MEMORANDUM

TO: 
FROM: 
SUBJECT: 2007 Annual Meeting of the American Bar Association and Meeting of the House of Delegates 
DATE: September 7, 2007 

REPORT ON THE ABA ANNUAL MEETING

The 129th Annual Meeting of the American Bar Association (the “ABA”) was held August 9-14, 2007 at the Moscone West Convention Center in San Francisco, California. 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 Candidates” Forum on Sunday, August 12, 2007. The following candidates seeking nomination at the 2008 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association present: William C. Hubbard of South Carolina, candidate for Chair of the House of Delegates; and Carolyn B. Lamm of the District of Columbia, Paul T. Moxley of Utah and James R. Silkenat of New York, candidates for President-Elect.

THE HOUSE OF DELEGATES

I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES


On August 13, the Twenty-Third Marine Color Guard presented the colors. The invocation for the House was delivered by Past ABA President Dennis W. Archer of Michigan. The Chair of the House Committee on Credentials and Admissions, Palmer Gene Vance II, of Kentucky, 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.

Linda A. Klein of Georgia, Chair of the Committee on Rules and Calendar, provided a report on the Final Calendar for the House, including recently filed reports. She moved to consider the late-filed reports, adopt the final calendar and approve the revised list of
individuals who sought privileges of the floor. All three motions were approved. Ms. Klein noted that the deadline for submission of Reports with Recommendations for the 2008 Midyear Meeting is November 14, 2007, while the deadline for Informational Reports is December 7, 2007. 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.

Chair Bellows introduced James R. Silkenat of New York to provide an update on the development of the on-line directory for members of the House. Mr. Silkenat noted that nearly half of the Delegates had provided some biographical information in their entries. He said that after about seventy-five percent have done so, the directory may be published in hard copy. He and Chair Bellows encouraged House members to take advantage of this opportunity to share information about their individual practices and to network within the ABA.

Deceased members of the House were named by the Secretary of the Association, Armando Lasa-Ferrer of Puerto Rico, and were remembered by a moment of silence. Past ABA President Robert J. Grey, Jr., of Virginia offered remarks about 2000 ABA Medal Honoree Oliver W. Hill of Virginia, who recently passed away.

Later in the day, Linda A. Klein moved the items remaining on the consent calendar. The motion was approved. Ms. Klein also moved the adoption of 11-3 and 11-6(A) from the consent calendar, both of which required a two-thirds vote. The motion was approved. Ms. Klein also indicated that three items were removed from the archival list: 43, 44 and 45.

On August 14, Ellen F. Rosenblum of Oregon led the House in singing the Star Spangled Banner, as this date marks the anniversary of the incarceration of Francis Scott Key when he saw the battle that inspired him to write the Star Spangled Banner. Linda A. Klein moved the adoption of an updated calendar of special orders for August 14. The motion was approved.

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 Chair of the House of Delegates

Laurel G. Bellows of Illinois, Chair of the House, recognized the efforts of the members of the Rules and Calendar Committee and the Tellers who make the House operations possible and productive. Chair Bellows encouraged all House members to stay and participate throughout the meeting, and offered information about filing a salmon slip to participate in debate.

Chair Bellows reported that the ABA continues to send many communications to House members electronically, resulting in substantial cost savings.
Chair Bellows announced that many members of the House continue to support the program efforts of the Fund for Justice and Education. She encouraged all members of the House to contribute to the fund. She also asked members to consider making a donation to the ABA Legal Opportunity Scholarship Fund, which provides twenty law school scholarships annually.

Chair Bellows noted that the ABA’s lobbying though ABA Day 2007 led to an increase in funding for the Legal Services Corporation of at least twenty-eight million dollars and also highlighted the need for congressional action on preservation of the attorney-client privilege. She encouraged members of the House to participate in ABA Day next year, scheduled for April 16-17, 2008, in Washington, D.C.

**Statement by the Secretary**

Armando Lasa-Ferrer of Puerto Rico, Secretary of the Association, moved approval of the House of Delegates Summary of Action from the 2007 Midyear Meeting, which was approved by the House. On behalf of the Board of Governors, Secretary Lasa-Ferrer presented and referred the House to Report Nos. 177 and 177A, the Board’s Informational and Transmittal Reports to the House, and Report No. 177C, the Report of the Section of Legal Education and Admissions to the Bar.

**Statement by the ABA President**

ABA President Karen J. Mathis of Colorado greeted the House and discussed some of the highlights of her year as President. She spoke of her visit with a thirteen-year-old girl in Ecuador, an e-mentoring program developed by lawyers to reduce the high school dropout rate, and a woman she met who is attending law school on a scholarship after having a child at age fifteen and living with an abusive partner.

