REPORT ON THE ABA MIDYEAR MEETING

The 68th Midyear Meeting of the American Bar Association (the “ABA”) was held February 7-12, 2007, at the Hyatt Regency Miami Hotel, in Miami, Florida. Wide varieties of programs were sponsored by committees, sections, divisions, and affiliated organizations. The House of Delegates met for a one-day session. The Nominating Committee also met.

The Nominating Committee sponsored a “Meet the Candidates” Forum on Sunday, February 11, 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


The United States Southern Command Joint Color Guard presented the colors. The invocation for the House was delivered by Martha W. Barnett of Florida. The Chair of the House Committee on Credentials and Admissions, Palmer Gene Vance II of Kentucky, welcomed the new members of the House. Chair Bellows thanked the local advisory committee of the Midyear Meeting. Miami Mayor Manny Diaz welcomed the Delegates to Miami.

Linda A. Klein, 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 adopt the late-filed reports, the final calendar, the list of individuals who sought privileges of the floor, and the special rules for consideration of the Revised Model Code of Judicial Conduct. All four motions were approved. Ms. Klein noted that the deadline for submission of Reports
with Recommendations for the 2007 Annual Meeting is May 9, 2007, while the deadline for Informational Reports is June 1, 2007.

Chair Bellows announced the creation of an on-line directory for members of the House. Delegates were encouraged to provide information about themselves in their directory entries.

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. Richard J. Podell of Wisconsin offered remarks about Harvey L. Golden of South Carolina. Charles E. English, Sr. of Kentucky spoke of Joseph E. Stopher of Kentucky. Immediate Past President Michael S. Greco of Massachusetts recognized the contributions of Father Robert F. Drinan of Washington, D.C.

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, the Tellers, and the ABA staff members 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 also noted that at the 2007 Annual Meeting, the House will elect a member to the Committee on Scope and Correlation of Work, and encouraged those interested in the position to contact members of the Scope Nominating Committee no later than March 16, 2007.

Noting that President-Elect Bill Neukom’s appointments process is underway, Chair Bellows encouraged those interested to apply on-line by March 1, 2007, and to contact the appointments committee with any questions.

Later in the day, Chair Bellows also recognized that last year the House achieved its goal of having all members of the House make a contribution to the Fund for Justice and Education. Chair Bellows thanked the Delegates and encouraged them to achieve this goal again in 2006-07. Bellows also encouraged the Delegates to consider making a donation to the Legal Opportunity Scholarship Fund, which provides scholarships to minority law students. In addition, she urged members of the House to participate in the ABA Grassroots Program, including attending ABA Day on April 18-19, 2007, in Washington, D.C., to promote the important resolutions that are passed each year.
Chair Bellows reported that there was an online Discussion Board available for the use of the delegates on any issues they choose to discuss relating to the business of the House. She encouraged delegates to use this site as an opportunity to share their viewpoints on issues that arise between meetings and on resolutions which will be considered at the Annual Meeting in San Francisco. Chair Bellows announced the establishment of an online Directory for House members. Every delegate is encouraged to use this opportunity to go to the House of Delegates website and create a description of practice area, firm, publications, community involvement and other awards and accomplishments which will facilitate networking among House members for business and friendship.

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 2006 Annual 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, Report No. 177B, the Board’s Report on Legislative Priorities, and Report No. 177C, the Report of the Section of Legal Education and Admissions to the Bar.

Statement by the ABA President

President Karen J. Mathis of Colorado gave her report to the House. She reminded the members of remarks made in January 2007 by then-deputy assistant Secretary of Defense for Detainee Affairs Charles Stimson during which he criticized attorneys who were offering pro bono representation to Guantanamo Bay detainees and suggested that such attorneys’ law firms may rightfully lose business due to those pro bono activities. President Mathis noted that the ABA had reacted swiftly to the Stimson comments and emphasized the propriety and necessity of providing representation to those in need of defense, even if the client is unpopular. She applauded those who have dedicated time and resources to providing representation to the detainees.

President Mathis said that in September 2006 she testified before the United States Senate Judiciary Committee concerning United States Department of Justice policies that erode fundamental attorney-client privilege, work product, and employee protections during government investigations. President Mathis told the House that although the Department of Justice in December 2006 replaced the controversial 2003 “Thompson memorandum” (written by Deputy Attorney General Larry D. Thompson) with the “McNulty memorandum” (written by Deputy U.S. Attorney General Paul J. McNulty), the changes to the policy were only a modest improvement and were insufficient to prevent further erosion of the attorney-client privilege. She said the ABA will continue to work with a broad coalition to roll back the DOJ’s policies.

