<table>
<thead>
<tr>
<th>RPT NO.</th>
<th>PROPOSED BY</th>
<th>SHORT TITLE</th>
<th>ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>10A</td>
<td>NEW YORK CITY BAR ASSOCIATION NEW YORK STATE BAR ASSOCIATION</td>
<td>Urges the United States to take all necessary and proper actions within its power to end the ongoing armed conflict in the Northwest and Southwest regions of Cameroon.</td>
<td>Approved</td>
</tr>
<tr>
<td>10B</td>
<td>VIRGIN ISLANDS BAR ASSOCIATION</td>
<td>Supports an interpretation of the Equal Protection Clause of the Fifth Amendment which would guarantee that all Americans residing in all United States territories who are otherwise eligible to receive federal benefits under the SSI program are entitled to receive them.</td>
<td>Approved</td>
</tr>
<tr>
<td>10C</td>
<td>VIRGIN ISLANDS BAR ASSOCIATION</td>
<td>Reaffirms prior ABA policy supporting an amendment to the United States Constitution to provide for participation of citizens in American territories to vote in national elections.</td>
<td>Approved as Revised*</td>
</tr>
<tr>
<td>10D</td>
<td>VIRGIN ISLANDS BAR ASSOCIATION LAW STUDENT DIVISION</td>
<td>Urges federal, state, territorial and tribal governments, bar associations, and/or Commercial Lenders to develop and implement programs to assist law students, recent graduates, and young lawyers experiencing financial hardship due to postponed bar exams and/or deferred employment or unemployment during the COVID-19 pandemic.</td>
<td>Approved</td>
</tr>
<tr>
<td>10E</td>
<td>MASSACHUSETTS BAR ASSOCIATION INTERNATIONAL LAW SECTION</td>
<td>Urges support for pending U.S. legislation to address violations of governing instruments for Hong Kong and Rule of Law.</td>
<td>Approved</td>
</tr>
</tbody>
</table>

* See attached
| 10F | MASSACHUSETTS BAR ASSOCIATION  
NEW YORK CITY BAR ASSOCIATION  
INTERNATIONAL LAW SECTION | Urges the Department of Homeland Security (DHS) to maintain the Student and Exchange Visitor Program’s temporary exemption for continuing, incoming, and future nonimmigrant student visa holders taking any combination of in-person, hybrid, and online classes for the duration of the COVID-19 pandemic. | Approved |
| 10G | VIRGIN ISLANDS BAR ASSOCIATION  
SECTION OF STATE AND LOCAL GOVERNMENT LAW  
LAW STUDENT DIVISION | Urges that the highest court or bar admissions authority in each jurisdiction cancel the in-person bar examinations currently scheduled for September 9-10, 2020, and September 30-October 1, 2020, and not administer any other in-person bar examination until and unless public health authorities determine that the examination can be administered in a manner that ensures the health and safety of bar applicants, proctors, and other staff. | Approved |
| 10H | KING COUNTY BAR ASSOCIATION | Urges federal, state, local, territorial, and tribal governments to address the COVID-19 eviction and housing crisis and its collateral harm by (1) providing rental assistance to rental property owners where tenants are facing COVID-19 economic hardship, and (2) precluding in tenant screening practices the use of nonpayment of rent or eviction records that occur during a particular jurisdiction’s COVID-19 pandemic state of emergency or in the 90 days immediately following the lifting of such emergency. | Approved |
| 10I | CALIFORNIA LAWYERS ASSOCIATION | Urges federal, state, local, territorial and tribal governments to enact legislation that imposes civil and criminal sanctions for lynching others on the basis of race, color, national origin, age, gender, sexual orientation, gender identity, religion, or the presence or appearance of mental or physical disability and imposes criminal and civil sanctions. | Approved as Revised* |

* See attached
| 11-1 | CONSTITUTIONAL AMENDMENT | Amends §1.2 of the Association’s Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.” | Postponed Indefinitely |
| 11-2 | CONSTITUTIONAL AMENDMENT | Amends §6.8 to include the South Asian Bar Association of North America (SABA) as an affiliated organization of the American Bar Association (ABA) and be represented in the ABA House of Delegates accordingly. | Withdrawn |
| 11-3 | CONSTITUTIONAL AMENDMENT | Amends §31.7 of the Association’s Constitution to change the name of the Standing Committee on Legal Aid and Indigent Defendants to the Standing Committee on Legal Aid and Indigent Defense and amend its jurisdictional statement. | Approved |
| 11-4 | HOUSE RULES AMENDMENT | Amends §44.2(b) of the Rules of Procedure of the House of Delegates to provide a presenter five minutes to present a resolution when the Chair of the House of Delegates invokes the rules of limited debate. | Approved |
| 11-5 | HOUSE RULES AMENDMENT | Amends §45.1 and §45.2 of the Rules of Procedure of the House of Delegates to add the requirement that a resolution must advance one or more of the ABA’s Four Goals. | Motion to postpone failed; Not approved |
| 100A | YOUNG LAWYERS DIVISION | Urges all employers in the legal profession to implement, maintain, and encourage the use of paid family leave policies for the birth, adoption, or foster placement of a child. | Approved |
| 100B | YOUNG LAWYERS DIVISION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE LAW STUDENT DIVISION SECTION OF STATE AND LOCAL GOVERNMENT LAW CRIMINAL JUSTICE SECTION | Supports the interpretation that “race,” as included in antidiscrimination statutes, be not limited to the color of one’s skin, but rather, includes other physical and cultural characteristics associated with race; urges federal, state, local, territorial, and tribal governments to enact legislation banning race discrimination on the basis of the texture, style, or appearance of a person’s hair; encourages all federal, state, tribal, territorial, and local court systems, in | Approved |
conjunction with state, territorial, tribal and local bar associations, to carefully review their discrimination policies and provide implicit bias training to eradicate discrimination on the basis of the texture, style, or appearance of a person’s hair; and supports enactment of the Creating a Respectful and Open World for Natural Hair Act of 2019 (S. 3167, H.R. 5309, 116th Congress) or similar legislation that advances antidiscrimination on the basis of the texture, style, or appearance of a person’s hair.

