SPONSORS: Anthony M. Ciolli

PROPOSAL: Amends § 6.2(a)(1) of the ABA Constitution to provide the United States Virgin Islands with a State Delegate.

Amends § 6.2(a)(1) of the ABA Constitution to read as follows:

§6.2 Composition. (a) The House of Delegates, which is designed to be representative of the legal profession of the United States, is composed of the following members of the Association:

(1) The State Delegates, one for each state and the United States Virgin Islands, who also serve as chairs of the delegate groups from the respective states.

. . . . .

(Legislative Draft – Additions underlined; deletions struck through)

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. . . . .
REPORT

Article 9 of the ABA Constitution provides the means for nomination for elected offices of the Association for elected members of the Board of Governors. Nominations may only be made in two ways: by the Nominating Committee, pursuant to Section 9.2, or by petition to the House of Delegates, pursuant to the provisions of Section 9.3. As a practical matter, virtually all nominations are made by the Nominating Committee, and nomination by the Nominating Committee is tantamount to the election to office by the House of Delegates.

Of the 69 members of the Nominating Committee, 52 are State Delegates, who represent the 50 States, the District of Columbia, and Puerto Rico. Nine members represent sections and divisions (seven selected by the Section Officers Conference, with the other two members elected, respectively, by the Young Lawyers Division and the Judicial Division). In recognition of the importance of assuring that membership on the Nominating Committee reflects membership in the profession as a whole, eight members of the Nominating Committee are Goal III members at-large selected from at-large nominations; however, the Goal III members are limited to those who are women, minorities, LGBT, or have a disability.

The U.S. Virgin Islands, despite having approximately 1,100 attorneys—only a couple of hundred less than small states such as North Dakota, and Wyoming—is not represented by a State Delegate, and therefore lacks representation on the Nominating Committee. This exclusion of lawyers from the U.S. Virgin Islands from the electoral process is inconsistent with the Association’s policy of inclusion, particularly Goal III, which states that it is the objective of the Association to “[p]romote full and equal participation in the association, our profession, and the justice system by all persons.” In fact, it is inconsistent with the Association’s long-standing policy, first adopted in 1992, urging that the United States Constitution be amended to permit citizens in America’s territories to vote in national elections.\(^1\) It is also contrary to the governance policies of other national legal organizations—including the National Bar Association, the Federal Bar Association, and the Conference of Chief Justices—as well as other national professional organizations like the American Medical Association, none of whom exclude their dues-paying members from governance opportunities solely due to which part of the United States they call home.

This amendment, if adopted, would amend Article 6.2 of the ABA Constitution to provide the the U.S. Virgin Islands with a State Delegate, who pursuant to the existing language of Article 9.2 would automatically serve as a member of the Nominating Committee. Because the amendment only changes the definition of State Delegate to include the U.S. Virgin Islands, but does not change the definition of state found in Article 2.2, its adoption would not place the U.S. Virgin Islands in a district for the Board of Governors.

\(^1\) See Resolution 10H, adopted by the House of Delegates at the 1992 Annual Meeting.
Every member of the American Bar Association ought to have a true voice in the
election of the officers of the Association. This proposal would accomplish this objective
for the U.S. Virgin Islands, whose attorneys have a long history of active involvement in
the ABA.

Respectfully submitted,

Anthony M. Ciolli