MEMORANDUM

TO: 

FROM: 

SUBJECT: 2013 Midyear Meeting of the American Bar Association and Meeting of the House of Delegates

DATE: March 7, 2013

REPORT ON THE ABA MIDYEAR MEETING

The 75th Midyear Meeting of the American Bar Association (the “ABA”) was held February 7-11, 2013, at the Hilton Anatole Hotel, in Dallas, Texas. Wide varieties of programs were sponsored by committees, sections, divisions, and affiliated organizations. The House of Delegates met for one day. The Nominating Committee also met.

The Nominating Committee sponsored a “Meet the Candidates” Forum on Sunday, February 10, 2013. The following candidates seeking nomination at the 2014 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association present: Patricia Lee Refo of Arizona and Mark I. Schickman of California, candidates for Chair of the House of Delegates; and Paulette Brown of New Jersey, candidate for President-Elect.

THE HOUSE OF DELEGATES

The House of Delegates of the American Bar Association (the “House”) met on Monday, February 11, 2013, Robert M. Carlson of Montana, presided as Chair of the House. The Dallas Police Department Color Guard presented the colors. The invocation for the House was delivered by Margaret D. Plane of Utah. The Chair of the House Committee on Credentials and Admissions, Reginald M. Turner, Jr. of Michigan, 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.

Chair Carlson welcomed new members of the House and recognized all those lawyers who had served in the House of Delegates for more than 25 years.

Deceased members of the House were named and remembered by a moment of silence. Chair Carlson recognized Gwynne Young of Florida to speak in honor of William Reece Smith, Jr. of Florida, former ABA President and Secretary. Mark Robertson of Oklahoma was recognized on a point of personal privilege to speak about the passing of Gary A. Munneke, former member of the ABA Board of Governors. I.S. Leevy Johnson of South Carolina was recognized to speak about the passing of Robert Wilkins, former member of the House of Delegates.
Hilarie Bass of Florida, 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 report, adopt the final calendar and approve the list of individuals who sought privileges of the floor. All three motions were approved. Ms. Bass noted that the deadline for submission of Resolutions with Reports for the 2013 Annual Meeting is Tuesday, May 7, 2013, while the deadline for Informational Reports is Friday, June 7, 2013. She also referred to the consent calendar, noting the deadline for removing an item from the consent calendar. Ms. Bass also moved the items remaining on the consent calendar. 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 resolutions presented to the House.

I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES

Welcome by Senator Kay Bailey Hutchison

Senator Kay Bailey Hutchison welcomed the House to Dallas and thanked the House for its leadership in maintaining the integrity of the profession and ensuring the quality of judges. She reflected on her travels abroad and stated that there is no democracy without the rule of law and an independent judiciary. She acknowledged the work of the House of Delegates as the foundation of keeping the trust in our justice system and keeping the legal profession trusted by the American people.

Statement by the Chair of the House

Robert M. Carlson of Montana, Chair of the House, recognized and thanked members of the various House Committees. He recognized the Committee on Rules and Calendar and reminded members where they could find the House Rules of Procedure. He introduced the Tellers Committee and reviewed procedures for speaking. He announced that key speeches and debates would be publicized and that the House Committee on Technology and Communications would be reporting on the proceedings of the House via Twitter @ABAhod.

Chair Carlson spoke in support of Law Day 2013. This year’s theme “Realizing the Dream: Equality for All”, connects Law Day to the 150th Anniversary of Abraham Lincoln’s issuance of the Emancipation Proclamation and the 50th Anniversary of Martin Luther King’s “I Have a Dream” Speech. Bookmarks were distributed to members of the House with the theme and website address. Chair Carlson encouraged state and local bars across the country to participate in Law Day activities and hopes that all members of the House will encourage this important participation.