President Mathis noted that this year focused on two themes: service and the rule of law. She discussed the work of the ABA Commission on Youth at Risk, which hosted twenty community roundtables to address the needs of our nation’s youth. She told the House about partnerships with the Girl Scouts of the USA and Boys and Girls Clubs of America to promote an anti-violence program. The year featured the first status offenders conference in over three decades, which 7,000 people attended by videoconference. The Commission on Youth at Risk also looked at the issue of youth aging out of foster care, who are at great risk of becoming homeless, poor and suffering from a mental disorder. She thanked the Commission for its work this year, including the creation of three resolutions being considered by the House. She also thanked the Board of Governors for agreeing to fund the Commission in 2007-08.

President Mathis talked about the Commission on Second Season of Service and its goal of encouraging those retiring from the practice of law to volunteer in their communities. One highlight of this initiative is a website that lists volunteer opportunities state-by-state, facilitating the matching of volunteers and those in need. President Mathis thanked the Commission for its efforts and the Board of Governors for continuing the Commission in 2007-08.
With respect to the rule of law, President Mathis discussed the ABA’s continued efforts to convince the federal government to repeal policies that have pressured defendants to waive the attorney-client privilege. She said the ABA will also continue to fight for the rights of detainees and incarcerated persons, including the right of habeas corpus review. She noted that the ABA has for years actively worked to promote the rule of law and mentioned a joint meeting held with the International Bar Association in 2006 in Chicago that discussed rule of law issues. She said President-Elect William H. Neukom will continue to address the rule of law through his World Justice Project.

Finally, President Mathis thanked her family, friends and colleagues for their support during her term as President. The House recognized President Mathis for her service to the ABA.

**ABA Medal Presentation**

President Mathis introduced the 2007 ABA Medal Honoree, United States Supreme Court Associate Justice Anthony M. Kennedy. She recognized his efforts to promote civility in the legal profession, civics education, sentencing reform and the rule of law.

Justice Kennedy expressed his deep gratitude for the award, noting his admiration for the ABA and the countless lawyers in the United States who are likewise dedicated to the law. He also thanked his family for their continued support.

Justice Kennedy encouraged the ABA to continue promoting the rule of law throughout the world. He noted that the task is great, given that many people in developing countries lack legal documents such as birth certificates, and many work in illegal or informal sectors, where the law is seen as a predator rather than a guardian. He said to promote change in these countries, we cannot simply suggest they replicate our legal structure. Rather, it will require us to work with their young people, emphasizing that the law need not be a barrier to progress and instead can be an instrument for opportunity. He emphasized that the work of freedom has just begun.

**Remarks by President of the International Bar Association**

Fernando Pombo, President of the International Bar Association (IBA), addressed the House, passing on greetings from lawyers around the world. He discussed the history of the IBA, noting that it began as the dream of some ABA members in the 1930s. Although plans for the organization were interrupted by World War II, the IBA was created in 1946 and has continued to grow since then.

Mr. Pombo said that there are 30,000 individual members of the IBA and representatives of national and local bars from 190 nations. He mentioned some of the IBA’s projects, including prevention of corruption in Thailand and implementation of the rule of law in Russia. President Pombo thanked the ABA for its efforts throughout the world, and for participating in the joint rule of law conference in 2006.
Statement by the Treasurer

The Treasurer, Wm. T. (Bill) Robinson III of Kentucky, referred members of the House of Delegates to his written report. He noted that the ABA is now a $300+ million organization with approximately 400,000 members, 900 employees and 2,000 entities. He reported that this year the ABA is $8.3 million ahead of budget in revenue and only $1.6 million ahead of budget in expenses. Given this financial health, Mr. Robinson said he is hopeful the ABA can stretch the current dues cycle to four and maybe even five years.

Treasurer Robinson thanked Executive Director Hank White and the numerous staff who support the work of the finance committee. He also thanked Finance Committee Chair James Baird of Illinois and the Finance Committee. In addition, he noted the creation of the Enterprise Fund to promote cooperation and collaboration among ABA entities. He thanked Mark D. Agrast of Washington, D.C. for overseeing the grants process this year, and the Board of Governors for its support of the project. Finally, he recognized the work of the Standing Committee on Audit, led by Chair John A. Krsul of Michigan, noting that the Committee has become an integral part of the ABA’s operations.

Presentation by Vice-President of the American Bar Endowment

Roderick B. Mathews of Virginia, Vice-President of the American Bar Endowment (ABE), announced that the ABE was providing annual grants to the Fund for Justice and Education (FJE) and the American Bar Foundation (ABF) of $3.7 million each. Sheila Slocum Hollis, Chair of the Council of the FJE, and David K. Y. Tang, President of the ABF Board of Directors, accepted the grants. Mr. Mathews encouraged members of the House to support the work of the Endowment by purchasing insurance from the ABE and its for-profit subsidiary, American Bar Insurance (ABI).

Statement by the Executive Director

Executive Director Henry F. White, Jr., thanked President Mathis and Chair Bellows for their assistance during his first year, as well as the many people who responded to his questions about the ABA. He said that what has surprised him most has been the staff’s extraordinary competence and professionalism, and the extraordinary breadth of programs in which the ABA engages on a daily basis. He thanked the staff for helping him manage this large organization.