101 STANDING COMMITTEE ON ELECTION LAW SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON DISABILITY RIGHTS SENIOR LAWYERS DIVISION SECTION OF STATE AND LOCAL GOVERNMENT LAW Adopts the American Bar Association Election Administration Guidelines and Commentary, dated August 2020, supplanting all earlier versions; recommends that all election officials ensure the integrity of the election process through the adoption, use, and enforcement of the Guidelines; and urges that federal, state, local, territorial, and tribal governments provide state, local, territorial, and tribal election authorities with adequate funding to implement the Guidelines and Commentary. Approved

102A INTERNATIONAL LAW SECTION SECTION OF ENVIRONMENT, ENERGY, AND RESOURCES TORT TRIAL AND INSURANCE PRACTICE SECTION CRIMINAL JUSTICE SECTION WASHINGTON STATE BAR ASSOCIATION Urges federal, state, territorial and tribal governments to enact and enforce legislation that prohibits and penalizes the possession, sale, and trade of shark fins; urges that all nations enact laws that prohibit and penalize the possession, sale, and trade of shark fins; and encourages all international, regional, national, and state bar associations, and international organizations, to promote policies and laws that prohibit and penalize the possession, sale, and trade of shark fins. Approved

102B INTERNATIONAL LAW SECTION SECTION OF DISPUTE RESOLUTION Urges all nations, including the United States, to become a party to and implement the 2019 Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters. Approved
INTERNATIONAL LAW SECTION CENTER FOR HUMAN RIGHTS

Urges the United States, other nations, and the United Nations to facilitate and promote neutral and inclusive dialogues between the government of Cameroon and separatist leaders; urges adequate funding by the United States and other nations for the United Nations Office for the Coordination of Humanitarian Affairs’ Humanitarian Response Plan; urges the United States, other nations, and the United Nations to urge the government of Cameroon and separatist groups, as applicable, to comply with their obligations under international human rights and international humanitarian law; urges the Commonwealth of Nations, the International Organization of La Francophonie, and the African Union to substantially support the above efforts and promote a peaceful resolution to the conflict; and urges the President of the United States to continue to withhold beneficiary country status under the U.S. Trade and Development Act of 2000 until the Cameroon government demonstrates measurable progress in establishing the rule of law, including by providing fair trials for prisoners detained in connection with protests against the government.

COMMISSION ON DISABILITY RIGHTS SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE

Urges federal, state, local, territorial, and tribal governments to adopt and enforce legislation and educational policy that 1) prohibits school personnel from using seclusion, mechanical, and chemical restraints on preschool elementary and secondary students, 2) prohibits school personnel from using physical restraint unless the student’s behavior poses an imminent danger of serious physical injury to self or others, 3) prohibits the use of restraints in a face-down position or any other position that is likely to impair a student’s ability to breathe, in situations where physical restraint is used, and 4) requires professional development and ongoing training in positive behavior interventions and trauma-informed care.

