MEMORANDUM

TO:

FROM:

SUBJECT: 2004 Annual Meeting of the American Bar Association and Meeting of the House of Delegates

DATE: August 23, 2004

REPORT ON THE ABA ANNUAL MEETING

The 126th Annual Meeting of the American Bar Association (the “ABA”) was held August 5 - 10, 2004, at the Georgia World Congress Center in Atlanta, Georgia. A wide variety of programs were sponsored by committees, sections, divisions, and affiliated organizations. The House of Delegates met for a day and a half session. The Nominating Committee also met.

The Nominating Committee sponsored a “Meet the Candidate’s” Forum on Sunday, August 8, 2004. Karen J. Mathis of Colorado, candidate for President-Elect seeking nomination at the 2005 Midyear Meeting, gave a speech to the Nominating Committee and to the members of the Association present.

The ABA Medal, the Association’s highest award, was presented to Father Robert F. Drinan of Washington, D.C., during the House of Delegates meeting on Monday, August 9, 2004.

THE HOUSE OF DELEGATES

The House of Delegates of the American Bar Association (the “House”) met on Monday, August 9 and Tuesday, August 10, 2004. H. Thomas Wells, Jr. of Alabama presided as Chair of the House.

The invocation for the House was delivered by Sister Lynn McKenzie. The Chair of the House Committee on Credentials and Admissions, Hilarie F. Bass of Florida, welcomed the new members of the House.

Deceased members of the House were named by the Secretary of the Association, Ellen F. Rosenblum of Oregon, and were remembered by a moment of silence.

The House again did not use electronic voting in order to conserve ABA resources.
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

H. Thomas Wells, Jr. of Alabama, Chair of House of Delegates urged members of the House to contribute to the ABA Legal Opportunity Scholarship Fund, administered by the Fund For Justice and Education, and introduced two of the recent scholarship recipients. He also urged members to participate in ABA Day in Washington, scheduled for April 27-28, 2005.

Statement by the ABA President

ABA President Dennis W. Archer of Michigan, in his address to the House, continued a theme of his presidency, speaking of the healing power of lawyers: how lawyers provide pro bono representation to the poor and work on ABA and other bar projects to bring justice to local and foreign legal systems. President Archer recounted some of the successes achieved by the ABA during the year: the passage of legislation concerning military personnel, the defeat of efforts to federalize tort laws, the success, with the New York State Bar Association, of the lawsuit against the FTC, challenging the application of Gramm-Leach-Bliley to attorneys, and the celebration of the 50th anniversary of Brown v. Board of Education. President Archer also urged the ABA to prepare for the future by staying at the forefront of diversifying the legal profession and by continuing to work for full funding for the Legal Services Corporation.

ABA Medal Presentation

President Archer presented the ABA Medal, the Association’s highest award, to Father Robert F. Drinan of Washington, D.C. who spoke of the need to continue working for equality and human rights, and, quoting Hammurabi, reminded the House that the purpose of the law is to protect the powerless from the powerful.

Statement by the Treasurer

The Treasurer, Allan J. Joseph of California, referred the House to his detailed written report, and then reported on the following: The Association is in sound financial shape. However, revenues have decreased. The dues increase has resulted in the loss of some class 7 members. The Board has passed a balanced budget for 2004-2005, based
upon assumptions of revenues. Should revenues be less than budgeted, some cuts may be necessary mid-year. If reduced revenues continue, either a major restructure or a dues increase may be necessary after the current dues cycle ends in 2006.

**Statement by the Executive Director**

Robert A. Stein of Illinois, Executive Director and Chief Operating Officer of the ABA, reported on the move into the new ABA Headquarters at 321 N. Clark Street and about current membership.

**Passing of the Gavel – Remarks by President-Elect Grey**

Chair H. Thomas Wells, Jr. recognized President Archer for purposes of passing the gavel to President-Elect Robert J. Grey, Jr. of Virginia. President Grey urged the members to “cross the road” to reach out to non-members to bring them within the ABA. President Grey recounted the many ways the ABA “crosses the road,” to help better the country and the world, and inspired the members to continue to work to these ends, regardless of any difficulties in this challenge.

**Scope Nominating Committee**

On behalf of the Scope Nominating Committee, Michael E. Flowers of Ohio, Chair of the Committee on Scope and Correlation of Work, nominated Llewelyn G. Pritchard of Washington for a five-year term as a member of the Committee on Scope and Correlation of Work. Thereafter, nominations were closed and the election was scheduled for the afternoon of August 9, 2004. Mr. Pritchard was subsequently elected.

