Summary of Action of the House of Delegates

2019 ANNUAL MEETING • SAN FRANCISCO, CALIFORNIA • AUGUST 12-13, 2019
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Enclosed you will find a Summary of the action taken by the House of Delegates at the 2019 Annual Meeting in San Francisco, California. 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 2020 at the Midyear Meeting of the House of Delegates in Austin, Texas.

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

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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 indefinitely¹.

Report No. 11-2
The proposal amending §6.2(a)(1) of the Association’s Constitution, to provide the U.S. Virgin Islands with a State Delegate, who pursuant to the existing language of §9.2, would automatically serve as a member of the Nominating Committee, was not approved.

Report No. 11-3
The proposal amending §6.4(a) of the Association’s Constitution, to allow individuals who meet a state’s definition of young lawyer to serve as a young lawyer member of the House of Delegates for that state, was approved. It reads:

§6.4 State Bar and Local Bar Association Delegates. (a) A state bar association is entitled to at least one delegate in the House of Delegates, except that if there is more than one state bar association in a state the House shall determine which associations may select delegates. A state bar association in a state that has more than 4,000 lawyers is entitled to an additional delegate for each additional 2,500 lawyers above 4,000 until it is entitled to four delegates. A state bar association in a state that has more than 14,000 lawyers and not more than 20,000 lawyers is entitled to five delegates. If it has more than 20,000 lawyers, it is entitled to six delegates. If the bar associations of a state are entitled to four or more delegates, at least one delegate representing the state bar or a local bar association in that state must have been admitted to practice in his or her first bar within the past five years, or must be less than 36 years old at the beginning of the term, or meet the state’s definition of a young lawyer. Each state delegation, as well as the United States Virgin Islands, that did not have an additional young lawyer delegate prior to the 2015 Annual Meeting shall be entitled to one additional delegate, chosen by either the state bar association or one of the qualifying local bar associations referred to in Articles 6.4(b) and 6.9 below, provided that such delegate was admitted to his or her first bar within the past five years or is less than 36 years old or meets the state’s definition of a young lawyer at the beginning of his or her term. It is the responsibility of the state bar association to ensure that this requirement is satisfied. However, a state bar association is entitled to at least as many delegates as it was entitled to certify at the 1990 annual meeting.

Report No. 11-4
*The proposal amending §6.7(b) of the Association’s Constitution,* to allow the Law Student Division to increase their number of delegates in the House of Delegates from three to six delegates, **was approved.** It reads:

§6.7 Division or Conference Delegates.

...(b) Each year the Law Student Division shall elect, in the manner prescribed by its bylaws, six of its members as delegates to the House for one Association year.

Report No. 11-5
*The proposal amending §6.8 of the Association’s Bylaws,* to include the Electric Cooperative Bar Association (ECBA) as an affiliated organization of the American Bar Association (ABA) and be represented in the ABA House of Delegates accordingly, **was withdrawn.**

Report No. 11-6
*The proposal amending §31.7 of the Association’s Bylaws,* to sunset the Standing Committee on Governmental Affairs, **was approved.**

Report No. 11-7
*The proposal amending §31.7 of the Association’s Bylaws,* to sunset the Standing Committee on the American Judicial System, **was approved.**

Report No. 11-8
*The proposal amending §31.7 of the Association’s Bylaws,* to change the number of members from 15 to 12 for the Standing Committee on Public Education and from 12 to 8 for the Advisory Commission to the Standing Committee on Public Education, **was approved.** It reads:

§31.7 Designation, Jurisdiction, and Special Tenures of Standing Committees. The designation, jurisdiction, and special tenures of standing committees are as follows:

...  
**Public Education.** The Standing Committee on Public Education shall consist of twelve members, one of whom shall be designated national Law Day chair, appointed annually by the President, and the chair of the Standing Committee on Gavel Awards, who shall serve ex officio. The Standing Committee shall:

(a) Provide policy direction and oversight for the Division for Public Education and coordinate its activities;
(b) Foster Association activities designed to improve public understanding about the law;
(c) Promote activities and provide assistance for bar associations, other legal groups, and nonlegal
organizations in educating the public about the law; and
(d) Develop and implement public education programs for youth, college, and adult audiences.

Report No. 11-9

The proposal amending §§33.1 and 33.2 of the Association’s Bylaws, to change the language in order to normalize the work of the Board of Editors, and the appointed volunteer members to be able to provide their perspectives and guidance regarding the Journal, was approved. It reads:

§33.1 American Bar Association Journal. (a) The American Bar Association Journal shall have a Board of Editors responsible for non-financial operations and the editorial integrity of the Journal. The Board of Editors consists of the President, the President-Elect, the Chair of the House of Delegates, and the Treasurer, who are members ex-officio, and nine Association members nominated by the Board of Editors and elected by the Board of Governors as vacancies occur.

(b) The Board of Editors shall elect one of its members as Chair. The Chair shall act as liaison with the Board of Governors and, on the invitation of the President, shall report to it and attend its meetings.

(c) Members of the Board elected by the Board of Governors serve for three-year terms and are ineligible to serve more than two terms. However, a member who is elected as Chair when his or her second term is expiring is eligible to serve a third term.

§33.2 Authority of Board of Editors. The Board of Editors may provide recommendations to the Board of Governors on budget matters and revenue opportunities involving the Journal. An Editor-in-Chief/Publisher shall be employed by the Association and selected with consultation and advice from the Board of Editors. The Editor-in-Chief/Publisher shall be responsible for managing the operation, editorial content and editorial integrity of the Journal. The proceedings of the Board of Editors shall be reported to the Board of Governors which, by a majority vote of its entire membership, may disapprove, change, or rescind any action or appointment of the Board of Editors.
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
American Jury, Commission on
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 Due Process Review Project
Death Penalty Representation, Special Committee on
Disability Rights, Commission on
Diversity and Inclusion, Center for (formerly Center for Racial and Ethnic Diversity)
Domestic and Sexual Violence, Commission on
Future of Legal Education, Commission on
Hispanic Legal Rights and Responsibilities, Special Committee on
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 of
Middle East and North Africa Law Initiative Council
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
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
B. The following Committees, Commissions and Task Forces presented Reports to the House of Delegates:

Armed Forces Law
Constitution and Bylaws
Cybersecurity Legal Task Force
Delivery of Legal Services
Domestic and Sexual Violence, Commission on*
Ethics and Professional Responsibility
Gatekeeper Regulation and the Profession*
Gun Violence*
Homelessness and Poverty, Commission on
Human Rights, Center for*
Immigration, Commission on*
International Trade in Legal Services
Innovation, Center for
Interest on Lawyers’ Trust Accounts, Commission on
Law and Aging, Commission on*
Law and National Security
Lawyer Referral and Information Service
Legal Aid and Indigent Defendants
Legal Assistance for Military Personnel
Nominating Committee, Steering Committee of the*
Paralegals*
Professional Regulation*
Professionalism
Public Protection in the Provision of Legal Services
Scope and Correlation of Work
Sexual Orientation and Gender Identity, Commission on
Specialization*
Women in the Profession, Commission on*
Youth at Risk, Commission on*

* The report of this Committee, Commission or Task Force contained a Resolution with Report as stated in Section IID of this Summary.
II. REPORTS OF COMMITTEES, COMMISSIONS AND TASK FORCES

C. The following Committees, Commissions and Task Forces did not report to the House of Delegates:

ABA/BNA Lawyers Manual on Professional Conduct
ABA Representatives and Observers to the United Nations
ABA Journal Board of Editors
Africa Law Initiative Council
American Judicial System
Amicus Curiae Briefs
Annual Meeting Program, Special Committee on
Asia Law Initiative Council
Audit
Bar Activities and Services
Bioethics and the Law, Special Committee on
Center for Professional Responsibility, Coordinating Council
Center for Professional Responsibility Policy Implementation
Central European and Eurasian Law Initiative Council
Children and the Law, Center for
Client Protection
Continuing Legal Education
Disability Rights, Commission on
Disaster Response and Preparedness
Election Law
Federal Judiciary
Fund for Justice and Education
Future of Legal Education, Commission on
Gavel Awards
Governmental Affairs
Group and Prepaid Legal Services
Hispanic Legal Rights and Responsibilities, Special Committee
Justice Center, Coordinating Council for the
Latin America and Caribbean Law Initiative Council
Law Library of Congress
Lawyer Assistance Programs, Commission on
Lawyers Professional Liability
Lawyer’s Role in Assuring Every Child’s Right to a Higher-Quality Education, Commission on
Medical Professional Liability
Membership
Meetings and Travel
Middle East and North Africa Law Initiative Council
National Conference of Commissioners on Uniform State Laws
National Conference of Lawyers
Pro Bono and Public Service
Public Education
Publishing Oversight
Racial and Ethnic Diversity, Commission on
Racial and Ethnic Diversity in the Educational Pipeline, Council for
Racial and Ethnic Justice, Coalition on
Rule of Law Initiative
Technology and Information Systems
Unaccompanied Minor Immigrants
Veterans Legal Services, Commission on
Working Group on Building Public Trust in the American Justice System
Working Group to Advance Well-Being in the Legal Profession
D. Action of the House on Committee, Commission and Task Force Resolutions:

Delivery of Legal Services (Report No. 10A and 10B)

For action on Report No. 10A, encouraging online providers of legal documents to adopt the ABA Best Practice Guidelines for Online Legal Document Providers, see New York State Bar Association on page 43.

For action on Report No. 10B, urging Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States, see Colorado Bar Association on page 41.

Domestic and Sexual Violence (Report Nos. 105, 114, 115C and 115H)

For action on Report No. 105, urging state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security, see Gun Violence on page 9.

Report No. 114, urging legislatures and courts to define consent the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, which was cosponsored by the Civil Rights and Social Justice Section, was postponed indefinitely.

For action on Report No. 115C, supporting the constitutionality of the Indian Child Welfare Act (ICWA) in the effort to strengthen tribal jurisdiction over their child welfare system, see Civil Rights and Social Justice on page 27.

For action on Report No. 115H, urging the United States Government and Governments around the world to promote the human right to a basic income by increasing funding, see Civil Rights and Social Justice on page 29.

Ethics and Professional Responsibility (Report No. 107)

For action on Report No. 107, urging each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), see Professional Regulation on page 19.

Gatekeeper Regulation and the Profession (Report No. 119)

Report No. 119, providing that any legislation and related regulations to detect and combat money laundering and terrorist financing must be consistent with eight fundamental principles, which was cosponsored
by the Business Law Section, Real Property, Trust & Estate Law Section and the Criminal Justice Section, was withdrawn.

**Gun Violence (Report No. 105)**  
*Report No. 105*, urging state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security, which was cosponsored by the Criminal Justice Section, Civil Rights and Social Justice Section, Commission on Domestic and Sexual Violence and the Judicial Division, was approved². It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal courts and legislatures to develop policies and protocols as to who may carry firearms in courthouses, courtrooms, and judicial centers that allow only those persons necessary to ensure security, including approved safety officers, judges, and court personnel, have weapons in the courthouse, courtroom, or judicial center, including common areas within the buildings as well as the grounds immediately adjacent to the justice complex, and that require training for those who are permitted to carry firearms.