Mr. White noted that the ABA is the only institution in America whose work touches every single American, every single day, in every single way. He asked the House to consider why the ABA boasts only one-third of the nation’s lawyers. He suggested that we must consider how the ABA is perceived and not fall prey to self-talk. Rather, he said, as national representatives of the legal profession, we must strive daily to: increase membership so that the substantial majority of the nation’s lawyers become ABA members; be the standard for ethics and professionalism; be the pinnacle of diversity in any profession; and work continually with our sister state and local bar associations. Mr. White asserted that the ABA must be seen as inclusive and a welcoming place for lawyers of all backgrounds and those interested in the law. He said the ABA should be an institution
dedicated to nurturing leadership skills of all lawyers and to developing forums for open debate so that a wide range of perspectives may be heard.

Mr. White asserted that the ABA must be seen as the institution to which every American lawyer must belong. He asked members of the House to help promote membership and referred to a letter and enrollment card that was provided to every member of the House.

**Passing of the President's Gavel**

ABA President Mathis introduced President-Elect William H. Neukom of Washington and wished him well during his year as President. President-Elect Neukom thanked the many people and entities of the ABA that have supported him in preparation for his year as President, as well as his family, his law firm and his fellow lawyers from Washington. He recognized President Mathis’ efforts and led a round of applause thanking her for her service.

President-Elect Neukom spoke of his travels over the last year, meeting with local, state, national and multi-national bar associations, as well as leaders of organizations representing other disciplines. He said he has learned a lot about lawyers and judges, and has recognized that all countries share a common interest in liberty and justice. He asserted that all people deserve a legal process in which to assert and protect their rights, access to a justice system, and a diverse, fair, impartial and independent legal profession and judiciary.

President-Elect Neukom pledged to have an open and nimble administration and encouraged input on how to improve the working of the ABA and the ABA member experience. He said he has several priorities for next year, including looking at the structure and management of the ABA, increasing collaboration among ABA entities and with other organizations, fighting discrimination and advancing the rule of law. The World Justice Project, will build a multi-disciplinary movement to advance the rule of law in the U.S. and abroad, through multi-disciplinary meetings in all U.S. states and other countries, a scholars program, a rule of law index designed to measure adherence to the rule of law, and a meeting of 600-700 leaders in Vienna in the summer of 2008.

President-Elect Neukom encouraged each of the Delegates to rededicate themselves to the work and growth of the ABA and the pursuit of justice.

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

The Nominating Committee met on Sunday, August 12, 2007. On behalf of the committee, Thomas R. Curtin of New Jersey, Chair of the Steering Committee of the Nominating Committee, reported on the following nominations for the terms indicated:

**Officers of the Association**

**President-Elect (2007-2008)**
H. Thomas Wells, Jr. of Alabama
Secretary for 2008-2011; to serve as Secretary-Elect in 2007-2008
Hon. Bernice B. Donald of Tennessee

Treasurer for 2008-2011; to serve as Treasurer-Elect in 2007-2008
Alice E. Richmond of Massachusetts

Members of the Board of Governors (2007-2010)

District Members

District 7: H. Ritchey Hollenbaugh of Ohio
District 8: Richard Pena of Texas
District 10: David R. Gienapp of South Dakota
District 11: Don Bivens of Arizona
District 13: Katherine H. O’Neil of Oregon
District 18: Kathleen J. Hopkins of Washington

Section Members-at-Large

Section of Administrative Law and Regulatory Practice
John Hardin Young of the District of Columbia

Section of Science and Technology Law
Scott F. Partridge of Texas

Woman Member-at-Large
Paulette Brown of New Jersey

Remarks by President-Elect Nominee

President-Elect Nominee H. Thomas Wells, Jr. of Alabama expressed his appreciation and happiness at being elected. He thanked the members of his family, friends and colleagues who were on hand to celebrate the occasion with him.

President-Elect Wells said he believes the ABA needs to focus on the common core values that unite us as lawyers. He said that our aim is, and always will be, to serve and strengthen our association, our profession, our justice system and our society, under the rule of law. He said that under his leadership the ABA would continue many important programs, including those initiated in recent years by Past Presidents Michael S. Greco, Karen J. Mathis and William H. Neukom. The ABA will highlight and build on the contributions made by pathbreakers like Past Presidents Dennis W. Archer, Robert J.
President-Elect Wells said the ABA should focus on the ABA programs and activities that are central to the ABA’s core values, particularly as they relate to access to justice, independence of the bar and the judiciary, diversity in the legal profession and strengthening the rule of law. He said we will call on the ABA’s numerous entities as well as state, local and specialty bars and affiliate organizations to work on these issues.

