## PRELIMINARY AGENDA

**AMERICAN BAR ASSOCIATION**  
**HOUSE OF DELEGATES**  
**2019 ANNUAL MEETING**  
**SAN FRANCISCO, CALIFORNIA**

<table>
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<th>REPORT #</th>
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| 10A | NEW YORK STATE BAR ASSOCIATION  
NEW YORK COUNTY LAWYERS ASSOCIATION  
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES  
CENTER FOR INNOVATION  
INTERNATIONAL LAW SECTION  
Encourages online providers of legal documents to adopt the ABA *Best Practice Guidelines for Online Legal Document Providers.* |
| 10B | COLORADO BAR ASSOCIATION  
MONTANA BAR ASSOCIATION  
TORT TRIAL & INSURANCE PRACTICE SECTION  
SOLO, SMALL FIRM AND GENERAL PRACTICE DIVISION  
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES  
Urges Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States. |
| 10C | MARICOPA COUNTY BAR ASSOCIATION  
Urges all private and public universities and colleges to uphold the principles of free expression on university and college campuses to promote freedom of debate and thought, and to protect that freedom when others attempt to restrict it. |
| 11-1 | CONSTITUTIONAL AMENDMENT  
Amends §1.2 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 §6.2(a)(1) to provide the U.S. Virgin Islands with a State Delegate, who pursuant to the existing language of §9.2 would automatically serve as a member of the Nominating Committee. |

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
11-3 CONSTITUTIONAL AMENDMENT
Amends § 6.4(a) to allow individuals who meet a state’s definition of young lawyer to serve as a young lawyer member of the House of Delegates for that state.

11-4 CONSTITUTIONAL AMENDMENT
Amends §6.7(b) to allow the Law Student Division to increase their number of delegates in the House of Delegates from 3 to 6 delegates.

11-5 CONSTITUTIONAL AMENDMENT
Amends §6.8 to include the Electric Cooperative Bar Association (ECBA) as an affiliated organization of the American Bar Association (ABA) and be represented in the ABA House of Delegates accordingly.

11-6 BYLAWS AMENDMENT
Amends §31.7 to sunset the Standing Committee on Governmental Affairs.

11-7 BYLAWS AMENDMENT
Amends §31.7 to sunset the Standing Committee on the American Judicial System.

11-8 BYLAWS AMENDMENT
Amends §31.7 to change the number of members from 15 to 12 for the Standing Committee on Public Education and from 12 to 8 for the Advisory Commission to the Standing Committee.

11-9 BYLAWS AMENDMENT
Amends §§ 33.1 and 33.2 to change the language in order to normalize the work of the Board of Editors, and the appointed volunteer members to be able to provide their perspectives and guidance regarding the Journal.

100A NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
Encourages state, local and territorial jurisdictions that do not presently have a central panel system to establish this proven model of state administrative law adjudications.

100B NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
Encourages federal, state, and local governments to take all measures to maximize the ability of all Administrative Adjudicators to render decisions, freely, fairly, and independent of agency interference.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
101 NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS
CRIMINAL JUSTICE SECTION
Urges Congress to make the ameliorative provisions of the First Step Act
retroactive and urges the President and Attorney General to take action to
implement the provisions of the Act.

102 LAW STUDENT DIVISION
Urges state, territorial, tribal courts and law schools to explore the feasibility of
implementing a “Pro Bono Scholars”-style program in their respective
jurisdictions to allow law students, in the final semester of their third year of law
school, to obtain a full-time, externship placement providing supervised pro bono
services and to allow these scholars to take the February Bar examination (if
offered) during their final semester of law school.

103A COMMISSION ON LAW AND AGING
SENIOR LAWYERS DIVISION
Urges Congress to repeal the statutory exclusion of dental care and dentures
from Medicare and expressly add coverage of comprehensive dental and oral
health services to the Medicare program.

103B COMMISSION ON LAW AND AGING
SENIOR LAWYERS DIVISION
REAL PROPERTY, TRUST AND ESTATE LAW SECTION
Urges all lawyers who provide estate planning services to include counseling for
advance care planning that comports with eight principles that were developed
through the John A. Hartford Foundation funded project.

104 CRIMINAL JUSTICE SECTION
Urges Congress to enact legislation to resolve the current stalemate between
state and federal law over marijuana regulation and to update federal marijuana
policy.