Chair Carlson announced that complimentary copies of the Judges’ Journal from the Judicial Division were available at each delegate’s seat. He urged delegates to review the article focusing on human trafficking, and noted that ABA President Bellows had made raising awareness of the proliferation of trafficking in our country a priority of her year as
president. The magazine contains a commentary from ABA President Bellow, a recent and powerful speech on the topic by President Obama, as well as thoughtful articles by advocates who devote their careers to seeking solutions to this human rights violation. Chair Carlson also announced that a video produced by the ABA’s in-house media relations staff regarding this initiative would play on a continuous loop outside of the House.

Chair Carlson announced that at the 2013 Annual Meeting, the House will elect one member to the Committee on Scope and Correlation of Work. The position will be a five-year term. He encouraged those interested in the position to contact members of the Scope Nominating Committee and submit an application by March 15, 2013.

He noted that the appointments process for President-Elect Silkenat is currently underway. The deadline for applications is February 25, 2013.

He reminded delegates that the Fund for Justice and Education (FJE) is the Association’s charitable arm and encouraged members of the House to continue to financially support FJE programs. He asked members to consider making a donation to the ABA Legal Opportunity Scholarship Fund, which is one of the FJE programs.

Chair Carlson announced that the Standing Committee on Pro Bono and Public Service will release a comprehensive empirical study on the extent to which America’s lawyers are providing pro bono legal services. The Committee has provided a preliminary look at its findings through the report’s Executive Summary, which was available on the publication table. The findings of the important study will help the ABA, other professional organizations, legal employers, bar associations, courts and others identify new strategies for expanding pro bono legal services for those in need. The Committee, chaired by Larry McDevitt of North Carolina, welcomes comments and feedback as the Committee works to finalize its report.

Chair Carlson informed the House that at his request, the House Committee on Technology and Communications will investigate and consider the feasibility of rolling out the bound books in electronic format. Suggestions or comments should be directed to Chair Carlson, Nathaniel Cade, Jr., Chair or Frank H. Langrock, Vice Chair of the House Committee on Technology and Communications.

At the conclusion of the meeting, Chair Carlson thanked the members of the House for their attention during the deliberations of the House, as well as the courtesies extended to the House Committees and the staff supporting them. He encouraged delegates to continue communications with him between now and the San Francisco Annual Meeting.

**Statement by the Secretary**

Hon. Cara Lee T. Neville of Minnesota, Secretary of the Association, moved approval of the House of Delegates Summary of Action from the 2012 Annual Meeting, which was approved by the House. On behalf of the Board of Governors, Secretary Neville presented and referred to the House Report Nos. 177, 177A and 177B, the Board’s Informational, Transmittal and Legislative Priorities reports.
In her remarks to the House, President Laurel Bellows of Illinois, thanked the House for the privilege of serving the profession and representing the Association. She reaffirmed that when the House acts and the ABA speaks, the voice of the ABA carries internationally as an advocate for the rule of law. She reported on numerous areas of progress by the Association.

President Bellows spoke about justice as fairness. She raised important questions on how best to improve the quality of justice delivered and how to make justice more fair. She discussed how fairness is premised on an opportunity to share in what society has to offer, and that without this opportunity there is no justice. As guardians of justice, lawyers must be spokespeople for fairness. The Gender Equity Task Force is addressing issues of manifest unfairness to women, including inequity of pay to women lawyers. The Task Force is drafting model provisions for compensation policies and a Pay Gap Tool Kit to specifically address pay inequities. The ABA and national bars of color has developed a collaborative pipeline program to assure the success of leaders of bars of color and to increase the number of people of color entering our profession. President Bellows highlighted the 50 years since the passage of the Civil Rights Act and the troubling reality of the existence of gender and racial discrimination today. She challenged every member of the House to take action and get involved with efforts to eradicate discrimination and inequality.

President Bellows supported the earlier remarks by Chief Justice Steele regarding the underfunding of the courts. She discussed the problem that less than 2 percent of state budgets are directed toward our justice system. Legislatures are starving justice and when courtroom doors continue to close, democracy is failing. Increased funding of courts must be a priority if we want our justice system to survive.

