

Summary of Action of the House of Delegates

AMERICAN BAR ASSOCIATION



2019 MIDYEAR MEETING • LAS VEGAS, NEVADA • JANUARY 28, 2019

American Bar Association
321 North Clark Street
Chicago, IL 60654
312/988-5000
<http://www.americanbar.org>

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

**William R. Bay, Chair, Presiding
Las Vegas, Nevada
January 28, 2019**

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INTRODUCTION

Enclosed you will find a Summary of the Action taken by the House of Delegates at the 2019 Midyear Meeting in Las Vegas, Nevada. This Summary is being sent to each member of the House of Delegates, as well as to the President and Executive Director of each state bar association, local bar association and affiliated organization represented in the House. It also will be transmitted to all section and division chairs as well as to all standing and special committee chairs.

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

Any member of the House of Delegates may propose a correction to this Summary. However, the rules of procedure require that the Secretary be notified of any such proposed corrections within ten days from receipt of this Summary. Action on any proposed corrections will be considered in August 2019 at the Annual Meeting of the House of Delegates in San Francisco, California.

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

Mary L. Smith
Secretary

*Published by
the American Bar Association
as the record of proceedings
of its House of Delegates
at the Association's
Midyear Meeting, 2019*

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

ABA/BNA Lawyers' Manual on Professional Conduct
American Judicial System
Armed Forces Law
Center for Professional Responsibility, Coordinating Council
for the
Center for Professional Responsibility Policy Implementation
Committee
Credentials and Admissions, House Committee on*
Cybersecurity Legal Task Force
Disability Rights, Commission on
Domestic and Sexual Violence, Commission on*
Ethics and Professional Responsibility
Gun Violence*
Hispanic Legal Rights and Responsibilities, Special Committee
Homelessness and Poverty, Commission on
Immigration, Commission on
Interest on Lawyers' Trust Accounts, Commission on
Law and Aging, Commission on
Law and National Security
Law Library of Congress
Lawyer Assistance Programs, Commission on
Lawyers' Professional Liability
Legal Aid and Indigent Defendants
Legal Assistance for Military Personnel
Paralegals*
Pro Bono and Public Service
Professional Discipline
Professionalism
Public Protection in the Provision of Legal Services
Racial and Ethnic Diversity in the Profession, Commission on
Rule of Law Initiative*
Scope and Correlation of Work
Sexual Orientation and Gender Identity, Commission on*
Specialization*
Women in the Profession, Commission on

*The report of this Committee, Commission or Task Force contained resolutions as stated in Section IC of this Summary.

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

ABA *Journal* Board of Editors
ABA Working Group to Advance Well-Being in the Legal
Profession
AIDS Coordinating Council
Africa Law Initiative Council
American Jury, Commission on
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
Central European and Eurasian Law Initiative Council
Client Protection
Constitution and Bylaws
Continuing Legal Education
Death Penalty Due Process Review Project
Death Penalty Representation, Special Committee on
Delivery of Legal Services
Disaster Response and Preparedness
Election Law
Federal Judiciary
Fund for Justice and Education, Council of the
Gavel Awards
Governmental Affairs
Group and Prepaid Legal Services
Human Rights, Center for
International Trade in Legal Services
Justice Center, Coordinating Council for the
Latin America and Caribbean Law Initiative Council
Lawyer Referral and Information Service
Medical Professional Liability
Meetings and Travel
Membership
Middle East and North Africa Law Initiative Council
National Conference of Lawyers
Professional Regulation
Public Education
Publishing Oversight
Racial and Ethnic Diversity in the Educational Pipeline, Center
for
Racial and Ethnic Diversity in the Educational Pipeline, Council
on
Racial and Ethnic Justice, Coalition on
Technology and Information Systems
Veterans Legal Services, Commission on
Youth at Risk, Commission on

C. Action of the House on Committee, Commission and Task Force Resolutions:

American Judicial System (Report No. 100)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, and recommends that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, ***see Judicial Division on page 21.***

Credentials and Admissions (Report No. 200)

Report No. 200, recommending that the California Lawyers Association be admitted into the ABA House of Delegates as the secondary state bar of California and that it receives five of the State Bar of California's current eleven delegates, ***was approved.*** It reads:

The Credentials and Admissions Committee recommends that the California Lawyers Association be admitted into the ABA House of Delegates as the secondary state bar of California and that it receives five of the State Bar of California's current eleven delegates as follows:

- At the conclusion of the 2019 Annual Meeting, the CLA will be eligible to certify three of the State Bar of California's current delegate seats for two-year terms that would expire at the conclusion of the 2021 Annual Meeting;
- At the conclusion of the 2020 Annual Meeting, the CLA will be eligible to certify two of the State Bar of California's current delegate seats, including its one young lawyer seat, for two-year terms that would expire at the conclusion of the 2022 Annual Meeting.

Disability Rights (Report No. 106B and 107B)

For action on Report No. 106B, urging federal, state, local, territorial and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent themselves from purchasing firearms, ***see Gun Violence on page 5.***

For action on Report No. 107B, urging legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status

4 REPORTS OF COMMITTEES, COMMISSIONS AND TASK FORCES

as a victim of domestic or sexual violence, **see *Civil Rights and Social Justice on page 16.***

Domestic and Sexual Violence (Report Nos. 106A, 106B, 106C, 107B and 115)

For action on Report No. 106A, opposing laws that would authorize teachers, principals or other nonsecurity school personnel to possess a firearm in, or in the vicinity of, a pre-K through grade 12 public, parochial, or private school, and the use of government or public funds to provide firearms training to teachers, principals, or other non-security school personnel, or to purchase firearms for those individuals, **see *Gun Violence on page 5.***

For action on Report No. 106B, urging federal, state, local, territorial and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent themselves from purchasing firearms, **see *Gun Violence on page 5.***

For action on Report No. 106C, urging that the possession of firearms in and around courthouses be limited to persons with an official role in security and that such persons be required to complete annual training in firearm safety, **see *Gun Violence on page 6.***

For action on Report No. 107B, urging legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status as a victim of domestic or sexual violence, **see *Civil Rights and Social Justice on page 16.***

Report No. 115, opposing the imposition upon sexual assault victims of a legal burden of resistance before legal protection attaches, and urging federal, state, local, territorial, and tribal jurisdictions to oppose, laws or rules that allow consent to sexual activity to be inferred in whole or in part from inaction or lack of verbal or physical resistance, which was cosponsored by the Section of Civil Rights and Social Justice and the Law Student Division, ***was amended and approved***¹. As amended, it reads:

¹ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

RESOLVED, That the American Bar Association opposes the imposition upon sexual assault victims of a legal burden of resistance before legal protection attaches.

Gun Violence (Report Nos. 106A, 106B and 106C)

Report No. 106A, opposing laws that would authorize teachers, principals or other non-security school personnel to possess a firearm in, or in the vicinity of, a pre-K through grade 12 public, parochial, or private school, and the use of government or public funds to provide firearms training to teachers, principals, or other non-security school personnel, or to purchase firearms for those individuals, which was cosponsored by the Section of Civil Rights and Social Justice, Criminal Justice Section and the Commission on Domestic and Sexual Violence, **was approved**². It reads:

RESOLVED, That the American Bar Association opposes laws and policies that would authorize teachers, principals or other non-security school personnel to possess a firearm in, or on the grounds of, a pre-K through grade 12 public, parochial, or private school; and

FURTHER RESOLVED, That the American Bar Association opposes the use of government or public funds to provide firearms training to teachers, principals, or other non-security school personnel, or to purchase firearms for those individuals.

