by which offenders who have served their sentences may request pardon, restoration of legal rights and privileges, including voting rights, and relief from other collateral disabilities and urge lawyers to provide legal assistance. (04A121C) 08/04.

Recommend that victims of domestic be included in the group of individuals targeted by programs that encourage and train lawyers to assist persons in applying for pardon, restoration of legal rights and privileges, relief from other collateral sanctions, and reduction of sentence. (07M102A) 2/07

See also *Kennedy Commission* and *Youth Offenders* entries, this section.

**Sexual Assault/Violence on Campus.** See entry under *Legal/Public Education.*

**Sex Trafficking.** See *Human Trafficking,* this section.

**Solitary Confinement** see entry under *Corrections.*

**Stand Your Ground Laws.** Urge governments to repeal or refrain from enacting Stand Your Ground Laws. If states elect not to repeal, urge modification of existing laws by eliminating civil immunity provisions and prohibiting use of defense when force is used against law enforcement. (15M112) 2/15

**Statutory Forfeiture Provisions.** Disapprove the use of statutory forfeiture provisions in pretrial and other orders to prevent a defendant in a criminal case from paying
counsel of choice in absence of reasonable grounds to believe there has been fraud. 8/86

**Subpoena of Attorneys.** Urge that state and federal authorities implement provisions so that a prosecutor shall not subpoena an attorney to provide evidence about a current or former client unless prior judicial approval is obtained through an adversarial proceeding. 2/88

**Supreme Court Jurisdiction.** Oppose any legislation limiting criminal law jurisdiction of the Supreme Court. 5/68-R-5/75

**Survivor of Police Officers.** Support legislation to provide benefits to survivors of police officers killed in the line of duty. 2/72

**Task Force on Crime.** Support "Statement of Proposal" portions of Task Force on Crime Report on gun control, delays in the appellate process, resources for criminal justice system, corrections, juvenile justice, and the role of the legal profession. 2/83

**Torture.** See entries under Anti-Terrorism.

**Unanimous Verdicts.** Oppose less-than-unanimous verdicts in federal criminal cases. 8/74

See also Capital Punishment entry, this section (15M108A)

**Uniform Pretrial Detention Act.** Approve the Uniform Pretrial Detention Act promulgated in 1989 by the National Conference of Commissioners on Uniform State Laws as an appropriate act for states desiring to adopt the substantive law suggested therein. 2/90

**U.S. Attorneys.** See entry under Federal Government/Congress.

**Victim and Witness Intimidation.** Urge governments to hold accountable those who unlawfully intimidate or tamper with victims and examine and revisit practices, procedures, and training to assure that victims and witnesses are not intimidated or tampered with. (15M107B) 2/15

**Victim and Witness Procedures.** Adopt "Guidelines for Fair Treatment of Crime Victims and Witnesses in the Criminal Justice System." 8/83

**Victim Compensation for Unmarried Surviving Partners.** Urge federal, state and local governments to ensure that a terrorism or other crime victim's unmarried surviving partner can qualify for governmental victim compensation and assistance funds available to eligible spouses regardless of intestate succession laws. (02A117A) 8/02

**Victims of Crime Act.** See entry under Military Law.

**Victims’ Rights.** Support protection for victims’ rights and the adoption of further measures to protect those rights. Urge legislatures considering measures to recognize victims’ rights to do so consistent with the enumerated principles. 8/97

**Voir Dire.** See entry under Forensic Science.

**Veterans Treatment Courts.** See entry under Courts.

**Violence Against Women Act.** Within the US. Support federal, state, and local efforts by public and private entities to implement the “full faith and credit” mandate of the Violence Against Women Act of 1994 (VAWA), which directs states to enforce civil and criminal protection orders issued by federal, states and tribal courts as if the order had been issued by the enforcing court. 8/96

International. Urge governments to adopt legislation and appropriate funding to strengthen protection and assistance for victims of gender-based violence within the United States and aboard; Urge Congress to enact and fund the International Violence Against Women Act of 2007 or similar legislation. (08A109) 8/08

Urge Congress to reauthorize and fully fund the Violence Against Women Act or similar legislation that promotes access to justice and safety for victims of domestic violence, dating violence, sexual assault, and stalking within the United States. (10M115) 2/10

Urge Congress to strengthen tribal jurisdiction to address crimes of gender-based violence on tribal lands in general, and specifically in the reauthorization of the Violence Against Women Act. (12A301) 8/12

CRIMINAL LAW/PROCEDURE
Youth Offenders.

Appellate Representation in Juvenile Cases. Urge governments to ensure that juveniles are provided effective appellate representation and have access to appeals consistent with state statues and constitutional provisions. (14M103A) 2/14

Collateral Sanctions. Urge federal, state, territorial and local governments to increase the opportunities of youth in the juvenile or criminal justice systems and to prevent the continuing discrimination against those who have been involved with these systems in the past by limiting the collateral consequences of juvenile arrests, adjudications, and convictions. (10M102A) 2/10

Co-Occurring Mental Health and Substance Abuse Disorders. Urge increased study of and program funding for youth within juvenile justice system who have substance abuse and mental health disorders; urge review of privacy laws regarding youth to facilitate better treatment. (13A113B) 8/13

Education. See entry under Family Law.

Juvenile Delinquency. Support federal assistance to courts, correctional systems and research efforts to prevent, treat and control juvenile delinquency. 8/67

Juvenile Detention Facilities. Support a set of guiding principles from "Youth in the Criminal Justice System," the 2001 Report of the Taskforce on Youth in the Criminal System of the Criminal Justice Section concerning youthful offenders, including recognizing the developmental differences between youths and adults; oppose the growing trend towards charging juveniles as adults. (02M101D) 2/02

Pretrial Detention. Urge use of electronic monitoring and home detention for juvenile offenders whose risk of flight or further offending does not require pre-trial detention. (11M104D) 2/11

Pretrial Release. Urge governmental entities to prohibit bail/bond in juvenile justice system; utilize objective criteria that do not have discriminatory impact to determine pretrial release; and impose least restrictive condition of release. (17A112D) 8/17

Restraints on Juveniles in Court. Urge governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an opportunity to be heard. (15M107A) 2/15

Sentencing. Urge governments to authorize and implement sentencing laws and rules of procedure that recognizes mitigating considerations in the sentencing and parole determinations for youthful offenders, i.e., those under 18 at the time of their offense who are subject to adult penalties upon conviction. (08M105C) 2/08

Sentencing: Life without Parole. Urge governments to adopt sentencing laws and procedures for youth who are subject to adult penalties that eliminate the sentence of life without the possibility of parole prospectively and retroactively and provide meaningful opportunities for release based on maturity and rehabilitation. (15M107C) 2/15

Sex Offenders. Urge Congress and state legislatures to reexamine and revise laws, policies and practices that require youth to register as sex offenders or be subject to community notification provisions otherwise imposed upon adult sex offenders, based upon juvenile court adjudication. (09M101A) 2/09

Solitary Confinement. See entry under Corrections.

Youth Courts. Support and assist in the formation and expansion of diversionary programs known as Youth Courts. 8/95

Urging governments to create and provide support for Youth or Teen Courts that will divert youth from the formal consequences of juvenile justice sanctions. (11M107B) 2/11

Youth Violence Prevention. Encourage federal, state and local governments to adopt legislation promoting school violence prevention legislation for children, parents, teachers and school administrators; encourage lawyers to support and participate in this education. (04M109) 02/04

See also Youths at Risk entries under Family Law.

Wrongful Convictions. Urge federal, state, local and territorial governments to reduce the risk of wrongful convictions while increasing the likelihood of convicting the guilty by ensuring that no prosecution should occur based solely upon uncorroborated jailhouse informant testimony. (05M108B) 2/05

Urge federal, state, local and territorial governments to reduce the risk of wrongful conviction by establishing standards of practice for defense counsel in serious non-capital criminal cases. (05M108C) 2/05
Wrongful Executions. Urge jurisdictions where capital punishment is permitted to adopt a procedure whereby successors or a legal entity may bring and litigate a claim on behalf of the individual executed that they were innocent of the capital offence. (14A110A) 8/14

Wrongful Imprisonment. See entry under Corrections.

Zero Tolerance. Oppose school “zero tolerance” policies that have discriminatory effect or automatically mandate expulsion or court intervention and support strong policies against gun possession. (01M103B) 2/01

CUSTOMS AND INTERNATIONAL TRADE

Access to Confidential Information. Support amendment of the ITC’s General Procedures for the Conduct of Investigations and of the Trade Agreement Act of 1979 to ensure that corporate counsel have the same right of access to confidential information under protective orders as do retained counsel. 8/82

Convention on the Use of Electronic Communications in International Contracts. See entry under International Law.

Customs Court Structure. Recommend provision for trials and decisions by a single judge in all but exceptional cases. 8/69

Electronic Commerce. Urge cooperation among private sectors, governments and international organizations of all nations to establish a legal framework within which global electronic commerce can flourish in an environment that provides appropriate protection to all interested parties, while eliminating unnecessary legal functional barriers to electronic commerce. Develop self-regulating practices by the private sector that will protect the rights of individuals and promote the public welfare. 8/97

Enforcement of Open Trade Agreements. Urge Congress to provide adequate resources to implement trade laws. Enforce international open market trade agreements. Advance a rule-based world trading system. (99M100) 2/99

Exhaustion of Administrative Process. Recommend consolidated administrative procedures for resolution of objections to customs decisions, all such decisions being made within a reasonable period of time, and judicial review permissible only following notice of a final decision by customs officers. 8/69

Fast Track Negotiating Authority. Supports renewal of fast track negotiating authority, which enables the President to negotiate trade agreements, not subject to amendment by Congress during the approval process. 2/97

GATT: Uruguay Round. Support the conclusion, without undue delay, of the Uruguay Round of multilateral trade negotiations, and the creation of a multilateral trade organization to help implement the substantive rules from the Uruguay Round. 8/93

Urges U.S. approval and implementation of the agreements resulting from the Uruguay Round of Multilateral Trade negotiations and endorse the Uruguay Round of Understanding on Rules and Procedures Governing the Settlement of Disputes and the Agreement Establishing the World Trade Organization. 2/94

GATT: DOHA Round Re: Legal Services. Support the efforts of the U.S. Trade Representative to encourage the development of transparency disciplines on domestic regulation in response to Article VI (4) of the GATS requiring the development of “any necessary disciplines” to be applicable to service providers and support the U.S. Trade Representative’s participation in the development of additional disciplines on domestic regulation. (06A105) 8/06

International Trade Disputes. Urge the U.S. Government to seek, during current multilateral trade negotiations in Geneva, reform of the procedures for resolving disputes between nations, incorporating specified principles. 2/74; 2/78

Sunshine

NAFTA. Support efforts to establish through NAFTA rules, procedures and institutions for the conduct of trade and other economic relations among the participating countries
which are designed to provide transparency, predictability, fairness and due process. 2/93

Urge three signatory governments to work together to implement the competition and antitrust aspects of NAFTA with emphasis on certain enumerated issues. 8/94

National Security Protection. Favor continued U.S. cooperation with like-minded nations to control foreign trade and investment detrimental to shared national security and foreign policy objectives; oppose extraterritorial features in U.S. trade control measures that do not conform to accepted norms. (98A300) 8/98

Public Participation in Trade Talks. Support improved domestic procedures to ensure an adequate opportunity for all interested parties to be heard in trade negotiating practice and related actions. 2/74

U.S. Exports. U.S. government should continue to seek to eliminate private restraints that exclude U.S. exports from access to foreign markets through application of Antitrust law; where inappropriate the U.S. should address market access barriers by other means. 2/95

World Trade Organization Dispute Settlement Understanding. Urge U.S. to support policies and procedures to enable any country involved in a dispute to employ private counsel for all phases of proceeding. 2/98

DISASTER PREPAREDNESS

Disaster Preparedness Principles. Adopt 12 principles to govern the planning, preparation and training for responses to a major disaster to ensure that the legal system maintains fidelity to the rule of law. (07A113) 8/07

Disaster Resilience. Urge governments to adopt standards, guidance, best practices, programs, and regulatory systems that make communities more resilient to loss and damage from foreseeable hazards while recognizing property rights, protection of environment, etc. (17M108) 2/17

Duty of Care Owed to Victims. Oppose federal, laws that would alter the duty of care owed by relief organizations and health care practitioners to victims of a disaster and support educational programs on subject. (11A125) 8/11

Election Procedures During Catastrophe. See entry under Election Law.

Emergency Care System. Support the study of regionalization of the nation’s Emergency Care System and Emergency Departments and the enactment of legislation and promulgation of rules, specifically as it relates to disaster preparedness, as an effective and efficient means of improving patient safety, health care quality, cost reduction, coordination of care, and increased accountability of the system. (07A120B) 8/07

First Responder. Support increased federal funding to jurisdictions to enable “first responders” to prevent terrorist attacks and increase their readiness to respond to any attacks that occur. 8/03

Hazard Mitigations. Endorses the Recommendations for an Effective National Mitigation Effort, a white paper on national mitigation prepared by the Association of the Directors of Emergency Management for the U.S. (11M114) 2/11

Hurricane Katrina and Rita. Urge the federal, state, local and territorial governments to take enumerated steps to respond to the disaster resulting from hurricanes. (06M305) 2/06

Independent Commission. Urge Congress to create an independent, bipartisan commission to investigate and recommend these appropriate measures required to rebuild the infrastructure of the Gulf Coast damaged by Hurricane Katrina and Rita, and to provide reasonable hurricane and flooding protection for people living in those areas, and to recommend appropriate measures designed to prevent or mitigate problems in responding to natural disasters in the future. (07A116B) 8/07

Insurance Coverage. Catastrophe Linked Securities. Urge governments to encourage capital markets to finance catastrophic risks by undertaking a study through the U.S. Treasury Department and urge enactment of legislation to encourage the issuance of catastrophe linked securities.
Liquidity Needs after Natural Catastrophes. Urge the federal government to address the liquidity needs of individuals and businesses in aftermath of future natural catastrophes through various methods. For catastrophic natural disasters that are certified by the Treasury Secretary as posing a grave financial risk to state insurance guaranty funds, urge Congress to give the Treasury Department the authority to lend to those state insurance guaranty funds to assure prompt payment of claims to avoid guaranty fund insolvency. Urge the federal government to provide incentives to encourage catastrophe risk-taking by private insurers. (09M107D) 2/09

Mitigation of Losses from Future Catastrophes. Urge state, territorial and local governments to use specific tools to mitigate losses from future mega-catastrophes to ensure the ongoing availability and affordability of insurance for natural disasters; urge federal government to do same through new federal standards for damage-resistant building codes and land use policies. (09M107 E and F) 2/09

National Flood Insurance and Financial Infrastructure. Urge Congress to strengthen the financial infrastructure and develop programs that increase availability of affordable insurance in areas highly-exposed to catastrophes, and to enact multiple changes to the National Flood Insurance Program to put it on a sound actuarial basis. (09M107B) 2/09

Property Damages Claims of Small Business and Individuals. Recommend state and territorial governments adopt standards for handling residential and small business insurance claims for property damages resulting from hurricanes or storms. (09M107G) 2/09

Storm Insurance. Urge governments to enact legislation to eliminate restrictions on the private insurance and reinsurance markets from making available broadened insurance protection for property damage arising from storms, including damage from wind, wind-driven rain and flood caused by storm surge. (09M107A) 2/09

Insurance - Terrorism. Urge Congress and the Administration to protect property owners, consumers and U.S. economy by partnering with the insurance industry to promote the availability of terrorism risk insurance through legislation that continues support for market mechanisms with federal government insurance backstop protection. (07M110) 2/07

Law Firm Preparedness. Urge lawyers to regularly assess their practice environment to address disaster risks that may compromise their ability to protect their clients’ interests and property; urge bar associations to create committees on emergency management planning and response. (11A116) 8/11

Legal Services. Adopt the Model Court Rule on Provision of Legal Services Following Determination of Major Disaster and amend comment to Rule 5.5 of the Model Rules of Professional Conduct regarding multijurisdictional practice following a disaster. (07M104) 2/07

Urge governments to address the unmet legal needs of low-income residents of communities affected by major disasters by, e.g., providing additional emergency funding for not-for-profit legal services providers, bar associations, and pro bono programs. (09A102B) 8/09

Model Act Governing Standards for the Care and Disposition of Disaster Animals. Adopt the Model Act Governing Standards for the Care and Disposition of Disaster Animals, dated February 2010 and recommends its adoption by state and territorial legislative bodies. (10M103A) 2/10

Public Health Threats. Urge lawyers to work with authorities to improve the legal preparedness of their communities to address threats, such as bioterrorism or infectious disease outbreaks while insuring the public health measures respect civil and constitutional rights. (04A102) 08/04

Vulnerable Populations. Urge authorities to identify and address the special needs of vulnerable populations when planning for and responding to disasters. (15M110) 2/15

DISPUTE RESOLUTION

Please refer to specific subject area for policies on dispute resolution, including arbitration.

ELDER LAW

Arbitration Agreements. Oppose the
use of mandatory, binding, pre-dispute arbitration agreements between a long-term care facility and a resident or person acting on behalf of such resident; oppose legislation and regulations that would authorize or enforce such agreements; and support legislation and regulations that would accomplish these objectives through methods other than amendment to Chapter 1 of the Federal Arbitration Act. (09M111B) 2/09

Assisted Living. Support development of uniform and comprehensive standards, regulation and oversight of “assisted living” facilities; oppose agencies granting “deemed status” to such programs; support initiatives to increase their availability and affordability to persons with low- and moderate income. (01A102) 8/01

Board and Care Facilities. See entry under Health/Mental Health.

Civil Rights Laws Restoration. See entry under Civil Rights and Constitutional Law.

Comprehensive Health Care Coverage. See Universal Access to Healthcare entry under Health/Mental Health.

Correctional Facility Policies for Elderly See entries under Corrections.

Court-Related Needs of the Elderly. Support efforts to make the state judicial systems more responsive to the needs of the elderly and persons with disabilities and urge the implementation of the Recommendations of the National Conference on the Court-Related Needs of the Elderly. 8/91

Elder Abuse and Protection of Rights Support efforts to improve the response of state courts to elder abuse through the adoption of guidelines by the Association regarding the handling of elder abuse cases by state courts. 8/96

Urge implementation by federal, state, territorial and local governments of the recommendations from the National Policy Summit on Elder Abuse from December 2001. (02A108A) 8/02

Urge governments to vigorously prosecute cases of elder abuse by creating special elder abuse units within the prosecutor’s office or by designating a specially trained prosecutor to handle elder abuse cases and by ensuring that the victim assistance/services programs provide specialized victim services to the elder population. (08M105A) 2/08

Urge State Dept. and U.N. to support international efforts to strengthen efforts to protect the rights of the elderly, including possible adoption of an international convention. (11A106C) 8/11

Urge courts and community organizations to collaborate to establish court-focused elder abuse initiatives that serve victims or potential victims of elder abuse through either a court or a court-based program or a program conducted in partnership with a court. (12A106C) 8/12

Grandparent Visitation. See entry under Family Law.

Guardianship. Urge the implementation of recommendations of the National Guardianship Symposium which aim to safeguard the rights and maximize the autonomy of adult disabled wards and proposed wards while providing for their needs. 2/89

Urge that state and local governments to implement principles derived from the Wingspan Conference of 2001, including supporting effective monitoring, reporting and accountability for all guardianships. (02A108B) 8/02

Encourage the federal government to provide funding and support for training, research, regarding adult guardianship. (09M111A) 2/09

Adopt the Third National Guardianship Summit Standards and Recommendations, dated August 2012, and urges courts and policy-making bodies to implement them. (12A106B) 8/12

Urge courts with jurisdiction over adult guardianship and governmental agencies that administer representative payment programs for benefits to collaborate with respect to information sharing, training and education to protect vulnerable individuals with fiduciaries who make financial decision on their behalf. (13A100A) 8/13

Urge amendment of guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed and as a means of terminating guardianship. (17A113) 8/17
Home Equity Conversions. See entry under Real Property/Housing Law.

Living Wills. See Durable Powers of Attorney and Health Care Intervention Decisions entries under Health/Mental Health.

Long-Term Health Care, Medicare and Nursing Homes. See entries under Health/Mental Health.

Older Americans Act of 1965. Urge reauthorization of Older Americans Act with priority on the delivery of legal services to the needy elderly. 4/81

   Urge Congress and the Administration to reauthorize and implement the Older Americans Act of 1965, as amended (“the Act”), giving increased priority to the delivery of legal services and elder justice (10A106B) 8/10

Patient-Self Determination Act. See entry under Health/Mental Health.


Social Security Disability Benefits for Widows and Widowers. See entry under Administrative Law.

Social Security Court. See entry under Administrative Law.

Social Security Fund: Removal from the Budget. Support removal from the Federal Budget because it misrepresents the federal deficit. 8/90

Special Committee on Aging. Support retention and/or establishment of the United States Senate and House of Representatives Special Committees on Aging as permanent committees. 8/93

Social Security Income Program. See entry under Administrative Law.

Voting by Individuals with Disabilities. See entry under Election Law.

**ELECTION LAW**

(For additional policy positions, see the Election Administration Guidelines and Commentary, dated August 2008, amended August 2009)

Ballot Counting. Urge state and territorial election administrators and officials to ensure that clear standards for determining the validity of a ballot when a hand vote is required are in place as soon as practicable; urge use of “voter intent” standard to determine outcome of a ballot. (16A103) 8/16

Campaign Contributions by Legal Permanent Residents. Oppose any diminution of the existing rights of legal permanent residents to make campaign contributions and expenditures to same extent as U.S. citizens. (99M118) 2/99

Campaign Contributions by Lawyers. Condemn the conduct of lawyers making political campaign contributions to, and soliciting political campaign contributions for, public officials in return for being considered eligible by public agencies to perform professional services, including municipal finance engagements. Condemn the conduct of public officials who only consider lawyers who make or solicit political campaign contributions for public officials as eligible to perform professional services; and urge the enactment and enforcement of laws, rules and regulations that will discourage the conduct condemned in these resolutions. 8/97

   Urge that certain specified actions be taken to address conduct by lawyers making or soliciting campaign contributions to public officials for the purpose of being considered or retained for government legal engagements. (98A301A) 8/98

   To preserve public confidence in independent judiciaries, urge states and territories to take appropriate steps, consistent with McConnell v. FEC, to require the timely public disclosure of expenditures and the source and amount of all contributions exceeding a specified amount, for election communications regarding judicial elections. (04M8C) 2/04
Campaign Contributions by Lawyers to Judicial Elections. Amend ABA Model Code of Judicial Conduct to add sections to Canon 3 and Canon 5 regarding campaign contributions by lawyers and subsequent judicial appointment, judicial disqualification, and campaign contribution limits. (99A123) 8/99

Affirm commitment to merit selection of judges established by constitutional provisions, judicial nominating commissions, and amendment to Code of Judicial Conduct to address lawyers’ campaign contributions. (99A123) 8/99

Campaign Finance. Support legislation for federal campaign financing which includes principles concerning contribution and expenditure limits and disclosure and standards for partial public financing for presidential and congressional candidates. 8/75

Support enactment of state legislation concerning campaign financing which requires full disclosure, contribution limitations, and enforcement of state campaign finance laws by independent state agencies. 8/92

Support enumerated principles of campaign finance reform legislation that balances the need for government regulation against First Amendment protections of political speech which address contribution limits, soft money, issue advocacy, and cost of federal election campaigns. (98A115) 8/98

Support Federal and State campaign finance reform legislation to ensure full disclosure of funds raised and spent, to promote full participation of all Americans in the electoral process, to limit hard money contributions and to improve enforcement of these and related provisions. (00A10A) 8/00

Support efforts to increase disclosure of political and campaign spending and urge Congress to require organizations not already required to do so to disclose the source of funds used for electioneering communications and independent expenditures and the amounts spent for such communications and expenditures in public disclosure reports filed with the Federal Election Commission. (13M110B) 2/13

Civic Education: Voting. See entry under Family Law.

College Student Voting. Support (1) the principle that durational residence requirements may not discriminate against students, and (2) voter registration drives and reforms to fulfill the 26th Amendment. 8/72

Election Administration Guidelines. Adopt the Election Administration Guidelines and Commentary, dated 8/05, and recommends that all election officials ensure the integrity of the election process through the adoption of these Guidelines. (05A102) 8/05

See also Presidential Elections and Ballot Counting entries, this section.

Election Delays. Urge states, localities and territories to analyze their election systems and enact legislation or administrative rules to address the causes and potential remedies for election delays. (13A110) 8/13

See also Polling Delays entry, this section.