President-Elect Wells identified several concerns that lawyers share, including the forced waiver of the attorney-client privilege, the lack of sufficient legal aid funding to serve eighty percent of the indigent population, the systematic barriers that prevent women and men of diverse backgrounds from entering the legal profession, the criticism of judges, and others. President-Elect Wells also noted the importance of ABA Day in Washington. He observed that he will take office shortly before a new United States president is elected. He pledged to hit the ground running and leverage our influence in Washington, D.C. on the important issues in which the legal profession has a stake. In closing, he urged the House to work together to make our association and the legal profession more vibrant and relevant than ever.

**Scope Nominating Committee**

Christel E. Marquardt of Kansas, Chair of the Committee on Scope and Correlation of work, nominated Mitchell A. Orpett of Illinois to be the next member of its committee for a five-year term. She moved that nominations be closed. The motion was approved. Chair Bellows later moved the election of Mr. Orpett. The motion was approved.

**Delegate-at-Large Election Results**

Chair Bellows announced the election of the following members to three-year terms as Delegates-at-Large: Mark D. Agrast of Washington, D.C., John J. Bouma of Arizona, José C. Feliciano of Ohio, Thomas M. Fitzpatrick of Washington, Robert A. Stein of Minnesota and Carole Lynch Worthington of Tennessee. John M. Vittone of Washington, D.C. was elected to a one-year term to fill a Delegate-at-Large vacancy.

**Resolution and Impact Review Committee**

Chair Bellows explained that she asked the newly-created Resolution and Impact Review Committee to review the resolutions adopted by the House and analyze the effects they had on the public, the judiciary and the profession. She acknowledged the significant efforts of the Committee and thanked them for their service.

Committee Chair C. Elisia Frazier of Georgia thanked the Committee and the staff who helped review 280 resolutions that were passed between 2001 and 2005. Some of the resolutions were the focus of lobbying, some led to the filing of amicus briefs, some became model rules adopted by states, and others have been aspirational. The Committee reported on three recommendations that have had a significant impact.
Committee member Jennifer A. Rymell of Texas reported that after the 2004 Midyear passage of a resolution on model lawyer assistance programs, ten states that did not previously have lawyer assistance programs created them. Four states hired additional clinical staff for their programs. In addition, ABA standards were revised to make the disease of addiction a mitigating factor in attorney discipline cases. Finally, increased awareness of the issue led to more lawyers seeking assistance.

Committee member Timothy J. Kirven of Wyoming reported on nine recommendations of the ABA Commission on Multi-Jurisdictional Practice that the House passed in August 2002. One of the recommendations was the amendment of Model Rule 5.5 to allow lawyers to practice law on a temporary basis in another jurisdiction, which thirty-four states have now adopted. Mr. Kirven said another focus of the House action was to encourage states to update and amend their rules governing the practice of law and the promotion of a model pro hac vice rule. Mr. Kirven explained that the action of the House in August 2002 was significant, coming at a time when regulation of the practice of law was increasingly being challenged nationally and internationally. He said adoption of the recommendations reaffirmed the admission and disciplinary schemes of the states while safeguarding the interests of lawyers.

Committee member James Dimos of Indiana reported on the August 2005 resolution urging Congress, the United States Postal Service and other appropriate federal entities to ensure access to U.S. Mail to people experiencing homelessness. Mr. Dimos explained this resolution was designed to help the 840,000 Americans who experience homelessness in any given week. He reported that the federal legislation supporting this resolution has not yet passed, but efforts continue to promote it.

Committee Vice-Chair L. Jonathan Ross of New Hampshire thanked the individual Committee members for their reports and referred the House to a fact sheet provided by the Committee. He also noted that there is a fact sheet on the Commission on Law and Aging, one of the ABA entities the Committee highlighted this year. He said the Committee will report again at the 2008 Midyear Meeting.

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, BYLAWS AND HOUSE RULES OF PROCEDURE

[11-1] Secretary Armando Lasa-Ferrer of Puerto Rico moved Report 11-1 on behalf of Edward Haskins Jacobs of the U.S. Virgin Islands, who presented 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.” James R. Silkenat of New York, Chair of the Standing Committee on Constitution and Bylaws, reported the action of the Standing Committee.
W. Scott Welch III, of Mississippi moved to postpone indefinitely consideration of the proposal. The House approved the motion to postpone indefinitely.

[11-2] Kay H. Hodge of Massachusetts withdrew Report 11-2 amending §2.1(g) of the Constitution to realign Massachusetts into District 4 which is a two-state district and Virginia into District 2 which is a three-state district based on changes in lawyer population figures.

[11-3] The House approved by consent Report 11-3 amending §10.1 of the Constitution to change the name of the Section of Real Property, Probate and Trust Law to the Section of Real Property, Trust and Estate Law.

[11-4] Susan Raridon Lambreth of Tennessee moved Report 11-4 amending §30.5 of the Bylaws to provide that Non-U.S. lawyer associates may serve on the Council of the Law Practice Management Section. James R. Silkenat of New York, Chair of the Standing Committee on Constitution and Bylaws, reported the action of the Standing Committee. The proposal was approved.