Report No. 106B, urging federal, state, local, territorial and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent themselves from purchasing firearms, which was cosponsored by the Commission on Disability Rights, Section of Civil Rights and Social Justice, Criminal Justice Section, Commission on Domestic and Sexual Violence and the Commission on Sexual Orientation and Gender Identity, **was approved**³. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent

² Joseph B. Bluemel of Wyoming, Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

³ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

6 **REPORTS OF COMMITTEES, COMMISSIONS AND TASK FORCES**

themselves from purchasing firearms. Such measures should include, at minimum, the following provisions that:

1. any person may voluntarily and confidentially request that their own name be added to the Index of the National Instant Criminal Background Check System, an equivalent state background system, or to both, to prevent future firearms purchases;
2. the statute, rule, or regulation provide a procedure with appropriate safeguards whereby the person may have their name removed and such record deleted from the System; and

the statute, rule, or regulation provide appropriate safeguards to reasonably ensure that persons who request inclusion or removal from the System do not face stigma, discrimination, or any adverse action, and are entitled to confidentiality so that the fact that the person prohibited from purchasing a firearm is only disclosed when a valid background check is done.

Report No. 106C, urging that the possession of firearms in and around courthouses be limited to persons with an official role in security and that such persons be required to complete annual training in firearm safety, which was cosponsored by the Criminal Justice Section, Section of Civil Rights and Social Justice, and the Commission on Domestic and Sexual Violence, ***was withdrawn***.

Hispanic Legal Rights and Responsibilities (Report No. 107B)

For action on Report No. 107B, urging legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status as a victim of domestic or sexual violence, ***see Civil Rights and Social Justice on page 16***.

Immigration (Report No. 109A)

For action on Report No. 109A, urging the Attorney General to rescind the “Zero Tolerance” and “Operation Streamline policies” that mandate the prosecution of all persons alleged to have improperly entered the United States for the first time, a misdemeanor under 8 U.S.C. 1325; end the practice of expedited mass prosecution of immigrants; and allow for an individualized determination in deciding whether to file criminal charges, ***see Criminal Justice on page 17***.

Law and Aging (Report No. 108)

For action on Report No. 108, urging the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*, **see Senior Lawyers Division on page 22.**

Lawyer Assistance Programs (Report No. 108)

For action on Report No. 108, urging the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*, **see Senior Lawyers Division on page 22.**

Legal Aid and Indigent Defendants (Report No. 108)

For action on Report No. 108, urging the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*, **see Senior Lawyers Division on page 22.**

Paralegals (Report No. 103)

Report No. 103, granting the approval of three programs, granting reapproval of thirteen paralegal education programs, withdrawing the approval of two programs at the request of the institutions, and extending the term of approval to 31 paralegal education programs, **was approved.** It reads:

RESOLVED, That the American Bar Association approves the following paralegal education programs: Irvine Valley College, Paralegal Studies Program, Irvine, CA; Baton Rouge Community College, Paralegal Studies Program, Baton Rouge, LA; and Molloy College, Paralegal Studies Program, Rockville Centre, NY;

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

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Angeles City College, Paralegal Studies Program, Los Angeles, CA; University of New Haven, Legal Studies Program, West Haven, CT; St. Petersburg College, Legal Studies Program, Clearwater, FL; Georgia Piedmont Technical College, Paralegal Studies Program, Covington, GA; Herzing University, Legal Studies Program, Atlanta, GA; Wilbur Wright College, Paralegal Program, Chicago, IL; Des Moines Area Community College, Legal Assistant Program, Des Moines, IA; Finger Lakes Community College, Paralegal Program, Canandaigua, NY; Monroe Community College, Paralegal Studies Program, Rochester, NY; SUNY Rockland Community College, Paralegal Studies Program, Suffern, NY; South University, Paralegal and Legal Studies Program, Columbia, SC; Brightwood College, Paralegal Studies Program, Nashville, TN; and Pioneer Pacific College, Legal Assistant/Paralegal Program, Wilsonville, OR;

FURTHER RESOLVED, That the American Bar Association withdraws the approval of the following paralegal education programs: Baker College of Jackson, Paralegal Program, Jackson, MI; and Gannon University, Legal Studies Program, Erie, PA, at the request of the institutions; and

FURTHER RESOLVED, That the American Bar Association extends the terms of approval until the August 2019 Annual Meeting of the House of Delegates for the following paralegal education programs: Faulkner University, Legal Studies Program, Montgomery, AL; South University, Paralegal Studies and Legal Studies Program, Montgomery, AL; California State University, Paralegal Studies Program, Los Angeles, CA; West Los Angeles College, Paralegal Studies Program, Culver City, CA; University of San Diego, Paralegal Program, San Diego, CA; Community College of Aurora, Paralegal Program, Denver, CO; Miami Dade College, Paralegal Studies Program, Miami, FL; Kapi'olani Community College, Paralegal Program, Honolulu, HI; Midstate College, Paralegal Studies Program, Peoria, IL; Ball State University, Legal Studies, Muncie, IN; Anne Arundel Community College, Paralegal Studies Program, Arnold, MD; Bay Path University, Legal Studies, Longmeadow, MA; Macomb Community College, Legal Assistant Program, Warren, MI; 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; Union County College, Paralegal Studies Program, Cranford, NJ; Hofstra University, Paralegal Studies Program, Hempstead, NY; Schenectady County Community College, Paralegal

Studies, Schenectady, NY; Westchester Community College (SUNY), Paralegal Studies Program, Valhalla, NY; Methodist University, Legal Studies Program, Fayetteville, NC; South College, Asheville, Legal/Paralegal Studies Program, Asheville, NC; Fayetteville Technical College, Paralegal Technology Program, Fayetteville, NC; National American University, Paralegal Studies Program, Sioux Falls, SD; University of Tennessee Chattanooga, Legal Assistant Studies Program, Chattanooga, TN; Chattanooga State Community College, Paralegal Studies Program, Chattanooga, TN; Southwest Tennessee Community College, Paralegal Studies, Memphis, TN; Texas A&M University Commerce, Paralegal Studies Program, Commerce, TX; Milwaukee Area Technical College, Paralegal Program, Milwaukee, WI; and American National University, Paralegal Program, Salem, VA.

Racial and Ethnic Diversity in the Profession (Report No. 107B)

For action on Report No. 107B, urging legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status as a victim of domestic or sexual violence, ***see Civil Rights and Social Justice on page 16.***

Rule of Law Initiative (Report No. 116)

Report No. 116, encouraging states and entities working to implement the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration to take additional steps to address root causes of displacement and forced migration, develop policies that discourage the criminal prosecution of migrants and refugees, encourage the accountable use of prosecutorial discretion, and protect migrants and refugees from bias and discrimination regardless of gender, race, sexual orientation, sexual identity, national origin, and religion, ***was approved***⁴. It reads:

RESOLVED, That the American Bar Association urges States and entities working to implement the *Global Compact on Refugees (December 2018)* and the *Global Compact for Safe, Orderly and Regular Migration (December 2018)* (collectively, the “Compacts”) to fully implement the Compacts and also act to:

⁴ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

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- 1) Address the root causes of internal displacement and forced migration, including by providing support to transitional justice mechanisms and justice institutions that address widespread repression, persecution and violence in fragile communities;
- 2) Develop policies that discourage the criminal prosecution of migrants and refugees, especially asylum seekers, for unauthorized entry, and further encourage the accountable use of prosecutorial discretion in the exercise of enforcement measures;
- 3) Support and promote the establishment of a system of robust and equitable global responsibility-sharing to foster solutions to protracted displacement;
- 4) Promote the dignity and self-reliance of displaced persons, and recognize and emphasize the protection of their rights, particularly those of internally displaced persons (IDPs);
- 5) Protect refugees, migrants, and IDPs from bias and discrimination, including by (a) promoting specific legislative or other measures to provide protections against discrimination on the basis of gender, race, ethnicity, national origin, religion, disability, age, sexual orientation, and gender identity; and (b) ensuring a right to protection from discrimination and pervasive bias, through the promotion of evidence-based and inclusive conversation and decision making around the issues of migration and displacement.

