MEMORANDUM

TO:

FROM:

SUBJECT: 2005 Annual Meeting of the American Bar Association and Meeting of the House of Delegates

DATE: September 23, 2005

REPORT ON THE ABA ANNUAL MEETING

The 127th Annual Meeting of the American Bar Association (the “ABA”) was held August 8, and August 9, 2005, at the Hyatt Regency Chicago Hotel in Chicago, Illinois. A wide variety of programs were sponsored by committees, sections, divisions, and affiliated organizations. The House of Delegates met for a two-day session. The Nominating Committee also met.

The Nominating Committee sponsored a “Meet the Candidate’s” Forum on Sunday, August 7, 2005. The following candidates seeking nomination at the 2006 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association present: William H. Neukom, candidate for President-Elect and Laurel G. Bellows, candidate for Chair of the House of Delegates.

The ABA Medal, the Association’s highest award, was presented to Judge George Leighton during the House of Delegates meeting on Monday, August 8, 2005.

THE HOUSE OF DELEGATES

The House of Delegates of the American Bar Association (the “House”) met on Monday, August 8, 2005 and Tuesday, August 9, 2005, Stephen N. Zack of Florida, presided as Chair of the House.

Past President John J. Curtin, Jr., of Massachusetts, delivered the invocation for the House. The Chair of the House Committee on Credentials and Admissions, Stephen L. Tober of New Hampshire, 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.

Brooksley E. Born, of Washington, DC, delivered a memorial to John H. Pickering, of the District of Columbia.
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 recommendations presented to the House.

I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES

Statement by the ABA President

In his speech to the House of Delegates, Association President Robert J. Grey, Jr. recognized the support of ABA sections to the ABA Fund for Justice and Education Legal Opportunity Scholarship Fund, revisited his signature initiative The American Jury Project, and remarked on the legal profession’s quick response to protecting and defending the independence of the judiciary and the independence of the legal profession.

Taking the opportunity to thank the Association for its support, President Grey led the applause recognizing the ABA sections that had pledged a combined $460,000 to the FJE Legal Opportunity Scholarship Fund. He then talked about the ways in which the American Bar Association can be a driving force to protect and improve our legal system, citing the successful work of the American Jury Commission and the American Jury Project, which together comprised his showcase initiative. The American Jury Commission, led by Judge Judith Kaye with Supreme Court Justice Sandra Day O’Connor serving as honorary chair, was instrumental in inspiring and educating the public on the importance of jury service; and the American Jury Project, chaired by Patricia Lee Refo, brought to the House of Delegates 19 Principles, which it adopted. The legal profession has followed the Association’s leadership, with many states examining their own jury trial practices and looking to the Association’s principles for guidance. The ABA demonstrated its leadership in supporting and improving our legal system, the cornerstone of our civil society.

President Grey stated that what the Association learned from the jury projects, about swift action in defense of our country’s justice system, was applied again in the spring. The ABA made a direct, immediate response to the physical attacks against the judiciary, and to the vitriolic rhetorical attacks on the independence of the judiciary. Again, other bar associations followed the ABA’s leadership. America’s justice system is the nation’s immune system. The Association can’t allow it to be compromised. To protect against the disease of tyranny, we must continue to strengthen our justice system and legal institutions.

President Grey articulated that the lawyers around the country and around the world look to the ABA for leadership. The ABA has always known it has the skill. This year, it demonstrated the will.
Chair of the House of Delegates

In his opening remarks, Chair of the House of Delegates Stephen N. Zack introduced the members of Rules and Calendar and the Tellers Committees. He stressed the important role of the Fund for Justice and Education as ABA’s charitable arm and encouraged the members of the House of Delegates to contribute to the fund. There was 96% participation in the FJE, meaning every member of their delegation made a contribution. In addition, Chair Zack asked the delegates to contribute to the ABA Legal Opportunity Scholarship Fund which provides scholarships to minority law students as part of the ABA’s initiative to encourage and support diversity in the legal profession. Chair Zack reminded the House of the vital role it plays in the formulation of the important public policy positions of the Association. The delegates have the opportunity to carry these policy views forward to the decision makers in Washington, DC and did so by participating in ABA Day in Washington held on May 3-4, 2005 in Washington, DC. Chair Zack stated that the organized bar has much to gain through participation and much to lose through inaction. During ABA Day 2005, participants again met with their delegations regarding three major issues, including Legal Services Corporation funding. Because of this effort, more than 160 members of the House of Representatives wrote a letter supporting the LSC Board’s request for a $33,000,000 increase. This is double the number of Representatives who signed last year’s letter. More than 47 Senators signed a companion letter, including several new Senators from last year. Chair Zack encouraged members of the House to plan to participate in the ABA Day 2006 (insert date). And finally, Chair Zack reminded the House of the importance of full participation in the debate on the issues to be considered during this meeting.