On January 31, 2007, President Mathis addressed the United States House of Representatives Judiciary Committee, noting the ABA’s concern – as detailed in the 2006 report of the ABA’s bipartisan task force – about the use of Presidential signing statements,
which threaten the United States system of checks and balances. President Mathis said the ABA will continue to lobby on this issue.

President Mathis noted that the sole topic addressed by United States Supreme Court Chief Justice John Roberts in the 2006 Year-End Report on the Federal Judiciary was judicial pay. The Report suggested judicial salaries had lagged for forty years and that judges were leaving the bench as a result of the effect of inflation on salaries. Chief Justice Reports urged an increase in judicial salaries. President Mathis said that the ABA supports increasing judicial salaries for federal, state and local judges, noting that this is an important investment in the American system of justice.

President Mathis provided an update on three presidential initiatives that all focus on this year’s theme of service. She acknowledged the work of the Youth At Risk Commission, which has planned roundtable discussions around the country and has produced a comprehensive toolkit that explains how to organize such discussions. She noted that in January 2007, the Commission, in conjunction with the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention and the United States Department of Health and Human Services, Family and Youth Services Bureau, presented a live national satellite broadcast on juvenile status offenders and their families; over 7000 entities participated. The program is available for future use on DVD and via download from the ABA website. Finally, President Mathis announced the creation of a partnership with the Girl Scouts of the USA that will be launched in ten cities and will include discussions between lawyers and girl scouts on topics such as careers in law, conflict resolution and violence prevention.

President Mathis also recognized the efforts of the Second Season of Service Commission. She noted that as lawyers retire each year, 40,000 American lawyers will be entering a second season of service. The initiative has surveyed 3000 law firms and legal departments to learn more about these lawyers in transition and how we can best serve them. The Commission has worked to develop an ABA dues waiver program for attorneys who perform 500 hours of pro bono service a year. This program was approved by the ABA Board of Governors and has been implemented. At the end of March there will be a new component of the website that will connect attorneys with service opportunities.

President Mathis noted that since the Rule of Law seminar took place in Chicago in September 2006, the ABA has continued to work at home and abroad to promote the rule of law. She said the ABA Latin America Law Initiative is doing exceptional work combating human trafficking. As part of that initiative, President Mathis in November 2006 visited young girls in Ecuador who had been forced into prostitution, were rescued and now live in shelters.

Finally, President Mathis noted that in December, she traveled to China to participate in the first international conference on youth at risk in China. As part of that visit, she and the ABA Asia Law Initiative Council met with Chinese bar leaders. There is now a memorandum of understanding in place with the All China Lawyers Association.
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 highlighted the final revenue numbers for 2005-06, and for the first quarter of 2006-07. He noted that the largest revenue source for the Association continues to be Member dues. He advised that revenues in excess of expenses for the Association last year have allowed the ABA to place $3.8 million in the dues warehouse. As a result, there is a realistic potential that with continued fiscal discipline, the current dues cycle may be stretched to include a fourth year without an additional dues increase. Treasurer Robinson also explained that $500,000 has been put into the new Association Enterprise Fund that will provide grants to selected, co-operating ABA entities which present novel program proposals that can improve the Association. Treasurer Robinson reported that the audit for 2005-06 is “clean,” with no material findings, and had been accepted by the Board of Governors. He added that the financial numbers look promising for 2006-07. He emphasized that the Association takes its financial responsibilities seriously, including its significant responsibility for the defined pension plan. He thanked Janet Gibbs, Kay Geary and the dedicated ABA financial staff who work hard to maintain the Association’s financial health and vitality.

Finally, Treasurer Robinson encouraged members of the House to continue to donate funds to the Fund for Justice and Education, and to purchase insurance products from the American Bar Endowment, which donates substantial funds to the Fund for Justice and Education and to the American Bar Foundation.

Statement by the Executive Director

Henry F. White, Jr., of Illinois, Executive Director and Chief Operating Officer of the ABA, referred members of the House to his written report. He noted that as of January 31, 2007, the ABA had 420,864 members and advised that he is pleased to serve an institution that touches every American (most people all around the world) every day in every way.

