Summary of Action of the House of Delegates
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SUMMARY OF ACTION
TAKEN BY
THE HOUSE OF DELEGATES OF
THE AMERICAN BAR ASSOCIATION

Deborah Enix-Ross, Chair, Presiding
New York, New York – August 14-15, 2017

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INTRODUCTION

Enclosed you will find a Summary of the action taken by the House of Delegates at the 2017 Annual Meeting in New York, New York. This Summary is being sent to each member of the House of Delegates, as well as to the President and Executive Director of each state bar association, local bar association and affiliated organization represented in the House. It also will be transmitted to all section and division chairs as well as to all standing and special committee chairs.

The Summary serves as a permanent written record of action taken by the House of Delegates and contains a list of ABA entities that made reports to the House, a description of action taken, as well as the text of each resolution that was approved. The Summary is organized by the type of entity (i.e. committees, commissions, sections, divisions, etc.) and by the name of the particular entity, along with the resolution number. If you require further information concerning the resolutions considered by the House of Delegates, you may wish to refer to the corresponding report in the E-book of resolutions that was sent prior to the Annual Meeting.

Any member of the House of Delegates may propose a correction to this Summary. However, the rules of procedure require that the Secretary be notified of any such proposed corrections within ten days from receipt of this Summary. Action on any proposed corrections will be considered in February 2018 at the Midyear Meeting of the House of Delegates in Vancouver, British Columbia, Canada.

Should you have any questions or concerns regarding this Summary, please contact the Office of the Secretary at the American Bar Association in Chicago.

Mary T. Torres
Secretary

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I. AMENDMENTS TO THE CONSTITUTION, BYLAWS
AND HOUSE RULES OF PROCEDURE

Report No. 11-1
The proposal amending §1.2 of the Association’s Constitution, to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born”, was postponed indefinitely by a vote of 279;1781.

Report No. 11-2
The proposal amending §6.8 of the Association’s Constitution, to provide for representation of the National Creditors Bar Association as an affiliated organization in the House of Delegates, was withdrawn.

Report No. 11-3
The proposal amending §6.5(a) of the Association’s Constitution, to indicate that if six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, territory or possession, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected, was approved. It reads:

§6.5 Delegates-at-Large. (a) At each annual meeting the members of the Association registered for the annual meeting shall elect by ballot six members of the Association as Delegates-at-Large to the House of Delegates, no two of whom are accredited to the same state, territory or possession. A ballot on which the number of votes cast is more or less than six is void. Election is by a plurality of the votes cast. If only six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, territory or possession, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected. In addition, if a vacancy occurs and only one nominating petition is filed to fill the vacancy, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominee is elected. The Board of Governors shall supervise the election.

Report No. 11-4
The proposal amending §44.1(a) of the House Rules of Procedure, to include the chair of a “commission” as having the privileges of the floor of the House of Delegates, was approved. It reads:

§44.1 Privileges of the Floor. The privileges of the floor of the House of Delegates, without vote, are extended to nondelegates as follows:

(a) the chair of a section, committee or commission, who may make a motion and who may speak relating to a resolution of that section, committee or commission or any other matter within the jurisdiction of that section, committee or commission;

...
II. REPORTS OF COMMITTEES, COMMISSIONS AND TASK FORCES

A. The following Special Committees, Commissions and Task Forces were continued for one year:

- ABA Center for Human Rights
  - Human Rights Advisory Council
- ABA Rule of Law Initiative
- Africa Law Initiative Council
- Annual Meeting Program Planning, Special Committee on
- Asia Law Initiative Council
- Center for Professional Responsibility, Coordinating Council for
- Central European and Eurasian Law Initiative Council
- Death Penalty Representation, Special Committee on
- Disability Rights, Commission on
- Domestic and Sexual Violence, Commission on
- Hispanic Legal Rights and Responsibilities, Special Committee
- Homelessness and Poverty, Commission on
- Immigration, Commission on
  - Advisory Committee to the Commission on Immigration
- Interest on Lawyer Trust Accounts, Commission on
- Latin America and Caribbean Law Initiative Council
- Law and Aging, Commission on
- Lawyer Assistance Programs, Commission on
  - Advisory Commission to the Commission on Lawyer Assistance Programs
- Lawyers and Certified Public Accountants, National Conference
- Middle East and North Africa Law Initiative Council
- Racial and Ethnic Diversity, Center for
- Racial and Ethnic Diversity in the Educational Pipeline, Council
- Racial and Ethnic Diversity in the Profession, Commission on
- Racial and Ethnic Justice, Coalition on
- Sexual Orientation and Gender Identity, Commission on
- Women in the Profession, Commission on
- Youth at Risk, ABA Commission on
  - Advisory Committee to the Commission on Youth-at-Risk
4 REPORTS OF COMMITTEES, COMMISSIONS AND TASK FORCES

B. The following Committees, Commissions and Task Forces presented Reports to the House of Delegates:

- ABA/BNA Lawyers Manual on Professional Conduct
- American Judicial System
- Center for Professional Responsibility, Coordinating Council
- Children and the Law, Center for
- Client Protection
- Cybersecurity Legal Task Force
- Delivery of Legal Services
- Disability Rights, Commission on
- Domestic and Sexual Violence, Commission on
- Election Law
- Ethics and Professional Responsibility
- Group and Prepaid Legal Services
- Gun Violence
- Hispanic Legal Rights and Responsibilities, Special Committee
- Homelessness and Poverty, Commission on
- Human Rights, Center for
- Immigration, Commission on
- Interest on Lawyers’ Trust Accounts, Commission on
- Law and Aging, Commission on
- Law and National Security
- Law Library of Congress
- Lawyer Assistance Programs, Commission on
- Lawyer Referral and Information Service
- Lawyers Professional Liability
- Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education, Commission on
- Legal Aid and Indigent Defendants
- Legal Assistance for Military Personnel
- National Conference of Commissioners on Uniform Laws
- Paralegals
- Pro Bono and Public Service
- Professional Discipline
- Professionalism
- Public Education
- Scope and Correlation of Work
- Specialization
- Unaccompanied Minor Immigrants
- Veterans Legal Services, Commission on
- Youth at Risk, Commission on

* The report of this Committee, Commission or Task Force contained resolutions as stated in Section IID of this Summary.
C. The following Committees, Commissions and Task Forces did not report to the House of Delegates:

ABA Journal Board of Editors  
Africa Law Initiative Council  
Amicus Curiae Briefs  
Annual Meeting Program, Special Committee on Armed Forces Law  
American Jury, Commission on Asia Law Initiative Council  
Audit  
Bar Activities and Services  
Bioethics and the Law, Special Committee on  
Center for Professional Responsibility Policy Implementation  
Central European and Eurasian Law Initiative Council  
Constitution and Bylaws  
Continuing Legal Education  
Death Penalty Representation, Special Committee on  
Disaster Response and Preparedness  
Federal Judiciary  
Fund for Justice and Education  
Gavel Awards  
Governmental Affairs  
International Trade in Legal Services  
Justice Center, Coordinating Council for the  
Latin America and Caribbean Law Initiative Council  
Medical Professional Liability  
Meetings and Travel  
Membership  
Middle East and North Africa Law Initiative Council  
National Conference of Lawyers  
Publishing Oversight  
Racial and Ethnic Diversity, Center for  
Racial and Ethnic Diversity in the Educational Pipeline, Council for  
Racial and Ethnic Diversity in the Profession, Commission on  
Racial and Ethnic Justice, Coalition on  
Rule of Law Initiative  
Sexual Orientation and Gender Identity, Commission on  
Technology and Information Systems  
Women in the Profession, Commission on
D. Action of the House on Committee, Commission and Task Force Resolutions:

American Judicial System (Report No. 104)

Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, which was cosponsored by the Section of Litigation, Tort Trial and Insurance Practice Section, Criminal Justice Section, Washington State Bar Association, Hawaii State Bar Association, King County Bar Association and the Beverly Hills Bar Association, was approved\(^2\). It reads:

RESOLVED, That the American Bar Association reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit because there is no compelling empirical evidence of adjudicative or administrative dysfunction in the existing structure; and

FURTHER RESOLVED, That the American Bar Association supports ongoing efforts by the United States Court of Appeals for the Ninth Circuit and other federal courts to utilize technological and procedural innovations in order to continue to enable them to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.

Children and the Law (Report Nos. 117A, 117B and 117C)

For action on Report No. 117A, regarding equal access to elementary and secondary public schools, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11.

For action on Report No. 117B, regarding age appropriate curricula designed to educate students regarding candidates and issues in elections, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11.

For action on Report No. 117C, regarding a framework to improve the educational access stability and process for court-involved youth, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 12.