Election Procedures During Catastrophe or Emergency. Urge Congress, the states, and territories to enact special election procedures, that address filling vacancies in the United States House of Representatives in the event of a catastrophe; urge Congress to consider whether additional measures are needed. (04A118) 08/04.

Urge the development of written contingency plans that include specified features to preserve the election process in the event of an emergency. (14A113A) 8/14

Federal Election Commission. Urge various enumerated structural and administrative changes to the Federal Election Commission as a necessary part of any new legislation officing the regulation of federal campaign finance. 2/95

Help America Vote Act. Urge federal government to enforce deadlines for creating statewide databases imposed by the Act. (13A110) 8/13

Individuals with Disabilities.

Accessibility. Urge governments and the courts to ensure that the entire voting process is accessible to persons with disabilities. (14A113B) 8/14

Voting. Urge federal, state, local and territorial governments to improve the administration of elections to facilitate voting by all individuals with disabilities, including people
with cognitive impairments that increase in frequency with age. (07A121) 8/07

Judicial Elections: Public Financing. Urge public financing for campaigns of judges in those jurisdictions that continue to select judges in contested elections. (02M103) 2/02

Encourages state, local and territorial bar associations in states with judicial elections to establish judicial campaign conduct committees to promote honesty and integrity in judicial campaigns. (02A113) 8/02

See also Campaign Contributions by Lawyers in Judicial Elections entry, this section.

Poll Observers. Support direct observation of elections by observers from the Organization for Security and Cooperation in Europe and other international organizations and encourage governmental bodies to adopt rules permitting observers. (15A114) 8/15

Polling Delays. Urge adoption and implementation of policies designed to achieve a thirty-minute maximum wait time at the polls. (15A104) 8/15

Polling Locations. Urges Congress to authorize the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in elections for public office, if suitable non-Department of Defense facilities do not exist. (01A112B) 8/01

Political Party Conventions. Oppose state or federal regulation of delegate selection procedures to national party conventions and recommend several changes in these procedures. 2/82

Presidential Elections. Support review of and development of solutions for the problems in the voting systems experienced in the 2000 Presidential Election. (01M104) 2/01

Urge state and local election authorities to give the highest priority to ensuring the fairness and reliability of the procedures prescribed for voting, and for the tabulation of votes in the 2004 Presidential election. (04A106) 08/04.

Redistricting. Support fair redistricting of congressional legislative and local government districts with full citizen participation. 2/91

Urge each state and territory to assign the redistricting process for congressional and legislative districts to an independent commission, leaving to each state the precise manner of configuring such commission and the criteria to be applied. (08M102A) 2/08

“Soft Money” Contributions. Oppose the solicitation and use in presidential and congressional election campaigns of “soft money” contributions and support efforts in Congress and before the Federal Election Commission to prohibit such contributions. (98A10D) 8/98

Twenty-Fifth Amendment. Support joint congressional hearings with respect to 25th Amendment procedures for filling vacancy in the Office of Vice President. 8/74

Use of the Internet in Campaigns. Urge application of election laws to encourage political activity through the Internet while upholding First Amendment rights, limiting unfairness, corruption or undue influence and increasing citizen participation in the political process in all segments of society. (00M107) 2/00

Voter Participation. Urge the President to appoint a commission to study the decline in voter participation; support the enactment of legislation that encourages voter participation, including fair congressional redistricting, and; urge the state and local bars to aid the ABA in improving voter participation. Urge all lawyers to register and vote. 8/74; 2/79; 8/89

Voter Registration. Oppose legislation to repeal National Voter Registration Act and support efforts to increase registration and voting, and to prevent voter registration fraud. (99A104) 8/99

Support actions by state and federal governments to modernize and improve voter registration practices and urges and independent assessment of state-wide voter registration databases for security reliability, accuracy, usability and accountability, etc. (10A114) 8/10

Support efforts to improve voter registration practices by ensuring accuracy of voter registration rolls, streamlining procedures for changing rolls, and encouraging states to
develop the technology and resources to implement improve. (11A121) 8/11

Motor Voter. Support efforts to increase voter registration through state and local agencies that have direct contact with the public such as licensing agencies. (90A300) 8/90


Urge extension of Sections 5 (pre-clearance), 203 (minority language assistance) and 6-9 (federal observers) of VRA, as amended through 1992 for 29 years; urge additional amendments. (06BOG) 5/06

Urge Congress to act expeditiously to preserve and protect voting rights by legislating a coverage formula setting forth the criteria by which jurisdictions shall or shall not be subject to Section 5 preclearance, and/or by enacting other remedial amendments to the Voting Right Act of 1965, in response to Shelby County v. Holder. (13A10E) 8/13

Voting Rights for District of Columbia and American Territories. Support amendment of the U.S. Constitution to provide for participation of citizens in American territories to vote in national elections. 8/92

Support principle that District of Columbia citizens should not be denied fundamental right to vote for voting members of Congress. (99A115) 8/99

See also Voting Rights in Congress for D.C. and American Territories, under Federal Government/Congress

Voting Rights for the Homeless. Support efforts to insure the participation of homeless persons in the electoral process. Recommend and support legislation to assure that no prerequisites to voting be applied to deny the right to vote to any individual that resides at a non-traditional abode. 8/93

ENERGY/PUBLIC UTILITIES

Access Charges. Oppose imposition of access charges on enhanced service providers for use of telephone exchanges. 2/89

Deepwater Ports. Support legislation establishing reasonable and predictable licensing procedures for construction of deepwater ports for use by large crude oil tankers. 8/74


Nuclear Explosions. Support procedures for public participation in the determination of policies and actions to safeguard the public from effects of peaceful nuclear explosions under the "Ploughshare Program." 7/71

Oil and Gas Conservation. Support extension of the Interstate Compact to Conserve Oil and Gas through 1971 and urge state and federal action to implement this extension. 8/66; 8/69

ENVIRONMENT/NATURAL RESOURCES

Administrative Dispute Resolution Act and Negotiated Rulemaking Act to Resolve Environmental Matters. Urge their greater use to resolve environmental matters. 2/95

CERCLA. Support federal legislation clarifying liability exemptions for fiduciaries under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA). 2/90

Urge Congress and the EPA to clarify the "security interest" exemption. 2/91

Recommend specific amendments to the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA" or "Superfund") which would affect the allocation of responsibility and the cleanup procedures. 2/94

Support legislation providing immunity from federal liability under CERCLA when a property affected by contamination is being managed pursuant to a state "brownfield" program that meets certain standards. (99A121) 8/99

See also Contractor Indemnification for Hazardous Waste under Public Contract Law.

Citizen Suits. Support a series of guidelines giving private citizens and organizations standing to sue for equitable relief to enforce environmental quality standards. 8/72

65
Clean Air Act. Urge amendment of the Act to exempt new facilities or pollution control equipment from more stringent standards. 8/74

Climate Change. Urge the U.S. to take a leadership role in addressing the issue of climate change through legal, policy, financial, and educational mechanisms. Urge Congress to enact legislation to cap and reduce U.S. greenhouse gas emissions, utilize market mechanisms designed to minimize compliance costs, increase fuel economy and energy efficiency standards, and promote greater use of renewable energy. (08M109) 2/08

Urge the U.S. to ensure the full participation of federally-recognized Indian tribes in policy discussions on climate change. (11A112) 8/11

Department of Energy and Natural Resources. Support creation of a federal Department of Energy and Natural Resources. 8/73

Ecosystems: Preservation. Urge that governments, when considering legislation, regulations and policies, preserve and enhance the benefits that people derive from ecosystems, with due regard for economic, human and social impacts; and urges the U.S. to negotiate treaties or other agreements with the Canada and Mexico to address cross-border ecosystem services issues in a coordinated manner. (08M101) 2/08

Environmental Justice. Support actions by all levels of government and the private sector that implement environmental laws and policies that prevent a disproportionate share of environmental harm from falling on minorities and/or low-income individuals or communities. 8/93

Environmental Management Systems. Recommend that incentives be created to encourage entities subject to environmental regulation to implement voluntary environmental management systems and recognize their importance in enhancing compliance. (01A108) 8/01

Environmental Protection Agency. Urge Congress and the Administration to enact legislation elevating the U.S. Environmental Protection Agency to Cabinet-level status. 8/03

Global Environment. Urge the adoption and implementation of basic principles for the protection of the global environment. 8/91

Rule of Law. See entry in International Law.

Marine Resources. Domestic. Urge Congress and the President to take specific legislative, regulatory and other actions necessary to prevent overexploitation and improve the nation’s management and regulation of its marine resources. (05A101B) 8/05

International. Urge Congress and the President to promote effective international efforts to protect the world’s marine ecosystems and ensure the ecologically sustainable use and development of the world’s marine resources. (05A101C) 8/05

Mineral Policy. Urge formulation of a comprehensive national policy on utilization of American mineral resources. 8/73

Ocean Policy. Encourage Congress and the President to improve federal regulation of our country’s marine resources and enact legislation. (05A100A) 8/05

See Marine Resources entries, this section and related entries under International Law.

Oil Pollution Treaties. Support U.S. ratification of the Convention on Civil Liability for Oil Pollution Damage, and of the international Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage. 8/72


Public Land Policies. Support a series of principles in this area, including continued federal ownership of public lands in all but exceptional cases, coordination of responsibility and comprehensive planning in cooperation with state and local governments, permission of the maximum number of compatible uses of public lands, security of investment for users of public land, and adequate environmental protection and administrative procedures. 7/71
Public Participation in Environmental Matters. Support establishment of administrative procedures to allow public participation at the earliest possible stages of administrative decision-making. 8/72

Urge that public participation provisions of all levels of environmental law and international environmental agreements recognize the principle that public should be involved to assure that enforcement of environmental laws are fair, efficient and credible. 2/95

Scientific Knowledge. All appropriate scientific knowledge should be considered when regulating environmental matters, during litigation and ADR and in international matters. The Executive Branch and Congress should develop measures to provide for assessment, expansion and dissemination of scientific environmental information. 8/95

Sustainable Development. Reaffirm commitment to sustainable development and adopts the internationally accepted concept of sustainable development; encourage governments, businesses and other entities to promote and implement incentives to support sustainable development; urge the U.S. government to meet the targets and timetables contained within the Plan of Implementation adopted at the 2002 World Summit on Sustainable Development; urges ABA to enter into appropriate partnerships to foster sustainable development. (03A108) 8/03

Reaffirm the ABA’s 1991 and 2003 commitments to sustainable development and defines sustainable development as the promotion of an economically, socially and environmentally sustainable future for our planet. (13A105) 8/13

Superfund. See CERCLA entry, this section.

Toxic Substances Control Act. Urge enumerated reforms to the Act. (11M118) 2/11

Water Pollution. Support a set of principles, including use of an effluent water pollution control standard, use of criminal penalties and civil remedies and emphasis on the role of the states in enforcement. 2/72

Water Quality Studies. Urge that congressionally mandated studies to achieve water quality use a systematic interdisciplinary approach including the fields of law, economics, ecology, sociology, regional planning, engineering and architecture. 8/72

Water Resource Development. Support legislation to preserve the historic role of the states in water resource development. 2/72

FAMILY LAW

(Fore additional policy positions, see the ABA Model Standards of Practice for Family and Divorce Mediation and Juvenile Justice Standard; Standards of Practice for Prosecuting a Child in Abuse and Neglect Cases; Standards of Practice for Lawyers Representing Children in Custody Cases; Standards of Practice for Lawyers Representing Child Welfare Agencies; and Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases, August 2006; Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases, August 2007; and Model Act Governing Assisted Reproductive Technology, dated February 2008; and Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings, dated August 2011; Model Workplace Policy on Employer Responses to Domestic Violence, Sexual Violence, Dating Violence and Stalking, dated August 2014 (14A112A); and the Model Act Governing the Confidentiality and Expungement of Juvenile Delinquency Records (15A103A) 8/15.)

Adoption. Urge Congress to enact legislation providing incentives to encourage individuals to adopt juveniles. 2/93

Support enactment of legislation and public policy providing that adoption shall not be denied on basis of sexual orientation if it is in the best interest of the child. (99M109B) 2/99

Support state laws and decisions that permit the establishment of legal parent-child relationships through joint adoptions and second-parent adoptions by unmarried persons who are functioning as a child’s parents when such adoptions are in the best interests of the child. (03A112A) 8/03

67
Support international adoption as an integral part of a comprehensive child welfare strategy to address the worldwide problem of children without permanent homes and supports policies that make the process of international adoption more timely, less costly and less burdensome, while ensuring that international adoption practices are ethical and legal. (08A102) 8/08

See also Foster Care entry, this section.

Adult Guardianship. See entry in Elder Law.

Alcohol/Drug Abuse and Children's Welfare. Urge judges, when appropriate in making custody and visitation decisions, to require parental evaluation by alcohol drug treatment professionals; and urge amendment and use of child abuse and neglect laws enabling courts to deal with abuse or neglect incidents in which alcohol and drug abuse are factors. 7/85

Bias in the Child Welfare System. Urge the federal government to change laws to require states to track, report, analyze, and take and report on corrective action steps made in response to data and information gathered on disproportionate racial and ethnic minority family representation and outcomes in the child welfare system. (08A107) 8/08

Bullying. Urge governmental officials to remediate the dangers of bullying, including cyberbullying and youth-to-youth sexual and physical assault, by defining these acts and developing education programs for parents and teachers; discourage inappropriate use of justice system for acts of bullying; work with ISP providers to prohibit cyberbullying; and cooperate with FBI data collection related to hate crimes. (11M107A) 2/11

Child Abuse and Neglect Laws. Urge governments to review their child abuse and neglect laws including their mandatory reporting requirements, sanctions for failure to report, penalties, and civil immunity for participation in child protective actions. (13A113C) 8/13

Child Abuse Prevention and Treatment Act. Support increased effort to identify, prevent and treat child abuse and neglect and urge Congress to support extension of the Act. 8/80

Reaffirm support for increased efforts to prevent, identify and treat child abuse and neglect through the Act. 2/97

See also Kinship Care Placement entry, this section.

See Juvenile Justice Reauthorization entry under Criminal Law/Procedure.

Child Care Resources. Support wider availability of child care resources for American families through enactment of legislation, tax incentives, and increased legal assistance from individual attorneys and bar groups. 8/83

Child Custody Involving Servicemember-Parents. See Child Custody entry under Military Law.

Child Custody: Visitation and Disability of Parent. Urge governments to enact legislation and implement policy providing that custody, visitation, and access shall not be denied or restricted, nor shall a child be removed or parental rights be terminated, based on a parent’s disability, absent a showing that the disability is causally related to a harm or an imminent risk of harm to the child. (17M114) 2/17

Child Custody, Visitation and Sexual Orientation of Parent. Support legislation and implementation of public policy providing that child custody and visitation shall not be denied or restricted based on sexual orientation. 8/95

Child Custody Registry. Urge Congress to enact legislation establishing a natural computerized child registry. 8/95


Child Support Enforcement. Supports efforts to ensure adequate and fair child support awards and to improve the enforcement of child support orders, and recommends the development of effective and efficient procedures for enforcement of child and spousal support orders, the formulation of child support guidelines, and improvement of child support enforcement services available from public child support enforcement agencies.
Endorses the eleven recommendations of the U.S. Commission on Interstate Child Support including, but not limited to, ensuring uniform laws and procedures in interstate cases, requiring new employees to report child support obligations and payment through withholding, requiring employers to honor income withholding orders/notices, and establishing a national network for the exchange of locate information. 2/93

Child Support Enforcement Funding. Urge Congress to maintain funding system for enforcement of family support obligations under Title IV-D of Social Security Act. 4/76

Child Support Proceedings. Support regulations which narrowly define "good cause" for refusal to cooperate with state family support enforcement proceedings, which permit state agencies to enforce support duties and determine paternity without such cooperation, and which appropriately allocate costs between Title IV-D and IV-A agencies. 2/77

Child Victims and Childhood Violence. Encourage courts to ensure the availability of counseling, treatment, advocacy and other assistance to victims of child abuse and domestic violence through various means, including the imposition of fines, restitution, and court orders. 8/96

Urge federal, state, tribal, local and territorial governments to ensure that child victims of criminal conduct have prompt access to legal advice and counsel and to specialized services and protections such as those provided by child advocacy centers approved and accredited by the National Children’s Alliance. (09M101D) 2/09

Urge implementation of the 56 recommendations in the December 2012 report of the U.S. Attorney General’s National Task Force on Children’s Exposure to Violence, entitled Defending Childhood, to improve court and justice system practices to better help children who have been exposed violence. (13A111B) 8/13

Urge the implementation of recommendations in November 2014 report from the U.S. Attorney General’s Advisory Committee on American Indian/Alaska Native Children Exposed to Violence, titled Ending Violence So Children Can Thrive. (15A113) 8/15.

See also Foster Care entry, this section and Child Sexual Abuse entry under Criminal Law.

Citizenship of Children. Urge the Department of State to interpret the Immigration and Nationality Act to recognize those children born to intended parents, even if those legally recognized parents do not have genetic or gestational relationship to the child, so long as at least one of the intended parents is a U.S. citizen who is legally recognized as the child’s parent by the country of birth or the intended parent’s state of domicile and the relevant resident or physical presence requirements are met. (17M113) 2/17

Corporal Punishment of Children. Oppose use of corporal punishment in institutions where children are cared for or educated. 8/85

Court-Appointed Special Advocates for Children. Support utilizing lay volunteers, court appointed special advocates, and attorney representation in dependency proceedings for abused and neglected children. 8/89

Courthouse Waiting Rooms for Children. See entry under Courts/Judges/Procedure.

Court Jurisdiction. Oppose removal of family law matters from the jurisdiction of the courts. 2/66

Discovery of Mental Health Records. Oppose legislation that would restrict discovery of mental health professionals’ records, including raw test data and notes of interviews, relating to evaluations in family law cases. 8/93

District Courts and Child Custody. Urge Congress to confirm that federal District Courts have the power to resolve the issue of conflicting state claims concerning jurisdiction over child custody disputes based on the Federal Parental Kidnapping Prevention Act and Title III of the Constitution. 8/88

Domestic Violence. Support federal, state and local efforts to combat family violence, and recommend the adoption of several proposals to make the criminal justice system more responsive to the problem including the establishment of shelters and counseling programs, procedures to encourage the filing
of criminal charges and prosecution where appropriate, standards for determination of sentencing and parole, arrest for violation of protection restraining orders and victim compensation. 8/78

Urge wide support for efforts to pass legislation and secure funding for development of multidisciplinary community-based programs to respond to current epidemic of domestic violence; such programs should contain certain enumerated elements. 8/95

Condemn acts by lawyers and judges in the course of their professional duties which would either constitute domestic violence or approval of the use of domestic violence, stalking, or sexual assault under the laws of their jurisdiction. 8/96

Urge all levels of government and private entities to make the establishment of programs addressing domestic violence a priority with victim safety a primary concern; urge that such programs be developed publicly with input from all entities and agencies having experience in handling such issues and that they conform to enumerated standards. 2/97

Encourage governments, courts and attorneys to consider and to provide for the safety of domestic violence victims and their children during court ordered visitation and visitation exchanges. (00M109A) 2/00

Recommend that court-mandated mediation include an opt-out provision in any action in which one party has perpetrated domestic violence upon the other party. (00M109B) 2/00

Urge the extension of the remedies, protections and services within domestic violence statutes to adolescents. Urge support of related educational programs and services for adolescents. (00M111) 2/00

Urge governments to reduce domestic violence by enforcing orders and urge appropriate remedies for failure to enforce the terms of civil and criminal protection orders. (05A114) 8/05

Urge federal, state, territorial, local and tribal governments to enact or amend domestic violence civil protection order statutes that provide protection to victims who are in a romantic or intimate relationship with the perpetrator of domestic violence or have been in a romantic or intimate relationship with the perpetrator, but do not necessarily have a child with, live with, or are married to the perpetrator of the violence. (06A110) 8/06

Urge governments to enact civil protection order statutes regarding domestic, intimate partner, sexual, dating, and stalking violence that extend to LGBT individuals. (15A109B) 8/15

Recognize freedom from domestic, dating and sexual violence and stalking as a human right. (15A109C) 8/15

See also Child Abuse and Domestic Violence Victims entry, this section, Civil Protection Orders under Courts/Judges/Procedure, Housing Protections for Victims of Violence (15M109B) under Real Property/Housing Law, Problem Solving Courts under Court/Judges/Procedure, Violence Against Women Act under Criminal Law/Procedure.

Drug Abuse, Alcohol & Youth. Adopted 20 policies regarding the prevention, education and treatment of youth alcohol and drug abuse problems, e.g. increasing criminal penalties for the sale of alcohol and other drugs to minors; revoking or suspending the drivers’ license of any youth convicted of DWI; establishing civil liability of persons who negligently sell or serve alcohol to a youth who, as a result thereof, becomes intoxicated and injures himself or others; increasing federal and state excise tax rates on alcohol and allocating a significant portion thereof for prevention, treatment and research in the area. 8/85

Education. Encourage the federal government, states and school districts to pass laws and implement policies that will secure the right of every child to a high-quality education and encourage attorneys and bar associations to help secure that right through improvements in state and federal law, representation of students, parents and organizations and community legal education. (09A118A) 8/09

Urge federal and state legislatures to pass laws and enforce policies that will help advance the right to remain in school, promote a safe and supportive school environment for all children and enable them to complete school. (09A118B) 8/09

Urge the enactment and implementation of statutes and policies that support the right of youth who have left school to return to school to complete their education in high-quality, age appropriate programs.
Urge legislative bodies and governmental entities to take action to disrupt the school-to-prison pipeline for students of color, students with disabilities, LGBTQ students, homeless students, and other marginalized groups whose high exposure to systemic inequities in education and disciplinary systems results in disproportionately higher drop-out rates and interactions with the criminal justice system. (16A/115) 8/16

Access to Adequate Public Education.

Urge all governments to implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education. (17A117A) 8/17

Civic Education: Voting. Urge all governments to develop and implement age-appropriate curricula designed to instill in all students a sense of the personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections. (17A117B) 8/17

Educational Blueprints. Endorse the Blueprint for Change: Education Success for Children in Foster Care (2007) and the Blueprint for Change: Educational Success for Youth in the Juvenile Justice System (2016), which provide a framework to improve educational access, stability, and success for court-involved youth. (17A117) 8/17

See Individuals with Disabilities Act entry under Civil Rights/Constitutional Law.

Educational Stability for Homeless and Foster Children. Support policies to assure uninterrupted educational access, special education and related services, and stability for homeless children and youth who are homeless or in public agency custody. (07A107) 8/07

Elder Abuse. See entry under Elder Law.

Family and Medical Leave. Support federal and state legislation establishing minimum requirements for reasonable, unpaid, job-protected leave for employees with medical or health concerns (including pregnancy) and family leave to provide care for seriously ill family members. 8/87; 2/88

Family Day. Urge the President to proclaim a national annual holiday observance, "Family Day USA." 8/70

Forced Marriages. Condemn forced marriages and urge governments to enact laws to prevent forced marriages in the United States or involving U.S. citizens or residents, to protect victims of forced marriages, and to collaborate with organizations to create victim-centered legal remedies for victims. (14A112B) 8/14

Foster Care. Support amendments in the federal Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) that would strengthen the role of the legal system in planning for children in foster care. 8/88

Support legislation to guarantee children safe foster care free from abuse, violence and sexual assault, and hold state and local officials liable for injuries caused under circumstances evidencing gross negligence or reckless disregard. 8/90

Reaffirm support for Adoption Assistance and Child Welfare Act and for legal system reform that will provide safe and permanent homes for kids; support enactment of legislation to address barriers to permanency. 2/97

Urge amendment of Title IV of SSA to provide direct access for foster care and adoption services for Indian children under tribal court jurisdiction. (01A105C) 8/01

Urge enactment of laws to provide youths transitioning from foster care into emancipation full access, up to age 21, to independent and transitional services; urge ABA to work to ensure youth transitioning out of foster care access to counsel. (02A106) 8/02

Oppose legislation and policies that prohibit, limit, or restrict placement into foster care of any child on the basis of sexual orientation of the proposed foster parent when such foster care placement is otherwise appropriate under the applicable law of the state, territory, or tribe. (06M102) 2/06

Encourage bar associations, judges and attorneys to lead efforts to create comprehensive services for youth who "age out" of foster care and other former foster youth until at least age 21, and urges amendment of applicable law, and court and child welfare practices. (07A104A) 8/07
Support promotion of the permanent placement of lesbian, gay, bisexual, transgender and questioning youth in the foster care system in appropriate homes and protect the youth from discrimination and violence. (07A104B) 8/07

McKinney-Vento Homeless Assistance Act. Urge Congress to amend the McKinney-Vento Homeless Assistance Act to clarify that the Act applies to all children and youth in foster care and to significantly increase funding to support the support the academic achievement and success of all McKinney-Vento eligible students. (07A107) 8/07

Urge enactment of child welfare finance laws and/or development of policies to end the current fiscal incentives to place children in foster care. (10M110) 2/10

Urge governments and child welfare agencies, dependency courts, and judges to extend foster care and adoption assistance until the age of 21 and extend court jurisdiction for young adults who elect to remain in welfare agency care until the age of 21; and ensure that young adults are involved in all phases of their cases and their court proceedings. (10A109B) 8/10

Urge support for the enrollment in and successful completion of postsecondary education by youth in foster care. (12A112A) 8/12

Runaway and Homeless Youth Act. Urge Congress to increase funding for programs under the Runaway and Homeless Youth Act to more effectively intervene and end homelessness for youths, ages 12 through 24. (10M105B) 2/10

Transition from Foster Care to Homelessness. Urge governments to enact legislation and policies that prohibit youth from transitioning from foster care to a status of homelessness. (14M109A) 2/14

See also Youth at Risk and Educational Stability entries, this section; See Homelessness Prevention for Foster Youth entry under Real Property/Housing Law.