Mr. White stated that it is a pleasure to work with the ABA staff, and then summarized his efforts since starting at the ABA in 2006. He said he has been focusing on finances, human resources and membership. He is also visiting bar leaders around the country, having recognized that the ABA was created by the states to keep watch on Federal government activities. Mr. White advised further he intends to be very involved with the National Conference of Bar Presidents and with the National Conference of Bar Executives.

Mr. White advised that he currently spends one day a week plus at the ABA’s Washington, D.C. office. He then recognized the extraordinary contributions made by Robert D. Evans, Associate Executive Director of the Governmental Affairs and Public Services Group and the Staff Director of the Washington, D.C. office.

Report of the Nominating Committee

The Nominating Committee met on Sunday, February 11, 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 (2008-2011; to serve as Secretary-Elect in 2007-2008)**
Judge Bernice B. Donald of Tennessee

**Treasurer (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 Washington, DC

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

H. Thomas Wells, Jr. of Alabama, President-Elect Nominee, enthusiastically greeted the House, noting that it was beyond his “wildest dreams” that he would be elected President-Elect Nominee of the ABA. He said he intends to focus on public service and encourage lawyers to make a difference. He recognized what he sees as the core values of the Association: protecting the independence of the judiciary, ensuring access to justice, promoting diversity in the profession, and promoting the rule of law at home and abroad. He added that he will promote cooperation, collaboration and partnership with sections, divisions and state and local bar associations.

Remarks by The Right Honorable Peter Goldsmith QC, Attorney General of the United Kingdom

Lord Peter Goldsmith, Attorney General of the United Kingdom, noted his appreciation for the ABA, which he said is admired and listened to by lawyers around the world. He recognized the ABA’s activities in the United Kingdom, including the 2000 conference that led to the publishing of essays by scholars from the United States and the United Kingdom. He noted that joint activities emphasized the strong ties of the common law and democratic values that united the United States and the United Kingdom. He applauded the ABA for its commitment to the CEELI program and other international programs.

Lord Goldsmith said it is important that the ABA continue to pursue its goal of “defending liberty, pursuing justice,” even when that means taking on unpopular causes. He condemned the use of torture and said he believes that to win the war on values, we must act in ways that are more just and more fair than the alternative. He encouraged the ABA and the United States to defend liberty and pursue justice by respecting the rule of law, maintaining a commitment to fundamental values and freedoms, and curtailing rights only when necessary to meet new challenges.

Remarks by Past President Dennis W. Archer and Robert D. Evans

Past President Dennis W. Archer of Michigan recognized Robert D. Evans of Washington, DC, who is retiring February 28, 2007, for his thirty-five years of loyal and hard work in the ABA’s Washington D.C. office. Mr. Evans is the Associate Executive Director of the Governmental Affairs and Public Services Group and the Staff Director of the Washington, D.C. office. Past President Archer noted Evans’ many accomplishments and honors. Mr. Evans thanked everyone for the recognition and said he had been especially proud to work with the House of Delegates during his decades of service.

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

[11-1] On behalf of the Committee on Drafting, Donna C. Willard-Jones of Alaska moved Report 11-1, which amends § 49.2 of the House Rules of Procedure to change the name of the Committee on Drafting to the Committing on Drafting Policies and Procedures and to expand the role of the Committee by providing assistance in format, language and style of reports with recommendations. The proposal was approved.

ANTITRUST LAW

[101] On behalf of the Section of Antitrust Law, Richard M. Steuer of New York moved Report 101 recommending that the Sherman Act, 15 U.S.C. §1, and comparable state and territorial laws should not be interpreted to apply a rule of per se illegality to agreements between a buyer and seller setting the price at which the buyer may resell goods or services purchased from the seller. Michael Byowitz of New York spoke in support of the recommendation. The recommendation was approved.

BANKRUPTCY

[300] On behalf of the Section of Real Property, Probate and Trust Law, Leopold Z. Sher of Louisiana withdrew Report 300 which urged Congress to amend Section 363(f) of the Federal Bankruptcy Code and related Code sections to prohibit sales of real estate free and clear of leasehold interests in that property.