**Delegate-at-Large Election Results**

Secretary Rosenblum reported the results of the Delegates-at-Large Election as follows: Jose Feliciano of Ohio; Pamela A. Bresnahan of Maryland; John J. Bouma of Arizona; Thomas M. Fitzpatrick of Washington; Palmer Gene Vance II of Kentucky; and John M. Vittone of the District of Columbia. Robert M. Carlson of Montana was elected to fill a two-year unexpired vacancy term.

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

The Chair of the Steering Committee of the Nominating Committee, C. Timothy Hopkins, moved the election of the following officers of the Association and members of the Board of Governors for the terms indicated. The House unanimously elected these individuals.
Officers of the Association

President-Elect (2004-05)
Michael S. Greco of Massachusetts

Chair of the House of Delegates (2004-06)
Stephen N. Zack of Florida

Secretary of the Association (2005-08; to serve as Secretary-Elect 2004-05)
Armando Lasa-Ferrer of Puerto Rico

Treasurer of the Association (2005-08; to serve as Treasurer-Elect 2004-05)
Wm. T. Robinson, III of Kentucky

Members of the Board of Governors (2004-07)

District Members
District 7: Timothy L. Bertschy of Illinois
District 8: Michael A. Bedke of Florida
District 10: Bevin B. Bump of Nebraska
District 11: James M. Sturdivant of Oklahoma
District 13: Keith E. Brown of Alaska
District 18: Louise Michaux Gonzales of Maryland

Section Members-at-Large

Section of Individual Rights and Responsibilities
Mark D. Agrast of Washington, D.C.

Section of State and Local Government Law
James Baird of Illinois

Woman Member-at-Large

Sharon C. Stevens of Oregon

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 J. Grey, Jr. of Virginia will assume that office.

Remarks byIncoming President-Elect Greco

Michael S. Greco of Massachusetts, Incoming President-Elect, thanked President Archer for all of his efforts on behalf of the Association. President-Elect Greco spoke of the “journey ahead”: To protect the balance of civil liberties and security, to work for the
poorest citizens, to work toward full access to justice, to protect civil rights of women and minorities, and to protect the rule of law. President-Elect Greco also stated the need for the Association to continue to monitor the actions of our government when they threaten fairness, due process, and human rights. He called for a renaissance of idealism within the profession and encouraged lawyers to perform public service.

Remarks Regarding Commission on Governance

William H. Neukom of Washington, Chair of the Commission on Governance, reported on the work of the commission to date and invited the members of the House to submit their opinions to the commission. He stated that a final report will be available for the House's consideration at the next annual meeting in Chicago.

Closing Business

At the conclusion of the meeting of the House on Tuesday afternoon, August 10, after various expressions of appreciation and reminders about the 2005 Salt Lake City Midyear Meeting, Chair H. Thomas Wells, Jr. passed the gavel to Steven N. Zack of Florida.

Don Bivens of Arizona then moved that the House adjourn sine die.

II. RECOMMENDATIONS VOTED ON BY THE HOUSE

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

ABA CONSTITUTION AND BYLAWS AND HOUSE RULES OF PROCEDURE

[11-1] Association Secretary Ellen Rosenblum of Oregon, on behalf of ABA member Edward Haskins Jacobs, 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.” Barbara Howard moved to postpone indefinitely consideration of the proposal. The motion to postpone indefinitely was approved.

[11-2] Report 11-2, amending §6.8(a) of the Constitution to delete the National Association of College and University Attorneys as an affiliated organization represented in the House of Delegates since the association no longer takes positions on legal or societal issues, was approved as part of the 2/3 consent consent calendar.
[11-3] Report 11-3, amending §10.1 of the Constitution to change the name of the Section of International Law and Practice, was approved as part of the 2/3 consent calendar.

[11-4] Report 11-4, amending §21.12(b) of the Bylaws to rename “International Law Associates” to “Non-U.S. Lawyer Associates,” was approved as part of the consent calendar.

[11-5] William Hannay of Illinois moved Report 11-5, amending §30.5 of the Bylaws to provide that Non-U.S. Lawyer Associates may serve on the Council of the Section of International Law and Practice. The recommendation was approved.

[11-6] Robert Welden of Washington moved revised Report 11-6, amending §31.7 of the Bylaws to revise the jurisdictional statement of the Standing Committee on Client Protection. The recommendation was approved as revised.