Client Protection (Report No. 110)

Report No. 110, regarding Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyer Disciplinary Enforcement, which was cosponsored by the Standing Committee on Professional

\(^2\) Ashley L. Belleau of Louisiana, Toni E. Clarke of Maryland, Hon. Margaret G. Robb of Indiana, Hon. Ramona G. See of California, Christopher T. Whitten of Arizona, and Mary Ellen Coster Williams of the District of Columbia abstained from voting with respect to this resolution.
RESOLVED, That the American Bar Association amends the black letter of Rule 7 of the Model Rules for Lawyer Disciplinary Enforcement as follows (insertions underlined, deletions struck through):

RULE 7. ROSTER OF LAWYERS
Disciplinary counsel shall maintain or have ready access to current information relating to all lawyers subject to the jurisdiction of the board including:

(a) full name and all names under which the lawyer has been admitted or practiced;
(b) date of birth;
(c) current law office business address, and telephone number, and email address;
(d) current residence address;
(e) date of admission in the state;
(f) date of any transfer to or from inactive status;
(g) all specialties in which certified;
(h) other jurisdictions in which the lawyer is admitted and date of admission;
(i) location the name of the financial institution and account numbers for each account in which clients’ funds are held by the lawyer holds the funds of clients or third persons in connection with a representation;
(j) the name and business address of the lawyer(s) and any other individual(s) with authority to disburse funds from each account in which the lawyer holds the funds of clients or third persons in connection with a representation;
(k) the name and business address of the lawyer(s) responsible for complying with the applicable rules governing trust accounts, and of any other individual(s) to whom the lawyer delegates tasks related to the operation of such accounts;
(l) nature, date, and place of any discipline imposed and any reinstatements in any other jurisdiction; and
(m) date of death; and

Disability Rights (Report No. 113)
Report No. 113, regarding legislatures amending their guardianship statutes to require that supported decision-making
be identified, which was cosponsored by the Section of Civil Rights and Social Justice, Section of Real Property, Trust and Estate Law, and the Commission on Law and Aging, was approved\(^3\). It reads:

RESOLVED, That the American Bar Association urges state, territorial, and tribal legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed; and urges courts to consider supported decision-making as a less restrictive alternative to guardianship; and

FURTHER RESOLVED, That the American Bar Association urges state, territorial, and tribal legislatures to amend their guardianship statutes to require that decision-making supports that would meet the individual’s needs be identified and fully considered in proceedings for termination of guardianship and restoration of rights; and urges all courts to consider available decision-making supports that would meet the individual’s needs as grounds for termination of a guardianship and restoration of rights.

**Domestic and Sexual Violence (Report No. 115)**

*For action on Report No. 115*, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see *Immigration on page 10*.

**Election Law (Report No. 117B)**

*For action on Report No. 117B*, regarding age appropriate curricula designed to educate students regarding candidates and issues in elections, see *Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11*.

**Gun Violence (Report Nos. 118A and 118B)**

*Report No. 118A*, urging Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person, which was cosponsored by the Section of Civil Rights and Social Justice, Section of Litigation, Commission on Youth at Risk, and the Section of State and Local Government Law, was withdrawn.\(^3\)

\(^3\) Toni E. Clarke of Maryland, Hon. Ramona G. See of California, Harry C. Storm of Maryland, Peter D. Webster of Florida, and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.
**Report No. 118B**, regarding gun violence restraining orders, which was cosponsored by the Section of Civil Rights and Social Justice, Criminal Justice Section, Section of Litigation, Commission on Youth at Risk, and the Section of State and Local Government Law, *was revised and approved*. As revised, it reads:

**RESOLVED**, That the American Bar Association urges state, local, territorial, and tribal governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including *ex parte* orders, that include at least the following provisions:

1. That a person (a “petitioner”) with documented evidence that another person (a “respondent”) poses a serious threat to himself or herself or others may petition a court for an order temporarily suspending the respondent’s possession of a firearm or ammunition;

2. That there shall be a verifiable procedure to ensure the surrender of firearms and ammunition pursuant to the court order; and

3. That the issuance of the gun violence restraining order shall be reported to appropriate state or federal databases in order to prevent respondent from passing a background check required to purchase a firearm or obtain a firearm license or permit while restraining order is in effect.

**Hispanic Legal Rights and Responsibilities (Report No. 115)**  
*For action on Report No. 115*, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see *Immigration on page 10*.

**Homelessness and Poverty (Report No. 119A)**  
*For action on Report No. 119A*, regarding discrimination in housing on the basis of lawful source of income, see *Civil Rights and Social Justice on page 20*.

**Human Rights (Report No. 10D)**  
*For action on Report No. 10D*, regarding the Office of Global Criminal Justice, the War Crimes Ambassador, and the United

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States’ commitment to international criminal justice and the prevention and prosecution of atrocity crimes, see Massachusetts Bar Association on page 33.

Immigration (Report Nos. 10C and 115)

For action on Report No. 10C, regarding Section 287 of the Immigration and Nationality Act regarding immigration enforcement actions, see Massachusetts Bar Association on page 32.

Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, which was cosponsored by the Section of Civil Rights and Social Justice, Commission on Hispanic Legal Rights and Responsibilities, Commission on Domestic and Sexual Violence, Standing Committee on Legal Aid and Indigent Defendants, Massachusetts Bar Association, Criminal Justice Section, New York County Lawyers Association, Section of Litigation, New York City Bar Association, Working Group on Unaccompanied Minor Immigrants, and the Section of International Law, was approved. It reads:

RESOLVED, That the American Bar Association supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.

FURTHER RESOLVED, That unless and until the federal government provides counsel for all indigent persons in removal proceedings before the Executive Office for Immigration Review, the American Bar Association encourages state, local, territorial, and tribal governments to provide in removal proceedings legal counsel to all indigent persons in their jurisdictions who lack the financial means to hire private counsel and who lack pro bono counsel.

FURTHER RESOLVED, That the American Bar Association encourages federal, state, local, territorial, and tribal governments to prioritize government-funded counsel for detained individuals in removal proceedings.

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Interest on Lawyers’ Trust Accounts (Report No. 110)

For action on Report No. 110, regarding Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyer Disciplinary Enforcement, see Client Protection on page 6.

Law and Aging (Report Nos. 105 and 113)

Report No. 105, urging the President to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention, was withdrawn.

For action on Report No. 113, regarding legislatures amending their guardianship statutes to require that supported decision-making be identified, see Disability Rights on page 7.

Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education (Report Nos. 117A, 117B and 117C)

Report No. 117A, regarding equal access to elementary and secondary public schools, which was cosponsored by the Section of Civil Rights and Social Justice, Commission on Youth at Risk, Center on Children and the Law, and the Standing Committee on Public Education, was approved6. It reads:

RESOLVED, That the American Bar Association urges all federal, state, local, tribal, and territorial governments to adopt and implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education.

Report No. 117B, regarding age appropriate curricula designed to educate students regarding candidates and issues in elections, which was cosponsored by the Section of Civil Rights and Social Justice, Commission on Youth at Risk, Standing Committee on Election Law, Center on Children and the Law, and the Standing Committee on Public Education, was approved7. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to develop and implement age-appropriate curricula designed to instill in all students a sense of personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections.

6 Ashley L. Belleau of Louisiana, Judith Davila of Arizona, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Peter D. Webster of Florida, Mary Ellen Coster Williams of the District of Columbia, and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.

7 Judith Davila of Arizona, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Jimmie D. Smith of Arizona, Mary Ellen Coster Williams of the District of Columbia, and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
Report No. 117C, regarding a framework to improve the educational access stability and process for court-involved youth, which was cosponsored by the Section of Civil Rights and Social Justice, Center on Children and the Law, and the Commission on Youth at Risk, was approved\(^8\). It reads:

RESOLVED, That the American Bar Association endorses the *Blueprint for Change: Education Success for Children in Foster Care (2007)* and the *Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016)* (collectively, the “Blueprints”)\(^\ast\).

FURTHER RESOLVED, That the American Bar Association urges federal, state, territorial, tribal, and local legislatures, government agencies, and courts to adopt laws, regulations, policies, and court rules to implement the Blueprints;

FURTHER RESOLVED, That the American Bar Association urges attorneys, judges, and state, territorial, tribal, and local bar associations to support improvements in practices, program resources, and legal strategies to ensure educational stability and success consistent with the Blueprints.

Legal Aid and Indigent Defendants (Report Nos. 106 and 115)

Report No. 106, regarding the Sixth Amendment rights to effective assistance of counsel, which was cosponsored by the Criminal Justice Section, was approved\(^9\). It reads:

RESOLVED, That the American Bar Association urges Congress to enact legislation enabling the United States Department of Justice to initiate and pursue civil actions to obtain equitable relief for systemic violations of the constitutional right to the effective assistance of counsel, both directly and through private litigants deputized to file such actions in the name of the United States;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation recognizing

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\(^8\) Judith Davila of Arizona, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Jimmie D. Smith of Arizona, Peter D. Webster of Florida, Mary Ellen Coster Williams of the District of Columbia, and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.

\(^\ast\) The *Blueprint for Change: Education Success for Children in Foster Care (2007)* and the *Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016)* are available upon request to the Policy and Planning Division.

the right of private litigants, in their individual capacity or as members of a class action, to obtain equitable relief in federal court for systemic violations of the constitutional right to the effective assistance of counsel.

For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.

Legal Assistance for Military Personnel (Report No. 120)

For action on Report No. 120, regarding processes by which military records are corrected, discharge status petitions are considered and the character of one’s discharge is reviewed, see Veterans Legal Services on page 16.

Paralegals (Report No. 100)

Report No. 100, regarding paralegal education programs, was approved. It reads:

RESOLVED, That the American Bar Association approves the following programs: City College of San Francisco, Paralegal Studies Program, San Francisco, CA; Atlanta Technical College, Paralegal Studies Program, Atlanta, GA; Lewis University, Paralegal Studies Program, Romeoville, IL and Tulsa Community College, Legal Assisting/Paralegal Program, Tulsa, OK.