Approved
<table>
<thead>
<tr>
<th>Section</th>
<th>Committee/Commission</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>104A</td>
<td>STANDING COMMITTEE ON SPECIALIZATION</td>
<td>Grants reaccreditation to the Social Security Disability Law program of the National Board of Trial Advocacy of Wrentham, Massachusetts, and the Business Bankruptcy Law, Consumer Bankruptcy Law, and Creditors’ Rights Law programs of the American Board of Certification of Cedar Rapids, Iowa.</td>
</tr>
<tr>
<td>104B</td>
<td>STANDING COMMITTEE ON SPECIALIZATION</td>
<td>Adopts certain clarifying revisions to Standard 4.06(C) Written Examination of the Standing Committee on Specialization’s Standards for the Accreditation of Specialty Certification Programs for Lawyers, dated August 2020.</td>
</tr>
<tr>
<td>105</td>
<td>COMMISSION ON LAW AND AGING SENIOR LAWYERS DIVISION SECTION OF REAL PROPERTY, TRUST, AND ESTATE LAW COMMISSION ON DISABILITY RIGHTS</td>
<td>Urges Congress to create and fund a Guardianship Court Improvement Program for adult guardianship (following the model of the State Court Improvement Program for child welfare agencies created in 1993) to support state court efforts to improve the legal process in the adult guardianship system, improve outcomes for adults subject to or potentially subject to guardianship, increase the use of less restrictive options than guardianship, and enhance collaboration among courts, the legal system, and the aging and disability networks.</td>
</tr>
<tr>
<td>106A</td>
<td>CRIMINAL JUSTICE SECTION</td>
<td>Urges criminal justice stakeholders to consider using a restorative justice response to crime as one effective alternative, or adjunct to, a criminal adjudicatory process, in appropriate cases; urges federal, state, local, territorial and tribal governments to develop grant and funding streams to enable criminal justice stakeholders and community partner organizations to develop, maintain, and assess the effectiveness of restorative justice programs in a data-driven manner; and urges the National Institute of Justice to prioritize and make publicly available an evaluation of restorative justice practices nationwide.</td>
</tr>
<tr>
<td>Section</td>
<td>Committee</td>
<td>Approved/Revised</td>
</tr>
<tr>
<td>---------</td>
<td>-----------</td>
<td>-----------------</td>
</tr>
<tr>
<td>107</td>
<td>STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY</td>
<td>Amends Model Rule 1.8(e) by adding a narrow exception to the Rule that will increase access to justice for the most vulnerable clients. Approved as Revised*</td>
</tr>
<tr>
<td>108A</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW</td>
<td>Urges Congress to enact legislation authorizing one or more principal officers, who are appointed by the President and confirmed by the Senate, to review decisions of the Patent Trial and Appeal Board (PTAB) determining the patentability of any claim reviewed by the PTAB before such decisions become final decisions of the U.S. Patent and Trademark Office (USPTO), and that the legislation should also restore Title 5 removal protections for Administrative Patent Judges (APJs) of the PTAB. Approved</td>
</tr>
<tr>
<td>108B</td>
<td>SECTION OF INTELLECTUAL PROPERTY LAW</td>
<td>Supports, in principle, a transparent administrative process or processes to remove trademark registrations from the U.S. Patent and Trademark Office's Principal or Supplemental Register. Approved</td>
</tr>
<tr>
<td>109A</td>
<td>SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR</td>
<td>Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2020 to Definitions, Standards, and Rules of the ABA Standards and Rules of Procedure for Approval of Law Schools, that change the approval process for distance education programs to a substantive change process (Standard 105 and Rule 24) as required by the U.S. Department of Education, rather than the current variance process (Standard 107). Approved</td>
</tr>
</tbody>
</table>

* See attached.
Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2020 to Rule 2 of the ABA Standards and Rules of Procedure for Approval of Law Schools, authorizing the Council to act quickly to address an emergency impacting multiple law schools—either regionally or nationally, by providing temporary relief from a rule or the requirements of a standard to allow law schools to respond to the emergency.


Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2020 to Standards 102, 103, and 105 of the ABA Standards and Rules of Procedure for Approval of Law Schools.

Urges Congress and the Administration to require the Department of Veterans Affairs (VA) to remove regulatory barriers to full accreditation of Tribal Veterans Service Officers (TVSOs); provide sufficient federal funding for establishing and operating TVSOs where a tribal community is economically disadvantaged; and urges that when the Department of Veterans Affairs promulgates rules and regulations governing agent accreditation or the administration of programs, benefits, treatment, and services for veterans on Tribal land, the proposals be culturally competent, acknowledge the status of federally-recognized tribes as domestic dependent sovereigns, and be consistent with prevailing laws of sovereignty.

111B  SECTION OF LITIGATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
COMMISSION ON YOUTH AT RISK
COMMISSION ON HOMELESSNESS AND POVERTY
COALITION ON RACIAL AND ETHNIC JUSTICE

Urges all federal, state, tribal, local, and territorial governments to adopt policies and contractual provisions that: 1) prohibit conducting strip searches of children and youth, except in exceptional circumstances, 2) require that, if the child or youth must be strip-searched, the search is conducted in a manner that respects the sexual orientation and gender identity of the child or youth and is the least intrusive manner possible, 3) prohibit body cavity searches of children and youth; and encourages court systems, lawyers, law schools, and bar associations to promote awareness of the harmful effects of strip searches and body cavity searches of children and youth, including trauma and re-victimization.

112  STANDING COMMITTEE ON PARALEGALS

Grants approval to 1 paralegal education program, grants reapproval to 10 programs, withdraws the approval of 4 programs at the request of the institutions, and extends the term of approval to 48 programs.

113A  COMMISSION ON DOMESTIC & SEXUAL VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
NATIONAL CONFERENCE OF WOMEN’S BAR ASSOCIATIONS CENTER FOR HUMAN RIGHTS

Urges Congress to re-authorize and fully fund the Violence Against Women Act and similar legislation: 1) Preserves the protections approved in the 2013 reauthorization of VAWA, and continues to respond to emerging challenges and to the concerns from the field of expert professionals, 2) Improves services, minimizes bias, and prioritizes safety, autonomy, and support for all victims of gender-based violence, with a particular emphasis on the self-defined needs of marginalized and underserved groups, 3) Enhances judicial, legal, and law enforcement tools that respond to domestic violence, dating violence, sexual assault, and stalking in a trauma-informed way, 4) Strengthens the healthcare system’s comprehensive and trauma-informed response to domestic violence, dating violence, sexual assault, and stalking, 5) Provides economic and housing opportunities and protections for victims of domestic violence, dating violence, sexual assault, and stalking, including non-

* See attached.
discrimination protections, and 6) Implements evidence-based prevention and educational programs that encourage healthy relationships and teach how to respond to attitudes and behaviors contributing to sexual and domestic violence.

