MEMORANDUM

TO: 
FROM: 
SUBJECT: 2018 Annual Meeting of the American Bar Association and Meeting of the House of Delegates 
DATE: August 30, 2018

REPORT ON THE ABA ANNUAL MEETING

The 140th Annual Meeting of the American Bar Association (the “ABA” or the “Association”) was held August 2-7, 2018, at the Hyatt Regency Chicago Hotel, in Chicago, Illinois. 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 5, 2018. The following candidates seeking nomination at the 2019 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association present: G. Nicholas Casey, Jr. of West Virginia and Patricia Lee Refo of Arizona, candidates for President-Elect for the 2019-2020 term; and Timothy W. Bouch of South Carolina and Kevin L. Shepherd of Maryland, candidates for Treasurer for the 2020-2023 term (to serve as Treasurer-Elect in 2019-2020).

THE HOUSE OF DELEGATES

The House of Delegates of the American Bar Association (the “House”) met on Monday, August 6, and Tuesday, August 7, 2018. Deborah Enix-Ross of New York presided as Chair of the House of Delegates.

The Chicago Police Department Honor Guard presented the colors. The invocation for the House was delivered by former ABA President Robert J. Grey, Jr. of Virginia. 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 noted that two additional bar association resolutions were filed and moved that one late-filed resolution be calendared. 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 2019
Midyear Meeting is Wednesday, November 14, 2018, while the deadline for Informational Reports is Friday, December 7, 2018. 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 to have remarks regarding former presidents and chairs of the house only.

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

Secretary Mary L. Smith of Illinois moved that the proposed Summary of Action for the House for the 2018 Vancouver Midyear Meeting be adopted as the official record of the House. The motion was approved. Secretary Smith moved that the House adopt the recommendations for the continuation of certain special committees and commissions (Report 177A). The motion was approved. Secretary Smith noted the submission of Report No. 177B, the Board of Governors Informational Report.

Deceased members of the House were named and remembered by a moment of silence. Chair Enix-Ross recognized Reginald M. Turner, Jr. of Michigan and former ABA President Dennis W. Archer of Michigan on a point of personal privilege to speak about past president Wallace D. Riley of Michigan.

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, Reew 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 9-11, 2019.

Chair Enix-Ross referred delegates to materials at the delegates’ seats or on the publications’ table highlighting ABA Insurance, and the Judges’ Journal magazine that focuses on the timely topic regarding building public trust in the American Justice System.

Chair Enix-Ross noted that the ABA Medal was presented at the General Assembly and congratulated Bryan Stevenson as the recipient of the 2018 ABA Medal. Chair Enix-Ross also recognized Rochelle Evans, Director of ABA Division for Policy and Planning, for her more than 29 years of exemplary service to the American Bar Association. Ms. Evans will be leaving the ABA August 31, 2018.

Statement by the ABA President

ABA President Hilarie Bass of Florida expressed her pride in the ABA’s staff and volunteers as well as the reputation of the Association. That pride reached a new high during the immigration crisis as lawyers stepped up to fight injustice and help families in need. ABA’s ProBar is on the ground helping clients who have been separated from their children and have not been told what they needed to do to get them back. Ms. Bass stated that the lawyers of America will not rest until all are reunited with their children. In support of this work, the FJE has developed a website to inform people how they can help. Law firms have been sending lawyers to the border and numerous entities within the ABA have worked with other organizations to aid in the crisis. In addition, over $300K has been donated to FJE by 1200 people, the vast majority of which are non-ABA members and the ABA has received commitments of $1M from foundations to support this work. Of 2600 children separated from their parents, 650-700 remain in government custody and may never see their parents again. These children and their parents must have pro-bono lawyers in order to navigate the process. The ABA is committed to providing this legal assistance. Ms. Bass thanked Kimi Jackson, Director of ProBar, and Meredith Linsky and Mary Meg McCarthy from the ABA Commission on Immigration who continue to work valiantly during this crisis.
President Bass noted that the ABA has addressed other important issues including the provision of services to homeless youth. After an international summit last fall, the House approved the principles of the UN General Comment on Street Youth. The implementation mechanisms associated with this will be distributed to 191 signatory countries shortly and the ABA will be available to assist these countries. Domestically the ABA continues to pair law firms, in-house counsel groups and bar associations with homeless youth to provide needed legal services.

Another important focus has been on achieving long-term career success for women lawyers. Research shows that the profession is not supportive of women in the practice of law with high incidents of gender bias, discrimination and unwanted sexual contact. These findings are disturbing and require action. Next year the ABA will come back with list of specific recommendations so that women can look forward to the same opportunities as their male counterparts.

The Commission on the Future of Legal Education is working to align the ABA’s system of legal education and licensing with the practice needs of lawyers in the 21st century. Studies are being conducted to advise on how to accomplish this and aspiration principles will be developed for law school and employers to aid students and evaluators.

Also of concern is the issue of the physical and mental health of the profession. The ABA has done research on attorney impairment and found alarming rates of alcoholism and substance abuse as well as high rates of depression and anxiety among lawyers. Added to this, lawyers are reluctant to seek help. A working group on the advancement of attorney well-being has developed a tool kit for employers to assist in this area.