Attorney General Gonzales

Attorney General Alberto Gonzales expressed appreciation for the ABA. He said that the administration of President George W. Bush and the ABA share a commitment to Rule of Law. Appointment of qualified jurists to the United States Supreme Court is part of what the President is doing to realize this end. He believes that the Voting Rights Act, the Sentencing Act and the USA Patriot Act are further expressions of this policy. These laws are fair and promote public safety while respecting privacy rights and cherished liberties. He emphasized the need for bipartisan efforts of which the ABA is an essential part.

ABA Medal Presentation

President Grey presented the ABA Medal, the Association’s highest award, to Judge George N. Leighton, a retired federal trial court judge in Chicago whose ongoing career of protecting human rights has spanned nearly 60 years. After retiring from the bench in 1987, at the age of 75, Leighton returned to legal practice to try civil and criminal cases. He began teaching law students at John Marshall Law School in 1964, and continued until last year. He also has taught lawyers for the National Institute of Trial Advocacy, and grade and high school students for the Constitutional Rights Foundation of Chicago. As a
practicing lawyer, Leighton has been active in the NAACP, the American Civil Liberties Union, the Independent Voters of Illinois, the Cosmopolitan Chamber of Commerce, and the Citizens Committee for the Adoption of the Fair Employment Practice Act, the Committee for the Adoption of an Open Occupancy Statute and the Mayor’s Citizens Committee on City Revenue and Expenditures.

“Is the Independence of the Judiciary at Risk” Panel

Chair Stephen N. Zack appointed the Committee on Issues of Concern to the Profession to identify issues of concern to the legal profession and to find ways to effectively engage the House of Delegates in a full debate on these issues. In response to its mandate, the committee presented to the House of Delegates on Tuesday, August 9 a panel presentation regarding an issue of concern to both the legal profession and the public - attacks on the judiciary and its members and whether the independence of the judiciary is at risk. The panel participants were United States Supreme Court Justice Stephen N. Breyer, United States Senator Lindsay Graham of South Carolina, Theodore Olson, former United States Solicitor General and Professor Charles Ogletree, of Harvard Law School.

The panelists discussed the natural tension among the three branches of the government and the importance of an independent judiciary in protecting the rights and liberties of the public. The very nature of the role of judges - called in when there are controversies - means there will be a losing party and a losing point of view. The fact that both parties accept the ruling of the judge is in large measure because of the respect accorded judges. The panelists agreed that there is merit to having lifetime tenure for federal judges - who would you want to consider your matter - a judge who has nothing to worry about but what’s right and fair in your case or someone who has to look over his/her shoulder? An evaluation survey indicated an overwhelmingly positive response to the panel presentation.

Statement by the Treasurer

Treasurer Allan J. Joseph, of California, made his final report after four years serving the Association as Treasurer-elect and Treasurer. He supplemented his written report with the following observations: He reported that the Association will experience a surplus of at least $1.5 million in FY 2004-05 that will cover the projected surplus, plus some late-identified expense increases for next year. Because of a rigorous effort to have the ABA budget revenues realistically, the ABA will meet its budgeted revenue for the for the first time in the last four years. In addition, the staff has done an excellent job in controlling costs for the year.

Mr. Joseph noted that the ABA has accommodated $60 million in lower expenses over the past four years than it would have if it had followed the expense rate increase in the late 1990’s and 2000. At the same time, the permanent reserve has increased by 13% to $36 million. The Association has accomplished this without diminishing its programmatic
effectiveness. There is a huge long-term benefit that results from a cost trajectory that carries the Association into the next dues cycle at a much lower level of expense.

Mr. Joseph reported that a dues increase to be effective in 2006-07 would be presented to the House in February 2006.

He also acknowledged the significant problems that have been encountered in the past few years - the revenue shortfalls, the Technology Initiative overrun and the pension crisis. Changes have been made to address the underlying causes of those problems. In addition, there have been a number of major improvements, including making the financial information comprehensible and eliminating long-standing anachronisms in the budgeting process.

In closing, Mr. Joseph expressed his view that fiscal responsibility, while not a goal in itself, is an essential condition to the Association’s programmatic objectives.

Statement by the Executive Director

Robert A. Stein, Executive Director and Chief Operating Officer, supplemented his written report by highlighting outstanding results during the past year in the areas of membership, finances and technology.

Membership. The membership news is exceptionally good. Official ABA membership is determined on August 31 each year, and this year the ABA will again have an increase in all three categories of membership: lawyers, associates, and law students. Total membership will exceed last year’s total of 405,348. The ABA continues to be the largest professional membership association in the world—by far. He thanked Diane Bruhl, Director of Membership and Marketing, and her great staff.