105 STANDING COMMITTEE ON GUN VIOLENCE
CRIMINAL JUSTICE SECTION
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
JUDICIAL DIVISION
Urges state, local, territorial, and tribal governments to enact statutes, rules or
regulations and judges to promulgate policies to limit the possession of firearms
in courthouses and judicial centers to only those persons necessary to ensure
security.

106 COMMISSION ON WOMEN IN THE PROFESSION
Urges all legal employers to implement and maintain policies and practices to
close the compensation gap between similarly situated male and female lawyers.

Copies of Resolutions with Reports are available upon request to the Policy and Planning Division.
107 STANDING COMMITTEE ON PROFESSIONAL REGULATION
YOUNG LAWYERS DIVISION
SECTION OF LITIGATION
STANDING COMMITTEE ON PUBLIC PROTECTION IN THE PROVISION OF LEGAL SERVICES
STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON PROFESSIONALISM
GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION
NATIONAL ORGANIZATION OF BAR COUNSEL

Urges each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory (PMBR) programs to enhance compliance with applicable rules of professional conduct and supplement existing disciplinary enforcement mechanisms.

108 STANDING COMMITTEE ON SPECIALIZATION

Grants reaccreditation to the Child Welfare Law program of the National Association of Counsel for Children, and the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy.

109 YOUNG LAWYERS DIVISION

Seeks to ensure that children who live in poverty, high crime communities, or experience race based trauma, or related stress, receive the in-school service support needed to maintain or restore good health.

110A INTELLECTUAL PROPERTY LAW SECTION
LITIGATION SECTION

Supports legislation creating the establishment of a Copyright Small Claims Program, with authority to adjudicate copyright small claims as a lower-cost, less-time-consuming alternative to federal court litigation of copyright claims.

110B INTELLECTUAL PROPERTY LAW SECTION

Urges federal courts to interpret the clause “where the defendant has committed acts of infringement and has a regular and established place of business,” in the special venue statute, 28 U.S.C. § 1400(b) when applied to Abbreviated New Drug Application (ANDA) litigation under 35 U.S.C. § 271(e)(2) to mean a district in which the defendant who filed an ANDA application is anticipated to commit acts of infringement.

110C INTELLECTUAL PROPERTY LAW SECTION


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ENVIRONMENT, ENERGY, AND RESOURCES SECTION
LAW STUDENT DIVISION
INTERNATIONAL LAW SECTION
SCIENCE & TECHNOLOGY LAW SECTION
Urges the United States Government, state, territorial, and tribal governments to take a leadership role in addressing the issue of climate change and urges Congress to enact and the President to sign appropriate climate change legislation.

SCIENCE & TECHNOLOGY LAW SECTION
Urges courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence.

CENTER FOR HUMAN RIGHTS

CENTER FOR HUMAN RIGHTS
URGES CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges all governments to prioritize dignity rights in crafting, implementing, and enforcing laws, policies, regulations, and procedures.

CENTER FOR HUMAN RIGHTS
URGES CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, particularly the Human rights provisions thereof.

COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
CRIMINAL JUSTICE SECTION
CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
Urges legislatures and courts to define consent in sexual assault cases as the assent of a person who is competent to give consent to engage in a specific act of sexual penetration, oral sex, or sexual contact, to provide that consent is expressed by words or action in the context of all the circumstances, and to reject any requirement that sexual assault victims have a legal burden of verbal or physical resistance.

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115A  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
NATIONAL NATIVE AMERICAN BAR ASSOCIATION  
COMMISSION ON HOMELESSNESS AND POVERTY  
Urges Congress to ensure that the health care delivered by the Indian Health Service (IHS) is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration.

115B  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
Urges Congress, states, and territories to enact legislation that would provide stronger remedies and protections against pay discrimination on the basis of sex (including gender and gender identity), race and ethnicity to help overcome the persistent barriers that continue to impede the achievement of pay equity.

115C  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
NATIONAL NATIVE AMERICAN BAR ASSOCIATION  
CENTER FOR CHILDREN AND THE LAW  
COMMISSION ON YOUTH AT RISK  
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE  
Supports the constitutionality of the Indian Child Welfare Act (ICWA) in the effort to strengthen tribal jurisdiction over their child welfare system, uphold tribal kinship and set standards specific for American Indians/Alaska Natives child and youth placement.

115D  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
Urges the Department of Justice to retain—as a minimum threshold—existing policy protections, as codified at 28 C.F.R. § 50.10 (2016), that limit federal law enforcement in obtaining information from, or records of, members of the news media, and that limit federal law enforcement in questioning, arresting, or indicting members of the news media.