*For action on Report No. 115A*, urging Congress to ensure that the health care delivered by the Indian Health Service (HIS) is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration, see Civil Rights and Social Justice on page 25.

*For action on Report No. 115G*, urging Congress to amend the Equal Credit Opportunity Act, see Civil Rights and Social Justice on page 28.

*For action on Report No. 115H*, urging the United States Government and Governments around the world to promote the human right to a basic income by increasing funding, see Civil Rights and Social Justice on page 29.

*For action on Report No. 118*, emphasizing the right of parents and children to family integrity and family unity, see Youth at Risk on page 22.

**Human Rights (Report Nos. 113A, 113B and 113C)**  
*Report No. 113A*, urging business enterprises to implement the guidance set forth in the report, “Shared Space Under Pressure:

² Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Kacey Chappelear of Ohio, Judith Davila of Arizona, Donna Hershkowitz of California, Lori Higuera of Arizona, Loren Kieve of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Maureen Onyeagbako of California, Michelle A. Philo of California, Margret G. Robb of Indiana, Roger Royse of California, Lynda Shely of Arizona, Margarita Silva of Arizona and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
Business Support for Civic Freedoms and Human Rights Defenders: Guidance for Companies”, was approved\(^3\). It reads:

**RESOLVED, That the American Bar Association endorses, and urges business enterprises to implement, the analytical and operational framework set forth in the report, “Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders: Guidance for Companies,” published jointly by the Business and Human Rights Resource Centre and the International Service for Human Rights (September 2018).**

**Report No. 113B**, urging all governments to prioritize dignity rights in crafting, implementing, and enforcing laws, policies, regulations, and procedures, which was cosponsored by the Civil Rights and Social Justice Section, was approved\(^4\). It reads:

**RESOLVED, That the American Bar Association affirms that human dignity — the inherent, equal, and inalienable worth of every person — is foundational to a just rule of law; and**

**FURTHER RESOLVED, That the American Bar Association urges governments to ensure that “dignity rights” – the principle that human dignity is fundamental to all areas of law and policy — be reflected in the exercise of their legislative, executive, and judicial functions.**

**Report No. 113C**, urging the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, which was cosponsored by the Civil Rights and Social Justice Section, was revised and approved\(^5\). As revised, it reads:

**RESOLVED, That the American Bar Association urges the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, particularly the human rights provisions thereof;**

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\(^3\) Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Judith Davila of Arizona, Donna Hershkowitz of California, Lori Higuera of Arizona, Loren Kieve of California, Sandra McCandless of California, Elizabeth Meyers of California, Maureen Onyeagbako of California, Michelle A. Philo of California, Roger Royse of California, Lynda Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York abstained from voting with respect to this resolution.


\(^5\) Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Kacey Chappellear of Ohio, Judith Davila of Arizona, Donna Hershkowitz of California, Lori Higuera of Arizona, Loren Kieve of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Linda Strite Murnane of Ohio, Maureen Ongyeagbako of California, Michelle A. Philo of California, Margret G. Robb of Indiana, Roger Royse of California, Lynda Shely of Arizona, Margarita Silva of Arizona and Elizabeth Snow Stong of New York abstained from voting with respect to this resolution.
FURTHER RESOLVED, That the American Bar Association urges the United States Government to impose sanctions and other appropriate punitive measures against every person directly or indirectly responsible for the murder of journalist Jamal Khashoggi, and to seek their prosecution in proceedings that are consistent with international law; and

FURTHER RESOLVED, That the American Bar Association urges the Financial Action Task Force (FATF) to enforce its requirement that the Kingdom of Saudi Arabia address and resolve fully FATF’s concerns regarding the Kingdom’s failure to end terrorist financing emanating therefrom and the misuse of its anti-terrorism laws against non-terrorists, including lawyers, and that the Kingdom release all persons it has wrongfully detained, within the next three years in order to retain membership in the Task Force.

Immigration (Report Nos. 121A, 121B, 121C, 121D, 121E and 121F)

Report No. 121A, recommending that the Executive Office for Immigration Review amend 8 C.F.R. §1003.1(h), was approved. It reads:

RESOLVED, That the American Bar Association urges the Department of Justice to amend 8 C.F.R. §1003.1(h) to include, following formal rulemaking, standards and procedures governing the process by which the Attorney General may certify cases to himself or herself.

FURTHER RESOLVED, That the applicable standards should include procedures for (a) notice to the public of the Attorney General’s intent to certify a case to himself or herself; (b) identification of the specific legal questions the Attorney General intends to review; (c) an opportunity for public comment and briefing prior to issuance of any final decision, and (d) release of underlying decision(s) in the case; and

FURTHER RESOLVED, That the American Bar Association urges the Attorney General to exercise such certification authority sparingly, and only to review decisions issued by the Board of Immigration Appeals in the ordinary administrative appeal process rather than as a mechanism to pre-empt full administrative agency review or to address questions not at issue in the case prior to certification.

Report No. 121B, recommending that the Executive Office for Immigration Review create a presumption to extend the filing of an

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appeal to the Board of Immigration Appeals (BIA) for pro se applicants, was approved. It reads:

RESOLVED, That the American Bar Association urges the Department of Justice to amend 8 C.F.R. §§ 1003.1(d)(2)(i)(G) and 1003.38(b) to expressly provide a good cause exception to the strict thirty-day deadline for filing an appeal to the Board of Immigration Appeals for pro se appellants; and

FURTHER RESOLVED, That even absent such amendment, in cases where a detained or pro se respondent orally reserves appeal on the record in Immigration Court, the Board should establish a presumption that a subsequent Notice of Appeal be deemed timely filed so long as it is received at the Board within a reasonable time, notwithstanding the expiration of the thirty day filing deadline.

Report No. 121C, recommending that the Executive Office for Immigration Review continue the implementation of an integrated, system-wide electronic filing and case management system nationwide, was approved. It reads:

RESOLVED, That the American Bar Association urges the Executive Office for Immigration Review (EOIR) to expedite complete implementation of an integrated, system-wide electronic filing and case management system nationwide, with adequate funding from Congress;

FURTHER RESOLVED, That the Association urges Congress and the Department of Justice to create or restore docket management tools – including administrative closure, termination of proceedings, and reasonable continuances – that enable immigration judges to balance the need for prompt adjudications with the rights of respondents to achieve just outcomes. Such tools should be utilized particularly in cases involving vulnerable populations, including unaccompanied children and individuals experiencing mental illness, and otherwise as justice requires;

FURTHER RESOLVED, That the American Bar Association urges EOIR to increase its efforts to hire immigration judges and Board of Immigration Appeals members from diverse professional backgrounds, including practitioners with

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1 Kacey Chappelear of Ohio and Judith Davila of Arizona, Lori Higuera of Arizona, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda Shely of Arizona, Margarita Silva 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.

2 Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Kacey Chappelear of Ohio, Judith Davila of Arizona, Donna Hershkowitz of California, Lori Higuera of Arizona, Loren Kieve of California, Sandra McCandless of California and John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Maureen Onyeagbako of California, Michelle A. Philo of California, Roger Royse of California, Lynda Shely of Arizona, Margarita Silva 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.
experience representing non-citizens and individuals reflecting a broad mix of racial, ethnic, gender and gender identity, sexual orientation, disability, religious and geographically diverse backgrounds;

FURTHER RESOLVED, That the American Bar Association urges the Department of Homeland Security to restore the use of prosecutorial discretion by both officers and attorneys to reduce the number of Notices to Appear served on and enforced against noncitizens who should not be priorities for removal, including those who: 1) are prima facie eligible for relief from removal; 2) veterans and members of the U.S. armed forces; 3) long-time lawful permanent residents; 4) minors and elderly individuals; 5) individuals present in the U.S. since childhood; 6) pregnant or nursing women; 7) victims of domestic violence, trafficking, or other serious crimes; 8) individuals who suffer from a serious mental or physical disability; and 9) individuals with serious health conditions; and

FURTHER RESOLVED, That the American Bar Association urges EOIR to amend 8 C.F.R. §1003 subpart G, the Professional Conduct Practitioners—Rules and Procedures, to authorize civil monetary contempt penalties to be imposed by immigration judges against both removal defense and government trial attorneys and establish criteria for when such penalties can be applied.

Report No. 121D, recommending that the Department of Homeland Security (DHS) codify the core requirement of the 2009 Parole Directive into regulation, was approved. It reads:

RESOLVED, That the American Bar Association supports a range of mechanisms through which an individual who is not subject to mandatory detention under the Immigration and Nationality Act may obtain release from immigration detention including bond, parole, and release on recognizance or under an order of supervision;

FURTHER RESOLVED, That in light of the Attorney General’s recent decision in Matter of M-S-, 27 I&N Dec. 509 (A.G. 2019), which reversed longstanding precedent by eliminating the authority of Immigration Judges (effective July 15, 2019) to grant bond to certain asylum-seekers even after they have established a credible fear of persecution or torture, the American Bar Association urges Immigration and Customs Enforcement

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9 Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Kacey Chapplear of Ohio, Judith Davila of Arizona, Donna Hershkowitz of California, Lori Higuera of Arizona, Loren Kieve of California, Sandra McCandless of California and John L. McDonell, Jr. of California, Elizabeth Meyers of California, Linda Strite Murnane of Ohio, Maureen Onyeagbako of California, Michelle A. Philo of California, Margaret G. Robb of Indiana, Roger Royse of California, Lynda Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Mary Ellen Coster Williams of the District of Columbia and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
("ICE") to utilize the critically important alternative of humanitarian parole as a basis for release from custody; and

FURTHER RESOLVED, That the Association urges the Department of Homeland Security to:

(a) codify the core requirements of ICE’s 2009 Parole Directive into regulation;

(b) ensure that the 2009 Parole Directive remain in full force and effect prior to or in the absence of such codification;

(c) conduct regular training programs for new and experienced ICE officers to reinforce their familiarity with and understanding of the factors set forth in the Parole Directive that support release from custody; and

(d) conduct prompt parole determinations for all asylum-seekers who have passed a Credible Fear interview and grant parole to those who have established their identities, who pose no threat to national security or public safety and who do not present a significant flight risk.

Report No. 121E, recommending that the Circuit Court of Appeals establish or expand pro bono programs, was approved10. It reads:

RESOLVED, That the American Bar Association urges the U.S. Circuit Courts of Appeals to establish or expand pro bono programs to provide pro bono representation to pro se appellants in immigration cases.