[11-7] Report 11-7, amending §31.7 of the Bylaws to revise the jurisdictional statement of the Standing Committee on Professionalism, was approved as part of the consent calendar.

[11-8] Report 11-8, amending §32.1(c) of the Bylaws to eliminate the requirement that a prerequisite for membership in any Forum is membership in one of the Sections, was withdrawn.

[11-9] Report 11-9, amending §42.7 of the House Rules of Procedure to clarify language pertaining to the distribution of material in the House of Delegates, was approved as part of the 2/3 consent calendar.

[11-10] Don Bivens of Arizona moved Report 11-10 amending §43.1(d) of the House Rules of Procedure to clarify that the calendar of the House must include an informational report on legislative priorities. Robert Weinberg of the District of Columbia spoke against the report, as it would deprive the House from acting upon the report on legislative priorities. The proponents stated that the priorities should be set by the Board, as the priority list is often a question of resources instead of policy and the Board, as a smaller body, is better suited to debate which policies are put onto the list. The recommendation was approved.

[11-11] Report 11-11, amending §44.2(b) of the House Rules of Procedure to incorporate, at the discretion of the Chair of the House of Delegates, time limits for non-controversial matters, was approved as part of the 2/3 consent calendar.

[11-12] Report 11-12, amending §45.7(c) of the House Rules of Procedure to clarify language pertaining to a motion to defer to permit further study, was approved as part of the 2/3 consent calendar.
ACCESS TO JUSTICE

[110] On behalf of the Standing Committee on Legal Aid and Indigent Defendants, William Whitehurst of Texas moved revised Report 110 adopting the black letter ABA Guidelines on Contribution Fees for Costs of Counsel in Criminal Cases, dated August 2004, and urging compliance with these Guidelines to ensure satisfactory procedural safeguards when accused persons are ordered to make a payment for representation furnished to them at government expense. The recommendation was approved as revised.

ADMINISTRATIVE LAW

[114] On behalf of the Section of Administrative Law and Regulatory Practice, Thomas Susman of the District of Columbia moved revised Report 114 encouraging the use of administratively imposed monetary penalty regimes as part of a regulatory program's comprehensive enforcement scheme. The recommendation was approved as revised.

ALTERNATIVE DISPUTE RESOLUTION

[116] Report 116 amending the Comment to Paragraph G of Canon IV of the Code of Ethics for Arbitrators in Commercial Disputes - 2004 Revision, regarding ex parte requests for interim relief was approved as part of the consent calendar.

BOARD OF GOVERNORS RECOMMENDATION AND REPORT WITH RECOMMENDATION ON ARCHIVING

[177A] On behalf of the Board of Governors, Secretary Rosenblum of Oregon moved approval of the continuation of Special Committees and Commissions as listed in the Board of Governors Transmittal Report to the House of Delegates. The list of Special Committees and Commissions was approved.

[177B] On behalf of the Board of Governors, Governor Robert Carlson of Montana moved revised Report 177B adopting revisions to the Blanket Authority Procedure, dated August 2004, which provide proper and balanced oversight of submission of comments by ABA Sections to governmental bodies. Past president Jerome Shestack of Pennsylvania moved to amend the procedures to enlarge the blanket authority from sections to all ABA entities. The proponents urged that the blanket authority procedure continue to be limited to sections at this time, urging consideration of such enlargement in the future. The amendment failed. The recommendation was approved as revised.

[400] Report 400 recommending that certain Association policies that pertain to public issues and are 10 years old or older be archived was approved as part of the consent calendar.
CIVIL LITIGATION

[103A] On behalf of the Section of Litigation, JoAnne Epps of Pennsylvania moved Report 103A encouraging federal, state and territorial governments to institute and provide funding for uniform lawsuit data collection and recommending that the United States Department of Justice continue and expand its comparative civil justice survey. The recommendation was approved.

[103B] On behalf of the Section of Litigation, Lawrence Fox of Pennsylvania moved revised Report 103B adopting amendments to the *Civil Discovery Standards*, dated August 2004, which address practical aspects of electronic discovery that are not fully addressed by rules of evidence or procedure. The recommendation was approved as revised.

COURTS

[107] On behalf of the Judicial Division, Hon. Joseph Nadeau presented Report 107 urging 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 adopting the recommendations of the black letter ABA Commission on State Court Funding, dated August 2004. The recommendation was approved.