[11-5] The House approved by consent Report 11-5 amending §31.7 of the Bylaws to revise the jurisdictional statement of the Standing Committee on Professionalism to increase the size of the Committee from seven to nine members.

[11-6] The Standing Committee on Constitution and Bylaws proposed the following housekeeping amendments to the Association’s Constitution, Bylaws and House Rules of Procedure:

[Report 11-6(A)] The House approved by consent Report 11-6(A) amending §6.6 of the Constitution to delete the following sentence, “In 1991 and in each succeeding third year, a section with more than 6,000 Association members and Non-U.S. Lawyer Associates shall elect from its membership one additional delegate to the House.”

[Report 11-6(B)] The House approved by consent Report 11-6(B) amending §30.1 and §30.2 of the Bylaws to read as follows: “The House of Delegates, by a two-thirds vote of the members present and voting, may….”

[Report 11-6(C)] The House approved by consent Report 11-6(C) amending §31.7 of the Bylaws to reference the Standing Committee on Federal Judiciary as the Standing Committee on the Federal Judiciary.

BOARD OF GOVERNORS RECOMMENDATION AND REPORT WITH RECOMMENDATION ON ARCHIVING

[177A] On behalf of the Board of Governors, Secretary Armando Lasa-Ferrer of Puerto Rico 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.
The House approved by consent Report 400 as amended recommending that certain Association policies that pertain to public issues and are 10 years old or older be archived. Items 43, 44 and 45 were removed from the archival list and will remain current policy of the Association.

CRIMINAL JUSTICE

On behalf of the Bar Association of the District of Columbia, Robert L. Weinberg of Virginia moved Report 10C supporting in principle that the appointment, retention and replacement of United States Attorneys and career government attorneys, and the exercise of their professional judgment and discretion, should be insulated from improper partisan political considerations. Lois J. Schiffer of Washington, D.C. moved to amend the recommendation. Stephen A. Saltzburg of Washington, D.C. and Neal R. Sonnett of Florida spoke in opposition to the amendment. The amendment failed. Melvin White of Washington, D.C., spoke in favor of the recommendation. The recommendation was approved.

On behalf of the Commission on Effective Criminal Sanctions, Stephen A. Saltzburg of Washington, D.C. withdrew Report 119 urging federal, state, territorial, tribal and local governments to limit access to and use of criminal history records for non-law enforcement purposes, to the extent permitted by the First Amendment, except by agencies and employers that are engaged in law enforcement, and urging governments to adopt policies in connection with limits on access to criminal records.

On behalf of the Criminal Justice Section, Neal R. Sonnett of Florida moved Revised Report 122 urging federal, state, local and territorial governments to maintain the Medicaid eligibility of otherwise-eligible incarcerated persons and provide continuity of Medicaid eligibility to persons newly-released from custody. Stephen A. Saltzburg of Washington, D.C. spoke in favor of the recommendation. The recommendation was approved as revised.

DOMESTIC VIOLENCE

On behalf of the Standing Committee on Domestic Violence, the Hon. Pamila J. Brown of Maryland moved Revised Report 109 adopting the black letter Standards of Practice for Lawyers Representing Victims of Domestic Violence, Sexual Assault and Stalking in Civil Protection Order Cases, including the preface, dated August 2007. Peter F. Langrock of Vermont raised of point of inquiry. The recommendation was approved as revised.

ELECTION LAW

On behalf of the Commission on Law and Aging, Joseph D. O'Connor of Indiana moved Revised Report 121 urging federal, state, local and territorial governments to improve the administration of elections to facilitate voting by all individuals with disabilities, including people with cognitive impairments that increase in frequency with age. The recommendation was approved as revised.
EMPLOYMENT LAW

[302] On behalf of the Commission on Women in the Profession, Pamela J. Roberts of South Carolina moved Report 302 urging Congress to amend Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(e), and federal age and disability employment discrimination laws to ensure that in claims involving discrimination in compensation, the statute of limitations runs from each payment reflecting the claimed unlawful disparity. David C. Weiner of Ohio moved to amend the recommendation. The amendment was approved. Kenneth G. Standard of New York opposed the resolution and moved to postpone indefinitely. The motion to postpone indefinitely failed. Past ABA President Robert J. Grey of Virginia, Robert N. Weiner of Washington, D.C., Past ABA President R. William Ide III, of Georgia and ABA President-Elect William H. Neukom of Washington spoke in favor of the recommendation. James Baird of Illinois spoke in opposition to the recommendation. The recommendation was approved as amended.

FAMILY LAW


HEALTH LAW

[120A] On behalf of the Health Law Section, Gregory L. Pemberton of Indiana moved Report 120A encouraging lawyers, law firms, legal services agencies, law schools and bar associations to develop medical-legal partnerships with hospitals, community-based health care providers, and social service organizations to help identify and resolve diverse legal issues that affect patients’ health and well-being. The recommendation was approved.