The ABA has also been active in fighting the criminalization of the poverty that occurs when people are jailed because they cannot pay court-ordered fees or fines. The Working Group on Building Trust in the Justice System is proposing ten guidelines to help jurisdictions avoid putting people in jail because they cannot pay fines and fees. In other work, President Bass noted that Federal Emergency Management Agency (“FEMA”) contracts with the ABA’s Young Lawyers Division (“YLD”) to provide legal services to disaster victims and expressed her thanks and pride in the work they have done this year.

In terms of the internal operations of the ABA, enormous progress has been made focusing on improving efficiency and prioritizing the ABA’s goals. The ABA has an updated web site that is now in beta. The ABA has also done an associated-wide realignment. There are now ten centers each focused on one of the association’s priorities and grouping entities together that are engaged in similar work. Staff efficiencies were also realized. In addition, the ABA has been working on a new membership model with lower dues, more member content, including CLE as well as curated content. President Bass thanked James Dimos, Deputy Executive Director and Standing Committee on Membership (“SCOM”) chair Tracy Giles who worked hard to develop this model.

President Bass closed by stating that the reason we work so hard to make sure the ABA is strong is not only because it represents the entire profession, but because of its role in defending the independence of the judiciary throughout the world. As part of this effort, the
Rules of Law Initiative ("ROLI") provides legal support and education in 50 countries around the world to address issues such as gender abuse in the Congo, assisting Syrian refugees in Turkey, and educating Libyans on their new constitution. The ABA makes a difference everyday as it stands up for the rule of law, the independence of the judiciary and ensures that our profession lives up to its ideals.

President Bass was thankful for the opportunity to serve and to the ABA staff, its volunteers, her assistant, and her law firm Greenberg Traurig.

Statement by the Executive Director

ABA Executive Director Jack L. Rives of Illinois thanked President Bass and Chair Enix-Ross as well as the members of the House for their service. He welcomed the members of the House to Chicago, headquarters of the ABA, and noted that the city of Chicago is a story of change and resiliency much like the ABA. His remarks focused on finding solutions to the Association’s challenges, including a need to recruit and retain dues-paying lawyer members; prioritizing and examining spending; and making technological and structural changes. The ABA has many strengths compared to other associations trying to increase their membership, such as $300M in highly liquid assets, an expense budget of $210M, and more than 400,000 members. However, due to revenue shortfalls, major changes have been needed and cutting expenses has been critical. Comparing the 2019 budget to that of 2014, has reduced annual general revenue expenses by $25M, or 22 percent.

The ABA is at an inflection point and the decisions made today will position the ABA to be the guiding force and the voice of the legal profession in the years ahead. The ABA must tear down the silos within the ABA to build cooperation among the many entities. To accomplish this, the staff structure has been simplified and staff reorganized around the four goals of the Association. This reorganization and the staff reduction will save $4.5M in FY19 and future years.

The Board of Governors has begun to prioritize spending using the following criterion to evaluate programs: does it serve existing members; does it attract new members; is it redundant with another program; is it successful; is it something only the ABA can do; and are other funding sources available? Based on these factors, the Board reduced programmatic spending by more than $2M for FY19.

As the ABA moves forward, there needs to be a clear value proposition for members through a new membership model. The first part of achieving this is to simplify the dues structure, and the proposal before the House has five price levels, down from 157. The ABA must provide reasons to join the Association, and that will be done through a bundle of new benefits including: 1) a CLE marketplace with more than 650 CLE programs for members at no additional cost; 2) provision of curated content; 3) access to content from the Law Practice Division, Solo, Small Firm and General Practice Division ("GP Solo"), and the Center for Professional Responsibility; 4) member-only access to materials behind a pay wall; and 5) a new and streamlined website that functions efficiently on mobile devices. The ABA must effectively communicate its value proposition. The ABA will be hiring a Chief Marketing Officer and an outside marketing firm help convey the ABA’s value to lawyers.
The winds of change are all around, not only in the profession but also within the Association. The ABA can weather the storm if it has the courage to make the profound and essential decisions that will help the ABA grow membership and better appeal to the legal community. Doing it will place the ABA on a firm foundation for success for the next 140 years.

**SCOPE Nominating Committee**

Thomas M. Fitzpatrick of Washington, Chair of the Committee on Scope and Correlation of Work (“SCOPE”), nominated Linda L. Randell of Connecticut, to serve on the Committee on Scope for a 5-year term, beginning at the conclusion of the 2018 Annual Meeting. Chair Fitzpatrick then moved to close the nominations. The motion was approved. Later that day, the House elected Ms. Randell to serve on SCOPE.

**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 David S. Houghton, President of the American Bar Foundation (“ABF”), Ajay K. Mehrotra, Director of the American Bar Foundation, Stephen N. Zack, Vice President of ABE, Michelle A. Behnke, ABA Treasurer, 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 $3,545,630. In addition, Mr. Patterson noted that the ABE made opportunity grants totaling $300,000 to state and local bar associations to aid in their work. Mr. Zack encouraged state and local bar associations to apply for opportunity grants in the coming year.