CRIMINAL JUSTICE

[111A] On behalf of the Criminal Justice Section, Neal Sonnett of Florida withdrew Report 111A urging Congress to enact legislation that directs that roving electronic surveillance under the Foreign Intelligence Surveillance Act (“FISA”) be conducted under procedures that minimize the likelihood that non-pertinent conversations be intercepted, and that modifies current law relating to “sneak and peek” warrants.

[111B] On behalf of the Criminal Justice Section, Neal Sonnett of Florida moved Report 111B recommending the accreditation of crime laboratories and medical examiner offices, the certification of examiners, and the standardization and publication of lab procedures and urging adequate funding for crime labs and medical examiner offices for improving scientific and expert testimony in criminal cases. The recommendation was approved.

[111C] On behalf of the Criminal Justice Section, Stephen Saltzburg of the District of Columbia moved Report 111C adopting the *Statement of Best Practices for Promoting the Accuracy of Eyewitness Identification Procedures*, dated August 2004, and recommending that police and prosecutors develop guidelines for improving the accuracy of lineups and photospreads. The recommendation was approved.

[111D] On behalf of the Criminal Justice Section, Neal Sonnett of Florida withdrew Report 111D urging federal, state, local and territorial governments to establish standards of practice for defense counsel to reduce the risk of convicting the innocent.
On behalf of the Criminal Justice Section, Neal Sonnett of Florida moved Report 111E urging federal, state, local and territorial governments to establish and fund investigative procedures designed to ensure accuracy in criminal investigation and prevent wrongful conviction of the innocent, as well as training programs to ensure the procedures are carried out, and disciplinary procedures in cases where they are not. The recommendation was **approved**.

On behalf of the Criminal Justice Section, Stephen Saltzburg of the District of Columbia moved Report 111F adopting principles and standards to be used by prosecutors to reduce the risk of wrongly convicting the innocent and urging the government to fund prosecutors’ offices adequately in order to perform these procedures while also urging that workload standards for prosecutors be established. The recommendation was **approved**.

On behalf of the Criminal Justice Section, Neal Sonnett of Florida moved Report 111G adopting the *Speedy Trial and Timely Resolution of Criminal Cases*, dated August 2004, to supplant the *Second Edition, Criminal Justice Standards on Speedy Trial*, which addresses the defendant’s right to a speedy trial, the public’s interest in timely resolution of criminal cases and organization of justice system resources to improve criminal caseflow. The recommendation was **approved**.

On behalf of the Commission on Domestic Violence and the Special Committee on Gun Violence, David Pasternak of California moved revised Report 115 urging federal, state, and territorial efforts to implement and enforce the nation’s existing gun laws and specifically calls for more federal prosecutorial and investigative resources to be devoted to enforcement of existing laws dealing with illegal trafficking in firearms, corrupt dealer practices and illegal sales to minors and others. The recommendation was **approved as revised**.

On behalf of the Justice Kennedy Commission, Stephen Saltzburg of the District of Columbia moved revised Report 121A urging states, territories and the federal government to ensure that sentencing systems provide appropriate punishment without over reliance on incarceration as a criminal sanction and also urging Congress to take specific action with regard to existing federal sentencing laws and procedures. Robert McCallum of the United States Department of Justice spoke in opposition to the report, stating that current sentencing is appropriate and that crime rates are lower. The proponents stated that the resolution is needed for a smarter approach to sentencing. The recommendation was **approved as revised**.

On behalf of the Justice Kennedy Commission, Pamila Brown of Maryland moved Report 121B urging states, territories and the federal government to strive to eliminate actual and perceived racial and ethnic bias in the criminal justice system and recommending the establishment of Criminal Justice Racial Task Forces to reduce or eliminate racial disparities at each stage of the criminal justice process. The recommendation was **approved**.
[121C] On behalf of the Justice Kennedy Commission, Neal Sonnett of Florida moved revised Report 121C urging states, territories and the federal government to establish: 1) standards and provide an accessible process by which prisoners may request a reduction of sentence in exceptional circumstances; and 2) standards governing applications for executive clemency and specify procedures an individual must follow in order to qualify for a grant of clemency and ensure that clemency procedures are reasonably accessible to all persons. Judi Calhoun of Indiana spoke against the resolution on behalf of victim rights. The proponents urged the approval of the resolution in order to prevent crime. The recommendation was approved as revised.