[120B] On behalf of the Health Law Section, Howard T. Wall of Tennessee moved Revised Report 120B supporting the study of regionalization of the nation’s Emergency Care System and Emergency Departments and the enactment of legislation and promulgation of rules, specifically as it relates to disaster preparedness, as an effective and efficient means of improving patient safety, health care quality, cost reduction, coordination of care, and increased accountability of the system. Gregory L. Pemberton of Indiana spoke in favor of the recommendation. The recommendation was approved as revised.

HOMELESSNESS AND POVERTY

[107] On behalf of the Commission on Homelessness and Poverty, Casey Trupin of Washington moved Revised Report 107 urging Congress to amend Subtitle VII-B, Part C of the McKinney-Vento Homeless Assistance Act to clarify that the Act applies to all children and youth in foster care and to significantly increase funding to support the school stability, enrollment, attendance, and success of all eligible children and youth. The recommendation was approved as revised.
**INDIVIDUAL RIGHTS AND RESPONSIBILITIES**

[116A] On behalf of the Section of Individual Rights and Responsibilities, Richard M. Macias of California moved Revised Report 116A supporting procedures and standards designed to ensure that whenever possible, federal civil cases are not dismissed based solely on the state secrets privilege. Lawrence J. Fox of Pennsylvania and Neal R. Sonnett of Florida spoke in favor of the recommendation. The recommendation was approved as revised.

[116B] On behalf of the Section of Individual Rights and Responsibilities, C. Elisia Frazier of Georgia moved Revised Report 116B urging Congress to create an independent, bipartisan commission to investigate and recommend the appropriate measures to rebuild the infrastructure of the Gulf Coast damaged by Hurricanes Katrina and Rita, to provide reasonable hurricane and flooding protection for the people living in disaster prone areas, and to recommend appropriate measures designed to prevent or mitigate problems in responding to natural disasters in the future. Harry S. Hardin III, of Louisiana spoke in favor of the recommendation. The recommendation was approved as revised.

**INTERNATIONAL LAW**

[10B] On behalf of the Association of the Bar of the City of New York, Barbara Berger Opotowsky moved Report 10B urging Congress to override the President’s Executive Order of July 20, 2007, which alters the U.S. government’s international obligations under the Geneva Conventions of August 12, 1949, regarding the treatment of detainees under its authority or control, and to reaffirm those obligations. James R. Silkenat of New York, Albert C. Harvey of Tennessee and Kathryn Grant Madigan of New York spoke in favor of the recommendation. The recommendation was approved.

[118A] On behalf of the Section of International Law, Michael H. Byowitz of New York moved Report 118A urging the U.S. Patent and Trademark Office (USPTO) to amend 37 CFR §§ 11.6 and 11.7 to permit the registration and continued qualification to practice before the USPTO of any attorney who: (1) demonstrates the necessary scientific, technical, character and language qualifications; and (2) passes the USPTO examination for registration without regard to the citizenship, country of residence or immigration status of such person. Peter D. Ehrenhaft of Washington, D.C., Gabrielle M. Buckley of Illinois and Richard M. Steuer of New York spoke in support of the recommendation. Donald R. Dunner of Washington, D.C., Q. Todd Dickinson of Connecticut, Scott Francis Partridge of Texas and Leslie W. Jacobs of Ohio spoke in opposition to the recommendation. The recommendation failed by a vote of 149 to 238.

[118B] On behalf of the Section of International Law, A. Joshua Markus of Florida moved Report 118B supporting the International Trade Commission’s adoption of certain procedures relevant to its compliance with the Government in the Sunshine Act, 5 U.S.C § 552(b). The recommendation was approved.
[300] On behalf of the Section of International Law, A. Joshua Markus of Florida moved Report 300 urging the United States to sign and ratify the amended Article 1 and Protocol III, Protocol IV, and Protocol V of the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed To Be Excessively Injurious or To Have Indiscriminate Effects, which ban the use of incendiary weapons and blinding laser weapons, as well as set standards on marking, clearance, removal, and destruction of unexploded or abandoned mortar shells, grenades, artillery rounds, and bombs. The recommendation was approved.

INTERNATIONAL RULE OF LAW SYMPOSIA

[110A] On behalf of the Task Force on International Rule of Law Symposia, Secretary Armando Lasa-Ferrer of Puerto Rico moved Report 110A urging governments, businesses, nongovernmental organizations and other organizations to consider and integrate Rule of Law initiatives with global environmental issues. Howard Kenison of Colorado presented the resolution. The recommendation was approved.