Report No. 121F, recommending that the Executive Office for Immigration Review amend regulations to eliminate the automatic termination of voluntary departure when an applicant petitions for judicial review under 8 C.F.R. §1240.26.26(i), was approved11. It reads:

RESOLVED, That the American Bar Association encourages Congress and the Department of Justice to amend laws and regulations to ensure that noncitizens who have the statutory right to seek judicial review of orders of removal in the circuit courts of appeal are able to exercise that right without

10 Kacey Chappelear of Ohio abstained from voting with respect to this resolution.
relinquishing the benefits or protections granted during their administrative immigration proceedings. Specifically, the Association urges:

1. That Congress amend 8 U.S.C. §1252(b)(3)(B) and applicable regulations to establish an automatic stay of removal of a final administrative decision of the Board of Immigration Appeals until either (a) the expiration of the thirty-day period for filing a Petition for Review in the Court of Appeals having jurisdiction; or (b) a ruling by the Circuit Court on a motion for a stay of removal pending disposition of the appeal, whichever is earlier; and

2. That the Department of Justice amend 8 C.F.R. §1240.26(i), which provides for automatic termination of a grant of voluntary departure upon the filing of a petition for review in the Court of Appeals, and to allow that the period of voluntary departure granted by the Board of Immigration Appeals, if any, should be stayed during any period of judicial review and reinstated following the decision of the Circuit Court.

Innovation (Report No. 10A)

For action on Report No. 10A, encouraging online providers of legal documents to adopt the ABA Best Practice Guidelines for Online Legal Document Providers, see New York State Bar Association on page 43.

Law and Aging (Report Nos. 103A and 103B)

Report No. 103A, urging Congress to repeal the statutory exclusion of dental care and dentures from Medicare and expressly add coverage of comprehensive dental and oral health services to the Medicare program, which was cosponsored by the Senior Lawyers Division, was approved\(^1\). It reads:

RESOLVED, That the American Bar Association urges Congress to enact S. 22, the Medicare Dental Benefit Act of 2019 (116\(^{th}\) Cong.), or similar legislation to repeal the statutory exclusion of dental care and dentures in Section 1862(a)(12) of the Social Security Act and expressly add coverage of comprehensive dental and oral health services to the Medicare program.

Report No. 103B, urging all lawyers who provide advance care planning as part of their estate planning services, which was cosponsored by the Senior Lawyers Division and the Real Property, 12 Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Judith Davila of Arizona, Donna Hershkowitz of California, Lori Higuera of Arizona, Loren Kieve of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Maureen Onyeagbako of California, Michelle A. Philo of California, Margret G. Robb of Indiana, Roger Royse of California, Lynda Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
Trust and Estate Law Section, was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association encourages all lawyers who provide advance care planning as part of their estate planning services to take into account the following principles:

1. The most important legal component of advance care planning is careful selection and appointment of a health care agent/proxy in a valid power of attorney for health care document. Persons who cannot or do not want to identify a proxy should delineate their wishes in an advance directive.

2. Advance care planning takes place over a lifetime. It changes as one’s goals and priorities in life change through different stages of life and health conditions. Reflection, discussion, and communication with one’s proxy and clinical professionals, along with family, friends, and advisors is essential to having one’s wishes understood and honored.

3. Reflection and discussion should focus primarily on one’s values, goals, and priorities in the event of worsening health rather than on specific treatments or clinical interventions for distant hypothetical situations.

4. Advance care planning decision tools and guides can provide structure and guidance to the process of reflection and discussion and help individuals identify their values, goals, and priorities, and ensure more authentic and useful conversations and advance directives.

5. Instructions and guidance documented in an advance directive should result from the process of information sharing, reflection, discussion, and communication and provide enough flexibility in application to allow surrogate decision-makers to respond to new circumstances and complexities.

6. Documentation of one’s values, goals, and wishes in the form of an advance directive or other record should be shared with one’s proxy, loved ones, significant others, and primary/key health care providers, and be included in the medical record, so that they are adequately informed before a crisis arises.

7. When it is known that individuals are facing a serious diagnosis, such as cancer, or have been told they have a limited prognosis, the focus may then move to specific treatment preferences. In these cases, the client should be advised to confer with their health care provider to create a care plan that aligns with
the client’s goals, values and preferences. For advanced illness, clients should be advised to inquire about palliative care options and the appropriateness of state recognized portable medical orders such as Physician’s Orders for Life Sustaining Treatment (POLST) to ensure that the individual’s wishes are translated by medical professionals into actionable medical orders; and

FURTHER RESOLVED, That the American Bar Association encourages lawyers who provide advance care planning as part of their estate planning services to consider greater cross-disciplinary collaboration with the healthcare system and medical providers through congruent advice and practices, greater willingness to reach out to one another, and greater collaboration in joint continuing education.

Nominating Committee (Report No. 200)

Report No. 200, revising the principles and Guidelines on the Election Process for Officers of the Association, was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association approves the Principles and Guidelines on the Election Process for Officers of the Association as amended August 2019.

Paralegals (Report No. 122)

Report No. 122, granting approval to 3 programs, granting reapproval to 17 paralegal education programs, withdrawing the approval of 8 programs at the request of the institutions, and extending the term of approval for 42 paralegal education programs, was approved. It reads:

RESOLVED, That the American Bar Association approves the following paralegal education programs: Southwestern Community College, Paralegal Studies Program, Chula Vista, CA; Del Mar College, Paralegal Studies Program, Corpus Christi, TX and South University, Richmond, Legal Studies Program, Richmond, VA;

FURTHER RESOLVED, That the American Bar Association reapproves the following paralegal education programs: Faulkner University, Legal Studies Program, Montgomery, AL; South University, Montgomery, Legal and Paralegal Studies Program, Montgomery, AL; California State University, Paralegal Studies Program, Los Angeles, CA; University of San Diego, Paralegal Program, San Diego, CA; Kapi’olani Community College, Paralegal Program, Honolulu, HI; Kankakee Community College, Paralegal/Legal Assistant Studies Program, Kankakee, IL; Midstate College, Paralegal Studies Program, Peoria, IL; Anne Arundel Community College, Paralegal Program, Arnold, MD; Macomb Community College, Legal Assistant Program, Warren,
FURTHER RESOLVED, That the American Bar Association withdraws the approval of the following paralegal education programs: Brightwood College, Paralegal Studies Program, Nashville, TN; Ferris State, Legal Studies Program, Big Rapids, MI; National American University, Paralegal Studies Program, Minneapolis, MN; South University, Paralegal Studies/Legal Studies Program, Cleveland, OH; Pennsylvania College of Technology, Legal Assistant/Paralegal Program, Williamsport, PA; National American University, Paralegal Studies Program, Sioux Falls, SD; University of Tennessee Chattanooga, Legal Assistant Studies Program, Chattanooga, TN; and Utah Valley University, Paralegal Studies Program, Orem, UT at the request of the institutions; and

FURTHER RESOLVED, That the American Bar Association extends the terms of approval until February 2020 Mid-Year Meeting of the House of Delegates for the following paralegal education programs: American River College, Legal Assisting Program, Sacramento, CA; De Anza College, Paralegal Studies Program, Cupertino, CA; University of California, Riverside, Paralegal Studies Program; Riverside, CA; West Los Angeles College, Paralegal Studies Program, Culver City, CA; Community College of Aurora, Paralegal Program, Denver, CO; University of Hartford, Paralegal Studies Program, West Hartford, CT; Wesley College, Legal Studies Program, Dover, DE; Miami Dade College, Paralegal Studies Program, Miami, FL; Illinois Central College, Paralegal Program, Peoria, IL; South Suburban College, Paralegal/Legal Assistant Program, South Holland, IL; Ball State University, Legal Studies Program, Muncie, IN; Louisiana State University, Paralegal Studies Program, Baton Rouge, LA; Bay Path University, Legal Studies Program, Longmeadow, MA; Lansing Community College, Paralegal Program, Lansing, MI; Hamline University, Paralegal Program, St. Paul, MN; Winona State University, Paralegal Program, Winona, MN; New Hampshire Technical Institute, Paralegal Studies Program, Concord, NH; Atlantic Cape Community College, Paralegal Studies Program, Mays Landing, NJ; Rowan College at Burlington County, Paralegal Program,
Pemberton, NJ; Rowan College at Gloucester County, Paralegal Program, Sewell, NJ; Union County College, Paralegal Studies Program, Cranford, NJ; Truckee Meadows Community College, Paralegal/Law Program, Reno, NV; Hilbert College, Legal Studies/Paralegal Program, Hamburg, NY; LaGuardia Community College, Paralegal Studies Program, Long Island, NY; Schenectady County Community College, Paralegal Studies Program, Schenectady, NY; Westchester Community College (SUNY), Paralegal Studies Program, Valhalla, NY; Meredith College, Paralegal Program, Raleigh, NC; Lakeland Community College, Paralegal Studies Program, Kirtland, OH; Peirce College, Paralegal Studies Program, Philadelphia, PA; Roger Williams University, Paralegal Studies Program, Providence, RI; Trident Technical College, Paralegal Program, Charleston, SC; Florence-Darlington Technical College, Paralegal Program, Florence, SC; Roane State, Paralegal Studies Program, Harriman, TN; El Centro College, Paralegal Studies Program, Dallas, TX; Lone Star College, Paralegal Studies Program, Houston, TX; San Jacinto College, Paralegal Program, Houston, TX; Texas A&M University Commerce, Paralegal Studies Program, Commerce, TX; American National University, Paralegal Program, Salem, VA; Northern Virginia Community College, Paralegal Studies Program, Alexandria, VA; Highline College; Legal Studies Program, Des Moines, WA; Lakeshore Technical College, Paralegal Program, Cleveland, WI; and Milwaukee Area Technical College, Paralegal Program, Milwaukee, WI.

Professional Regulation (Report No. 107)

Report No. 107, urging each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), which was cosponsored by the Young Lawyers Division, Section of Litigation, Standing Committee on Public Protection in the Provision of Legal Services, Standing Committee on Ethics and Professional Responsibility, Standing Committee on Professionalism, Government and Public Sector Lawyers Division and the National Organization of Bar Counsel, was approved. It reads:

RESOLVED: That the American Bar Association urges each state’s highest court, and those of each territory and tribe, to study and adopt proactive management-based regulatory programs appropriate for their jurisdiction, as a way to enhance compliance with applicable rules of professional conduct and supplement existing disciplinary enforcement mechanisms, and to:

a. assist lawyers, law firms, and other entities in which lawyers practice law in the development and maintenance of ethical infrastructures that help to prevent violations of applicable rules of professional conduct;
b. reduce complaints to lawyer disciplinary authorities;
c. enhance lawyers’ provision of competent and cost-effective legal services; and
d. encourage professionalism and civility in the profession.

Professionalism (Report No. 107)
For action on Report No. 107, urging each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), see Professional Regulation on page 19.

Public Protection in the Provision of Legal Services (Report No. 107)
For action on Report No. 107, urging each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), see Professional Regulation on page 19.

Sexual Orientation and Gender Identity (Report No. 115E)
For action on Report No. 115E, advocating the requirement of all law enforcement agencies to adopt regulations similar to the standards set by the Commission on Police Officer and Standard Training (POST), see Civil Rights and Social Justice on page 28.