Finances. Thanks to the great management skills of the Association’s staff, the current bar year will end with a surplus of revenues over expenses. The surplus will exceed $1.5 million, and could reach $2 million. These funds will be added to the operating fund and support budgets of the Association in future years. This is the 11th consecutive year in which the ABA will finish the year with a surplus. This is so notwithstanding the challenges in recent years of unexpected shortfalls of revenues due largely to reduction of investment income and unexpected increases in pension expense. He thanked CFO Janet Gibbs, and the Financial Services staff.

Technology. This has been a year of tremendous progress in the use of technology in the Association. New functionalities to better serve ABA members are rolling out almost weekly. Some recent developments: On August 1 an online calendar was added to the website providing a listing of hundreds of ABA events. In addition, in July, it became possible to pay ABA dues online. Already, thousands of members are taking advantage of this convenience. He thanked the CIO Gordon Kerr, and the Information Systems Department.
Mr. Stein noted his previously announced intention to step down as Executive Director and Chief Operating Officer in August 2006, after completing 12 years as Executive Director. He stated that the Association is strong and well positioned for further growth in the years to come.

Passing of the Gavel – Remarks by President-Elect Greco

Chair Stephen N. Zack recognized President Grey for purposes of passing the gavel to President-Elect Michael S. Greco.

In his remarks, President-Elect Michael S. Greco focused on three priorities: (1) the pressing need for more public education on Constitutional principles such as the separation of powers, and a related and expanded effort to defend the independence of the judiciary; (2) the need to expand access to civil justice for lower-income Americans and to consider providing a defined right to counsel in serious civil matters; and (3) his renaissance of idealism in the profession initiative -- to encourage and enable more lawyers to perform more pro bono and public service work.

He cited recent survey data showing a disturbing lack of public understanding of key Constitutional concepts such as the separation of powers, checks and balances, and the roles and responsibilities of the judicial branch. On the subject of judicial independence, he criticized ideologues on both the right and left whose attacks on the judiciary reduce public respect for the courts. He announced the formation of the ABA Commission on Civic Education and the Separation of Powers, led by honorary co-chairs United States Supreme Court Justice Sandra Day O'Connor and former United States Senator Bill Bradley, to develop new educational materials. He also vowed to lead the organized bar in resisting attempts to politicize the judiciary.

President-Elect Greco challenged the legal profession to finally make good on the promise of equal justice for all by expanding access to civil justice at the state level and examining the idea of a defined right to counsel for lower-income people involved in serious civil cases that threaten the integrity of the family, housing, or health. His new ABA Task Force on Access to Civil Justice will lead this initiative.

He also described the work of the ABA Commission on the Renaissance of Idealism in the Legal Profession, led by honorary co-chairs United States Supreme Court Justice Ruth Bader Ginsburg and Theodore C. Sorensen, which is developing programs to encourage and enable more pro bono and public service work by America's lawyers.

Scope Nominating Committee

On behalf of the Scope Nominating Committee, Christopher L. Griffin, of Florida, Chair of the Committee on Scope and Correlation of Work, nominated Paula J. Frederick, of Georgia, for a five-year term as a member of the Committee on Scope and Correlation...
of Work. The House subsequently elected Ms. Frederick to the Committee on Scope and Correlation of Work.

Delegate-at-Large Election Results

Secretary Rosenblum reported the results of the Delegates-at-Large Election as follows: H. William Allen (Arkansas); Christel E. Marquardt (Kansas); Judy Perry Martinez (Louisiana); Alice E. Richmond (Massachusetts); Pamela J. Roberts (South Carolina); and Estelle H. Rogers (District of Columbia). In addition, Jeffrey J. Snell of Ohio was elected to fill an unexpired term through 2006.

Report of the Nominating Committee

The Nominating Committee met on Sunday, August 7, 2005. On behalf of the committee, James R. Silkenat, Chair of the Steering Committee of the Nominating Committee, reported on the following nominations for the terms indicated:

Officer of the Association:

President-elect (2005-06)
Karen J. Mathis of Colorado

Members of the Board of Governors (2005-08):

District Members
District 1: Richard T. Cassidy of Vermont
District 2: Rosemary E. Giuliano of Connecticut
District 4: Roderick B. Mathews of Virginia
District 6: Harry S. Hardin III of Louisiana
District 12: David E. Funkhouser of Iowa

Section Members-at-Large

Section of International Law
Don S. DeAmicis of Massachusetts

Section of Real Property, Probate and Trust Law
Raymond J. Werner of Illinois

Minority Member-at-Large
Alison R. Nelson of Michigan
Woman Member-at-Large
Carol E. Dinkins of Texas

Young Lawyers Member-at-Large
Suzanne E. Gilbert of Florida

Remarks by President-elect Nominee Mathis

Karen J. Mathis, of Colorado, incoming President-elect, announced that her year as president would be devoted to realizing the ideal that service makes each of us better, stronger and more valuable. She noted that the potential for multiplying the effect of selfless acts is what drew many to the law and to the ABA. Two projects that are worthy of the Association’s efforts are the initiation of a “Second Season of Service” (to address the legal consequences of retirement by 40,000 baby boomers) and “Youth at-Risk.”