FURTHER RESOLVED, That the American Bar Association reapproves the following paralegal education programs: Cuyamaca College, Paralegal Studies Program, El Cajon, CA; San Francisco State University, College of Extended Learning Paralegal Program, San Francisco, CA; West Valley College, Paralegal Program, Saratoga, CA; Norwalk Community College, Legal Assistant Program, Norwalk, CT; Florida SouthWestern State College, Paralegal Studies Program, Fort Myers, FL; Florida State College at Jacksonville, Paralegal Studies Program, Jacksonville, FL; Morehead State University, Paralegal Studies Program, Morehead, KY; Oakland Community College, Paralegal Program, Farmington Hills, MI; Oakland University, Paralegal Program, Rochester, MI; Mississippi University for Women, Legal Studies Program, Columbus, MS; Mount St. Joseph University, Paralegal Studies Program, Cincinnati OH; University of Cincinnati – Clermont College, Paralegal Studies Program, Batavia, OH; Pellissippi State Community College, Paralegal Studies Program, Knoxville, TN; South College, Legal/Paralegal Studies and Paralegal Certificate
FURTHER RESOLVED, That the American Bar Association withdraws the approval of the following paralegal education programs: Georgetown University, Paralegal Studies Program, Washington, DC; and Northern Essex Community College, Paralegal Studies Program, Lawrence, MA, at the requests of the institutions.

FURTHER RESOLVED, That the American Bar Association extends the terms of approval until the February 2018 Midyear Meeting of the House of Delegates for the following programs: University of Alaska Anchorage, Paralegal Certificate Program, Anchorage, AK; South University, Legal/Paralegal Studies Programs, Montgomery, AL; Pima Community College, Paralegal Program, Tucson, AZ; College of the Canyons, Paralegal Studies Program, Santa Clarita, CA; John F. Kennedy University, Legal Studies Program, Pleasant Hill, CA; Miramar College, Legal Assistant Program, San Diego, CA; MTI College, Paralegal Studies Program, Sacramento, CA; Arapahoe Community College, Paralegal Program, Littleton, CO; University of New Haven Legal Studies Program, West Haven, CT; Wilmington University, Legal Studies Program, New Castle, DE; South University, Legal/Paralegal Studies Programs, Royal Palm Beach, FL; Athens Technical College, Paralegal Studies Program, Athens, GA; Herzing University, Paralegal Studies Program, Atlanta, GA; South University, Legal/Paralegal Studies Programs, Savannah, GA; College of DuPage, Paralegal Studies Program, Glen Ellyn, IL; Illinois State University, Legal Studies Program, Normal, IL; Loyola University Chicago, Institute for Paralegal Studies, Chicago, IL; Southern Illinois University Carbondale, Paralegal Studies Program, Carbondale, IL; Bowling Green Community College of Western Kentucky University, Paralegal Studies Program, Bowling Green, KY; Sullivan University, Institute for Paralegal Studies, Lexington, KY; Herzing University, Legal Assisting/Paralegal Studies Program, Kenner, LA; Elms College, Legal Studies Program, Chicopee, MA; Middlesex Community College, Paralegal Studies Program, Bedford, MA; Grand Valley State University, Legal Studies Program, Grand Rapids, MI; Montclair State University, Paralegal Studies Program, Montclair, NJ; Finger Lakes Community College, Paralegal Program, Canandaigua, NY; Fayetteville Technical Community College, Paralegal Technology Program, Fayetteville, NC; Columbus State Community College,
Paralegal Studies Program, Columbus, OH; Edison Community College, Paralegal Studies Program, Piqua, OH; Rose State College, Paralegal Studies Program, Midwest City, OK; Portland Community College, Paralegal Program, Portland, OR; Bucks County Community College, Paralegal Studies Program, Newtown, PA; Community College of Philadelphia, Paralegal Studies Program, Philadelphia, PA; Northampton Community College, Paralegal Program, Bethlehem, PA; South University, Legal Studies/Paralegal Studies Programs, Columbia, SC; Brightwood College, fka Kaplan Career College, Paralegal Studies Program, Nashville, TN; Salt Lake Community College, Paralegal Studies Program, Salt Lake City, UT; Edmonds Community College, Paralegal Program, Lynnwood, WA; and Western Technical College, Paralegal Program, LaCrosse, WI.

Professional Discipline (Report No. 110)
For action on Report No. 110, regarding Rule 7 (Roster of Lawyers) of the ABA Model Rules for Lawyer Disciplinary Enforcement, see Client Protection on page 6.

Public Education (Report Nos. 117A, 117B and 119B)
For action on Report No. 117A, regarding equal access to elementary and secondary public schools, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11.

For action on Report No. 117B, regarding age appropriate curricula designed to educate students regarding candidates and issues in elections, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11.

For action on Report No. 119B, regarding policies that rigorously protect the ability of student journalists in making independent editorial judgments, see Civil Rights and Social Justice on page 21.

Specialization (Report No. 111)
Report No. 111, regarding accreditation of the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a 5-year term as a designated specialty certification program for lawyers, was withdrawn.

Unaccompanied Minor Immigrants (Report No. 115)
For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.
Veterans Legal Services (Report Nos. 119A and 120)

For action on Report No. 119A, regarding discrimination in housing on the basis of lawful source of income, see Civil Rights and Social Justice on page 20.

Report No. 120, regarding processes by which military records are corrected, discharge status petitions are considered, and the character of one’s discharge is reviewed, which was cosponsored by the Standing Committee on Legal Assistance for Military Personnel, was approved. It reads:

RESOLVED, That the American Bar Association urges the Administration and Congress to support review of the processes by which military records are corrected, discharge status petitions are considered, and the character of a veteran’s discharge reviewed, in order to enhance the accessibility, availability, and timeliness of such determinations, including through the recommendations set forth below;

FURTHER RESOLVED, That the American Bar Association urges the U.S. Department of Defense to examine how post-traumatic stress (PTS), traumatic brain injury (TBI), and military sexual trauma (MST) correlate to the specific types of misconduct resulting in less-than-honorable discharges;

FURTHER RESOLVED, That the American Bar Association urges the U.S. Department of Defense to create policies for discharge upgrade petition review that consider: (1) clear standards for establishing proof of a nexus between PTS, TBI, and MST and the resulting discharge status; (2) implementing an evidentiary rule that the initial burden of production by a veteran as to nexus may be satisfied where the veteran is diagnosed with PTS, TBI, or MST, provided that mitigating factors such as distinguished service in the field or aggravating factors such as particularly egregious conduct are considered; and (3) authorizing flexible application of standards in light of a nexus between the misconduct and the medical condition(s);

FURTHER RESOLVED, That the American Bar Association urges the U.S. Department of Defense to establish panels within each of the military services’ boards for correction of military records exclusively to specialize in expeditiously adjudicating discharge upgrade petitions involving PTS, TBI, or MST, comprised of members with

10 Mary Ellen Coster Williams of the District of Columbia abstained from voting with respect to this resolution.
appropriate medical expertise to recognize the potential nexus between the misconduct and these conditions, and to provide counsel to assist petitioners in the drafting and presentation of their cases.

FURTHER RESOLVED, That the American Bar Association urges the Office of the President and the U.S. Department of Veterans Affairs to explore whether certain executive powers such as clemency may be exercised consistent with existing discharge upgrade procedures in order to expedite such procedures for certain veterans utilizing standards such as categorical eligibility.

FURTHER RESOLVED, That the American Bar Association urges Congress to allocate new and adequate funding to support the special panels and provision of petitioners' counsel for the panels and processes described above, as well as identifying new sources of funding to be administered by the U.S. Department of Veterans Affairs, Legal Services Corporation, and other relevant entities, to support civil legal aid and pro bono organizations in the delivery of free legal services to advise and assist petitioners, particularly those whose cases involve PTS, TBI, MST, and other mental health issues.

FURTHER RESOLVED, That the American Bar Association encourages the U.S. Departments of Defense and Veterans Affairs, state departments of veterans affairs, veteran service organizations, and all other stakeholders to undertake programs to identify veterans who may be eligible for discharge upgrades, notify those veterans and their caregivers of such opportunities, and to educate them about upgrade availability, the processes to petition for upgrade, and supportive resources to assist with obtaining such upgrades and the steps and stages involved.

Youth at Risk (Report Nos. 112E, 117A, 117B, 117C, 118A and 118B)

For action on Report No. 112E, regarding the use of solitary confinement of children and youth under the age of 18, see Criminal Justice on page 24.

For action on Report No. 117A, regarding equal access to elementary and secondary public schools, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11.
For action on Report No. 117B, regarding age appropriate curricula designed to educate students regarding candidates and issues in elections, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11.

For action on Report No. 117C, regarding a framework to improve the educational access stability and process for court-involved youth, see Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 12.

For action on Report No. 118A, urging Congress to amend the Gun Control Act of 1968, see Gun Violence on page 8.