President Bellows mentioned the work of the Cyber Security Taskforce drafting guidelines and best practices on how information is shared to better protect law firms and clients from a cyberattack.

Trafficking is modern day slavery and the most profitable and fastest growing crime in the world, other than sale of drugs. The horror exists here in the U.S. where 100,000 U.S. citizens are held in slavery and forced into sex and labor for the profit of their captors. President Bellows discussed what lawyers can do to solve the problem working through state and local bar associations and ABA Sections and how the ABA is attacking this problem head on. The ABA expects the ULC to approve a Uniform State Law to be presented to the House at the Annual Meeting in August, as well as business conduct standards to assist businesses to eliminate slavery from their supply chains. She highlighted the work of lawyers in drafting these rules to include training of employees on how to identify victims, call the Polaris hotline 888 3737 888 and refer victims to services that can help. State and local bars need to start commissions to work to eliminate slavery that exists in virtually all our communities.

President Bellows discussed the need to preserve our civil jury.
President Bellows expressed her appreciation to the many ABA Sections and Standing Committees that are joining together to address these urgent concerns. She also focused on the need to promote programs supporting law students and young lawyers as well as needed reforms to legal education.

President Bellows spoke on the importance of gun laws that protect our children that include assault weapon bans, common sense regulations, and appropriate background checks. She highlighted the importance of advocating to protect the right to counsel and attorney client privilege when threatened and of ensuring the independence of the judiciary. Lawyers have the power and ability to shape laws to ensure a just country with just laws.

As lawyers, as state and local bar associations, and as the ABA, the work we do is critical. The Association is committed to not only walking the talk but to changing the conversation. According to President Bellows, this is why she became a lawyer and joined the ABA and why today she stands very proudly as a member of the Association.

Statement by the Treasurer

The Treasurer, Lucian T. Pera of Tennessee, referred members of the House of Delegates to his written report. He welcomed Nick Casey of West Virginia as the Treasurer-Elect Nominee his future successor. He reported that the Association’s finances are sound. Mr. Pera talked about the successful conclusion of the Association’s audit for Fiscal Year 2012 and the financial results for Fiscal Year 2012, which were detailed in the Treasurer’s written report. Mr. Pera reviewed highlights of Fiscal Year 2012 results, including trends in revenue, and noted that employee costs, including pension and benefit expenses, contributed to increasing expenses. Mr. Pera continued with an overview of first quarter Fiscal Year 2013 results, which were described in more detail in the Treasurer’s written report. Mr. Pera reported on the Association’s good investment results, but noted that the Association’s cumulative future unfunded pension liability grew in Fiscal Year 2012, due primarily to unusually low interest rates.

Looking ahead, Mr. Pera noted that the Association’s General Operations revenue remains a challenge. For Fiscal Years 2013 and through 2017, he noted that projections indicated that there would be a need for General Operations expense cuts to make up an annual General Operations shortfall. For Fiscal Year 2014, the budget revenue shortfall would be made up for from reserves and budget cuts, as determined by the Board of Governors. Mr. Pera indicated that, while no one is now proposing a dues increase, the last dues increase was in 2007, which has challenged our revenue. He highlighted the importance of increasing non-dues revenue to make up for lower dues revenue.

Mr. Pera said that the Board of Governors will be working on proposals that will contain expenses in a rational way, evaluate how reserves can support operations in the next few years, and look at member dues. Mr. Pera stated that the stability and soundness of our General Operations finances is imperative to the future success and relevancy of the Association. He concluded by assuring the House that the Board remains committed to addressing this balancing act with thoughtfulness and transparency.
Statement by the Executive Director

Jack L. Rives of Illinois, Executive Director and Chief Operating Officer of the American Bar Association, reported on the state of the Association. He began his remarks by recalling the tragic loss of President John F. Kennedy in Dallas 50 years ago and connecting that time to the ABA. In February 1963, the ABA held its 25th annual Midyear Meeting in New Orleans. The ABA had 113,000 members then, representing 43 percent of all U.S. attorneys, and total dues collections that year topped $1.5 million. The House of Delegates had 241 members, apparently all Caucasian males. Now the ABA is a much more diverse place, with nearly 400,000 members. Mr. Rives noted, however, that some things have not changed much in the past 50 years, as many of the issues discussed in the House of Delegates back then remain relevant now, including gun control, indigent defense, the rule of law around the world, and the financing of legal education.

