Summary of Action of the House of Delegates
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**Chair:** Allison Block-Chavez, Albuquerque, NM

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SUMMARY OF ACTION
TAKEN BY
THE HOUSE OF DELEGATES OF
THE AMERICAN BAR ASSOCIATION

Deborah Enix-Ross, Chair, Presiding
Vancouver, British Columbia, Canada
February 5, 2018

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1   Reports of Committees, Commissions and Task Forces
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22  Reports of State and Local Bar Associations and Affiliated Organizations
25  Reports of the Board of Governors
41  Other Matters
43  Index
INTRODUCTION

Enclosed you will find a Summary of the action taken by the House of Delegates at the 2018 Midyear Meeting in Vancouver, British Columbia, Canada. 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 Midyear 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 August 2018 at the Annual Meeting of the House of Delegates in Chicago, Illinois.

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 L. Smith
Secretary

Published by
the American Bar Association
as the record of proceedings
of its House of Delegates
at the Association's
Midyear Meeting, 2018

American Bar Association
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Chicago, Illinois 60654
312/988-5000
http://www.americanbar.org
I. REPORTS OF COMMITTEES, COMMISSIONS AND TASK FORCES

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

ABA/BNA Lawyers’ Manual on Professional Conduct
ABA Working Group to Advance Well-Being in the Legal Profession*
AIDS Coordinating Council*
Center for Professional Responsibility, Coordinating Council for the
Client Protection
Cybersecurity Legal Task Force
Death Penalty Due Process Review Project*
Delivery of Legal Services
Disability Rights, Commission on*
Domestic and Sexual Violence, Commission on*
Ethics and Professional Responsibility Group and Prepaid Legal Services
Homelessness and Poverty, Commission on*
Human Rights, Center for*
Interest on Lawyers' Trust Accounts, Commission on
Law and Aging, Commission on*
Law Library of Congress*
Lawyer Assistance Programs, Commission on*
Lawyer Referral and Information Service
Lawyers' Professional Liability
Legal Aid and Indigent Defendants*
Legal Assistance for Military Personnel*
Paralegals*
Pro Bono and Public Service
Professional Discipline
Professionalism*
Scope and Correlation of Work
Sexual Orientation and Gender Identity, Commission on*
Specialization*
Veterans Legal Services, Commission on
Women in the Profession, Commission on*
Youth at Risk, Commission on*

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

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

**ABA Working Group to Advance Well-Being in the Legal Profession (Report No. 105)**

*Report No. 105*, regarding recommendations set out in *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, which was cosponsored by the Commission on Lawyer Assistance Programs, Standing Committee on Professionalism, and the National Organization of Bar Counsel, *was approved*. It reads:

RESOLVED, That the American Bar Association supports the goal of reducing mental health and substance use disorders and improving the well-being of lawyers, judges and law students; and

FURTHER RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal courts, bar associations, lawyer regulatory entities, institutions of legal education, lawyer assistance programs, professional liability carriers, law firms, and other entities employing lawyers to consider the recommendations set out in the report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change*, by the National Task Force on Lawyer Well-Being.

**AIDS Coordinating Council (Report No. 300)**

*Report No. 300*, regarding social determinants of health that drive the HIV/AIDS epidemic, which was cosponsored by the Section of Civil Rights and Social Justice, Criminal Justice Section, Center for Human Rights, and the Commission on Disability Rights, *was approved*. It reads:

RESOLVED, That the American Bar Association urges governments and relevant private stakeholders to both recognize and work to reduce, through appropriate legal and policy means, the social determinants of health that drive the HIV/AIDS epidemic, such as poverty, stigma, discrimination, and racism; housing, food, and transportation insecurity; over-criminalization of HIV non-disclosure; and misinformation about HIV transmission risk;

FURTHER RESOLVED, That the American Bar Association urges governments and relevant private stakeholders to ensure health care equity to marginalized populations disproportionately impacted by HIV, including

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1 Judith Davila of Arizona, Colin H. Lindsay of Kentucky, Margaret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Jimmie Smith of Arizona and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
those who are economically disadvantaged; underserved racial and ethnic minorities; LGBT persons; people with disabilities; and residents of underserved geographic regions;

FURTHER RESOLVED, That the American Bar Association urges governments and relevant private stakeholders to provide and maintain updated, evidence-based information pertaining to HIV transmission risks, prevention options, and health care resources available to individuals living with, affected by, or at risk of HIV;

FURTHER RESOLVED, That the American Bar Association urges governments and relevant private stakeholders to ensure comprehensive health care and HIV education and prevention services;

FURTHER RESOLVED, That the American Bar Association urges governments not to criminalize HIV status or HIV non-disclosure, except in the narrow circumstances where there exist (1) a clear specific intent to harm, (2) a substantial risk of transmission, and where (3) transmission occurs;

FURTHER RESOLVED, That the American Bar Association urges governments and relevant private stakeholders to ensure affordable, reliable, and safe housing to people with HIV or AIDS, and to combat housing discrimination based on HIV or source of income;

FURTHER RESOLVED, That the American Bar Association urges governments and relevant private stakeholders to ensure affordable legal services to people with HIV or AIDS; and

FURTHER RESOLVED, That the American Bar Association urges governments and relevant private stakeholders to ensure that no stigma based on sexual orientation, gender identity and expression is created by administrative guidance provided in the promulgation or implementation of laws and regulations regarding HIV and AIDS.

Death Penalty Due Process Review Project (Report No. 111)

Report No. 111, urging each death penalty jurisdiction not to execute or sentence to death anyone who was 21 years old or younger at the time of the offense, which was cosponsored by the
Section of Civil Rights and Social Justice, was approved. It reads:

RESOLVED, That the American Bar Association, without taking a position supporting or opposing the death penalty, urges each jurisdiction that imposes capital punishment to prohibit the imposition of a death sentence on or execution of any individual who was 21 years old or younger at the time of the offense.

For action on Report No. 104, regarding protections for all individuals receiving benefits via the representative payee program, see Law and Aging on page 7.

For action on Report No. 108A, regarding the use of solitary confinement for detainees, see Criminal Justice Section on page 15.

For action on Report No. 108D, regarding prohibition of discrimination against jurors on the basis of sexual orientation or gender identity, see Criminal Justice Section on page 16.

For action on Report No. 300, regarding social determinants of health that drive the HIV/AIDS epidemic, see AIDS Coordinating Council on page 3.

Domestic and Sexual Violence (Report No. 106)
Report No. 106, regarding re-authorization and funding for the Legal Assistance for Victims Grant Program of Violence Against Women Act, was approved. It reads:

RESOLVED, That the American Bar Association urges Congress and the President to re-authorize, raise the appropriation level of, and fully fund the Legal Assistance for Victims Grant Program of the Violence Against Women Act, 34 U.S. Code § 20121.