<table>
<thead>
<tr>
<th>113B</th>
<th>COMMISSION ON DOMESTIC &amp; SEXUAL VIOLENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE</td>
</tr>
<tr>
<td></td>
<td>NATIONAL CONFERENCE OF WOMEN’S BAR ASSOCIATIONS</td>
</tr>
<tr>
<td></td>
<td>CENTER FOR HUMAN RIGHTS</td>
</tr>
<tr>
<td></td>
<td>Urges federal, state, local, territorial, and tribal governments to enact legislation and policies to require all health care providers to obtain specific informed patient consent in advance for all pelvic examinations.</td>
</tr>
<tr>
<td></td>
<td>Approved as Revised*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>113C</th>
<th>COMMISSION ON DOMESTIC &amp; SEXUAL VIOLENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CRIMINAL JUSTICE SECTION</td>
</tr>
<tr>
<td></td>
<td>SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE</td>
</tr>
<tr>
<td></td>
<td>NATIONAL CONFERENCE OF WOMEN’S BAR ASSOCIATIONS</td>
</tr>
<tr>
<td></td>
<td>CENTER FOR HUMAN RIGHTS</td>
</tr>
<tr>
<td></td>
<td>Adopts the eight principles and accompanying commentary set forth in the U.S. Department of Justice December 15, 2015 guidance titled Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence; and urges all federal, state, territorial, local and tribal law enforcement agencies in the United States to: (1) adopt those same principles; (2) provide periodic training to all law enforcement agency personnel to promote compliance with those principles; and (3) engage in regular review of compliance efforts and make any necessary adjustments to improve compliance.</td>
</tr>
<tr>
<td></td>
<td>Approved</td>
</tr>
</tbody>
</table>

| 114 | CENTER FOR HUMAN RIGHTS |
|     | Urges all national governments to observe, respect, and protect the independence of the International Criminal Court; and condemns threats by governments to the International Criminal Court and its officers and personnel in the performance of their duties. |
|     | Approved |

* See attached.
Recognizes that effective reforms of legal systems that affect the fundamental rights of children and youth cannot be accomplished without active participation by individuals who experienced those systems as children and youth; encourages attorneys, judges, advocates, legislators, bar associations, and law schools to promote effective, ongoing, and authentic engagement in legal system reform and advocacy efforts by individuals who have experienced those systems as children and youth and to remove barriers to that engagement; urges law schools, bar associations, law firms, and other professional organizations to create pathways for individuals with lived experience in legal systems that affect children and youth to pursue and succeed in legal and advocacy careers, both within youth-serving systems and more broadly in the legal profession; and calls on organizations focused on improving legal systems that affect children and youth to incorporate individuals who experienced those systems as children into leadership positions.

Urges federal, state, local, territorial, and Tribal governments to enact legislation that requires: 1) law enforcement agencies to keep records of instances in which lethal force is used, 2) the appointment of a fully independent special prosecutor whenever a person’s death occurs in the custody of or during an encounter with a police officer or other law enforcement officer, and 3) a showing of objective reasonable necessity to establish a defense in criminal cases involving lethal force use by a police or other law enforcement officer.

Urges federal, state, local, territorial, and tribal governments to: 1) adopt and enforce fair lending laws and other federal, state and local laws targeting unfair or deceptive acts or practices, 2) adopt laws and policies that promote the adoption of an enhanced non-discrimination compliance system for a vehicle loan, 3) adopt legislation requiring the timely notice and disclosure of pricing

* See attached
of add-on products by dealers on each vehicle through reasonable means; urges Congress to amend the Equal Credit Opportunity Act to require documentation and collection of the applicant's race, gender or national origin for non-mortgage credit transactions, specifically for vehicle transactions; and encourages state, local, territorial and tribal bar associations to offer educational programming and materials to lawyers and consumers to help them understand and navigate purchases and financing of vehicles.

| 116C | SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY HEALTH LAW SECTION CENTER FOR HUMAN RIGHTS | Opposes federal, state, local, territorial and tribal legislation, regulation, and agency policy that discriminates against transgender and non-binary people on the basis of gender identity and/or that imposes barriers to obtaining or providing medically necessary care to affirm an individual's gender identity. | Approved |
| 116D | SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION | Urges federal, state, local, territorial, and tribal legislatures to enact legislation, and correctional and detention facilities for both adults and minors to enact policies requiring that all incarcerated persons are provided with: 1) soap, paper towels, hand sanitizer, and facial tissues in sufficient quantities to prevent the transmission of infectious disease; 2) personal protective equipment including personal sanitizing products and face masks that are effective in preventing existing and emerging infections in sufficient quantities to prevent the transmission of infectious disease; and 3) sufficient facilities for hand washing, including unrestricted access to clean water and working sinks. | Approved |
| 116E | SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION SECTION OF STATE AND LOCAL GOVERNMENT LAW | Urges federal, state, local, territorial and tribal governments to: 1) enact and enforce legislation directing law enforcement officials and election officials to establish a protocol where pretrial detainees, who are eligible to register to vote or vote in the jurisdiction in which they are detained are given the opportunity to register to vote and cast ballots in their respective federal, state, and local elections; and 2) | Approved |
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
COALITION ON RACIAL AND ETHNIC JUSTICE

promulgate and enforce regulations that facilitate the participation of such pretrial detainees in all federal, state, local, and special elections, including the ability to register to vote, obtain a ballot, and have that ballot delivered to the appropriate elections office.