Mr. Rives also described the challenging financial situation the ABA faces, especially in the area of dues revenue. The ABA is very dependent on dues for its general revenue operations. In 2008, the ABA received more than $70 million in dues revenue, while this year the budget for dues revenue is $57.5 million. The shortfall in five years is about $13 million. If we do nothing and the trend continues, Mr. Rives said, we will be on pace to collect less than $45 million in five years.

The good news is that through January 2013, Fiscal Year dues collections are ahead of last year, and Mr. Rives expressed confidence that they will exceed the budget projections by $500,000 or more. Equally important, membership numbers have increased the last two years after several years of decline. The total increase numbers about 7,000 members.

Mr. Rives said the ABA needs more revenue but also must control its expenses. He cited recent efforts to tighten controls, including the “sweep” of monies collected from unfilled staff positions and a new process for approving outside consultants. There will be progress reports on both those initiatives in his next House of Delegates report in August. Mr. Rives also discussed the engagement of the company Stratego that seeks cost savings by reviewing such areas as ABA payroll, financial services, printing, insurance, office supplies, utilities and more. Any savings realized are split between the ABA and Stratego in the first year -- and all future savings go to the ABA in full. Mr. Rives said he would report on that initiative as well at the next meeting of the House.

Mr. Rives also discussed non-dues revenue initiatives, including the new corporate charge cards. Under this program, the Association will receive a percentage of the money made from purchases by ABA members and staff. He discussed the CLE Premier Speaker Series, a member-only benefit that now has a corporate sponsor (providing $100,000 annually to the ABA). Mr. Rives also outlined membership efforts, highlighting a pilot program that gives free section membership to new bar admittees who join the ABA. The Solo, Small Firm and General Practice Division undertook an initiative, making personal contact with those who did not renew their membership upon expiration of the free membership period. This GP Solo initiative led to 400 new dues-paying members. A member-benefit partnership with an automobile company has led to more than 380 new members. On Friday of the Midyear Meeting, the Board of Governors passed a resolution
directing staff to develop ideas and propose solutions for a business plan in the critical areas of non-dues revenue, membership and marketing.

Mr. Rives discussed the new lease of the Washington, D.C., building and the transition of staff into that location. Last month, the ABA was asked to vacate early the first floor of the current location. Although some staff had to be relocated in the short term, the ABA received substantial rent concessions in return. The new building, located at 1050 Connecticut Avenue, will be dedicated on June 26, 2013. Mr. Rives also noted that the ABA is the first association to receive Department of Homeland Security certification for disaster planning and continuity of business operations. This planning has already proven helpful following Hurricane Sandy.

The best part of the ABA is the people, specifically including members and volunteers leaders. Mr. Rives added that it is an honor to work with them on the broad range of challenges the Association faces. Staff continues to provide critical continuity and support, and he said he is proud of their efforts. A new wellness program, begun two years ago, has saved the ABA money, but more importantly, it has led to a healthier, more motivated, and more productive workforce. Mr. Rives reiterated the staff’s commitment to Goal III, eliminating bias and enhancing diversity, and recognized the staff task force dedicated to these issues.

As the ABA ended its 75th Midyear Meeting of the House of Delegates, Mr. Rives said that staff is dedicated to executing their vision, with a sense of urgency. He reminded the audience that much has changed and there are many challenges, but he believes that members and leaders of the ABA will turn these challenges into opportunities for an ever-improving Association. When the ABA House of Delegates convenes in 2063, 50 years from now, Mr. Rives expressed confidence that it will be a strong and vibrant association, advancing law and advancing lawyers.