115E  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY  
Urges the United States Congress, and local, state, territorial and tribal governments to enact legislation or regulations that require all law enforcement entities to meet training standards set by the Commission on Police Officer and Standard Training (POST) similar to California’s legislation, AB 2504, Peace Officer Training.

115F  CIVIL RIGHTS AND SOCIAL JUSTICE SECTION  
COMMISSION ON WOMEN IN THE PROFESSION  
Urges federal, state, local, territorial, and tribal governments to refrain from imposing upon reproductive healthcare providers requirements that are not medically necessary or have the purpose or effect of burdening women’s access to such services.

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115G CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
STATE AND LOCAL GOVERNMENT LAW SECTION
COMMISSION ON HOMELESSNESS AND POVERTY
Urges Congress to amend the Equal Credit Opportunity Act to require documentation and collection of the applicant’s race, gender or national origin for non-mortgage credit transactions specifically for vehicle transactions and urges Congress and all state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies that require an enhanced nondiscrimination compliance system for a vehicle loan.

115H CIVIL RIGHTS AND SOCIAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
COMMISSION ON HOMELESSNESS AND POVERTY
Urges the United States Government, and Governments around the world to promote the human right to a basic income by increasing the funding, development and implementation of basic income strategies to prevent infringement of this right.

116 LITIGATION SECTION
Urges courts, as well as their respective bar associations, to carefully review their policies on use and admittance of cellphones in courthouses, to ensure meaningful access to our judicial system, balancing the security risks posed by cellphone use with the needs of litigants, and in particular, those who are self-represented or of lower income.

117A HEALTH LAW SECTION
Urges states, counties, tribal and local governments to enact legislation to ensure that any proceeds they receive from the current opioid litigation be used for remedying the harm resulting from the opioid epidemic.

117B HEALTH LAW SECTION
Urges Congress to enact legislation to amend the Ethics in Patient Referrals Act of 1989 (commonly known as the Stark Law) to modernize the law and encourage the adoption of value-based payment arrangements and other coordinated care arrangements that will lower costs to the Medicare program and improve the quality of services to its beneficiaries.

118 COMMISSION ON YOUTH AT RISK
CENTER ON CHILDREN AND THE LAW
COMMISSION ON HOMELESSNESS AND POVERTY
LITIGATION SECTION
Emphasizes the right of parents and children to family integrity and family unity and the maintenance of family connectedness if a child does need to enter foster care.

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TASK FORCE ON GATEKEEPER REGULATION AND THE PROFESSION
SECTION OF BUSINESS LAW
SECTION OF REAL PROPERTY, TRUST & ESTATE LAW
CRIMINAL JUSTICE SECTION
Provides that any legislation and related regulations to detect and combat money
laundering and terrorist financing must be consistent with the eight fundamental
principles outlined in the resolution.

INTERNATIONAL LAW SECTION
Urges the United States and other countries to take measures in response to the
crimes committed against the Rohingya by the Burmese military.

COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review amend 8 C.F.R.
§1003.1(h) and establish, through rulemaking, standards and procedures for the
Attorney General certification process.

COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review create a
presumption to extend the filing of an appeal to the Board of Immigration Appeals
(BIA) for pro se applicants.

COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review continue the
implementation of an integrated, system-wide electronic filing and case
management system nationwide, with adequate funding from Congress.

COMMISSION ON IMMIGRATION
Recommends that the Department of Homeland Security (DHS) codify the core
requirements of the 2009 Parole Directive into regulation.

COMMISSION ON IMMIGRATION
Recommends that the Circuit Court of Appeals establish or expand pro bono
programs to provide pro bono representation to pro se appellants to help
efficiently resolve immigration cases.

COMMISSION ON IMMIGRATION
Recommends that the Executive Office for Immigration Review amend
regulations to eliminate the automatic termination of voluntary departure when
an applicant petitions for judicial review under 8 C.F.R. §1240.26(i) and also to
implement an automatic stay of removal or deportation pending judicial review
by the U.S. Circuit Court of Appeals or the pendency of the appeal period.

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122 STANDING COMMITTEE ON PARALEGALS
Grants approval to 3 programs, grants reapproval to 17 paralegal education programs, withdraws the approval of 8 programs at the request of the institutions, and extends the term of approval for 42 paralegal education programs.

200 STEERING COMMITTEE OF THE NOMINATING COMMITTEE
Revises the *Principles and Guidelines on the Election Process for Officers of the Association*.

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 1999 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.