**Passing of the President’s Gavel and Statement by President-Elect**

ABA President Hilarie Bass introduced and passed the gavel to President-Elect Robert M. Carlson of Montana. Mr. Carlson was sworn in as President of the American Bar Association by the Honorable Leslie Halligan, judge of the Fourth Judicial District Court. Mr. Carlson thanked President Bass and Chair Enix-Ross for their service and thanked the dedicated staff of the ABA and his wife Cindy, his family, the Montana delegation and others.

Mr. Carlson expressed that he is honored to steward the ABA and to fight for American lawyers and the public they serve. As the ABA moves forward, its agenda will determine the health of the association and its position the world. The profession and the nation needs the ABA to be a strong, national, collective voice that stands against those who oppose equal justice under law, mock due process and scorn the independent judiciary.

Some cynics say the ABA is driven by ideology and they are correct. The ABA ideology is the essential role of an independent legal profession and an independent and impartial judiciary. The ABA is the protectors of equal justice under law in a free democratic society. Mr. Carlson stated that his leadership is rooted in the four goals of this association: to serve our members, improve the profession, eliminate bias, and advance the rule of law. Today the ABA is serving its members by lowering their dues and enhancing member benefits so more
members can be part of the ABA. In addition, the ABA will promote standard member benefits that many are not aware of such as the ABA Retirement Funds and ABA Insurance. As the gold standard of law practice, the ABA will build on ABA Blueprint to make it easier and less expensive for lawyers to get the tools they need. This will also provide a pivotal member benefit. The Association will advance Goal 2 through highest quality legal education, ethics, professionalism and pro bono. The ABA will build on our initiative on the Future of Legal Education and ABA Center on Innovation as well as encouraging pro bono work and legal aid. The ABA also seeks to improve the profession by addressing issues of mental health and wellness. Goal 3 to eliminate bias and increase diversity is served when the ABA encourages everyone to be at the table. As President Carlson stated he will continue efforts to rebuild the public’s trust in the judicial system and to make sure the courts are open and accessible to all. Justice must be available to everyone and justice must look like everyone. The ABA will fight every day until that happens. Goal 4 is to advance the rule of law and the ABA will always be there to protect an impartial and adequately funded judiciary. In addition, the ABA is the only group that reviews judicial appointees solely on their professional qualifications. The ABA advances the rule of law by standing up for an independent profession, by fighting for adequate funding for legal services, and by ensuring America’s constitutional protections are honored everywhere, including U.S. borders. Mr. Carlson expressed his excitement about Law Day 2019 with the theme: Free Speech, Free Press, Free Society. Now more than ever Americans need to hear the voices of lawyers who stand up for the rule of law and American lawyers need a strong national voice that only the ABA can provide. All of us working together can make America a beacon for liberty and justice.

Issues of Concern to the Legal Profession Presentation

Chair Enix-Ross recognized Mark I. Schickman of California, Chair of the Committee on Issues of Concern to the Legal Profession who introduced University of Chicago law professor Lior J. Strahilevitz who addressed the state of privacy laws and regulations around the world including recent developments such as the European Union’s General Data Protection Regulation (GDPR), California’s Consumer Privacy Act of 2018, and the recent U.S. Supreme Court decision in Carpenter vs. the United States.

Greetings by Rahm Emanuel, Mayor of Chicago

The Honorable Rahm Emanuel, Mayor of Chicago, welcomed the delegates to Chicago. He spoke about his grandfather who had only one cousin that he could live with when he came to America at age 13 years old to make a new life. Today his grandfather would be called “undocumented” and yet today his grandson is the mayor of the city to which he came. Mr. Emanuel spoke of Chicago as a welcoming city to all and noted that Chicago will never turn its back on people who struggle to give their kids a better chance. As part of this effort, he noted the success of Chicago’s summer jobs program. Mayor Emanuel thanked the ABA for having its conference in Chicago and encouraged members to enjoy the city and to “spend a lot of money.” He stressed that we should never allow the rule of one man’s opinion over the rule of law, and he encouraged America’s lawyers to have their voices heard.
Resolution and Impact Review Committee Video Presentation

Chair Enix-Ross recognized John C. Yang of Virginia, Chair of the Resolution and Impact Review Committee. Mr. Yang reported that every other year, the Committee selects one or two resolutions to highlight and this year the Committee selected Resolution 107A which was approved in 2015. Resolution 107A addressed the issue of youth shackling in the criminal justice system. A video presentation addressed the impact Resolution 107A has had on the criminal justice system.

Statement by the Treasurer

ABA Treasurer, Michelle A. Behnke of Wisconsin reported on the FY18 year to date results and on the FY19 budget.

**FY18 results.** Revenue has been a challenge over the last few years. This year budgeted $172.6M was budgeted in revenue and year to date actual revenue is $168.7M. In terms of general operations, this is because of lower than expected dues collection and a shortfall in sponsorships, meeting fees and advertising. In sections, the revenue shortfall in dues and meeting fees was offset by higher than expected royalties. **Expenses.** The ABA is usually able to manage expenses however this year general operation is $1.1M over budget, primarily because of litigation costs associated with accreditation. Section expenses are favorable in mostly all line items. As a result, on a consolidated basis expenses were under budget by $3.6M. Together **overall results** through June show the ABA has a $4M deficit. **Non-operating activity.** The ABA had investment income of $5.1M that is reduced by non-operating expenses (primarily associated with the reorganization). On a consolidated basis, operating and non-operating results show a $4.6M deficit year to date. On the **balance sheet** the ABA has $330M in assets and liabilities of $162M (primarily the pension loan and the pension obligation) resulting in $167.5M of net assets. This year there was a $13M reduction in liabilities because of decrease in obligations to the pension fund resulting from increases in interest rates. In summary, net assets are impacted by three primary factors: the pension liability, investment income and what we spend on operations.