Her goal is that the ABA reaches out to youth, addressing truancy, the notion of "18 and you’re out" and developing an understanding of why girls commit crimes. She promised to join with juvenile law experts and partner with state, local and minority bars and others in our communities to attack these ills.

President-elect Mathis said that now is the time for lawyers to “pay it forward,” whether young lawyers or those entering the “Second Season”. She challenged each lawyer to share insight, energy and selfless service to respond to these threats to the future of the nation and its institutions.

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] 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,” was postponed indefinitely.

[11-2] amending §6.4(c) of the Constitution to extend the grandfathering provision for four local bar associations in order to maintain their representation in the House of Delegates was not approved.

[11-3] amending §6.2(a)(5), §6.7 and §10.1 of the Constitution to change the status of the Section of General Practice, Solo and Small Firm from a Section to a Division was approved.
Revised Report 11-5, amending §31.7 of the Bylaws to revise the jurisdictional statement of the Standing Committee on Audit was approved as revised.

proposing to amend §31.7 of the Bylaws to revise the jurisdictional statement of the Standing Committee on Audit by changing membership, redefining the independence and financial qualifications of the members and designating the Director of Internal Audit or designee as the provider of staff support for the Committee was withdrawn.

amending §31.7 to eliminate the Standing Committee on Solo and Small Firm Practitioners, which has been defunded and its responsibilities undertaken by the General Practice, Solo and Small Firm Section was approved.

William H. Neukom, of Washington, Chair of the Governance Commission, presented an overview of Report 11-7, proposing to amend various sections of the Constitution and Bylaws regarding the governing structure of the House of Delegates, Nominating Committee, Board of Governors and Officers.

Laura V. Farber, of California, presented the Commission’s recommendation to eliminate the Committee of Delegates-at-Large and amend the procedure by which Association members who are not members of the House of Delegates may submit resolutions. The recommendation was approved.

Harry L. Hathaway, of California, presented the Commission’s recommendation to clarify the powers and functions of the House of Delegates. The recommendation was approved.

Harry L. Hathaway, of California, presented the Commission’s recommendation to limit the length of service of all delegates to consecutive full three-year terms. The recommendation was not approved.

Laura V. Farber, of California, presented the Commission’s recommendation to provide exception language regarding absences for State Delegates and Delegates-at-Large. The recommendation was approved.

Laura V. Farber, of California, presented the Commission’s recommendation to decrease from five to four the number of state and local bar delegates that triggers the requirement to certify a young lawyer delegate. The recommendation was approved.

Harry L. Hathaway, of California, presented the Commission’s recommendation to provide each section and division with at least two delegates. The recommendation was approved.
[11-7A(6)(b)] Joseph D. O’Connor, of Indiana, presented the Commission’s recommendation to raise the maximum number of delegates a section may have. The recommendation was not approved.

[11-7A(7)] Harry L. Hathaway, of California, presented the Commission’s recommendation to revise the filing deadline for state and local bar associations from the Sunday before the House convenes to ten days before the House convenes. The recommendation was not approved.

[11-4] Chris P. Jeter, of Washington, DC, Chair of the Law Student Division, presented the Division’s recommendation to amend §6.2(a)(5) and §9.2(a) of the Constitution and §21.7(b)(2) of the Bylaws to provide for representation of a Law Student Division Delegate on the Nominating Committee and in the House of Delegates while serving on the Nominating Committee. The recommendation was not approved.

[11-7B(1)(a)] Joseph D. O’Connor, of Indiana, presented the Commission’s recommendation to change the size of the Nominating Committee by increasing the number of Section representatives on the Nominating Committee from seven to thirteen. This recommendation was not approved.

[11-7B(1)(b)] Joseph D. O’Connor, of Indiana, presented the Commission’s recommendation to change the size of the Nominating Committee by adding one law student. This recommendation was not approved due to the failure of Report 11-4.

[11-7B(1)(c)] Joseph D. O’Connor, of Indiana, presented the Commission’s recommendation to change the size of the Nominating Committee by adding one disabled lawyer. This recommendation was not approved.

[11-8b(1) Alternative 2 (Amendment to 11-7B(1)] which proposed amending §6.2(a)(5) and §9.2(a) of the Constitution and §21.7(b)(2) of the Bylaws to change the size of the Nominating Committee by adding one Law Student Division Delegate, one Senior Lawyer Division Delegate, one Government and Public Sector Lawyers Division Delegate and one disabled lawyer was withdrawn.

[11-7B(2)] Richard J. Podell, of Wisconsin, presented the Commission’s recommendation to eliminate the sunset provision on the women and minority at-large seats on the Nominating Committee. Peter F. Langrock, of Vermont, proposed an amendment whereby these seats will sunset in 2016. The amendment was approved, after which the recommendation was approved as amended.