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY

Urges the United States Department of Defense to declare that: (a) HIV status alone has no impact on service members' ability to fully execute their duties and is not a determinant of fitness for duty; and (b) HIV is not a medical condition that should disqualify a person from enlistment, appointment, commissioning, deployment or retention in the U.S. military.

SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF STATE AND LOCAL GOVERNMENT LAW
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION & GENDER IDENTITY
COUNCIL FOR DIVERSITY IN THE EDUCATIONAL PIPELINE
COALITION ON RACIAL AND ETHNIC JUSTICE
COMMISSION ON DISABILITY RIGHTS
CENTER FOR HUMAN RIGHTS

Urges that, in all states, territories and tribes, the highest courts or legislative bodies charged with the administration of justice, admission to the bar, or regulation of the legal profession, require that lawyers, judges, commissioners, referees, probation officers, and court personnel whose job requires interacting with the public receive periodic training regarding implicit biases that addresses, at minimum: sex, race, color, religion, ancestry, national origin, ethnic group identification, age, disability, medical condition, genetic information, marital status, sexual orientation, gender expression and gender identity; and urges that, in all states, territories, and tribes, the highest courts or legislative bodies, or agencies and boards that license and regulate the medical profession or social service professions, require that medical professionals and social service professionals who work with the public receive periodic training regarding the implicit biases previously noted.

* See attached
Urges federal, state, local, territorial, and tribal governments to: 1) repeal laws that disenfranchise persons based upon criminal conviction, 2) restore voting rights to those currently and formerly incarcerated, including those on probation, parole, or any other community-based correctional program, 3) assure that no person convicted of crime is disenfranchised because of nonpayment of a fine, court costs, restitution or other financial obligations imposed as a result of a criminal conviction; and amends the Criminal Justice Standards on Collateral Sanctions and Discretionary Disqualification of Convicted Persons (3d Edition, 2004).

Approved as revised and amended
Recommends that Congress, state and local governments, election officials, and private sector entities to address the spread of disinformation that interferes with voting and other core electoral processes and to protect democratic institutions in the U.S.

Urges federal, state, local, territorial, and tribal governments and private sector entities to promote digital literacy, civic education, and public awareness to build societal resilience to domestic and foreign malign disinformation operations.
Urges federal, state, local, territorial, and tribal governments to enact legislation to curtail the defense of qualified immunity in civil actions brought against law enforcement officers.

Approved

Urges the American Bar Association to, consistent with its demonstrated values, propose Juneteenth be recognized as a national, paid legal holiday.

Approved
301C SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE

Urges the federal government to desist from the use of force by federal agents to suppress lawful First Amendment activity, opposes the targeted use of force against journalists, legal observers, and others, denounces the deployment of unidentified federal officers or officers using unmarked vehicles to suppress lawful First Amendment activity and to remove individuals from city streets, and calls upon the United States Department of Justice and Department of Homeland Security to cease and publicly renounce such tactics, and to investigate their use.

400A RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

400B RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues that were adopted in 2000 which were previously considered for archiving but retained be archived.

Approved
RESOLUTION

1. RESOLVED, That the American Bar Association reaffirms its support for an amendment to the United States Constitution to provide for participation of citizens in American territories to vote in national elections; and.

2. FURTHER RESOLVED, That the American Bar Association opposes, as violative of the Equal Protection Clause, the provisions of the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which permit former residents of a state who have moved to American Samoa or the Commonwealth of the Northern Marianas Islands to continue to vote in national elections in that state, while denying those same rights to those who have moved from a state to the U.S. Virgin Islands, Puerto Rico, and Guam.

Deletions struck through; additions underlined
RESOLUTION

RESOLVED, That the American Bar Association urges the United States, other nations and the United Nations to express their support and take actions in furtherance of such support for the autonomy, rule of law, judicial independence, and protection and respect for human rights in the Hong Kong Special Administrative Region (the “HKSAR”), as established by the 1984 Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong (the “Joint Declaration”) and the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China (the “Basic Law”);

FURTHER RESOLVED, that the American Bar Association supports enactment by the United States of legislation, or as appropriate, implementation of policies and procedures, that:

• condemns all acts by the People’s Republic of China (“the PRC”) that violate its obligations under international and national law, including the Joint Declaration and the Basic Law;
• calls upon all nations of the world to stand with the people of Hong Kong in support of the rule of law;
• provides for targeted sanctions, freezing of assets, travel bans and similar measures against persons or entities who materially contribute to the contravention of obligations under international or national law, as well as financial institutions that conduct significant transactions with persons or entities described above;
• identifies and implements a process to give stipulates that any permanent resident of the HKSAR, with no other right of abode as provided under HKSAR law, access to seek protection through the refugee resettlement process, is eligible for asylum in the United States and is authorized to apply for asylum, where appropriate including at the U.S. Consulate General in Hong Kong and Macau, or if in or at the borders of the United States, through asylum or temporary protected status, until the United States Secretary of State certifies to the United States Congress, under the United States Hong Kong Policy Act of 1992, that the HKSAR has regained a high degree of autonomy; and
• commits resources to monitor and regularly report on the status of the autonomy, rule of law, judicial independence, and protection of and respect for human rights in the HKSAR; and

FURTHER RESOLVED, That the American Bar Association reaffirms its call upon the PRC to allow free movement of persons to and from the HKSAR and further urges the United States to use its influence to encourage the continuance and growth of democratic institutions in Hong Kong.