Homelessness and Poverty (Report Nos. 113 and 301)
Report No. 113, regarding the legal needs of youth and young adults experiencing homelessness, which was cosponsored by the Commission on Youth at Risk, was approved. It reads:

RESOLVED, That the American Bar Association supports the development of integrated, systemic

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3 Colin H. Lindsay of Kentucky abstained from voting with respect to this resolution.
approaches within administrative, civil, and criminal court contexts to address the special needs of youth and young adults experiencing homelessness.

FURTHER RESOLVED, That the American Bar Association urges lawmakers at federal, state, local, territorial and tribal levels to work with the legal profession to:

1. promote and support efforts to identify and address the unmet legal needs of unaccompanied minors and young adults experiencing or at risk of experiencing homelessness, including ensuring that all youth experiencing homelessness have access to a lawyer;
2. encourage the development of specialized legal services programs, pro bono projects and law school legal clinics;
3. collaborate in the identification and removal of legal barriers for homeless children and youth to benefits, education, employment, housing, identification, treatment and other services;
4. review and revise laws, regulations, policies, practices and systems of care that may act as legal barriers; and
5. implement preventive strategies such as pre-booking diversion programs, expungement and/or sealing of juvenile and criminal records, and alternatives to the criminalization of child and youth homelessness.

FURTHER RESOLVED, That youth and young adults experiencing or at risk of experiencing homelessness should have input where appropriate, in efforts to increase access to justice; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments as well as the legal community and public and private funders to financially support these efforts.

Report No. 301, regarding General Comments No. 21 on Children in Street Situations, which was cosponsored by the Section of Litigation, was approved. It reads:

RESOLVED, That the American Bar Association endorses General Comment No. 21 on Children in Street Situations issued in June 2017 by the United Nations Committee on the Rights of the Child;

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FURTHER RESOLVED, That the American Bar Association urges U.S. and other governments, the legal community, and the private sector to utilize General Comment No. 21 to develop comprehensive, long-term strategies to realize the rights of children living in street situations.

FURTHER RESOLVED, That the American Bar Association reaffirms its support for consideration by the Senate and ratification of the United Nations Convention on the Rights of the Child.

**Human Rights (Report No. 300)**

*For action on Report No. 300,* regarding social determinants of health that drive the HIV/AIDS epidemic, see AIDS Coordinating Council on page 3.

**Law and Aging (Report No. 104)**

*Report No. 104,* regarding protections for all individuals receiving benefits via the representative payee program, which was cosponsored by the Commission on Disability Rights, *was approved*. It reads:

RESOLVED, That the American Bar Association urges Congress and the Social Security Administration to strengthen the safeguards and protections for all individuals receiving benefits via the representative payee program, including, but not limited to, appropriate eligibility determinations, improved monitoring and training of payees, access to accounting for beneficiaries, and the appointment of an interim payee when a payee is removed.

**Law Library of Congress (Report No. 109)**

*Report No. 109,* regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, which was cosponsored by the Section of International Law, Section of Dispute Resolution, Section of Intellectual Property Law, Section of Environment, Energy, and Resources, Law Practice Division, Law Student Division, Senior Lawyers Division, and the Infrastructure and Regulated Industries Section, *was approved*. It reads:

RESOLVED, That the American Bar Association urges Congress to approve appropriations to the Library of Congress necessary to enable the Law Library of Congress to adequately staff, maintain, modernize, and enhance its services, collections, facilities, digital projects, and outreach efforts.

5 Judith Davila of Arizona, Colin H. Lindsay of Kentucky, Lynda C. Shely of Arizona, Margarita Silva of Arizona and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.

6 Colin H. Lindsay of Kentucky abstained from voting with respect to this resolution.
Lawyer Assistance Programs (Report No. 105)


Legal Aid and Indigent Defendants (Report No. 114)

Report No. 114, regarding legal counsel as a matter of right at public expense to low-income persons that may result in a loss of physical liberty, which was cosponsored by the National Legal Aid and Defender Association, was approved. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments to provide legal counsel as a matter of right at public expense to low-income persons in all proceedings that may result in a loss of physical liberty, regardless of whether the proceedings are: a) criminal or civil; or b) initiated or prosecuted by a government entity;

FURTHER RESOLVED, That no court should accept an in-court waiver of the right to appointed counsel in a case that may result in a loss of physical liberty unless the person has had the opportunity to confer with a lawyer; and

FURTHER RESOLVED, That a person who has waived appointed counsel should be offered appointed counsel at each subsequent stage of the proceedings at which the person appears without counsel.

Legal Assistance for Military Personnel (Report No. 115C)

For action on Report No. 115C, regarding Section 641 of the National Defense Authorization Act, see Family Law on page 18.

Paralegals (Report No. 102)

Report No. 102, regarding paralegal education programs, was approved. It reads:

RESOLVED, That the American Bar Association approves the following programs: Indiana University Purdue University Indianapolis, Paralegal Studies Program, Indianapolis, IN; and Tidewater Community College, Paralegal Studies Program, Virginia Beach, VA;

FURTHER RESOLVED, That the American Bar Association reapproves the following paralegal education programs:

7 Toni E. Clarke of Maryland, Colin H. Lindsay of Kentucky, Linda Strite Murnane of Ohio, Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.
programs: University of Alaska Anchorage, Legal Studies Program, Anchorage, AK; John F. Kennedy University, Legal Studies Program, Pleasant Hill, CA; Miramar College, Paralegal Program, San Diego, CA; MTI College, Paralegal Studies Program, Sacramento, CA; Arapahoe Community College, Paralegal Program, Littleton, CO; Wilmington University, Legal Studies Program, New Castle, DE; Athens Technical College, Paralegal Studies Program, Athens, GA; Loyola University, Institute for Paralegal Studies, Chicago, IL; Bowling Green Community College of Western Kentucky University, Paralegal Studies Program, Bowling Green, KY; Herzing University, Legal Assistant/Paralegal and Legal Studies Programs, Kenner, LA; Montclair State University, Paralegal Studies Programs, Montclair, NJ; Edmonds Community College, Paralegal Program, Lynnwood, WA; and Western Technical College, Paralegal Program, LaCrosse, WI;

FURTHER RESOLVED, That the American Bar Association withdraws the approval of Northwestern College, Paralegal Studies Program, Chicago, IL; Central New Mexico Community College, Paralegal Program, Albuquerque, NM; Technical Career Institute, Paralegal Studies Program New York, NY; American National University, Paralegal Studies Program, Dayton, OH; and Brightwood College, Paralegal Studies Program, Dallas, TX, at the requests of the institutions; and