Specialization (Report No. 108)
Report No. 108, granting reaccreditation to the Child Welfare Law program of the National Association of Counsel for Children, and the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy, was approved. It reads:

RESOLVED, That the American Bar Association reaccredits for an additional five-year term the following designated specialty certification program for lawyers:

Child Welfare Law program of the National Association of Counsel for Children of Denver, Colorado;

Family Trial Law program of the National Board of Trial Advocacy of Wrentham, Massachusetts; and

Criminal Trial Law program of the National Board of Trial Advocacy of Wrentham, Massachusetts.

Women in the Profession (Report Nos. 106 and 115F)
Report No. 106, urging all legal employers of lawyers to implement and maintain policies and practices to close the compensation gap between similarly situated male and female lawyers, was amended and approved. As amended, it reads:

13 Lynda Shely of Arizona abstained from voting with respect to this resolution.
14 Keith Truffer of Maryland abstained from voting with respect to this resolution.
RESOLVED, That the American Bar Association urges all employers of lawyers to implement and maintain policies and practices to address and close the compensation gap between similarly situated men and women lawyers. Such policies and practices for achieving that goal may, depending on the circumstances, include the following:

1. Commit to a policy where leadership and governance committees are comprised of a critical mass of women including diverse women;
2. Commit to include a critical mass of women including diverse women in the pool of candidates for leadership roles;
3. Not rely solely on prior salary history when setting compensation for new hires;
4. Implement training for the elimination of gender bias for all involved in hiring and compensation setting processes;
5. Ensure that in the performance review process implicit bias does not go unchecked and does not lead to an unwarranted compensation gap;
6. Have a transparent compensation system to allow leaders and executives to identify compensation gaps with attorneys who are similarly situated to them;
7. Identify, in writing, key elements that determine compensation and which may help the attorneys succeed and increase their compensation;
8. Provide an appeal process for compensation decisions;
9. Analyze on an individual basis the causes for any compensation gap between similarly situated attorneys of different genders, whether in base, bonus, or other compensation;
10. Have a written protocol for allocation of credit for business generation, including an appeal process;
11. Remove barriers to business generation, including gendered exclusion from business generation teams, inordinate legacy credit for existing clients and implement a transparent system for business origination opportunities;
12. Provide equal access to mentoring and sponsoring relationships and marketing opportunities across genders, and implement a transparent system for succession of leadership opportunities;
13. Analyze gaps in promotion rates between similarly qualified attorneys of different genders and addressing the cause of such gaps;
14. Review the assignment system to ensure that attorneys of different genders have equal access to high-impact and high-visibility assignments that may lead to higher compensation; and
15. Consider the impact of non-legal task assignments on attorneys of different genders and their compensation.
For action on Report No. 115F, urging federal, state, local, territorial, and tribal governments to refrain from imposing upon medical facilities or healthcare providers requirements that are not medically necessary, see Civil Rights and Social Justice on page 28.

Youth at Risk (Report Nos. 115C and 118)
For action on Report No. 115C, supporting the constitutionality of the Indian Child Welfare Act (ICWA) in the effort to strengthen tribal jurisdiction over their child welfare system, see Civil Rights and Social Justice on page 27.

Report No. 118, emphasizing the right of parents and children to family integrity and family unity, which was cosponsored by the Commission on Homelessness and Poverty and the Section of Litigation, was approved⁴⁵. It reads:

RESOLVED, That the American Bar Association recognizes children and parents have legal rights to family integrity and family unity;

FURTHER RESOLVED, That the American Bar Association urges legal professionals, courts, and relevant state agencies to mitigate the trauma and long-term harm that can result from separation from parents and other primary caregivers;

FURTHER RESOLVED, That the American Bar Association supports the use of prevention services, including legal services, to ensure children’s safety without the need for removal from a parent or caregiver;

FURTHER RESOLVED, That the American Bar Association recognizes government action may intentionally interfere with rights to family integrity when necessary for the child’s health, safety, and well-being, provided that procedural protections are applied, including access to high quality legal representation for children and parents;

FURTHER RESOLVED, That the American Bar Association urges federal authorities seeking to separate a child from a parent to protect the child’s health, safety, or well-being to engage state or tribal child protection authorities, which have exclusive jurisdiction to take such action under state and federal statutory law; and

FURTHER RESOLVED, the American Bar Association urges, state, local, territorial, and tribal authorities to ensure family connectedness is safely maintained and supported with parents and kin during the pendency of the child welfare case if children cannot safely remain with their parents or other primary caregivers and must enter the custody of a state or tribe. The definition of kin in such circumstances should include relatives and unrelated persons with significant relationships to the child or family the children or youth identify as individuals with whom they want to remain connected. Additionally, child welfare agency staff, attorneys, and judges should:

a) Identify kin and ensure they are notified and engaged within 30 days of removal and throughout the life of the case. Family search and engagement efforts should seek not only kin resources as placement options, but as other types of long-term connections;

b) Prioritize placement with kin, including relatives, former caregivers, or close family friends;

c) Help children maintain important family connections and support, through regular family time and a presumption of unsupervised visitation unless the court finds that unsupervised visitation is not in the child’s best interests;

d) Tailor services and assistance to address the unique needs of kinship foster families, while still working toward the goal of safe reunification with parents where that is the case goal;

e) Seek to facilitate placing siblings together in the same foster home, absent a court finding of a safety or well-being concern, and allow regular and meaningful visitation between siblings when that is not possible. The definition of “sibling” should include those connected through one or more common parents and those connected through shared living arrangements, including those formed through foster home placements;

f) Support youth who may age out of the foster care system rather than achieve permanency by developing a network of positive adult connections (including their parents, if the youth wish) that serve as a support network while the youth are part of the child welfare system that can be maintained after the youth leave the system; and

Include family members, including parents and caregivers, in development of the service plan and critical treatments for youth in foster care.
A. The following Sections and Divisions presented reports to the House of Delegates:

- Business Law
- Civil Rights and Social Justice
- Criminal Justice
- Environment, Energy and Resources
- Government and Public Sector Lawyers Division
- Health Law
- Intellectual Property Law
- International Law
- JD-National Conference of the Administrative Law Judiciary
- Judicial Division
- Law Student Division
- Litigation
- Real Property, Trust and Estate Law
- Science and Technology Law
- Senior Lawyers Division
- Solo, Small Firm and General Practice 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
- Dispute Resolution
- Family Law
- Infrastructure and Regulated Industries
- JD-Appellate Judges Conference
- 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
- Taxation

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

Business Law (Report No. 119)

For action on Report No. 119, providing that any legislation and related regulations to detect and combat money laundering and terrorist financing must be consistent with eight fundamental principles, see Gatekeeper Regulation and Regulation and the Profession on page 8.


For action on Report No. 105, urging state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security, see Gun Violence on page 9.

For action on Report No. 113B, urging all governments to prioritize dignity rights in crafting, implementing, and enforcing laws, policies, regulations, and procedures, see Human Rights on page 10.

For action on Report No. 113C, urging the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, see Human Rights on page 10.

For action on Report No. 114, urging legislatures and courts to define consent the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, see Domestic and Sexual Violence on page 8.

Report No. 115A, urging Congress to ensure that the health care delivered by the Indian Health Service (IHS) is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration, which was cosponsored by the National Native American Bar Association and the Commission on Homelessness and Poverty, was approved16. It reads:

RESOLVED, That the American Bar Association urges Congress to ensure that the health care delivered by the Indian Health Service ("IHS") is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact advance appropriations legislation that

would stabilize funding for IHS and provide funding that becomes available one year or more after the year of the appropriations act in which it is provided; and

FURTHER RESOLVED, That the American Bar Association encourages and supports legislation that:

1. addresses threats to the health and well-being of American Indian and Alaska Native people who tend to live in the most geographically remote and medically underserved parts of the United States;
2. avoids short-term continuing resolutions to fund the IHS budget;
3. ameliorates the harmful effects of federal budget sequestrations on IHS;
4. contributes to the fulfillment of the United States’ historic and unique federal trust responsibility owed to Indian tribes; and
5. provides sufficient, consistent, and predictable funding to support the basic health care needs of American Indian and Alaska Native people.

Report No. 115B, urging Congress, states, and territories to enact legislation that would provide stronger remedies and protections against pay discrimination on the basis of sex, was amended and approved. As amended, it reads:

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

1. Requires equal pay rates for employees of a different sex (which includes sexual orientation, gender identity, and gender expression), race or ethnicity and for employees with disabilities who perform substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions;
2. Requires that a “bona fide factor other than sex” relied upon by an employer for pay disparities be job-related and consistent with business necessity;
3. Requires that any reasonable legitimate factor(s) relied upon by an employer for pay disparities account for the entire pay differential;
4. Requires employers to supply pay scales upon the request of an applicant;

5. Prohibits employers from seeking or relying upon an applicant’s salary history information;
6. Ensures the right of employees to discuss or inquire about their own or their co-workers' wages;
7. Prohibits retaliation against employees who are claimants of, or witnesses to, an equal pay violation.

Report No. 115C, supporting the constitutionality of the Indian Child Welfare Act (ICWA) in the effort to strengthen tribal jurisdiction over their child welfare system, which was cosponsored by the National Native American Bar Association, Commission on Youth at Risk and the Commission on Domestic and Sexual Violence, was approved.

It reads:

RESOLVED, That the American Bar Association recognizes the constitutionality of the Indian Child Welfare Act, 25 U.S.C. §§1901-63 (“ICWA”) and its accompanying regulations, specifically that:

1. ICWA establishes a political, not racial, classification that serves a compelling governmental interest.
2. ICWA does not violate the non-delegation doctrine, because tribes retain their authority to regulate child welfare.
3. ICWA does not commandeer the states, because it is permissible to impose obligations on state courts to enforce federal prescriptions; and

FURTHER RESOLVED, That the American Bar Association recognizes both the unique government-to-government relationship between the United States and tribes and the trust responsibility owed by the United States to tribes.

Report No. 115D, urging the Department of Justice to retain, as a minimum threshold, existing policy protections, as codified at 28 C.F.R. § 50.10 (2016), that limit federal law enforcement in obtaining information from, or records of, members of the news media, was approved. It reads:

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RESOLVED, That the American Bar Association urges the U.S. Department of Justice to retain—as a minimum threshold—existing policy protections, as codified at 28 C.F.R. § 50.10 (2016), that limit federal law enforcement in obtaining information from, or records of, members of the news media, and that limit federal law enforcement in questioning, arresting, or indicting members of the news media.

Report No. 115E, advocating the requirement of all law enforcement agencies to adopt regulations similar to the standards set by the Commission on Police Officer and Standard Training (POST), which was cosponsored by the Commission on Sexual Orientation and Gender Identity, was approved20. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation or regulations that require all law enforcement entities to meet training standards related to sexual orientation and gender identity similar to those developed by California’s Commission on Police Officer Standards and Training (POST) under California’s AB 2504 (September 30, 2018).

Report No. 115F, urging federal, state, local, territorial, and tribal governments to refrain from imposing upon medical facilities or healthcare providers requirements that are not medically necessary, which was cosponsored by the Commission on Women in the Profession, was revised and approved21. As revised, it reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments not to impose upon medical facilities or healthcare providers licensing or other regulatory requirements that are not medically necessary or that have the purpose or effect of restricting availability or burdening patients’ access to healthcare services.