[110B] On behalf of the Task Force on International Rule of Law Symposia, C. Elisia Frazier of Georgia moved Revised Report 110B encouraging corporations, lawyers, law firms and other professionals to promote corporate citizenship by supporting: compliant and ethical corporate behavior globally; global pro bono services; promotion of the rule of law; encouraging governments to pursue policies that support corporate citizenship and the rule of law; and sharing best practices in corporate citizenship. Laura Stein of California and Robert MacCrate of New York spoke in favor of the recommendation. The recommendation was approved as revised.

[110C] On behalf of the Task Force on International Rule of Law Symposia, Secretary Armando Lasa-Ferrer of Puerto Rico moved Revised Report 110C urging federal, state, local, territorial and tribal governments to pass legislation, authorize funding that strengthens protection and assistance for victims of trafficking in persons, within the United States or abroad, as well as bolsters prevention efforts and encouraging bar associations to engage members of the legal profession in raising awareness of trafficking in persons in their communities and in providing pro bono legal services to victims of trafficking. J. Anthony Patterson, Jr., of Texas presented the recommendation. The recommendation was approved as revised.


[110E] On behalf of the Task Force on International Rule of Law Symposia, Robert A. Stein of Minnesota moved Report 110E supporting the following international standards on judicial independence: The United Nations Basic Principles on the Independence of the Judiciary; The International Bar Association Minimum Standards for Judicial Independence; and The Bangalore Principles of Judicial Conduct, and urging the United States government to support these standards. The recommendation was approved.
LAW AND AGING


[105] On behalf of the Senior Lawyers Division, Anthony R. Palermo of New York moved Revised Report 105 urging bar associations and courts to develop, adopt, promote and implement programs and procedures to encourage and enable lawyers to plan for law practice contingencies by designating in advance another lawyer who is willing and able to assume the lawyer’s practice or to assist in the transfer of client matters and paper and electronic files, in the event that the lawyer has any physical or mental disability that significantly impairs the lawyer’s ability to practice law, or the lawyer has died, disappeared, been suspended or disbarred, or otherwise been restricted from the practice of law. The recommendation was approved as revised.

LAWYER ASSISTANCE

[117] On behalf of the Commission on Lawyer Assistance Programs, the Hon. Robert L. Childers of Tennessee withdrew Report 117 adopting the Model Rule on Conditional Admission to Practice Law including the commentary, dated August 2007, and urging all admissions authorities to implement conditional admission rules that do not discriminate against an eligible candidate for the bar because of the candidate’s past treatment for addiction or mental health.

LEGAL EDUCATION

[103A] On behalf of the Section of Legal Education and Admissions to the Bar, Sidney S. Eagles, Jr. of North Carolina moved Revised Report 103A concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting Interpretation 302-10 concerning opportunities for law student participation in pro bono activities, dated August 2007, as an addition to the Standards for Approval of Law Schools and the Interpretations of the Standards. The recommendation was approved as revised.

[103B] The House approved by consent Report 103B, as submitted by the Section of Legal Education and Admissions to the Bar, concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in amending Standard 801(a) and adopting Interpretation 509-3, dated August 2007, of the Standards for Approval of Law Schools.
On behalf of the Section of Legal Education and Admissions to the Bar, Jose Garcia-Pedrosa of Florida moved Report 103C concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting amendments to Rule 13 (Action Concerning Apparent Non-Compliance with Standards); Rule 18 (Compliance with Sanctions or with Remedial or Probationary Requirements); Rule 20 (Major Change in the Organizational Structure of a Provisionally or Fully Approved Law School); and Rule 21 (Major Change in the Program of Legal Education of a Provisionally or Fully Approved Law School) of the Rules of Procedure for Approval of Law Schools, dated August 2007. The recommendation was approved.

**LITIGATION**

On behalf of the Section of Litigation, Joanne A. Epps of Pennsylvania moved Revised Report 113 adopting twelve principles to govern the planning, preparation and training for responses to a major disaster to ensure that the legal system maintains fidelity to the rule of law. The recommendation was approved as revised.

On behalf of the Section of Litigation, Patricia Lee Refo of Arizona moved Report 301 adopting the black letter of the revised and/or new Standards that have been integrated into The Civil Trial Practice Standards to become the Updated Civil Trial Practice Standards which address practical aspects of trial that regularly recur but are not fully addressed by rules of evidence or procedure. Dennis J. Drasco of New Jersey spoke in favor of the recommendation. The recommendation was approved.

**MENTAL AND PHYSICAL DISABILITY**

On behalf of the Commission on Mental and Physical Disability Law, Scott C. LaBarre of Colorado moved Revised Report 108 urging those in the legal profession to make their websites accessible to individuals with visual, hearing, manual and other disabilities and to make legal entities aware of the problems associated with inaccessible websites. The recommendation was approved as revised.

**PARALEGALS**

The House approved by consent Report 101, as submitted by the Standing Committee on Paralegals, granting approval, reapproval and extension of the term of approval to several paralegal education programs, and withdrawing the approval of four programs at the request of the institutions.