Gay Marriage. Oppose any federal enactment that would restrict the ability of a state to (a) prescribe the qualifications for civil marriage between two persons within its jurisdictions and (b) determine when effect should be given to a civil marriage validly contracted between two persons under the laws of another jurisdiction. (04M103D) 2/04

Urge Congress to repeal 1 U.S.C. § 7, which denies federal marital benefits and protections to lawfully married same-sex spouses. (09A112) 8/09

Urge state, territorial, and tribal governments to eliminate all of their legal barriers to civil marriage between two persons of the same sex who are otherwise eligible to marry. (10A111) 8/10

Grandparent Visitation. Encourage the further development of state law regarding grandparent visitation rights. 2/89

Guardians Ad Litem. Urges states and territories to meet the full intent of the Federal Child Abuse Prevention and Treatment Act regarding the appointment of guardians ad litem in cases of neglect, abuse, custody and visitation, and urges states, territories and local bars and law schools to assist in setting standards for appointment and providing training for guardians ad litem. 2/92

Health Care Intervention Decisions. See entry under Health/Mental Health.

Homeless Youth Prevention. See Homelessness Prevention for Foster Youth entry under Real Property/Housing Law.

Human Trafficking. See entries under Criminal Law/Procedure.

Indian Child Welfare. Encourage governments to provide training and resources to implement and enforce compliance with the Indian Child Welfare Act. (13A111A) 8/13

Insurance and Domestic Violence. See Domestic Violence under Insurance and Tort Law.

International Surrogacy Arrangements. See entry under International Law (116M112B) 2/16

Interstate Placement of Children. Encourage states and territories to work cooperatively to make determinations about interstate placements of children in a timely manner; urge federal and state governments to improve laws and procedures regarding interstate placement. (03A118) 8/03

Jurisdictional Immunity. Express concern over invocation of immunity to insulate
employees of international organizations from family financial obligations and support prompt enforcement of orders of courts in such matters. (99A118) 8/99

Juvenile Delinquency. See entry under Corrections.

Legal Services for Indigent Parents. See entries under Legal Services.

Parental Rights. See entries under Criminal Law/Procedure and Immigration.

Psychotropic Drugs for Children In Custody. Urge child welfare and juvenile justice agencies to develop best practices and policies to facilitate appropriate use of psychotropic medications needed by children in their custody; urge Congress to develop oversight protocols; urge Congress to enact legislation requiring government entities to report data on the use of psychotropic medication by children in the foster care and juvenile justice systems. (16M111) 2/16


Spousal Interest in Deferred Compensation. Support legislation making all deferred compensation from employment subject to state property laws. See also Military Retired Pay. 2/82; 8/82

Survivor Benefits. Recommend that the Internal Revenue Service publish standard model spouse consent forms for qualified retirement plans under ERISA advising the spouse of the effects of signing a spousal consent form waiving a survivor benefit. 2/96

Violence Against Women Act. See entry under Criminal Law/Procedure.

Welfare Due Process. Urge enactment of legislation to require due process protections, particularly notice and opportunity to be heard, before financial sanctions are imposed on welfare families for noncompliance. (01A105B) 8/01

Welfare Family Cap. Oppose legislation or regulation that denies an increase in public benefits for which individual is entitled upon the birth of an additional child while on welfare. 8/95

Welfare Funding. Urge adequate funding of welfare programs; oppose cuts in funding unless justified by careful study and analysis with regard for their long and short-term impact on individuals and budgets, and oppose linking public assistance to requirements which infringe on the right to privacy and other individual freedoms. 8/92

Youth at Risk. Urge all levels of government to coordinate and enhance services for at-risk youth and their caretakers. (06A10A) 8/06

Urge enactment of legislation that requires the licensing, regulating and monitoring of privately operated residential treatment facilities offering treatment to at-risk children and youth for emotional, behavioral, educational, substance abuse and social issues and problems. (07M114) 2/07

Support legislation to require the evidence-based pre-court diversion and early intervention services for youth who are alleged to commit status offenses, such as truancy or running away; supports the use of in-home or community-based services as an alternative to secure detention. (07A104C) 8/07

Urge governments to revise laws for “dual jurisdiction” youth (abused and neglected youth with juvenile “dependency” cases who are charged with acts of delinquency) to permit the use of diversion and crisis services for low levels of foster youth misbehavior while continuing to provide foster care services and support for the youth and to eliminate statutory restrictions inhibiting dual jurisdiction. (08M300) 2/08

Exposure to Violence. Urge the development and adoption of trauma-informed, evidence-based approaches and practices on behalf of justice system-involved children and youth who have been exposed to violence. (14M109B) 2/14

Educational Blueprints. See entry under Education in same section.

See also Youth Offenders entries under Legal Services and Criminal Law/Procedure.
Attorney General. Support legislation prohibiting appointment as Attorney General or Deputy Attorney General of a person who played a leading partisan role in the presidential election, and urge that nomination and confirmation for these two posts be treated as seriously as that of Supreme Court nominations. 2/76

Budget. Support removal of Social Security Fund from federal budget because it misrepresents the federal defeats. 8/90

Campus Violence. Support creation of a Presidential Commission on Campus Violence with power of subpoena. 5/70

Census of 1990. Encourage the U.S. Bureau of Census to conduct a complete count of all persons residing in the U.S. regardless of citizenship or immigration status and call upon bar members to promote full participation. 8/89

Congressional Contacts with Federal Prosecutorial Agencies or Administrative Agencies. See Ex Parte Contacts in Administrative Proceedings under Administrative Law and Congressional Contacts with Federal Prosecutorial Agencies under Criminal Law/Procedures.

Discrimination Based on Age. See entry under Civil Rights and Constitutional Law.

Department of Justice. Support implementation of increased oversight of department programs through review of programs by the Judiciary Committees and through use of the appropriations process. Support the issuing of regulations requiring department personnel to log outside contacts, including White House pressure for department action. 2/76

Department of Justice Lawyers. Urge the United States Department of Justice to continue in its commitment to investigate allegations of professional misconduct on the part of the Department's lawyers and to release as much information regarding completed investigations as possible, consistent with privacy interests and law enforcement confidentiality concerns. (10A100A) 8/10

Department of Transportation. Support codification of laws affecting the Department of Transportation. 8/67

Disaster Preparedness Principles. See entry under Disaster Preparedness.

Election Procedures During Catastrophe. See entry under Election Law.

Electronic Information Access Under FOIA. See entry under Administrative Law.

Ethics in Government Service. Support development of comprehensive guidelines outlining conduct for government officials in their dealings with private parties and endorse integrated approach found in the 1993 Report of Committee on Government Standards; Support Independent Counsel provisions. 8/93

Executive Privilege. Urge Congress and the President to adopt certain outlined procedures to facilitate the resolution of disputes between them over executive privilege. 8/87

FBI Director. Support enactment of legislation providing for a definite term of office of the Director of the FBI. 2/76

FBI Jurisdiction. Support legislation carefully defining the responsibilities and jurisdiction of the FBI, with adequate oversight by Congress and by the Attorney General. 2/76

Federal Distributive Funding. Urge enactment of legislation authorizing an annual appropriation of federal distributive funding (formerly called general revenue sharing) to states and territories in 2011, and thereafter, in order to ensure continuity of funding of essential government programs. (09A105) 8/09

Federal Highway Safety Programs. Support adequate funding for this program. 8/69

Federal Security Clearances. Support the establishment of standards and procedures for the granting, denial, or revocation of security clearances for all applicants or employees of the federal government or its contractors. 8/89

Freedom of Information Act. Support amendments to FOIA which would (1) balance more carefully interests of private and public parties; (2) provide increased protection for financial, commercial and business information; (3) define the term “agency record”; (4) strengthen or create exemptions pertaining to national security and intelligence, law enforcement rules and manuals, and security criminal investigations; and (5) address several other matters. 8/74; 2/82; 2/83; 8/83; 2/84

Urge the Department of Health and Human Services to comply with the mandate of the Freedom of Information Act in releasing information with regard to Medicare and Medicaid decisions. 2/89

Urge the Attorney General of the United States to issue a memorandum to Freedom of Information Act (FOIA) officials at federal agencies clarifying that the designation of agency records as “sensitive but unclassified” cannot be a basis for withholding agency documents from release. (06M112) 2/06

See Electronic Information Access Under FOIA entry, under Administrative Law.

Government Lawyer Participation in Bar Associations. Oppose proposed limitations and restrictions upon participation in professional associations of employees of the Executive Branch. 8/91

Supports the principle that it is in the interests of the government that its lawyers participate in professional development activities sponsored by bar associations and encourages the removal of impediments to government lawyer participation in organized bar activities. Adopts recommendations contained in the report “Advancing the Participation of Government Lawyers in the ABA.” 5/97

Urge governmental entities to recognize the value of having their lawyers participate in bar-sponsored activities and to facilitate participation in bar associations. (98A102) 8/98

Urge government entities to permit government lawyers to serve in leadership capacities within professional associations and societies; and encourage adoption of standards authorizing such lawyers to use reasonably facilities and official time for participation in such activities. (99A112) 8/99

Independent Counsel. See entry under

Criminal Law/Procedure.

Inspector General. Support statute to perpetuate an Office of Professional Responsibility, or Inspector General, in the Department of Justice. 2/76

Interstate Commerce Commission. Support consolidation and reenactment of laws affecting the ICC. 8/67

Law Revision Counsel. Support legislation to establish an Office of Law Revision Counsel to develop and keep current an official and positive codification of U.S. laws. 8/74

Legal Advice to the President. Urge that advice on personal or partisan matters be provided by sources outside the Justice Department. 2/76

Library of Congress: Law Library. Urge additional funding for the library's program for collection and interpretation of all foreign laws and for its program for collection and indexing of all publications of all countries. 2/70

Support continuation of the Law Library as a separate department of the Library of Congress and encourage Congress to establish a National Law Library which would include the present law library to serve Congress and the legal profession. 2/79; 2/81; 11/91; 2/92

Support efforts by the Library and Law Library to create programs that develop and maintain the Law Library’s services and operations, and utilize the best technologies to make the Law Library's collection accessible. (11M110) 2/11

Lobbying Disclosure Act. Urge amendment of Act to exclude contacts with executive branch officials except where such contacts relate to grants or awards involving federal funds; support further study of issue. 2/93

Urge Congress to amend the Lobbying Disclosure Act of 1995 to extend the registration and reporting obligations with respect to lobbying coalition membership and grassroots lobbying. (06A119) 8/06

Urge Congress to update and strengthen the Lobbying Disclosure Act by requiring fuller reporting of lobbying activities, forbidding certain conflicts of interest, and...
providing for more enforcement. (11A104B) 8/11

See also Lobbying Expense Deduction under Tax Law.

**National Endowment for the Arts.** Support a five-year reauthorization of the NEA with no restrictions on the content, subject matter, message or idea of what the endowment may fund. 8/90

**National Institute of Justice.** Support creation of an independent federal agency to conduct research and fund pilot projects aimed at improving the justice system. 8/74-R-8/79

**Office of Federal Procurement Policy.** Support creation of such an office within the Executive Branch or, alternatively, as an independent regulatory agency. 11/73

**Ombudsmen.** Recommend that the federal government experiment with the establishment of ombudsmen in specified agencies for limited areas and for limited phases of federal activity. 2/69; 7/71

**Partisan Political Interests of Prosecutors and other Government Lawyers.** Urge the President and the Attorney General to assure that lawyers in the Department of Justice do not make decisions concerning investigations or proceedings based upon partisan political interests and do not perceive that they will be rewarded for, or punished for not, making a decision based upon partisan political interests. Urge the leaders of state, local and territorial legal offices to assure that lawyers in their offices do not make decisions concerning investigations or proceedings based upon partisan political interests and do not perceive that they will be rewarded for, or punished for not, making a decision based upon partisan political interests. (10M102G) 2/10

**Political Advocacy by Exempt Organizations.** Oppose enactment of legislation which would (1) obligate exempt organizations to obtain prior approval of their members before engaging in “political activities”; (2) broadly define “political activities”; and (3) require additional record-keeping activities (49BBOG). 4/98

**Postal Services for the Homeless.** Urges Congress, the U.S. Postal Service, etc. to ensure the prompt delivery of and adequate customer access to the U.S. mail for people experiencing homelessness. (05A112) 8/05

**Presidential Signing Statements.** Oppose, as contrary to the rule of law and our constitutional system of separation of powers, a President’s issuance of signing statements to claim the authority or state the intention to disregard or decline to enforce all or part of a law he has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress. (06A304) 8/06

**Public Advocacy by Federal Grantees.** Support existing prohibitions on the use of federal grant funds for lobbying activities and oppose legislation, such as HR 2127 and HR 2020, 104th Congress which compromises the principle of access to the legislative process by limiting the amount of public policy advocacy in which organizations receiving federal grants can engage, using private funds; urge Congress to examine carefully any proposed legislation in this area for its chilling effect on constitutional rights of citizens to petition their government, etc. 10/95

**Qualified Immunity.** See entry under Attorneys/General Practice.

**Self-Regulation of Congressional Ethics.** Urge each House of Congress, in the performance of its self-disciplinary functions, to structure the enforcement process fairly, and to protect the rights of respondents. 2/96

**Subpoenas of Administrative Documents by Congress.** See Administrative Subpoenas under Administrative Law.

**Sunshine Act.** Support legislation opening meetings of federal agencies and congressional committees to the public, within a proposed set of limitations. 8/75

Recommend specific guidelines to interpret the term, “meetings” under the Act. 2/87

**U.S. Attorneys.** Support (1) creation of nonpartisan advisory committees in each judicial district to review the qualifications of possible nominees for U.S. Attorney and (2) retention of the Senate confirmation process. 2/76

Support in principle that the
appointment, retention and replacement of U.S. Attorneys, and their exercise of professional judgment, should be insulated from improper political considerations. (07A10C) 8/07
See Partisan Political Interests of Government Lawyers entry, this section.

U.S. Code Revision and Codification. Support effort to move forward in revision of U.S. Code and reenactment of titles into positive law. 2/66

Voting Rights For D.C and American Territory Representatives. Support the prompt enactment of legislation to grant equal voting rights in Congress for the District of Columbia. (09M10D) 2/09
Urge the House of Representatives to restore the right of elected representatives of D.C., American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico and the United States Virgin Islands to vote on legislation proposed by the House in Committee of the Whole. (11A10C) 2/11

Witnesses at Congressional Hearings. Support congressional rules providing that no witness shall be compelled to give testimony in any hearing for public broadcast. 8/74

Witnesses in Congressional Investigations. Approve guidelines regarding the rights of witnesses in congressional investigations. 8/88

HEALTH/MENTAL HEALTH

Access to Health Information. Oppose governmental restriction on patients’ access to medical information necessary for informed healthcare decision–making and information with respect to access to appropriate medical care whether or not their provider offers it. (05M104) 2/05
See also Confidentiality of Health Information, this section.

Access to Legal Websites by the Disabled. See entry under Attorneys/General Practice.

Alternative Dispute Resolution. Support certain principles and recommendations contained in “Health Care Due Process Protocol: A Due Process Protocol for Mediation and Arbitration of Health Care Disputes” (8/27/98) and support enactment of legislation establishing ADR procedures as one remedy for resolving disputes between patients and health care plans. (99M114) 2/99
Encourage informed and voluntary use of ADR in health care disputes except in cases of medical malpractice disputes involving private managed health care organizations or residents in dispute with long-term care facilities. (16M100) 2/16

See also entries under Elder Law, Insurance and Tort Law, and Medical Malpractice.

Advanced Illness. Support legislation and regulation that contains specified provisions to promote access to comprehensive long term supportive services and care for persons with advanced illness. (15M100) 2/15

AIDS. See HIV/AIDS entry, this section.

Asbestos. See Asbestos-Related Disease Claims under Insurance and Tort Law.

Assisted Pregnancy.
Hormonally-Assisted Pregnancy. Oppose state or territorial legislation that would restrict hormonally-assisted pregnancy in post-menopausal women. 8/95
Adopt the ABA Model Act Governing Assisted Reproductive Technology Agencies, which provides model licensing legislation governing Assisted Reproductive Technology Agencies. (16M112A) 2/16

Board and Care Facilities. Support enactment of state legislation requiring licensure and regulation of Board and care facilities for adults who need personal assistance, lodging and meals and federal oversight to assure compliance. 8/89

Children and Pregnant Women.
Support legislation to ensure comprehensive health care for children and prenatal care for pregnant women. 8/97

Clinical Trials. Urge Congress to enact legislation and direct the appropriate federal departments to issue regulations that establish uniform requirements for guidance on addressing conflicts of interest in all human
Clinical trials. (09A120) 8/09

Cloning of Humans. Support national and international laws and public policy that oppose or prohibit reproductive cloning; if reproductive cloning is attempted, support national laws and policies to establish that a live-born human clone is legally a separate and distinct person from its progenitor and that a human clone is a human being and has legal parents. (04A109) 08/04.

Confidentiality of Health Information. Support legislation to protect confidentiality of personal health information in either paper or electronic form by ensuring that individuals have access to their own records, that disclosures of such records generally are subject to the individual's consent, that law enforcement agencies have access to information only in accordance with Fourth Amendment principles, and that strong law enforcement penalties are in place to address violations of the law. 2/96

Death Definition. Join with the AMA and the NCCUSL in creating a uniform public policy position on this legal/medical issue. 2/75; 2/81

Disclosure of Financial Incentives. Urge Congress to enact legislation to require employer-sponsored health plans to disclose to their enrollees any financial incentive programs they provide to contracted physicians and to provide information on these incentive programs in written form to each enrollee. (01A103) 8/01

Durable Powers of Attorney. Encourage the use and recognition of durable powers of attorney for delegating health care decision-making authority in the event of decisional incapacity of the principal. 8/89

Emergency Care System. Support the study of regionalization of the nation’s Emergency Care System and Emergency Departments and the enactment of legislation and promulgation of rules, specifically as it relates to disaster preparedness, as an effective and efficient means of improving patient safety, health care quality, cost reduction, coordination of care, and increased accountability of the system. (07A120B) 8/07

Expedited Partner Therapy. Urge states, territories and tribes to support the removal of legal barriers to the appropriate use by health care providers of Expedited Partner Therapy. (08A116A) 8/08

ERISA and Private Right to Sue. See entry under Insurance and Tort Law.

Fetal Alcohol Spectrum Disorders. Urge enhanced awareness of Fetal Alcohol Spectrum Disorders in children and adults and its impact on individuals in the child welfare, juvenile justice and adult criminal justice systems. (12A112B) 8/12

Fetal Tissue Research. Support federal legislation that would: permit carefully regulated, federally funded fetal tissue transplantation research; establish specific restrictions and safeguards for such research to insulate it from the abortion decision; ensure comparable standards for private sector research; and establish the conditions under which research proposals are to be approved. 2/92

See also Stem Cell entry, this section.

Genetic Testing. Urge governments to assure that predictive and diagnostic medical genetic testing provided on-line, via the telephone, or by any other direct-to-consumer means comply with specified principles to protect the consumer. (11A114) 8/11

HIV/AIDS. Support enactment of federal legislation, such as S. 1575 and H.R. 3071 (100th Congress), that promotes increased voluntary counseling and testing as well as confidentiality and prohibits discrimination on the basis of infection with the AIDS virus. 2/88

Support the global strategy of the WHO for the worldwide prevention and control of AIDS. 8/89

Urge governments and private entities to adopt policies concerning the Human Immunodeficiency Virus that are consistent with 60 enumerated principles, all of which promote non-discrimination and confidentiality (except in certain public health situations). 8/89; 2/90

Support the removal of legal barriers to
the establishment and operation of approved needle exchange programs that include a component of drug counseling and drug treatment referrals. 8/97

Urqe the federal government to implement HIV/AIDS-related initiatives that address the HIV/AIDS problem in a manner consistent with international human rights law and science-based prevention, care, support, and treatment objectives; urge the endorsement of the United Nations Declaration of Commitment on HIV/AIDS, dated June 2001. (04M103B) 2/04

Blood Donations. Urge FDA to update its current policy requiring deferment of blood donations from men who have sex with men to a deferral policy based on an assessment of the risk posed by an individual; urge FDA to develop and implement validated tools for assessing individual risk to ensure safety of the blood supply. (17M112D) 2/17

See also Long-Term Care Planning for Individuals with Fatal Diseases entry, this section, Compassionate Release and Alternative Sentencing and HIV/AIDS and the Criminal Justice System entries under Criminal Law and HIV Status of Sellers as Non-Material Fact entry under Real Property Housing.

Health Care Intervention Decisions. Support the principle that competent persons generally have the right to consent to or refuse health care interventions, even if the result is a shorter life span; support the principle that an appropriate surrogate may exercise this right for incompetent individuals, but with no position on how these surrogates are to be chosen or on the standards governing their actions. 2/90

Health Courts. See entry under Medical Malpractice.