Report No. 115G, urging Congress to amend the Equal Credit Opportunity Act, which was cosponsored by the State and Local Government Law Section and the Commission on Homelessness and Poverty, was withdrawn.

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Report No. 115H, urging the United States Government and Governments around the world to promote the human right to a basic income by increasing funding, which was cosponsored by the Commission on Domestic and Sexual Violence and the Commission on Homelessness and Poverty, was approved. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation recognizing and promoting the human right to a basic income; and

FURTHER RESOLVED, That the American Bar Association urges all levels of government to recognize in both policy and resource allocation the human right to a basic income.

Criminal Justice (Report Nos. 101, 104, 105 and 119)

For action on Report No. 101, urging Congress to make the ameliorative provisions of the First Step Act retroactive, see National Association of Criminal Defense Lawyers on page 42.

Report No. 104, urging Congress to enact legislation to resolve the conflict between some state and federal law over marijuana regulation, was approved. It reads:

RESOLVED, That the American Bar Association urges Congress to enact legislation to exempt from the Controlled Substances Act any production, distribution, possession, or use of marijuana carried out in compliance with state laws;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation to remove marijuana from Schedule I of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.; and

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation to encourage scientific research into the efficacy, dose, routes of administration, or side effects of commonly used and commercially available cannabis products in the United States.


For action on Report No. 105, urging state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security, see Gun Violence on page 9.

For action on Report No. 119, providing that any legislation and related regulations to detect and combat money laundering and terrorist financing must be consistent with eight fundamental principles, see Gatekeeper Regulation and Regulation and the Profession on page 8.

Environment, Energy and Resources (Report No. 111)

Report No. 111, urging the United States Government, state, territorial, and tribal governments to take a leadership role in addressing the issue of climate change, which was cosponsored by the Law Student Division, International Law Section and the Science & Technology Law Section, was approved²⁴. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments, and the private sector, to recognize their obligation to address climate change and take action to achieve the following goals:

- Reduce U.S. greenhouse gas emissions to net zero or below as soon as possible, consistent with the latest peer-reviewed science, and

- Contribute the U.S. fair share to holding the increase in the global average temperature to the lowest possible increase above pre-industrial levels;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation that would:

- Utilize a broad range of legal mechanisms, including but not limited to market-based mechanisms and removal of legal barriers to reduction of greenhouse gas emissions, to achieve the goals set out above.

- Utilize a broad range of legal mechanisms to encourage and enable adaptation to climate change by federal, state, local, territorial, and tribal governments, and the private sector.

- Provide for a just transition for the people and places most dependent on the carbon economy.

- Recognize and incorporate sustainable development principles in reducing greenhouse gas emissions and adapting to climate change, in order to simultaneously promote economic development, social well-being, national security, and environmental protection;

FURTHER RESOLVED, That the American Bar Association urges the United States government to: (1) engage in active and constructive international discussions under the United Nations Framework Convention on Climate Change and its progeny, and (2) remain in, negotiate, or ratify treaties and other agreements to reduce greenhouse gas emissions and adapt to climate change; and

FURTHER RESOLVED, That the American Bar Association urges lawyers to engage in pro bono activities to aid efforts to reduce greenhouse gas emissions and adapt to climate change, and to advise their clients of the risks and opportunities that climate change provides.

Government and Public Sector Lawyers Division (Report Nos. 100A, 100B and 107)

For action on Report No. 100A, encouraging state, local, and territorial jurisdictions that do not presently have a central panel system to consider establishing this model of state administrative law adjudications in appropriate cases, see JD-National Conference of the Administrative Law Judiciary on page 36.

For action on Report No. 100B, encouraging federal, state and local governments to consider taking measures to maximize the ability of all Administrative Adjudicators to render decisions, freely, fairly, and independent of agency interference, see JD-National Conference of the Administrative Law Judiciary on page 36.

For action on Report No. 107, urging each state's highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), see Professional Regulation on page 19.

Health Law (Report Nos. 117A and 117B)

Report No. 117A, urging states, counties, tribal and local governments to enact legislation to ensure that any proceeds they receive from the current opioid litigation be used for remedying the harm resulting from the opioid epidemic, was approved. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments and other public entities involved in the current opioid litigation to use proceeds from settlements of the litigation to address the harm resulting from the epidemic directly, by:

(1) expanding treatment services for opioid use disorder,

(2) creating additional transitional and extended housing programs to support those in treatment,

(3) fostering community social service resources and harm-reduction/overdose prevention efforts,

(4) furthering research on treatment and enhancing education and training of healthcare professionals,

(5) educating patients and the public on the use and misuse of opioids,

(6) reducing the stigma associated with having an opioid use disorder, and

(7) improving healthcare infrastructure, especially at the community level, so as to increase the capacity of healthcare professionals to treat patients with opioid use disorder.

Report No. 117B, urging Congress to enact legislation to amend the Ethics in Patient Referrals Act of 1989 (commonly known as the Stark Law) to modernize the law, was approved26. It reads:

RESOLVED, That the American Bar Association urges Congress to amend the Ethics in Patient Referrals Act of 1989, Section 1877 of the Social Security Act, 42 U.S.C. § 1395nn (commonly known as the “Stark Law”), to make changes to (a) clarify the application of the Stark Law and (b) address concerns of physicians and other healthcare providers that new alternative payment and delivery models promoted by the Centers for Medicare & Medicaid Services and other payers may result in violations of the Stark Law;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Stark Law to remove the statutory prohibition against payment for services furnished pursuant to a compensation arrangement that failed to meet an exception to the Stark Law solely due to non-compliance with technical requirements of the statute;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Stark Law to clarify the requirement that compensation must be consistent with fair market value, and to provide that a valuation from a nationally recognized healthcare appraiser or valuation consultant shall

26 Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Judith Davila of Arizona, Donna Hershkowitz of California, Lori Higuera of Arizona abstained, Sandra McCandless of California, John L. McDonnell, Jr. of California from voting with respect to this resolution.
create a rebuttable presumption of fair market value for purposes of the Stark Law;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Stark Law to provide greater clarity and consistency in the application of the prohibition on compensation arrangements that vary with or take into account the volume or value of physician referrals; and

FURTHER RESOLVED, That the American Bar Association urges Congress to adopt a statutory exception under the Stark Law for compensation paid under an alternative payment arrangement meeting specified requirements in order to encourage the adoption of collaborative healthcare delivery models without concerns of violating the Stark Law.


*Report No. 110A*, supporting legislation creating the establishment of a Copyright Small Claims Program, which was cosponsored by the Section of Litigation, **was approved**. It reads:

RESOLVED, That the American Bar Association supports legislation creating the establishment of a program within the U.S. Copyright Office with authority to adjudicate copyright small claims as a lower-cost, less-time-consuming alternative to federal court litigation of copyright claims, provided that participation in the program is voluntary for all parties to the dispute, the claim is limited to seeking the types of monetary relief permitted by the Copyright Act (including statutory damages, actual damages, and disgorgement of profits) and excludes injunctive relief, and the monetary relief is no more than a maximum set in accordance with the legislation (“Copyright Small Claims Program”); and

FURTHER RESOLVED, That the American Bar Association supports, in principle, that such legislation and any Copyright Small Claims Program reflect appropriate procedures and requirements, including:

(a) Requiring that adjudicators in the Copyright Small Claims Program have experience with copyright law and training in resolution of disputes;

(b) Allowing claims and responses to be submitted electronically, and to the extent a proceeding may require a hearing, using videoconference and teleconference technology, rather than requiring personal appearances; and allowing but not requiring parties to be represented by an attorney;

(c) Allowing parties to bring counterclaims in a Copyright Small Claims Program proceeding;
(d) Authorizing the Copyright Office to adopt appropriate rules and procedures to prevent abuse of the Copyright Small Claims Program;
(e) Allowing adjudicators in the Copyright Small Claims Program to consult with the Register of Copyrights on general issues of law; and
(f) Permitting the Register of Copyrights to review decisions of adjudicators in the Copyright Small Claims Program in appropriate circumstances.

Report No. 110B, urging federal courts to interpret the clause “where the defendant has committed acts of infringement and has a regular and established place of business”, in the special venue statute, 28 U.S.C. § 1400(B) when applied to Abbreviated New Drug Application (ANDA) litigation under 35 U.S.C. § 271(e)(2) to mean a district in which the defendant who filed an ANDA application is anticipated to commit acts of infringement, was approved.

RESOLVED, That the American Bar Association supports an interpretation of the phrase “where the defendant has committed acts of infringement” in the patent venue statute, 28 U.S.C. § 1400(b), for cases involving infringement under 35 U.S.C. § 271(e)(2) by submitting Abbreviated New Drug Applications (“ANDA”), that includes all of the acts (i.e., makes, uses, offers to sell, sells or imports) that would constitute patent infringement under 35 U.S.C. § 271(a); and

FURTHER RESOLVED, That the American Bar Association supports an interpretation of the phrase “where the defendant has committed acts of infringement” in 28 U.S.C. §1400(b) such that venue in a patent infringement case involving an ANDA submission under 35 U.S.C. § 271(e)(2) is proper in a district in which the defendant who filed the ANDA submission is anticipated to commit acts of infringement.

Report No. 110C, supporting the principle that a patentee may recover lost profits under § 35 U.S.C. 284 resulting from foreign activity incidental to domestic infringement of a patent pursuant to 35 U.S.C. § 271(f), was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association supports the principle that a patentee may recover lost profits under 35 U.S.C.

27 Kareem S. Aref of California, Ruthe C. Ashley of California, Frank J. Bailey of Massachusetts, Anthony H. Barash of Illinois, Donna Hershkowitz of California, Loren Kieve of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Linda Strite Murnane of Ohio, Maureen Onyeagbako of California, Michelle A. Philo of California, Margret G. Robb of Indiana, Roger Royse of California, Elizabeth Snow Stong of New York and Mary Ellen Coster Williams of the District of Columbia abstained from voting with respect to this resolution.

28 Kareem S. Aref of California, Frank J. Bailey of Massachusetts, Anthony H. Barash of California, Donna Hershkowitz of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Linda Strite Murnane of Ohio, Maureen Onyeagbako of California, Michelle A. Philo of California, Margret G. Robb of Indiana, Elizabeth Snow Stong of New York, Mary Ellen Coster Williams of the District of Columbia and Loren Kieve of California abstained from voting with respect to this resolution.
§ 284 resulting from foreign activity incidental to domestic infringement of a patent pursuant to 35 U.S.C. § 271(f).

**International Law (Report Nos. 10A, 111 and 120)**

*For action on Report No. 10A*, encouraging online providers of legal documents to adopt the ABA Best Practice Guidelines for Online Legal Document Providers, see New York State Bar Association on page 43.