Deletions struck through; additions underlined
RESOLVED, That the American Bar Association urges Congress to enact the Emmett Till Antilynching Act or similar legislation to provide that whoever conspires with another person to violate section 245, 247, or 249 of title 18 or section 901 of the Civil Rights Act of 1968 (42 U.S.C. 3631) shall be punished in the same manner as a completed violation of such section, except that if the maximum term of imprisonment for such completed violation is less than 10 years, the person may be imprisoned for not more than 10 years.

FURTHER RESOLVED, That the American Bar Association urges state, local, territorial, and tribal governments to enact legislation containing criminal and civil sanctions to prohibit lynching, conspiracies to lynch, attempts to lynch, or solicitations to lynch a person, no matter the form or manner in which the lynching may take place or is proposed to take place, on the basis of race, color, national origin, age, gender, sexual orientation, gender identity, religion, the presence or appearance of mental or physical disabilities, disability, government position, or association with any political or non-governmental organization.

Deletions struck through; additions underlined
RESOLUTION

RESOLVED, That the American Bar Association amends Rule 1.8(e) and related commentary of the ABA Model Rules of Professional Conduct as follows (insertions underlined, deletions struck through):

Model Rule 1.8: Current Clients: Specific Rules

***

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

1. a lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

2. a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client; and

3. a lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may provide modest gifts to the client for food, rent, transportation, medicine and other basic living expenses if financial hardship would otherwise prevent the client from instituting or maintaining the proceedings or from withstanding delays that put substantial pressure on the client to settle. The legal services must be delivered at no fee to the indigent client and the lawyer:

   i. may not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

   ii. may not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and

   iii. may not publicize or advertise a willingness to provide such financial assistance to gifts to prospective clients.

Financial assistance under this Rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

Comment

Financial Assistance

[10] Lawyers may not subsidize lawsuits or administrative proceedings brought on behalf of their clients, including making or guaranteeing loans to their clients for living expenses,
because to do so would encourage clients to pursue lawsuits that might not otherwise be brought and because such assistance gives lawyers too great a financial stake in the litigation. These dangers do not warrant a prohibition on a lawyer lending a client court costs and litigation expenses, including the expenses of medical examination and the costs of obtaining and presenting evidence, because these advances are virtually indistinguishable from contingent fees and help ensure access to the courts. Similarly, an exception allowing lawyers representing indigent clients to pay court costs and litigation expenses regardless of whether these funds will be repaid is warranted.

[11] Paragraph (e)(3) provides another exception. A lawyer representing an indigent client without fee, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may give the client modest gifts if financial hardship would otherwise prevent the client from instituting or maintaining pending or contemplated litigation or administrative proceedings or from withstanding delays that would put substantial pressure on the client to settle. Gifts permitted under paragraph (e)(3) include modest contributions as are reasonably necessary for food, rent, transportation, medicine and similar basic necessities of life. If the gift may have consequences for the client, including, e.g., for receipt of government benefits, social services, or tax liability, the lawyer should consult with the client about these. See Rule 1.4.

[12] The paragraph (e)(3) exception is narrow. Modest gifts are allowed in specific circumstances where it is unlikely to create conflicts of interest or invite abuse. Paragraph (e)(3) prohibits the lawyer from (i) promising, assuring or implying the availability of financial assistance prior to retention or as an inducement to continue the client-lawyer relationship after retention; (ii) seeking or accepting reimbursement from the client, a relative of the client or anyone affiliated with the client; and (iii) publicizing or advertising a willingness to provide gifts to prospective financial assistance to clients beyond court costs and expenses of litigation in connection with contemplated or pending litigation or administrative proceedings.

[13] Financial assistance, including modest gifts may be provided pursuant to paragraph (e)(3), may be provided even if the representation is eligible for fees under a fee-shifting statute. However, paragraph (e)(3) does not permit lawyers to provide assistance in other contemplated or pending litigation in which the lawyer may eventually recover a fee, such as contingent-fee personal injury cases or cases in which fees may be available under a contractual fee-shifting provision, even if the lawyer does not eventually receive a fee.

[No other changes proposed in the commentary to this Rule except renumbering succeeding paragraphs.]

Deletions struck through; additions underline
RESOLUTION

RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal governments to adopt policies and contractual provisions that prohibit conducting strip searches of children and youth, except in exceptional circumstances, where the searches are permitted only:

(1) when the child or youth is in custody;
(2) when there is probable cause to believe reasonable suspicion that the child or youth possesses or has had immediate access to an implement that poses a threat of imminent bodily harm to themselves or others;
(3) after all other less intrusive methods of discovering and removing the implement have been exhausted, including the use of alternative search techniques that can be performed while the child or youth is fully clothed; and
(4) after the child or youth has been given notice, in a manner that is consistent with the child’s or youth’s primary language and developmental stage, and that takes into account accommodations for disability, that they will be searched and that they have the opportunity to reveal any implement they are carrying instead of being searched; and

FURTHER RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal governments to adopt policies and contractual provisions that require that, if the child or youth must be strip-searched, the search is conducted in a manner that respects the sexual orientation and gender identity of the child or youth and is the least intrusive manner possible; and

FURTHER RESOLVED, That the American Bar Association urges all federal, state, local, territorial, and tribal governments to adopt policies and contractual provisions prohibiting body cavity searches of children and youth; and

FURTHER RESOLVED, That the American Bar Association encourages court systems, lawyers, law enforcement leaders, medical professionals law schools, and bar associations to promote awareness of the harmful effects of strip searches and body cavity searches of children and youth, including trauma and re-victimization.