[121D] On behalf of the Justice Kennedy Commission, Albert Krieger of Florida moved Report 121D urging 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 prisoners for release back into the community and to identify legal barriers for reentry of convicted persons. The recommendation was approved as revised.

[303] On behalf of the Section of Antitrust Law, Allan Van Fleet of Texas moved Report 303, urging the United States Congress to direct the U.S. Sentencing Commission to make changes to the proposed amendments to the Sentencing Guidelines for Organizations regarding attorney-client privilege and work product protection. Neal Sonnett of Florida moved an amendment removing the reference to the United States Congress, so that the recommendation would urge the Sentencing Commission to make the changes set forth. The amendment was approved. John Jenkins of Virginia moved to postpone indefinitely consideration of the recommendation. The proponents indicated that the recommendation had to be addressed at this meeting in order to have the U.S. Sentencing Commission consider the comments by the November deadline. The motion to postpone indefinitely failed. The recommendation was approved as amended.

**ELECTION LAW**

[106] Robert L. Weinberg, the District of Columbia Bar Delegate, moved revised Report 106 urging state and local election authorities to give the highest authority to ensuring the fairness and reliability of the procedures prescribed for voting, and for the tabulation of votes, in the 2004 election for President of the United States. The recommendation was approved as revised.

[118] On behalf of the Standing Committee on Election Law, William Canfield III of the District of Columbia moved revised Report 118 urging Congress, the states and territories to enact special election procedures for filing vacancies in the United States House of Representatives in the event of a catastrophe. The recommendation was approved as revised.
**FAMILY LAW**

[105] On behalf of the Young Lawyers Division, Laura Farber of California moved Report 105 adopting *Standards of Practice for Lawyers Representing Child Welfare Agencies*, dated August 2004, which focus on improving representation of the child welfare system in abuse and neglect cases so that children and families are better served by the legal system. The recommendation was approved.

[109] On behalf of the Section of Family Law, Lynne Gold-Bikin of Pennsylvania moved revised Report 109 protecting the rights of any live-born human clones by supporting laws and policies that essentially establish a presumption 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. The recommendation was approved as revised.

**FEDERAL JUDICIARY**

[10A] On behalf of the Louisiana State Bar Association and the Section of Litigation, David Weiner of Ohio moved revised Report 10A urging Congress and the Administration to fund the Federal Judiciary, regardless of competing fiscal demands, at levels sufficient to enable the courts to fulfill their separate Constitutional and statutory duties. The recommendation was approved as revised.

**HEALTH LAW**

[102] On behalf of the Health Law Section, E. Paul Herrington of Kentucky moved revised Report 102 encouraging lawyers to gain a better understanding of public health law issues and to improve the legal preparedness of their communities to address public health threats, such as bioterrorism and infectious disease outbreaks. The recommendation was approved as revised.

[119] On behalf of the Section of Individual Rights and Responsibilities, Richard Podell of Wisconsin withdrew Report 119, opposing governmental actions and policies that interfere with: (a) the right of patients to receive from their healthcare providers all of the relevant and medically accurate information necessary for fully informed healthcare decision-making; and (b) the ability of patients to access medically appropriate care.

**HOMELESSNESS AND POVERTY**

[113] On behalf of the Commission on Homelessness and Poverty, William Hoch of Oklahoma moved Report 113 supporting policies to help assure uninterrupted educational access, special education and related services, and stability for homeless children and youth as well as children and youth placed by public agencies in out-of-home settings. The recommendation was approved.
IMMIGRATION

[117] On behalf of the Commission on Immigration Policy, Practice and Pro Bono, Thomas Fitzpatrick of Washington moved Report 117 adopting the black letter ABA Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States, dated August 2004, which address the comprehensive psychological, legal, medical, mental health, educational and other basic needs of unaccompanied immigrant children in federal custody. The recommendation was approved.

INDIVIDUAL RIGHTS

[301] On behalf of the Section on Individual Rights and Responsibilities, C. Elisia Frazier of Georgia moved report 301, reaffirming ABA policy adopted in 1972 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 to enforce the statute. The recommendation was approved.

INTELLECTUAL PROPERTY

[104] On behalf of the Section of Intellectual Property Law, Donald Dunner of the District of Columbia moved revised Report 104 opposing any restriction or limitation on the use of funds otherwise lawfully appropriated by Congress if that restriction or limitation has or may have the effect of imposing any subject matter limitation on the patents which 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. The recommendation was approved as revised.