FURTHER RESOLVED, That the American Bar Association extends the terms of approval until the August 2018 Annual Meeting of the House of Delegates for the following programs: Faulkner University, Legal Studies Program, Montgomery, AL; South University, Paralegal and Legal Studies Programs, Montgomery, AL; Pima Community College, Paralegal Program, Tucson, AZ; College of the Canyons, Paralegal Studies Program, Santa Clarita, CA; Los Angeles City College, Paralegal Studies Program, Los Angeles, CA; University of New Haven, Legal Studies Program, West Haven, CT; St. Petersburg College, Paralegal Studies Program, Clearwater, FL; South University, Paralegal and Legal Studies Programs, Royal Palm Beach, FL; Herzing University, Paralegal Studies Program, Atlanta, GA; South University, Paralegal and Legal Studies Programs, Savannah, GA; College of DuPage, Paralegal Program, Glen Ellyn, IL; Illinois State University, Legal Studies Program, Normal, IL; Wilbur Wright College, Paralegal Studies Program, Chicago, IL; Southern Illinois University Carbondale, Paralegal Studies Program, Carbondale, IL; Sullivan University, Institute for Paralegal Studies, Lexington, KY; 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; Union County College, Paralegal Studies Program, Cranford, NJ; Finger Lakes Community College, Paralegal Program, Canandaigua, NY; Monroe Community College, Paralegal Studies Program, Rochester, NY; SUNY Rockland Community College, Paralegal Studies Program, Suffern, NY; Fayetteville Technical Community College, Paralegal Technology Program, Fayetteville, NC; Columbus State Community College, Paralegal Studies Program, Columbus, OH; Edison State Community College, Paralegal Studies Program, Piqua, OH; Rose State College, Paralegal Studies Program, Midwest City, OK; Pioneer Pacific College, Paralegal Studies Program, Wilsonville, OR; 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 Columbia, Paralegal and Legal Studies Programs, Columbia, SC; National American University, Paralegal Studies Program, Sioux Falls, SD; Brightwood College, General Practice Paralegal Certificate Program and Paralegal Studies Associate Degree Program, Nashville, TN; University of Tennessee Chattanooga, Paralegal Studies Program, Chattanooga, TN, and Salt Lake Community College, Paralegal Studies Program, Salt Lake City, UT.

**Professionalism (Report No. 105)**

*For action on Report No. 105,* regarding recommendations set out in the report, *The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,* [see ABA Working Group to Advance Well-Being in the Legal Profession on page 3.](#)

**Sexual Orientation and Gender Identity (Report Nos. 116A and 117)**

*For action on Report No. 116A,* regarding Title VII of the Civil Rights Act of 1964, [see Civil Rights and Social Justice on page 14.](#)

*Report No. 117,* regarding the prohibition of discrimination on the basis of sexual orientation and gender identity in the United States Armed Forces, which was cosponsored by the Tort Trial and Insurance Practice Section, was withdrawn.
Specialization (Report Nos. 103A and 103B)

Report No. 103A, regarding the Privacy Law program of the International Association of Privacy Professionals, was approved. It reads:

RESOLVED, That the American Bar Association accredits the Privacy Law program of the International Association of Privacy Professionals for a five-year term as a designated specialty certification program for lawyers.

Report No. 103B, regarding the Elder Law program of the National Elder Law Foundation and the Medical Malpractice program and the Legal Malpractice program of the American Board of Professional Liability Attorneys, was approved. It reads:

RESOLVED, That the American Bar Association reaccredits the Elder Law program of the National Elder Law Foundation for an additional five-year term as a designated specialty certification program for lawyers; and

FURTHER RESOLVED, That the American Bar Association extends the period of accreditation of the Medical Malpractice program and the Legal Malpractice program of the American Board of Professional Liability Attorneys, until the adjournment of the meeting of the House of Delegates in August 2018.

Women in the Profession (Report No. 302)

Report No. 302, prohibiting harassment and retaliation based on gender identity and sexual orientation, which was cosponsored by the Section of Litigation and the Section of Civil Rights and Social Justice, was amended and approved. As amended, it reads:

RESOLVED, That the American Bar Association urges all employers, and specifically all employers in the legal profession, to adopt and enforce policies and procedures that prohibit, prevent, and promptly redress harassment and retaliation based on sex, gender, gender identity, sexual orientation, and the intersectionality of sex with race and/or ethnicity. Such policies and procedures should include:

1. dissemination to all employees, management and directors of a clear statement that harassment, including harassment based on sex, gender, gender identity, sexual orientation, and the intersectionality of sex with race and/or ethnicity will not be tolerated;

8 Margaret G. Robb of Indiana, Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.
2. confirmation that the policy applies to conduct by directors, officers, management at all levels, supervisors, employees, and third parties, at or in connection with any work related function or against anyone protected by this policy irrespective of where that conduct occurs;

3. provision of alternative methods for reporting violations of the policy, including methods which do not involve any accused party, and at least one anonymous reporting method (such as a hotline);

4. communication upon commencement of employment of the process for reporting to a governmental agency if the complainant desires independent review;

5. investigation of all complaints in a prompt, competent, fair, thorough and objective manner, with a report to complainant at closure of the process;

6. prohibition of retaliation against the complainant and/or witnesses;

7. implementation of corrective remedial actions as appropriate, and disciplinary actions including, but not limited to termination, to prevent and correct unlawful harassment or retaliation in the workplace;

8. communication regarding the existence, resolution, and any consideration paid for the settlement of claims to the highest levels of the entity, such as reporting to the Board of Directors or Executive Committee;

9. development of initiatives that foster effective training and other innovative programs to address the problem of sexual harassment.

Youth at Risk (Report No. 113)

For action on Report No. 113, regarding the legal needs of youth and young adults experiencing homelessness, see Homelessness and Poverty on page 5.
A. The following Sections and Divisions presented reports to the House of Delegates:

Civil Rights and Social Justice*
Criminal Justice*
Dispute Resolution*
Environment, Energy and Resources*
Family Law*
Infrastructure and Regulated Industries*
Intellectual Property Law*
International Law*
Judicial Division
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
Law Practice Division
Law Student Division*
Legal Education and Admissions to the Bar*
Litigation*
Science and Technology Law*
Senior Lawyers Division*
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
Government and Public Sector Lawyers Division
Health Law
Labor and Employment Law
Public Contract Law
Real Property, Trust and Estate Law
Solo, Small Firm and General Practice Division
State and Local Government Law
Taxation

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


For action on Report No. 111, urging each death penalty jurisdiction not to execute or sentence to death anyone who was 21 years old or younger at the time of the offense, see Death Penalty Due Process Review Project on page 4.

Report No. 116A, regarding Title VII of the Civil Rights Act of 1964, which was cosponsored by the Commission on Sexual Orientation and Gender Identity, was approved. It reads:

RESOLVED, That the American Bar Association supports an interpretation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a), that its prohibition on sex discrimination in employment by covered employers includes discrimination on the bases of sexual orientation and gender identity; and

FURTHER RESOLVED, That the American Bar Association urges the Attorney General of the United States to withdraw the interpretation proposed by the U.S. Department of Justice in October 2017 that Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-16(a), does not protect transgender citizens against workplace discrimination.