Deletions struck through; additions underlined
RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, territorial, and tribal governments to enact legislation and policies to require all health care providers—including facilities, physicians, physician assistants, residents, nurses, radiologists and sonographers, therapists, laboratory technicians, midwives, and health care students—to obtain specific informed patient consent in advance for all medically unnecessary pelvic examinations.

Deletions struck through; additions underlined
RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact legislation that requires law enforcement agencies to keep records of all instances in which lethal force is used or a claim is made that non-lethal force is excessive, by maintaining the known or reasonably available demographic data of all persons against whom lethal force is used, including but not limited to race, color, national origin, age, gender, sexual orientation or gender identity, religion, the presence of mental or physical disability, whether the person was fleeing at the time, whether the individual possessed a weapon (including the type of weapon), and whether a body camera was used;

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, tribal and territorial governments to enact legislation to provide, when a person’s death occurs in the custody of or during an encounter with a law enforcement officer acting in the officer’s official capacity, a mechanism to ensure fair and independent evaluation, referral to an independent entity for an investigation, and, as appropriate, prosecution by an independent entity; FURTHER RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact legislation requiring the appointment of a fully independent special investigator and a fully independent special prosecutor whenever a person’s death occurs in the custody of or during an encounter with a police or other law enforcement officer acting in the officer’s official capacity;

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial governments to enact or amend, as necessary, laws to provide that the reasonableness of police use of force should be judged on the basis of objective necessity legislation that requires a police officer who is charged with a crime resulting from the excessive or lethal use of force and who claims self-defense or defense of others to prove that the use of force was objectively necessary;

FURTHER RESOLVED, that the American Bar Association urges Congress to fund a nationally respected entity independent of law enforcement to develop and keep current a national data base that records disciplinary actions against and complaints of excessive force by law enforcement officers, including action by any government or tribal entity revoking a law enforcement officer’s certificate or license, and to require all law enforcement agencies receiving federal funds to record and report to that entity all said disciplinary actions and complaints;

FURTHER RESOLVED, that the American Bar Association urges all federal, state, local, tribal, and territorial governments to enact legislation that (a) prohibits the use of chokeholds, any other carotid restraint or any induced method of asphyxiating by law enforcement officers, (b) eliminates no-knock warrants in drug cases, (c) eliminates rules and procedures (such as New York State’s Section 50-A) which prevent disclosure of
citizen complaints or disciplinary actions against law enforcement officers, and (d) expresses the duty of every law enforcement officer to act to prevent and stop the use of excessive force or improper use of lethal force by another law enforcement officer; and

FURTHER RESOLVED, that the American Bar Association supports the “Justice in Policing Act”, H.R.7120, and similar federal, state, local, tribal, and territorial legislation whose purpose is “to hold police accountable, change the culture of law enforcement and build trust between law enforcement and our communities.”

Deletions struck through; additions underlined
RESOLUTION

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

a) adopt and enforce fair lending laws and other federal, state and local laws targeting unfair or deceptive acts or practices to address discrimination in vehicle sales and financing markets;

b) adopt laws and policies that promote the adoption of an enhanced nondiscrimination compliance system for dealer compensation for arranging and/or originating a vehicle finance contract by offering a safe harbor against pricing discrimination claims for dealers that faithfully implement the NADA/NAMAD/AIADA Fair Credit Compliance Policy and Program; loan or a flat percentage fee for dealer compensation; and

c) adopt legislation requiring that the purchase of any voluntary vehicle protection product may not be a condition of the sale or lease of the vehicle, and that there is clear and conspicuous disclosure of pricing of voluntary protection products by dealers through reasonable means, such as a pricing sheet, menu, and/or website, before a consumer purchases a vehicle; the timely notice and disclosure of pricing of add-on products by dealers on each vehicle through reasonable means, such as a pricing sheet and/or website prominently displayed and available at its location, before a consumer negotiates to purchase a vehicle;

FURTHER RESOLVED, That the American Bar Association urges Congress to amend the Equal Credit Opportunity Act, 15 U.S.C 1691, to require documentation and collection of the applicant’s race, gender and national origin for vehicle credit transactions, through applicant voluntary self-identification using disaggregated racial and ethnic categories, made available through a Demographic Information Addendum, or some equivalent measurement;

FURTHER RESOLVED, That the American Bar Association encourages state, local, territorial and tribal bar associations to work with consumer, dealer and creditor representatives to offer educational programming and materials to lawyers and consumers to help them understand and navigate purchases and financing of vehicles and understand consumers’ legal rights with respect to such purchases and loans.
RESOLUTION

RESOLVED, That the American Bar Association urges that, in all states, territories and tribes, the highest courts or legislative bodies charged with the administration of justice, admission to the bar, or regulation of the legal profession, require that lawyers, judges, commissioners, referees, probation officers, and court personnel whose job requires interacting with the public receive periodic training regarding implicit biases that addresses, at minimum, the following subjects: sex, race, color, religion, ancestry, national origin, ethnic group identification, age, disability, medical condition, genetic information, marital status, sexual orientation, gender expression and gender identity; and

FURTHER RESOLVED, That the American Bar Association urges that, in all states, territories, and tribes, the highest courts or legislative bodies, or agencies and boards that license and regulate the medical profession or social service professions, require that medical professionals and social service professionals who work with the public receive periodic training regarding implicit biases that addresses, at minimum, the following subjects: sex, race, color, religion, ancestry, national origin, ethnic group identification, age, disability, medical condition, genetic information, marital status, sexual orientation, gender expression and gender identity.