Sexual Orientation and Gender Identity (Report Nos. 106B, 107B, 111, 113 and 114)

For action on Report No. 106B, urging federal, state, local, territorial and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent themselves from purchasing firearms, ***see Gun Violence on page 5.***

For action on Report No. 107B, urging legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status as a victim of domestic or sexual violence, ***see Civil Rights and Social Justice on page 16.***

For action on Report No. 111, adopting the *Model Act Governing Assisted Reproduction*, dated January 2019, ***see Family Law on page 19.***

For action on Report No. 113, opposing laws, regulations, and rules or practices that discriminate against LGBT individuals in the exercise of the fundamental right to parent; urging lawmakers in jurisdictions where such discriminatory laws, regulations, and practices exist to promptly repeal them; and urges bar associations and attorneys to defend victims of anti-LGBT discrimination, and to recognize and support their colleagues taking on this work, ***see National LGBT Bar Association on page 27.***

Report No. 114, urging Congress to enact the federal Equality Act, H.R. 2282 (115th Congress), or similar legislation which explicitly affirms that: (1) discrimination because of sexual orientation or gender identity is sex discrimination prohibited by the Civil Rights Act of 1964 and certain other federal statutes; and (2) federal statutory protections for religious freedom do not authorize violation of nondiscrimination laws, and affirms that religiously neutral laws of general applicability prohibiting discrimination based on sexual orientation or gender identity do not improperly burden the religious free exercise rights of those operating places of public accommodation, ***was revised and approved***⁵. As revised, it reads:

RESOLVED, That the American Bar Association urges Congress to pass legislation which explicitly affirms that: discrimination because of sexual orientation, gender identity/expression, sex stereotyping, or pregnancy is sex discrimination prohibited by the Civil Rights Act of 1964 and other federal statutes; and adds sex, sexual orientation and gender identity protections to those statutes; and

FURTHER RESOLVED, That the American Bar Association supports enactment of the Equality Act (H.R. 2282, 115th Congress) or similar legislation that advances LGBTQ rights; and

FURTHER RESOLVED, That the American Bar Association urges all courts within the United States to recognize that religiously neutral laws of general applicability prohibiting discrimination on the basis of sex (which includes discrimination on the basis of sexual orientation or gender identity/expression) do not improperly burden the religious free exercise rights of those operating places of public accommodation. This resolution does not apply to the application of nondiscrimination laws to religious institutions to the extent that application would substantially interfere with the

⁵ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

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exercise of a fundamental religious tenet of the religious institution.

Specialization (Report No. 102)

Report No. 102, granting reaccreditation to the DUI Defense law program of the National College for DUI Defense, and extending the existing accreditation periods of 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 DUI Defense program of the National College for DUI Defense; and

FURTHER RESOLVED, That the American Bar Association extends the accreditation period of the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy until the adjournment of the next meeting of the American Bar Association's House of Delegates in August, 2019.

Women in the Profession (Report No. 107B)

For action on Report No. 107B, urging legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status as a victim of domestic or sexual violence, ***see Civil Rights and Social Justice on page 16***.

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

Antitrust Law
Business Law
Civil Rights and Social Justice*
Criminal Justice*
Dispute Resolution
Family Law*
Intellectual Property Law*
Judicial Division*
JD-National Conference of the Administrative Law Judiciary
JD-National Conference of Federal Trial Judges
JD-National Conference of State Trial Judges
Law Student Division
Legal Education and Admissions to the Bar*
Litigation
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
Environment, Energy and Resources
Government and Public Sector Lawyers Division
Health Law
Infrastructure and Regulated Industries
International Law
Labor and Employment Law
JD-Appellate Judges Conference
JD-Lawyers Conference
JD-National Conference of Specialized Court Judges
Law Practice Division
Public Contract Law
Real Property, Trust and Estate Law
Taxation

* The report of this Section or Division contained resolutions as stated in Section IIC of this Summary.

14 REPORTS OF SECTIONS AND DIVISIONS

C. Action of the House on Section and Division Resolutions:

Antitrust (Report No. 100)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019 and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, ***see Judicial Division on page 21.***

Business Law (Report No. 100)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019 and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, ***see Judicial Division on page 21.***

Civil Rights and Social Justice (Report Nos. 106A, 106B, 106C, 107A, 107B and 115)

For action on Report No. 106A, opposing laws that would authorize teachers, principals or other non-security school personnel to possess a firearm in, or in the vicinity of, a pre-K through grade 12 public, parochial, or private school, and the use of government or public funds to provide firearms training to teachers, principals, or other non-security school personnel, or to purchase firearms for those individuals, ***see Gun Violence on page 5.***

For action on Report No. 106B, urging federal, state, local, territorial and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent themselves from purchasing firearms, ***see Gun Violence on page 5.***

For action on Report No. 106C, urging that the possession of firearms in and around courthouses be limited to persons with an official role in security and that such persons be required to complete annual training in firearm safety, ***see Gun Violence on page 6.***

Report No. 107A, urging the federal judiciary, Congress, and the Department of Homeland Security to enact legislation and adopt policies to protect the privacy interests of those crossing the border by imposing standards for searches and seizures of electronic devices, protection of attorney-client privilege, the work product doctrine, and lawyer-client confidentiality, which was

cosponsored by the Criminal Justice Section, ***was revised and approved***⁶. As revised, it reads:

RESOLVED, That the American Bar Association urges the federal judiciary to recognize the substantial privacy and confidentiality interests, as well as the important national security and law enforcement interests, implicated by searches and seizures of electronic devices at the border; and

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation and, until legislation is enacted, urges the U.S. Department of Homeland Security to adopt policy, that would:

- (1) require a warrant based on probable cause for seizures (other than temporary seizures for searches other than forensic searches or for the purpose of obtaining a warrant) and forensic searches of electronic devices carried by American citizens and lawful permanent residents entering the country, or by any person leaving the country, unless an exception to the warrant requirement other than the border search exception applies;
- (2) prohibit any government entity from denying an American citizen or lawful permanent resident entry or exit based on the person's failure to disclose an access credential or provide access to an electronic device for a search;
- (3) fully protect the attorney-client privilege, the work product doctrine, and the lawyer's ethical obligation to maintain confidential information during border crossings; and
- (4) require the federal government to record each instance in which it conducts a forensic search of an electronic device seized at the border and issue an annual report summarizing such searches.

Report No. 107B, urging legal employers not to require pre-dispute mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, or status as a victim of domestic or

⁶ Richard N. Bien of Missouri, Toni E. Clarke of Maryland, Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut, Keith R. Truffer of Maryland and Christopher T. Whitten of Arizona abstained from voting with respect to this Resolution.

sexual violence, which was cosponsored by the Commission on Domestic and Sexual Violence, Commission on Disability Rights, Commission on Racial and Ethnic Diversity in the Profession, Commission on Sexual Orientation and Gender Identity, Commission on Hispanic Legal Rights and Responsibilities and the Commission on Women in the Profession, ***was amended and approved***⁷. As amended, it reads:

RESOLVED, That the American Bar Association urges legal employers not to require that, before a dispute arises, employees agree to mandatory arbitration of claims of unlawful discrimination, harassment or retaliation based upon race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity or expression, marital status, genetic information, or status as a victim of domestic or sexual violence.