Report No. 116B, regarding Middlesex County Sewerage Auth. v. Nat'l Sea Clammers Ass'n, 453 U.S. 1 (1981), was approved. It reads:

RESOLVED, That the American Bar Association urges Congress to enact legislation overruling Middlesex County Sewerage Auth. v. Nat'l Sea Clammers Ass'n, 453 U.S. 1 (1981); and

FURTHER RESOLVED, That the American Bar Association supports legislation enabling plaintiffs to bring constitutional claims in lieu of a statutory cause of action based upon environmental harm due to governmental acts or omissions.

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For action on Report No. 300, regarding social determinants of health that drive the HIV/AIDS epidemic, see AIDS Coordinating Council on page 3.

For action on Report No. 302, prohibiting harassment and retaliation based on gender identity and sexual orientation, see Women in the Profession on page 11.


Report No. 108A, regarding the use of solitary confinement for detainees, which was cosponsored by the Commission on Disability Rights, was approved11. It reads:

RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal legislative bodies and governmental agencies to enact laws and adopt policies regarding the use of solitary confinement for detainees according to the following:

1. Solitary confinement (also referred to as “segregation” or “restrictive housing”) is prohibited for individuals with Intellectual Disability or serious mental illness; the elderly; women who are pregnant, are postpartum, or recently had a miscarriage or a terminated pregnancy; and individuals whose medical conditions will be exacerbated by such confinement; and

2. Solitary confinement should be used only in exceptional cases as a measure of last resort, where less restrictive settings are insufficient, and for no longer than is necessary to address the specific reason for placement, typically not to exceed 15 consecutive days.

Report No. 108B, regarding rights and procedures for individuals to challenge forensic evidence used to obtain their conviction, was revised and approved12. As revised, it reads:

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

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legislation creating a substantive right and procedures for individuals to challenge their convictions by demonstrating that forensic evidence or testimony used to obtain their convictions has been undermined or discredited by reliable scientific research or technological advances.

*Report No. 108C*, regarding the limited use of mandatory minimum sentencing to secure plea agreements, which was cosponsored by the Massachusetts Bar Association, was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association urges the United States Department of Justice to reconsider the guidelines contained in its May 10, 2017 Memorandum regarding charging and sentencing policies and to utilize the *ABA Standards on the Prosecution Function (2015)* in revising the guidelines; and

FURTHER RESOLVED, That all prosecuting authorities should adopt and pursue charging policies that are consistent with the *ABA Standards on the Prosecution Function (2015)*; assess each case individually to determine whether, under the totality of the circumstances -- including a defendant’s leadership role in the offense, use or threat of violence, significant criminal history, ties to large-scale criminal organizations or serious victim injury -- charging the most serious, readily provable offense is likely to achieve justice in the individual case; and prohibit filing of charges and recidivist enhancements simply to exert leverage to induce a guilty plea.

*Report No. 108D*, regarding the prohibition of discrimination against jurors on the basis of sexual orientation or gender identity, which was cosponsored by the Commission on Disability Rights and the National LGBT Bar Association, was approved. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal courts to extend *Batson v. Kentucky*, 476 U.S. 79 (1986), to prohibit discrimination against jurors on the basis of sexual orientation or gender identity/expression.

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**Report No. 108E,** regarding the Deferred Action for Childhood Arrivals (DACA) program, *was revised and approved*\(^\text{15}\). As revised, it reads:

RESOLVED, That the American Bar Association urges Congress to enact legislation permitting Deferred Action for Childhood Arrivals (DACA) recipients and other undocumented immigrants who entered the United States as children and who meet age, residency, educational and other qualifications (“DREAMers”) who meet certain educational, work, or military requirements, successfully pass a background check, and remain in good legal standing, to apply for permanent legal status and citizenship; and

FURTHER RESOLVED, That in the absence of Congressional legislation, the American Bar Association urges the Department of Homeland Security to exercise its discretion consistent with the legal authority conferred upon it and refrain from apprehending, detaining, or removing DREAMers.

*For action on Report No. 300,* regarding social determinants of health that drive the HIV/AIDS epidemic, **see AIDS Coordinating Council on page 3.**

**Dispute Resolution (Report No. 109)**  
*For action on Report No. 109,* regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, **see Law Library of Congress on page 7.**

**Environment, Energy and Resources (Report No. 109)**  
*For action on Report No. 109,* regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, **see Law Library of Congress on page 7.**

**Family Law (Report Nos. 115A, 115B, and 115C)**  
*Report No. 115A,* urging governments to adopt or preserve tax code provisions that allow alimony deduction for payors and treats alimony as taxable income to payees, **was withdrawn.**

*Report No. 115B,* adopting the *ABA Model Act Governing Assisted Reproductive Technology,* dated February 2018, to

replace the Model Act that was adopted in 2008, and urging adoption by appropriate governmental agencies, was withdrawn.

Report No. 115C, regarding Section 641 of the National Defense Authorization Act, which was cosponsored by the Standing Committee on Legal Assistance for Military Personnel, was approved. It reads:

RESOLVED, That the American Bar Association urges Congress to repeal Section 641 of the National Defense Authorization Act for Fiscal Year 2017, as codified at 10 U.S.C. § 1408 (a)(4); and

FURTHER RESOLVED, That the American Bar Association opposes federal legislation that:

(a) creates a single federal rule for division of military retired pay as a fixed benefit on the date of divorce; and

(b) overrides the discretion and authority of state legislatures and courts to determine the fair, just and equitable division of military pensions.

Infrastructure and Regulated Industries (Report No. 109)
For action on Report No. 109, regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, see Law Library of Congress on page 7.

Report No. 101A, regarding an evidentiary privilege applicable only to clients of patent agents who are registered with the United States Patent and Trademark Office, which was cosponsored by the Section of Litigation, was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association urges federal courts, Congress, and the United States Patent and Trademark Office (USPTO) to adopt rules or enact legislation to establish an evidentiary privilege by courts in civil actions and USPTO proceedings for confidential communications between a client and a patent agent

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licensed by the USPTO reasonably necessary and incidental to the limited activities authorized by the Patent Act, 35 U.S.C. § 2(b)(2)(D), and U.S. Patent & Trademark Office regulations, 37 C.F.R. § 11.5(b)(1), and urges state courts and legislative bodies to adopt rules and decisions or enact legislation consistent therewith.

Report No. 101B, regarding copyright infringement filing, was approved. It reads:

RESOLVED, That the American Bar Association supports efforts in Congress and the federal courts to allow the filing of a copyright infringement action, where the deposit, application, and fee required for registration of copyrights at issue have been delivered in proper form to the Copyright Office.

For action on Report No. 109, regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, see Law Library of Congress on page 7.

For action on Report No. 110, regarding the Model Provisions on Electronic Commerce for International Trade Agreements, see International Law on page 19.

International Law (Report Nos. 109 and 110)

For action on Report No. 109, regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, see Law Library of Congress on page 7.