**FY19 Budget.** The dues revenue has been decreasing each year. In recognition of this, next year the Board has budgeted $54.2M in dues revenue (2% less than the actual dues collected this year.) The budget was also built on applying less investment income to operations (3.5%) and decreasing the expected advertising revenue. All together this reduced budgeted revenue by $6.9M. In addition, expenses were reduced by $7.1M through reorganization, implementing a new meeting and travel policy, and making programmatic changes. This budget will produce a small surplus. These changes have not been easy and it will take everyone working together to define the ABA’s future and to keep the ABA strong and vibrant.

Election of Officers and Members of the Board of Governors

On behalf of the Nominating Committee, the Honorable James S. Hill of North Dakota, 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:

**OFFICERS OF THE ASSOCIATION**

**President-Elect for 2018-2019 Term**
Judy Perry Martinez of Louisiana

**Chair, House of Delegates for 2018-2020**
William R. Bay of Missouri

**MEMBERS OF THE BOARD OF GOVERNORS (2018-2021 Term)**

**District Members**
District 3: Lynn Fontaine Newsome of New Jersey
District 5: Charles E. English, Jr. of Kentucky
District 9: Susan M. Holden of Minnesota
District 14: Andrew J. Demetriou of California
District 15: Mark Alcott of New York
District 16: David W. Clark of Mississippi
District 17: Rew R. Goodenow of Nevada

**Section Members-at-Large**

Section of Administrative Law
H. Russell Frisby, Jr. of the District of Columbia

Section of Civil Rights and Social Justice
Stephen Wermiel of the District of Columbia

Section of Health Law
Howard T. Wall III of Tennessee

**Goal III Minority Member-at-Large**
Michele Wong Krause of Texas

**Judicial Member-at-Large**
Hon. Frank J. Bailey of Massachusetts

**Young Lawyer Member-at-Large**
Sheena R. Hamilton of Missouri
Law Student Member-at-Large (One-Year Term 2018-2019)

Matthew W. Wallace of New York

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 Robert M. Carlson of Montana will assume that office.

Remarks by President-Elect Nominee

President-Elect Nominee, Judy Perry Martinez of Louisiana stated that it is an honor to serve the Association. She thanked her law firm and her past employer as well as her husband and family for their support. Ms. Martinez also recognized the dedicated staff of the ABA as well as the officers and Board of Governors. She also expressed her admiration for outgoing President Hilarie Bass and her ability to drive change and incoming president Robert Carlson for his commitment to making this association stronger.

Ms. Martinez noted that the ABA must face the work that lies ahead with hope. She noted that there will be sacrifices, but that the ABA must do what is necessary to drive a stronger association, because the profession is in need of the Association’s collective leadership. Ms. Martinez spoke about Equality and noted Equal treatment of all in the profession and the justice system must be realized and everyone can do more to make this a reality. She then turned to Innovation and asserted that it is everyone’s duty to be forward thinking. She said there must be research, education and design accessible solutions that benefit the public and make sense for the long-term sustainability of the profession. She urged that the ABA must change to meet the needs of American lawyers today. Ms. Martinez next spoke about the ABA as the Voice of the Legal Profession. She said that the Association’s finest moments are when the ABA uses its voice and resources to speak in the areas where the ABA speaks with authority and an expertise about the law. The ABA must speak for the rule of law, independence of the judiciary, free press, and speak out against injustice. Lawyers must give the best to those that we have taken an oath to protect and serve.

She noted that the greatest contribution lawyers can bring to a challenge or a problem is the ability to bring people of different perspectives together to discuss and devise solutions. The ABA brings lawyers together from all areas of the law to speak on issues critical to the rule of law and our democratic values. Ms. Martinez challenged everyone to show the world the ABA, the American justice system, and to make a difference.

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 Hilarie Bass and the ABA for a strong partnership with the LSC and noted that the ABA has been an indispensable ally with LSC. The ABA’s presence on the Hill during ABA Day is critical to adequately funding the LSC. As part of its work, the LSC has established two task forces. The first is focused on the opioid crisis and will highlight the critical role of legal aid programs and will identify best practices to aid in that work. Second is the disaster task
force that will develop a systematic approach to responding to the civil legal needs of low income Americans who are victims of a disaster. Mr. Levi outlined approaches the LSC is taking to address these and other legal needs of Americans. Despite these efforts, America is still burdened by a legal justice gap. There are over a million issues brought to legal services centers which cannot be addressed because of a lack of resources. The civil legal needs of 86% of low-income persons were left unmet. In some courts 90% of low income tenants have no representation and 90% of parents in child support cases are not represented. LSC funding must be significantly increased in order to make the justice system accessible to all Americans. Equal justice is not charity rather it is critical to democracy and the rule of law. Efforts must be redoubled to ensure this access to the justice system.