For action on Report No. 115, opposing the imposition upon sexual assault victims of a legal burden of resistance before legal protection attaches, and urging federal, state, local, territorial, and tribal jurisdictions to oppose, laws or rules that allow consent to sexual activity to be inferred in whole or in part from inaction or lack of verbal or physical resistance, ***see Domestic and Sexual Violence on page 4.***

Criminal Justice (Report Nos. 106A, 106B, 106C, 107A, 109A, 109B, 109C and 109D)

For action on Report No. 106A, opposing laws that would authorize teachers, principals or other non-security school personnel to possess a firearm in, or in the vicinity of, a pre-K through grade 12 public, parochial, or private school, and the use of government or public funds to provide firearms training to teachers, principals, or other non-security school personnel, or to purchase firearms for those individuals, ***see Gun Violence on page 5.***

For action on Report No. 106B, urging federal, state, local, territorial and tribal governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules, or regulations allowing individuals to temporarily prevent themselves from purchasing firearms, ***see Gun Violence on page 5.***

For action on Report No. 106C, urging that the possession of firearms in and around courthouses be limited to persons with an official role in security and that such persons be required to

⁷ Toni E. Clarke of Maryland, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut, Keith R. Truffer of Maryland and Christopher T. Whitten of Arizona abstained from voting with respect to this Resolution.

complete annual training in firearm safety, *see Gun Violence on page 6.*

For action on Report No. 107A, urging the federal judiciary, Congress, and the Department of Homeland Security to enact legislation and adopt policies to protect the privacy interests of those crossing the border by imposing standards for searches and seizures of electronic devices, protection of attorney-client privilege, the work product doctrine, and lawyer-client confidentiality, *see Civil Rights and Social Justice on page 14.*

Report No. 109A, urging the Attorney General to rescind the “Zero Tolerance” and “Operation Streamline policies” that mandate the prosecution of all persons alleged to have improperly entered the United States for the first time, a misdemeanor under 8 U.S.C. 1325; end the practice of expedited mass prosecution of immigrants; and allow for an individualized determination in deciding whether to file criminal charges, which was cosponsored by the Commission on Immigration, **was approved**⁸. It reads:

RESOLVED, That the American Bar Association urges the United States Attorney General to rescind the policy of prosecuting all individuals who enter the United States without authorization at the southern border for the misdemeanor offense of illegal entry pursuant to 8 U.S.C. §1325, end the practice of expedited mass prosecution of immigrants, and allow for an individualized determination in deciding whether to file criminal charges;

FURTHER RESOLVED, That the American Bar Association urges the federal judiciary to take appropriate measures to ensure that every defendant charged with the misdemeanor offense of illegal entry is represented by counsel who has had an adequate opportunity to consult with the defendant, and that any guilty plea is knowing, intelligent, and voluntary;

FURTHER RESOLVED, That the American Bar Association urges Congress to provide sufficient funding for the judiciary to enable it to take the above measures and sufficient funding to ensure that each defendant receives effective assistance of counsel; and

FURTHER RESOLVED, That the American Bar Association urges the United States Attorney General to exercise prosecutorial discretion and refrain from prosecuting asylum seekers for the offense of illegal entry.

⁸ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

Report No. 109B, urging federal, state, local, territorial and tribal legislatures to define criminal arrests, charges and dispositions that are eligible for expungement or removal from public view by sealing, and set out procedures for individuals to apply for the same, **was approved**⁹. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal legislatures to define criminal arrests, charges, and dispositions that are eligible for expungement or removal from public view by sealing, and set out procedures for individuals to apply for the same.

Report No. 109C, urging federal, state, local, territorial and tribal legislatures to enact legislation, and correctional and detention facilities to enact policies, to provide all women prisoners in all forms of detention with unrestricted access to free toilet paper and a range of free feminine hygiene products, in sufficient quantities to address their needs, **was approved**¹⁰. It reads:

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal legislatures to enact legislation, and correctional and detention facilities to enact policies, to provide all women prisoners in all forms of detention, both adult and juvenile, with unrestricted access, on housing units, to free toilet paper and a range of free feminine hygiene products, including both tampons and sanitary pads, in sufficient quantities to address their needs.

Report No. 109D, urging federal, state, local, territorial and tribal legislatures to amend existing laws or enact new laws to clearly define child torture and make child torture a felony offense regardless of whether a serious physical injury occurs, and to promote training, for all court and medical personnel in these cases, on emerging evidence-based and effective practices to improve government responsiveness to severe maltreatment of children that does not inflict serious bodily injury, **was approved**¹¹. It reads:

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

⁹ Toni E. Clarke of Maryland, Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Lynda C. Shely of Arizona, Margarita Silva of Arizona and Keith R. Truffer of Maryland and Christopher T. Whitten of Arizona abstained from voting with respect to this Resolution.

¹⁰ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Lynda C. Shely of Arizona, Margarita Silva of Arizona and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

¹¹ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut, Keith R. Truffer of Maryland and Christopher T. Whitten of Arizona abstained from voting with respect to this Resolution.

amend existing laws or enact new laws to clearly define child torture and make child torture a felony offense regardless of whether a serious physical injury occurs; and

FURTHER RESOLVED, That the American Bar Association urges governments to promote training for judges, prosecutors, physicians, law enforcement, child protection authorities, and victim-witness advocates on emerging evidence-based, victim-centered and effective practices, and to utilize the Child Advocacy Care (CAC) model of collaboration and providing services to improve government responsiveness to severe cases of child abuse.

Dispute Resolution (Report No. 100)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019 and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, ***see Judicial Division on page 21***.

Family Law (Report No. 111)

Report No. 111, adopting the *Model Act Governing Assisted Reproduction*, dated January 2019, which was cosponsored by the Section of Science and Technology Law and Commission on Sexual Orientation and Gender Identity, ***was revised and approved***¹². As revised, it reads:

RESOLVED, That the American Bar Association adopts the *ABA Model Act Governing Assisted Reproduction* [2019] dated January 28, 2019* (“Model Act [2019]”) to replace the 2008 ABA Model Act Governing Assisted Reproductive Technology; and

FURTHER RESOLVED, That the American Bar Association approves the Model Act [2019] as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act.

Intellectual Property Law (Report Nos. 100 and 104)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019 and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, ***see Judicial Division on page 21***.

¹² Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

* The ABA Model Act Governing Assisted Reproduction dated January 2019, is available upon request to the Policy and Planning Division.

Report No. 104, encouraging a consistent approach to the application of the “fair use” doctrine in copyright law in the context of the digital environment and with respect to repackaging copyrighted material, ***was revised and approved***¹³. As revised, it reads:

RESOLVED, That the American Bar Association supports the principle that the doctrine of “fair use” should be applied consistently and in a manner consistent with the provision for copyright, which is “to Promote the Progress of Science and useful Arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” (see U.S. Const., Art. I, §8, cl.8); and

FURTHER RESOLVED, That the American Bar Association supports the principle that when a user of copyrighted works (i) merely repackages all or substantially all of the copyrighted material and (ii) delivers it to the copyright owner’s actual or potential market, that use should not in and of itself be deemed a transformative use that would weigh in favor of fair use, regardless of whether the user can deliver that copyrighted material more efficiently than the copyright owner or its current licensees; and

FURTHER RESOLVED, That the American Bar Association supports the principle that such a copyright owner’s actual or potential market are those markets that are traditional, reasonable or likely to be developed, regardless of whether the copyright owner has already entered a particular market or has plans to do so.