CIVIL TRIAL PRACTICE STANDARDS

[113] On behalf of the Section of Litigation, Joanne A. Epps of Pennsylvania withdrew Report 113 which adopted the black letter of the updated Civil Trial Practice Standards, dated February 2007, which address practical aspects of trial that regularly recur but are not fully addressed by the Rules of Evidence and Procedure.

CRIMINAL LAW

[102A] On behalf of the Criminal Justice Section, Neal R. Sonnett of Florida moved Report 102A recommending that victims of domestic violence be included in the group of individuals targeted by programs that encourage and train lawyers to assist persons in applying for pardon, restoration of legal rights and privileges, relief from other collateral sanctions and reduction of sentence. The recommendation was approved.

[102B] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of Washington, D.C. moved Report 102B urging jurisdictions to afford prisoners meaningful access to the courts and ensure that they are subject to procedures applicable to the general public
CRIMINAL LAW (cont.)

when bringing lawsuits and urging Congress to repeal or amend specified provisions of the Prison Litigation Reform Act (PLRA). The recommendation was approved.

[103A] On behalf of the Commission on Effective Criminal Sanctions, Stephen A. Saltzburg of Washington, D.C. moved Report 103A encouraging jurisdictions, with prosecutors and others, to develop community supervision programs that allow all but the most serious offenders to avoid incarceration and a conviction record. Mathias Henry Heck, Jr. of Ohio spoke in support of the recommendation. The recommendation was approved.

[103B] On behalf of the Commission on Effective Criminal Sanctions Stephen A. Saltzburg of Washington, D.C. moved Report 103B urging jurisdictions to develop and implement meaningful graduated sanctions (including brief periods of community detention where appropriate) for violations of probation or parole. The recommendation was approved.

[103C] On behalf of the Commission on Effective Criminal Sanctions, Neal R. Sonnett of Florida moved Report 103C urging state agencies and licensing boards to develop and enforce policy on the employment of people with convictions, including the contractors and vendors who do business with the state. The recommendation was approved.

[103D] On behalf of the Commission on Effective Criminal Sanctions, Stephen A. Saltzburg of Washington, D.C. moved Revised Report 103D urging jurisdictions to limit access to and use of criminal history records for non-law enforcement purposes. The recommendation was approved as revised.

[103E] On behalf of the Commission on Effective Criminal Sanctions, Esther F. Lardent of Washington, D.C., Delegate from the National Legal Aid and Defender Association, moved Report 103E urging jurisdictions to assist defenders in advising their clients of collateral consequences of conviction, and to provide funds to public defender and legal aid offices to enable them to assist offenders in removing or neutralizing those collateral consequences. The recommendation was approved.

[103F] On behalf of the Commission on Effective Criminal Sanctions Stephen A. Saltzburg of Washington, D.C. moved Revised Report 103F urging governments to support professional associations and organizations in order to develop programs to train all criminal justice professionals in understanding, adopting and utilizing factors that promote the sound exercise of their discretion. The recommendation was approved as revised.

[301] On behalf of the Criminal Justice Section, Neal R. Sonnett of Florida moved Report 301 opposing any amendment to the Federal Rules of Criminal Procedure that would eliminate the authority of federal district judges to enter final judgments of acquittal during trial and that would require the accused to waive his or her Fifth Amendment Double Jeopardy rights as a condition of seeking a judgment of acquittal during trial. The recommendation was approved.
**DIVERSITY IN THE LEGAL PROFESSION**

[115] On behalf of the Section of Individual Rights and Responsibilities, Richard M. Macias of California moved Report 115 amending the Association’s Goal IX to include persons of differing sexual orientations and gender identities in promoting full and equal participation in the legal profession. The recommendation was approved.

**GUN VIOLENCE**

[107] On behalf of the Special Committee on Gun Violence, John C. Cruden of Washington, D.C. moved Report 107 supporting the traditional property rights of private employers and other private property owners to exclude from the workplace and other private property, persons in possession of firearms or other weapons and opposing federal, state, territorial and local legislation that abrogates those rights. The recommendation was approved.