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.

**ADMINISTRATIVE LAW JUDICIARY**

[113] On behalf of the National Conference of the Administrative Law Judiciary, Hon. Julian Mann III from Louisiana moved revised Resolution 113 adopting the *ABA Model Code of Judicial Conduct for State Administrative Law Judges*, dated August 2018, and urging governments to enact and adopt the Model Code. Hon. Mary Kelly of California spoke in support of the resolution. The resolution was adopted as revised.

**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. Items 35 and 36 were 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 1998 which were previously considered for archiving but retained, be archived. Items 3 and 39 were removed from the archival list prior to approval.

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

[11-1] Association Member Edward Haskins Jacob of the Virgin Islands presented and Secretary Mary L. Smith of Illinois 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 that the committee reviewed the resolution and found that it was inconsistent with §1.2 of the ABA Constitution. Mark I. Schickman of California moved to postpone indefinitely. Robert L. Weinberg of the District of Columbia spoke in opposition to the motion. Alice E. Richmond of Massachusetts spoke in support of the motion. Tom Bolt of the Virgin Islands
asked for a point of order. The motion to **postpone indefinitely was approved.**

[11-2] Anthony M. Ciolli of the Virgin Islands moved Resolution 11-2 amending §6.2(a)(1) of the Association’s Constitution 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. Carlos A. Rodriguez-Vidal of Puerto Rico, Chair of the Standing Committee on Constitution and Bylaws, reported that the committee reviewed the resolution and approved it as to form but took no position on the substance. Palmer Gene Vance II of Kentucky spoke in opposition to the resolution. Thomas Bolt of the Virgin Islands, Adriane J. Dudley of the Virgin Islands, and Michael M. Miller of Minnesota spoke in support of the resolution. Robert M. Carlson of Montana moved to postpone indefinitely. Anthony Ciolli of the Virgin Islands spoke in opposition to the motion to postpone. The motion to **postpone indefinitely was approved by a vote of 237 to 226.**

[11-3] Seth Rosner of New York moved Resolution 11-3 amending §6.7(e) of the Association’s Constitution to increase the number of Senior Lawyers Division delegates to the House of Delegates from two to four. Carlos A. Rodriguez-Vidal of Puerto Rico, Chair of the Standing Committee on Constitution and Bylaws, reported that the committee reviewed the resolution and approved it as to form but took no position on the substance. John Weber of Kentucky spoke in support of the resolution. The resolution was **adopted.**

[11-4] Andrew M. Schpak of Oregon moved Resolution 11-4 amending §7.3 of the Association’s Constitution to reconcile the eligibility requirements for a young lawyer member-at-large on the ABA Board of Governors with the definition of young lawyer in the ABA Young Lawyers Division Bylaws. Carlos A. Rodriguez-Vidal of Puerto Rico, Chair of the Standing Committee on Constitution and Bylaws, reported that the committee reviewed the resolution and approved it as to form but took no position on the substance. The resolution was **adopted.**

[11-5] The House approved by consent Resolution 11-5 amending §29.6 of the Association’s Bylaws to clearly state that the Association’s financial statements are audited and not the Treasurer’s report, and that the Association’s annual financial statements shall be submitted for examination and audit by a certified public accountant designated by the Board of Governors upon recommendation of the Audit Committee.

[11-6] The House approved by consent Resolution 11-6 amending §31.7 of the Association’s Bylaws to more completely and accurately reflect the Standing Committee on Audit’s duties as they have been assigned by the Board of Governors.

[11-7] Frank X. Neuner, Jr. of Louisiana moved Resolution 11-7 amending §31.7 of the Association’s Bylaws to change the name of the Standing Committee on Client Protection to the Standing Committee on Public Protection in the Provision of Legal Services and to amend its jurisdictional statement. Carlos A. Rodriguez-Vidal of Puerto Rico, Chair of the Standing Committee on Constitution and Bylaws, reported that the committee reviewed the resolution and approved it as to form but took no position on the substance. Janet Green-Marbley of Ohio spoke in opposition to the resolution. Lynda C. Shely of Arizona and Hon. Daniel J. Crothers of North Dakota spoke in support of the resolution. The resolution was **adopted.**
[11-8] The House **approved by consent** Report 11-8 amending §31.7 of the Association’s Bylaws to discontinue the Standing Committee on Medical Professional Liability at the conclusion of the 2018 Annual Meeting and that its work be subsumed by the Tort Trial and Insurance Practice Section.

[11-9] The House **approved by consent** Report 11-9 amending §31.7 of the Association’s Bylaws to change the name of the Standing Committee on Professional Discipline to the Standing Committee on Professional Regulation and to revise its jurisdictional statement.


[11-12] Tracy A. Giles of Virginia moved Resolution 11-12 amending various Sections of the Association’s Constitution and Bylaws as necessary due to the New Membership Model adopted by the Board of Governors and the House of Delegates. Carlos A. Rodriguez-Vidal of Puerto Rico, Chair of the Standing Committee on Constitution and Bylaws, reported that the committee reviewed the resolution and approved it as to form but took no position on the substance. The resolution was **adopted**.