*For action on Report No. 111*, urging the United States Government, state, territorial, and tribal governments to take a leadership role in addressing the issue of climate change, see Environment, Energy, and Resources on page 38.

*Report No. 120*, urging the United States and other countries to take measures in response to the crimes committed against the Rohingya by the Burmese/Myanmar military, was amended and approved. As amended, it reads:

RESOLVED, That the American Bar Association urges the United States and other countries to take measures in response to any crimes committed against the Rohingya by the Burmese military. Specifically:

1) The U.S. Secretary of State should make a public determination on crimes committed against the Rohingya;
2) The United States should impose targeted sanctions against Burmese/Myanmar military (known as Tatmadaw) officials under the Global Magnitsky Human Rights Accountability Act (“Global Magnitsky Act”) and the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act (“JADE Act”), and the U.S. Secretary of State should designate Tatmadaw officials under the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2019 (“Appropriations Act”);
3) The United States should invoke tools of economic pressure to demand access for humanitarian aid in the Rakhine State and an end to serious human rights against the Rohingya and other minority groups;
4) The United Nations Security Council should refer the crimes committed by Burma – including suspected genocide, crimes against humanity, and war crimes – to the International Criminal Court and the United States should signal its support for such a referral;
5) The United States should continue to provide humanitarian aid to support needs on the ground in Bangladesh as well

as particular challenges of children and women and girls, and encourage other countries to do the same;
6) The United States and other countries should engage with the Government of Bangladesh to remove barriers and inefficiencies in relation to providing humanitarian assistance; and
7) The United States and other countries should help ensure that repatriation of the Rohingya is safe, voluntary, and dignified; and that repatriation agreements consider views of the Rohingya and human rights protections, including the recommendations of the Rakhine Advisory Commission prior to repatriation.

**JD-National Conference of the Administrative Law Judiciary**

**Report No. 100A**, encouraging state, local, and territorial jurisdictions that do not presently have a central panel system to consider establishing this model of state administrative law adjudications in appropriate cases, which was cosponsored by the Government and Public Sector Lawyers Division, *was revised and approved*³⁰. As revised, it reads:

RESOLVED, That the American Bar Association encourages state, local and territorial jurisdictions to consider using a central panel system for state administrative law adjudications in appropriate cases.

FURTHER RESOLVED, That the American Bar Association encourages state legislatures to implement several recommendations to increase central panel fairness and efficiency, including (1) independent funding allocated directly by the legislature; (2) the creation of an advisory council to review, analyze, and advise on current and proposed central panel practices; (3) a more balanced system of generalist/specialist ALJs within the central panels; (4) a complaint process for parties to voice their concerns; and (5) more training for adjudicating cases involving pro se litigants, addressing implicit bias, and increasing ALJ diversity.

**Report No. 100B**, encouraging federal, state and local governments to consider taking measures to maximize the ability of all Administrative Adjudicators to render decisions, freely, fairly, and independent of agency interference, which was cosponsored by the Government and Public Sector Lawyers Division, *was revised and approved*³¹. As revised, it reads:

³⁰ Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Donna Hershkowitz of California, Loren Kieve of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Maureen Onyeagbako of California, Michelle A. Philo of California and Roger Royse of California, abstained from voting with respect to this resolution.

³¹ Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Donna Hershkowitz of California, Loren Kieve of California, Sandra McCandless of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Maureen Onyeagbako of California, Michelle A. Philo of California and Roger Royse of California abstained from voting with respect to this resolution.
RESOLVED, That the American Bar Association urges federal, state, local, county, territorial, and tribal law-makers to ensure that their respective administrative adjudicators shall be protected in their decisional independence and shall be free from improper influence on their decision-making. Improper influence includes the imposition of decisional quotas that are unreasonably high or not reasonably determined. It also includes other inappropriate agency pressure to decide a case on any basis other than on the evidence and in accordance with applicable statutes, duly adopted regulations, precedents, and official and authoritative agency guidance of general applicability.

For the purposes of this resolution, the term “administrative adjudicators” includes administrative law judges, administrative judges, administrative appeals judges, hearing officers, presiding officers, and any other administrative adjudicator whose exclusive role is to decide matters that entail applying a statute, regulation, or any equivalent thereto.

Judicial Division (Report No. 105)
For action on Report No. 105, urging state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security, see Gun Violence on page 9.

Law Student Division (Report Nos. 102 and 111)
Report No. 102, urging state, territorial, tribal courts and law schools to adopt a “Pro Bono Scholars”-style program in their respective jurisdictions, was approved32. It reads:

RESOLVED, That the American Bar Association urges state, territorial, tribal courts, and law schools to adopt a “Pro Bono Scholars Program” in their respective jurisdictions that allows law students, in their final semester of law school, to obtain a full-time externship placement providing supervised pro bono services which deliver legal and other law-related services to the underserved through non-profit legal organizations; and

FURTHER RESOLVED, That the American Bar Association urges that eligible “Pro Bono Scholars” be provided the opportunity to take the February bar examination in their respective jurisdictions (if offered) during their final semester of law school.

For action on Report No. 111, urging the United States Government, state, territorial, and tribal governments to take a leadership role in

32 Judith Davila of Arizona, Colin H. Lindsay of Kentucky, Ramona G. See of California, Lynda C. Shely of Arizona, Margarita Silva of Arizona and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
addressing the issue of climate change, see Environment, Energy, and Resources on page 38.

**Litigation (Report Nos. 107, 110A, 116 and 118)**

*For action on Report No. 107*, urging each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), see Professional Regulation on page 19.

*For action on Report No. 110A*, supporting legislation creating the establishment of a Copyright Small Claims Program, see Intellectual Property Law on page 33.

**Report No. 116**, urging courts, as well as their respective bar associations, to carefully review their policies on use and admittance of cellphones in courthouses, was approved. It reads:

RESOLVED, That the American Bar Association encourages all federal, state, tribal, territorial, and local court systems, in conjunction with state, territorial, tribal and local bar associations, to carefully review their cellphone policies, so as to balance the security risks posed by cellphone use with the needs of litigants to ensure meaningful access to our judicial system, especially to those who are self-represented;

FURTHER RESOLVED, That the American Bar Association opposes cellphone policies that impose undue burdens on litigants, particularly those who are self-represented, lower income, disabled, and/or seeking emergency access to the courts; and

FURTHER RESOLVED, That the American Bar Association opposes cellphone policies or procedures that force litigants to leave their cellphones in unsecure locations outside the courthouse or to pay a fee for storage at a location outside the courthouse.

*For action on Report No. 118*, emphasizing the right of parents and children to family integrity and family unity, see Youth at Risk on page 22.

**Real Property, Trust and Estate Law (Report Nos. 103B and 119)**

*For action on Report No. 103B*, urging all lawyers who provide advance care planning as a part of their estate planning services to take into account the eight principles that were developed through the John A. Hartford Foundation funded project, see Law and Aging on page 15.

*For action on Report No. 119*, providing that any legislation and related regulations to detect and combat money laundering and terrorist financing must be consistent with eight fundamental principles,
see Gatekeeper Regulation and Regulation and the Profession on page 8.

Science and Technology Law (Report Nos. 111 and 112)
For action on Report No. 111, urging the United States Government, state, territorial, and tribal governments to take a leadership role in addressing the issue of climate change, see Environment, Energy, and Resources on page 38.

Report No. 112, urging courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence in the practice of law, was revised and approved33. As revised, it reads:

RESOLVED, That the American Bar Association urges courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence (“AI”) in the practice of law including: (1) bias, explainability, and transparency of automated decisions made by AI; (2) ethical and beneficial usage of AI; and (3) controls and oversight of AI and the vendors that provide AI.

Senior Lawyers Division (Report No. 103A and 103B)
For action on Report No. 103A, urging Congress to repeal the statutory exclusion of dental care and dentures for Medicare, see Law and Aging on page 15.

For action on Report No. 103B, urging all lawyers who provide advance care planning as a part of their estate planning services to take into account the eight principles that were developed through the John A. Hartford Foundation funded project, see Law and Aging on page 15.

Solo, Small Firm and General Practice Division (Report No. 10B)
For action on Report No. 10B, urging Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States, see Colorado Bar Association on page 41.

State and Local Government Law (Report No. 115G)
For action on Report No. 115G, urging Congress to amend the Equal Credit Opportunity Act, see Civil Rights and Social Justice on page 28.

Tort Trial and Insurance Practice (Report No. 10B)
For action on Report No. 10B, urging Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided

33 Elizabeth Snow Stong of New York abstained from voting with respect to this resolution.
throughout the United States, see Colorado Bar Association on page 41.

**Young Lawyers Division (Report Nos. 107 and 109)**

*For action on Report No. 107*, urging each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), see Professional Regulation on page 19.

*Report No. 109*, seeking to ensure that children who live in poverty, high crime communities, or experience race based trauma, or related stress receive the in-school service support needed to maintain or restore good health, was withdrawn.
IV. REPORTS OF STATE AND LOCAL BAR ASSOCIATIONS AND AFFILIATED ORGANIZATIONS

Colorado Bar Association (Report No. 10B)

Report No. 10B, urging Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States, which was cosponsored by the State Bar of Montana, Tort Trial & Insurance Practice Section, Solo, Small Firm and General Practice Division and the Standing Committee on the Delivery of Legal Services, was approved. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by deploying, to at least 98% of the population, broadband infrastructure with a download speed of at least 100 megabits per second, and an upload speed of at least 30 megabits per second.

Maricopa County Bar Association (Report No. 10C)

Report No. 10C, urging all private and public universities and colleges to uphold the principles of free expression on university and college campuses to promote freedom of debate and thought, and to protect that freedom when others attempt to restrict it, was approved. It reads:

RESOLVED, That the American Bar Association urges all private and public universities and colleges to adopt the following principles in furtherance of free expression on university and college campuses:

1. Universities and colleges have a responsibility to promote freedom of debate and thought, and to protect that freedom when others attempt to restrict it;

2. Except as necessary to comply with reasonable administrative rules applied on a content-neutral basis, universities and colleges should not restrict freedom of speech and debate protected by the First Amendment; and

3. Universities and colleges should protect all members of their communities and all speakers on their campuses and other locations from censorship, intimidation or retaliation on the basis of their opinions or beliefs.

34 Mary Ellen Coster Williams of the District of Columbia abstained from voting with respect to this resolution.
35 Kareem S. Aref of California, Ruthe C. Ashley of California, Anthony H. Barash of Illinois, Judith Davila of Arizona, Donna Higuera of Arizona, Loren Kieve of California, Sandra McCandless of California, John L. McDonnell, Jr. of California, Elizabeth Meyers of California, Maureen Onyeagbako of California, Michelle A. Philo of California, Margret G. Robb of Indiana, Roger Royse of California, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Keith Truffer of Maryland and Adam K. Zickerman of Arizona abstained from voting with respect to this resolution.
National Association of Criminal Defense Lawyers (Report No. 101)

Report No. 101, urging Congress to make the ameliorative provisions of the First Step Act retroactive, which was cosponsored by the Criminal Justice Section, was revised and approved. As revised, it reads:

RESOLVED, That the American Bar Association urges the federal government to immediately implement the First Step Act of 2018 by providing all necessary funding for its full implementation;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation to apply retroactively all of the sentencing amelioration provisions of the Act;

FURTHER RESOLVED, That the American Bar Association urges that, until legislation is adopted to make all of the sentencing amelioration provisions of the Act retroactive, the President and the Department of Justice should immediately implement a systemic program to consider commutation of the sentences of federal prisoners whose sentences would be lower if all of the ameliorative sentencing provisions of the Act were retroactive.