Remarks on the “State of the State Courts”

The Honorable Myron T. Steele, President of the Conference of Chief Justices, began his remarks by acknowledging the victims of the courthouse shooting that had occurred in his State of Delaware earlier that morning. He spoke of the devoted work of the Conference of Chief Justices to improve the administration of justice throughout the United States.

He reported that the Conference of Chief Justices has worked closely with the ABA over the past years on many issues. He called on bar associations to help obtain adequate resources to fund state courts. He also called on lawyers to bring their clients to the table to talk to legislators and help focus the conversation on the inadequate funding and resources of courts. He raised concerns that would come from the creation of a “national” or uniform bar exam and other issues that come from a more international practice of law. Chief Justice Steele also discussed issues arising from multi-jurisdictional litigation and the challenges of complying with unfunded federal mandates, as well as how the Conference is responding to these issues. He highlighted the development of evidence-based sentencing and the importance of problem-solving courts that bring together social services resources.
He called on the courts and profession to be innovative in addressing new challenges and committed to working closely with the ABA in the future.

**Report of the Nominating Committee**

The Nominating Committee met on Sunday, February 10, 2013. On behalf of the committee, Beverly J. Quail of Colorado, Chair of the Steering Committee of the Nominating Committee, reported on the following nominations for the terms indicated:

**Members of the Board of Governors for the 2013-2016 Term**

**District Members**

District 7: Stephen E. Chappelear of Ohio  
District 8: Eduardo R. Rodriguez of Texas  
District 10: Joseph B. Bluemel of Wyoming  
District 11: Jimmy K. Goodman of Oklahoma  
District 13: John C. Schulte of Montana  
District 18: Robert T. Gonzales of Maryland

**Section Members-at-Large**

Section of Dispute Resolution  
Pamela C. Enslen of Michigan

Section of Public Utility, Communications and Transportation Law  
Samuel H. Porter of Ohio

**Woman Member-at-Large**  
Marcia Milby Ridings of Kentucky

**Officers of the Association**

President-Elect for 2013-2014  
William C. Hubbard of South Carolina

Secretary for 2014-2017 term (to serve as Secretary-Elect in 2013-2014)  
Mary T. Torres of New Mexico

Treasurer for 2014-2017 term (to serve as Treasurer-Elect in 2013-2014)  
G. Nicholas Casey, Jr. of West Virginia

**Remarks by President-Elect Nominee**

In his remarks to the House, William C. Hubbard of South Carolina, President-Elect Nominee, thanked the members of the House. He reflected on how he began his ABA service in the Young Lawyers Division. He recalled enjoyable memories serving with several YLD leaders who are now themselves leaders in the Association.
Mr. Hubbard spoke about the importance of mentorship and how entities like the YLD can open doors for new members, as it did for him. Mr. Hubbard said the ABA addresses important issues that matter to the profession. He also discussed how the ABA can connect lawyers with the giants of the profession and makes us better attorneys. He highlighted examples of extraordinary leadership by past ABA Presidents and his mentor I.S. Leevy Johnson.

Mr. Hubbard discussed how lawyers as a profession work hard to make justice a reality. Lawyers serve as the leaders of our nation and of the world. Mr. Hubbard focused on some of the timely challenges facing the profession, especially those issues affecting young lawyers including debt, a lack of jobs, and an uncertain future. He explained how it is the role of the ABA to serve and develop this next generation of attorneys and how the ABA must be the home for young lawyers. He specifically highlighted the need to better connect with young lawyers technologically.

Mr. Hubbard concluded his remarks by emphasizing the need for our profession to embrace diversity and inclusion. Through these efforts, he explained how our profession will address challenges and move toward reforms to make the profession more accessible and representative of our nation.

Remarks Regarding ABA Day 2013

Linda A. Klein of Georgia, Chair of ABA Day in Washington, gave a brief report on ABA Day 2013 which will be held April 16-18, 2013, in Washington, D.C. She referenced the 90 new members in Congress who need to be educated as to the issues important to the Association. She reaffirmed that ABA Day serves as an opportunity for the voice of the profession to be heard. She encouraged all members to register to attend.