Report No. 110, regarding the Model Provisions on Electronic Commerce for International Trade Agreements, which was cosponsored by the Section of Intellectual Property Law and the Section of Science and Technology Law, was approved. It reads:

RESOLVED, That the American Bar Association adopts the Model Provisions on Electronic Commerce for International Trade Agreements (“Model Provisions”), dated February 2018; and

FURTHER RESOLVED, That the American Bar Association recommends the Model Provisions as a

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template for international trade agreements and other relevant international agreements and guidelines.

**Law Practice Division (Report No. 109)**

For action on Report No. 109, regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, see Law Library of Congress on page 7.

**Law Student Division (Report No. 109)**

For action on Report No. 109, regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, see Law Library of Congress on page 7.

**Legal Education and Admissions to the Bar (Report No. 100)**

Report No. 100, regarding Standard 106 (Separate Locations and Branch Campuses) of the ABA Standards and Rules of Procedure for Approval of Law Schools, was approved. It reads:

RESOLVED, That the American Bar Association House of Delegates concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting the amendments dated February 2018 to Standard 106 (Separate Locations and Branch Campuses) of the ABA Standards and Rules of Procedure for Approval of Law Schools.∗

**Litigation (Report Nos. 101A, 301 and 302)**

For action on Report No. 101A, regarding an evidentiary privilege applicable only to clients of patent agents who are registered with the United States Patent and Trademark Office, see Intellectual Property Law on page 18.

For action on Report No. 301, regarding General Comments No. 21 on Children in Street Situations, see Homelessness and Poverty on page 6.

For action on Report No. 302, prohibiting harassment and retaliation based on gender identity and sexual orientation, see Women in the Profession on page 11.

**Science and Technology Law (Report No. 110)**

For action on Report No. 110, regarding the Model Provisions on Electronic Commerce for International Trade Agreements, see International Law on page 19.

∗Standard 106 (Separate Locations and Branch Campuses) of the ABA Standards and Rules of Procedure for Approval of Law Schools, is available upon request to the Policy and Planning Division.
Senior Lawyers (Report No. 109)
For action on Report No. 109, regarding appropriations necessary to enable the Library of Congress to adequately staff, maintain, modernize, and enhance its services, see Law Library of Congress on page 7.

Tort Trial and Insurance Practice (Report No. 117)
For action on Report No. 117, regarding the prohibition of discrimination on the basis of sexual orientation and gender identity in the United States Armed Forces, see Sexual Orientation and Gender Identity on page 10.

Young Lawyers (Report No. 107)
Report No. 107, urging federal courts to adopt pro bono panels for civil litigants guided by a uniform set of guidelines, was withdrawn.
Massachusetts Bar Association (Report No. 108C)
For action on Report No. 108C, regarding the limited use of mandatory minimum sentencing to secure plea agreements, see Criminal Justice on page 16.

Report No. 112A, regarding the Revised Uniform Unclaimed Property Act, was postponed indefinitely by a vote of 229 to 154.\(^\text{19}\)

Report No. 112B, regarding the Uniform Directed Trust Act, was approved.\(^\text{20}\) It reads:

RESOLVED, That the American Bar Association approves the Uniform Directed Trust Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

Report No. 112C, regarding the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, was approved.\(^\text{21}\) It reads:

RESOLVED, That the American Bar Association approves the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

Report No. 112D, regarding the Uniform Parentage Act (2017), was approved.\(^\text{22}\) It reads:

RESOLVED, That the American Bar Association approves the Uniform Parentage Act (2017), promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law contained in the act.

\(^\text{19}\) Toni E. Clarke of Maryland, Hon. Ramona G. See of California, Hon. Elizabeth Stong of New York and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.

\(^\text{20}\) Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.

\(^\text{21}\) Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.

\(^\text{22}\) Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.
Report No. 112E, regarding the Uniform Protected Series Act, was approved. It reads:

RESOLVED, That the American Bar Association approves the Uniform Protected Series Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate act for those states desiring to adopt the specific substantive law suggested therein.

Report No. 112F, regarding the Uniform Regulation of Virtual-Currency Businesses Act, was approved. It reads:

RESOLVED, That the American Bar Association approves the Uniform Regulation of Virtual-Currency Businesses Act, promulgated by the National Conference of Commissioners on Uniform State Laws (Uniform Law Commission), as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

National Legal Aid and Defender Association (Report No. 114)
For action on Report No. 114, regarding legal counsel as a matter of right at public expense to low-income persons that may result in a loss of physical liberty, see Legal Aid and Indigent Defendants on page 8.

National LGBT Bar Association (Report No. 108D)
For action on Report No. 108D, regarding the prohibition of discrimination against jurors on the basis of sexual orientation or gender identity, see Criminal Justice on page 16.

National Organization of Bar Counsel (Report No. 105)

New York State Bar Association (Report No. 10A)
Report No. 10A, regarding initiatives to provide women lawyers with opportunities to gain trial and courtroom experience, was approved. It reads:

RESOLVED, That the American Bar Association encourages law firms to develop initiatives to provide women

23 Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.
24 Hon. Ramona G. See of California and Hon. Christopher T. Whitten of Arizona abstained from voting with respect to this resolution.
lawyers with opportunities to gain trial and courtroom experience;

FURTHER RESOLVED, That the American Bar Association encourages members of the judiciary to take steps to ensure that women lawyers have equal opportunities to participate in the courtroom;

FURTHER RESOLVED, That the American Bar Association encourages corporate clients to work with outside counsel to ensure that women lawyers have equal opportunities to participate in all aspects of litigation; and

FURTHER RESOLVED, That the American Bar Association encourages corporate counsel, together with outside counsel, to work with alternative dispute resolution providers and professionals to encourage the selection of women lawyers as neutrals.
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 Annual Meeting. During that period, the Board met on October 19-20, 2017 and the Board’s Executive Committee met on October 19-20, November 3 and November 13 (email ballot), November 21, and December 11 and 21, 2017 (email ballot).

1. Amicus Briefs

The Executive Committee approved the filing of an amicus curiae brief in *IRAC v. Trump & Hawaii v. Trump* 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.

September 2017

The Executive Committee approved the filing of an amicus curiae brief in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* 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.

October 2017

The Board approved the request of the Standing Committee on Amicus Curiae Briefs to amend Section 2 of the Amicus Curiae Brief Guidelines to give drafters the option of having their firm names listed on the amicus curiae brief.

October 2017

The Executive Committee approved the filing of an amicus curiae brief in *Nantkwest v. Matal* in the Federal Circuit Court of Appeals, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

November 2017

The Executive Committee approved the filing of an amicus curiae brief in *McCoy v. Louisiana* 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.

November 2017
The Executive Committee approved the filing of an amicus curiae brief in *Walker v. Calhoun* in the Eleventh Circuit Court of Appeals, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

November 2017

2. **Awards**

The Board approved the request of the Section of Real Property, Trust and Estate Law (Section) to continue a full-tuition scholarship with the University of Miami School of Law’s Heckerling Graduate Program in Estate Planning or Robert Traurig-Greenberg Traurig Graduate Program in Real Property Development for the 2018-2019 or 2019-2020 academic year.