For action on Report No. 118B, regarding gun violence restraining orders, see Gun Violence on page 9.
III. REPORTS OF SECTIONS AND DIVISIONS

A. The following Sections and Divisions presented reports to the House of Delegates:

   Civil Rights and Social Justice*
   Criminal Justice*
   Dispute Resolution*
   Intellectual Property Law*
   International Law*
   Judicial Division*
   Law Student Division*
   Litigation*
   Real Property, Trust and Estate Law*
   Science and Technology Law
   Senior Lawyers Division*
   State and Local Government Law*
   Tort Trial and Insurance Practice*
   Young Lawyers Division*

B. The following Sections and Divisions did not report to the House of Delegates:

   Administrative Law and Regulatory Practice
   Antitrust Law
   Business Law
   Environment, Energy and Resources
   Family Law
   Government and Public Sector Lawyers Division
   Infrastructure and Regulated Industries
   Health Law
   JD-Appellate Judges Conference
   JD-National Conference of the Administrative Law Judiciary
   JD-National Conference of Federal Trial Judges
   JD-National Conference of Specialized Court Judges
   JD-National Conference of State Trial Judges
   Labor and Employment Law
   Law Practice Division
   Legal Education and Admissions to the Bar
   Public Contract Law
   Solo, Small Firm and General Practice Division
   Taxation

* The report of this Section or Division contained resolutions as stated in Section IIIC of this Summary.
C. Action of the House on Section and Division Resolutions:


For action on Report No. 113, regarding legislatures amending their guardianship statutes to require that supported decision-making be identified, see *Disability Rights on page 7*.

For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see *Immigration on page 10*.

For action on Report No. 117A, regarding equal access to elementary and secondary public schools, see *Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11*.

For action on Report No. 117B, regarding age appropriate curricula designed to educate students regarding candidates and issues in elections, see *Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 11*.

For action on Report No. 117C, regarding a framework to improve the educational access stability and process for court-involved youth, see *Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education on page 12*.

For action on Report No. 118A, urging Congress to amend the Gun Control Act of 1968, see *Gun Violence on page 8*.

For action on Report No. 118B, regarding gun violence restraining orders, see *Gun Violence on page 9*.

Report No. 119A, regarding discrimination in housing on the basis of lawful source of income, which was cosponsored by the Section of State and Local Government Law, Commission on Homelessness and Poverty, and the Commission on Veterans Legal Services, was approved\(^\text{11}\). It reads:

RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income.

Report No. 119B, regarding policies that rigorously protect the ability of student journalists in making independent editorial judgments, which was cosponsored by the Standing Committee on Public Education, was approved\(^\text{12}\). It reads:

RESOLVED, That the American Bar Association urges all state, local, territorial, and tribal legislative bodies to enact statutes and school districts to adopt policies that:

a) rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal, provided that such statutes should also allow for reasonable restrictions on the time, place, and manner of student expression, and should neither authorize nor protect expression by students that is defamatory or invasive of privacy, is obscene or otherwise unlawful, or is reasonably anticipated to incite students to act unlawfully;

b) safeguard advisors who supervise students participating in school-sponsored journalism against punitive action for supporting their students in gathering and publishing news of interest and concern to their communities;

c) expressly declare that criticism of government policies or programs, or the discussion of issues of social or political controversy, is protected speech in journalistic media, regardless of the medium’s school affiliation or sponsorship; and

d) ensure that student journalists have the right to exercise freedom of speech and of the press in school-sponsored media.

FURTHER RESOLVED, That the American Bar Association urges secondary and postsecondary educational institutions to offer students meaningful opportunities in school-sponsored journalism to enhance their civic learning and to promote all students’ media literacy.


For action on Report No. 10A, regarding the memorandum issued by Attorney General Sessions in May 2017, see Massachusetts Bar Association on page 32.

For action on Report No. 10B, regarding the imposition of a mandatory minimum sentence in any criminal case, see Massachusetts Bar Association on page 32.

For action on Report No. 10C, regarding Section 287 of the Immigration and Nationality Act regarding immigration enforcement actions, see Massachusetts Bar Association on page 32.

For action on Report No. 10D, regarding the Office of Global Criminal Justice, the War Crimes Ambassador, and the United States’ commitment to international criminal justice and the prevention and prosecution of atrocity crimes, see Massachusetts Bar Association on page 33.

For action on Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, see American Judicial System on page 6.

For action on Report No. 106, regarding the Sixth Amendment rights to effective assistance of counsel, see Legal Aid and Indigent Defendants on page 12.

Report No. 112A, regarding the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, was approved\(^\text{13}\). It reads:

RESOLVED, That the American Bar Association adopts the ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017\(^*\).


RESOLVED, That the American Bar Association amends the black letter ABA Standards for Criminal Justice:

\(^{13}\) Colin H. Lindsay of Kentucky, Hon. Elizabeth Snow Stong of New York and Alvin W. Thompson of Connecticut abstained from voting with respect to this resolution.

\(^{*}\) The ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth, dated August 2017, is available upon request to the Policy and Planning Division.

\(^{14}\) Colin H. Lindsay of Kentucky, Hon. Elizabeth Snow Stong of New York, and Alvin W. Thompson of Connecticut abstained from voting with respect to this resolution.

Report No. 112C, regarding personal recognizance bonds or unsecured bonds, was revised and approved15. As revised, it reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to adopt policies and procedures that:

1. favor release of defendants upon their own recognizance or unsecured bond;
2. require that a court determine that release on cash bail or secured bond is necessary to assure the defendant’s appearance and no other conditions will suffice for that purpose before requiring such bail or bond;
3. prohibit a judicial officer from imposing a financial condition of release that results in the pretrial detention of a defendant solely due to the defendant’s inability to pay;
4. permit a court to order a defendant to be held without bail where public safety warrants pretrial detention and no conditions of pretrial release suffice, and require that the court state on the record the reasons for detention; and
5. bar the use of "bail schedules" that consider only the nature of the charged offense, and require instead that courts make bail and release determinations based upon individualized, evidence-based assessments that use objective verifiable release criteria that do not have a discriminatory or disparate impact based on race, ethnicity, religion, socio-economic status, disability, sexual orientation, or gender identification.

Report No. 112D, regarding the use of bail/bond in the juvenile justice system, was approved16. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to


adopt laws and policies with respect to pretrial release in juvenile cases that:

(1) prohibit the use of financial conditions or collateral for release in any form;

(2) use objective verifiable criteria that does not have a discriminatory or disparate impact based on race, ethnicity, religion, disability, sexual orientation or gender identification; and

(3) use the least restrictive conditions of release that protect the public safety and assure likelihood of appearance in court.

Report No. 112E, regarding the use of solitary confinement of children and youth under the age of 18, which was cosponsored by the Commission on Youth at Risk, was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement – the involuntary placement alone in a cell, room or other area for any reason other than as a temporary response to behavior that threatens immediate harm and ends when the threat is over and, in no case, more than 4 hours – of children and youth under age 18.

Report No. 112F, regarding the expungement of all criminal justice records that did not result in a conviction, was approved. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.


Report No. 112G, regarding the expungement of convictions associated with homelessness, was approved. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to enact laws allowing for the expungement of: (a) convictions, or (b) other statutory ordinances or violations where a court enters a finding of guilt, for actions performed in public spaces that are associated with homelessness.

For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.

For action on Report No. 118B, regarding gun violence restraining orders, see Gun Violence on page 9.

Dispute Resolution (Report No. 103)
Report No. 103, regarding ombuds programs, was approved. It reads:

RESOLVED, That the American Bar Association encourages greater use and development of ombuds programs that comply with generally recognized standards of practice, as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes.

Intellectual Property Law (Report Nos. 114A, 114B and 114C)
Report No. 114A, regarding proof of willfulness for an accounting of a defendant’s profits in trademark infringement, unfair competition, or cyber-piracy cases, was approved. It reads:

RESOLVED, That the American Bar Association favors an interpretation of Section 35(a) of the Lanham Act, 15 U.S.C. §1117(a), that proof of willfulness is not required, but may be taken into account as among the equitable considerations, for a prevailing plaintiff to recover a defendant’s profits in actions involving trademark infringement, unfair competition, or cyber-piracy under the Lanham Act, 15 U.S.C. §§ 1114, 1125(a), and 1125(d).


20 Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.

Report No. 114B, adopting policy in support of a clarification of patent laws and supporting an interpretation of those laws such that a sale or an offer to sell a product or service embodying an invention must have been “available to the public” and made the invention known to the public to invalidate claims directed to that invention, was withdrawn.

Report No. 114C, regarding clarification of the patent laws in post-issuance proceedings at the U.S. Patent and Trademark Office, was revised and approved\(^2\). As revised, it reads:

RESOLVED, That the American Bar Association supports, in a post issuance proceeding at the U.S. Patent and Trademark Office in which a previously issued patent is challenged by a petitioner, applying the statutory requirement that the petitioner asserting the unpatentability of a patent “shall have the burden of proving unpatentability by a preponderance of the evidence” on both the challenged claims and any amendment of the claims proposed by the patent owner during the proceeding, provided that the patent owner has the initial burden of production (burden of going forward) on the patentability of any proposed amended claims.

International Law (Report Nos. 10D, 109A, 109B and 115)

For action on Report No. 10D, regarding the Office of Global Criminal Justice, the War Crimes Ambassador, and the United States’ commitment to international criminal justice and the prevention and prosecution of atrocity crimes, see Massachusetts Bar Association on page 33.

Report No. 109A, adopting the ABA Model Provisions on Electronic Commerce for International Trade Agreements, dated August 2017, and recommending them as a standard template for use in international trade agreements and other relevant international agreements and guidelines, was withdrawn.

