ABA Day draws hundreds of bar leaders to Capitol Hill for annual lobbying event

ABA Day in Washington, the association’s annual grassroots lobbying event coordinated by the Governmental Affairs Office, brought a record number of state and local bar leaders to the nation’s capital this year to meet with members of Congress on issues of importance to the legal profession.

“It is your local voices that have the power to make your congressional delegations stop and listen,” ABA President Paulette Brown told the group. “We come here annually, but our message must echo in congressional offices long after we leave,” she said, urging attendees to continue to reach out to their members after they go home.

The more than 360 participants – from 48 states, the District of Columbia and the U.S. Virgin Islands – traveled around Capitol Hill over three days for hundreds of meetings, focusing on the following priority issues:

**Legal Services Corporation (LSC).** The bar leaders urged members to reject LSC funding cuts and support President Obama’s request for a $90 million increase to bring the LSC appropriation to $475 million for fiscal year 2017. The increase would allow LSC, the backbone for America’s legal aid and pro bono system, to continue to support legal aid offices across the country that serve society’s most vulnerable citizens.

**Criminal Justice Reform.** Participants focused on the urgent need to enact bipartisan evidence-based sentencing reform that reduces reliance on incarceration and keeps the public safe. The legislation, S. 2123 and H.R. 3713, would reduce the length of mandatory minimum sentences for lower-lever nonviolent drug offenders, incrementally expand the “safety valve” that permits judges to sentence below the mandatory minimum in qualified cases; and give retroactive effect to the 2010 Fair Sentencing Act. Following the ABA Day meetings, a revised version of the legislation garnered additional Republican support and cosponsors.

Another criminal justice priority is the reauthorization of the Juvenile Justice and Delinquency Prevention Act to, among other things, require states to end the jailing of youth for noncriminal status offenses, implement data-based steps to reduce racial disparities in the juvenile justice system, and strengthen access to counsel.

ABA Day provided an opportunity, during a reception and dinner at the National Museum of the American Indian, to recognize senators and representatives with Justice Awards for their support for issues of critical importance to the ABA and the administration of justice. This year’s recipients were: Sen. Chuck Grassley (R-Iowa), for introducing and advocating for sentencing reform and JJDPA reauthorization legislation; Sen. Cory Booker (D-N.J.), for his leadership in focusing on unfair collateral consequences for
<table>
<thead>
<tr>
<th>LEGISLATIVE ISSUE</th>
<th>HOUSE</th>
<th>SENATE</th>
<th>FINAL</th>
<th>ABA POSITION</th>
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<tbody>
<tr>
<td>Immigration. The president announced 11/20/14 that he would take executive action to provide temporary deportation protection for up to five million undocumented immigrants. A federal district court in Texas issued a temporary injunction blocking implementation. An appeals court panel denied the administration’s request for a stay. The government has appealed the decision to the Supreme Court.</td>
<td>Judiciary Committee held hearings on immigration issues on 4/14/15, 4/29/15, and 10/7/15.</td>
<td>Judiciary Committee held hearings on immigration issues on 3/3/15, 3/17/15, 3/19/15 and 7/21/15. Judiciary Committee held a hearing on unaccompanied immigrant children on 2/24/16.</td>
<td>Supports comprehensive immigration reform that promotes legal immigration based on family reunification and employment skills and a path to legal status for much of the undocumented population currently residing in the United States. Opposes detention except where individual presents a threat to national security or public safety.</td>
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FinCEN customer due diligence final rule protects confidentiality

ABA helps to secure clarification in final rule

The Treasury Department’s Financial Crimes Enforcement Network (FinCEN) issued a final rule May 11 that includes key language proposed by the ABA that will protect the confidentiality of law firm clients when new accounts are established at financial institutions on behalf of those clients.

The final rule – designed to combat money laundering, terrorist financing and other illicit financial activity by clarifying and strengthening customer due diligence (CDD) requirements for banks and other financial institutions – requires covered institutions to disclose the beneficial owners of entities opening new accounts. The term “beneficial owner” is defined in the rule as (1) each individual, if any, who directly or indirectly owns 25 percent or more of the equity interests of a legal entity customer and (2) a single individual with significant responsibility to control, manage or direct the entity.

The final language of the rule clarifies that when law firms open escrow and client trust accounts on behalf of their clients, those accounts will be deemed to be “intermediated accounts,” and the law firms will only have to disclose their own beneficial ownership, not the identity or beneficial ownership of their clients for whom the accounts were established.