October 2017

3. **Business Conduct Standards**

The Board approved an amendment to the Business Conduct Standards regarding complaints and investigation of Members as follows: The Executive Committee is not bound by the decisions or actions of the Ethics Review Committee and may affirm, modify, reverse or rescind its findings or action. The decision of the Executive Committee is final and not appealable except in the case the Executive Committee determines a more severe sanction should be imposed on the Member, in which case the Member may appeal that sanction decision to the full Board which will act only to affirm or deny that increased sanction and whose decision is final.

February 2018

4. **Bylaw Amendments**

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

- Appellate Judges Conference
- National Conference of State Trial Judges
- Section of Labor and Employment Law
- Senior Lawyers Division

October 2017

- Section of Administrative Law and Regulatory Practice
- Section of Antitrust Law
- Section of International Law
- Tort Trial and Insurance Practice Section

*(The Board did not approve an amendment to Article III, Section 1, which would permit the Annual Meeting of the*
Section to be held at another meeting/time/location so long as appropriate notice of the election, no less than 45 days, is given to the members of the Section.)

Young Lawyers Division

February 2018

5. CloudLaw

The Executive Committee deferred the decision to sign the contract with CloudLaw to allow time for additional comments.

October 2017

The Executive Committee approved the request to sign the contract with CloudLaw, subject to review and approval by the Office of the General Counsel.

December 2017

6. Committees, Commissions and Task Forces

The Board approved the request of President Bass to create a Task Force to coordinate the ABA’s educational outreach to members regarding the tax legislation signed into law on December 22, 2017, with the understanding that the Task Force will sunset at the close of the 2019 Annual Meeting.

February 2018

The Board approved the request of President Bass to Create a Working Group on Hate Speech and the Internet to address the deluge of hate speech online and to seek outside funding.

February 2018

The Board supported the recommendation of the Standing Committee on Audit to amend Article 31.7 of the ABA Constitution and Bylaws at the 2018 Annual meeting to more completely and accurately reflect the Standing Committee on Audit’s duties as they have been assigned by the Board of Governors.

February 2018

7. Constitutional Amendments

The Board approved the request of the Standing Committee on Membership for authority to file “placeholder” Constitution and Bylaws amendments regarding the new Membership Model.

February 2018
8. Co-sponsorships

The Profession, Public Service and Diversity 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 Intellectual Property Law (2):

(i) to co-sponsor with the Intellectual Property Law Organization of the United States the World IP Day to be held in Washington, DC, on April 26, 2018.

October 2017


October 2017

Section of Antitrust Law to co-sponsor with New York University School of Law, the Next Generation of Antitrust Scholars Workshop, in January of 2020, 2022 and 2024 at New York University School of Law, New York, New York.

October 2017

Standing Committee on Professionalism to renew its co-sponsorship of national and international workshops of the National Institute for Teaching Ethics and Professionalism during ABA fiscal years 2017-2020.

October 2017

President Hilarie Bass to co-sponsor a forum with the World Justice Project on The Rule of Law in America in the next year, and to seek outside funding.

October 2017

Commission on Hispanic Legal Rights and Responsibilities to co-sponsor with Spanish media outlets, such as, Univision Chicago and Telemundo Chicago and their various media affiliates, outlets, etc. to facilitate legal phone banks where
Spanish speaking ABA attorneys provide pro-bono legal information (not legal services) to callers on various legal issues, subject to review and approval of agreements by the Office of General Counsel and the Policy and Planning Division. In addition, the Commission will report to the Committee in Vancouver regarding the phone banks conducted.

October 2017

The Executive Committee, by email ballot on December 21, 2017, approved the request from the Section of Environment, Energy and Resources to co-sponsor and make financial contributions annually up to $10,000 from Section funds to the World Justice Forum that was held in 2016-2017 and may be held in the 2017-2018 and 2018-2019 Association years.

December 2017

Section of Antitrust Law to renew its co-sponsorship of the International Competition Network’s Training on Demand Project and contribute $25,000 (derived from Section funds) for FY2018-2020.

February 2018

Young Lawyers Division to co-sponsor with the University of South Carolina School of Law, the University of South Carolina Center on Professionalism, and the National Legal Mentoring consortium, a National Mentoring Conference in Columbia, South Carolina to be held April 12–14, 2018, at the University of South Carolina School of Law.

February 2018

Rule of Law Initiative (2):

i. to co-sponsor with the United Nations Office on Drugs and Crime trainings or workshops on alternatives to detention in Bahrain.

February 2018

ii. to co-sponsor with the George Washington University Elliot School of International Affairs ROLI’s day-long conference “When People Flee: Rule of Law and Forced Migration” scheduled to take place on April 17, 2018, at the George Washington University Elliot School of International Affairs.

February 2018
Section of Science & Technology Law to co-sponsor with the Health Information and Management Systems Society the Annual Conference & Exhibition from March 5-9, 2018 in Las Vegas, Nevada.

February 2018

Commission on Homelessness and Poverty to co-sponsor with the California Administrative Office of the Courts a three-day national summit on Homeless Courts and the role of the criminal justice system in addressing homelessness to be held June 28-30, 2018, in San Diego, California.

February 2018

ABA Representatives and Observers to the United Nations to co-sponsor with the Medical Women’s International Association and Dr. Padmini Murthy, a Senior Fellow at the Public Private Alliance Foundation, a program entitled “Sexual Violence, Funding and Technology During Armed Conflict: The Next Step.” The program will be held in New York City in conjunction with the Commission on the Status of Women 62nd Forum to be held from March 12-23, 2018.

February 2018

Section of Environment, Energy, and Resources to co-sponsor and contribute up to $7,000, (derived from Section funds), the Jeffrey G. Miller Pace National Environmental Law Moot Court Competition with Pace Law School for 2018, 2019, and 2020.

February 2018

Section of Public Contract Law and Forum on Construction Law to co-sponsor a two-hour panel workshop on Federal Regulation at the Associated General Contractors of America (AGC) upcoming Federal Contractors Conference to be held on May 1-3, 2018, in Washington, D.C. The Section will pay a $7,500 sponsorship fee for the 2-hour workshop panel spot which will be sponsored by a couple of member firms and a contractor of the Section and Forum. The $7,500 sponsorship could be waived if 15 Section and/or Forum members register for the AGC conference.

February 2018
9. **Elections, Appointments and Nominations**

The Executive Committee approved the request of President Hilarie Bass to amend the terms of ABA representatives Pamela Bresnahan for a five-year term and Lucian Pera for a four-year term to serve on the American Bar Endowment Board of Directors.

**August 2017**

The Executive Committee approved the request from President Hilarie Bass to amend the jurisdictional statement of the Working Group on Building Public Trust in the American Justice System to increase its size, with the understanding that no general revenue funding is requested or required.