Report No. 109B, regarding the phase out of lead paint, was approved\(^2\). It reads:

RESOLVED, That the American Bar Association urges national governments worldwide to adopt laws to phase out the manufacture, import, and sale of lead paint;

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\(^2\) Judith Davila of Arizona, Elizabeth Finn of Arizona, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Jimmie D. Smith of Arizona, and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
FURTHER RESOLVED, That the American Bar Association supports efforts of the international community, governments, industry, and non-governmental organizations to promote the phase-out of lead paint by no later than 2020; and

FURTHER RESOLVED, That the American Bar Association urges lawyers, law firms, bar associations, and other professional and nonprofit organizations to support adoption and implementation of laws to phase out and eliminate lead paint through pro bono support, educational initiatives, and other appropriate means.

For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.

Judicial Division (Report Nos. 116 and 121)
For action on Report No. 116, regarding opportunities for new lawyers to gain meaningful courtroom experience, see Litigation on page 28.

For action on Report No. 121, regarding de-biasing training, judicial training and continuing judicial education, see Young Lawyers Division on page 31.

Law Student Division (Report No. 108)
Report No. 108, regarding bar admission to undocumented immigrants, was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association supports the principle that bar admission should not be denied based solely on immigration status.

FURTHER RESOLVED, That the American Bar Association urges Congress to amend 8 U.S.C. § 1621(d) to insert, at the conclusion of all existing language, the following sentence:

“A state court vested with exclusive authority to regulate admission to the bar may, by rule, order, or other affirmative act, permit an undocumented alien seeking legal status to obtain a professional license to practice law in that jurisdiction.”

Litigation (Report Nos. 10C, 104, 115, 116, 118A, 118B and 121)

For action on Report No. 10C, regarding Section 287 of the Immigration and Nationality Act regarding immigration enforcement actions, see Massachusetts Bar Association on page 32.

For action on Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, see American Judicial System on page 6.

For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.

Report No. 116, regarding opportunities for new lawyers to gain meaningful courtroom experience, was approved. It reads:

RESOLVED, That the American Bar Association urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans.

For action on Report No. 118A, urging Congress to amend the Gun Control Act of 1968, see Gun Violence on page 8.

For action on Report No. 118B, regarding gun violence restraining orders, see Gun Violence on page 9.

For action on Report No. 121, regarding de-biasing training, judicial training and continuing judicial education, see Young Lawyers Division on page 31.

Real Property, Trust and Estate Law (Report No. 113)

For action on Report No. 113, regarding legislatures amending their guardianship statutes to require that supported decision-making be identified, see Disability Rights on page 7.

Senior Lawyers Division (Report No. 107)

Report No. 107, adopting the ABA Guidelines for Best Practices for Individual Retirement Accounts, dated August 2017, and urging adoption by financial institutions for IRA accounts, was withdrawn.

25 Ashley L. Belleau of Louisiana and Hon. Margaret G. Robb of Indiana abstained from voting with respect to this resolution.
State and Local Government Law (Report Nos. 118A, 118B and 119A)

For action on Report No. 118A, urging Congress to amend the Gun Control Act of 1968, see Gun Violence on page 8.

For action on Report No. 118B, regarding gun violence restraining orders, see Gun Violence on page 9.

For action on Report No. 119A, regarding discrimination in housing on the basis of lawful source of income, see Civil Rights and Social Justice on page 20.

Tort Trial and Insurance Practice (Report Nos. 102A, 102B, 102C and 104)

Report No. 102A, opposing the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supporting enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposing legislation and regulations that would authorize, encourage or enforce such agreements, was withdrawn.

Report No. 102B, regarding trap-neuter-vaccinate-return programs for community cats, was approved26. It reads:

RESOLVED, That the American Bar Association urges state, local, territorial, and tribal legislative bodies and governmental agencies to interpret existing laws and policies, and adopt laws and policies, to allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management.

Report No. 102C, regarding common-interest doctrine and privileged communications, was revised and approved27. As revised, it reads:

RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal legislative, judicial and other governmental bodies to support the principles that:

1. the holder of the attorney-client privilege does not waive the privilege by sharing communications or

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26 Ashley L. Belleau of Louisiana, Judith Davila of Arizona, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Jimmie D. Smith of Arizona, and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.

materials (or by having contemporaneous communications with) with another person (not jointly represented by the same counsel) who,

(a) having common legal interests with the holder in some litigated, potentially litigated, or nonlitigated matter or in related matters (such as parallel lawsuits),

(b) has agreed with the holder of the privilege or protection

(i) to cooperate with one another to develop and pursue a joint legal strategy with respect to some aspect of the matter or matters in which the parties have common interests, and

(ii) to maintain the confidentiality of any privileged or protected communications or materials shared in pursuit of such cooperation;

provided that the communications or materials shared relate to the parties' common interests;

(2) no party to such a common-interest arrangement can unilaterally waive privilege or protection with respect to communications or materials other than the waiving party's own communications or materials;

(3) in the event of later adverse proceedings between or among the parties to the common-interest arrangement, any party may use communications or materials shared against any other party;

(4) existence of a common-interest or agreement to a common-interest arrangement is not a basis to compel the holder of a privilege or protection to disclose to others having that common interest any communications or materials that the holder does not voluntarily share;

(5) while some authorities condition protection of common-interest sharing on each party to the common-interest arrangement being separately represented, no such requirement should be applied when the parties to the common-interest arrangement have a preexisting relationship (including, without limitation, indemnitor-indemnitee, insurer-insured, patent holder-licensee, or lead lender and participants in the loan) that
(a) binds them to a common outcome on the issue(s) as to which they have a common interest,

(b) creates duties to respect one another’s interests, and

(c) creates rights to participate in decision making regarding the common interest (at least to the extent of providing input).

Nothing in this Resolution applies to waiver of work product protection, which is governed by different standards than attorney-client privilege.

For action on Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, see American Judicial System on page 6.

Young Lawyers Division (Report No. 121)
Report No. 121, regarding de-biasing training, judicial training and continuing judicial education, which was cosponsored by the Judicial Division and the Section of Litigation, was approved. It reads:

RESOLVED, That the American Bar Association urges all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education; and

FURTHER RESOLVED, That the American Bar Association urges local and state bar associations to work with courts to offer de-biasing training to judicial officers free of cost and at the convenience of the courts.

28 Ashley L. Belleau of Louisiana and Hon. Margaret G. Robb of Indiana abstained from voting with respect to this resolution.
Beverly Hills Bar Association (Report No. 104)
For action on Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, see American Judicial System on page 6.

Hawaii State Bar Association (Report No. 104)
For action on Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, see American Judicial System on page 6.

King County Bar Association (Report No. 104)
For action on Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, see American Judicial System on page 6.

Massachusetts Bar Association (Report Nos. 10A, 10B, 10C, 10D and 115)
Report No. 10A, urging the Department of Justice to rescind the memorandum issued by Attorney General Sessions in May 2017 that directs federal prosecutors to charge and pursue the most serious, readily provable offense, which was cosponsored by the Criminal Justice Section, withdrawn.

Report No. 10B, regarding the imposition of a mandatory minimum sentence in any criminal case, which was cosponsored by the Criminal Justice Section, was revised and approved29. As revised and amended, it reads:

RESOLVED, That the American Bar Association opposes the imposition of a mandatory minimum sentence; and

FURTHER RESOLVED, That the American Bar Association urges Congress, state, and territorial legislatures to repeal laws requiring minimum sentences, to refrain from enacting laws punishable by mandatory minimum sentences.

Report No. 10C, regarding Section 287 of the Immigration and Nationality Act regarding immigration enforcement actions, which

was cosponsored by the Criminal Justice Section, Section of Litigation, and the Commission on Immigration, was approved\textsuperscript{30}. It reads:

RESOLVED, That the American Bar Association, in recognition of the critical importance of the fair and unfettered administration of justice and in order to protect the right of all persons to access to federal, state, local, territorial and tribal courthouses, urges Congress to amend Section 287 of the Immigration and Nationality Act to expand and codify Department of Homeland Security guidelines regarding immigration enforcement actions to include courthouses as “sensitive locations” in which immigration enforcement actions may only be taken upon a showing of exigent circumstances and with prior approval of a designated supervisory official.

FURTHER RESOLVED, That the American Bar Association urges U.S. Immigration and Customs Enforcement and Border Protection to revise the existing guidelines on enforcement actions in “sensitive locations” to include federal, state, local, territorial and tribal courthouses in which immigration enforcement actions may only be taken upon a showing of exigent circumstances and with prior approval of a designated official and to do so without awaiting congressional action.

Report No. 10D, regarding the Office of Global Criminal Justice, the War Crimes Ambassador, and the United States’ commitment to international criminal justice and the prevention and prosecution of atrocity crimes, which was cosponsored by the Criminal Justice Section, Center of Human Rights, and the Section of International Law, was approved\textsuperscript{31}. It reads:

RESOLVED, That the American Bar Association urges the United States Congress and the Department of State to ensure that the function of supporting criminal accountability for mass atrocities resides in an office mandated to the pursuit of global criminal justice, with sufficient resources and stature of leadership, such as an ambassador-at-large position, to ensure that the United

\textsuperscript{30} Ashley L. Belleau of Louisiana, Gregory G. Brooker of Minnesota, Toni E. Clarke of Maryland, Juanita C. Hernandez of the District of Columbia, Barbara K. Howe of Maryland, Hon. Margaret G. Robb of Indiana, Hon. Ramona G. See of California, Harry C. Storm of Maryland, and Peter D. Webster of Florida abstained from voting with respect to this resolution.