Judicial Division (Report No. 100)

Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019*, and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, which was cosponsored by the National Conference of Federal Trial Judges, National Conference of State Trial Judges, Standing Committee on the American Judicial System, Business Law Section, Section of Litigation, Section of Dispute Resolution, Section of Intellectual Property Law, Tort Trial and Insurance

¹³ Toni E. Clarke of Maryland, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut, Keith R. Truffer of Maryland and Christopher T. Whitten of Arizona abstained from voting with respect to this Resolution.

* The *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation* dated January 2019, is available upon request to the Policy and Planning Division.

Practice Section and the Section of Antitrust Law, **was approved**¹⁴. It reads:

RESOLVED, That the American Bar Association adopts the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019*.

FURTHER RESOLVED, That Bankruptcy Rule 9031 should be amended to permit courts responsible for cases under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases.

Law Student Division (Report No. 115)

For action on Report No. 115, opposing the imposition upon sexual assault victims of a legal burden of resistance before legal protection attaches, and urging federal, state, local, territorial, and tribal jurisdictions to oppose, laws or rules that allow consent to sexual activity to be inferred in whole or in part from inaction or lack of verbal or physical resistance, **see *Domestic and Sexual Violence on page 4***.

Legal Education and Admissions to the Bar (Report No. 105)

Report No. 105, amendments to Standard 316 (Bar Passage) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*, **was not concurred with by the House**.

Litigation (Report No. 100)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019 and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, **see *Judicial Division on page 21***.

National Conference of the Administrative Law Judiciary (Report No. 108)

For action on Report No. 108, urging the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*, **see *Senior Lawyers Division on page 22***.

¹⁴ Ndidi Moses of Connecticut abstained from voting with respect to this Resolution.

* The *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation* dated January 2019, is available upon request to the Policy and Planning Division.

National Conference of Federal Trial Judges (Report No. 100)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019, and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, ***see Judicial Division on page 21.***

National Conference of State Trial Judges (Report No. 100)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019 and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, ***see Judicial Division on page 21.***

Science and Technology Law (Report No. 111)

For action on Report No. 111, adopting the *Model Act Governing Assisted Reproduction*, dated January 2019, ***see Family Law on page 19.***

Senior Lawyers Division (Report No. 108)

Report No. 108, urging the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*, which was cosponsored by the Commission on Law and Aging, Commission on Lawyer Assistance Programs, Section of State and Local Government Law, Solo, Small Firm and General Practice Division, Standing Committee on Legal Aid and Indigent Defendants, and the National Conference of the Administrative Law Judiciary, ***was approved***¹⁵. It reads:

RESOLVED, That the American Bar Association adopts the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*; and

FURTHER RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal courts,

¹⁵ Judith Davila of Arizona, Donna Herschkowitz of California, Lori A. Higuera of Arizona, Lynda C. Shely of Arizona, Margarita Silva of Arizona and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*.

Solo, Small Firm and General Practice Division (Report No. 108)

For action on Report No. 108, urging the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*, **see Senior Lawyers Division on page 22**.

State and Local Government Law (Report No. 108)

For action on Report No. 108, urging the American Bar Association to adopt and federal, state, local, territorial, and tribal courts, governmental entities, bar associations, public health agencies, lawyer assistance programs, lawyer regulatory entities, institutions of legal education, and law firms to implement the recommendations and action points in the report, *Experienced Lawyers, American Families, and the Opioid Crisis—Report of the Opioid Summit May 2018*, **see Senior Lawyers Division on page 22**.

Tort Trial and Insurance Practice (Report Nos. 100 and 112)

For action on Report No. 100, adopting the *ABA Guidelines for the Appointment and Use of Special Masters in Federal and State Civil Litigation*, dated January 2019 and recommending that Bankruptcy Rule 9031 be amended to permit courts responsible for matters under the Bankruptcy Code to use special masters in the same way as they are used in other federal cases, **see Judicial Division on page 21**.

Report No. 112, urging Congress and the United States Department of Defense to direct the Armed Forces and its Public Private Venture housing contractors to enact uniform breed-neutral pet policies for families living in military housing, **was revised and approved**¹⁶. As revised, it reads:

RESOLVED, That the American Bar Association urges Congress and the United States Department of Defense to

¹⁶ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Keith R. Truffer of Maryland and Christopher T. Whitten of Arizona abstained from voting with respect to this Resolution.

direct the Armed Forces and its Public Private Venture housing contractors to enact uniform breed-neutral pet policies for families living in military housing in the United States.

Young Lawyers Division (Report No. 101A and 101B)

Report No. 101A, encouraging federal, state, local, territorial, and tribal legislatures and court systems, in conjunction with state and local bar associations, to support and assist with the establishment and maintenance of lactation areas in courthouses for members of the public, including lawyers, jurors, litigants, witnesses, and observers, ***was approved***¹⁷. It reads:

RESOLVED, That the American Bar Association encourages federal, state, local, territorial, and tribal legislatures and court systems, in conjunction with state and local bar associations, to support and assist with the establishment and maintenance of lactation areas in courthouses. The lactation areas should be available to members of the public, including lawyers, jurors, litigants, witnesses, and observers. The lactation areas should: (1) be shielded from view and free from intrusion from the public; (2) have a door that can be locked; (3) include a place to sit, a table or other flat surface, and an electrical outlet, (4) be readily accessible to and usable by individuals with disabilities; and (5) not be located in a restroom.

Report No. 101B, urging the enactment of a rule by the highest courts or legislative bodies of all states, territories, and tribes charged with the regulation of the legal profession, as well as by all federal courts, providing that a motion for continuance based on parental leave of either the lead attorney or another integrally involved attorney in the matter shall be granted under certain conditions, ***was revised and approved***¹⁸. As revised, it reads:

RESOLVED, That the American Bar Association urges the enactment of a rule by all state, local, territorial, and tribal legislative bodies or their highest courts charged with the regulation of the legal profession, as well as by all federal courts, providing that a motion for continuance based on parental leave of either the lead attorney or another integrally involved attorney in the matter be granted if:

- a) consented to by all parties
- b) or if not consented to by all parties

¹⁷ Ndidi Moses of Connecticut, Keith R. Truffer of Maryland and Christopher T. Whitten of Arizona abstained from voting with respect to this Resolution.

¹⁸ Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

- i. the motion is made within a reasonable time after the reason for the continuance has been discovered;
- ii. there is no substantial prejudice to another party;
- iii. the criminal defendant's speedy trial rights are not prejudiced, and
- iv. the judge finds that the request was not made in bad faith, including for purposes of undue delay.

26 III. REPORTS OF STATE AND LOCAL BAR ASSOCIATIONS
AND AFFILIATED ORGANIZATIONS

Connecticut Bar Association (Report No. 10B)

For action on Report No. 10B, condemning federal government shutdowns which impair the legal system and undermine the Rule of Law, ***see New York State Bar Association on page 28.***

National Conference of Commissioners on Uniform State Laws (Report Nos. 110A, 110B, 110C, 110D and 110E)

Report No. 110A, regarding the Uniform Criminal Records Accuracy Act, ***was approved.*** It reads:

RESOLVED, That the American Bar Association approves the Uniform Criminal Records Accuracy Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

Report No. 110B, regarding the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, ***was approved.*** It reads:

RESOLVED, That the American Bar Association approves the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

Report No. 110C, regarding the Uniform Fiduciary Income and Principal Act, ***was approved.*** It reads:

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

Report No. 110D, regarding the Uniform Nonparent Custody and Visitation Act, ***was approved.*** It reads:

RESOLVED, That the American Bar Association approves the Uniform Nonparent Custody and Visitation Act promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law contained in the act.