[11-7B(3)] Richard J. Podell, of Wisconsin, presented the Commission’s recommendation to modify the selection process to require the president to select the members-at-large from three names submitted by the Commission on Women in the
Profession, the Commission on Racial and Ethnic Diversity in the Profession and the Commission on Mental and Physical Disability Law, who need not be members of the House when selected but become members while serving on the Nominating Committee. The report was approved (except the failure of Report 11-7B(1)(c) made the proposal inapplicable as to the Commission on Mental and Physical Disability Law).

[11-7B(4)] Joseph D. O’Connor, of Indiana, on behalf of the Commission, announced that Recommendation 11-7B(4) proposing to reduce the term of members of the Nominating Committee was moot and, therefore, withdrawn.

[11-7B(5)] Paul T. Moxley, of Utah, presented the Commission’s recommendation to record the results of voting sessions of the Nominating Committee. The report was not approved. An amendment proposed by Alice E. Richmond, of Massachusetts, to add one Law Student Division member as a non-voting member of the Nominating Committee was ruled not germane.

[11-7C(1)] Donna C. Willard-Jones, of Alaska, presented the Commission’s recommendation to clarify the role of the Board of Governors in §7.1. The recommendation was approved.

[11-7C(2)(a)] Richard J. Podell, of Wisconsin, presented the Commission’s recommendation to increase the size of the Board. A motion was made to sever the recommendation so as to consider a law student representative on the Board. Alice E. Richmond, of Massachusetts, proposed an amendment to provide a non-voting seat for a law student member-at-large, for a term of two years which was approved.

[11-7C(2)(b)] Richard J. Podell, of Wisconsin, presented the Commission’s proposal to increase the number of Section representatives on the Board from six to nine, one of whom shall be the chair of the Section Officers Conference. The recommendation was not approved.

[11-8C(1) (Alternative 4) (Amendment to 11-7C(2)] to increase the size of the Board of Governors from 37 to 47 to achieve 50% Section representation by increasing section representation from 6 to 14, and provide a seat for a disabled lawyer and one ex officio seat for the Chair of SOC was withdrawn.

[11-7C(3)] Paul T. Moxley, of Utah, presented the Commission’s recommendation to revise the composition of the Board of Governors by eliminating seat of the Immediate Past President. The recommendation was not approved.

[11-7C(4)] Richard J. Podell, of Wisconsin, presented the Commission’s proposal to eliminate the sunset provision of at-large seats on the Board. The Commission accepted a friendly amendment to extend the sunset on Board seats for minorities
and women for an additional 10 years. The recommendation was approved as amended.

[11-7C(5)] Donna K. Willard-Jones, of Alaska, presented the Commission’s recommendation to realign districts based on changes in lawyer population. The recommendation was referred to the Committee on Constitution and Bylaws for its consideration.

[11-7D(1)] David C. Weiner, of Ohio, presented the Commission’s recommendation to restrict eligibility of officers to serve in only one office. The recommendation was not approved.

[11-7D(2)(a)] Paulette Brown, of New Jersey, presented the Commission’s recommendation to reduce the terms of the Treasurer and Secretary. A motion was made and approved to sever the recommendation to consider separately the term of the Treasurer and the Secretary. Robert J. Weinberg, of Washington, DC, proposed an amendment that would require two nominees for each office effective in 2010. The amendment was not approved. The recommendation to reduce the term of the Treasurer to two years was not approved.

[11-7D(2)(b)] was withdrawn insofar as it pertained to the Secretary.

[11-7D(3)] David C. Weiner, of Ohio, presented the Commission’s recommendation to amend the policy regarding stipends for the President and President-elect to provide a cost of living increase and future index as determined by the Board of Governors. The recommendation was approved.

[11-8] Section Officers Conference (Reports to amend various sections of the Constitution and Bylaws regarding the governing structure of the House of Delegates, Nominating Committee, Board of Governors and Officers). Hervey P. Levin, of Texas reported on withdrawn alternative proposals.

[11-8A(1)] to amend the Constitution to remove the provision concerning the position of Delegate-at-Large was withdrawn.

[11-8A(2)] to create a Filing Committee for non-Delegates to replace the Committee of Delegates-at-Large was withdrawn.

[11-8A(3)] to limit the continued full membership in the House of former presidents and chairs of the House to three years, and to provide floor privileges without voting rights to all former officers was withdrawn.
[11-8A(4)] to reduce the size of the House to 435 and require reappointment every 5 years based on membership criteria was **withdrawn**.

[11-8A(5)] to decrease from five to four the number of state and local bar delegates that triggers the requirement to certify a young lawyer delegate was **withdrawn**.

[11-8A(6)] providing for a minimum of two delegates for each section was **withdrawn**.

[11-8A(7)] granting a second delegate to the Government and Public Sector Lawyers Division was **withdrawn**.