\textsuperscript{31} Ashley L. Belleau of Louisiana, Toni E. Clarke of Maryland, Juanita C. Hernandez of the District of Columbia, Hon. Margaret G. Robb of Indiana, Hon. Ramona G. See of California, Peter D. Webster of Florida, and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.
States’ commitment to criminal accountability for mass atrocities is not diminished.

For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.

New York City Bar Association (Report No. 115)
For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.

New York County Lawyers Association (Report No. 115)
For action on Report No. 115, regarding the appointment of counsel for indigent persons in removal proceedings before the Executive Office for Immigration Review, see Immigration on page 10.

Stanley, Timothy, ABA Member (Report No. 101)
Report No. 101, urging Congress to require that any works of the U.S. government that are published privately also be deposited with the Government Publishing Office and subsequently distributed on the Internet, to the member libraries of the Federal Depository Library System, to the Library of Congress, and to the National Archives, which was presented jointly with Edward J. Walters, ABA Member, was withdrawn.

Washington State Bar Association (Report No. 104)
For action on Report No. 104, regarding restructuring the United States Court of Appeals for the Ninth Circuit, see American Judicial System on page 6.

Walters, Edward J., ABA Member (Report No. 101)
For action on Report No. 101, urging that works of the U.S. government that are published privately also be deposited with the Government Publishing Office, see Stanley, Timothy, ABA Member on page 34.
A. **Informational Report (Report No. 177)**

The Board of Governors (“Board”) is directed by §48.2 of the House Rules of Procedure to report to the House of Delegates on actions taken by the Board. This report sets forth actions taken by the Board since the 2017 Midyear Meeting. During that period, the Board met on June 9-10, 2017, and the Board’s Executive Committee met on May 10 (email ballot), May 30, June 8 and 30 (email ballot), 2017.

1. **ABA Medal**

   In executive session, the Board selected John D. Feerick of New York, New York as the recipient of the 2017 ABA Medal.

   June 2017

2. **Amicus Briefs**

   By email ballot, the Executive Committee approved the filing of an amicus curiae brief in *G.G. v. Gloucester County School Board* in the United States Court of Appeals for the 4th Circuit, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

   May 2017

   The Executive Committee approved the filing of an amicus curiae brief in *New Mexico v. Shoobridge* in the New Mexico Supreme Court, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

   May 2017

   The Executive Committee approved the filing of an amicus curiae brief in *Supreme Court of New Mexico v. United States* (in the New Mexico Supreme Court), subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

   May 2017

   The Executive Committee approved the filing of an amicus curiae brief in *Ayestas v. Davis* (in the Supreme Court of the United States), subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

   June 2017
The Executive Committee approved the filing of the amicus curiae brief in *Al Nashiri v. Obama* (in the United States Court of Appeals for the District of Columbia Circuit), subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

May 2017

3. **Awards**

The Board approved the request of the Section of Antitrust Law to continue the International Scholar-in Residence Program for fiscal years 2018 through 2020.

June 2017

The Board approved the request of the Forum on Entertainment and Sports Industries for an annual student writing competition for three consecutive fiscal years, 2018 through 2020.

August 2017

4. **Business Conduct Standards**

The Board approved the request of the Office of the General Counsel to amend the Business Conduct Standards to create an Ethics Review Committee to be composed of three ABA Board of Governors members appointed by the President. The Ethics Review Committee will evaluate the investigative report and determine whether a complaint merits referral to the full Board of Governors.

June 2017

5. **Bylaw Amendments**

The Board approved requests to amend bylaws from the following entities:

- Young Lawyers Division
- Section of Business Law

June 2017

- Section of Family Law
- Law Practice Division

August 2017
6. **Committees, Commissions and Task Forces**

The Board approved the request of the Committee on Scope and Correlation of Work to sunset the Special Committee on Bioethics and the Law and the Commission on American Jury.

**June 2017**

The Board approved the request of President-Elect Hilarie Bass to amend the jurisdictional statement of the Executive Committee to expand its size in 2017-2018 to include a representative from each of the three Board classes to be appointed by President-Elect Bass.

**August 2017**

The Board approved the request for reconsideration by the Commission on the American Jury to continue without ABA general revenue funding.

**August 2017**

The Board approved a new jurisdictional statement for the Center on Diversity and Inclusion and its Advisory Council.

**August 2017**

The Board approved the request of President-Elect Hilarie Bass to create an ABA Working Group to Advance Wellbeing in the Legal Profession to examine and make recommendations regarding the high rate of depression, suicide and addiction among lawyers, with the understanding that no general revenue funding is requested or required.

**August 2017**

The Board approved continuation for the following entities whose assignments are ongoing:

- ABA/BNA Editorial Board
- ABA Legal Education Opportunity Scholarship Committee
- ABA Legal Education Opportunity Scholarship Fundraising Committee
- AEFC Pension Plan Administration Committee
- Council of the Fund for Justice and Education
- Cybersecurity Legal Task Force
- Future of Legal Education, Commission on
- Gatekeeper Regulation and the Profession, Task Force on
- Thrift Plan Administration Committee
- Veterans Legal Services, Commission on

**August 2017**
The Board discontinued the following entities that have completed their tasks:

Emerging Member Benefits, Working Group on International Trade in Legal Services, Task Force on Lawyer’s Role in Assuring Every Child’s Right to High-Quality Education, Commission on

August 2017

7. Co-sponsorships

The Improving the Profession Committee approved co-sponsorship requests from the following entities; no additional ABA general revenue is requested or required for the co-sponsorships at this time:

Section of Civil Rights and Social Justice to co-sponsor with the Center for Reproductive Rights a panel on August 13, 2017 entitled, “Connecting the Dots: The Connection Between State Restrictions on Women’s Rights and Lack of Access to Programs Benefiting Low Income Women and Children.”

June 2017

Judicial Division to co-sponsor with the Bar Association of San Francisco the Fifth Annual Veterans Law Conference on November 3, 2017.

June 2017

Section of International Law to co-sponsor Section programming with certain outside entities in the 2017-2018 Association year.

June 2017

Section of Intellectual Property Law to co-sponsor certain Section committee programs with specific outside entities in the 2017-2018 Association year.

June 2017

Section of Antitrust Law to continue co-sponsoring and administering the Janet D. Steiger Fellowship Project with State Attorneys General Offices and Territories for the summers of 2018, 2019, and 2020.

June 2017
ABA Rule of Law Initiative to co-sponsor with the Wayamo Foundation and Freedom House a high-level, two-day judicial conference to be held in Arusha, Tanzania, on August 7-8, 2017.

June 2017

Section of Environment, Energy, and Resources to co-sponsor future non-CLE events with the National Hydropower Association to be held in 2017, 2018, and 2019.

June 2017

Commission on Veterans Legal Services and the Standing Committee on Legal Assistance for Military Personnel to co-sponsor with the Jones Day law firm a pilot of the VetLex veteran’s online pro bono referral platform.

June 2017

Standing Committee on Legal Aid and Indigent Defendants to co-sponsor with the Center for Access to Justice at Georgia State University, the first annual State of the South Conference which will bring together scholars and practitioners from across the Southeast to discuss the intersection of civil and criminal representation sometimes referred to as “holistic defense.”

August 2017

Commission on Disability Rights (3 requests):

(i) to co-sponsor with Accenture to provide a summer internship opportunity for a law student with a disability who has completed his or her first year for the next three years (2018, 2019, 2020).

(ii) to partner with Prudential Financial, Inc. of Newark, New Jersey to provide a summer internship opportunity for a law student with a disability who has completed his or her first year for the next three years (2018, 2019, 2020).

(iii) to partner with the Travelers Indemnity Company to promote its summer internship program for law students with disabilities who have completed their first year for the next three years (2018, 2019, and 2020).

August 2017
Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds to Blue Water Baltimore for up to $3,000.

August 2017

Section of Science and Technology Law (2 requests):

(i) to co-sponsor blanket approval for Section “Committee Programs”, also referred to as “Brown Bags,” with certain outside entities in the 2017-2018 Association year.

(ii) to co-sponsor The Road from Nanomedicine to Precision Medicine conference to be conducted on September 25, 2017, at the Albany College of Pharmacy and Health Sciences in Albany, New York.

August 2017

Commission on Hispanic Legal Rights and Responsibilities to co-sponsor with the National Latino/a Law Student Association (NLLSA), a not-for-profit 501(c)(3) corporation serving as a conduit for Latina/o law student voices, its 2017 Annual Conference and Moot Court Competition to be held in Atlanta, Georgia, on September 28-30, 2017.

August 2017

Section of Antitrust Law (2 requests):

(i) to co-sponsor with ABA-accredited law schools during the 2017-2018 Association year by presenting the Section’s “Why Antitrust/ Why Consumer Protection Law?” programs.

(ii) to co-sponsor certain Section “Committee Programs,” formerly called “Brown Bag” programs, with specific outside entities in the 2017-2018 Association year.

August 2017

Standing Committee on Public Education (2 requests):

(i) to co-sponsor with the iCivics, the Campaign for the Civic Mission of Schools, the Jonathan M. Tisch College of Civic Life at Tufts University, and the Lou Fry Institute, the Carnegie Corporation of New York, the Robert R. McCormick Foundation, and the William and Flora Hewlett Foundation, the “Democracy at a Crossroads
(ii) to co-sponsor with Quimbee and the ABA Law Student Division a series of videos that focus on upcoming and recently decided United States Supreme Court cases.