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Report No. 110E, regarding the Uniform Supplemental Commercial Law for the Uniform Regulation of Virtual-Currency Businesses Act, **was approved**. It reads:

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

National LGBT Bar Association (Report No. 113)

Report No. 113, opposing laws, regulations, and rules or practices that discriminate against LGBT individuals in the exercise of the fundamental right to parent; urging lawmakers in jurisdictions where such discriminatory laws, regulations, and practices exist to promptly repeal them; and urging bar associations and attorneys to defend victims of anti-LGBT discrimination, and to recognize and support their colleagues taking on this work, which was cosponsored by the Commission on Sexual Orientation and Gender Identity, **was approved**¹⁹. It reads:

RESOLVED, That the American Bar Association opposes laws, regulations, and rules or practices that discriminate against LGBT individuals in the exercise of the fundamental right to parent;

FURTHER RESOLVED, That the American Bar Association urges lawmakers in jurisdictions where such discriminatory laws, regulations, and practices exist to promptly repeal them and ensure the equal protection of all LGBT individuals under the law; and

FURTHER RESOLVED, That the American Bar Association urges bar associations and attorneys to defend victims of anti-LGBT discrimination, and to recognize and support their colleagues taking on this work.

New York State Bar Association (Report No. 10A and 10B)

Report No. 10A, regarding the adoption of the ABA Best Practices for Online Document Providers, **was withdrawn**.

Report No. 10B, condemning federal government shutdowns which impair the legal system and undermine the Rule

¹⁹ Judith Davila of Arizona, Lori A. Higuera of Arizona, Ndidi Moses of Connecticut, Linda Strite Murnane of Ohio, Margret G. Robb of Indiana, Lynda C. Shely of Arizona, Margarita Silva of Arizona, Elizabeth Snow Stong of New York, Alvin W. Thompson of Connecticut and Keith R. Truffer of Maryland abstained from voting with respect to this Resolution.

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of Law, which was cosponsored by the Connecticut Bar Association, ***was amended and approved***. As amended, it reads:

RESOLVED, that the American Bar Association condemns federal government shutdowns, which impair our legal system and undermine the rule of law.

FURTHER RESOLVED, that the American Bar Association calls upon the President of the United States and Congress to refrain, now and in the future, from allowing the federal budget process to injuriously impact the proper functioning of the federal judiciary and the rule of law.

Puerto Rico Bar Association (Report No. 10C)

For action on Report No. 10C, opposing the withholding of funds previously appropriated by Congress for disaster relief and recovery, or their diversion for other purposes, and reaffirming support for the Principles of Rule of Law in Time of Major Disaster, ***see Virgin Islands Bar Association on page 28***.

Virgin Islands Bar Association (Report No. 10C)

Report No. 10C, opposing the withholding of funds previously appropriated by Congress for disaster relief and recovery, or their diversion for other purposes, and reaffirming support for the Principles of Rule of Law in Time of Major Disaster, which was cosponsored by the Puerto Rico Bar Association, ***was approved***²⁰. It reads:

RESOLVED, That the American Bar Association opposes the withholding by the Executive Branch of funds previously appropriated by Congress for disaster relief and recovery, or their diversion for other purposes.

FURTHER RESOLVED, That the American Bar Association reaffirms its support for the August 2007 Principles of Rule of Law in Time of Major Disaster, including the principle that government assistance authorized by law should be distributed in an expeditious and efficient manner consistent with principles of equal treatment, due process and transparency.

²⁰ Margret G. Robb of Indiana abstained from voting with respect to this Resolution.

A. Informational Report (Report No. 177)

The Board of Governors (Board) is directed by §48.2 of the House Rules of Procedure to report to the House of Delegates on actions taken by the Board. This report sets forth actions taken by the Board since the 2018 Annual Meeting. During that period, the Board met on November 9, 2018. The Board's Executive Committee met by conference call in executive session on November 28, 2018 to discuss the progress of the working group on the 501c3 entity and met by conference call on December 6, 2018.

1. ABA Journal

The Board approved the request of President Robert M. Carlson to amend the jurisdictional statement of the ABA Journal as revised.

January 2019

2. ABA Logo

The Board approved the new ABA logo.

January 2019

3. Awards

The Board approved the request of the Forum on Construction Law to continue its law student writing competition for 2019, 2020, and 2021.

January 2019

The Board approved the request of the Judicial Division to create a "Civility Award" in the name of the late Hon. William D. Missouri.

January 2019

The Board approved the request of the Solo, Small Firm and General Practice Division to establish a sweepstakes, "Passport to Prizes," which will be conducted at its Fall and Spring Meetings, subject to review by the Office of General Counsel and clarification of prizes to be awarded.

January 2019

The Board approved the request of the Section of Litigation to establish a sweepstakes, "Passport to Prizes," which will be conducted at the Section's Annual Conference, subject to review by the Office of General Counsel.

January 2019

4. Bylaw Amendments

The Board approved the requests to amend bylaws from the Young Lawyers Division and the Section of Labor and Employment Law.

November 2018

The Board approved the requests from the Tort Trial and Insurance Practice Section and the Law Student Division to amend their bylaws and deferred approval of the request from the Section of Intellectual Property Law (Section) to amend its bylaws in order to obtain additional information from the Section.

January 2019

The Board approved the request of the Standing Committee on Audit to amend its charter.

January 2019

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

The Board approved the request of the Commission on Disability Rights to participate in a Diversity Task Force (2018-2019)—organized and managed by Diversity Lab—that examines the feasibility of broadening the scope of a law firm diversity pilot program, which measures diversity in leadership, to include lawyers with disabilities.

November 2018

The Board approved the request of the ABA Representatives and Observers to the United Nations Committee to amend its mission statement.

November 2018

The Board approved the request of the Fund for Justice and Education to create a Program Support Fund for the ABA Media Relations and Strategic Communications Division.

January 2019

6. Co-sponsorships

Section of Dispute Resolution to co-sponsor China Arbitration Week and the China Arbitration Summit in September 2018 in Beijing, China and the China Mediation Summit 2018 to be held September 11-13, 2018 in Changsha, China, organized by the China Council on the Promotion of International Trade Mediation Center.

August 2018

Section of Environment, Energy, and Resources to co-sponsor and make a financial contribution from section funds to a public service project, “The Water Conservation Garden” during its 26th Fall Conference on October 17, 2018 in the San Diego area.

September 2018

Center on Children and the Law to be listed as a co-creator of a resource for juvenile defenders on trauma-informed legal advocacy, entitled *Trauma-Informed Legal Advocacy: A Resource for Juvenile Defense Attorneys*.

September 2018

Young Lawyers Division to co-sponsor the International Association of Young Lawyers (AIJA) Symposium on Entrepreneurship and Innovation, to be held November 8 – 10, 2018, in San Diego, California, at the Westin San Diego Gaslight Quarter.

September 2018

Standing Committee on Legal Aid and Indigent Defendants to co-sponsor a briefing/public education event on Public Defense Fees in the Juvenile Justice system in Washington, DC in October 2018.

September 2018

Standing Committee on the American Judicial System to co-sponsor *Contemporary Threats to Judicial Independence and Freedom of the Press*, a course for judges presented by the National Judicial College, which will be held at the National Press Club and JW Marriott in Washington, D.C. on December 10-13, 2018.

September 2018

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Criminal Justice section to co-sponsor a webinar with the Judges' and Psychiatrists' Leadership Initiative, an initiative developed by the Council of State Governments Justice Center and the American Psychiatric Association Foundation. The program is designed to increase cultural competency of judges and trial lawyers around issues of mental illness and substance abuse.

October 2018

Commission on Women in the Profession to co-sponsor Ms. JD's *LaddHer Up* retreat at the Silverado Resort & Spa in Napa, California on October 18-19, 2018 and a presentation of its Grit Project and a panel discussion about the career paths of women leaders in the field of law, to be held at the New York City Bar Association in New York, New York on October 25, 2018.

