

QUESTIONS AND ANSWERS FOR THE NEW MEMBERS OF  
THE ABA HOUSE OF DELEGATES\*

January 2011

1. Who may submit a resolution? Any delegate? Any organization?

Typically, resolutions are submitted by a section or committee of the ABA or by a state or local bar association (that is represented in the House of Delegates). However, they may also be submitted by an affiliated organization (the House of Delegates has representatives of many organizations that have an affiliation with the ABA), by any member of the House of Delegates, or any member of the Association.

2. What is the format for the resolution?

A resolution must be accompanied by a written report, not to exceed 15 pages in length, stating the reasons for the resolution. The resolution must be concise and should propose new policy or a change of policy, or it may reaffirm existing policy that hasn't been approved in the past ten years. Article 45.2 of the House of Delegates Rules of Procedure sets forth more specific rules that must be followed in submitting a resolution, including submission of accompanying forms.

3. Once you have prepared your resolution, who do you send it to in order to have it considered by the House of Delegates?

It must be submitted to the ABA Secretary, by filing in the ABA Chicago office. Once you have formally submitted your proposed resolution and report, the Rules and Calendar Committee will determine whether it is in compliance with the requirements of Article 45. Once it is found to be in compliance it will be calendared for House consideration. If it is not in compliance, it will be referred back to the sponsoring entity with reasons and the sponsor will have the opportunity to make necessary corrections.

Resolutions must be filed by the date prescribed by the Committee on Rules and Calendar. That is ordinarily approximately three months prior to the House meeting at which it will be considered. However, there are exceptions to these deadlines for state and local bar associations. The House Rules also permit late resolutions if you file a Request to File a Late Report with reasons for why it is late but should be calendared.

4. When and how will you find out that your resolution has been calendared for consideration by the House?

The staff of ABA Policy and Administration, which also staffs the Rules and Calendar Committee, will be in contact with the submitting entity regarding any suggestions from Rules and Calendar. The Preliminary Agenda is then posted, which includes all resolutions that Rules and Calendar proposes to be calendared for the meeting. The staff will notify the submitting entity when it has been calendared.

5. How do other members of the House of Delegates find out about your resolution?

The Secretary will have the resolution and report printed and will distribute all calendared resolutions to all House of Delegates members at least 15 days prior to the meeting of the House at which they are to be considered. Delegates will also receive electronically, well in advance of the House meeting, summaries of proposed resolutions that have been submitted by the deadline.

I would add a question here – What is a salmon slip? A simple, salmon-colored form, indicating that you wish to speak for or against a resolution.

6. If you sponsor a resolution, do you have to speak on behalf of it in the House? When, exactly, will this be?

The sponsoring entity should have a representative prepared to present the resolution (not more than ten minute presentation) and that person would also have a right to close debate (up to five minutes) on the resolution. These time limits may be shortened if there is no opposition to the resolution. Resolutions are numbered in the order they are filed and are generally heard in that order unless a resolution has been specially ordered for a time certain.

7. How do you go about getting other people to speak on behalf of your resolution?

If you are the sponsor of a resolution, it is important to try to line up other speakers in support of your resolution, in addition to your sponsoring entity's presenter. If you have lined up co-sponsoring entities, their leadership may wish to select someone with expertise in the matter to speak, as well. However, it is not necessary to be a co-sponsor to speak in favor of a resolution. It is highly recommended that you make these efforts in advance of the meeting, so that there can be sufficient time to prepare and time remarks. Speakers who are not presenters may speak for no more than five minutes in the case of an opposed resolution. If there is no opposition to a resolution, at the discretion of the Chair of the House of Delegates, the time allotted may be reduced.

8. Who can speak against your resolution?

Anyone who is entitled to speak in the House of Delegates may speak against your resolution, including any member of the House or any member of the ABA. However, any person who is not a member of the House who wishes to speak, must receive privileges of the floor before speaking. Privileges must be sought in advance of the House meeting and approved by the delegates at the beginning of the meeting.