**BUSINESS LAW**

[10B] On behalf of the New York State Association, Michael Miller of New York moved Resolution 10B urging Congress to enact legislation to provide a permanent exemption for the Commonwealth of Puerto Rico from the requirements of the Jones Act, 46 U.S.C. §§55101 et seq. Robert L. Weinberg of the District of Columbia, Roger Juan Maldonado of New York, Carlos A. Rodriguez-Vidal of Puerto Rico, Anthony M. Ciolli of the Virgin Islands, Sandra R. McCandless of California and David M. Rivera of Puerto Rico spoke in support of the resolution. The resolution was **adopted**.

**CIVIL RIGHTS AND SOCIAL JUSTICE**

[104A] On behalf of the Section of Civil Rights and Social Justice, Robert N. Weiner of the District of Columbia, moved Resolution 104A urging Congress to enact legislation that implements the “Law Enforcement Equipment Working Group Recommendations Pursuant to Executive Order 13688” dated May 2015. The resolution was **adopted**.

[104B] On behalf of the Section of Civil Rights and Social Justice, Estelle H. Rogers of California, **withdrew** Resolution 104B urging governments to adopt and enforce stronger fair lending laws targeted against discrimination in vehicle sales market and urging Congress to amend the Equal Credit Opportunity Act to collect data on race and national origin for auto-lending transactions.
On behalf of the Section of Civil Rights and Social Justice, Estelle H. Rogers of California, moved revised Resolution 104C supporting an interpretation of Section 1557 of the Affordable Care Act, 42 U.S.C. § 18116(a), that its prohibition on sex discrimination by covered health programs or activities includes discrimination on the basis of sexual orientation and gender identity. Kristen M. Galles of Virginia spoke in support of the resolution. The resolution was adopted as revised.

On behalf of the Section of Civil Rights and Social Justice, Estelle H. Rogers of California, moved Resolution 104D urging governments to enact legislation providing employees with job-guaranteed paid sick days and job-guaranteed paid family and medical leave. The resolution was adopted.

On behalf of the Section of Civil Rights and Social Justice, Mark I. Schickman of California, moved Resolution 104E urging governments and international institutions to adopt and implement legislation and regulations to eliminate, prevent and provide remedies for gender-based violence in the workplace, including sexual harassment, based on virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, the intersectionality between race and sex or status as a victim of domestic or sexual violence. Maria-Vittoria (Giugi) Carminati of Colorado spoke in support of the resolution. The resolution was adopted.

On behalf of the Commission on Women in the Profession, Hilarie Bass of Florida moved Resolution 300 urging legal employers not to require mandatory arbitration of claims of sexual harassment. Stephanie A. Scharf of Illinois spoke in support of the resolution. The resolution was adopted.

COURTS

On behalf of the Working Group on Building Public Trust in the American Justice System, Robert N. Weiner of the District of Columbia moved Resolution 114 adopting the black letter and commentary to the ABA Ten Guidelines on Court Fines and Fees, dated August 2018, and urging governmental agencies to promulgate law and policy consistent with the Guidelines. H. Thomas Wells, Jr. of Alabama, Jaime Hawk of Washington, and Joel D. Matteson of Washington spoke in support of the resolution. The resolution was adopted.

CRIMINAL JUSTICE

On behalf of the Criminal Justice Section, Neal R. Sonnett of Florida, moved Resolution 100A urging bar associations, law schools, and other stakeholders to develop and increase curricular offerings through which law students provide pro bono representation of incarcerated individuals and those reentering society. April Frazier Camara of Tennessee and Pauline A. Weaver of California spoke in support of the resolution. The resolution was adopted.

On behalf of the Criminal Justice Section, Judy Perry Martinez of Louisiana, moved Resolution 100B urging Louisiana and Oregon to require unanimous juries to determine guilt in felony criminal cases and reject the use of non-unanimous juries where currently allowed in felony cases. Vanessa A. Nordyke of Oregon spoke in support of the resolution. The resolution was adopted.
**DISABILITY RIGHTS**

[116A] On behalf of the Commission on Disability Rights, Robert T. Gonzales of Maryland withdrew Resolution 116A amending the Air Carrier Access Act (“ACAA”), 49 U.S.C. § 41705 (1986), to establish a private right of action violations of the ACAA and to provide equitable and legal relief, including compensatory and punitive damages, as well as reasonable attorneys’ fees, reasonable expert fees, and the costs to plaintiffs who prevail in civil actions.

[116B] On behalf of the Commission on Disability Rights, Robert T. Gonzales of Maryland moved revised Resolution 116B urging governments to: 1) enact laws and adopt policies that prohibit the use of out-of-school suspension and expulsion of pre-kindergarten through second grade students; 2) require ongoing training of teachers, administrators, and other school staff on alternatives to school exclusion; and, 3) provide sufficient funding and resources to ensure the provision of alternatives to school exclusion. The resolution was adopted as revised.

