SPONSORS: William Weisenberg, Russell Frisby, Estelle Rogers, and Mark Tuohey

PROPOSAL: Amends Section 31.7 of the Bylaws to dissolve the Standing Committee on Governmental Affairs.

Amends Section 31.7 to delete the paragraph headed Government Affairs.

Governmental Affairs. The Standing Committee on Governmental Affairs consists of not more than 11 members. The Committee has jurisdiction over matters relating to the Association’s governmental affairs program. In carrying out its functions, the Committee shall:

(a) Make recommendations to the Board of Governors regarding the governmental affairs program;
(b) Provide assistance to the Governmental Affairs Office;
(c) Review the legislative and governmental priorities recommendations of the Governmental Affairs Office;
(d) Make Committee recommendations to the Board of Governors on legislative and governmental priorities as it deems appropriate; and
(e) Select the members of Congress to receive recognition at ABA Day in Washington.
On May 2, 1996, a Task Force of distinguished lawyers highly knowledgeable about how the federal government makes policy issued a report to the ABA Board of Governors recommending that the ABA invest greater resources, both financial and staff, to become a more effective lobbying force on Capitol Hill and with the federal government generally. The report included the following seven recommendations:

1. Increase the staff and resources for the GAO, and ensure the staff has members from both sides of the political aisle.
2. Enhance the ABA’s grassroots network and grassroots involvement in Association advocacy.
3. Focus the governmental affairs agenda on a small number of core issues of the highest priority to the Association – those that affect the profession and the administration of justice.
4. Increase the Association’s leadership and Bar leaders in the Association’s advocacy effort, including the convening of a day-long annual lobbying event on Capitol Hill.
5. Create a Standing Committee on Governmental Affairs to work with the Governmental Affairs Office to review the approaches and methodologies employed to implement the Association’s governmental affairs agenda and to advise the Board on ways the program can be enhanced (specifically, “focus should remain on the process, not issues”).
6. Endorse and reaffirm the ABA’s role in the selection of federal judges.
7. Not establish a PAC, make campaign contributions, or endorse candidates for office.

During the next 20+ years, the ABA’s Executive Director and Director of Governmental Affairs insured that the ABA invested adequate staff and financial resources into the Association’s advocacy role to improve its effectiveness and bipartisan efforts. The Standing Committee on Governmental Affairs (SCGA) focused more on working with the ABA GAO staff to execute annual lobby days on Capitol Hill led by ABA leadership, state bar leaders, and grassroots advocates; improve on the Associations’ grassroots network; prioritize legislative issues for each Congress; and focus the governmental affairs agenda as the need arose.

Initially, the Committee met at each annual and midyear meeting to achieve these objectives. In the last several years, however, there has been no need to meet in person. Instead, SCGA has used teleconferences to assist the GAO team on a more limited scope of tasks. Specifically, the SCGA has helped identify issues on which to advocate during ABA Day in Washington DC, approved recipients for the ABA’s Justice Awards, and helped identify and present recommended legislative priorities for each Congress to the BOG. Selection of advocacy issues for ABA Day and identification of recipients for the ABA Day awardees (Justice Awards and Grassroots Advocates Awards) are tasks also done by the ABA Day Planning Committee that the ABA President appoints. The Director of GAO continues to manage staff, resources, the grassroots network, and prioritization...
of lobbying efforts to support the Association’s day-to-day advocacy mission. Currently, the only task done solely by the SCGA is the identification and presentation of the recommended legislative priorities for each Congress.

As the last four Chairs of the Standing Committee on Governmental Affairs, we think that maintaining this standing committee is no longer a judicious use of dedicated Association resources. The Standing Committee requested $2,750 for FY2019, but that amount was cut completely in the final budget. At this point, we think the committee itself should be cut too and we unanimously offer the following recommendations: 1) the SCGA be defunded during the FY 2020 budget process; 2) the SCGA sunset at the conclusion of the 2019 Annual meeting; 3) the ABA Day Planning Committee assume full responsibility for working with the GAO to identify issues for the annual ABA Days in Washington DC and select recipients for the ABA’s Justice and Grassroots Advocacy Awards, and 4) the ABA President appoint one Board liaison experienced in governmental affairs to serve as a subject matter mentor to the Governmental Affairs Office and to help identify and present recommendations on legislative and governmental priorities to the Board of Governors for approval at the beginning of each Congress.

Respectfully submitted,

William Weisenberg
Chair, Standing Committee on Governmental Affairs