The new language was included in the final rule in response to two separate ABA comment letters sent in May 2012 and October 2014 by Kevin L. Shepherd, then Chair of the ABA Task Force on Gatekeeper Regulation and the Profession. In the 2014 comments, Shepherd noted that under ABA Model Rule of Professional Conduct 1.15 and the similar binding ethics rules adopted by every state court system, lawyers are required to establish client trust accounts for many of their clients, and the lawyers have a professional and fiduciary obligation to avoid comingling their clients’ money with their own. Given the prevalence of these clients trust accounts established by law firms, Shepherd explained, “...the considerable, time, effort and expense that would be required for lawyers and law firms to collect and report beneficial ownership information for the large percentage of their clients for whom they establish trust accounts is excessive and clearly disproportionate to any marginal...benefits that the information might be expected to provide to FinCEN and other federal agencies.”

Shepherd also warned that requiring lawyers and law firms that establish client trust accounts to disclose their clients’ identities and beneficial ownership information would have been inconsistent with ABA Model Rule 1.6 dealing with “Confidentiality of Information” and with the many binding state rules of professional conduct that loosely track that Model Rule. Rule 1.6 states that, except for certain narrow exceptions, “a lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent...” The range of client information that lawyers are not permitted to disclose under Rule 1.6 without client consent is broader than that covered by the attorney-client privilege and includes many categories of non-privileged, but confidential, information related to the representation, including the identity of the client.

“The risk that the client’s identity – and other confidential beneficial ownership information about the clients – could be divulged by the lawyer or law firm could discourage a client from retaining a lawyer or law firm and entrusting funds with the lawyer or law firm, thereby substantially interfering with a client’s fundamental right to counsel,” Shepherd emphasized.

see “FinCEN,” page 8

ABA president reiterates opposition to new Labor Department persuader rule

ABA President Paulette Brown last month reiterated the ABA’s opposition to the Labor Department’s new final “persuader” rule, maintaining that the new rule – which will apply to arrangements, agreements and payments made on or after July 1 – will “seriously undermine both the confidential lawyer-client relationship and employers’ fundamental right to counsel.”

Brown submitted her statement for the record of an April 27 hearing on the new rule convened by the House Education and the Workforce Subcommittee on Health, Employment, Labor and Pensions. Subcommittee Chairman Phil Roe (R-Tenn.), who acknowledged Brown’s statement during the hearing, said the new persuader rule upends over half a century of labor policy by changing the department’s longstanding interpretation of the advice exemption of the rule contained in Section 203(c) of the Labor-Management Reporting and Disclosure Act.

see “DOL persuader rule,” page 9
ABA Day in Washington 2016

Min K. Cho, ABA Board of Governors; Florida Bar President-Elect Designate Michael Higer; Florida Bar President-Elect William J. Schiffino Jr.; ABA President-Elect Nominee Hilarie Bass; Grassroots Advocacy Award recipient Neal Sonnett; Hon. Emerson Thompson; Bruce Blackwell, executive director, Florida Bar Foundation; and Berneice Cox.

Arizona Court of Appeals Judge Larry Winthrop; Geoffrey Trachtenberg, president, State Bar of Arizona; Sen. John McCain (R-Ariz.); ABA House of Delegates Chair Trish Refo; and John Phelps, executive director, State Bar of Arizona.

ABA President Paulette Brown with Justice Award honorees Rep. Joyce Beatty (D-Ohio) and Sen. Chuck Grassley (R-Iowa).

Michelle Ito, Governmental Affairs Office; Anna Romanskaya, chair-elect, ABA Young Lawyers Division; Sen. Barbara Boxer (D-Calif.); Kimberly Irish, OneJustice; Pauline Weaver, ABA House of Delegates; and Laura Farber, ABA House of Delegates.

The Kentucky delegation, led by ABA President Paulette Brown and Past President Wm. T. (Bill) Robinson III (at left), visited Senate Majority Leader Mitch McConnell (R-Ky.).

Celebrating the Military Spouse JD Network’s Grassroots Advocacy Award were: Thea Pitzen, secretary; Estelle Rogers, chair, ABA Standing Committee on Governmental Affairs; Lt. Col. John Smith; Co-founder Mary Reding Smith; ABA President Paulette Brown, Dr. Rusty Gore; President-Elect Josie Beets; President Eleanor Magers Vuono; Lt. Cmdr. Brian Jamison; and Communications Director Libby Jamison.
Missouri Bar Vice President Nancy Mogab; Zoe Linza, executive director, Bar Association of Metropolitan St Louis (BAMSL); BAMSL President Seth Albin; Rep. William Lacy Clay (D-Mo.), Missouri Supreme Court Judge Richard B. Teitelman; and BAMSL President-Elect Eric Kukowski.