Home Health Care for the Elderly and Disabled. Support state and federal legislation and regulation to improve quality of home health care and home help care for elderly and disabled in accordance with specified principles. 8/87

Hunger. Urge increased efforts to eliminate hunger and malnutrition. 8/70

Indian Health Service. Support reauthorization of the Indian Health Care Improvements Act; urge Congress and the Executive Branch to address the various areas where their health is deficient; support the administration of their health care services on reservations, by Indian tribes and tribal organizations, and rural areas. (04M103C) 2/04

Long-Term Care Planning for Individuals with Fatal Diseases. Urge creation of legal mechanisms with consumer safeguards to allow people with HIV, AIDS and other fatal illnesses to better plan for long term care for themselves and families, including standby guardianships, advance medical directives and vertical settlement. 8/95

Long-Term Health Care. Support adoption of federal, state and territorial legislation, regulation and other initiatives which encourage the appropriate use of private insurance, employment-related benefits and other mechanisms addressing long-term care needs, including possible tax law changes, consumer protection, and the initiation of public and private options for home and community-based long-term care consistent with principles of equitable access, autonomy, fairness, quality and responsible financing. 2/89; 2/92

Urge development of innovative long-term care programs such as the "Compact for Long-term Care" to provide financing that is separate and in addition to Medicaid. (08M10A) 2/08

Urge Congress and administrative bodies to continue efforts to expand availability of home and community-based services as a viable long-term care option. (11A106A) 8/11

Managed Health Care Complaints. Support right of consumers to a fair and efficient process for resolving disputes which includes certain elements recommended by the Consumer Bill of Rights (98A103). 8/98

Marijuana. Support federal legislation to remove prohibitions against the treatment of patients with marijuana under the supervision of a physician with controls adequate to prevent improper use. 2/84

Medical Release of Terminally Ill Inmates. See Compassionate Release and Alternative Sentencing entry under Corrections.
**Medicaid.** Approve expansion of the Medicaid program to cover all pregnant women and children with family incomes less than 200 percent of the federal poverty level. 2/90

Support legislation to require HHS to issue advisory opinions interpreting the Act, to establish a federal advisory committee to review it, and to add the names of lawyers who request it to its distribution list for information regarding the Act. 8/90

Support repeal of Medicaid estate and recovery mandate under the Omnibus Budget Reconciliation Act of 1993; in the absence of repeal, urge enumerated amendments to act. 2/95

Opposes any structural or financial changes in the Medicaid program and the need for innovation in shaping more effective health care system that would weaken the current entitlement nature of the program or shared legal obligation that the federal, state and territorial governments have to provide a comprehensive set of benefits to all individuals who meet eligibility criteria and supports Medicaid restructuring that adheres to enumerated principles. (05A113B) 8/05

**Medical-Legal Partnerships.** Encourage lawyers, law firms, legal services agencies, law schools and bar associations to develop medical-legal partnerships with hospitals, community-based health care providers, and social service organizations to help identify and resolve diverse legal issues that affect patients' health and well-being. (07A12A) 8/07

**Medicare Coverage for Precision Medicine.** Urge broadening of the scope of Medicare coverage to allow coverage for interventions that could mitigate medical issues that are genetically indicated but not yet expressed. (17M116) 2/17

**Medicare Procedures.** Support efforts to improve the administration and judicial process utilized by the Department of Health and Human Services in accordance with principles recommended by the Symposium on Medicare Procedures. 8/88

Support specific current practices and specified reforms in the Medicare claims adjudication process to assure that Medicare beneficiaries are entitled to due process throughout all levels of the claims and appeals process. (03A107) 8/03

Recommend that the federal government amends the Medicare Secondary Payer Act to return an appropriate level of certainty, predictability and efficiency to the Medicare set-aside in Workers’ Compensation systems. (05M109B) 2/05

**Medicare Reporting: Safe Harbor Provision.** Urge Congress to amend the Medicare, Medicaid and SCHIP Extension Act of 2007 to create a safe harbor provision protecting responsible reporting entities from civil penalties when they rely on an appropriate process to obtain reportable information or rely on claimants’ verified representations regarding claimants’ entitlement to or receipt of Medicare benefits. (10A101) 8/10

**Medicare Reimbursement.** Support legislation providing that claims for Medicare reimbursement of medical expenses be heard before an administrative law judge subject to agency and judicial review. 8/73

Urge Congress to hold public hearings addressing the need for legislation to ensure efficient administrative and judicial review of Medicare reimbursement controversies. 8/80

Support the enactment of legislation which extends and expands the availability of Medicare reimbursement for hospice care services. 2/86

Urge Congress and HHS to pass legislation and regulations to develop and implement a more timely and efficient process to determine amounts owed to Medicare by a beneficiary when a conditional Medicare payment has been made, including appeal process; support legislation similar to the SMART Act from the 112th Congress. (13M100) 2/13

**Advanced Practice Provider Billing.** Urge Congress to enact legislation and the Center for Medicare and Medicaid Services to implement regulations and guidance permitting the *locum tenens* services delivered by advanced practice providers to be billed in a manner commensurate with those provided by physicians. (16M300) 2/16

**Medicare Coverage for Outpatient Care.** Urge Congress to enact legislation that deems an individual receiving outpatient observation care services in a hospital to be treated as an inpatient with respect to satisfying the stay requirement for Medicare coverage of a post-
hospitalization stay in a nursing facility. (14M110) 2/14

Mental Health and Substance Abuse Treatment. Support the rights of all Americans, particularly our nation's veterans, to access adequate mental health and substance use disorder treatment services and coverage, and urge States, in implementing the Patient Protection and Affordable Care Act, to provide for mental health and substance use disorder coverage. (13A101) 8/13

Mental or Emotional Illness in Adults and Youth. Urge Congress to enact legislation to address the complex problem presented by the large number of adults with mental illness and juveniles with mental or emotional illness or disorders who come into contact with the criminal and juvenile justice systems; urge increased funding for public mental health services and development of policies and programs to provide better public health services. (04M116) 02/04

See also Youth-at-Risk entry under Family Law.

Mentally Disabled. Support swift and effective implementation by federal and state governments of laws and regulations codifying rights of mentally disabled persons. 8/77

Oppose capital punishment for mentally disabled. 2/89

Mentally Disabled Advocacy Programs. See entry under Legal Services.

Near Misses. See Reporting of Hospital Events entry, this section.

Nursing Homes. Urge the retention of effective enforcement mechanisms to ensure adequate quality of care in nursing homes participating in Medicare and Medicaid. 2/83

Organ Donation. Approve the Uniform Anatomical Gift Act promulgated by the National Conference of Commissioners on Uniform State Laws in 2006. (07M105A) 2/07

Pain and Symptom Management. Urge federal, state and territorial action to assure quality pain and symptom management by health professionals by removing legal barriers to quality pain and symptom management and to fully support the rights of individuals suffering from pain to make informed and effective decisions in their treatment. (00M102) 2/00

Patient Care and Safety. Support the development of evidence-based, clinical or medical practice standards regarding patient care and safety. (11M113) 2/11

Patient-Self Determination Act. Urge Congress to amend the Patient-Self Determination Act provisions of the Medicare and Medicaid law regarding advance care planning to meet specific requirements; urge Congress and HHS to require period opportunities to discuss options.

Physicians Inquires about Gun Ownership. See Gun Control entry under Criminal Law.

Physicians Orders for Life-Sustaining Treatment. Urge establishment and support of decision-making protocols to ensure that the wishes of those who have advanced chronic progressive illnesses are appropriately translated into visible and portable medical orders such as "Physicians Orders for Life-Sustaining Treatment" that address higher probability medical contingencies. (08A103) 8/08

President's Commission on Mental Health. Commend the report of the Commission as a valuable study and endorse the report's 10 recommendations for protection of the human and legal rights of the mentally disabled. 8/78

Qualified Medicare Beneficiary Program. Support efforts to increase public awareness of and accessibility to the Qualified Medicare Beneficiary program; support efforts to enroll eligible parties into the program. 2/93

Stem Cell. Oppose Governmental prohibitions on scientific research conducted in accordance with accepted safeguards for therapeutic purposes, including cell nuclear transfer research not intended for human cloning. (02A117B) 8/02

See also Fetal Tissue Research entry, this section.

Substance Abuse. Urge federal, state, local, and territorial governments to eliminate policies
that sanction discrimination against people seeking treatment or recovery from alcohol or other drugs by implementing specific recommendations regarding public benefits included in “Ending Discrimination Against People with Alcohol and Drug Problems,” dated 2003. (04A112) 08/04.

Urge repeal of laws and practices that permit insurers to deny coverage for alcohol or drug related injuries or losses covered by accident and sickness insurance policies that provide hospital, medical and surgical expense coverage. (05A105) 8/05

Urge all federal, state, territorial and local legislative bodies and governmental agencies to adopt laws and policies that require health and disability insurers who provide coverage for the treatment of both abuse and dependence on drugs and alcohol to do so in a manner that is based on the most current scientific protocols and standards of care. (06A109) 8/06

Affirm that dependence on alcohol or other drugs is a disease and supports the principle that insurance coverage for the treatment of alcohol and drug disorders should be at parity with that for other diseases. (07A105) 8/07

See also Lawyers Assistance Program and Model Rule on Conditional Admission to Practice Law entries under Attorneys/General Practice.

See also Mental Health and Substance Abuse Treatment. (13A101) 8/13

Telemedicine Licensure. Urge states and territories to provide for mutual telemedicine licensure recognition.

Universal Access to Healthcare. Reaffirm support for legislation to provide for every American access to quality health care, regardless of income, including universal coverage through a common mechanism, a single payor system, appropriate containment of costs and administrative burdens on employers, assurance of quality and appropriate care, and freedom of choice, procedural due process, and administrative simplicity for consumers. 2/90, 2/94

Support federal legislation that would ensure every American access to quality health care regardless of the person's income, and without regard to the payor system, eliminating the specific payor system characteristics embodied in the recommendations adopted by the House of Delegates in 1990 and 1994. (09A10A) 8/09

Women's Health Research. Support federal legislation that would: include women and minorities, where appropriate, in all clinical trials by the NIH; appropriate funds for the study of women's illnesses; permanently authorize an Office of Research on Women's Health at NIH; and create contraceptive and fertility research centers. 2/92

Urge jurisdictions to increase to adequate levels funding for basic research on breast cancer and other women's health conditions; resolves to partner with the public health community and bar associations to improve access to legal services for breast cancer patients. (00M112) 2/00

World Health Organization. See entry under International Law.

Youth Offenders. See entries under Criminal Law.

IMMIGRATION LAW
(For additional policy see ABA Civil Immigration Detention Standards, adopted 2012 and amended 8/14)

Access to Counsel. Oppose involuntary transfers of detained immigrants and asylum seekers to remote facilities if such transfer would impede an existing attorney-client relationship or if appropriate counsel is not available near the site. (01M106B) 2/01

Support measures to improve access to counsel for individuals in immigration removal proceedings. (11A118) 8/11

See also Right to Counsel entry, this section.

Adjustment of Status. Support legislation expanding the statutory opportunity for aliens from the western hemisphere to acquire permanent resident status. 8/76

Administrative Appeal. Oppose legislation that would not provide for appeal to an independent body for all persons subject to administrative orders of exclusion or deportation or to denial of asylum claims. 2/83

IMMIGRATION LAW

Administrative Review of Immigration Appeals. Urge elimination of the present bifurcated administrative review of immigration appeals so that the power of ultimate decision would be vested solely in the Board of Immigration Appeals. 2/68

Aliens Convicted of Criminal Offenses. Support legislation making relief from deportation upon grant of a pardon or judicial recommendation against deportation available for any criminal conviction, and removing the time limit for such judicial recommendations. 8/75

Amnesty for Illegal Aliens. Support legislation recognizing that unlawful aliens now in the United States should be dealt with realistically and humanely, and that those who are otherwise law-abiding should be accorded a legal status. 2/83

Asylum Process. Support administrative improvements to asylum process and to the exercise of the right to counsel consistent with Section 292 of the Immigration Act; support legislation for temporary U.S. protection for persons who may not qualify for asylum but who would be endangered if forced to leave. 2/90

Support the repeal of annual numerical caps that result in undue delays in the granting of lawful permanent residence to those individuals who have already been granted asylum status in the United States. (05M112) 2/05

Bar Admission and Immigration Status. See entry, Attorney, General Practice.

Board of Immigration Appeals. Support improving the efficiency, transparency and fairness of administrative review by the Board of Immigration Appeals (“BIA” or “Board”) through increasing the resources available to the Board, including additional staff attorneys and additional Board members. (10M114C) 2/10

Children. Urge non-discrimination against any child based on citizenship or status; oppose efforts to restrict or deny equal access to public education, foster care or social service; urge respect for Constitutional rights to due process and civil liberty for all persons in the United States. 2/95

Urge the Department of Homeland Security to revise its policies to provide detained parents, guardians caregivers with 1) access to attorneys to help them understand legal issues; 2). referral to attorney who represent their interests in state custody and other proceedings involving their children; and 3) opportunity to participate in such proceedings. (11A103C) 8/11

Urge laws and policies that assure children know location of detained or removed parent and that do not automatically prevent family reunification based on detention or removal. (11A103B) 8/11

Appointment of Counsel. Support government appointed counsel for unaccompanied children in immigration proceedings and meaningful opportunity to consult with counsel; urge jurisdictions to consider implementing specialized calendars. (15M113) 2/15

Citizenship of Children. See entry in Civil Rights section and Family Law.

Urge Congress to protect or increase due process and other safeguards for immigrant and asylum seeking children, especially those who have entered the United States without a parent or legal guardian. (17M2013) 2/17

Citizenship Oath. Support legislation permitting petitioners to take oath of allegiance not later than 30 days preceding a general election. 8/66

Civil Penalties. Oppose legislation authorizing enforcement of civil penalties without opportunity for adjudicatory hearings before administrative law judges. 2/83

Collateral Consequences. Urge funding for state and federal public defender offices and other criminal defense legal aid programs specifically for the provision of advice concerning immigration consequences in criminal cases for indigent non-U.S. citizen defendants. (10A100C) 8/10

Urge courts to ensure that defense counsel investigates and informs juvenile defenders of their immigration status and penalties and that a juvenile’s plea to any offense is knowingly, voluntarily and intelligently made, specifically considering their
immigration consequences based on entry of a plea. (13M104E) 2/13

Consular Visa Adjudication and Review. Urge amendment of federal statutes and regulations to establish increased due process in consular visa adjudications; urge a study to be made on the feasibility of granting administrative review for permanent immigrants whose visas are denied abroad by consular officers. 2/90

Courthouses: Sensitive Locations. Urge Congress to revise and codify DHS guidelines to include courthouses as “sensitive locations” for immigration enforcement actions; urge ICE to similarly revise its guidelines. (17A10C) 8/17

Criminal Convictions. Support preservation of the categorical approach used to determine the immigration consequences of past criminal convictions, under which the adjudicator relies on the criminal statute and the record of conviction rather than conducting a new factual inquiry into the basis for the conviction; urge U.S. immigration authorities to use such an approach. (09A113) 8/09.

Criminalization of Civil Violations. Oppose criminalization of civil violations of immigration law. (04M105) 2/04

Deportation and Exclusion Proceedings. Support applicability of Administrative Procedure Act to such proceedings. 2/58-R-5/75

Urge the expansion of the use of the pardon power to provide relief to non-citizens otherwise subject to removal on grounds related to conviction; urge Congress to restore authority to the courts and administrative agencies to allow case-by-case relief. (06M300) 2/06

Support application of the Immigration and Nationality Act to allow persons outside the U.S. to pursue motion to reopen or motions to reconsider removal proceedings on the same basis that apply to persons who file such petitions within the U.S. (11A104A) 8/11

See also Reform of Immigration System, this section.

Detention in Removal Proceedings. Oppose the detention of non-citizens in immigration removal proceedings except in extraordinary circumstances, which would include a determination, following a hearing and subject to judicial review, that a person presents a threat to national security or public safety, or presents a substantial flight risk. (06M107E) 2/06

See also Reform of Legal Immigration entry, this section.

Detention Standards. Support the issuance of federal regulations that codify the Department of Homeland Security Immigration and Customs Enforcement (ICE) National Detention Standards as in effect in October 2007. (08M111B) 2/08

Adopts ABA Civil Immigration Standards to specify that segregation for immigration detention should be used only as a last resort and in compliance with other limitations. (14A111) 8/14

Discretion to Waive Deportation/Exclusion. Urge legislation giving the Attorney General discretion to waive any ground for deportation or exclusion of several classes of aliens. 8/75

Due Process. Support legislation and regulations ensuring adequate due process safeguards. 10/55-R-5/73

Urge an administrative agency structure that will provide all non-citizens with due process of law in the processing of their immigration applications and petitions, and in the conduct of their hearings or appeals, by all officials with responsibility for implementing U.S. immigration laws. (06M107C) 2/06

See also Reform of Legal Immigration entry, this section.

Employer Sanctions. Oppose legislation imposing civil and criminal sanctions on employers who knowingly hire unlawful aliens. 2/83

Exclusion of Refugees Based on National Origin or Religion.

Refugee Eligibility. Urge Congress to mandate timely individualized assessments of eligibility of refugees and that neither origin or religion bar otherwise eligible individuals. (17M10B) 2/17

E.O. 13769. Urge President to withdraw E.O. and comply with court orders while in effect; urge that all future E.O.s adhere to enumerated principles including not using religion or nationality as basis for barring entry to U.S. (17M10C) 2/17
Farm Workers. Support efforts to improve working conditions, enhanced enforcement of laws regulating rights of farm workers, according legal resident status to noncitizen farm workers. Oppose expansion of existing H-2A nonimmigrant visa category. (99A106) 8/99

Fees. Support fee levels for immigration and naturalization benefits that would not result in the denial of benefits to those who are unable to pay; support clearly defined fee waiver policy and procedures to ensure that waivers are available; oppose the imposition of fees for applications for humanitarian forms of immigration relief. (08M111A) 2/08

Foreign Nationals Intending to Form Businesses. Urge Congress to implement immigration classification whereby foreign nationals intending to form businesses have mechanism to enable them to able to obtain permanent resident status to build such businesses. (10A300) 8/10

Foreign National Investors. Support federal legislation to re-establish a legal basis upon which foreign nationals who invest substantial amounts can obtain resident status for the purpose of managing and supervising such investment. 8/87

Gender-Based Persecution. Urge that gender-based persecution be recognized as a ground for asylum under the Immigration and Nationality Act and support legislative or administrative action to ensure it. (01M110) 2/01

Haitian Family Reunification. Urge the Department of Homeland Security to create a Haitian Family Reunification Parole Program and immediately begin paroling into the United States already-approved Haitian beneficiaries of family-based visa petitions. (12A113) 8/12

Immigration Courts. Support measures to improve immigration courts and create a more professional, independent and accountable immigration judiciary by increasing the number of immigration judges and by changing immigration court procedures to ensure fair and efficient proceedings. (10M114B) 2/10

Immigration Judges. Support neutrality and independence of immigration judges and of any federal agency that employs them. (06M107C) 2/06

Immigration Nationality Act of 1952. Urge that the Immigration and Nationality Act of 1952 be amended to incorporate a 10-year statute of limitations for revocation or cancellation of citizenship certificates. 2/68
Support amending the Immigration and Nationality Act of 1952, as previously amended, in order to further reform the basis upon which foreign nationals may seek lawful permanent resident status in the U.S. 2/89

Urge amendment of the Immigration and Nationality Act to: 1) to create a non-immigrant visa category for household caregivers, 2) control employment of alien caregivers and 3) establish reasonable time limitations on the process for qualifying eligible alien applicants for permanent residence in the United States. 8/93

Immigration Removal Adjudication System. Urge the Department of Homeland Security to implement the policies and procedures to improve the efficiency and effectiveness of within the immigration removal adjudication system. (10M114A) 2/10

Incommunicado Detention by the INS. See entry under Anti-Terrorism.

Increased Appropriations for Enforcement. Support provision by Congress of sufficient resources to federal agencies charged with administering immigration, refugee and fair labor standards laws. 2/83

INS Backlogs. Support a series of proposals to reduce excessive delays in INS processing of applications. 8/76

Judicial Review. Oppose legislation to limit availability and scope of judicial review of administrative decisions regarding reopening and reconsideration of exclusion or deportation proceedings or asylum determinations or constitutional and statutory writs of habeas corpus. Oppose legislation to limit to less than 60 days the time within which petitions for review must be filed. 2/83

Support legislation creating jurisdiction for the judicial review of all final orders. 8/74

Support restoration of federal judicial
review of immigration decisions; urge enactment of legislation to: 1) restore U.S. Court of Appeals authority to review discretionary decisions by the Attorney General under the abuse of discretion standard in effect prior to 1996; 2) permit the courts of appeals to remand cases to the Board of Immigration Appeals for further fact finding; and 3) amend current 30-day deadline to file a petition for review with a court of appeals to 60 days. (10M114D) 2/10

**Labor Certification Appeals.** Support legislation to permit decisions of the Secretary of Labor concerning the granting of labor certificates to be appealed to courts. 2/83

**Labor Certification Program.** Support a package of legislative and administrative proposals to improve the administration of this program by the Department of Labor. 8/76

**Legal Assistance.** Support legislation and/or administrative standards to ensure due process and access to appropriate legal assistance for persons arrested or detained in connection with immigration enforcement actions provide emergency assistance to children of such persons. Encourage bar associations to raise awareness of the rights available to individuals taken into custody during workplace immigration enforcement actions. (09M101C) 2/09 See also Right to Counsel entry, this section.

**Legal Permanent Residence.** Support legislation to provide to non-citizens who both reside in and can demonstrate significant ties to the U.S. with an opportunity for they and their immediate family members to acquire legal permanent residence. (02A115A) 8/02

**Naturalization.** Affirm the importance of the naturalization process; support the current naturalization eligibility requirements; oppose proposals to increase requirements or disqualify individuals on the basis on conduct that was not a disqualification at the time it was engaged in; recommend improvements in the naturalization process. 8/97

**Non-Immigrant Visas for Intra-Company Transferees.** Urge various amendments of the federal regulation relating to the nonimmigrant (temporary) visa category for Intra-company transferees. 8/88

**Numerical Limitations on Immigration.** Oppose any numerical limitation which would reduce visa numbers from the non-family related preference categories by the number of visas issued to immediate relatives of U.S. citizens. 2/89

**Personal Responsibility and Work Opportunity Act.** See Restoration of Funding State and Federal Services entry, this section.

**Preparer Certification.** Urge legislation to require a preparer of immigration and naturalization forms to sign and certify the accuracy of information on those forms, with penalties for violation of these requirements. 8/88

**Presidential Powers in Immigration Emergencies.** Recommend that legislation giving the President broad powers in immigration emergencies preserves the right of judicial review and protects the right to travel. 8/83

**Reform of Immigration System.** Urge that (1) existing laws and procedures for admission of aliens be reformed to assure increased economic and cultural benefits to the U.S. from such admission; and (2) aliens be permitted to change their status to that of a permanent resident even if they have not maintained continuous legal status since entering the United States. 2/83

Urge Congress to extend the application period for legalization under the Immigration Reform and Control Act of 1986 beyond the existing expiration date of May 4, 1988. 2/88

Support a regulated, orderly and safe immigration system and comprehensive reform that promotes national security, addresses the undocumented population, need for immigrant labor, value of family reunification, and the need for an effective enforcement strategy; and support lawful permanent residence and citizenship for undocumented persons who entered the United States as minors and have significant ties to the United States. (06M107B) 2/06

Support identified reforms to create a transparent, user-friendly, accessible, fair and efficient system for administering immigration
laws that has sufficient resources to carry out its functions in a timely manner. (06M107D) 2/06
Support the establishment of laws, policies, and practices that ensure optimum access to legal protections for refugees, asylum seekers, torture victims, and others deserving of humanitarian refuge. (06M107F) 2/06
Support avenues for lawful immigration status, employment authorization, and public benefits for victims and derivative family members, of human trafficking and other crimes described in 101(a) (15) (U)(iii) of the Immigration and Nationality Act and supports the use of Legal Services Corporation funding to provide services to such victims. (06M107G) 2/06
Retroactivity of Immigration Laws. Oppose retroactivity provisions that impose burdens or reduce penalties. (06M107C) 2/06
Right to Counsel. Oppose legislation that would limit the rights of persons subject to exclusion, deportation, or asylum proceedings to retain counsel. 2/83
Support the due process right to counsel for all persons in removal proceedings and the availability of legal representation to all non-citizens in immigration-related matters. (06M107A) 2/06
Appointed Counsel. Support the appointment of counsel at federal government expense of all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and to advise them of their right to appeal to the federal Circuit Court of Appeals. (17A115) 8/17
See also Access to Counsel and Reform of Immigration System entries, this section.
Same Sex Partners. Support the enactment of legislation and the implementation of public policy to enable a United States citizen or lawful permanent resident who shares a mutual, interdependent, committed relationship with a non-citizen of the same sex to sponsor that person for permanent residence in the United States. (09M108) 2/09
Secret Evidence. Oppose the use of “secret evidence” in immigration hearings except in extraordinary circumstances. (01M106C) 2/01
Sentencing Alternatives. Support policies and practices that protect against the effective exclusion of immigrants from therapeutic courts and problem solving sentencing alternatives; support policies and practices that preclude triggering immigration consequences for noncitizen defendants who plead guilty in therapeutic courts as a condition of receiving alternative-to-incarceration treatment unless and until the court accepting the plea imposes final sentence as a result of the defendant’s noncompliance. (12M101F) 2/12
State and Local Police Power. Recommend that (1) state and local police not exercise powers of an immigration officer or enforce federal immigration laws except in cases involving alien smuggling; (2) local police inform the INS when they suspect an arrested person is an illegal alien; and (3) local police not interrogate detained persons regarding suspected immigration law violations. 8/83
Urge the Federal government to retain exclusive jurisdiction over civil immigration matters; oppose delegation of legal authority to state, territorial and local police to enforce federal civil immigration laws. (04M105) 2/04
Summary Exclusion. Oppose summary exclusion legislation that (I) denies hearings before immigration judges when entry applicants may not appear to examining officers to have required entry documentation and (2) limits hearings for asylum applicants to issues initially raised in asylum applications. 2/83
Temporary Workers. Support legislation which will preserve rights of aggrieved persons to pursue administrative, equitable, or legal remedies where employers of non-immigrant temporary aliens fail to comply with employment terms. 2/83
Unaccompanied Minors. Support the appointment of counsel for unaccompanied children in the immigration process, establishment of an office in the Department of Justice for such cases and use of culturally sensitive family-like housing for immigrant children in custody. 01M106A) 2/01
Urge enactment of laws to protect unaccompanied and undocumented immigrant children and U.S. citizen children of undocumented parents upon their
apprehension by immigration authorities; provide screening to determine if they are eligible for immigration relief; and grant U.S. citizen children of undocumented parents full access to vital government records. (11A103D) 8/11

**Visa Issuance.** Calls upon Congress and Government agencies to establish more effective visa issuance policies that protect the security of the U.S. while allowing entry to those with legitimate scientific or scholarly proposes. (05M110) 2/05

**INTERNATIONAL LAW**

**Access to Foreign Markets by U.S. Attorneys.** Support the proposals by the U.S. Trade Representative regarding access to foreign markets for U.S. lawyers consistent with the ABA “Model Rules for the Licensing of Legal Consultants.” (02M113E) 2/02

**American Convention on Human Rights.** Support accession of the United States to the Convention and for the enforcement of the judgments of the Inter-American Court of Human Rights. 8/79

**Apartheid.** Oppose South African policy of apartheid and its various manifestations and urge U.S. government and other supporting nations to oppose apartheid policies. 2/85

**Arbitration.** Support efforts to develop a set of international rules to supplement the Arbitration Rules of the UN Economic Commission for Europe, to be compatible with U.S. standards of arbitration due process. 2/74

Support the use of commercial arbitration to resolve disputes involving international business transactions; oppose legislation or regulations that would invalidate pre-dispute agreements or alter the allocation of authority between the court and the arbitrators to determine the jurisdiction of the arbitral tribunal in international commercial disputes. (09A114) 8/09

**Arctic and Antarctic Region.** (1) Reject application of the "sector principle" in the Arctic region as inconsistent with the general provisions of international law which are applicable and; (2) Endorse U.S. efforts regarding the management of living and mineral resources of Antarctica. 8/80

**Arms Trading Guidelines.** Support proposal to ban weapons of mass destruction in the Middle East and to regulate sales of conventional weapons in the region and urge U.S. government to engage in efforts, inside and outside of the United Nations, to establish and enforce limitations on the sale or transfer of conventional arms. 8/92

See also Conventional Arms Reduction in Europe entry, this section.