[116C] On behalf of the Commission on Disability Rights, Scott C. LaBarre of Colorado moved revised Resolution 116C urging all courts and other appropriate government entities to interpret Titles II and III of the Americans with Disabilities Act to apply to technology, and goods and services delivered thereby, regardless of whether it exists solely in virtual space or has a nexus to a physical space. The resolution was adopted as revised.

**DISPUTE RESOLUTION**

[105] On behalf of the Section of Dispute Resolution, Pamela C. Enslen of Michigan, moved Resolution 105 urging providers of domestic and international dispute resolution to expand their rosters with minorities, women, persons with disabilities, and persons of differing sexual orientations and gender identities (“diverse neutrals”), and to encourage the selection of diverse neutrals. The resolution was adopted.

**DOMESTIC AND SEXUAL VIOLENCE**

[107A] On behalf of the Young Lawyers Division, Dana M. Hrelic of Connecticut moved Resolution 107A urging all emergency management agencies to provide proper training to staff and volunteers to respond to unique needs of intimate partner violence and sexual violence victims during and after a disaster. The resolution was adopted.

**ETHICS AND PROFESSIONAL RESPONSIBILITY**

[101] On behalf of the Standing Committee on Ethics and Professional Responsibility, Lucian T. Pera of Tennessee moved revised Resolution 101 amending Model Rules 7.1 through 7.5 and their related Comments of the ABA Model Rules of Professional Conduct regarding lawyer advertising rules. Secretary Mary Smith reported on the action of the Board of Governors. James F. Williams of Washington spoke in support of the resolution. The resolution was adopted as revised.
FAMILY LAW

[102A] On behalf of the Section of Family Law, Anita M. Ventrelli of Illinois, moved Resolution 102A urging governments to enact preserve tax code provisions that allow the alimony deduction for payors and treat alimony as taxable income to payees. Roger A. Royse of California spoke in opposition to the resolution. Richard Lipton of Illinois spoke in support of the resolution. The resolution was adopted.

[102B] On behalf of the Section of Family Law, Scott Norman Friedman of Ohio, withdrew Resolution 102B adopting the ABA Model Act Governing Assisted Reproductive Technology, dated August 2018 to replace the 2008 Model Act, and urging its adoption by appropriate governmental agencies.

GENERAL PRACTICE

[10A] On behalf of the New York State Association, Michael Miller of New York withdrew Resolution 10A urging states to adopt General Provisions for Regulation on Online Providers of Legal Documents to establish reasonable standards of product reliability and efficacy.

GUN VIOLENCE

[109] On behalf of the Standing Committee on Gun Violence, Monte E. Frank of Connecticut withdrew Resolution 109 urging governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules or regulations that allow individuals to: 1) voluntarily and confidentially submit their names into databases used for gun background checks, and 2) remove themselves from those systems.

IMMIGRATION


[119] On behalf of the Commission on Immigration, Mary Meg McCarthy of Illinois moved revised Resolution 119 adopting the 2018 ABA Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States, to replace the 2004 Standards. The resolution was adopted as revised.
On behalf of the Section of Intellectual Property Law, Susan B. Montgomery of Massachusetts moved Resolution 117 urging Congress to approve appropriations to the Library of Congress necessary to enable the United States Copyright Office to adequately staff, maintain, modernize, and enhance its services, facilities, databases, studies, and digital projects. The resolution was adopted.

On behalf of the Section of International Law, Michael E. Burke of District of Columbia moved Resolution 106A reaffirming the ABA’s commitment to advance the rule of law and condemns the harassment arbitrary arrest and detention, arbitrary disbarment, denial of due process, other ill-treatment, and killings of judges, lawyers, other members of the legal profession, and their extended families throughout the world for serving in their designated capacities. The resolution was adopted.

On behalf of the Section of International Law, Michael E. Burke of District of Columbia moved Resolution 106B recognizing the important role that non-lawyer human rights defenders, journalists and others play in protecting justice and the rule of law, and deprecates attacks on those professions, as well as on individuals, aimed at silencing or intimidating human rights voices. The resolution was adopted.

On behalf of the Commission on Law and Aging, Hon. Patricia Banks of Illinois moved Resolution 112 supporting in principle the Inter-American Convention on Protecting the Human Rights of Older Persons, and encouraging the United Nations to draft a convention on the rights of older persons. Gabrielle M. Buckley of Illinois spoke in support of the resolution. The resolution was adopted.

On behalf of the Section of Legal Education and Admissions to the Bar, Hon. Solomon Oliver, Jr. of Ohio moved Resolution 111A concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Rules of the ABA Standards and Rules of Procedure for Approval of Law Schools, to restructure the work of the ABA accreditation process by eliminating the Council’s Accreditation and Standards Review Committees, and having all work completed by the Council. The resolution was adopted.

On behalf of the Section of Legal Education and Admissions to the Bar, Hon. Solomon Oliver, Jr. of Ohio moved Resolution 111B concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the Standards of the ABA Standards and Rules of Procedure for Approval of Law Schools, to restructure the work of the ABA accreditation process by eliminating the Council’s Accreditation and Standards Review Committees, and having all work completed by the Council. The resolution was adopted.
On behalf of the Section of Legal Education and Admissions to the Bar, Hon. Solomon Oliver, Jr. of Ohio moved Resolution 111C concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Rules 3, 5, 10, 14, 22, 23, 24, 25, 34, 52, and 53 of the ABA Standards and Rules of Procedure for Approval of Law Schools. The resolution was adopted.