**HOMELESSNESS AND POVERTY**

[106] On behalf of the Commission on Homelessness and Poverty, Secretary Armando Lasa-Ferrer of Puerto Rico moved Report 106 opposing the enactment of, and supports the repeal of, laws and policies that punish persons experiencing homelessness for carrying out otherwise non-criminal life-sustaining practices or acts in public spaces when no alternative private spaces are available and urging the legal community to recognize the problems faced by homeless individuals who may be forced to engage in life-sustaining practices. Casey Trupin of Washington presented the recommendation. Tracey E. Skinner of Maryland spoke in support of the recommendation. The recommendation was approved.

**INDEPENDENCE OF THE JUDICIARY**

[10B] On behalf of the Colorado Bar Association and the Denver Bar Association, Christopher B. Little of Colorado moved Revised Report 10B recommending that the ABA join in efforts by state, local and territorial bar organizations to defend against attacks on the judiciary and oppose any measure that is proposed by any state legislation, referendum, or ballot initiative that would interfere with or impede the ability of courts to apply independently the law and the Constitution fairly and impartially. Treasurer Wm. T. Robinson III of Kentucky spoke in support of the recommendation. The recommendation was approved as revised.

[10D] On behalf of The Florida Bar, Henry M. Coxe III of Florida moved Report 10D urging Congress to take immediate action to enact a substantial pay increase for the federal judiciary, consistent with the recent analysis by Paul Volcker, former chair of the National Commission on the Public Service, which recognized the inadequacy of federal judicial salaries and that increases in federal judicial salaries have not even kept pace with
increases in average American worker wages. Mark H. Alcott of New York, Philip S. Anderson of Arkansas and David Weiner of Ohio spoke in support of the recommendation. The recommendation was approved.

INTELLECTUAL PROPERTY LAW

[302] On behalf of the Section of Intellectual Property Law, Donald R. Dunner of Washington D.C. moved Report 302, recommending that a party’s assertion of the advice-of-counsel defense to a charge of willful patent infringement does not waive the attorney-client privilege with respect to communications with that party’s trial counsel so long as such trial counsel is not the same counsel who provided the opinion upon which the accused infringer relies. The recommendation was approved.

INTERNATIONAL LAW

[109] On behalf of the Section of International Law, A. Joshua Markus of Florida moved Report 109 supporting several principles that should guide existing implementation of Exon-Florio and govern any new legislation addressed to the review of proposed foreign investment in the U.S. for national security issues. Albert C. Harvey of Tennessee spoke in support of the recommendation. The recommendation was approved.

LEGAL ASSISTANCE FOR MILITARY PERSONNEL

[108A] On behalf of the Standing Committee on Legal Assistance for Military Personnel, Albert C. Harvey of Tennessee moved Report 108A reaffirming 1990 policy urging Congress to amend 10 U.S.C. §1044 to make mandatory the provision of civil legal assistance to all low income active-duty servicemembers in pay grades E-6 and below and their dependents. The recommendation was approved.

[108B] On behalf of the Standing Committee on Legal Assistance for Military Personnel, Secretary Armando Lasa-Ferrer of Puerto Rico moved Report 108B urging federal, territorial, state and local lawmakers to respond to the increasing social and family support needs of the young and teenage children of deployed American military members. David C. Hague of Virginia presented the recommendation. ABA President Karen J. Mathis of Colorado spoke in support of the recommendation. The recommendation was approved.

LONG-TERM CARE

[10A] On behalf of the New York State Bar Association, Kathryn Grant Madigan of New York withdrew Report 10A which urged federal and state governments to implement the “Compact for long-term care,” a proposal whereby seniors and people with disabilities would agree to pay a fair share of the cost for long-term care services and, in return, the
government would agree to provide a financial subsidy for long-term care, without requiring that those people be impoverished.

MODEL CODE OF JUDICIAL CONDUCT


Thomas M. Fitzpatrick of Washington presented an overview of the Preamble, Scope, Terminology and Application, noting revisions to the Preamble and Scope.


Thomas M. Fitzpatrick of Washington presented an overview of Canon II, noting revisions to Rules 2.1 and 2.2.

Ellen F. Rosenblum of Oregon, presented an overview of Canon III, noting revisions to Rules 3.3, 3.4, 3.5, 3.8, 3.13 and 3.15.

James Alfini of Texas presented Canon IV, noting revisions to Rule 4.3.

Robert J. Grey, Jr. of Virginia and Michael S. Greco of Massachusetts spoke in support of the Revised Report 200. The recommendation was approved as revised.