**Arms Trade Treaty.** Urge the United States to ratify and implement the 203 Arms Trade Treaty. (17M104) 2/17

**Atrocities.** Urge Congress and State Department to assure continued existence of an office within the Department to pursue accountability for mass atrocities. (17A10D) 8/17

Urges governments and relevant organizations to implement the recommendations set forth in the May 2016 policy brief, Allies Against Atrocities: The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings. (17M115) 2/17

See also Genocide entry, this section.

**Bosnia-Herzegovina.** Urge the U.S. government and the UN Security Council to investigate, prosecute and punish, if necessary, persons who have committed war crimes against humanity, in Bosnia-Herzegovina and offer ABA assistance in identifying attorneys willing to participate in this process. Support establishment of an International Tribunal to prosecute persons responsible for breaches of international humanitarian law and urge that efforts be made to assure due process and procedural safeguards. 11/92; 8/93

**Canada-U.S. Protocol.** Adopted Protocol on Court-to-Court Communications in Canada-U.S. Cross-Border Class Actions and Notice Protocol: Coordinating Notice(s) to the Class(es) in Multijurisdictional Class Proceedings, dated August 2011. (11A101C) 8/11

**Cartels.** Urge nations to adopt strong, clear laws against cartels, including elimination exceptions from the anti-cartel principle. 8/91
"Case Act" Amendments. Support legislation redefining situation in which unilateral presidential commitment of funds or troops overseas must be submitted for congressional scrutiny. 2/76

Chemical Warfare. Urge that steps be taken to secure respect for the present international law norms prohibiting use in war of chemical, biological and toxin weapons and the 1972 Treaty provisions prohibiting development, stockpiling, retention or transfer of biological and toxin weapons. 8/85

Child Labor. Urge the U.S. to work with the United Nations and the International Labor Organization to promote the abolition of the economic exploitation of persons under eighteen years of age by adopting and enforcing laws regulating the employment of children. 8/96

Code of Ethics for Arbitrators in Commercial Disputes. Support amending the Code of Ethics for Arbitrators in Commercial Disputes to provide that party-appointed arbitrators in international situations, unless otherwise agreed, be neutral to the extent practicable under the circumstances. 2/90

Conflict Between Nations. Urge governments of the Americas to use appropriate mechanisms to assure peaceful settlement of conflicts and to guarantee an independent judiciary in each country. 8/86

Convention Against Corruption. Support prompt ratification of the United Nations Convention Against Corruption subject to minimal reservations, understandings and declarations; supports the development mechanisms to monitor its implementation and enforcement. (05A110) 8/05

Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Urge the U.S. to promptly sign and ratify this convention. 2/86

Convention on the Abolition of Forced Labor. Recommend that the U.S. take no action with regard to this convention. 8/67

Convention on the Assignment of Receivables. Recommend the signing and ratification of the UN Convention on the Assignment of Receivables in International Trade. (02M113C) 2/02

Convention on Civil Aspects of International Child Abduction. Urge approval and ratification of the Convention as proposed by The Hague Conference on Private International Law. 2/81

Encourage the establishment of a network of U.S. federal and state judges to facilitate education and communication on the application of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. (13A107B) 8/13


Convention Establishing the Multilateral Investment Guarantee Agency. Support ratification and implementation of this convention. 2/86

Convention on the Elimination of All Forms of Racial Discrimination. Support U.S. ratification of this treaty subject to certain understandings and reservations. 8/78

Convention on the Elimination of Discrimination Against Women. Urge ratification of the Convention, subject to: (1) a reservation to preserve federal-state divisions of authority; and (2) a declaration that the Convention's substantive provisions are not self-executing. 8/84

Support in principle the development of an optional protocol to the Women's Convention providing for an individual right of petition as called for in the Platform for Action adopted at the Fourth World Conference on Women. 2/96

Convention on Independent Guarantees and Stand-By Letters of Credit. Recommend ratification by the United States. (98A128) 8/98

Convention on International Bills of Exchange and International Promissory Notes. Recommend that the U.S. sign and
ratify this Convention. 2/90

**Convention on International Factoring.** Recommend that the U.S. sign and ratify the International Institute for the Unification of Private Law (UNIDROIT) Convention on International Factoring. 2/90

**Convention on International Financial Leasing.** Recommend that the U.S. sign and ratify the International Institute for the Unification of Private Law (UNIDROIT) Convention on International Financial Leasing. 2/90

**Convention on International Interests in Mobile Equipment.** Urge ratification of the Convention on International Interests in Mobile Equipment and the related Protocol on Matters Specific to Aircraft Equipment adopted November 2001 in Cape Town, South Africa. (02A300) 8/02

**Convention on the Law Applicable to Trusts.** Recommend that Convention be signed and ratified by the United States. 8/86

**Convention on Law of the Sea.** Support: (1) deep seabed mining as a freedom of the high seas; (2) important navigation provisions that reflect international custom; (3) bilateral and multilateral efforts to encourage deep seabed mining, etc. Urge that the Convention's substantive provisions not related to deep seabed mining are binding on all states, and support U.S. acceptance of the Convention's dispute resolution regime for these provisions. 8/73; 2/80; 8/83


**Convention on the Political Rights of Women.** Oppose U.S. accession to this convention. 8/67

**Convention on the Prohibition of the Development, Production, Stockpiling and of Chemical Weapons and Their Destruction.** Urge U.S. to give its advice and consent to ratification. 8/94

**Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons.** Urges the United States to sign and ratify the amended Article 1 and Protocol III, Protocol IV, and Protocol V of the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, which ban the use of incendiary weapons and blinding laser weapons, as well as set standards on marking, clearance, removal, and destruction of unexploded or abandoned mortar shells, grenades, artillery rounds, and bombs. (07A300) 8/07


**Convention on Recovery Abroad of Maintenance.** Support U.S. accession to the Convention. 8/80


  Urge the U.S. to ratify the Optional Protocol to the UN Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts. (00A106A) 8/00

  Urge the U.S. to ratify the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. (00A106A) 8/00

**Convention on the Rights of Persons with Disabilities.** Urge the United States to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities. (10M108B) 2/10

**Convention on Safety of U.N. and Associated Personnel.** Support ratification by the United States of the Convention on the Safety of the United Nations and Associated Personnel, and recommend the United States and other parties interpret and apply the Convention under specific enumerated statements of understanding. 2/96

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INTERNATIONAL LAW
Convention on the Taking of Evidence Abroad in Civil and Commercial Matters. Support U.S. ratification of this convention. 8/69

Convention on the Use of Electronic Communications in International Contracts. Urge the U.S. Government to become a signatory to the Convention on the Use of Electronic Communications in International Contracts. (06A303) 8/06
Urge the United States Senate to ratify the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, also known as “the Rotterdam Rules.” (10M101) 2/10
Urge ratification of the United Nations Convention on the Use of Electronic Communications in International Contracts. (08A100) 8/08

Conventional Arms Reduction in Europe. Urge agreement between the NATO and Warsaw Pact countries to reduce levels of conventional arms in Europe; support the Conventional Forces in Europe (CFE) negotiations to reduce current NATO and Warsaw Pact forces levels to parity. 2/90
See also Arms Trading Guidelines entry, this section.

Corrupt Practices. Urge U.S. to support efforts or take steps to adopt and implement effective legal measures and mechanisms to deter corrupt practices in the conduct of international business. 2/95

Crimes Aboard Aircraft. Support strong U.S. and international measures to reduce the frequency of, and to punish, such crimes. 2/63

Crimes Against Humanity. Urge Congress to enact legislation to prevent and punish crimes against humanity; urge adoption of a new global convention for the prevention and punishment of crimes against humanity. (14A300) 8/14

Criminal Law Convention on Corruption. Support the US ratification of the Council of Europe’s Criminal Law Convention on Corruption with provisos. (01M105A) 2/01

Cultural Development Banks. Urges U.S. government to support the establishment of a human rights department within each multilateral development bank of which it is a member other than the International Monetary Fund. 8/89

Darfur. Calls upon the United States government to take all necessary and proper actions within its power to end the ongoing atrocities including genocide, crimes against humanity and war crimes in Darfur, Sudan, provide humanitarian assistance and refer situation to ICC. (05M106) 2/05

Declaration on International Investment and Multinational Enterprises. Support this Declaration as a constructive statement on the responsibilities of government and multinational enterprises with respect to foreign investment. 2/77

Detainee Treatment and Interrogation. See entry under Anti-Terrorism.

Disabilities. Urge the United States to ratify and implement the United Nations Convention on the Rights of Persons with Disabilities. (10M108B) 2/10

Disarmament and Non-Proliferation of Nuclear Weapons. Support congressional approval of Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms of 1972 and the associated Protocol,” and urge prompt agreement on further measures providing for general and complete disarmament and non-proliferation. 8/72-R-5/79

Drug Trafficking. Support lawyers, judges and public officials in Colombia who are fighting drug trafficking and urge Congress and the President of the U.S. to provide appropriate assistance. 2/90

Elderly Protection. See entry, Elder Law

Environment. See Global Environment entry under Environment/Natural Resources.

Executive Agreements. Oppose legislation providing for a congressional veto of executive agreements in international affairs. 2/76

Export Administration Act. Urge that export controls be administered according to
generally recognized principles of international law and that the Export Administration Act be amended to ensure extra-territorial enforcement is consistent with this approach. 8/83


**Expropriation Provisions.** Urge U.S. courts to give effect to any U.S. bilateral treaty which provides for just and equitable compensation for expropriation of property. 2/83

**Extradition of Individuals from Foreign Territories.** Recommend that federal and state authorities dealing with the renditions of individuals from foreign territories by extradition or otherwise fully respect international law. 2/93

**Extraterritorial Application of U.S. Laws.** Recommend the implementation of a U.S. government policy requiring, among other things, notification of the State Department before federal departments or agencies are allowed to take enforcement actions directed beyond the territory of the U.S.; recommend establishment of a national bipartisan commission to study the international aspects of the antitrust laws. 8/81

**Extraterritorial Procedures for Administrative Agencies.** Recommend amendment of the Federal Judicial Code (28 U.S.C. Sections 1697 and 1785) to authorize district court orders for service of process and taking of depositions in a foreign country in connection with proceedings before federal administrative tribunals. 7/71

**Federal Rules of Civil Procedure on Judicial Documents.** Urge approval by the Supreme Court and the United States for changes in Rules 4, 28 and 44 of the Federal Rules of Civil Procedure, to comply with The Hague Conventions on Service Abroad of Judicial and Extra-judicial Documents, the Taking of Evidence Abroad and the Abolishing of the Requirement of Legalization for Foreign Public Documents in Civil or Commercial Matters. 8/83

**Food and Agricultural Organization of the United Nations.** Urge U.S. government to continue to support FAO, including its activities to restructure itself, set international standards and to provide technical assistance. 8/95

**Foreign Agent Registration Act.** Support, in principle, the continuation of the existing exclusion of lawyers from requirements of the Foreign Agents Registration Act of 1938; specifically, oppose adoption of Section (c) of S. 176 or its equivalent. 6/90

**Foreign Arbitral Awards.** Urge ratification by all countries of the U.N. Convention on the Recognition and Enforcement of Foreign Arbitral Awards. 2/74

**Foreign Assistance Program.** Support fundamental reform of the U.S. foreign assistance program which has among its central components foreign assistance to promote democratization, human rights, rule of law, establishment of the legal infrastructure necessary for economic development that is environmentally sound. 2/94

**Foreign Investments in US (Exon-Florio).** Urge that any government actions addressing the federal review of foreign investments in the U.S. protect legitimate national security concerns. (07M109) 2/07

**Foreign Secondary Economic Boycotts.** Support efforts by the U.S., on the basis of uniform national policy, to end boycotts imposed by foreign countries which impact on U.S. citizens. 8/78

**Foreign Sovereign Immunities Act.** Support the Act. 8/76

Urge amendments to Act to clarify applicability of the Act to specific entities. (02A119) 8/02

**Fourth World Conference on Women: Gender Equality.** Commend the United Nations and member states for the Declaration and Platform for Action adopted at the Fourth World Conference on Women; support the Platform’s focus on the role of law and legal literacy in promoting the human rights and equality of women; support integration of a gender perspective into legal technical assistance programs, including the ABA’s own Goal VIII activities; urge the implementation of the Platform for Action by the year 2000. 2/96

**Free Exchange of Information.** Support
amendments to U.S. Law regarding free exchange of information across American borders so that invited alien speakers will not be denied visas solely on the basis of past or current political beliefs or associations or because of anticipated consequences of the intended exchange of information; in addition, rights of Americans to gather information abroad should not be restricted because of past or current political beliefs or associations. 2/86

Free Flow of Foreign Information. See entry under Civil Rights and Constitutional Law.

Free Speech and Press. Support free speech and press in international forums. Oppose international measures to license journalists and restrict/censor news sources. Support training in professional journalism and upgrading of communications networks. 2/82

Gas Warfare. Support implementation, through multilateral agreements, of the Geneva Protocol of 1925 banning gas and bacteriological warfare. 8/76

Genocide. Endorse paragraphs 138 and 139 of the World Summit Outcome Document of the 60th session of the UN General Assembly (September 2005) concerning the Responsibility to Protect doctrine; endorse the recommendations set forth in the report, Preventing Genocide: A Blueprint for U.S. Policymakers (December 2008). (09A110) 8/09

Urge all countries not to apply statutes of limitation with respect to genocide, crimes against humanity and serious war crimes. (13A107A) 8/13

See Atrocities (17M115) 2/17.

Genocide Convention. Support ratification of the Convention by the Senate subject to three understanding and one declaration. 2/76

Germ Warfare. Support implementation, through multilateral agreements, of the Geneva Convention on Biological Weapons of 1972 which bans manufacture and stockpiling of bacteriological weapons. 8/76

Government Publications. Recommend that the U.S. Government take all steps necessary to bring up to date the publication of U.S. Treaties, and Digest of U.S. Practice in International Law. 2/89

Guatemala. Urge the prompt reestablishment and maintenance of constitutional order and rule of law in Guatemala. 8/93

Hague Conference on Private International Law. Encourage the United States' Initiative that The Hague Conference on Private International Law explore the feasibility of formulating a multilateral convention on the international recognition and enforcement of judgments. 2/93

Hague Convention on Choice of Court Agreements. Urge the United States government to promptly sign, ratify and implement The Hague Convention on Choice of Court Agreements. (06A123A) 8/06

Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. Urge the Senate to give its advice and consent to the ratification of the 2007 Hague Convention and urge Congress to enact the necessary implementing legislation. (08A106) 8/08


See also Adoption entry under Family Law.

Hague Private International Law Convention. Urge support of convention, the purpose of which is to protect adults who, due to impairment, etc., cannot protect their interests in cross-national situations. (00M106) 2/00

Haiti. Urge the federal government to further its efforts with regard to displaced women and children in Haiti and to fund programs that combat sexual exploitation and trafficking of
Haitian Women. (10A302) 8/10

**Harmonization of Regulatory Standards.** See entry under Administrative Law.

**Helsinki Accords.** Support implementation of the provisions of the Helsinki Accords, especially those concerning human rights and humanitarian cooperation; support private Helsinki monitor in various countries; encourage continuation of the implementation review process and the work of the U.S. Commission on Security and Cooperation in Europe. 8/77; 2/78

**Honduran Human Rights.** Call upon the U.S. government to urge the government of Honduras to comply fully and immediately with the August 1990 judgments of the Inter-American Court of Human Rights in the Velasquez and Godinez Cruz cases. 8/92

**Hong Kong Bill of Rights.** Support the adoption of a Bill of Rights for Hong Kong. 2/91

**Human Rights.** Support U.S. promotion, through the United Nations, of human rights for all people in all countries. 8/67

  Urge U.S. Government to take certain steps to advance the promotion and observance of international human rights with emphasis on strengthening the post of the Commissioner for Human Rights. 8/94

  See also United Nations entry, this section.

**Human Rights in Iran.** Urge the new leadership of Iran to protect basic human rights and urge the U.S. to convey that message to the Iranian government. 8/89

**Human Trafficking.** See entries under Criminal Law/Procedure.

**Implementation Procedures for Existing Treaties.** Urge enactment of legislation to provide expedited procedures for implementing commitments in existing treaties when the President reports that binding measures are required to avoid imminent risk or breach by the U.S. For future treaties, self-executing provisions should be identified and treaties with non-self-executing provisions normally should not be brought into force until implementing legislation is enacted. (10M108C) 2/10

**Income Tax Treaty Between U.S. and Canada.** Recommend adoption and Senate ratification of a protocol to the Canada-US Income Tax Treaty which would avoid double taxation on estate taxes. 8/90

**Inter-American Convention Against Corruption.** Support the prompt ratification and implementation of the Inter-American Convention Against Corruption. 8/97

**Inter-American Convention on International Commercial Arbitration.** Support ratification by the U.S., provided conflict is avoided with the Convention on Enforcement of Foreign Arbitral Awards and appropriate safeguards are provided for future amendments in the IACAC Arbitration Rules. 2/78

  Affirm that the U.S. common law doctrine of forum non conveniens is not an appropriate basis for refusing to confirm or enforce arbitral awards that are subject to the provisions of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards or the Inter-American Convention on International Commercial Arbitration. (13A107C) 8/13

**Inter-American Convention on Taking of Evidence Abroad.** Recommend U.S. signature on and ratification of the Inter-American Convention on Taking of Evidence Abroad and the Additional Protocol, with certain reservations and declarations. 2/90

**International Atomic Energy Agency.** Urge U.S. Government to continue its support for the Agency and to take several enumerated steps, including those to enhance the safeguards system relating to assurances of compliance under the Non-Proliferation Treaty; urge review of safety standards for nuclear facilities; and consider alternatives to Agency. 8/95

**International Commercial Arbitration.** Favor recognition of freedom of parties to international commercial arbitration proceedings to use lawyers who need not be admitted to practice law in the jurisdiction where the proceeding takes place. 8/89

  International Covenant on Economic, Social and Cultural Rights. Support ratification
of the Covenant subject to several understandings, declarations and one reservation recommended to the Senate by the Departments of State and Justice. 2/79; 8/79

**International Court of Justice Advisory Opinions.** Urge U.S. approval of expansion of advisory opinion jurisdiction to include questions of international law referred by national courts. 2/82

**International Court of Justice: Connally Reservation.** Support Senate repeal of Connally Reservation in order to remove from sole U.S. determination the question of whether an international legal action subjects the U.S. to the jurisdiction of the Court. 5/73

**International Court of Justice: Jurisdiction.** Urge approval of expansion of adversary opinion jurisdiction. 8/82

Urge US to present a declaration recognizing as compulsory the jurisdiction of the ICJ. 8/84

Urge U.S. to negotiate treaties accepting the jurisdiction of the International Court of Justice or submit disputes to Special Chamber of ICJ. 8/89

**International Covenant on Civil and Political Rights.** Support ratification of the Covenant subject to several understandings, declarations and reservations recommended to the Senate by the Departments of State and Justice. 2/79

**International Criminal Court.** Urge the U.S. government to work toward finding solutions to the issues identified in the reports of the "Task Force on an International Criminal Court" with a view toward the establishment of an international criminal court, considering certain principles of jurisdiction and rights of an accused person. 2/78; 2/91; 8/92

Urge U.S. Government to take an active role in establishing an international criminal court based on enumerated principles for consensual and mandatory jurisdiction. 8/94


Recommend that the US accede to the Rome Statute of the International Criminal Court. (01M103C) 2/01

Supports legislation to require the President to report when a US national has committed an act within the jurisdiction of the International Criminal Court, to seek to retain US jurisdiction and to report on subsequent actions by the International Criminal Court. (01M105C) 2/01

Urge the U.S. Government to expand interaction with the ICC, to participate in the ICC’s governing body, the Assembly of States Parties, and preparations for a Review Conference to be held in 2010. (08A108A) 8/08

**International Extradition Practices.** Support legislation to modernize U.S. international extradition practices which would (1) preserve the jurisdiction of the federal courts to make the initial determination whether extradition is barred by the political offense exception; (2) assure that the exception not apply to acts of terrorist violence and serious breaches of international norms applicable in armed conflict, and (3) preclude bail in certain circumstances. 8/83

**International Labor Organization.** Urge U.S. to continue to be an active supportive member of the ILO and commend the U.S. for creating the President’s Committee on the ILO and other groups. 2/72; 8/95

**International Legal Exchange Program.** Pledge to continue to cooperate, through this program, with the U.S. government, the UN, and foreign governments and bar associations. 8/78

**International Monetary Fund and World Bank Group.** Urge U.S. government to strongly support these institutions by providing assistance in the ongoing scrutiny of their operation. 8/95

Support a re-examination of the IMF’s role vis-a-vis international capital movements and private international capital markets; support the IMF and the World Bank Group giving increased attention to the development of legal systems in member countries. 2/96

the International Sale of Goods, subject to one reservation. 8/81

**International Terrorism.** Support U.S. action to encourage ratification of relevant conventions by maximum number of countries, to stimulate implementation of these conventions, and to continue development of new initiatives. Approve concept of convention to address terrorism in the Americas in a comprehensive manner. 2/73; 2/81; 2/82  
Support the call of the Bush Administration to bring to justice perpetrators of acts of terrorism. (02M104) 2/02

**Internet Governance Forum of the U.N.** Urge Executive Branch officials to support renewal of mandate of the Internet Governance forum of the United Nations. (09A106) 8/09

**Judicial Independence.** Support the following international standards on judicial independence: The United Nations Basic Principles on the Independence of the Judiciary; The International Bar Association Minimum Standards for Judicial Independence; and The Bangalore Principles of Judicial Conduct, and urges the United States government to support these standards. (07A110E) 8/07  
Adopt the Principles on Judicial Independence and Fair and Impartial Courts, dated August 2007. (07A110D) 8/07

**Law of the Sea** See entry under **Convention**, this section.

**Lead Paint.** Urge national governments to adopt laws to phase out the manufacture, import, and sale of lead paint, no later than 2020. (17A109B) 8/17

**Letters Rogatory Convention.** Support U.S. ratification of the Inter-American Convention on Letters Rogatory and the Additional Protocol to the Convention subject to two reservations. 8/81

**Marrakesh Treaty.** Support the ratification of the Marrakesh Treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print-disabled. (14A100) 8/14

**Marine Resources.** See entry under **Environment/Natural Resources.**

**Migration and the Flow of Workers.** Support multinational cooperation and consultation in the formulation of national laws and policies relating to migration and urge the United States government to enter into regional and international discussions and agreements governing the flow of workers. (06A123B) 8/06

**Montreal Protocol on Ozone Layer.** Support United States ratification of a protocol for protection of the ozone layer and express approval of the efforts of many governments to address this environmental concern. 2/88

**Moon Treaty.** Support U.S. ratification of the "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies," subject to several qualifications. 2/82

**Multilateral Accord on Investment.** Urge the federal government to negotiate a multilateral accord on investment designed to liberalize current barriers to foreign direct investment, offer protection to investors from actions such as expropriation without prompt and adequate compensation, and establish effective means for resolving investment disputes. 8/96

**Non-Proliferation of Nuclear Weapons Treaty.** Urge U.S. Government to take all possible steps to obtain extension of NPT treaty: work to satisfy NPT obligation to pursue negotiations in good faith on effective measures relating to cessation of nuclear arms race and nuclear disarmament by taking certain enumerated actions. 2/85; 8/94

**Nuclear Test Ban Treaties.** Urge the Senate to give its advice and consent to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty if effective verification measures can be achieved. 8/87  
Support Comprehensive Nuclear Test Ban Treaty. (10A107A) 8/10

**Organization of American States (OAS).** Urge the U.S. government to meet its financial obligations to the OAS and to expand the OAS budget for human rights work. 8/89

**Overseas Private Investment Corporation.** Support adoption of legislation to continue OPIC, to provide that OPIC continue to act as a primary insurer of political risks, to increase
participation by private insurers in writing such insurance, and as amendments of the Foreign Assistance Act. 2/77

**Pakistan.** Express support for and solidarity with the Pakistani bar and bench. Call upon the President of Pakistan to restore Pakistan’s constitution as it existed before the November 3, 2007, emergency decree; reinstate Pakistan’s Supreme Court justices and high court judges who were removed from office and refused to take oaths of loyalty to the executive branch; and release all judges, lawyers and other people who were wrongly arrested during the state of emergency. (08M10D) 2/08

**Peace in Central America.** Support the efforts that governments in Central America have undertaken under the Arias Plan to establish a firm and lasting peace in Central America and welcome the commitment of the United States government to facilitate the process of regional dialogue. 8/88

**Peaceful Settlement of International Disputes.** Approve the concept of the Draft General Treaty on the Peaceful Settlement of International Disputes and support further study leading to the ultimate consideration of such a treaty. 8/84; 2/85

Urge the U.S. government to begin negotiations with other governments to implement the principles contained in the Draft General Treaty on the Peaceful Settlement of International Disputes to accept arbitration in resolving international disputes. 2/90

**Persian Gulf War.** Oppose the unprovoked invasion and annexation of Kuwait and condemn Iraq for failing to comply with all Security Council Resolutions. 2/91

See also Iraqi War Crimes entry, this section.