On behalf of the Section of Legal Education and Admissions to the Bar, Hon. Solomon Oliver, Jr. of Ohio withdrew Resolution 111D concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Standards 501 (Admission) and 503 (Admission Test) of the ABA Standards and Rules of Procedure for Approval of Law Schools.

On behalf of the Section of Legal Education and Admissions to the Bar, Joan S. Howland of Minnesota moved Resolution 111E concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018, to Standard 303 (Curriculum); Standard 304 (Simulation Courses, Clinics, and Field Placements); Standard 305 (Other Academic Study); Standard 306 (Distance Education); Standard 307 (Studies, Activities, and Field Placements Outside the United States); and Standard 601 (Library and Information Resources, General Provisions) of the ABA Standards and Rules of Procedure for Approval of Law Schools). Estelle H. Rogers of California raised a point of order and moved to divide the resolution to remove Section 306 from 111(E). The motion failed. Estelle H. Rogers of California spoke in opposition to the resolution. Hulett H. Askew of Georgia, Stephen A. Saltzburg of the District of Columbia, Rene Morency of Missouri, and Dana Hrelic of Connecticut spoke in support of the resolution. The resolution was adopted.

On behalf of the Standing Committee on Group and Prepaid Legal Services, Lee A. DeHihns of Georgia withdrew Resolution 115 adopting the American Bar Association Standards for Accreditation of Legal Plans dated August 2018, to ensure that Legal Plans are providing affordable access to legal services.

On behalf of the Standing Committee on Membership, Hilarie Bass of Florida moved revised Resolution 177 amending the dues structure for the American Bar Association effective with FY2020 and each year thereafter. Tracy A. Giles of Virginia, Estelle H. Rogers of California, Robert J. Grey, Jr. of Virginia, and Robert M. Carlson of Montana spoke in support of the resolution. The resolution was adopted as revised.

The House approved by consent Resolution 110A as submitted by the Standing Committee on Paralegals granting approval to four programs, grants reapproval to eighteen 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.
The House approved by consent Resolution 110B as submitted by the Standing Committee on Paralegals amending the ABA Guidelines for Approval of Paralegal Education Programs, dated August 2018.

**SEXUAL ORIENTATION AND GENDER IDENTITY**

On behalf of the Commission on Sexual Orientation and Gender Identity, Akira Heshiki of Oregon moved revised Resolution 118 urging the federal government to recognize that service by persons who otherwise meet the standards for accession or retention, as applicable, in the United States Armed Forces should not be restricted, and transgender persons should not be discriminated against, based solely on gender identity. The resolution was adopted as revised.

**SPECIALIZATION**

The House approved by consent Resolution 108A as submitted by the Standing Committee on Specialization granting reaccreditation to the Medical Professional Liability and Legal Professional Liability programs of the American Board of Professional Liability Attorneys for additional five-year terms as designated specialty certification programs for lawyers.

The House approved by consent Resolution 108B as submitted by the Standing Committee on Specialization granting accreditation to the Truck Accident Law program of the National Board of Truck Accident Attorneys, a division of The National Board of Trial Advocacy for a five-year term as a designated specialty certification program for lawyers.

**TAXATION**

On behalf of the Young Lawyers Division, Anna M. Romanskaya of California withdrew Resolution 107B urging Congress to enact the Presidential Tax Transparency Act (H.R. 305) and the President-Elect Release of Tax Return Act (H.R. 1938), and supporting efforts to require disclosure to appropriate authorities of recent federal income tax returns for certain candidates for the Office of President of the United States, and to incentivize certain candidates for the Office of President of the United States to disclose their recent federal income tax returns to the extent any such laws are permitted by the United States Constitution.

**WELL-BEING IN THE LEGAL PROFESSION**

On behalf of the ABA Working Group to Advance Well-Being in the Legal Profession, Terry L. Harrell of Indiana withdrew Resolution 103 adopting the ABA Model Law Firm Policy on Impairment, dated August 2018, to provide a mechanism within law firms to identify impairment and craft proper intervention, and to prevent professional standards and the quality of work for clients from being compromised by any law firm personnel’s impairment, and urging law firms to adopt the Model Policy.


**Passing of the Chair’s Gavel**

At the conclusion of the meeting of the House on Tuesday, August 7, Chair Enix-Ross thanked the staff and the Committees of the House. She also took a moment to thank her fellow Officers. She also expressed her heartfelt thanks to the Delegates themselves. She then passed the gavel to William R. Bay of Missouri.

Chair Bay thanked Ms. Enix-Ross for her leadership and her service. He noted that the House is team effort and looks forward to serving. He thanked his law firm and his wife for their support.

**Closing Business**

Chair Bay recognized Amit D. Ranade of Washington who moved the host resolution. The motion was **approved**. Chair Bay recognized the Nevada delegation to invite and welcome the members of the House of Delegates to the 2019 Las Vegas Midyear Meeting. Chair Bay recognized Paula J. Frederick of Georgia who then moved the House adjourn *sine die*. The motion was **approved**.