[11-8A(8)] to revise the filing deadline for state and local bar associations from the Sunday before the House convenes to no less than ten days before the House convenes was **withdrawn**.

[11-8B(1) (Alternative 1)] to reduce the size of the Nominating Committee from 67 to 53 by decreasing state delegates from 52 to 26, increasing Section delegates from 7 to 13, adding one Law Student Division Delegate, one Senior Lawyers Division Delegate, one Government and Public Sector Lawyers Division Delegate and one disabled lawyer, one Young Lawyers Division Delegate, one Judicial Division Delegate and 10 members-at-large was **withdrawn**.

[11-8B(2)] to create the position of State Representative was **withdrawn**.

[11-8B(3)] to revise the process for nominating and selecting members-at-large from the Nominating Committee and provide for membership of State Representatives on the Nominating Committee; limit the term of all members of the Nominating Committee to one three year term; require a recorded vote of the Nominating Committee and require two nominations for each office was **withdrawn**.

[11-8B(4) (Alternative 1)] to limit the length of service of all members of the Nominating Committee to one three year term, except for the Law Student Division Delegate, was **withdrawn**.

[11-8B(4) (Alternative 2)] to increase Section Delegates from 7 to 23 and limit the length of service of all members of the Nominating Committee to two three year terms, except for the Law Student Division, was **withdrawn**.

[11-8C(1) (Alternative 1)] to reduce the size of the Board of Governors from 37 to 31 to achieve 50% Section representation by decreasing districts from 18 to 10 and provide a seat for a disabled lawyer and one *ex officio* seat for the Chair of the Section Officers Committee was **withdrawn**.
[11-8C(1) (Alternative 2)] to maintain the size of the Board of Governors but attain 50% Section representation by decreasing District representation from 18 to 13 districts and by increasing Section representation from six to nine and provide a seat for a disabled lawyer and one ex officio seat for the Chair of SOC was withdrawn.

[11-8C(1) (Alternative 3)] to increase the size of the Board of Governors from 37 to 41 by increasing Section representation from 6 to 9, provide a seat for a disabled lawyer and one ex officio seat for the Chair of SOC was withdrawn.

[11-8C(2)] to conform changes in Bylaws regarding the Board to permit non-Board members to serve on Board Standing Committees was withdrawn.

[11-8C(3)] to amend the Bylaws to provide for codification of the existing Compensation Committee and establish minimum requirements and standards for the operation of this committee of the Board within state of the art governance practices was withdrawn.

[11-8C(4)] to amend the Bylaws to provide for creation of a Compliance Committee for the Board of Governors and establish minimum requirements and standards for the operation of this committee of the Board within state of the art governance practices was withdrawn.

[11-8C(5)] to provide for adoption of a charter for the Board of Governors and the committees of the Board as an element of state of the art of governance practices was withdrawn.

[11-8C(6)] to require a report of the Board of Governors to the House of Delegates concerning the Board’s compliance with the requirements of Article 7.1 was withdrawn.

[11-8E(2)] providing for the establishment of a Standing Committee on Compliance as an element of state of the art governance practices was withdrawn.

[11-9] amending §45.7(b) of the House Rules of Procedure to permit alternative means for sending the executive summaries of the reports with recommendations was approved.

**ADMINISTRATIVE LAW**

[106A] On behalf of the Judicial Division, Daniel F. Solomon, of Washington, DC, moved Report 106A encouraging Congress to establish the Administrative Law Judge Conference of the United States as an independent agency to assume the responsibility of the United States Office of Personnel Management with respect to the Administrative Law Judges, including their testing, selection, and appointment. The recommendation was approved.
ASBESTOS

[103] On behalf of the Tort Trial and Insurance Practice Section, Hervey P. Levin, of Texas, moved Revised Report 103 recommending that federal, state, and territorial courts without any existing Case Management Order governing asbestos litigation, or with an existing Case Management Order that has proven unworkable, adopt the Model Case Management Order, with referenced exhibits, dated August 2005.) The recommendation was approved as revised.

[301A] On behalf of the Tort, Trial and Insurance Practice Section, Hervey P. Levin, of Texas, announced withdrawal of the recommendation that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based claims should insure access by claimants to adequate representation in the claims process.

[301B] On behalf of the Tort, Trial and Insurance Practice Section, Hervey P. Levin, of Texas, announced withdrawal of the recommendation that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based claims should insure that awards to claimants not be depleted by taxation or by subrogation from any private or governmental entity and should not unduly foreclose independent claims existing under state, territorial or federal law relating to safety or other obligations of employers.

[301C] On behalf of the Tort, Trial and Insurance Practice Section, Hervey P. Levin, of Texas, announced withdrawal of the recommendation that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based claims should insure adequate up-front financing and disclosure of information concerning contributors.

[301D] On behalf of the Tort, Trial and Insurance Practice Section, Hervey P. Levin, of Texas, announced withdrawal of the recommendation that any legislation establishing an administrative process in lieu of state, territorial or federal tort-based claims should contain certain contingent provisions to respond to any potential occurrence of shortfall of funds.