**Promotion of Democracy.** Direct the President of the ABA to identify countries which are creating democracies and changing their judicial systems and to offer the assistance of attorneys from the U.S. 2/90

**Protection of Foreign Investments.** Urge the U.S. to insist on application of certain rules of international law respecting foreign private investment. Urge establishment of an international tribunal with compulsory jurisdiction to decide private investment disputes between a foreign private investor and the host state. 8/73

**Refugees’ Health Concerns.** Urge the United Nations to provide adequate international protection for refugee health needs and to review the adequacy of current international agreements to address the health and related humanitarian needs of refugees. 8/91

**Regulatory Information Exchange.** Urge the highest courts of states and lawyer regulatory authorities to coordinate with their foreign counterparts and enter into voluntary arrangements to facilitate the exchange of relevant information, and adopt Guidelines for an International Regulatory Information Exchange, dated August 2013. (13A104) 8/13

**Rhodesia.** Support legislation to prohibit imports to the U.S. from Rhodesia. 8/72

**Right to Food.** Urge the U.S. government to make the right to food a principal objective of U.S. foreign policy. 8/86

**Rotterdam Convention on the International Trade in Chemicals.** Urge prompt ratification and implementation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. (02M113A) 2/02

**The Rotterdam Rules.** Support independence of lawyers, judges and legal processes in foreign countries through ABA communications to U.S. Secretary of State. Includes support for rule of law in Central and Eastern Europe. 2/75; 8/80; 8/86

Reaffirm support for the Rule of Law
and its recognition of the need for an independent judiciary and for the independence of lawyers. Affirm support for human rights advocates striving to uphold human rights and the rule of law. 8/97

Adopt the Statement of Core Principles of the Legal Profession and urge bar associations around the world to advance the Rule of Law. (06M111) 2/06

Corporate Citizenship. Encourage promotion of corporate citizenship, global pro bono services, and promotion of the rule of law. (07A1010B) 8/07

Global Environment. Urge integration of Rule of Law initiatives with global environmental issues. (07A110A) 8/07

Trade in Goods and Services. Support the contribution that the negotiated liberalization of international trade in goods and services, through government-to-government trade agreements, makes to the spread of the Rule of Law. (08A108B) 8/08

See also Judicial Independence and Promotion of Democracy entries, this section.

Russian Democratization. Urge Yeltsin and other leaders to establish a democratic republic by holding free and democratic elections and to adopt a democratic constitution; and offer ABA technical assistance, upon request, to accomplish these goals. 11/93

Securities. See Hague Conventions entry, this section.

Settlement of Legal Disputes Between the U.S. and Canada. Urge U.S. consideration of two draft treaties on trans-frontier pollution and third-party settlement of disputes contained in a report of the American and Canadian Bar Associations’ joint Working Group on the Settlement of International Disputes. 8/79

Sexual and Gender-Based Violence. Urge international development and implementation of methodologies to: 1) measure and track the prevalence of sexual and gender-based violence; and 2) create publicly accessible national databases on assistance to victims of sexual violence to improve donor coordination and transparency. (17M105) 2/17

Sexual Violence as Weapon of War. Urge the U.N., U.S. and all nations to adopt measures imposing state responsibility for state sponsored sexual violence as a weapon of war, create a system of reparations to victims. 10/10

Signature Verification in Cross-border Context. Support modernization and simplification of the requirements, procedures, laws and regulations related to verification of signatures in cross-border contexts. (14A114A) 8/14

Slavery Convention. Support U.S. ratification of the Supplementary Slavery Convention. 8/67

START II Treaty. Urge ratification of START II Treaty between the U.S. and the Russian Federation, which eliminates land-based ballistic missiles with multiple warheads, and reduces the overall number of long-range nuclear weapons. 8/93

Stockholm Convention on Persistent Organic Pollutants. Urge prompt ratification and implementation of the Stockholm Convention on Persistent Organic Pollutants. (02M113B) 2/02

Supplemental Extradition Treaty with the United Kingdom. Support ratification of this treaty. 2/86

Surrogacy Arrangements. Support specific negotiations regarding international surrogacy arrangements in a possible Hague Convention on private international law concerning children. (16M112B) 2/16

Swiss-U.S. Treaty on Mutual Assistance in Criminal Matters. Support U.S. ratification of this treaty. 2/75

Treaties Concerning the Reciprocal Encouragement and Protection of Investments. Favor ratification by U.S. of the Treaties between the U.S. and various other countries concerning the Reciprocal Encouragement and Protection of Investments. 8/86

Treaty of Tlatelolco. Recommend that the United States Government promote the participation of Argentina, Brazil, Chile, and Cuba in the Treaty of Tlatelolco, establishing a Nuclear Weapons Free Zone in Latin America.
Turkey’s Response to Attempted Coup. Call upon the Turkish Government to: 1) meet its obligations under human rights laws and not impose measures during its declared state of emergency that derogate from those obligations unless absolutely required; 2) release individuals detained without cause; 3) provide a fair hearing before an impartial tribunal before suspending or dismissing any lawyer or judge, in accordance with international standards of judicial independence; and 4) fully inform international authorities of its actions. (16A/10B) 8/16

United Nations. Support and favor strengthening of the UN. 8/61; 8/72
Urge the U.S. to enhance its relationship with the United Nations, to honor its payment obligations to the same and to expedite consideration of international agreements already supported by the ABA. (00M10H) 2/00


U.N. Charter of Economic Rights and Duties of States. Urge U.S. support of the Charter only with provisions ensuring compliance with international law. 8/74

U.N. Debt Repayment. Strongly urge the U.S. government to pay immediately and in full its debt to the U.N. for its regular and peacekeeping expenses. 2/88; 8/92

U.N. Democracy Caucus. Support creation of a U.N. Democracy Caucus to work toward strengthening democracy, human rights and the rule of law throughout the U.N. system. (04M106) 2/04


U.N. Member States. Oppose any limitation on participation in General Assembly and all other U.N. activities by member states. 8/75

U.N. Peacekeeping Forces. Recommend U.S. support creation by U.N., in addition to trained peacekeeping forces, of trained standby military forces for peacemaking and peace enforcement. 8/94

U.N. Representation. Support adoption of the principle by the U.N. General Assembly that all nations with a population over 200 million have an automatic equal representation with various regional blocs in all the organs and specialized agencies of the U.N. 2/84

Universal Declaration of Human Rights. Urge the U.S. and other countries to renew their commitment to the principles of the Universal Declaration of Human Rights. (1008BOG) 10/08

Unsworn Declarations. Urge the adoption by states and territories of a uniform law that would permit unsworn declarations under penalty of perjury to be executed by persons located outside the United States in lieu of affidavits, verifications, or other sworn documents, as current law. (06M110) 2/06

U.S. Treaty Obligations. Oppose legislation which implicitly requires the U.S. to denounce certain treaty obligations. 2/73

Vienna Convention on Consular Relations. Urge that the fundamental protections of Article 36 of the Vienna Convention on Consular Relations are extended fully to foreign nationals within the US borders and to US nationals in foreign countries. Urge U.S. to advance implantation of the Vienna Convention. (10M104) 2/10

Vienna Convention on the Law of Treaties. Support U.S. ratification of this convention without reservations. 7/71
Urge U.S. law enforcement authorities to comply with the Vienna Convention by advising foreign nationals of Right to Consular Assistance. (98A125) 8/98

World Bank. Oppose unilateral legislative restrictions on contributions to the World Bank and other international development banks which are inconsistent with their charters. 8/79
Urge Congress to fund U.S. participation in capital increases and replenishments for the World Bank, the Inter-American Development Bank, the African Development Bank, and the European Bank for Reconstruction and Development. (11A113B) 8/11

World Health Organization. Urge the U.S. government to continue to support the WHO and urge support by U.S. government for increased WHO standard setting. 8/95

Zionism. Oppose and deplore U.N. resolution branding Zionism as racist. 8/76

LABOR LAW

Children of Deployed Forces. See entry under Military Law.

Discrimination in Employment. See entry under Civil Rights and Constitutional Law.


LEGAL/PUBLIC EDUCATION

(For additional positions, see also Standards for Approval of Law Schools and Interpretation of Standards, 8/13; amendments dated August 2016 and February 2017; to ABA Standards and Rules of Procedures for Approval of Law Schools (16A100)8/16; and Pro Bono Disclosure Requirements for Law School Recruiters, August 2006.)

Affirmative Action. In light of the Bakke decision, reaffirm commitment to affirmative action programs for admission to law schools and for legal employment opportunities. 8/78
See also related entry under Civil Rights and Constitutional Law.

Bar Membership Obligations for Active Military Personnel. See entry under Military Law.

Civic Education. Encourage every lawyer to consider it part of his/her professional responsibility to further the public’s understanding of the rule of law and our justice system. (00M108) 2/00
Urge the legal profession to seek public support of public to ensure that civics education is included in the core K-12 curriculum and reflected in all educational decisions affecting the operation of schools. (04A122) 08/04.
Encourage all lawyers and judges to actively engage in civic education in their communities and schools and to work to increase Americans’ understanding of the role of separation; of powers and urge policymakers at all levels of government to ensure that all students experience high quality civic learning. (06A102) 8/06
Urge amendment of the No Child Left Behind Act if reauthorized, or the adoption of other legislation, to ensure that all students experience high quality civic learning. (07A114) 8/07
Urge establishment of a Coordinating Office of Civic Education in the U.S. Department of Education and urge that the National Assessment of Educational Progress for civics and U.S. history be conducted every
four years. (09A122) 8/09

Encourage all lawyers to consider it part of their fundamental responsibility to ensure that all students experience high quality civic learning, including the study of law, government, and history. (10A110) 8/10

Urge governments to require civic education for elementary, middle, and secondary students in public schools and provide grant funding for programs to meet this requirement. (11M300) 2/11

Urge bar associations to advocate for mandatory civic education in elementary, middle, and secondary public schools. (11A300) 8/11

Voting. See entry under Family Law.

Civility. Affirm civility as a foundation for democracy and the rule of law and urge lawyers, ABA and other bar associations to take meaningful steps to enhance the constructive role of lawyers in promoting more civil and deliberative public discourse. (11A108) 8/11

Clinical Legal Education. Support continued authorization of and appropriations for Title XI program assistance for clinical legal education. 8/67-R-2/72, R-5/79.

Reaffirm support for ethical independence of law school clinical programs consistent with the ABA Model Rules; oppose attempts to interfere with clinical programs and courses. (11M100A) 2/11

See Veterans Legal Clinics entry under Military Law.

Continuing Legal Education (CLE). Require lawyers to complete programs related to the promotion of racial and ethnic diversity in the profession, the promotion of full and equal participation in the profession of women and persons with disabilities, and the elimination of all forms of bias in the profession. (04M110) 2/04

Diversity and Inclusion. Urge all courts, bar associations and other licensing and regulatory authorities that have MCLE requirements to include a separate requirement with regard to programs on diversity and inclusion in the profession. (16M107) 2/16

Adopts the Model Rule for Minimum Continuing Legal Education (MCLE) and Comments dated February 2017, to replace the 1988 version. (17M106) 2/17

Council on Legal Education Opportunity (CLEO). Support continued authorization of an appropriation for this program to enable disadvantaged students to attend law school. 10/67; 2/72

Debt Counseling Education. Encourage law schools to offer comprehensive debt counselling and debt management education to all admitted and enrolled law students and bar associations to offer similar education to young and newly admitted lawyers. (15M106) 2/15

Discrimination Protection.

Bar Examination and Minorities. Urge collaboration among educational institutions and bar examiners to ensure that bar exams do not result in disparate impact of passage rates on minorities and to develop and support programs to increase minority application to law school. (06A113) 8/06

LSAT. Urge administrators of LSAT to provide appropriate accommodations for test takers with disabilities. (12M111) 2/12.

See also Affirmative Action entry in this section and related entries under Attorneys, Federal Courts and Civil Rights.

Judicial Participation in Law-Related Education. Urge judges, courts and judicial organizations to increase their involvement in law-related public education, and further, that judges be allotted reasonable time away from the bench to participate, consistent with the performance of their primary responsibilities. 8/92

Urge judges, court personnel and judicial organizations to incorporate as an integral function of their position, furtherance of the public’s understanding of and confidence in the American system of justice. (03A104) 8/03


Law Students in the Courtroom. Support provisions permitting students in their final year at an approved law school to appear in court, under supervision, on behalf of indigent persons or the prosecution, in both criminal and civil cases. 8/67
Legal Education and Professional Development. Urge bar associations and the judiciary to join law schools to establish programs to inform students of the breadth of legal careers and to build the educational continuum envisioned by “Legal Education and Professional Development Educational Continuum,” the Report of the Task Force on Law Schools and the Profession: Narrowing the Gap. Further, adopt certain recommendations of the Task Force regarding skills and value instruction. 2/94

Public Education on Justice System. Appoint a Special Commission which shall report to the House of Delegates not later than at the 1989 Annual Meeting its recommendations for a national public education program on the justice system and the role of lawyers in society. 8/88 See also Civic Education entry, this section.

Sexual Assault/Violence on Campus. Urge colleges and universities to adopt policies to deal with allegations of sexual assault and violence, to maintain privacy of those involved, and to reject mandated reporting, etc. (15A109A) 8/15

Student Journalists and Regulation of Speech. See entry under Civil Rights.

Student Loans. Oppose any budgetary change that would exclude law students from eligibility to borrow under the Guaranteed Student Loan Program and support only those revisions in the program that take effect in an orderly fashion and continue to assure law student access to a sufficient pool of credit. 3/82; 4/83

Recommend an increase in the amount a graduate or professional student may borrow under the Stafford loan program to 30,000 with periodic adjustments for inflation and rising education costs. (02M300A) 2/02

Urge the federal government to make improvements in the income-contingent repayment option of the William D. Ford Federal Direct Loan Program and to make changes in the formula by which the income of married borrowers is determined. (02M300B) 2/02

Encourage law schools, bar associations and federal and state lawmakers to establish loan assistance repayment, loan forgiveness and income-sharing programs for law school graduates accepting low-paying, legal, public interest employment. 8/88

Expand support. (03A113) 8/03

Urge Congress to expand that funding for the John R. Justice Prosecutors and Defenders Incentive Act of 2008 and to lift the proposed expiration. (10M102J) 2/10

Urge Congress, the Executive Branch and/or Commercial Lenders to implement programs to assist law students and recent law school graduates experiencing financial hardship due to deferred or lack of employment (and consequently lack of income) during a period of economic crisis. (10M301) 2/10

Urge Congress to amend the Higher Education Opportunity Act of 2008 to include all judge advocates as an enumerated public service position eligible for Perkins loans forgiveness, to delete the language “during a war or other military operation or national emergency” regarding Military Deferment. Further urge the Department of the Treasury and the Internal Revenue Service to issue published guidance pursuant to the CCRAA Public Service Loan Forgiveness Program. (10M113) 2/10

Oppose proposed changes to limit forgiveness of student loans for public service lawyers; urge Congress to support current public service student loan repayment and forgiveness programs. (14A107) 8/14

Urge all participants in the student loan business to develop and publish easily understood versions of the terms of various loan and repayment programs, and urge Council of Section of Legal Education and Admissions to the Bar to mandate counseling. (15A110) 8/15

Urge Congress to enact legislation to repeal the restrictions on federal student aid eligibility contained in the Higher Education Act, 20 U.S.C. § 1091 (r), with regard to certain drug convictions. (17M100) 2/17

See also entry under Tax Law.

Thurgood Marshall Legal Educational Opportunity Program. Support congressional funding at a level sufficient to carry out objectives. (BOG499) 4/99

LEGAL SERVICES
(For additional positions, see also “Model Supreme Court Rules Governing Lawyer Referral Services”, “Model Lawyer Referral Act”, “Standards for the Operation of a
Telephone Hotline Providing Legal Advice and Information,” dated August 2001, Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means, August 2013, Standards for the Provision of Civil Legal Aid, August 2006 and Principles of a State System for the Delivery of Civil Legal Aid, August 2006.)

**Audits by Funding Sources.** Urge that audits of legal aid programs by funding sources be reasonable, limited to the materials properly within the scope of the review and limited by attorney-client privilege or other ethical provisions; further urge that clients not be required to waive confidentiality as a condition of representation. (01M8A) 2/01

**Center for Defense Services.** Support the establishment of an independent, federally funded Center for Defense Services for the purpose of strengthening state and local indigent criminal defense programs. 8/73; 2/79; 2/83; related resolution 8/81

**Class Action Residual Funds.** Urge jurisdictions to adopt court rules or legislation authorizing the award of class action residual funds to non-profit organizations that improve access to civil justice for persons living in poverty. (16A104) 8/16

**Disaster Victims.** Adopt 12 principles to govern response, including Principle 11: To the extent feasible, attorneys should provide emergency free legal services to those affected by a major disaster to address their unmet basic legal needs and should provide ongoing pro bono services to those who are not able to obtain or pay for services on a fee basis. (07A113) 8/07

Urge enactment of legislation to assist individuals who have excessive levels of student loan debt but are not covered by the provisions of the enacted 2010 student loan overhaul. (11A111A) 8/11

See also Legal Services entry under Disaster Preparedness.

**Disclosure of Client Information.** Oppose HEW regulations requiring lawyers to disclose identity of low-income clients and basis of eligibility for government-funded legal services. 4/76

**Experimental Programs.** Urge federal funding for experimentation with Medicare and staffed attorney office approaches to legal services for the poor. 5/74

**Fee Splitting with Lawyer Referral Service.** Urge amendment of Bankruptcy Code to allow an attorney to remit a percentage of a fee awarded or received under the Code to a bona fide public service Lawyer referral program. 2/97

**Group Legal Service Plans.** Support the reinstatement of the tax-preferred status of Section 120 group legal services benefits as an effective way to provide access to the justice system for lower and middle-income workers. 2/83

**Identity Theft.** Urge bar associations, in cooperation with local entities, to establish programs to assist or provide legal representation for victims of identity theft who need assistance in recovery from the crime. (08M102B) 2/08

**Indigent Defense Services.** See entry under Criminal Law/Procedure.

**Indigent Defense Services for Non-U.S. Citizen.** See Indigent Defense Services entry under Immigration Law.

**IRS Audit of Federal Legal Services Programs.** Oppose disclosure of client names as part of this audit procedure. 4/76

**Legal Assistance in Connection with Immigration Enforcement Actions.** See Legal Assistance entry under Immigration.

**Legal Assistance for the Institutionalized.** Urge the Legal Services Corporation to provide assistance to the institutionalized equal to that provided to other eligible clients. 8/75

**Legal Assistance for Members of the Military.** See Legal Services under Military Law.

**Legal Assistance for Veterans.** See entries under Military Law.

**Legal Assistance for Victims of Human Trafficking.** See Human Trafficking entry under Criminal Law/Procedure and Reform of Immigration System under Immigration Law.
Legal Forms. Urge courts and other entities that make forms for legal services available online to include clear and conspicuous information on how to access a lawyer or a lawyer referral service for assistance with legal matters. (16A/114) 8/16

Legal Services Corporation Act. Support reauthorization and strengthening of LSC charter; support full and zealous representation by legal services attorneys and oppose national restrictions on the use of local program funds; support adequate funding; support local program control of delivery systems. 5/74; 8/74; 2/77; 4/81; 2/89; 8/90

Urge Congress to eliminate restrictions that prohibit recipients of Legal Services Corporation funds from providing legal assistance to prisoners on family law issues. (10M102F) 2/10

Funding. Oppose proposals to cut funding for LSC for the FY 2011 and urge increased funding to meet the needs of low income Americans. (11M10E) 2/11

Legal Services Funding. Oppose attempts to reduce federal, state and local funding for legal service providers and urge bar associations and lawyers to exert leadership in preserving current funding and developing creative initiatives for new funding mechanisms and sources. 8/95

Urge federal elected officials, as they consider deficit reduction for FY 2013 and beyond, to assure access to justice through adequate funding for courts and LSC. (13M10A) 2/13

Legal Services for Breast Cancer Patients. See Women’s Health Research Funding entry under Health/Mental Health.

Limited Scope of Representation. Encourages use of limited scope representation, or unbundling of legal services as a method of increasing access to legal services. (13M108) 2/13

Low Income Taxpayer Clinics. See entry under Tax Law.

Mentally Disabled Advocacy Programs. Urge the establishment of advocacy programs for the representation of the mentally disabled and call on the Legal Services Corporation to increase its activities in this area. 8/78

Military Legal Services/Assistance. See entry under Military Law.

Monitoring and Evaluation. Recommend appropriate application of ABA “Standards for the Monitoring and Evaluation of Providers of Legal Services of the Poor,” dated 1991. 2/91

National Service by Law Students. Support the enactment of and funding for national service legislation which provides educational benefits for law students and law graduates in return for community service in our nation’s systems of justice. 8/93

Older Americans Act OF 1965. See entry under Elder Law.

Political Pressures. Urge action to ensure that legal services lawyers remain independent from political pressures in representing clients, including those cases which might involve action against government agencies. 2/73

Prepaid Legal Service. See entry under Tax Law.