II. RESOLUTIONS VOTED ON BY THE HOUSE

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

ACCESS TO LEGAL SERVICES

[108] On behalf of the Standing Committee on the Delivery of Legal Services, H. Ritchey Hollenbaugh of Ohio moved Resolution 108 encouraging practitioners, when appropriate, to consider limiting the scope of their representation, including the unbundling of legal services as a means of increasing access to legal services. Sharon Stern Gerstman of New York moved an amendment which was adopted. The resolution was approved as amended.
ADMINISTRATIVE LAW

[110A] On behalf of the Section of Administrative Law and Regulatory Practice, Randolph J. May of Maryland moved Revised Resolution 110A urging the Federal Acquisition Regulatory Council (FAR Council) to promulgate model contract language that focuses on the most significant ethical risks that arise in government contracts as well as the activities most likely to implicate those risks. The resolution was approved as revised.

[110B] On behalf of the Section of Administrative Law and Regulatory Practice, H. Russell Frisby, Jr. of the District of Columbia moved Resolution 110B supporting efforts to increase disclosure of political and campaign spending and urging Congress to require organizations that are not already required to do so by current law as interpreted and applied by the Federal Election Campaign Act to disclose the source of funds used for making electioneering communications and independent expenditures and the amounts spent. The resolution was approved.

[300] On behalf of the Section of Public Contract Law, John S. Pachter of Virginia moved Resolution 300 urging Congress to repeal 28 U.S.C. § 1500 and replace it with a presumptive stay as recommended by the Administrative Conference of the United States. The resolution was approved.

BANKRUPTCY

[109] On behalf of the Section of Business Law, Mary Beth M. Clary of Florida moved Revised Resolution 109 supporting the position that United States Bankruptcy Judges have the authority, upon the consent of all the parties to the proceeding, to hear, determine, and enter final orders and judgments in those proceedings designated as “core” within the meaning of 28 U.S.C. § 157(b) but that may not otherwise be heard and determined by a non-Article III tribunal absent the parties’ consent, as being consistent with and not violative of Article III of the United States Constitution. The resolution was approved as revised.

CRIMINAL JUSTICE

[104A] On behalf of the Criminal Justice Section, Cynthia H. Orr of Texas moved Revised Resolution 104A urging Congress to establish an independent federally funded Center for Indigent Defense Services for the purpose of assisting state, local, tribal and territorial governments in carrying out their constitutional obligation to provide effective assistance of counsel for the defense of the indigent accused in criminal, juvenile and civil commitment proceedings. The resolution was approved as revised.

[104B] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of the District of Columbia withdrew Resolution 104B urging governments to review their mandatory reporting laws for instances of child abuse or neglect to determine what changes, if any, are appropriate to better protect children and to provide appropriate sanctions for abuse and neglect.
On behalf of the Criminal Justice Section, Robert A. Weeks of California moved Resolution 104C urging governments to enact legislation to prohibit the retaliatory discharge of a Chief Public Defender or other head of an indigent defense services provider because of his or her good faith effort to control acceptance of more clients than the office can competently and diligently represent, in accordance with their ethical obligations. The resolution was approved.

On behalf of the Criminal Justice Section, Sidney Butcher of Maryland moved Resolution 104D urging the federal government to restore, maintain, and, where appropriate, increase funding to organizations which provide training to state and local prosecutors, to better promote justice, increase public safety, and prevent wrongful convictions. The resolution was approved.