9. What do you do if someone speaks against your resolution?

You should assume that there will be speakers against your resolution, even though you will have made every effort to get relevant entities and persons "on board" with your issue. That is why it is important to have several speakers ready to speak in support of your resolution, even if it turns out they are not all called up to the podium. Sometimes, especially when there are many supporters who wish to speak in favor and only a small

number of those wishing to speak in opposition, the Chair of the House will read the names on the "salmon slips" of those who have signed up to speak in favor, rather than taking the time to have each of them speak. As noted above in answer to question 6., if you are the presenter, you will have the opportunity to close the debate to respond to the opposing position.

10. What do you do if you want to speak in the House of Delegates, but aren't a sponsor of the resolution on which you want to speak? Can you decide at the last moment that you want to speak or do you have to let them know in advance? How do you get a "salmon slip" and to whom to you give it?

You can decide at the last minute to speak. You should go up to the Rules and Calendar Committee table -- always at the very front of the House on the right as you are facing the front of the room -- to fill out a "salmon slip". A member of Rules and Calendar, in turn, provides the slips to the Chair of the House. Then you should sit in the front row until you are recognized to speak. As a courtesy, you should try to locate the sponsor (or chief opponent, if there is one) to let that person know of your intention to speak on behalf of or against the resolution. Filing a salmon slip does not ensure recognition, since a debate may terminate by one of several methods before all who have filed slips have been recognized.

11. Why do some people go to the microphones in the aisles and not fill out a salmon slip?

The Delegate may have a point of inquiry (under Robert's Rules of Order). Typically the Chair observes this person at the microphone and inquires of the delegate.

12. Are Delegates permitted to ask that their motion be reconsidered after it has already been voted down by the House?

Only a delegate who voted on the prevailing side may seek reconsideration. Thus, a delegate who voted in favor of a resolution that is defeated may not move for reconsideration. Robert's Rules of Order newly Revised (10th edition) governs the House in parliamentary situations that are not covered by the Constitution, the Bylaws, or the Rules of Procedure, unless the House otherwise directs.

13. Can a bar-appointed or elected delegate speak if the delegate has not obtained permission from the representative organization, in advance, to speak on a matter?

Yes, but, that delegate would be wise to check in with the entity that he/she represents (*i.e.* state or local bar, section, etc.) in advance to ensure that it is considered appropriate by that entity for the delegate to speak on the resolution without formal permission; otherwise the delegate should be very clear to begin the presentation with a disclaimer that the presentation is not being made on behalf of the entity he or she represents in the House.

14. What happens if you have to leave your seat in the House for personal reasons such as for a phone call or a coffee or bathroom break?

You are free to do so for a brief period, but be sure not to leave when a likely contested vote is close to being called. (You should be able to tell from the way the debate is going, but it is wise to inquire of your more senior delegates if you are not sure.) Whether it is a vote by voice, hand or standing body count, you will not want to miss it. Keep in mind that your vote will not be counted if your badge is not visible. If you go outside the building for lunch, be sure to be back in time for the afternoon session -- there are always important matters on the agenda in the early afternoon. Finally, it is very important to plan your return flight home so that you can remain for the full House session. In fact, there is a rule that you cannot get reimbursed for your Midyear meeting (there is no reimbursement for the annual meeting) travel expenses by the ABA if you leave before the House adjourns.

\* Sources: The sources for the answers to these questions derive from a combination of the combined wisdom of members of the Select Committee of the House of Delegates, 2010-2013, staff of ABA Policy and Administration, the ABA Constitution and Bylaws and Rules of Procedure of the House of Delegates, 2010-2011, and the ABA Delegate Handbook. This Q and A is intended to be helpful to members of the House of Delegates. However, in case of doubt about interpretation of any of the Rules of Procedure or any of the policies contained in the Delegate Handbook, their interpretation by the Chair of the House of Delegates is final and takes precedence over anything contained in this document.

Dated: January 12, 2011

Chair of the House: Linda Klein

Chair of the Select Committee of the House: Beverly Quail

Q & A Subcommittee: Hon. Ellen Rosenblum, Carolyn Witherspoon,

David Clark and Timothy Walker