[302] On behalf of the Section of Intellectual Property Law, Donald Dunner of the District of Columbia moved Report 302, urging courts to apply certain principles in interpreting claim terms in patents. The recommendation was approved.

INTERNATIONAL HUMAN RIGHTS

[10B] On behalf of the Association of the Bar of the City of New York and the Task Force on the Treatment of Enemy Combatants, Bettina Plevan of New York moved revised Report 10B condemning any use of torture or other cruel, inhuman or degrading treatment or punishment upon persons within the custody or under the physical control of the United States government and any endorsement or authorization of such measures by government lawyers, officials and agents. David Rivkin of the Washington Legal Foundation spoke in opposition to the report, based upon lack of specificity of what constitutes prohibited conduct. The proponents clarified that the resolution only concerns use of torture and that torture is defined within the report, international law and federal law. John Jenkins of Virginia moved an amendment striking the resolved clause urging the
establishment of a bipartisan commission, leaving Congress to continue its investigation without deciding the necessity of the establishment of the commission. The proponents urged the need for the commission for credibility and for accountability. The amendment failed. The recommendation was approved as revised.

**LEGAL EDUCATION**

[100] Report 100 granting approval, reapproval and extension of the term of approval to several legal assistant education programs, and withdrawing the approval of several programs was approved as part of the consent calendar.

[300A] On behalf of the Section of Legal Education and Admissions to the Bar, Norman Redlich of New York moved revised Report 300A concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting the additions and revisions to the Standards for Approval of Law Schools and the interpretations of the Standards, dated August 2004. The recommendation was approved as revised.

[300B] Report 300B, concurring with the decision of the Council of the Section of Legal Education and Admission to the Bar that the Florida International University College of Law in Miami, Florida, be granted provisional approval, was approved as part of the consent calendar.

[300C] Report 300C, concurring with the decision of the Council of the Section of Legal Education and Admissions to the Bar that the Florida A & M University School of Law in Orlando, Florida, be granted provisional approval, was approved as part of the consent calendar.

**PROFESSIONAL ETHICS AND LAWYER DISCIPLINE**

[108] On behalf of the Standing Committee on Client Protection, Robert Welden of Washington moved Report 108 adopting the *Model Court Rule on Insurance Disclosure*, dated August 2004, which requires lawyers to disclose on their annual registration statements whether they maintain professional liability insurance. There was considerable debate on this report. The opponents of the report argued that a statement that a lawyer has liability insurance is misleading, as a client might then expect there to be coverage, while the issue of coverage is complex and possibly limited. The proponents urged that the statement required by the rule is a minimum, and that state rules may require more explicit disclosure. The proponents also argued that the rule may encourage lawyers to have liability insurance. Tom Bolt moved to postpone consideration of the recommendation indefinitely. The motion to postpone failed by a vote of 175 to 265. David Waxse of Kansas moved an amendment to harmonize the rule with respect to states which already have such a rule. The amendment was accepted by the proponents. The recommendation was approved as revised by a vote of 213 to 202.
PUBLICATION

[122] On behalf of the Standing Committee on Public Education, James Dimos of Indiana moved Report 122 urging the legal profession to seek support of policymakers, educators, the media and the general public to ensure that subject matter to advance the civic mission of schools is included in the core K-12 curriculum and reflected in all standards, instruction, professional development, school funding decisions and evaluation. The recommendation was approved.

SPECIALIZATION

[101] Report 101 granting accreditation and reaccreditation to several specialty certification programs for lawyers was approved as part of the consent calendar.

SUBSTANCE ABUSE

[112] On behalf of the Standing Committee on Substance Abuse, Barbara Howard of Ohio moved revised Report 112 urging federal, state, territorial and local governments to eliminate policies that sanction discrimination against people seeking treatment or recovery from alcohol or other drug disease, including specific recommendations in the area of public benefits. The recommendation was approved as revised.

TAXATION

[120] On behalf of the Section of Taxation, Paul Sax of California moved Report 120 urging Congress to reduce the federal tax burdens and compliance costs attributable to the Alternative Minimum Tax (AMT) on individuals by repealing the individual AMT, or, if repeal is not feasible then the AMT should be modified in a manner consistent with its original purpose. Robert Weinberg of District of Columbia moved an amendment to eliminate the resolution for repeal and allow only modification. The proponents emphasized the need for simplification and that the AMT is bad tax policy. The amendment failed. The recommendation was approved.