August 2017

Center for Innovation to create and co-sponsor a Social Entrepreneurship Initiative with the Legal Services Corporation.

August 2017

ABA Rule of Law Initiative to co-sponsor with the Bingham Centre for the Rule of Law its Annual Global Rule of Law Exchange on October 12, 2017, in Washington, DC.

August 2017

8. Editorial Policy

The Board approved revisions to the ABA Editorial Policy and mandated that all publishing entities come into compliance with the new policy no later than June 1, 2018. In addition, the Board directed the Standing Committee on Publishing Oversight to review Chapter 6 of the Policy and Procedures Handbook and make recommendations as appropriate.

June 2017

9. Elections, Appointments and Nominations

The Board approved the request from President-Elect Hilarie Bass to create and approve special advisor positions for eight entities. In addition, the Board approved the request for the continuation of a total of 55 special advisors to 36 separate entities. In approving the request, the Board understood that no additional ABA general revenue is requested or required.

June 2017

The Board elected Leslie Ann Hayashi of Honolulu, Hawaii, as the ABA Board of Governors representative to the National Judicial College Board of Trustees for a three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting, and re-elected Christopher T. Whitten of Phoenix, Arizona, as the ABA Judicial Division representative on the National Judicial College Board of Trustees for a three-year term beginning July 1, 2017 and expiring June 30, 2020.

June 2017
The Board re-elected Norman M. Powell of Wilmington, Delaware, as a liaison-advisor to the Permanent Editorial Board of the Uniform Commercial Code for a three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.

June 2017

The Board elected Howard H. Vogel of Knoxville, Tennessee, as the American Bar Endowment representative to the A-E-F-C Pension Plan Administration Committee for a three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.

June 2017

The Board elected Barry C. Hawkins, of Stamford, Connecticut, and Sally Doubet King, of Chicago, Illinois, both as members of the A-E-F-C Pension Plan Administration Committee for three-year terms beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.

June 2017

The Board elected Sylvia H. Walbolt, of Tampa, Florida, as an ABA representative to the Appellate Judges Education Institute Board of Directors, for a three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting.

June 2017

The Board elected Myles V. Lynk, of Phoenix, Arizona, for a three-year term as the ABA Board of Governors representative on the Standing Committee on Audit beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting, Allan J. Tanenbaum, of Atlanta, Georgia, to a second three-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2020 Annual Meeting, and Alan S. Kopit, of Pepper Pike, Ohio, for a one-year term beginning at the conclusion of the 2017 Annual Meeting and expiring at the conclusion of the 2018 Annual Meeting.

June 2017

The Board terminated the position of an ABA representative to the National Foster Care Coalition because the National Foster Care Coalition closed in early 2016.

June 2017
The Board terminated the position of an ABA representative to the American Correctional Association Commission on Accreditation for Corrections (“ACA-CAC”). Due to a constitutional change, the ACA-CAC is no longer accepting liaisons from other organizations.

June 2017

The Board terminated the position of an ABA representative to the National College of District Attorneys: Board of Regents because the Board of Regents was merged with the National District Attorneys Association and is no longer a stand-alone organization.

June 2017

The Board, sitting as members of CEELI, Inc., elected Hilarie Bass, Robert M. Carlson, and Mary L. Smith as Directors.

August 2017

The Board elected Honorable Jorge Labarga of Tallahassee, Florida, Chief Justice of the Supreme Court of Florida, as Chair; Honorable J. Michelle Childs of Columbia, South Carolina, and Thomas R. Curtin of Morristown, New Jersey, as members of the Board of Elections to serve one-year terms beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2018 Annual Meeting.

August 2017

The Board re-elected Lawrence M. Prosen of Potomac, Maryland, as the ABA representative to the National Construction Dispute Resolution Committee of the American Arbitration Association for a three-year term beginning in November 2017 and expiring in November 2020.

August 2017

The Board re-elected Louis F. Burke of New York, New York, as the ABA Delegate to the UIA International Association of Lawyers for a three-year term beginning October 1, 2017, and expiring at the conclusion of the UIA meeting in September or October 2020.

August 2017

The Board re-elected Randy Aliment of Seattle, Washington, as the ABA Delegate to the UIA International Association of Lawyers for a three-year term beginning October 1, 2017, and expiring at the conclusion of the UIA meeting in September or October 2020.

August 2017
The Board elected Dirk Nuyts of Zürich, Switzerland, as the ABA Delegate to the UIA International Association of Lawyers for a three-year term beginning October 1, 2017, and expiring at the conclusion of the UIA meeting in September or October 2020.

August 2017

The Board elected Justin H. Bingham of Spokane, Washington, as the ABA representative to the National District Attorneys Association for a three-year term beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2020 Annual Meeting.

August 2017

The Board elected Katherine Earle Yanes of Tampa, Florida, as the ABA liaison to the United States Sentencing Commission for a three-year term beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2020 Annual Meeting.

August 2017

The Board elected Brandon W. Neuschafer of St. Louis, Missouri, as an ABA representative to the Council for Agricultural Science and Technology (“CAST”) as a member of their Board of Directors for a three-year term beginning October 1, 2017, and expiring October 1, 2020, and to pay CAST dues of up to $1,500 annually from Section funds for membership years 2017-2018, 2018-2019 and 2019-2020.

August 2017

The Board elected Karen J. Mathis of Denver, Colorado, as the ABA representative to the International Legal Assistance Consortium for a three-year term beginning at the conclusion of the ABA 2017 Annual Meeting and expiring at the conclusion of the ABA 2020 Annual Meeting.

August 2017

The Board elected Lucian T. Pera of Memphis, Tennessee, to a two-year term and Pamela A. Bresnahan of Annapolis, Maryland, to a three-year term on the American Bar Endowment Board of Directors (“ABE Board”). The Board also elected Robert M. Carlson of Butte, Montana, to the ABE Board to serve in an ex-officio capacity as ABA President-Elect for a one-year term, and Michelle A. Behnke of Madison, Wisconsin, to serve in an ex-officio capacity as ABA Treasurer for a three-year term. All terms will begin at the conclusion of the 2017 Annual Meeting.

August 2017
The Board, sitting as members of the American Bar Foundation (“ABF”), elected George S. Frazza, David S. Houghton, Judy Perry Martinez, Walter L. Sutton, and Lauren Robel to the American Bar Foundation Board of Directors.

August 2017

10. Email Communications

The Board granted the American Bar Endowment (“ABE”) an exception to the email policy in the ABA Policy and Procedures Handbook, which would allow ABE to promote its plans to ABE’s members via the ABA’s email distribution system from September 1, 2017 to August 31, 2018. ABE’s use of the ABA’s email services will remain subject to approval of the Member Services Committee and must comply with current ABA policies and procedures on email marketing as determined by the Executive Director. ABE has no right to use ABA email address information other than via the ABA’s email distribution system. ABE will reimburse ABA for these services.

August 2017

11. Facilities

The Executive Committee approved the Chicago lease plan to move forward with an extension of the current lease at 321 N. Clark in Chicago.

June 2017

The Board approved the request of the Standing Committee on Publishing Oversight to terminate the ABA’s agreement with the ABA Library at Northwestern University Law Library, subject to an evaluation of what is archived and how to preserve it, if appropriate.

August 2017

The Board approved the decommission and delivery of the Abbot Pattison Relief Sculptures currently located on Lower Level One of the facility located at 321 N. Clark Street, Chicago, Illinois, to the family member responsible for managing the estate of the artist with the caveat that the giving of the art does not conflict with the Visual Artist Rights Act of 1990.

August 2017

12. Financial Matters

The Board approved the request of the Standing Committee on the Delivery of Legal Services to seek outside funding to contribute to the costs of a national conference on unbundled legal services and to
create a project fund in order to maintain contributions until expenditures become due.

June 2017

The Board approved the request of the Tort Trial and Insurance Practice Section for a onetime contribution of $25,000 derived from Program Support Funds to the National Judicial College.

June 2017

The Board approved the request of the Section of Taxation to contribute $2 million, from the Section’s reserves, to the Tax Assistance Public Service (“TAPS”) endowment, with the understanding that the amount contributed to the TAPS fund by the Section of Taxation is not considered to be “restricted” funds by Generally Accepted Accounting Principles.

June 2017

The Board approved the request of the Law Student Division for partial reimbursement of expenses, up to a maximum total of $16,000, incurred by members of the Law Student Division Council for attendance at Division meetings to be held in conjunction with the ABA Annual Meeting, August 9-15, 2017, in New York, New York.

June 2017

The Board approved the request of the ABA Fund for Justice and Education (“ABA/FJE”) Council to amend its charter to clarify the advisory role the ABA/FJE Council plays in relation to the Board of Governors so it can effectively fulfill its role as the Board of the ABA/FJE.

June 2017

The Board approved a normalization formula for Sections, Divisions, and Forums (“S/D/F”) general revenue funding to be transitioned over two years.

August 2017

The Board approved the request to consider and evaluate reinstituting the Enterprise Fund in 2019.

August 2017

The Board approved the request of the Section of Environment, Energy, and Resources to contribute $10,000, derived from Section funds, to the Water Justice Fund at The National Judicial College, to support the Dividing the Waters Program.

August 2017
The Board approved the request of the Forum on Construction Law (“Forum”) to make a charitable donation to the ACE Mentor program in the amount of $10,000, derived from Forum funds.

August 2017

The Board approved the consolidated FY2018 Budget.