On behalf of the Criminal Justice Section, Neal R. Sonnett of Florida moved Revised Resolution 104E urging courts to ensure that defense counsel inquires and investigates a juvenile defendant’s immigration status and informs the juvenile about any possible collateral consequences that may flow from different dispositions of the case and seeks to minimize adverse immigration consequences. The resolution was approved as revised. (see video)

On behalf of the Criminal Justice Section, Jimmy K. Goodman of Oklahoma moved Revised Resolution 104F urging governments to enact laws and regulations and to develop policies that assure that once an individual has been identified as an adult or minor victim of human trafficking, that individual should not be subjected to arrest, prosecution or punishment for crimes related to their prostitution or other non-violent crimes that are a direct result of their status as an adult or minor victim of human trafficking. Colin H. Lindsay of Kentucky spoke in favor of the resolution. The resolution was approved as revised. (see video)

On behalf of the Criminal Justice Section, Neal R. Sonnett of Florida moved Revised Resolution 104G urging governments to enact legislation allowing adult or minor human trafficking victims charged with prostitution related offenses or other non-violent offenses that are a direct result of their being trafficked to assert an affirmative defense of being a human trafficking victim. The resolution was approved as revised. (see video)

On behalf of the Criminal Justice Section, Stephen A. Saltzburg of the District of Columbia moved Revised Resolution 104H urging governments to aid victims of human trafficking by enacting and enforcing laws and policies that permit adult or minor victims of human trafficking to seek to vacate their criminal convictions for offenses related to their prostitution or other non-violent offenses that are a direct result of their trafficking victimization. The resolution was approved as revised.

On behalf of the Criminal Justice Section and the Commission on Domestic and Sexual Violence, Marshall J. Wolf of Ohio moved Revised Resolution 104I urging bar associations to work with judges, lawyers, and other professionals with subject matter expertise in human trafficking, to develop and implement training programs for judges, prosecutors, defense counsel, law enforcement officers, immigration officials, civil attorneys, and other investigators that will enable them to identify adult and minor victims of human trafficking.
human trafficking and enable them to direct victims and their families to agencies that offer social and legal services and benefits designed to assist adult and minor victims of human trafficking. The resolution was approved as revised.

[104J] On behalf of the Criminal Justice Section, Robert L. Weinberg of the District of Columbia moved Resolution 104J urging the Judicial Conference of the United States to amend the Model Grand Jury Charge to clarify that the Grand Jury should be instructed to vote separately on each defendant. Stephen A. Saltzburg of the District of Columbia spoke in favor of the resolution. The resolution was approved. (see video)

ETHICS 20/20

[107A] On behalf of the Commission on Ethics 20/20, Maury B. Poscover of Missouri moved Revised Resolution 107A amending Rule 5.5(d) of the ABA Model Rules of Professional Conduct (Unauthorized Practice of Law; Multijurisdictional Practice of Law) to permit foreign lawyers to serve as in-house counsel in the U.S., but with the added requirement that foreign lawyers not advise on U.S. law except in consultation with a U.S.-licensed lawyer. The resolution was approved as revised. (see video)

[107B] On behalf of the Commission on Ethics 20/20, Maury B. Poscover of Missouri moved Revised Resolution 107B amending the ABA Model Rule for Registration of In-House Counsel to permit foreign lawyers to serve as in-house counsel in the U.S. but with added requirements. The resolution was approved as revised. (see video)

[107C] On behalf of the Commission on Ethics 20/20, Neal R. Sonnett of Florida moved Resolution 107C amending the ABA Model Rule on Pro Hac Vice Admission to provide judges with guidance about whether to grant limited and temporary practice authority to foreign lawyers to appear in U.S. courts. Lawrence J. Fox of Pennsylvania moved an amendment. Jamie S. Gorelick of the District of Columbia spoke in favor of the amendment, which was adopted. The resolution was approved as amended.

[107D] On behalf of the Commission on Ethics 20/20, H. Thomas Wells, Jr. of Alabama moved Resolution 107D amending Model Rule 8.5 of the ABA Model Rules of Professional Conduct to address an increasingly common choice of law problem arising in the context of conflicts of interest. The resolution was approved.