National Native American Bar Association (Report Nos. 115A and 115C)

For action on Report No. 115A, urging Congress to ensure that the health care delivered by the Indian Health Service (HIS) is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration, see Civil Rights and Social Justice on page 25.

For action on Report No. 115C, supporting the constitutionality of the Indian Child Welfare Act (ICWA) in the effort to strengthen tribal jurisdiction over their child welfare system, see Civil Rights and Social Justice on page 27.

National Organization of Bar Counsel (Report No. 107)

For action on Report No. 107, urging each state’s highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory programs (PMBR), see Professional Regulation on page 19.

New York County Lawyers Association (Report No. 10A)
For action on Report No. 10A, encouraging online providers of legal documents to adopt the ABA Best Practice Guidelines for Online Legal Document Providers, see New York State Bar Association on page 43.

New York State Bar Association Report No. 10A)
Report No. 10A, encouraging online providers of legal documents to adopt the ABA Best Practice Guidelines for Online Legal Document Providers, which was cosponsored by the New York County Lawyers Association, Standing Committee on the Delivery of Legal Services, Center for Innovation and the International Law Section, was approved. It reads:

RESOLVED, That the American Bar Association adopts the ABA Best Practice Guidelines for Online Legal Document Providers dated August 2019; and

FURTHER RESOLVED, That the American Bar Association urges online legal document providers to follow the ABA Best Practice Guidelines for Online Legal Document Providers.

State Bar of Montana (Report No. 10B)
For action on Report No. 10B, urging Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States, see Colorado Bar Association on page 41.
A. Informational Report (Report No. 177B)

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 2019 Midyear Meeting. During that period, the Board met on June 7, 2019. The Board’s Executive Committee met by conference call on January 23, March 18, April 2, May 16, June 5, 12, and 28, and July 15, and took action via email on July 11, 2019.

1. ABA Giving Day

The Board approved the request of the ABA Fund for Justice and Education to launch an official ABA Giving Day set to occur on May 1, coinciding with Law Day, with the understanding that the ABA Fund for Justice and Education will provide a status report on its implementation plan at the November 2019 Board of Governors Meeting.

August 2019

2. ABA Medal

The Board selected Dale Minami of San Francisco, California, as the recipient of the 2019 ABA Medal.

June 2019

3. ABA Logo

The Board approved the ABA Member Logo, with the addition that the appropriate current year is displayed in conjunction with the logo.

June 2019

4. Amicus Briefs

The Executive Committee approved the filing of an amicus curiae brief in Kahler v. Kansas 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 2019

The Executive Committee approved the filing of an amicus curiae brief in Consolidated Title VII Cases in the Supreme Court of the United States, subject to the approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

June 2019

The Executive Committee approved the filing of an amicus curiae brief in Peter v. Nantkwest 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.

July 2019

5. Awards

The Board approved the request of the Commission on Racial and Ethnic Diversity in the Profession to create a “Diversity and Inclusion Champions Award” which will be presented at the Spirit of Excellence Award Luncheon held at the ABA Midyear Meeting, to include a permanent trophy fixture which shall be updated with the name of the recipient annually and housed at a location within the ABA Headquarters.

June 2019

The Board approved the request of the Section of Litigation to create a one-time award to commemorate the centennial celebration of the 19th Amendment and the Women’s Suffrage Movement to be given to the keynote speaker at the 2019 Women in Litigation Joint Conference on November 13-15, 2019.

June 2019

The Board deferred the request to amend the Award Guidelines to the 2019 Annual Meeting to seek further clarification and guidance from the Office of General Counsel.

June 2019

The Board approved the request to amend the Award Guidelines to require awards selection committees to thoroughly vet all candidates prior to a final decision being made or announced.

August 2019

The Board approved the request of the Criminal Justice Section to remove all references to an age requirement from its scholarship application for the National Institute on White Collar Crime.

August 2019

The Board approved the request of the Section of Antitrust Law to change the monetary award amount for an already established award, Antitrust Law Student Writing Competition, from $1,000 to $2,500.

August 2019

The Board approved the request of the Section of Antitrust Law to continue the Consumer Protection Law Student Essay Project through FY2020.
The Board approved the request of the Section of Antitrust Law to establish the Privacy and Information Security Committee Young Lawyer Writing Competition through FY2020.

August 2019

The Board approved the request of the Section of Family Law to create a one-time contest titled "Texas Hold 'Em" tournament to be held on September 27, 2019, subject to review and approval by the Office of the General Counsel.

August 2019

The Board approved the request of the Business Law Section to create the 20/20 Partners Recognition Award to recognize young lawyers specializing in the field of business bankruptcy.

August 2019

6. Bylaw Amendments

The Board approved the requests from the Sections of Antitrust Law, Intellectual Property Law, and International Law to amend their bylaws.

June 2019

The Board approved the requests from the Section of Litigation, the Section of Legal Education and Admissions to the Bar, the Section of Family Law, the Section of Real Property, Probate and Trust Law, and the Solo, Small Firm and General Practice Division to amend their bylaws.

August 2019

7. Committees, Commissions, Task Forces, and Outside Organizations

The Board approved the request of the Commission on Lawyer Assistance Programs (Commission) to amend its jurisdictional statement to broaden it by adding the advancement of well-being to its mandate, and to more completely describe the scope of the Commission’s work.

June 2019

The Board approved the request of the ABA Center for Innovation to amend its jurisdictional statement.

June 2019

The Board approved the request of President-Elect Judy Perry Martinez to create a Commission on the 19th Amendment, with the understanding that the Commission will sunset in August 2020 and any ongoing activities will fold into existing ABA entities.
The Board approved the request of President-Elect Judy Perry Martinez to have up to six Counselors to the Commission on the 19th Amendment.

August 2019

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.

- Section of Intellectual Property Law to co-sponsor, with outside entities listed on its request, committee programs that may be held in the 2019-2020 association years.

- Section of Business Law to co-sponsor with Sagewise, an innovative online distributor, Law and Blockchain Podcasts.

- Governmental Affairs Office to co-sponsor with the Law Library of Congress, a monthly online newsletter titled, The Washington Letter.

- Standing Committee on Lawyer Referral and Information Service to co-sponsor, with local lawyer referral programs, law firms and related legal entities in the city of Austin, Texas, the annual National Lawyer Referral Workshop taking place in October 2019.

- Taxation Section to co-sponsor, with the Philadelphia Tax Conference, the 30th Annual Philadelphia Tax Conference taking place on October 28-29, 2019.

- Section of Civil Rights and Social Justice to co-sponsor, with the Human Rights Campaign, Project THRIVE, a multi-year national campaign to create more equitable, inclusive support systems and communities for LGBTQ youth.

- Young Lawyers Division to co-sponsor, with the National Conference of Women’s Bar Associations, the program titled, GOOD Guys (Guys
Overcoming Obstacles to Diversity): The Next Generation of Leaders. Both organizations will collaborate on various in-person and web events over the course of the 2021 fiscal year.

June 2019

- Standing Committee on Legal Assistance for Military Personnel to co-sponsor, with the listed outside entities, a Veterans’ Legal Career Fair throughout FY2020 and FY2021.

June 2019

- The Profession, Public Service and Diversity Committee deferred the request of the Governmental Affairs Office to co-sponsor, with The Preserve Public Service Loan Forgiveness Coalition, a survey on ABA members’ experiences with the Public Service Loan Forgiveness program in order to obtain the list of entities within the Public Service Loan Forgiveness Coalition.

June 2019

- Solo, Small Firm and General Practice Division to co-sponsor, with local bar associations in the Carlsbad, California area, its Solo & Small Firm Summit, taking place in October 2019.

July 2019

- Section of International Law, to co-sponsor, with outside entities listed on the request, Section programming for FY2019-2020.

July 2019

- Taxation Section to co-sponsor, with the Federal Bar Association Section on Taxation, the 5th Annual Young Tax Lawyers Symposium, taking place on July 19, 2019 in Washington D.C.

July 2019

- ABA Commission on Immigration to co-sponsor, with two outside entities: Saavy Suit and Vera Institute of Justice, a pro bono project relating to the Children’s Immigration Law Academy of the ABA.

July 2019

- Center on Children and the Law to co-create with the National Quality Improvement Center for Collaborative Community Court Teams, a resource (toolkit) for child welfare lawyers and judges.

July 2019

- Center for Human Rights, to co-sponsor with Human Rights Watch, a video which will highlight a trial observation conducted in Equatorial
Guinea as part of CHR’s TrialWatch Project with the Clooney Foundation.

July 2019

- Young Lawyers Division, to co-sponsor with the outside entities listed on the request, a networking event taking place on September 18, 2019 in Chicago, IL.

July 2019

- Business Law Section, Business Bankruptcy Committee, to co-sponsor with the National Association of Women Judges and the National Association of Bankruptcy Judges, a program titled, "Does Gender Matter: The Role of Gender in Judging", taking place on November 1, 2019 in Washington D.C.

July 2019

- Antitrust Law Section (Section) to co-sponsor with outside entities, Section “Committee Telephonic Programs" formerly called “Brown Bag" programs, that may be held in the 2019-2020 association years and to co-sponsor with ABA accredited law schools, a one-hour program titled “Why Antitrust/Why Consumer Protection Law?”, to be held at law schools and include a panel of Section members, taking place during the 2019-2020 association years, with the suggestion that the Section open the “Committee Telephonic Programs” to all ABA members.

August 2019

- Antitrust Law Section (Section) to co-sponsor with ABA accredited law schools, a one-hour program titled “Why Antitrust/Why Consumer Protection Law?”, to be held at law schools and include a panel of Section members, taking place during the 2019-2020 association years.

August 2019

- Section of Science & Technology Law to co-sponsor with outside entities listed on its request, Section “Committee Programs", also referred to as “Brown Bags" to be held via teleconference/webinar during the 2019-2020 association years, with the suggestion that the Section of Science & Technology Law open the “Brown Bags" to all ABA members.

August 2019

- Office of the President to co-sponsor with Berkeley School of Law, a program focused on the “Special 19th Amendment,” to be presented in Spring of 2020.
9. Email

The Board approved the request of the American Bar Endowment (ABE) for an exception to the email policy in the ABA Policy and Procedures Handbook, to allow ABE to promote its plans to ABE’s members via the ABA’s email distribution system from September 1, 2019, to August 31, 2020.