August 2017

The Board approved the FY2018 Annual Audit Plan.

August 2017

The Board approved the request of the Standing Committee on Audit that Officers and members of the Board of Governors submit expense reimbursements within 60 days of the occurrence of the event for which the reimbursement is being requested, allowing staff to work with volunteer leadership to insure the fair implementation of this requirement.

August 2017

13. International Matters

The Board approved the request of the ABA Rule of Law Initiative for an Updated List of Countries of Representative Offices, specifically to add Uzbekistan to the list of Authorized Registration of Representative or Branch Offices.

June 2017

The Board approved the request of the ABA Rule of Law Initiative for an Updated List of Approved Countries of Operation, Donors and Thematic Program Areas, specifically to add the following new donors: Thomson Reuters Foundation; Aids Healthcare Foundation; Knight Foundation; Tent Foundation; Bitfury; Facebook; and J.P. Morgan. In addition, the Board recommends that the ABA Office of the General Counsel and the Chair of the Standing Committee on Audit report to the Public Service and Diversity Committee at its August 2017 meeting to confirm whether the ABA is in compliance with the Foreign Corrupt Practices Act.

June 2017

The Board approved the request of the ABA Rule of Law Initiative for an updated list of Approved Countries of Operation, Donors, and Thematic Program Areas, and specifically to request approval to establish a Sri Lanka entity or registered branch office.

August 2017
14. **Membership Matters**

The Board approved the request of the Standing Committee on Membership to add Madwire Media to the ABA Advantage Program.

June 2017

15. **Memoranda of Understandings/Agreement**

The Board approved the request of the Section of International Law to enter into a Cooperation Agreement with the Organization of American States, subject to review and approval by the ABA Office of General Counsel.

June 2017

The Board approved the request of the ABA Rule of Law Initiative to enter into the following Memoranda of Understandings (“MOU”), subject to review and approval of the MOUs by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division: a) Chamber of Advocates of Armenia, and b) Tajikistan.

June 2017

The Board approved the request of the Forum on Construction Law to enter into an Expression of Mutual Interest Agreement with the Construction Manager’s Association of America, subject to review and approval of the Expression of Mutual Interest agreement by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division.

August 2017

The Board approved the request of the Forum on Construction Law to enter into a Memorandum of Understanding with the Associated General Contractors of America, subject to review and approval of the Memorandum of Understanding by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division.

August 2017

The Board approved the request of the ABA Rule of Law Initiative (“ROLI”) to extend the Memorandum of Understanding (“MOU”) with the InterAction Democracy, Rights, and Governance Initiative for 2017-2018, subject to review and approval of the MOU by the ABA Office of General Counsel and a signed copy provided to the Policy and Planning Division, and to contribute $10,000 which will be paid from ROLI funds.

August 2017
16. **Online Legal Directory**

In executive session, the Board approved the request to develop an online legal directory.

*June 2017*

17. **Office of General Counsel**

The Board approved the request of the ABA Office of General Counsel to authorize a limited exception to the ABA Contract Policy permitting selected low-cost/low risk categories of contracts to be executed without prior review and approval by the Office of General Counsel.

*June 2017*

18. **Pension Plan**

The Board approved certain amendments to The Thrift Plan for Employees of the American Bar Association and Affiliates and the A-E-F-C Pension Plan.

*June 2017*

19. **Presidential Citations**

The Subcommittee on Presidential Citations approved the request of President Klein to award a Presidential Citation to Pricilla Ryan.

*June 2017*

The Subcommittee on Presidential Citations approved the request of President Klein to award a Presidential Citation to Ropes and Gray.

*August 2017*

20. **Programmatic Matters**

The Board approved the request of the ABA/FJE Council for the increased involvement of the ABA/FJE in the monitoring and compliance of Program Support Funds.

*June 2017*

The Board approved the request of the Commission on Lawyer Assistance Programs to co-publish a report from the National Task Force on Lawyer Wellbeing entitled *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change* and to participate in the distribution of the report.

*August 2017*
21. **Strategic Plan**

The Board accepted the ABA Strategic Plan as drafted with the understanding that it would be submitted to the Section Officers Conference and the Board of Governors for final consideration at the October 2017 or February 2018 meeting, whichever is most practical.

**August 2017**

The Board approved the three-year strategic plan of the ABA Fund for Justice and Education.

**August 2017**

22. **Technical Commenting Authority**

The Board approved the requests to submit or to renew technical commenting authority under the Association’s Blanket Authority Procedure for a three-year period, to begin June 2017 and expire June 2020, for the following Sections:

i. Section of Administrative Law and Regulatory Practice  
ii. Section of Antitrust Law  
iii. Section of Business Law  
iv. Section of Environment, Energy, and Resources  
v. Section of Health Law  
vi. Infrastructure and Regulated Industries Section  
vii. Section of Intellectual Property Law  
viii. Section of International Law  
ix. Section of Labor and Employment Law  
x. Section of Public Contract Law  
xii. Section of Real Property, Trust and Estate Law  
xiii. Section of Taxation

In accordance with the Blanket Authority Procedure, the Board also received, for informational purposes, notifications that the sections of Administrative Law and Regulatory Practice; Antitrust Law; Business Law; Environment, Energy and Resources, Health Law, Infrastructure and Regulated Industries; Intellectual Property Law; International Law; and Science and Technology Law wish to serve as reviewing entities for some or all of the technical comments referenced in Exhibit 3.3a of the Board’s June 2017 agenda.

**June 2017**
VI. OTHER MATTERS

A. ELECTIONS

Officer of the Association and Members of the Board of Governors
The House of Delegates elected the following person as an Officer of the Association for the term noted:

President-Elect for 2017-2018 Term
Robert M. Carlson of Montana

The following persons also were elected by the House of Delegates as members of the Board of Governors for the 2017-2020 term:

District 1: Frank H. Langrock of Vermont
District 2: W. Anthony Jenkins of Michigan
District 4: Allen C. Goolsby of Virginia
District 6: Lee Dehihns III of Georgia
District 12: Randall D. Noel of Tennessee
District 19: David Brown of Iowa
Goal III Minority Member-at-Large: Myles V. Lynk of Arizona
Goal III Woman Member-at-Large: Hon. Eileen A. Kato of Washington
Law Student Division Member-at-Large (for the 2017-2018 term): G. Meredith Parnell of Massachusetts
Section Member-at-Large: Lynne B. Barr of Massachusetts
Section Member-at-Large: Tom Bolt of the U.S. Virgin Islands
Young Lawyer Division Member-at-Large: C. Edward Rawl, Jr. of South Carolina

Scope and Correlation of Work
The House of Delegates elected Jose C. Feliciano of Ohio for a five-year term, as a member of the Committee on Scope and Correlation of Work beginning at the conclusion of the 2017 Annual Meeting.

B. Expression of Appreciation by the American Bar Association
The following resolution was approved:

RESOLVED, That the members of the House of Delegates of the American Bar Association, individually and on behalf of the Association, express their deep appreciation for the warm welcome and generous hospitality extended to them during the 2017 Annual Meeting of the Association by their colleagues of the Bench and the New York State Bar Association.
FURTHER RESOLVED, That the Association extends its particular thanks to the 2017 Annual Meeting Special Advisors, and to all those who have worked in cooperation in executing the planning and preparations resulting in the extraordinary success of this meeting; and

FURTHER RESOLVED, That the Secretary of the Association send copies of this resolution to the Special Advisors of the 2017 Annual Meeting and to the President of the New York State Bar Association.

C. Resolutions with Reports on Archiving (Report Nos. 400A and 400B)

Report No. 400A, recommending that certain Association policies that pertain to public issues and are 10 years old or older be archived, was approved and revised. As revised, it reads:

RESOLVED, That the Association policies set forth in Attachment 1 to Report 400A, dated August 2017*, are archived and no longer considered to be current policy of the American Bar Association and shall not be expressed as such.

FURTHER RESOLVED, That policies which have been archived may be reactivated at the request of the original sponsoring entities. If the original sponsoring entities no longer exist, requests may be brought to the Secretary to be placed on a reactivation list for action by the House of Delegates. Such reactivated policies shall be considered current policy for the Association and shall be expressed as such.

FURTHER RESOLVED, That the Board of Governors may act to reactivate policies when the House of Delegates is not in session.

Report No. 400B, recommending that certain Association policies that pertain to public issues that were adopted in 1996 which were previously considered for archiving but retained, was approved and revised. As revised, it reads:

RESOLVED, That the Association policies adopted in 1997 which were previously considered for archiving but retained as set forth in Attachment 1 to Report 400B* dated August 2017, are archived and no longer considered to be

* Attachment 1 to Report 400A, dated August 2017 is available upon request to the Policy and Planning Division. Item No. 61 was removed from the 400A archival list.

* Attachment 1 to Report 400B, dated August 2017 is available upon request to the Policy and Planning Division. Item Nos. 24 and 38 were removed from the 400B archival list.
current policy of the American Bar Association and shall not be expressed as such.

FURTHER RESOLVED, That policies which have been archived may be reactivated at the request of the original sponsoring entities. If the original sponsoring entities no longer exist, requests may be brought to the Secretary to be placed on a reactivation list for action by the House of Delegates. Such reactivated policies shall be considered current policy for the Association and shall be expressed as such.

FURTHER RESOLVED, That the Board of Governors may act to reactivate policies when the House of Delegates is not in session.
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