ATTORNEY-CLIENT PRIVILEGE

[111] On behalf of the Task Force on Attorney-Client Privilege, Past President William R. Ide III, of Georgia, moved Revised Report 111 supporting the preservation of the attorney-client privilege and work-product doctrine, its opposition to policies, practices and procedures of governmental agencies that have the effect or eroding the attorney-client privilege and work-product doctrine, and its endorsement of policies, practices and procedures that recognize the value of those protections. The recommendation was approved as revised.
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, Secretary Rosenblum, of Oregon, moved revised Report 177B adopting revisions to the Blanket Authority Procedure dated August 2005, to allow ABA Sections to object to other entities’ technical comments. The recommendation was approved.

[400] Report 400 recommending that certain Association policies that pertain to public issues and are 10 years old or older be archived was approved.

CHILDREN IN FOSTER CARE

[10B] On behalf of the Los Angeles County Bar Association, Mariam Krinsky, of California, moved Report 10B urging Congress, the states and territories to enact and/or adopt policies consistent with the recommendations of the national bipartisan Pew Commission on Children in Foster Care for improving the outcomes for abused and neglected children under dependency court jurisdiction. The recommendation was approved.

COURTS

[106B] On behalf of the Judicial Division, Leslie B. Miller, of Arizona, moved amended Report 106B adopting the black letter of Sections 1.60 through 1.64 Relating to Court System Automation to amend the Standards Relating to Court Organization and replace current Sections 1.60 through 1.64, and adopts the black letter of Section 2.80 Relating to Trial Court Responsibilities for Court Automation to amend the Standards Relating to Trial Courts to replace current Sections 2.8 through 2.83. The recommendation was approved as amended.

[106C] On behalf of the Justice Center Coordinating Council, John M. Vittone, of Washington, DC, moved revised Report 106C urging Congress, the Department of Justice Judicial Security Review Group and the Department of Justice Office of Inspector General to determine whether the United States Marshals Service has corrected significant vulnerabilities to critical elements of its judicial security program that were identified by the IG in its March 2004 report entitled “Review of the United States Marshals Service Judicial Security Process.” The recommendation was approved as revised.
CRIMINAL JUSTICE

[10C] On behalf of the Bar Association of San Francisco, Mark Schickman, of California, moved Revised Report 10C which supports legislation restricting the sale, distribution, transfer and possession of .50 caliber sniper weapons except to the military and law enforcement agencies. The recommendation was approved as revised.

[115A] On behalf of the Criminal Justice Section, Neil R. Sonnett, of Florida, moved Report 115A urging federal, state and territorial governments to identify and attempt to eliminate the causes of erroneous convictions and urges state, territorial and local bar associations to assist in this effort. The recommendation was approved.

[115B] On behalf of the Criminal Justice Section, Stephen A. Saltzberg, of Washington, DC, moved Report 115B encouraging federal, state, territorial and local governments to afford prison and jail inmates every reasonable opportunity to maintain telephonic communication with the free community and to offer telephone services in the correctional setting with an appropriate range of options at the lowest possible rates. The recommendation was approved.

DOMESTIC VIOLENCE

[114] On behalf of the Commission on Domestic Violence, Richard A. DeMichele, Jr., of New Jersey, moved Revised Report 114 urging federal, state, territorial and local governments to reduce domestic violence by enforcing orders of protection as required under federal, state, local and territorial law and urges state and local governments to enact appropriate remedies for failure to enforce the terms of civil and criminal protection orders. The recommendation was approved as revised.

ELECTION LAW

[102] On behalf of the Standing Committee on Election Law, William B. Canfield III, of Washington, DC, moved Revised Report 102 adopting the Election Administration Guidelines and Commentary, dated August 2005, to supplant Ballot Integrity Standards Applying to Election Officials, dated August 1989 and Election Administration Guidelines, dated August 2001 and recommends that all election officials ensure the integrity of the election process through the adoption, use and enforcement of these Guidelines. The recommendation was approved as revised.

ENVIRONMENTAL LAW

[101A] On behalf of the Standing Committee on Environmental Law, Kinnan Goleman, of Texas, moved Revised Report 101A encouraging Congress and the President to take specific legislative, regulatory and other actions necessary to improve the structure of our country’s domestic management and regulation of its marine resources in order to better
protect the integrity of its marine ecosystems and to ensure ecologically sustainable use and development of its marine resources. The recommendation was approved as revised.

[101B] On behalf of the Standing Committee on Environmental Law, Kinnan Goleman, of Texas, moved Report 101B urging Congress and the President to take specific legislative, regulatory and other actions necessary to improve the nation’s domestic management and regulation of its marine resources for the benefit of present and future generations. The recommendation was approved.