August 2019

10. Elections, Appointments and Nominations

The Executive Committee approved the request of President Robert M. Carlson to authorize submission, to the President of the United States, names of ABA Members to serve on the Civil Rights Cold Case Records Review Board (Board) and to the Civil Rights Cold Case Records Review Board, names of staff to support the Board, subject to final approval by the ABA President.

June 2019

The Board, sitting as members of the National Judicial College Corporation (NJC), elected the following Trustees representing the NJC: Norma Barnes-Euresti of Battle Creek, Michigan; Senator Richard Bryan of Las Vegas, Nevada; Judge Toni Clarke of Upper Marlboro, Maryland; Kim Hogrefe of Washington Township, New Jersey; Robert “Rob” Hunter of Birmingham, Alabama; and Robert “Bob” Parks of Miami, Florida.

June 2019

The Board approved one additional special advisor and continued 67 special advisors for 39 entities.

June 2019

The Board re-elected Judge Mary-Margaret Anderson of Piedmont, California, as a representative on the National Judicial College Board of Trustees for a second three-year term beginning on September 1, 2019 and expiring on August 31, 2022, as requested by the ABA Judicial Division.

June 2019

The Board elected Bonnie E. Fought of Hillsborough, California, and Alan S. Kopit of Cleveland, Ohio, each for a three-year term on the Standing Committee on Audit beginning at the conclusion of the 2019 Annual Meeting and expiring at the conclusion of the 2022 Annual Meeting, as requested by President-Elect Judy Perry Martinez.

June 2019
The Board, sitting as members of the ABA CEELI corporation (CEELI), approved the Minutes of the last meeting of the Members of CEELI held November 9, 2018 and elected Judy Perry Martinez and Patricia Lee Refo and re-elected Mary L. Smith to be Members of the Board of Directors of the Corporation.

August 2019

The Board, sitting as members of the National Judicial College (NJC), elected Darcee S. Siegel, of Bal Harbour, Florida, as the ABA Board of Governors representative on the NJC Board of Trustees, for a three-year term beginning on September 1, 2019 and expiring on August 31, 2022.

August 2019

The Board elected Judge Michelle Meier Keller of Covington, Kentucky, as Chair of the Board of Elections; Michele Coleman Mayes of New York, New York, and Dwight L. Smith of Tulsa, Oklahoma to serve one-year terms on the ABA Board of Elections beginning at the conclusion of the 2019 Annual Meeting.

August 2019

The Board elected Tommy D. Preston Jr. and re-elected Howard H. Vogel to the American Bar Endowment Board of Directors, for five-year terms each beginning on September 1, 2019 and expiring on August 31, 2024.

August 2019

11. Financial Matters

The Board considered FY2020 budget appeals from the recommendation of the Finance Committee.

June 2019

The Board approved the request of the Fund for Justice Council regarding certain Program Support Funds.

June 2019

The Board approved the FY2020 Proposed Internal Audit Plan, as requested by the Standing Committee on Audit.

June 2019

The Finance Committee heard eight appeals. The Board considered four appeals from recommendations from the Finance Committee.

June 2019

The Board approved the request of the Law Student Division for partial reimbursement of expenses, up to a maximum total of $24,000, incurred by
members of the Law Student Division Council for attendance at Division meetings to be held in conjunction with the ABA 2019 Annual Meeting.

June 2019

The Board approved the Consolidated FY2020 Budget of $212.9 million of revenue and $219.7 million of expense.

August 2019

12. International Matters

The Executive Committee approved the request from ROLI to re-approve the registration of a Branch Office in Uzbekistan, subject to the final approval of the corporate form and other legal arrangements by the Office of the General Counsel.

June 2019

13. Joint Letters

The Executive Committee approved the request of the Governmental Affairs Office to sign a joint letter with the American Immigration Lawyers Association, the Federal Bar Association, and the National Association of Immigration Judges in support of the establishment of an immigration court that is independent from the Department of Justice, with the recommendation that the language in the draft letter be revisited to clarify to whom the “inherent conflict of interest” reference applies.

May 2019

The Executive Committee authorized ABA President Robert M. Carlson to sign the Proposals to the G7 Governments.

July 2019

14. Legal Services Corporation

The Board approved the request of the ABA Standing Committee on Governmental Affairs and the Standing Committee on Legal Aid and Indigent Defendants (SCLAID) to authorize the Director, Governmental Affairs Office, to coordinate with SCLAID every year in February or March to determine a fiscal year funding request for the Legal Services Corporation to be used in annual advocacy efforts on behalf of the Association.

August 2019

15. Meetings and Meeting Matters

The Board approved the request to relocate the 2021 Midyear Meeting to Chicago due to economic reasons.
The Board approved the request from the Standing Committee on Meetings and Travel that the current rate structure and format remain the same for the 2020 Annual Meeting.

The Board approved the request from the Standing Committee on Meetings and Travel to amend the Policies and Procedures Handbook to further clarify the current policies.

16. Memoranda of Understanding/Agreements

The Board approved the request of the Section of Public Contract Law (Section) to revise/update the Section’s 2011 Memorandum of Understanding with the National Association of Procurement Officials, subject to review and approval of the revisions/updates to Memoranda of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

The Board approved the request of the Health Law Section to each enter into Memorandum of Understanding with the Health Information Management Systems Society from September 2019 through September 2022, 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.

The Board approved the request of ABA Rule of Law Initiative to enter into Memoranda of Understanding with the following legal and civil society institutions and organizations: Arab Prosecutor’s Association, Hanoi Procuratorate University in Vietnam, Ministry of Social Affairs – Tunisia, People’s Police Academy in Vietnam, University of Kalemie in DRC, University of Lubumbashi in DRC, Development Strategy Center in Uzbekistan, and the Philippine Judicial Academy, subject to review and approval of the Memoranda of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

The Board approved the request of the Commission on Racial and Ethnic Diversity in the Profession to enter into a Memorandum of Understanding with Interlaw Diversity Forum, 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.
17. Memorial Resolutions

The Board adopted memorial resolutions for former ABA President Talbot “Sandy” D’Alemberte of Tallahassee, Florida, and former ABA President S. Shepherd Tate of Memphis, Tennessee.

18. Membership/Member Benefits

The Board approved the request from the Standing Committee on Membership to establish an Agency Group membership program for all Sections, Divisions, and Forums.

The Board approved the request from the Standing Committee on Membership to add WordStream to the ABA Advantage program, subject to review and approval of the contract by the Office of General Counsel.

The Board approved the request from the Standing Committee on Membership to add Eden Residence Club to the ABA Member Advantage program, subject to review and approval of the contract by the Office of General Counsel.

The Board approved the request from the Standing Committee on Membership to amend the Policies and Procedures Handbook to further clarify the current policies in line with the new Membership Model.

The Executive Committee approved the request from the ABA Executive Director and Deputy Executive Director to approve the ABA entering into a 60-day pilot program with Thomson Reuters (TR) that provides TR customers who are not ABA members with a rebate in the form of “ABA Dollars” to be spent with the ABA, for purchases of new or upgraded services or goods, subject to approval by the Office of General Counsel.

19. Policy Matters

The Board deferred approval of the Social Media Policy as it applies to ABA members until the 2019 Annual Meeting.
The Board approved the request to establish a uniform review process for reports and other issuances released to the public expressing policy preferences by entities that are not currently subject to the Blanket Authority procedures until the 2020 Midyear Meeting with the understanding that the policy will not be included in the Policy and Procedures Handbook at this time.

August 2019

The Board approved the request of the ABA Executive Director to approve the Social Media Policy for ABA Members as amended.

August 2019

20. Presidential Citations

The Presidential Citation Subcommittee of the Profession, Public Service and Diversity Committee approved the request of President Robert M. Carlson to award Presidential Citations to the following: Steven R. Binder of San Diego, California, Tracy A. Giles of Roanoke, Virginia, George T. “Buck” Lewis of Memphis, Tennessee, and Andrew Van Singel of Wayland, Michigan.

July 2019

21. Programmatic Matters

The Board approved the request of the Commission on Women in the Profession (Commission) to seek outside funding for two events: a) “Women in Law Retreat” to be held in May 2020, and b) “World Forum for Women in the Law” held in conjunction with the 2020 ABA Annual Meeting. The Board also approved the request of the Commission to open separate accounts within its Program Support Fund to track the revenue and expenses of each project.

June 2019

The Board approved the request of the Solo, Small Firm and General Practice Division to Establish the FirstJob Summer Intern Program, subject to review of the program by the Office of the General Counsel.

August 2019

The Board approved the request of the Section of Civil Rights and Social Justice to seek outside funding and to create the “Explaining the Basics of Administrative Law Animated Video Project” subject to the approval of the Standing Committee on Publishing Oversight and review by the Office of the General Counsel, Media Relations and Strategic Communications, and the Governmental Affairs Office, and subject to working with the Judicial Division National Conference of Administrative Law Judiciary, the Government and
Public Lawyers Sector Division, and the Section of Administrative Law and Regulatory Practice.

August 2019

22. Technical Comments

The Executive Committee approved the request of the Forum on Affordable Housing & Community Development Law to provide comments on the proposed regulations issued under Section 1400Z-2 of the Internal Revenue Code, subject to certain conditions.

June 2019
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:

**Treasurer for 2020-2023 (to serve as Treasurer-Elect from 2019-2020)**
Kevin L. Shepherd of Maryland

**President-Elect for 2019-2020**
Patricia Lee Refo of Arizona

The following persons also were elected by the House of Delegates as members of the Board of Governors for the 2019-2022 term:

- District 7: William K. Weisenberg of Ohio
- District 8: Laura Bellegie Sharp of Texas
- District 10: Patrick G. Goetzinger of South Dakota
- District 11: Beverly J. Quail of Colorado
- District 13: Charles J. Vigil of New Mexico
- District 18: Christine Hayes Hickey of Indiana
- Section of Science & Technology Law: Bonnie E. Fought of California
- Tort Trial & Insurance Practice Section: Michael W. Drumke of Illinois
- Solo, Small Firm & General Practice Division: James M. Durant II of Illinois
- Goal III LGBT Member-at-Large: James J.S. (Jim) Holmes of California
- Goal III Woman Member-at-Large: Lynn M. Allingham of Alaska
- Law Student: Michaela Posner of Camarillo, California

**Scope and Correlation of Work**
The House of Delegates elected Harry S. Johnson of Maryland for a five-year term, as a member of the Committee on Scope and Correlation of Work beginning at the conclusion of the 2019 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 2019 Annual Meeting of the Association by their colleagues of the Bench and the State Bar of San Francisco.

Further Resolved, That the Association extends its particular thanks to the 2019 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 Presidents of the Bar Association of San Francisco, the State Bar of California and the California Lawyers 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 revised and approved. As revised, it reads:

RESOLVED, That the Association policies set forth in Attachment 1 to Report 400A, dated August 2019, 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; and

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 1999 which were previously considered for archiving but retained, was revised and approved. As revised, it reads:

RESOLVED, That the Association policies adopted in 1999 which were previously considered for archiving but retained as set forth in Attachment 1 to Report 400B dated August 2019, 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; and
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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