Private Lawyer Involvement. Urge amendment of the Legal Services Corporation Act to mandate the opportunity for substantial involvement of private lawyers in providing legal services to the poor. Urge state and local bar associations to cooperate with LSC grantees to reach local decisions on delivery of legal services to the indigent by the private bar. 2/84

Pro Bono Representation. Recognize and the professional obligation of all attorneys, law firms, corporate employers, and law schools to devote time and support to pro bono and other public service activities. 8/88

Urge ABA and other bar associations to make the expansion of pro bono legal services a critical priority, and to develop innovative strategies to promote such services. 8/95

Urge legislation to ensure that government-employed attorneys not be prohibited or discouraged from representing pro-bono clients so long as there is no conflict of interest and representation is consistent with the rules of professional responsibility. 8/84

Urge bars and licensing entities to
establish guidelines to allow pro bono legal services by qualified inactive lawyers. (06A118) 8/06

Urge collaboration of courts and bar associations to encourage pro bono representation of indigent parties in civil matters. (06A121C) 8/06

Reaffirm the importance of pro bono provision of legal services to those in need including disfavored individuals and groups; and condemns any governmental attack on the independence of the profession that encourages clients to exert improper influence over their lawyers’ choice of other clients, or to penalize lawyers for representing unpopular or controversial clients. (07M10C) 2/07

Urge corporate counsel to facilitate pro bono legal services by outside counsel to persons in need of assistance with consumer credit, home mortgage, bankruptcy, etc. by causing the corporation to waive positional conflicts of interest, as appropriate. (09A102A) 8/09

Urge appellate courts in each jurisdiction to adopt a rule permitting in-house counsel to provide pro bono legal services while in employment in a jurisdiction in which they are not licensed. (14A108B) 8/14

**Protection and Advocacy System.** Urge Congress to reauthorize and fund the Protection and Advocacy System which provides legal services for persons with disabilities; oppose legislation that includes more restrictive requirements for class actions on behalf of persons with disabilities that exceeds what is required under the Federal Rules of Civil Procedure. (10A106A) 2/10

**Rights to Counsel in Civil Legal Proceeding.**
Adopt the black letter law and commentary of the ABA Model Access Act for jurisdictions to establish a civil rights to counsel consistent with August 2006, dated August 2010. (10A104) 8/10

Adopt the black letter and commentary ABA Basic Principles of a Right to Counsel in Civil Legal Proceedings, dated August 2010. (10A105) 8/10

**Right to Counsel for Low-Income Persons.**
Urge jurisdictions to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody. (06A112A) 8/06

**Tax on Legal Services.** See entry under Tax Law.

**Unmet Legal Needs.** Urge bar associations, courts and other legal communities to marshal the resources of newly admitted lawyers to meet the unmet legal needs of underserved population in sustainable ways. (14A108) 8/14

**Youth Offenders.** Urge state, local, territorial, and tribal governments to provide legal counsel to children and/or youth at all stages of juvenile status offense proceedings, as a matter of right and at public expense. (10A109A) 8/10

See also Youth at Risk entry under Family Law and Youth Offenders entry under Criminal Law/Procedure.

**MEDICAL MALPRACTICE**

**Apology by Medical Providers.** Support enactment of legislation that provides that policies regarding the pain, suffering or death by a medical provider as the result of unanticipated outcomes of medical care shall be inadmissible an admission of liability or admission against interest. (07M112) 2/07

**Arbitration.** Endorse use of arbitration to resolve medical malpractice disputes with agreement to arbitrate entered into only after a dispute has arisen. 8/77

**Alternative Dispute Resolution.** See entry under Health/Mental Health.

**Health Courts.** Reaffirm opposition to legislation that places a dollar limit on recoverable damages that operate to deny full compensation to a plaintiff in a medical malpractice action and oppose the creation of healthcare tribunals that would deny patients injured by medical negligence the right to request a trial by jury or the right to receive full compensation for their injuries. (06M103) 2/06

**Medical Professional Liability.** Support several principles relative to the statute of limitations applicable to such claims; oppose
any monetary ceiling on awards. 2/78

Adopt principles pertaining to medical professional liability that include regulation of medical professional liability, frivolous suits, strengthening of medical licensing an disciplinary boards, punitive damages, notice of intent to sue, malicious prosecution actions, qualification of experts, collateral source rule, contingent fees, structure settlements, and cost and causes of claims. 2/86

See also Health Courts entry, this section.

Medical Offer and Recovery Act. Oppose H.R. 3084 (99th Congress) or similar legislation which would provide for an alternative liability system for medical malpractice under federally funded health care programs if states fail to provide for comparable alternative liability systems. 2/86

Military Medical Malpractice. See entry under Military Law.

Reporting of Hospital Events. Urge federal, state and territorial legislative bodies to adopt legislation establishing pilot programs that enable and encourage medical personnel to report hospital events, which, if repeated, could threaten patient safety. (08A115) 8/08

Tort Law and Procedure. Support tort law improvements respecting medical malpractice concerning access to medical records, panels of experts, advance payments, ad damnum clauses, exchange of experts’ reports, itemized verdicts, and prejudgment interest. 8/77

MILITARY LAW

Attorney Malpractice. Support enactment of legislation comparable to Federal Tort Claims Act to provide for an exclusive remedy for individuals asserting claims for malpractice by Armed Forces legal personnel. 2/78

Bar Admission for Military Spouse. Urge state and territorial bar admission authorities to adopt rules, regulations and procedures that accommodate the unique needs of military spouse attorneys, who move frequently in support of the nation’s defense. (12M108) 2/12

Bar Membership Obligations. Urge all bar associations and other appropriate regulatory bodies to adopt a policy that provides for the waiver or suspension of association dues, CLE requirements and other membership obligations for members who are serving in the U.S. Armed Forces and are performing services in a Combat Zone as designated by an Executive Order of the President of the United States. (07A115) 8/07

Capital Punishment. See entry under Criminal Law/Procedure. (15M108A)

Child Custody. Oppose the enactment legislation that would create a federal-question jurisdiction in child custody cases or coopt authority of state courts involving servicemember-parents. Support state legislation to prohibit denial of child custody to a servicemember absence due to deployment. (09M106) 2/09

Children of Deployed Forces. Urge legislation allowing designated caregivers of children of deployed military members to use their accrued employment leave for the direct care of such children and families; and, urge that all public school residency requirements permit such children to attend their local public schools tuition-free while living with non-parents during periods of parental deployment. (07M108B) 2/07

Compensation for Lawyers in Uniform. Support legislation providing adequate pay to retain experienced lawyers in the military. 8/75

Commend and encourage use of administrative authority by the armed services to implement continuation pay for judge advocates in order to encourage recruitment and retention. (00M104) 2/00

Courts-Martial Procedures. Support a series of amendments to courts-martial procedures, to allow an accused to request that members of his court-martial include at least 1/3 enlisted men, and to amend rules regarding videotaped depositions, appeal rights, sentencing. 7/85

Support changes to Rules for Courts-Martial 1112, 1201(b) and 1203, to provide convicted service members the opportunity to review and submit matters during military and administrative law review. 2/93

Recommend that a defendant in a capital case tried by court-martial be given the
right to trial before a court-martial panel of 12 members. (01A10A) 8/01.

**Courts Martial Convictions: Supreme Court Review.** Urge Congress to amend 28 U.S.C. §1259 (3) and (4) to permit discretionary review by the Supreme Court of decisions rendered by the United States Court of Appeals for the Armed Forces that deny petitions for review of court-martial convictions or deny extraordinary relief. (06A116) 8/06

**Defense Counsel.** Support amendment of the UCMJ to avoid duplication of military defense counsel in trials by court-martial and to provide uniform standards for determining the reasonable availability of requested military defense counsel. 8/78

**Feres Doctrine.** Support legislation to partially overturn the Feres Doctrine and allow members of the armed services to sue the U.S. for damages for noncombat-related injuries caused by negligent medical or dental treatment. 8/87

Urge Congress to examine the “incident to service” exception to the Federal Tort Claim Act (FTCA) created by the Feres Doctrine and to amend FTCA to provide that the exception limiting access for conduct that occurs in combatant activities applies “during the armed conflict” rather than “during time of war.” (08A10B) 8/08

**Judge Advocate Career Program.** Support the career program for judge advocates serving on extended duty as set forth in standards. 8/78

**Judicial Functions.** Support amendments to the Uniform Code of Military Justice to clarify that military judges may perform certain trial functions even if membership of the court-martial is reduced below quorum and to grant each party an additional peremptory challenge. 8/86

**Judicial Review for Military Administrative Actions.** Urge establishment of a centralized system of judicial review for military administrative discharges of other administrative actions affecting the rights of service members. 2/93

Urge that the “Military Personnel Review Act of 1997” not be enacted until Congress holds hearings and conducts a thorough review of the entire system for correction of military records. 8/97

Oppose restrictions or modifications in the jurisdiction of federal courts that may limit the judicial remedies available to persons involved in cases before military selection boards. (00M10C) 2/00

**Legal Services/Assistance.** Support legislation creating a statutory, instead of the current voluntary, authorization for legal assistance. 8/70; 8/72; related resolutions 2/71; 2/73; 7/77

Support provision of such assistance prior to actual mobilization. 2/77

Support legislation to provide basic legal services for lower grade active duty military personnel and their dependents. 8/90

Support suspension of implementation of 3/3/92 Department of Defense (DOD) memorandum regarding reallocation of responsibility for delivery of legal services within the military departments of DOD until careful public study of the legality and desirability of such realignment has been made. 8/92

Support amendment to Title 10 U.S.C. §1588 expressly to allow Secretaries of the Army Navy and Air Force and Secretary of Transportation (for the Coast Guard) to accept voluntary legal services. (01A109) 8/01

Recommend that states and territories adopt the “Model Expanded Legal Assistance Program Rule for Military Personnel” in order to provide low-income military service members and their dependents free civil legal assistance and in-court representation by military attorneys. (03M111) 2/03

Reaffirm support for amending 10 U.S.C. §1044 to make mandatory the provision of civil legal assistance to all low-income active-duty service members and their dependents (07M108A) 2/07

Urge Congress to enact legislation, like the Veterans Advocacy Act of 2007, which promotes the provision of legal services to veterans and members of the Armed Forces to assist them in obtaining the full range of health care, benefits and services to which they are lawfully entitled. (08M108) 2/08

**Veterans Legal Clinics.** Encourage law schools to create veterans law clinics to ensure that veterans who cannot afford legal services can access them. (14A104A) 8/14

Urge lawmakers at all levels to work with the legal profession to collaborate in the identification and removal of legal barriers to
veterans’ access to assistance, particularly from the Department of Veterans Affairs, in securing services to which they are due. (17M118) 2/17

**Life Insurance.** Urge Defense and Transportation Depts. with regard to Coast Guard personnel, to publish directives requiring service members to designate beneficiaries "by name" rather than "by law." 8/93

**Medical Directives.** Support federal legislation to provide that advance medical directives for Armed Services members and spouses be given full legal effect notwithstanding state and territorial law. 8/94

**Mental Health and Substance Abuse Treatment.** See entry under Health/Mental Health.

**Military Medical Malpractice.** Encourage military services to make specially trained judge advocates available as medico-legal consultants, claims officers and litigation specialists on medical malpractice matters. 8/86

**Military Correctional System.** Recommend that the military continue to operate a system of corrections for military prisons and opposes any transfer of management or operations of the military correctional system to the Federal Bureau of Prisons. (90A102) 8/90

**Military Commissions.** See entry under Anti-Terrorism.


**Polling Places on Military Installations.** See Polling Places entry under Election Law.

**Pro Bono Representation.** See entry under Legal Services.

**Professional Liability Protection.** Urge secretary of Defense to provide lawyers recalled to active duty the same professional liability protection currently provided to health care professionals under the Soldiers’ and Sailors' Civil Relief Act. 8/95

**Records Correction.** Oppose administrative requirements which interfere with an applicant's right to file an application directly with the boards for correction of military records. 8/83

  Recommend review and improvement of the processes by which military records are corrected, discharged status petitions are considered, and the character of one’s discharge is reviewed. (17A120) 8/17

**Reserve Judge Advocate Program.** Endorse a program which includes: an adequate number of Reserve Judge Advocates to meet the military’s legal needs; recognition of their professional status; utilization of their civilian skills; and sufficient military training. 8/79

**Reserve or Guard Attorneys.** Urge that attorneys who are also in the Reserve or Guard are not prejudiced by reason of their military affiliation and receive the assistance of the legal community when ordered to extended duty. 8/79

**Servicemembers Civil Relief Act.** Urge Congress to amend the Servicemembers Civil Relief Act to clarify that a private right of action exists and to provide that a prevailing plaintiff in such an action may recover reasonable attorney's fees. (09M114) 2/09

**Sexual Harassment in the Military.** Recommend that Article 93, Uniform Code of Military Justice be amended to establish expressly as a criminal offense triable by court-martial sexual harassment of a military subordinate by a superior in a duty setting. Recommend that Article 93 be amended to be gender-neutral. 8/93

**Soldiers' and Sailors' Civil Relief Act.** Urge amendment of the “Soldiers’ and Sailors' Civil Relief Act” to restore, clarify and modernize the protection originally afforded by the act, which have been degraded by inflation and by questionable interpretation. 2/91; 2/93

**Spousal Rights to Military Retired Pay.** Support legislation recognizing spousal
interests in military pensions and retainer pay. 8/82

Standards for Patient Care and Safety. See entry under Health/Mental Health.

Survivor Benefits Trust for Disabled. Urge Congress to enact legislation to permit the payment of military Survivor Benefit Plan benefits to special needs trust for the benefit of a disabled beneficiary. (11M105) 2/11

U.S. Court of Military Appeals. Support creation of a study group to address the issue of changing the status of the U.S. Court of Military Appeals to an Article III Court. 8/87

Uniform Code of Military Justice. Support several amendments to code such as increasing the number of peremptory challenges in a general court-martial from one to two, prescribing rules for rehearing and delegations of authority, etc. 8/85; 8/89

Uniformed Services Employment and Reemployment Rights Act. Urge Congress to amend the act to require employees to provide certain reasonable accommodations for returning veterans with combat injuries that may not manifest themselves until after a return to work. (11A120) 8/11

Vendors on Military Installations. Support the establishment of published standards and procedures to govern military commanders in barring vendors and other individuals from military installations in the U.S. 8/92

Veteran’s Claims. See entry under Administrative Law.

Veterans Treatment Courts. See Veterans Treatment Courts entry under Courts/Judges/Procedures.

Victims of Crime Act. Support legislation to amend the Victims Act of 1984 to include all victims of crimes committed under the Uniform Code of Military Justice regardless of geographic location and to provide compensation for victims who are either non-working spouses or children. 2/93

PATENT, TRADEMARK AND COPYRIGHT LAW

Attorney Fees. Oppose intellectual property laws and interpretations that impose the payment of government attorney fees on a party challenging a decision of the PTO unless explicitly provided for; support clarification that the term “expenses” in 15 U.S.C. § 1071(b)(3) does not include government attorney fees. (16M108A) 2/16

Biological Patents. Favor in principle the patentability of plants, seeds and essential biological processes for the production of plants and seeds. (601BOG) 6/01

Claims Terms. Urge courts to apply certain enumerated principles in interpreting claim terms in patents. (04A302). 08/04.

Commissioner and Deputy Commissioner of Patents and Trademarks. Favor in principle that the Commissioner or Deputy Commissioner of Patents and Trademarks be a lawyer and advocate with experience in patent and trademark law, be knowledgeable and well qualified in domestic and international laws concerning these matters, and have management skills sufficient to oversee the operations of the Office. (98A106) 8/98

Computer-Implemented Inventions. Support interpretation and application of patent law in such a manner that subject matter that is potentially eligible for patent protection includes novel and non-obvious computer implemented inventions that have a beneficial result or other practical application. (01A116B) 8/01

Court of Appeals for the Federal Circuit. See entry under Courts/Judges/Procedures.

Definiteness Requirement for Patent. Support the continued application by courts of the legal principles in 35 U.S. §112 to determine if an issued patent claim meets the definiteness requirement. (11A117) 8/11

Design Protection. Reaffirm support of legislation providing for the protection of ornamental designs of useful articles, and legislation that would provide a limited term of copyright-like protection for registered designs
that are original and distinctive. 2/87

Digital Electronic Environment. Favor applying the principles of copyright and neighboring rights protection to the digital electronic environment. Supports ratification by the United States of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. 2/87

DNA. See Patent-Eligible Subject Matter.

Equivalence. Give consideration to any relevant factors supported by the evidence, including but not limited to certain specified factors, and the range of equivalents that may be determined to be an infringement be discretionary when determining infringement under the doctrine of equivalents. 2/94

Oppose the concept that an amendment to a patent claim shall necessarily operate as a bar to all equivalents with respect to the amended language, and oppose an absolute bar to the application of the doctrine of equivalents with respect to unclaimed subject matter that is disclosed in the specification of a patent. (01M301) 2/01

Fair Use Doctrine. Support the Adoption of the nominative fair use doctrine as an affirmative defense to claims of trademark infringement and unfair competition. (17M111) 2/17

First Sale Doctrine. Urge courts to interpret the statutory first sale doctrine in Section 109(a) of the U.S. Copyright Act and the copyright owner's importation right in Section 602(a) to exclude application of the first sale doctrine to the importation of goods embodying a copyrighted work that were not manufactured in the United States. (10M109) 2/10

Inventions that Combine or Modify Pervious Inventions. Support the retention of tests to determine when a claimed invention that combines or modifies previous inventions is obvious and not eligible for a patent. (06A306) 8/06

Judicial Review of Patent Decisions of USPTO. Support the right of a patent applicant who has brought a civil action in a U.S. district court pursuant to 35 U.S.C. §145 to introduce new evidence, including evidence that could have been presented to the U.S. Patent and Trademark Office for a de novo finding of fact.

Licensee Patent Suits. Support Rule, reaffirmed in MedImmune, Inc. v. Genetech, Inc requiring that a patent license commit a material breach of the license agreement as a condition of bringing an action against patent. (506BOG) 5/06

Owner/Inventor Filing. Favor permitting the owner of an invention, even if not its inventor, to file a patent application covering that invention, provided the application names the inventor(s). 2/67.

Patent Claim Cancellation. Support the authority of the U.S. Patent and Trademark Office to cancel a patent claim in an administrative proceeding to review the patentability of issued claims, and support the authority of a court to dismiss a suit based on such a claim, notwithstanding an earlier conflicting non-final court judgment relating to the claim, unless it would reopen or set aside a final court judgment. (13A300B) 8/13

Patent and Trademark Office. Support establishment of U.S. Patent and Trademark Office as a separate and independent agency. 2/80

PTO Revenues. Favor in principle that Congress provide that all revenue generated by fees paid by patent and trademark applicants and owners to the United States Patent and Trademark Office remain with the USPTO without limitation, and specifically, oppose the withholding or diversion of any such revenue to fund any unrelated programs. (00A301) 8/00

Oppose any restriction or limitation on the use of funds appropriated by Congress that would impose subject matter limitations on patents that the Patent and Trademark Office may issue, in addition to the statutory limitations on the scope of patentable subject matter set forth in 35 U.S.C. § 101. (04A104) 08/04.

Patent Damages Period. Support interpretation and application of statutory six-year patent damages period as limiting availability of the laches defense as a bar to legal damages for patent infringement, but not
limiting availability of defense where equitable relief is sought. (16M108B) 2/16

**Patent-Eligible Subject Matter.** Support continued adherence to the principle that laws of nature, natural phenomena, and abstract ideas are not patentable, even if they are new and non-obvious; support application of the common-law tradition of incremental development of jurisprudential doctrine in determining patent eligibility. Oppose *Bilski* ruling by Court of Appeals for the Federal Circuit that a process is patent-eligible if explicitly tied to a particular machine or apparatus, or if it transforms a particular article into a different state or thing. (09A303) 8/09

DNA. Support and oppose specific concepts relating to patent eligibility for isolated DNA compounds. (11M111) 2/11

Support the principle that laws of nature, physical phenomena, and abstract ideas are not eligible for patenting under 35 U.S.C. §101, even if they had been previously unknown or unrecognized. (11A304B) 8/11

Support the principle that laws of nature, physical phenomena, and abstract ideas are not eligible for patenting as a process under 35 U.S.C. §101, even if they had been previously unknown or unrecognized; eligibility for patenting under 35 U.S.C. § 101 is separate from the requirements, criteria or analysis for determining patentability addressed by § 102-3, 112. (13M101A) 2/13

**Patent Infringement.** Favor amendment of Section 337(a) of the Tariff Act of 1930 to eliminate the requirement for injury to or tendency to injure a United States patent, copyright, registered trademark or mask work right when an imported article was made, produced or mined by a process covered by valid and enforceable United States patent. 8/88

Advice of Counsel Defense. Recommend that a party’s assertion of the advice-of-counsel defense to a charge of willful patent infringement does not waive the attorney-client privilege with respect to communications with that party’s trial counsel so long as such trial counsel is not the same counsel who provided the opinion upon which the accused infringer relies. (07M302) 2/07

Inferences. Oppose blanket rule under which the failure of a defendant, in an action for patent infringement, to introduce an opinion of counsel at trial, permits certain specified inferences. (01A116D) 8/01

Multiple Step Process. Support the clarification of the standards for finding direct infringement under 35 U.S.C. § 271 (a) for a patent directed to a multiple step process where separate entities collectively, but no individually, perform the required steps of the patented process; support the requirement that indirect infringement, through active inducement of infringement under 35 U.S.C. § 271 (b) or contributory infringement under 35 U.S.C. § 271 (c), requires predicate of direct infringement. (13M101B) 2/13

Preponderance of the Evidence. Support established precedent that patent infringement must be proven by a preponderance of the evidence, and the fact that a product or process accused of infringing a patent-in-suit is itself separately patented does not alter the burden of proof, or create a presumption of non-infringement. (12M110) 2/12

Venue. Support the interpretation that venue in patent infringement actions is the sole province of the special patent venue statute, 28 U.S.C. §1400(b), which limits venue for a corporate defendant to where it resides (incorporated) or where it has committed acts of infringement and has an established place of business. (16A/108C) 8/16

**Patent Titles -- Government.** Oppose regulations or legislation which automatically vests in government title to inventions resulting from federally financed research and development contracts. 8/77

**Permanent Injunction from Future Infringement.** Support granting permanent injunctions enjoining a patent infringer from future infringement of a patent that has been adjudicated to be valid, enforceable and infringed, in accordance with t equity. (06M303) 2/06

Proof of Willingness under Lanham Act. Support interpretation of § 35 A that proof of willingness is not required for a plaintiff to recover a defendant’s profits in trademark infringement, unfair competition, or cyberpiracy cases. (17A114A) 8/17

**Post-Issuance Challenges to Patents.** Support clarification of the patent laws that in a post-issuance proceeding in which a previously
issued patent is challenged by a third party, the petitioner has burden of proving unpatentability by a preponderance of evidence on the challenged claim and also on proposed amendments by the patent owner, provided owner has initial burden of production. (17A114C) 8/17


State Exemption from Liability. Oppose state exemption from liability for damages and/or equitable relief in private actions under United States patent, trademark and copyright laws. 2/88

Trademark Dilution Act. Support interpretation and amendment of the federal trademark law (Lanham Act) to ensure that questions of trademark dilution under the Act are uniformly resolved under the standard involving likelihood of dilution, rather than actual dilution. (602BOG) 6/02

Trademark Validity. Support interpretations of the Federal Lanham Act recognizing that the ineligibility of an otherwise valid mark for registration with the USPTO does not disqualify that mark for protection under other laws or restrict owner’s right to use the mark in commerce. Support interpretation that recognizes that owners of marks registered on Principal Register enjoy procedural and substantive advantages in litigation. (16A/108B) 8/16


Unenforceability of a Patent Based Upon Inequitable Conduct during USPTO Proceedings. Oppose the elimination of the defense of unenforceability of a patent based upon inequitable conduct arising from USPTO proceedings. (09A107A) 8/09

Oppose any judicially-administered defense of such unenforceability should be predicated on principles of common law fraud, and require proof by clear and convincing evidence of knowing misrepresentations or omissions. (09A107B) 8/09

In determining unenforceability, courts should not find information to be material if it would not have been material under statutory and regulatory standards applicable during the prosecution of the application(s) for the patent or its reexamination. (09A107C) 8/09

Defense of unenforceability can be established only by proof of clear and convincing evidence of a specific intent to deceive the PTO by knowingly and willfully misrepresenting or omitting a material fact or material information to the PTO and that such intent cannot be established by only the materiality of the fact or information that was misrepresented or not provide. (09A107D) 8/09

Work of Foreign Origin. Support the principle under the Copyright Clause of the U.S. Constitution that Congress has the power to implement U.S. obligations under copyright treaties by restoring copyrights in certain works of foreign origin that have gone into the public domain. (10A301) 8/10

PRIVACY

Do Not E-Mail. See entry under Business Law.

Do Not Fax. See entry under Business Law.

Electronic Commerce. See entry under Customs and International Trade.

Electronic Communication Act. Urge Congress to amend in specific ways the Electronic Communications Act to reflect the technological and societal changes which have occurred since the original passage of the statute. (13A114) 8/13

Electronic Communication Privacy. Support amendment of the federal wiretap law to protect the transmission of all forms of information, including voice, data and video; support statutory control of government access to messages stored by electronic mail systems and remote data processing services. 8/86

Electronic Mail Communication. Urge courts to accord lawyer-client electronic mail communication same expectation of privacy and confidentiality as those accorded traditional means of communication. (98A119A) 8/98

Gramm-Leach-Bliley. See entry under
Attorneys/General Practice.