**September 2017**

The Board elected Kathryn J. Kennedy of The John Marshall Law School in Chicago as the ABA representative on the A-E-F-C Pension Plan Administration Committee for a three-year term, effective immediately and expiring in 2020, to fill the unexpired term of Sally Doubet King, who resigned.

**October 2017**

The Board elected Deepinder (Deepa) K. Goraya of Washington, DC, as the ABA representative to the Consortium for Citizens with Disabilities for a three-year term beginning in November 2017 and expiring in November 2020.

**October 2017**

The Board approved the request of the Section of Intellectual Property Law to continue its institutional membership in and co-sponsorship of the American Intellectual Property Law Education Foundation for five years beginning in 2018 and ending in 2023.

**February 2018**

The Board re-elected William L. LaFuze of Houston, Texas, as the ABA representative to the American Intellectual Property Law Education Foundation for a second three-year term beginning on July 1, 2018, and expiring on June 30, 2021.

**February 2018**

The Board elected James Bikoff of Washington, D.C., as the ABA representative to the Intellectual Property Constituency for a three-year term beginning on July 1, 2018, and expiring on June 30, 2021.
The Board re-elected Timothy Charles Brightbill of Washington, D.C., as the ABA representative to the Industry Trade Advisory Committee on Services and Financial Industries for a two-year term expiring in February 2020, with the understanding that, because the current representative has served in this position since 2007, the Section of International Law should submit the names of new members to serve in this position.

February 2018

10. Financial Matters

The Executive Committee of the ABA Board of Governors approved the request of the Standing Committee on Audit to ratify an engagement letter between the ABA and Grant Thornton, LLP which was signed by the ABA Chief Financial Officer on July 7, 2017, to retain Grant Thornton as the ABA’s current external/independent auditor for FY2017-2018.

August 2017

The Board approved the request from the Section of Business Law to make a $1,000 contribution to a memorial fund from Section funds in memory of William (Bill) Rockers, son of the current Section Chair, Chris Rockers.

September 2017

The Executive Committee approved the request from the Section of Business Law to make a $1,000 contribution, derived from Section funds, to a memorial fund.

September 2017

The Board approved the request of the Section of Litigation (Section) to contribute $10,000 from Section funds to the Maine Volunteer Lawyers Project as one-time funds to seed a pro bono pilot project in Maine.

October 2017

The Board approved the amended FY18 Section Budget of $53.6 million in revenues and $59.8 million in expenses in consideration that five (5) individual Sections submitted final operating budgets in excess of the 10% approved variance.

October 2017
The Board approved the request from the Section of Family Law to contribute $1,000, derived from Section funds, to the Jean Crowe Advocacy Center.

February 2018

The Board approved the FY2018 Annual Audit Plan.

February 2018

The Board accepted the Fund for Justice and Education restricted grants and contributions received or awarded through September 30, 2017, and not previously reported, as requested by the Association’s Financial Services Division.

February 2018

11. International Matters

The Board approved the request of the ABA Rule of Law Initiative and the Center for Human Rights to amend the list of Approved Countries of Operation and Registration, Donors and Thematic Programmatic Areas to include the following donors: 1) The Clooney Foundation for Justice; 2) American Arbitration Association - International Center for Dispute Resolution; and 3) Corporación-América S.A.

October 2017

The Board approved the request of the ABA Rule of Law Initiative to amend the list of Approved Countries of Operation, Registration, Donors and Thematic Program Areas to add GSMA, the industry association of mobile operators, as a donor.

February 2018

12. Meetings and Annual Meeting

The Board approved the request of the Standing Committee on Meetings and Travel regarding the format and pricing of the 2018 ABA Annual Meeting.

October 2017

The Board approved the request of the Section of International Law and the Judicial Division to charge a $50 registration fee for a program, View From the Bench: The State of International Law, to be held at the 2018 Midyear Meeting in Vancouver.

October 2017
The Board approved the request of President-Elect Carlson to conduct the November 8-10, 2018 meeting of the Board as a teleconference, and to hold the June 6-7, 2019 meeting in Missoula, Montana.

February 2018

13. Membership Matters

The Executive Committee approved the request of the Law Student Division (LSD) and the ABA Young Lawyers Division (YLD) to establish a new member benefit with BetterHelp, of Sunnyvale, California. LSD and YLD members will receive a 14-day free trial to BetterHelp and LSD and YLD will receive $400 per member who becomes a paying customer. BetterHelp matches its users to licensed therapists, where users may communicate with the therapist via text messaging, online chat, video and phone counseling.

August 2017

The Executive Committee approved the request from the ABA Law Student Division and the Young Lawyers Division to provide for a limited six (6) months trial a member benefit with BetterHelp, of Sunnyvale, California, subject to review and approval by the Office of the General Counsel.

September 2017

The Board approved the request of the Standing Committee on Membership to add Shred-It to the ABA Advantage Program.

October 2017

The Board approved the request of the Section of Real Property, Trust and Estate Law (Section) to offer a member benefit from WealthCounsel to Section members.

October 2017

14. Memoranda of Understandings/Agreements

The Executive Committee approved the request from President Hilarie Bass to draft a joint statement of the bar associations of the G7 countries, subject to review and approval by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

September 2017

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memorandum of Understanding with the Central African Republic’s Magistrates Training School, referred to in French as the Ecole Nationale d’Administration et de Magistrature, subject to review
and approval by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

October 2017

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memoranda of Understanding with the Ministry of Women’s and Family Affairs in Tunisia, subject to review and approval by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

October 2017

The Board approved the request of ABA Rule of Law Initiative to enter into a Memoranda of Understanding with the General Prosecutor’s Office of the Republic of Tajikistan to further facilitate its working relationship with this government agency as part of its in-country programs, subject to review and approval by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

October 2017

The Board approved the request of the Center for Human Rights’ Justice Defenders Program to enter into a Memorandum of Understanding with the International Bar Association, International Commission of Jurists, Pan African Lawyers Union, SADC Lawyers Association and East Africa Lawyers Association, and to issue a joint report with the above organizations, subject to final review and approval by the ABA’s General Counsel Office and a signed copy filed with the Division for Policy and Planning, and subject to review of final report by the Governmental Affairs Office and Media Relations in advance of distribution.

October 2017

The Executive Committee approved the request from the Commission on Veterans Affairs to enter into a non-binding agreement with the Department of Veterans Affairs, namely the Veterans Consortium on Pro Bono and the National Law School Veterans Clinic Consortium, subject to review and approval by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

November 2017

The Board approved the request of the Section of International Law to enter into a Memorandum of Understanding with the International Development Law Organization to provide pro bono assistance as requested through its work with the Investment Support Programmer for the Least Developed Countries and the UN Office of the High Representative for the Least Developed Countries, Landlocked
Developing Countries and Small Island Developing States, with the understanding that no funds or ABA general revenue are required, subject to review and approval by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

November 2017

The Board deferred approval of the request of the Section of International Law to create a template to enter into Memoranda of Understandings with a number of additional international bars, including the Lithuanian Bar Association, the Estonian Bar Association, the Latvian Bar Association, the Danish Bar Association, the Finnish Bar Association, the Swedish Bar Association, the Norway Bar Association, the Jamaican Bar Association and other international bars.