October 2018

Standing Committee on Legal Assistance to Military Personnel to list the American Bar Association as a co-sponsor of the Veterans Legal Career Fair on September 21, 2018, in Washington DC.

October 2018

Section of Environment, Energy, and Resources to co-sponsor, with specific non-ABA entities, non-CLE Section programs that may be held in the 2018-2019 and 2019-2020 association years.

November 2018

Section of Science & Technology Law to co-sponsor the Task Force on Climate-Related Financial Disclosures, which develops voluntary, consistent climate-related financial risk disclosures for use by companies in providing information to investors, lenders, insurers, and other stakeholders.

November 2018

Section of Intellectual Property Law (i) to co-sponsor the 12th Annual USPTO *Design Day 2019* tentatively scheduled for Tuesday, April 16, 2019, in the Madison Auditorium at USPTO Headquarters in Alexandria, Virginia, and to contribute approximately \$3,000 derived from Section funds; and (ii) to co-sponsor World IP Day, an annual event promoted by the World Intellectual Property Organization of the United Nations at the Rayburn House Office Building (tentatively) in Washington, DC on April 26, 2019, and contribute no more than \$5,000 derived from Section funds.

November 2018

Section of Litigation (i) to co-sponsor a Duke University School of Law Survey to gain additional insights on the Federal Civil Rules Amendments that took effect in 2015. This survey would be distributed to the section's members in January or February 2019; and (i) to co-sponsor the National Judicial College's symposium for judges and journalists titled, "So-Called Judges' and the 'Enemy of the People': Judges, Journalists, and the Prospects for Democracy in a Time of Presidential Scorn" to be held at the National Press Club on December 13, 2018 and contribute \$1,500 derived from Section funds.

November 2018

Center for Innovation to co-sponsor the *Prototyping for Policy: Law + Design Summit* being held at Stanford Law School on November 8-9, 2018.

November 2018

Judicial Division to co-sponsor a reception on Tuesday, December 11, 2018 at the Indiana State Bar Association's office, honoring former AJC Chair and retired Indiana State Supreme Court Justice Frank Sullivan, Jr.

November 2018

The ABA Observers and Representatives to the United Nations to co-sponsor a City Bar of New York program being held on December 10, 2018.

December 2018

Judicial Division to co-sponsor *Contemporary Threats to Judicial Independence and Freedom of the Press*, a course for judges presented by the National Judicial College which will be held at the National Press Club and JW Marriott in Washington on December 10-13, 2018.

December 2018

Commission on Women in the Profession to co-sponsor the National Conference of Bar Presidents presentation "Good Guys (Guys Overcoming Obstacles to Diversity): The Next Generation of Leaders" at the ABA Midyear Meeting on January 25, 2019.

December 2018

Section of Civil Rights and Social Justice to co-sponsor the *University of Pennsylvania Journal of Constitutional Law's* 2019 Symposium on Friday, January 25, 2019.

December 2018

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Commission on Women in the Profession to co-sponsor a presentation of the Grit Project and roundtable discussions about using a grit and growth mindset to advance in the legal profession at Western Michigan University Thomas M. Cooley Law School in Lansing, Michigan on January 25, 2019.

December 2018

Section of Public Contract Law to co-sponsor the “*Grit in Government Contracts*” program with The George Washington University Law School on February 27, 2019.

December 2018

Approved the request from the Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds to *The Urban Farm at Stapleton*, a community service project taking place during its 48th Spring Conference on March 27, 2019 in Denver.

December 2018

Approved the request from the Young Lawyers Division to co-sponsor an event with the National Bar Association’s YLD and the Hispanic Bar Association’s YLD on February 21, 2019, from 6 – 8 PM ET at The Park on 14th in Washington, D.C.

January 2019

Approved the request from the Center for Human Rights and Lawyers Without Rights to co-sponsor a reception and panel discussion with the German Federal Bar titled: “Legal Lessons from the Holocaust: When Lawyers Remain Silent” on Thursday, February 7, 2019, at the NY City Bar.

January 2019

Approved the request from the Division for Public Education to co-sponsor an annual Summer Teacher’s Institute with the Justice Anthony M. Kennedy Library and Learning Center, beginning in 2019.

January 2019

Approved the request from the Division for Public Education to co-sponsor an innovative online (web and mobile) platform called Gell, whose mission is to “bring people together through civil discourse on issues that matter.”

January 2019

Approved the request from the Division for Public Education to co-sponsor with the Harvard Kennedy School a Forum to mark the centennial of the 19th Amendment.

January 2019

Approved the request of the Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds to the District of Columbia Bar Association's Environment, Energy and Natural Resources Community Annual Summer Reception in 2019, 2020, and 2021.

January 2019

Approved the request of the Section of Environment, Energy, and Resources to co-sponsor, with several outside entities, non-CLE Section programs that may be held in the 2018-2019 and 2019-2020 association years.

January 2019

Approved the request of the Section of International Law to co-sponsor Section programming with certain outside entities for the remainder of the 2019 Association year.

January 2019

Approved the request of the Judicial Division National Conference of State Trial Judges to co-sponsor a program with the New York State Office of Court Administration Gender Fairness Committee on March 25, 2019, at Albany Law School.

January 2019

Approved the request of the Section of Science & Technology Law to co-sponsor the International Conference on Unmanned Aircraft Systems from June 11-14, 2019 in Atlanta.

January 2019

Approved the request of the Standing Committee on Public Education to co-sponsor with Public Square Media, a video to mark the centennial of the 19th Amendment.

January 2019

Approved the request of the Center for Human Rights to cosponsor a briefing on Capitol Hill on Wednesday, January 30, 2019 with the Center for Strategic and International Studies regarding the threats to the rule of law and the future of the International Commission Against Impunity in Guatemala.

January 2019

7. Dues Matters

The Board deferred the requests to increase dues from the Section of Real Property, Trust and Estate Law, the Government and Public Sector Lawyers Division, and the Section of International Law to allow for consultations with these Sections, the Standing Committee on Membership and ABA Marketing and to determine if empirical research has been done.

January 2019

The Board approved the request of the Standing Committee on Membership (SCOM) to establish a dues rate for Law Student Graduate members and the creation of a Tiered Section Dues Pilot Program to run until the end of FY2022. The Board approved the request that the Executive Committee and SCOM work together until August 2019 on the modifications of the Full Firm Membership Pilot Program.

January 2019

8. Elections, Appointments and Nominations

The Board, sitting as members of the ABA CEELI corporation (CEELI), approved the Minutes of the last meeting of the Members of CEELI held August 11, 2017 and elected Robert M. Carlson and re-elected Hilarie Bass and Mary L. Smith members of the Board of Directors of CEELI.

November 2018

The Board approved the request, as amended, from ABA Secretary Mary L. Smith to amend the Delegate-at-Large Campaigning Rules to provide a mechanism for reporting and/or investigation of complaints regarding violations of the rules and to further maintain the integrity of the ABA's election process, effective immediately.

November 2018

The Board approved the request of the Judicial Division's National Conference of Administrative Law Judiciary to appoint a liaison to the National Association of Immigration Judges.

January 2019

The Board re-elected Robert A. Armitage as the ABA representative on the Board of Trustees of the American Intellectual Property Law Education Foundation for a second three-year term beginning on July 1, 2019 and expiring on June 30, 2022.

January 2019

The Board elected Keith Matthews of Washington, DC, as the ABA representative to the Council for Agricultural Science and Technology to fill the unexpired term of Brandon Wade Neuschafer of Saint Louis, Missouri, through October 1, 2020.