FUNDING FOR COURTS AND LEGAL SERVICES CORPORATION

[10A] On behalf of the New York State Bar Association, Seymour W. James, Jr. of New York moved Resolution 10A urging federal elected officials to adequately fund the federal courts and the Legal Services Corporation as they negotiate deficit reduction with the imminent threat of the implementation of sequestration if they fail. The resolution was approved.
INTELLECTUAL PROPERTY

[101A] On behalf of the Section of Intellectual Property Law, Donald R. Dunner of the District of Columbia moved Revised Resolution 101A supporting the principle that laws of nature, physical phenomena, and abstract ideas are not eligible for patenting as a process under 35 U.S.C. §101, even if they had been previously unknown or unrecognized. The resolution was approved as revised.

[101B] On behalf of the Section of Intellectual Property Law, Susan Barbieri Montgomery of Massachusetts moved Revised Resolution 101B supporting clarification of the standards for finding direct infringement under 35 U.S.C. § 271(a) for a patent directed to a multiple-step process in the fact situation where separate entities collectively, but not individually, perform the required steps of the patented process. The resolution was approved as revised.

JURY TRIALS

[106] On behalf of the Commission on the American Jury Project, Robert J. Grey, Jr. of Virginia moved Resolution 106 amending Principles 1(C) through (F), 6(C), 10(C) and 11(A) of the 2005 ABA Principles for Juries and Jury Trials, dated February 2013. Laurel G. Bellows of Illinois spoke in favor of the resolution. The resolution was approved. (see video)

MEDICARE REIMBURSEMENTS

[100] On behalf of the Standing Committee on Medical Professional Liability, Laura B. Sharp of Texas moved Resolution 100 supporting timely and efficient resolution of requests from a claimant or applicable plan for conditional payment reimbursement amounts where Medicare has a right to reimbursement from a recovery by way of settlement, judgment or award for payments made for items and services, and urging Congress and the Department of Health and Human Services to establish reasonable time limits and procedures for responding to such requests. The resolution was approved.

PARALEGAL EDUCATION

[105] The House approved by consent Resolution 105 as submitted by the Standing Committee on Paralegals granting approval and reapproval to several paralegal education programs, withdrawing the approval of three programs at the request of the institutions, and extending the term of approval to several paralegal education programs.

SPECIALIZATION

[103] The House approved by consent Resolution 103 as submitted by the Standing Committee on Specialization reaccrediting the Elder Law Program of the National Elder Law Foundation of Tucson, Arizona, the Legal Malpractice Program of the American Board of Professional Liability Attorneys and the Medical Malpractice Program of the American Board of Professional Liability Attorneys, of Atlanta, Georgia, for additional five-year terms as designated specialty certification programs for lawyers.
UNIFORM ACTS

[102A] On behalf of the National Conference of Commissioners on Uniform State Laws, Michael Houghton of Delaware moved Resolution 102A approving the *Uniform Asset Freezing Orders Act*, promulgated by the National Conference of Commissioners on Uniform State Laws in 2012, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The resolution was approved.

[102B] On behalf of the National Conference of Commissioners on Uniform State Laws, Michael Houghton of Delaware moved Resolution 102B approving the *Uniform Deployed Parents Custody and Visitation Act*, promulgated by the National Conference of Commissioners on Uniform State Laws in 2012, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. Judge Harriet Lansing of Minnesota spoke in favor of the resolution. The resolution was approved.

[102C] On behalf of the National Conference of Commissioners on Uniform State Laws, Michael Houghton of Delaware moved Resolution 102C approving the *Uniform Premarital and Marital Agreements Act*, promulgated by the National Conference of Commissioners on Uniform State Laws in 2012, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. The resolution was approved.

Closing Business

At the conclusion of the meeting of the House on Monday, February 11, after various thank you’s and recognitions, the California delegation was recognized to make a presentation to delegates regarding the 2013 Annual Meeting in San Francisco.

Christina Plum of Wisconsin moved a resolution in appreciation of the Dallas Bar Association and Special Advisors for their efforts in hosting the meeting. The motion was approved.

Chair Robert M. Carlson recognized Hilarie Bass of Florida who then moved that the House adjourn *sine die*. The motion was approved.