February 2018

The Board approved the request of the Section of Intellectual Property Law to enter into a Memorandum of Understanding with the Fédération Internationale des Conseils en Propriété Intellectuelle (FICPI) (for a three-year term from the date of signature, in 2018 until 2021) to coordinate efforts and activities with FICPI to increase member awareness and promote professional cooperation, subject to review and approval by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

February 2018

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memorandum of Understanding with Ground Truth Solutions to conduct joint research and evaluation activities of the ABA Rule of Law Initiative’s work providing legal protection services, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

February 2018

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memorandum of Understanding with Prince Sultan University, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

February 2018

The Board approved the request of the Center for Human Rights to enter into a Memorandum of Understanding with the International Senior Lawyers Department to formalize the relationship between the two, subject to review and approval of the Memorandum of
Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

February 2018

The Board approved the request of the Commission on Law and Aging to enter into an agreement regarding Mind Your Loved Ones app, subject to review and approval of the agreement by the Office of the General Counsel and the Executive Director and a signed copy filed with the Division for Policy and Planning.

February 2018

The Board approved the request of the Center for Innovation to enter into a Memorandum of Understanding with the Legal Services Corporation to match legal technology companies with local legal aid offices to provide free technology to those service providers to assist them in their work, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel and a signed copy filed with the Division for Policy and Planning.

February 2018

15. Memorial Resolutions

The Board adopted memorial resolutions for Board member Joe B. Whisler of Kansas City, Missouri, and former Board member Jack F. Dunbar of Oxford, Missouri.

February 2018

16. Pension Plan

The Board of Governors authorized an amendment to the Pension Plan by adopting the Fourth Amendment which may be executed by the Executive Director of the Association.

October 2017

The Board delegated authority to the Executive Committee to execute, before the next scheduled Board meeting, a borrowing transaction to obtain sufficient funds to contribute to the A-E-F-C Pension Plan, provided that the Finance Committee so recommends.

October 2017
The Executive Committee approved and authorized staff to consummate a transaction to borrow up to an additional $20 million and contribute those proceeds to the A-E-F-C Pension Plan on behalf of the ABA.

November 2017

17. Programmatic Matters

The Executive Committee approved the request from the Fund for Justice and Education to establish a Program Support Fund (PSF) to support ABA Disaster Relief Efforts and to allow the President’s Office to potentially provide funding raised through the PSF to outside local legal service organizations working in disaster affected areas.

September 2017

The Board deferred action on the request of the ABA Fund for Justice and Education (FJE) for the newly revised Program Support Fund and Endowment Policy which includes a more robust role for the FJE as a partner to the Board of Governors to allow review by the entities that have Program Support Funds.

February 2018

18. Tax Reform

The Executive Committee approved the proposed policy as submitted by the Sections of Business Law and Litigation to provide the ABA with an opportunity to present comments to Congress as it works over the next several weeks to reconcile the tax bills of the House of Representatives and Senate to pass a final tax reform bill.

December 2017
At the Midyear Meeting every odd year – that is, at the beginning of each new Congress – the Standing Committee on Government Affairs and the Governmental Affairs Office recommend to the Board of Governors a list of proposed Federal Legislative and Government Priorities to guide the ABA advocacy during the ensuing Congress. The Board considered and adopted at its February 2017 meeting the following:

Access to Legal Services
- Legal Services Corporation
- Legal Protection and Assistance for Members of the Military and Veterans

Civil Justice System Access
- Legislation to Amend Rule 11 (Sanctions) and Rule 23 (Class Actions) of the Federal Rules of Civil Procedure
- Loser Pay Provisions
- Legislation to Limit Medical Malpractice Recovery

Criminal Justice System Improvements
- Federal Sentencing Reform
- Prison System Reform
- Indigent Defense Funding for Federal and State Programs
- Funding for Juvenile Justice and Delinquency Prevention Programs

Elimination of Discrimination
- LGBT Discrimination
- Gender Discrimination
- Protection of Voting Rights

Immigration Reform
- Access to Counsel and Due Process Safeguards
- Eliminating Mandatory Detention and Improving Detention Conditions
- Immigration Court Improvements

Independence of the Judiciary
- Judicial Vacancies
- Federal Judicial Resources
  - Funding
  - Additional Judgeships
- Efforts that Infringe on Separation of Powers or Undermine the Judiciary
Independence of the Legal Profession
• Federal Government Policies that Erode the Attorney-Client Privilege
• Excessive Federal Agency Regulations Affecting Lawyers
• Mandatory Accrual Accounting for Law Firms

International Rule of Law
• Programs to Promote the Rule of Law, Human Rights, and Democracy

Legal Education
• Financing of Legal Education
• Public Service Loan Repayment

National Security and Civil Liberties
• Cybersecurity
• Torture of Detainees in U.S. Custody
A. Nominations of Officers and Members of the Board of Governors

The Nominating Committee nominated the following persons for election at the 2018 Annual Meeting for the terms noted:

**Officers of the Association**

President-Elect (2018-2019 Term)
Judy Perry Martinez of Louisiana

Chair of House of Delegates (2018-2020 Term)
William R. Bay of Missouri

The Nominating Committee also nominated the following persons for election at the 2018 Annual Meeting as members of the Board of Governors for the 2018-2021 term:

District 3: Lynn Fontaine Newsome of New Jersey
District 5: Charles “Buzz” English, Jr. of Kentucky
District 9: Susan M. Holden of Minnesota
District 14: Andrew J. Demetriou of California
District 15: Mark H. Alcott of New York
District 16: David W. Clark of Mississippi
District 17: Rew R. Goodenow of Nevada
Goal III Minority Member-At-Large: Michele Wong Krause of Texas
Judicial Member-at-Large: Hon. Frank J. Bailey of Massachusetts
Section Member-At-Large: H. Russell Frisby, Jr. of the District of Columbia
Section Member-At-Large: Stephen Wermiel of the District of Columbia
Section Member-At-Large: Howard T. Wall, III of Tennessee
Young Lawyer Member-At-Large: Shenna R. Hamilton of Missouri

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 2018 Midyear Meeting of the Association by their colleagues of the Bench and the Canadian Bar Association British Columbia Branch.

FURTHER RESOLVED, That the Association extends its particular thanks to the 2018 Midyear Meeting bar leaders Kerry L. Simmons, President, Canadian Bar Association, Bill
Veenstra, President, Canadian Bar Association British Columbia Branch, Caroline Nevin, Executive Director, Canadian Bar Association British Columbia Branch, 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 bar leaders of the 2018 Midyear Meeting and to the Presidents of the Canadian Bar Association and Canadian Bar Association British Columbia Branch.
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