January 2019

9. Financial Matters

The Board approved the amended FY2019 Section Budget.

November 2018

The Board approved the request to allow the Executive Committee to execute, before the next scheduled Board meeting, a transaction to convert all or a portion of the variable-rate loan to a fixed-rate loan, provided the Finance Committee so recommends.

November 2018

The Board approved the request of the Standing Committee on Paralegals to waive the \$100 per day limit on reimbursement of reasonable travel and lodging expenses for Approval Commission members to attend twice yearly meetings at the ABA Headquarters in Chicago, Illinois.

November 2018

The Board accepted an Opportunity Grant from ABE and approved a waiver of the \$300,000 (or 4% of the allocation to ABA/ABE, whichever is less) limit on Opportunity Grants.

January 2019

The Board accepted the consolidated financial statement, details of consolidation and other information for the years ended August 31, 2018, and 2017 as prepared by Grant Thornton, the ABA's independent auditors. In addition, the Board approved the request to retain Grant Thornton as the ABA's independent auditors for the year ended August 31, 2019, on the same terms and conditions for the year ended August 31, 2018.

January 2019

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10. International Matters

The Board approved the request of ROLI to register a ROLI Branch Office in Liberia.

November 2018

The Board deferred the request of ROLI to launch the Global Law Firm Network to obtain further information from ROLI and ABA Membership & Marketing.

January 2019

The Board approved the request of ROLI for an updated list of Approved Countries of Operation, Donors, and Thematic Program Areas to add the Wildlife Conservation Society as a donor.

January 2019

11. Legislative Priorities

The Board approved the ABA Legislative and Governmental Priorities for 2019-2021.

January 2019

12. Meetings and Meeting Matters

The Board approved the request of the Government and Public Sector Lawyers Division (Division) to charge a registration fee for Division programs to be presented at the 2019 ABA Midyear Meeting in Las Vegas. The Division will charge a registration fee of no more than \$50.00 each for up to four CLE programs that will be offered by the Division for government lawyers.

November 2018

The Board approved the request of President-Elect Judy Perry Martinez to conduct the November 13-15, 2019, Board meeting as a teleconference and the June 10-12, 2020, Board meeting in Chicago, Illinois.

January 2019

13. Memoranda of Understanding/Agreements

The Board approved the request of the ABA Tort Trial and Insurance Practice Section (Section) to extend a Memorandum of Understanding (MOU) between the Section and the Union Internationale des Avocats through 2021, subject to review and approval of the MOU by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

November 2018

The Board approved the request of the Section of Litigation to extend its Memorandum of Understanding (MOU) with the Union Internationale des Avocats through 2021, subject to review and approval of the MOU by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

November 2018

The Board approved the request of ABA Rule of Law Initiative (ROLI) to enter into Memoranda of Understanding with the European Law Foundation, Direction Générale de la Sureté Nationale, and Présidence du Ministère Public, subject to review and approval by the ABA Office of General Counsel and a signed copy on file with the Policy and Planning Division.

November 2018

The Board approved the request of ROLI to enter into a Memorandum of Understanding with the African Union, subject to review and approval by the ABA Office of General Counsel, and a signed copy filed with the Division for Policy and Planning.

November 2018

The Board approved the request of the ABA Rule of Law Initiative to enter into twenty-one Memoranda of Understanding, subject to review and approval by the ABA Office of General Counsel and signed copies filed with the Policy and Planning Division.

January 2019

14. Memorial Resolution

The Board adopted a memorial resolution for former Board member John J. Bouma of Phoenix, Arizona.

January 2019

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15. Membership/Member Benefits

The Board deferred the request of the Standing Committee on Membership to add Eden Residence Club to the ABA Advantage program until the June 2019 Board meeting to allow for further research.

January 2019

16. Policy Matters

The Board approved the request of Executive Director Jack L. Rives to amend the Social Media Policy (Policy) and the Business Conduct Standards. Approval was with the understanding that the Policy will immediately apply to staff. The Board will receive a request to amend the Policy to apply to members.

January 2019

The Board approved the request of the Fund for Justice and Education to amend the Member Benefit Policy to allow for contracting with third party vendors that act as agents for companies to create and service affinity program relationships.

January 2019

17. Programmatic Matters

The Board approved the request of the Commission on Sexual Orientation and Gender Identity (SOGI) to create the ABA SOGI LGBT Public Interest Scholarship Program and to seek outside funding.

November 2018

The Board approved the request of the Standing Committee on Public Education to seek outside funds for ABA activities related to the commemoration of the centennial anniversary of the passage of the 19th Amendment, guaranteeing and protecting women's constitutional right to vote.

November 2018

The Board approved the request of the Standing Committee on Election Law (Standing Committee) to create a Program Support Fund to allow the Standing Committee to receive charitable contributions from individuals, law firms, corporations, foundations, civic organizations, law schools, and others.

November 2018

The Board approved the request of the Division for Bar Services (Division) to create a Program Support Fund for the Division to receive charitable contributions from individuals, law firms, corporations, foundations, civic organizations, law schools, and others.

November 2018

The Board approved the request of the Fund for Justice and Education to create a Program Support Fund for the ABA Media Relations and Strategic Communications Division.

January 2019

18. Publishing

The Board approved the request of the Standing Committee on Publishing Oversight to amend certain sections of the Policy and Procedures Handbook.

January 2019

ABA LEGISLATIVE AND GOVERNMENTAL
PRIORITIES UPDATE FOR THE
115th CONGRESS

(Attachment to Report No. 177)

At the Midyear Meeting every odd year – that is, at the beginning of each new Congress – the Standing Committee on Government Affairs and the Governmental Affairs Office recommend to the Board of Governors a list of proposed Federal Legislative and Government Priorities to guide the ABA advocacy during the ensuing Congress. The Board considered and adopted at its January 2019 meeting the following:

Access to Legal Services

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

Civil Justice System Access

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

Criminal Justice System Improvements

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

Elimination of Discrimination

- LGBT Discrimination
- Gender Discrimination
- Protection of Voting Rights

Immigration Reform

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

Independence of the Judiciary

- Judicial Vacancies
- Federal Judicial Resources
 - Funding
 - Additional Judgeships
- Efforts that Infringe on Separation of Powers or Undermine the Judiciary

Independence of the Legal Profession

- Federal Government Policies that Erode the Attorney-Client Privilege
- Excessive Federal Agency Regulations Affecting Lawyers
- Mandatory Accrual Accounting for Law Firms

International Rule of Law

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

Legal Education

- Financing of Legal Education
- Public Service Loan Repayment

National Security and Civil Liberties

- Cybersecurity
- Torture of Detainees in U.S. Custody

44 V. OTHER MATTERS

A. **Nominations of Officers and Members of the Board of Governors**

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

Officers of the Association

Treasurer-Elect for 2019-2020 (to serve as Treasurer for 2020-2023)

Kevin L. Shepherd of Maryland

President-Elect (2020-2021 Term)

Patricia Lee Refo of Arizona

The Nominating Committee also nominated the following persons for election at the 2019 Annual Meeting as members of the Board of Governors for the 2019-2022 term:

District 7: William K. Weisenberg of Ohio

District 8: Laura 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

Goal III LGBT Member-at-Large: James J.S. Homes of California

Goal III Woman Member-at-Large: Lynn M. Allingham of Alaska

Section Member-at-Large: Bonnie E. Fought of California

Section Member-at-Large: Michael W. Drumke of Illinois

Section Member-at-Large: James M. Durant III of Illinois

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 Midyear Meeting of the Association by their colleagues of the Bench and the State Bar of Nevada.

FURTHER RESOLVED, That the Association extends its particular thanks 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 State Bar of Nevada.

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