**PUBLIC EDUCATION**

On behalf of the Standing Committee on Public Education, Dwight L. Smith of Oklahoma moved Revised Report 114 urging amendment of the No Child Left Behind Act, if reauthorized, or the adoption of other legislation, to ensure that all students experience high quality civic learning. Robert H. Rawson, Jr. of Ohio, Gregory L. Ulrich of Michigan and Past ABA President Michael S. Greco of Massachusetts spoke in support of the recommendation. The recommendation was approved as revised.
PUBLIC CONTRACT

[115] On behalf of the Section of Public Contract Law, John S. Pachter of Virginia moved Report 115 urging all bar associations and other appropriate regulatory bodies to adopt a policy that provides for the waiver or suspension of association dues, CLE requirements and other membership obligations for members who are serving in the U.S. Armed Forces and are performing services in a Combat Zone as designated by an Executive Order of the President of the United States. Gregory L. Ulrich of Michigan and Robert L. Weinberg of Virginia spoke in support of the recommendation. The recommendation was unanimously approved.

REAL PROPERTY, PROBATE AND TRUST LAW

[102A] On behalf of the Section of Real Property, Probate and Trust Law, Leopold Z. Sher of Louisiana moved Revised Report 102A urging Congress to amend Section 363(f) of the Federal Bankruptcy Code, 11 U.S.C. §363(f) to clarify that a sale of real property free and clear of an unexpired lease under which the debtor is the lessor, can be accomplished only if the non-debtor lessee is granted the same rights afforded to non-debtor lessees when their leases are rejected. The recommendation was approved as revised.

[102B] On behalf of the Section of Real Property, Probate and Trust Law, David M. English of Missouri withdrew Report 102B recommending that Section 67(e) of the Internal Revenue Code be interpreted to allow a trust or estate a full deduction from gross income for investment management and advisory fees arriving at its adjusted gross income and that these expenses not be subject to the general rule of Section 67(a).

SPECIALIZATION

[100] The House approved by consent Report 100, as submitted by the Standing Committee on Specialization, recommending that accreditation be continued for several lawyer specialty certification programs as reorganized.

SUBSTANCE ABUSE

[106A] The House approved by consent Report 106A, as submitted by the Standing Committee on Substance Abuse, affirming the principle that dependence on alcohol or other drugs is a disease and supporting the principle that insurance coverage for the treatment of alcohol and drugs disorders should be at parity with that for other diseases.

[106B] On behalf of the Standing Committee on Substance Abuse, Edward Jurith withdrew Report 106B urging state, tribal and territorial legislative bodies to adopt strategies to reduce the incidence of prescription drug diversion and abuse, including the enactment of legislation to authorize and implement Prescription Drug Monitoring Programs, which are instrumental in protecting the integrity of the process of prescribing and filling legitimate prescriptions and thereby preventing prescription drug abuse.
UNIFORM STATE LAWS

[111] The House approved by consent Report 111, as submitted by the National Conference of Commissioners on Uniform State Laws, approving the Revised Uniform Limited Liability Company Act (2006), promulgated by the National Conference of Commissioners on Uniform State Law since 2006 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

YOUTH AT RISK

[104A] On behalf of the Commission on Youth at Risk, Paula J. Frederick of Georgia moved Revised Report 104A encouraging bar associations, judges and attorneys to lead and promote efforts to create comprehensive support and services for youth who “age out” of foster care (“transitioning youth”) and other former foster youth until at least age 21, and urging amendment of applicable law, and court and child welfare practices. The Hon. Pamila J. Brown of Maryland spoke in support of the recommendation. The report was approved as revised.

[104B] On behalf of the Commission on Youth at Risk, Dwight L. Smith of Oklahoma moved Report 104B encouraging measures to promote the permanent placement of lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth in the foster care system in LGBTQ-friendly homes and that protect LGBTQ youth in the homeless youth and foster care systems from discrimination and violence. The recommendation was approved.

[104C] On behalf of the Commission on Youth at Risk, Laura V. Farber of California moved Report 104C encouraging jurisdictions to pass laws that require the provision of evidence-based pre-court diversion and early intervention services for youth who are alleged to have committed status offenses, such as truancy, ungovernability or running away and supporting the use of in-home or community-based services as an alternative to secure detention. The recommendation was approved.

CLOSING BUSINESS

At the conclusion of the meeting of the House on Tuesday, August 14, Chair Bellows thanked numerous people for their assistance with the House meeting, including the Committee on Rules and Calendar and the ABA staff who support the House. She recognized the various committees of the House for their contributions before and during the meeting and the members of the House for their spirited debate and careful attention over the course of two days.

Chair Bellows thanked the bar associations of San Francisco and California for their generous hospitality. A resolution was approved in appreciation of those who hosted the meeting. It was noted that the 2008 Midyear Meeting will also take place in California, in Los Angeles. The California delegation encouraged everyone to attend.

Finally, Chair Bellows recognized Linda A. Klein of Georgia who moved that the House adjourn sine die.