[101C] On behalf of the Standing Committee on Environmental Law, Kinnan Goleman, of Texas, moved Report 101C urging Congress and the President to promote effective international efforts to protect the world’s marine ecosystems and ensure the ecologically sustainable use and development of the world’s marine resources. The recommendation was approved.

HOMELESSNESS

[112] On behalf of the Commission on Homelessness and Poverty, Harry A. Woods, Jr., of Oklahoma moved Revised Report 112 urging Congress, the U.S. Postal Service and other appropriate federal entities to ensure the prompt delivery of and adequate customer access to the U.S. mail for people experiencing homelessness. The recommendation was approved as revised.

INTERNATIONAL LAW

[110] On behalf of the Section of International Law, William M. Hannay III, of Illinois, moved amended Report 110 supporting the prompt ratification by the United States and by other members of the United Nations of the United Nations Convention Against Corruption, subject to minimal reservations, understandings and declarations, and also supports the development of a mechanism to monitor the implementation and enforcement of the Convention. The recommendation was approved as amended.

JUDICIAL INDEPENDENCE

[10A] On behalf of the State Bar of Texas, Kelly Frels, President of the State Bar of Texas, moved Report 10A affirming the belief that a fair, impartial, and independent judiciary is fundamental to a free society and calls on all Americans, including elected officials, to support and defend our judiciary and its role in maintaining the fundamental liberties under the Constitution of the United States. The recommendation was approved.
LAW AND AGING

[113A] On behalf of the Commission on Law and Aging, James F. Carr, of Colorado, moved Report 113A supporting continuation of the federal Old Age, Survivors, and Disability Insurance program, commonly known as Social Security, as a national system of social insurance that guarantees income to protect older people, widows and widowers, people with disabilities, and children, from falling into poverty due to loss of income from retirement or disability, or due to the retirement, disability or death of a primary breadwinner. The recommendation was approved.

[113B] On behalf of the Commission on Law and Aging, Esther F. Lardent, of Washington, DC, moved Revised Report 113B opposing any structural or financial changes in the Medicaid program that would weaken the current shared legal obligation that the federal and state governments have to provide a comprehensive set of benefits to all individuals who meet eligibility criteria and supports Medicaid restructuring that adheres to sever enumerated principles. The recommendation was approved as revised.

LEGAL AID

[107] On behalf of the Standing Committee on Legal Aid & Indigent Defendants, William O. Whitehurst, of Texas, moved Revised Report 107 urging that steps be taken to fulfill the constitutional guarantee of effective assistance of counsel under the Sixth Amendment as prescribed in decisions of the United States Supreme Court. The recommendation was approved as revised.

LEGAL EDUCATION

[300A] The House approved Report 300A submitted by the Section of Legal Education and Admissions to the Bar granting full approval to the Ave Maria School of Law, in Ann Arbor, Michigan effective upon the concurrence of the House of Delegates.

[300B] The House approved Report 300B submitted by the Section of Legal Education and Admissions to the Bar granting full approval to the University of the District of Columbia School of Law, in Washington, DC, effective upon the concurrence of the House of Delegates.

[300C] On behalf of the Section of Legal Education and Admissions to the Bar, Sidney S. Eagles, Jr., of North Carolina, moved Report 300 C amending and revising the Standards for Approval of Law Schools and the Interpretations thereto. The recommendation was approved.

LITIGATION

[104B] On behalf of the Section of Litigation, JoAnne A. Epps, of Pennsylvania, moved Report 104B urging the Congress to enact a federal shield law for journalists to protect the
public’s need for information and to promote the fair administration of justice incorporated by specific principles. The recommendation was approved.

MEDIATION

[104A] On behalf of the Section of Litigation, David C. Weiner, of Ohio, moved Revised Report 104A adopting the Model Standards of Conduct for Mediators, dated August 2005, which are intended to guide individual mediators in their practice, provide a model for entities that establish standards of conduct for mediators and inform potential and actual participants in mediation about what they should expect in mediation. The recommendation was approved as revised.

PARALEGEL EDUCATION PROGRAM

[100] Report 100 granting approval, reapproval and extension of the term of approval to several paralegal education programs, and withdrawing the approval of three programs at the request of the institution was approved.

SUBSTANCE ABUSE

[105] On behalf of the Standing Committee on Substance Abuse, Barbara J. Howard, of Ohio, moved Revised Report 105 urging all state, territorial and local legislative bodies and government officials to repeal laws and discontinue practices that permit insurers to deny coverage for alcohol or drug related injuries or losses covered by accident and sickness insurance policies that provide hospital, medical and surgical expense coverages. The recommendation was approved as revised.

VOTING RIGHTS


Closing Business

At the conclusion of the meeting of the House on Tuesday afternoon, August 9, 2005 after various thanks and reminders about the 2006 New Orleans Midyear Meeting, Chair Stephen N. Zack recognized William C. Hubbard, of South Carolina, who moved that the House adjourn sine die.