FURTHER RESOLVED, That the American Bar Association urges jurisdictions requiring implicit bias training to collect and assess data to evaluate the effectiveness of the training in reducing implicit bias and implement other appropriate strategies for reducing implicit bias.

Deletions struck through; additions underlined
RESOLUTION

RESOLVED, That the American Bar Association applauds the work of federal, state, local, territorial and tribal courts and the members of federal, state, local territorial and tribal bars for their thoughtful and innovative approaches to administer the justice system and protect the interests of litigants during the COVID-19 pandemic;

FURTHER RESOLVED, That the American Bar Association urges that mandatory use of virtual or remote court procedures established as a result of the COVID-19 pandemic be limited to essential proceedings, defined as preliminary proceedings that have the potential to result in the detention or release of an individual from custody and other critical civil proceedings such as temporary orders of protection, interim child custody or child welfare orders or other temporary injunctions or orders concerning the safety or placement of an individual, as well as hearings on petitions necessary to protect constitutional rights;

FURTHER RESOLVED, That the American Bar Association supports a considered and measured approach in adopting and utilizing virtual or remote court proceedings established as a result of the COVID-19 pandemic, prioritizing use of such procedures for essential proceedings and those cases in which litigants consent to the use of virtual or remote processes.

FURTHER RESOLVED, That the American Bar Association urges regular review of any decision to detain an individual pending a final proceeding made during a period of mandatory use of virtual or remote court proceedings;

FURTHER RESOLVED, That the American Bar Association urges that any authorization of mandatory use of virtual and remote court proceedings during the COVID-19 pandemic include a self-executing expiration provision to take effect within a designated period of time that is continue for as short a time as possible and in no event longer than the duration of the declaration of emergency issued in the jurisdiction;

FURTHER RESOLVED, That the American Bar Association urges that use of virtual or remote court proceedings beyond essential proceedings be permitted when litigants have provided informed consented to the use of such procedures, including being offered either a safe, as determined by independent medical experts, in-person proceeding or a delay until such a safe, in-person proceeding can be held;

FURTHER RESOLVED, That the American Bar Association urges that no person consenting to the use of virtual or remote court proceedings be required to sign a
blanket waiver of rights or waive the right to have the procedure or outcome of the proceeding be subject to appellate or post-conviction review;

FURTHER RESOLVED, That the American Bar Association urges the formation of committees to conduct evidence-based reviews of the use of virtual or remote court proceedings and make recommendations for procedures, revisions of procedures and best practices to ensure that they are guaranteeing all applicable constitutional rights and ensure that attorneys can comply with their professional ethical obligations. Such committees should include representatives of all constituencies involved in or affected by the type of court or proceeding under consideration;

FURTHER RESOLVED, That the American Bar Association urges that all virtual or remote court proceedings be tailored to the needs of participants and take into account the type of case and proceeding to be conducted, the participants involved, and whether participants are likely to be represented by counsel, by:

(1) Considering the ability of all participants to access and fully participate in the proceedings, including:
   a. Ensuring that participation options for virtual or remote court proceedings are free for participants and observers;
   b. Providing options concerning participation and permitting participants to select the means of participation best suited to them without prejudice;
   c. Allowing participants to alter their chosen means of participation for each proceeding;
   d. Providing necessary support for those who, for financial, technological, language access, disability, or other reasons, may not be able to fully participate without assistance;
   e. Ensuring that methods of participation reduce, to the fullest extent possible, any prejudice that might result from the circumstances of participation;
   f. Providing contingencies for possible technological or access problems during the proceeding;
   g. Guaranteeing that participants are not pressured or obligated to waive constitutional rights;

(2) Providing training on applicable procedures, including training on possible areas of technological bias;

(3) Providing additional funding to assist courts, legal aid and public defense providers, prosecutors, and social service providers to expand and improve access to virtual and remote court proceedings, particularly for those who may require financial, technological, language access, or other specialized assistance;
(4) Protecting full attorney-client relationships, including providing access for private consultation both before and during court proceedings and guaranteeing the confidentiality of such communications; and
(5) Enabling and encouraging access to other litigation assistance programs and self-help programs previously available;

FURTHER RESOLVED, That the American Bar Association urges that advance notice be provided to the public of all virtual or remote proceedings and that full and meaningful public access to such proceedings be guaranteed, while also protecting the privacy of those proceedings legally exempted from public access; and

FURTHER RESOLVED, That the American Bar Association urges that virtual and remote court procedures be studied for purposes of developing best practices and determining possible biases, and that, if such studies suggest prejudicial effects or disparate impacts on particular litigants or case outcomes, steps should be taken to halt, alter, or revise virtual or remote court procedures.