Individual Access to One's Own Records. Urge federal agency guidelines providing that, when a person seeks access to individually identifiable records concerning himself, he will receive all records available under both the Privacy Act and the Freedom of Information Act. 2/84

Privacy Act. Support amendment of the Privacy Act of 1974 and other statutes to enhance privacy and guarantee fair information practices by government agencies including more specific notice to citizens about government use of information, stronger due process protection to assure the accurate collection of information and limits on the use of income tax, census and other information. 8/86

Privacy Act Criminal Justice Records. Support legislation to facilitate and regulate the exchange of criminal justice information in a manner to protect against unauthorized use and to ensure privacy. 8/72; 8/75

Privacy of Biological Evidence. See Biological Evidence entry under Criminal Law.

Privacy of Medical Records. See Confidentiality of Health Information entry under Health/Mental Health.

Privacy of Personal Records. Support various principles to protect the privacy of personal records that are kept by the government or by organizations. 8/79

Wireless Telephone Communication. Urge courts to adopt principles that wireless telephone communication should be accorded same expectation of privacy as ordinary telephone calls, and that use of such phones by lawyers does not alter lawyer-client communication privilege. (99A117) 8/98

Contract Disputes Act. Support comprehensive and uniform statutory approach to resolution of federal contract disputes through enactment of the Act. 8/76

Contractor Indemnification for Hazardous Waste. Support legislation providing indemnification and insurance for control or clean-up of hazardous waste. 4/85

See also CERCLA entries under Environment/Natural Resources.

Cost-Plus-Fixed-Fee Research and Development Subcontracts. Supports Model Terms and Conditions, May 1986, for such subcontracts. 8/86

Court Jurisdiction. Support legislation empowering the Court of Claims and the district courts to grant equitable relief and remedies in federal contract matters. 8/76

Debarment and Suspension. Support enactment of legislation incorporating 36 principles of a proposed Debarment and Suspension Reform Act. 2/82

Oppose the enactment of legislation that would mandate suspension of a single entity from bidding on or receiving federal contracts and grants without regard to the existing regulatory framework which provides for agency discretion in suspension determinations. (11M116) 2/11

Fixed-Price Supply Contracts. Approve Model Terms/Conditions and for Fixed-Price Supply Contracts awarded by the federal government. 8/86

Government Contractor Indemnification. Support federal legislation allocating product liability risks between the federal government and its contractors and providing, in certain instances, indemnity against those risks. 2/83

Labor Standards in Government Contracts. Oppose several provisions in proposed regulations under the Davis-Bacon Act, the Service Contract Act, the Contract Work Hours and Safety Standards Act, and Executive Order 11246, relating to water rates, contract awards and other matters. 8/80

Buy-national legislation. 2/78

PUBLIC CONTRACT LAW
(See also the Model Procurement Code of July 2000 (00M110))

Buy-National Laws. Support United States participation in negotiations to establish international norms by government procurement practices to eliminate discriminatory effects of
Public Acquisitions. Urge that any public acquisitions adhere to 10 enumerated principles of competition in obtaining supplies, services and construction to protect the public interest in the integrity of the Public Acquisition Process. (98A111) 8/98

Public Procurement Controversies. Supports legislation and regulation to implement six enumerated principles for resolving controversies in public procurement. (99M113) 2/99

Renegotiation Act. Urge Congress not to renew the Act nor to provide any new, similar authority for renegotiation during peacetime. 8/78; related resolutions 12/75; 5/77

Risk Allocation. Support legislation and regulations to implement principle that in drafting public procurement contracts, parties should clearly identify risks of performance and allocate them in a commercially reasonable manner. (99A120) 8/99

Service Contract Act. Support and oppose several amendments to the Act relating to wage rate determinations made by the Secretary of Labor and other matters. 8/78; 8/80

Vinson-Trammell Act. Support elimination of profit limitation provisions of Vinson-Trammell Act and oppose adoption of any similar authority for profit limitation during peacetime. 2/80

PROPERTY/HOUSING LAW

Affordable Housing. Urge Congress and the President to support the establishment of a federal affordable housing trust fund. (05M111) 2/05

Human Right to Adequate Housing. Urge governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right. (13A117) 8/13

Low-Income Housing Voucher Program. Oppose legislation to repeal the federal Section 8 low-income housing voucher program or other proposals that would eliminate the present funding structure based on actual costs for the number of vouchers used and replace it with a state-administered block grant system. (03A121) 8/03


Condemnation Costs. Support legislation to provide reimbursement of reasonable costs and attorneys' fees to property owners in condemnation actions (1) upon abandonment of such actions or, (2) if just compensation exceeds the maximum amount offered by the U.S. before trial. 8/67

Community Reinvestment Programs. Urge governments to support implementation of housing and community economic development initiatives in accordance with these principles in order to revitalize low and moderate-income communities. Urge pro bono services by legal community. (99A105) 8/99

Discrimination. See entries under Civil Rights and Constitutional Law.

HIV Status of Seller as Non-Material Fact. Support state legislation providing that HIV status or diagnosis of owner with any other disease not capable of transmission through occupancy of improvements located on such property is not a material fact requiring disclosure in real estate transactions. 8/92

HIV/AIDS under Health/Mental Health.

Housing Protections for Victims of Violence. Support the expansion of housing protections for victims of domestic and sexual violence. (15M109B) 2/15

Homeless Person - Definition. Urge all federal agencies to include within the definition of “homeless person” individuals who lack a fixed, regular and adequate nighttime residence including those who, due to loss of housing, economic hardship, or similar reasons, are sharing the housing of others or living in motels, hotels or camping grounds. (06A108B) 8/06

PROPERTY/HOUSING LAW
Homelessness and Criminal Penalties. Oppose laws that punish persons experiencing homelessness for carrying out otherwise non-criminal life-sustaining practices or acts in public spaces. (07M106) 2/07
See Homeless Court Program entry under Criminal Law/Procedures.

Homelessness Prevention. Support the adoption of measures to address homelessness by eliminating illegal residential segregation, increasing the availability of affordable transitional and permanent housing and improving the accessibility of such housing to vital service. 8/95

Home Equity Conversions. Recognize value of loans to older homeowners, need for consumer education and safeguards, and support the development of local, state and federal policies to ensure that loan proceeds from home equity conversion mechanisms are disregarded in determining the eligibility of elders for public assistance programs. 8/89

Interstate Compact Agencies. Urge Congress, states, and territories to prescribe the administrative procedures to be employed by congressionally approved interstate compact agencies and to provide for judicial review of such actions. (08A111B) 8/08

Land Use Planning. Urge State and local legislative bodies to adopt the Model Statue on Local Land Use Planning Procedures, dated August 2008. (08A111A) 8/08

Mediation. Support efforts to promote the use of mediation to assist in resolving disputes that could lead to foreclosure of mortgages on residential real property and to promote access to pro bono or low-cost counsel or other advocates for parties who would otherwise be unrepresented in the mediation process. (09A300). 8/09

Mitigation of Losses from Future Catastrophes. See Insurance Coverage: Mitigation of Losses from Future Catastrophes entry under Disaster Preparedness.

Mortgage Negotiation. Oppose regulations which would preclude lawyers from representing more than one party with the consent of the parties. 12/71

Planned Communities. Support the Uniform Planned Community Act promulgated in 1980 by the NCCSL. 2/81

Predatory Lending. Urges Congress to enact legislation to define and curb abusive, deceptive or fraudulent lending practices; urge bar associations to educate consumers about the issue. (02A109) 8/02

Postal Service for Homeless. See entry under Federal Government/Congress.

Public Housing. See Public Housing Law entry under Criminal Law and Discrimination in Housing in Civil Rights and Constitutional law section.


Sale of Real Property Involving Debtor-Lessor. See entry in Bankruptcy Law.

Site Specific Zoning. Recommend that in site specific zoning cases, administrative and judicial processes established by law should be followed and legislatures should not authorize initiative or referendum in such cases. 2/92

TAX LAW
(For additional policy positions, see "Summaries of Legislative and Administrative Recommendations," Section of Taxation and Model State Administrative Tax Tribunal Act, August 2006, and Model Transactional Tax Overpayment Act (11M101) 2/11.)

Alternative Minimum Tax. Urge Congress to reduce the federal tax burdens and compliance costs attributable to the Alternative Minimum Tax (AMT) on individuals. (04A120) 08/04.

Appropriations for U S. Tax Court. Support adequate funding for the United States Tax Court to enable it to fully execute its judicial functions in a timely and effective manner; support FY 82 appropriation of U.S. Tax Court. 4/82

Capital Gains Exemption for Foreign
Investors. Oppose tax on capital gains derived by foreign investors on sales or exchanges of stock of U.S. corporations (other than U.S. real property holding corporations). 2/92

Civil Tax Cases. Oppose granting exclusive jurisdiction over the trial or appeal of civil tax cases to any specialized court. 2/90

Support amendments to Section 7430 of the 1986 Internal Revenue Code which authorizes awards of costs in certain civil tax controversies, such as elimination of $110.00 an hour cap on attorneys’ hour rates. 8/97

Support repeal of Sections 705(b) and 708(b)(1)(B) of 1986 Internal Revenue Code. 8/97

Disclosure of Cash Receipts. Express deep concern over the effect upon the attorney-client privilege and confidentiality of Section 60501 of the IRC, which requires disclosure of certain cash receipts in excess of $10,000. 2/85

Earned Income Tax Credit. Support legislative and administrative actions to preserve and enhance the effectiveness of the earned income tax credit (EITC) or any alternative program meeting its purposes, and to facilitate EITC simplification and use by intended beneficiaries while discouraging improper EITC claims. 2/96

Educational Loan Repayment. Urge amendment of 1986 IRC to allow educational loan repayment program to be part of a qualified benefit assistance program sponsored by employers for employees. (99A118) 8/99

401(k) Pension Plans. Support legislation which makes employees of tax-exempt organizations, including bar associations, eligible for 401 (k) pension plans. 8/92

See related entry under Business Law.

Funding for the IRS. Recommend that the Internal Revenue Service be provided with adequate funding and personnel to assure quality performance by the IRS of each of the functions comprising its mission without undue intrusiveness 2/86

IRS Jurisdiction. Support legislation to restrict IRS activities by prohibiting intelligence gathering or investigations based on political or ideological considerations unrelated to administering laws.

Income from Not-For-Profit Lawyer Referral Services. Support in principle exclusion from federal taxation of otherwise qualified for 26 U.S.C. Sec. (c) (6) [Sec.501 (c) (6) Sec. 501(c) of IRS Code] tax exemption derived by bar-sponsored lawyer referral services organized on a non-profit basis. 6/83

Income Tax Equality Between Single & Married Persons. Support legislation creating greater equity in treatment. 2/74

Income Tax Treaty Between Canada and U.S. See entry under International Law.

Itemized Deductions. Repeal sections of IRC to eliminate phase-outs of itemized deductions and personal and dependency exemption. (99M104A) 2/99

Legal Expenses. Support in principle legislation which would provide a federal income tax deduction for legal service expenses. 8/82

Lobbying Expense Deduction. Urge Congress to oppose enactment of HR 2264, section 14222, or any other legislation that would disallow deductions for lobbying expenses in the computation of federal income tax. 6/93

Low Income Taxpayer Clinics. Recommend that Congress adequately fund the Low-Income Taxpayer Clinic grants program on a continuing basis. (02A102) 8/02

Marital Residences. Recommend that Section 1034 of the Internal Revenue Code of 1986 be amended to allow a divorced or separated taxpayer to rollover the gain from the sale of a marital residence for a period of time following separation from the residence. 2/93

Married Taxpayer Liability. Urge repeal of Section 6013(d) and urge amendment of § 66 of the IRC of 1986 to eliminate joint and several liability of taxpayers who file joint returns for tax income attributable to their spouses. 2/95

Model Transactional Tax Overpayment Act. (11M101) 2/11
Payments Made to Attorneys. See entry under Attorneys/General Practice.

Penalty for Submission of False or Fraudulent Return. Amend 1986 IRC to clarify that there is no statute of limitations for assessment of penalty under section 67021 and that the standard of proof necessary to support the assessment of the penalty is "clear and convincing evidence." 8/94

Pension Plans Benefits. See entry under Business Law.

Pooled Income Funds. Urge amendment to IRC to permit more prudent investment of pooled income funds; i.e., funds from a trust maintained by a charitable organization to which many donors make gifts and retain income interests with remainder going to charity. (01A106) 2/01

Potential Current Beneficiary. Amend IRC of 1986 by qualifying definition of "potential current beneficiary" in Section 1361 (e)(2). (04M100) 2/04

Prepaid Legal Services. Support enactment of legislation providing tax exclusion from income of premiums paid to and benefits received from employer-funded prepaid legal services plans. 8/74

Public Comment Before Amendment. Recommend that tax legislation be enacted only after careful consideration of its economic, social and tax policy implications and after ample time for public comment. 2/94

Refund of Estate Taxes. Support amendment of the Internal Revenue Code of 1986 to permit and estate that has elected to pay estate taxes in installments to institute a suit for refund before full payment of those taxes. 8/92

Retroactive Tax Legislation. Urge Congress to minimize the undesirable retroactive effects of tax legislation by following certain guidelines. 2/92

Simplification of Tax Law. Urge Congress to simplify the federal tax laws so that such laws can be: (1) easily understood and complied with by taxpayers; (2) fairly and consistently administered and enforced by the Treasury Department; and (3) provide for more comprehensive and stable bases, with such lower rates as would be permitted by expanded bases. 4/76

State and Local Tax Procedures. Recommend that states and municipalities adopt standard tax procedures that have: identical statutes of limitations and interest rates for deficiencies and refunds, no automatic imposition of penalties, no payment of disputed taxes before a hearing, no seizures before final adjudication, 90 days between deficiency notice and appeal, no state fees for audit expenses, and due process, eliminating repetitive re litigation. 8/90

Student Loans. Support amendment of Internal Revenue Code section 163 (ha) to allow a full deduction for interest paid on student loans obtained for post-secondary education. 8/92

Urge Congress to include student loan repayment program as part of cafeteria benefit plan under Section 125 of IRC of 1986. (99A118) 8/99

See also entries under Legal/Public Education.

Substantial Appreciation Requirement. Recommend that Section 751(b) of the IRC be amended by removing the substantial appreciation requirement in order to harmonize the tax treatment of transactions under Sections 751(a) and 751(b). (03M108) 2/03

Tax Amendments to Appropriations Bills. Urge Congress to amend its rules to limit amendments to appropriations bills that would restrain the use of appropriated funds to implement or enforce certain substantive provisions of the IRC. 8/82

Tax Court. Oppose proposals to grant to a specialized court exclusive jurisdiction over the trial or appeal of civil tax cases. 2/90

Tax Intercept of Overdue State Court Debt. See entry in Courts.

Tax on Legal Services. Oppose state or federal legislation authorizing government agencies to levy a sales or use tax on professional services rendered by attorneys. 8/87
Uniform State Tax of Federal S Corporation. Recommend state legislatures amend their income tax statutes to provide a uniform system for the taxation of federal S corporations and their shareholders; approve the Model S Corporation Income Tax Act as appropriate act for adoption by the states. 2/90

Venue. Support amendment to the Judicial Code to allow nonresidents of the United States to bring tax refund suits to the District Courts. 2/81

White House Access. Support enactment of statutory restrictions on the release by the IRS of personal tax information to the White House. 2/76

TORT AND INSURANCE LAW
(For additional positions, see ABA Model Court Rule on Insurance Disclosure, August 2004.)

Alcohol and Disease Related Claims. See Substance Abuse entry under Health/Mental Health.

Animals. Dangerous Wild Animals. Support comprehensive laws that prohibit, unless otherwise exempted, the possession, sale, breeding, import, or transfer of dangerous wild animals in order to protect public safety and ensure the welfare of such animals. (15M105) 2/15

Dog Profiling. Urge legislative bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog laws based on behavior and to repeal any breed-discriminatory or breed-specific provisions. (12A100) 8/12

Humane Treatment. Urge federal, state, tribal, territorial and local legislative bodies and governmental agencies to enact laws to ensure that humane treatment and disposition of seized animals. (11M108B) 2/11 00) 8/12

Trap and Neuter. Urge legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdiction so as to promote their effective, efficient, and humane management. (17A102B) 8/17

See also Model Act on Disposition of Disaster Animals (10M103A) under Disaster Preparedness and Service Animals under Civil Rights and Constitutional Law.

Asbestos-Related Disease Claims. Support enactment of federal legislation that would allow those alleging non-malignant asbestos-related disease claims to file a cause of action if they meet specific medical criteria and toll all applicable statutes of limitations until such time as the specific medical criteria; oppose limitations on the filing of claims for asbestos-related malignancies. (03M302) 2/03

Urge the federal government study the impact has had in the causation of asbestos-related injuries and to identify its the appropriate role in solving the present asbestos litigation crisis without altering the responsibility of others. (05M109A) 2/05

Recommend that states and territories establish by statute or regulation, mass screening standards asbestos-related conditions. (05M300B) 2/05

Recommend that states and territories adopt the Model Statue of Limitations for Asbestos dated February 2005, governing the accrual of action for injury, illness or wrongful death based upon exposure to asbestos. (05M300C) 2/05

Recommend that courts without any existing Case Management Order governing asbestos litigation, or with an existing Case Management Order that has proven unworkable, utilize the Model Asbestos Pretrial Case Management Order, dated 8/05. (05A103) 8/05

Without taking position on establishing an exclusive administrative process for asbestos-related injuries, recommend that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based asbestos-related claims should insure access by claimants to adequate representation in the claims process. (06M106A) 2/06

Recommend that any legislation establishing an exclusive administrative process for asbestos-related injuries should insure that awards to claimants not be depleted by subrogation from any private or governmental entity; (1) apply existing laws concerning taxation of awards to claimants; and (2) not unduly foreclose independent claims existing under laws relating to safety or other obligations of employers. (06M106B) 2/06

TORT AND INSURANCE LAW
Recommend that any legislation establishing an exclusive administrative process should contain specific provisions to ensure adequate upfront financing and disclosure of certain information concerning contributors. (06M106C) 2/06

Recommend that any legislation establishing an exclusive administrative process should contain specific contingent provisions to respond to any potential occurrence of a shortfall of funds. (06M106D) 2/06

Automobile Insurance. Oppose federal statute establishing federal standards for no-fault insurance programs, and support improved state reparations laws. 8/72-R-5/79

Support determining at state and territorial level all tort insurance matters, including auto choice legislation such as the “Auto Choice Reform Act of 1997”; oppose enumerated principles contained in legislation. (98A124) 8/98

Black Lung Compensation. Oppose in principle revisions recommended by the U.S. Department of Labor pertaining to the federal black lung compensation program which are contrary to the requirements of the Federal Administrative Procedure Act or the Black Lung Benefit Act. 8/97

Catastrophes and Insurance Coverage. See Insurance Coverage entries under Disaster Preparedness.

Domestic Violence. Urge enactment of legislation to provide that no person or entity be denied insurance benefits solely on basis of the applicant’s status as a victim of domestic violence. 2/95

ERISA and Private Right to Sue. Support federal legislation to amend federal ERISA to allow causes of action to be brought in state courts against employer-sponsored health care plans. (99M106A) 2/99

Gun Industry Tort Immunity. See Gun Control Immunity under Criminal Law/Procedure.

Hurricanes Katrina and Rita. See related entries under Disaster Preparedness.

Health Courts. See entry under Medical Malpractice.

Insolvent Insurance Companies. Urge states to improve the procedures used for dealing with insolvent insurance companies and to improve the current state insurance insolvency system by enacting legislation and/or adopting regulations to improve the selection and oversight of insurance receivers and enhance the ability of receivers to bring estates to a more efficient and expeditious closure. (03M105) 2/03

Insurance Information Office. Support enactment of federal legislation to establish a non-regulatory insurance information office within the Treasury Department that would be authorized, among other things, to advise the Secretary of the Treasury and other federal officials on major domestic and international insurance policy issues; carry out the federal government’s responsibilities under the Terrorism Risk Insurance Act; coordinate efforts on international insurance matters, international importance. (09A303) 8/09

Lawsuit Abuse Reduction Act. See entry under Courts/Judges/Procedure.

Lawsuit Data Collection. Urge federal and state governments to provide sufficient funding for uniform lawsuit data collection and recommend that the National Center for State Courts continues and expands its Civil Justice Survey. (04A103A) 08/04.

Legal Service Malpractice Protection for the Coast Guard. Support legislation to extend the same legal service malpractice protection to the Coast Guard as is presently afforded to the Department of Defense. 8/87

Limitations on Compensation. See Health Courts under Medical Malpractice.

Long-Term Health Care. See entry under Health/Mental Health.

McCarran-Ferguson Act. Recommend that the McCarran-Ferguson Act be repealed and replaced with legislation that makes the insurance industry subject to the same general antitrust laws as other businesses. 2/89
Medical Malpractice Tort Reform. See entries under Medical Malpractice.

Medical Payments. Oppose the adoption of legislation by Congress that merges medical payment components of workers compensation and medical payment components of automobile insurance with health insurance, commonly referred to as Universal 24-Hour Health Coverage. (10M103B) 2/10

Medicare. See entries under Health/Mental Health.

Medical Payments. Oppose the adoption of legislation by Congress that merges medical payment components of workers compensation and medical payment components of automobile insurance with health insurance, commonly referred to as Universal 24-Hour Health Coverage. (10M103B) 2/10

Notification to Claimant by Insurer. Support legislation which would require insurance carriers to notify the claimant when sending payment of a settlement or judgment to a third party representative. 8/91

Offer of Judgments and Attorney Fees. Support the inclusion of safeguards which protect a litigant from being deprived of access to the judicial system based on his or her economic status in any proposed Rule of Procedure, or federal or state legislation, which includes the concept of fee-shifting based on rejection of settlement offers or demands. Without endorsing its enactment, urge that any proposal which includes the concept of fee-shifting based on rejection of settlement offers or demands should consider as a minimum, the “Offer of Judgment Procedure”, dated February 1996. 2/96

Preemption of State Tort Law. Urge Congress to address foreseeable preemption issues when it enacts a statute that has the potential to displace, supplement or otherwise affect state tort law. Further support the principles and requirements of Executive Order 13132 on federal agency actions that might preempt stat tort law and urge the President to improve agency compliance with the Executive order 13132. (10A117) 8/10


Product Liability. Oppose enactment of broad federal legislation codify the tort laws of the 50 states as they relate to product liability, but support federal legislation to address the issues of liability and damages in certain occupational disease claims and to allocate product liability risks between the federal government and its contractors. Oppose federal legislation abolishing strict seller liability. 2/81; 2/83; 2/95

Radiation Injuries. Support proposition that all workmen’s compensation acts should provide full coverage for medical expenses resulting from radiation injuries. Support certain standards for filing claims for such injuries. 2/68; 8/69

Substance Abuse. See entry under Health/Mental Health.

Terrorism Insurance. See entries under Disaster Preparedness.

Tort Liability System. Adopt recommendations of the McKay Commission to improve the Tort Liability System concerning (a) establishment of a commission to improve the liability insurance system; (b) awarding of pain and suffering damages; (c) awarding of punitive damages; (d) modification of the doctrine of joint and several liability, (e) arrangements for attorneys’ fees; (f) secrecy and coercive agreements; (g) streamlining the litigation process; (h) injury prevention/reduction; and (i) establishment of a commission on mass torts. 2/87

Universal 24-Hour Health Coverage. See Medical Payments entry, this section.

Workers Compensation Adjudications. Recommend that the decisions of adjudicators on formal workers’ compensation hearings, state findings, conclusions and the basis for all material issues of fact, law or discretion presented on the record, including the adjudicator’s reasons for accepting expert testimony. Recommend that state administrative and judicial appellate reviewers of findings of fact made in formal workers’
compensation proceedings examine the record under a minimum standard of “Substantial Evidence upon the whole Record.” 2/93; 2/94

**Workers’ Compensation.** Oppose legislation mandating minimum federal standards for state plans of workers’ compensation; urge that workers’ compensation systems remain the responsibility of states and oppose federal legislation infringing upon the states’ systems. 2/74; 2/80

Urge states to set up non-profit charitable organizations to establish college funds for claimants’ children. 8/94

**Y2K Legislation.** Urge Y2K legislation to be amended to exclude certain provisions and include pre-litigation notice and encouragement of ADR. (BOG699) 6/99

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**Note:**

**NCCUSL UNIFORM LAWS ARE NOT ON THIS LIST**
Please refer to ABA Policies and Procedures Handbook for a complete listing of Uniform Acts promulgated by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and approved by the House of Delegates.

They are not included in this list because their substance is not adopted as ABA Policy.