PARALEGAL EDUCATION

[100] The House approved by consent Report 100 submitted on behalf of the Standing Committee on Paralegals which grants approval, reapproval and extension of the term of approval to several paralegal education programs, and withdraws the approval of two programs due to the cessation of operations of the institutions.
PRO BONO AND PUBLIC SERVICE

[10C] On behalf of the Standing Committee on Pro Bono and Public Service, Mark I. Schickman of California moved Report 10C reaffirming the ABA’s commitment to the core values of the profession including the independence of the legal profession, commending those lawyers and law firms that provide pro bono services, urges state, local, specialty and territorial bar associations to educate the public on the vital role the lawyers who provide services to unpopular clients or causes perform for the benefit of the American system of justice and condemns attacks on the independence of the legal profession. On behalf of the New York State Bar Association, Mark H. Alcott of New York, spoke in support of the recommendation. Neal R. Sonnett of Florida and C. Elisia Frazier of Tennessee both offered amendments to the recommendation; both amendments were approved. The recommendation was approved as amended.


PUBLIC CONTRACT LAW

[111] On behalf of the Section of Public Contract Law, Mary Ellen Coster Williams of Washington, D.C. withdrew Report 111 which adopted a series of six basic principles of professionalism in public procurement which are derived from the Restatement (Second) of Contracts §205 and case law describing the implied obligation of good faith and fair dealing.

TORT LAW

[110] On behalf of the Tort Trial and Insurance Practice Section, James F. Carr of Colorado moved Report 110 urging Congress and the Administration to protect property owners, consumers and U.S. economy by partnering with the insurance industry to promote the availability of terrorism risk insurance through legislation that continues support for market mechanisms with federal government insurance backstop protection. Francine Semaya of New York spoke in support of the recommendation. The recommendation was approved.

[112] On behalf of the Standing Committee on Medical Professional Liability, Janice F. Mulligan of California moved Revised Report 112 supporting enactment of apology legislation at the state and territorial levels which relate only to the pain, suffering or death of a person and would provide that certain apologies by a medical provider or the staff of a medical provider as the result of unanticipated outcomes of medical care shall be
inadmissible as evidence of an admission of liability. Cheryl Niro of Illinois spoke in support of the recommendation. The recommendation was approved as revised.

**UNIFORM STATE LAWS**

**[105A]** The House approved by consent Report 105A submitted on behalf of the National Conference of Commissioners of Uniform State Laws approving the Uniform Anatomical Gift Act (2006), promulgated by the National Conference of Commissioners on Uniform State Laws in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.

**[105B]** The House approved by consent Report 105B submitted on behalf of the National Conference of Commissioners of Uniform State Laws approving the Uniform Child Abduction Prevention Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.

**[105C]** On behalf of the National Conference of Commissioners of Uniform State Laws, Howard J. Swibel of Illinois withdrew Report 105C which approved the Uniform Limited Liability Company Act (2006), promulgated by the National Conference of Commissioners on Uniform State Laws in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.

**[105D]** The House approved by consent Report 105D submitted on behalf of the National Conference of Commissioners of Uniform State Laws approving the Uniform Power of Attorney Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.

**[105E]** The House approved by consent Report 105E submitted on behalf of the National Conference of Commissioners of Uniform State Laws approving the Uniform Prudent Management of Institutional Funds Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.

**[105F]** On behalf of the National Conference of Commissioners of Uniform State Laws, Howard J. Swibel of Illinois withdrew Report 105F which approved the Uniform Representation of Children in Abuse, Neglect and Custody Proceedings Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.
YOUTH AT RISK

[114] On behalf of the Commission on Youth at Risk, Laura V. Farber of California moved Report 114 encouraging efforts to require the licensing, regulating and monitoring of residential treatment facilities that are not funded by public or government systems, but are privately-operated overnight facilities that offer treatment to at-risk children and youth for emotional, behavioral, educational, substance abuse and social issues and problems. The recommendation was approved.

Closing Business

At the conclusion of the meeting of the House on Monday, February 12, Chair Bellows thanked numerous people for their assistance with the House meeting. A resolution was presented thanking the Midyear Meeting Advisory Committee, chaired by Hilarie Bass of Florida, for the Committee’s efforts. Chair Bellows reminded the Delegates about the 2007 San Francisco Annual Meeting. The California delegation encouraged attendance with their rendition of “I Left My Heart in San Francisco.”

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