Rep. Danny Davis (D-Ill.) (center) meets with Bob Glaves, executive director, Chicago Bar Foundation; and Vincent Cornelius, president-elect, Illinois State Bar Association.


Rep. Jim Sensenbrenner (R-Wis.) (seated) accepted his Justice Award from (l to r): State Bar of Wisconsin President Ralph Cagle; Public Affairs Coordinator Brittney Weiland; Public Affairs Director Lisa Roys; Bob Carlson, chair, ABA Day Planning Committee; and President-elect Francis Deisinger.

Joseph Roszkowski, past president, Rhode Island Bar Association; Geraldine Roszkowski; Sen. Jack Reed (D-R.I); Libby Jamison, communications director, Military Spouse JD Network; and Jonathan Bing, member, ABA Standing Committee on Governmental Affairs.


Bill Mueller, Nebraska State Bar Association (NSBA); NSBA President Tom Maul; and Sen. Deb Fischer (R-Neb.).

To see more photos, go to the ABA Governmental Affairs Office website.

ABA Day 2016 Photos
ABA expresses concern about some proposed changes to UCMJ

Maintains that proposals may infringe on the rights of servicemembers accused of crimes

ABA President Paulette Brown expressed concerns to Congress this month that some of the recommended reforms proposed for the Uniform Code of Military Justice (UCMJ) could cause unintended consequences that should be considered as legislation is crafted to improve the code.

Brown wrote May 5 to the House and Senate Armed Services Committees that the ABA commends the comprehensive approach taken by the Department of Defense when it appointed a Military Justice Review Group to analyze the UCMJ and make recommendations for reform. While the association believes that the vast majority of the recommended changes are a positive step forward for the military justice system, she said, some of the proposals involving sentencing and appellate rights may infringe on the rights of servicemembers accused of crimes in the military.

The ABA is particularly concerned, Brown said, about major proposed changes to court-martial sentencing procedures that would eliminate an accused’s choice of sentencing forum by either court members or a military judge at the election of the accused. This right, which has existed since 1968 and is supported by the ABA, would be replaced by a process mandating judge-alone sentencing in all non-capital cases.

“Preserving broad rights like this afforded to servicemembers prosecuted in the military justice system is essential to meeting its overarching goals of justice, good order and discipline, while maintaining public confidence in its fairness and integrity,” Brown emphasized.

She also recommended that the committees proceed with caution before acting on other recommendations in areas on which the ABA has taken no formal position.

The first would require segmented sentences for each charge resulting in a conviction in the court-martial process (instead of the current unitary sentencing process) and would call for the development of sentence parameters for sentences that include confinement. The ABA also has major concerns about a recommendation to rescind the automatic appeal rights that servicemembers currently have in the military justice process.

Brown urged the committee members, as they draft fiscal year 2017 defense authorization legislation, not to rescind an accused servicemember’s right to elect his or her sentencing forum and also to carefully consider whether the committees need more data collection and analysis before including sentence parameters in the bill and whether there is a compelling justification for rescinding the accused’s automatic appeals rights.

ABA Judicial Vacancies/Confirmations—114th Congress*  
(as of 5/20/16)

<table>
<thead>
<tr>
<th>Court</th>
<th>Vacancies</th>
<th>Pending Nominations</th>
<th>Confirmations</th>
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<td>US Supreme Court (9 judgeships)</td>
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<tr>
<td>US Courts of Appeals (179 judgeships)</td>
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<td>US District Courts (678 judgeships)</td>
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<tr>
<td>Court of International Trade (9 judgeships)</td>
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<tr>
<td>Totals</td>
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<td>57</td>
<td>18</td>
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*Includes territorial judgeships
BAR ADMISSIONS AND MENTAL HEALTH: ABA President Paulette Brown expressed support last month for amendments suggested by the Washington State Bar Association to remove questions related to mental health history from the state’s character and fitness review of bar applicants. The recommendation is in line with ABA policy adopted in 2015 urging state and territorial bar licensing entities to limit bar admission questions to issues involving “conduct or behavior that impairs an applicant’s ability to practice law in a competent, ethical, and professional manner.” In an April 21 letter to the Washington State Supreme Court, Brown emphasized that requiring bar applicants to provide their mental health histories, diagnoses or past treatment details unfairly discriminates against individuals with disabilities and is likely to deter individuals from seeking treatment. These questions, she said, have proven to be ineffective for identifying unfit applicants. Brown explained that the ABA policy makes clear, however, that licensing entities are not precluded from making follow-up inquiries concerning an applicant’s mental health history if the applicant has engaged in conduct or behavior that may otherwise warrant a denial of admission, and a mental health condition either has been raised by the applicant as, or is shown by other information to be, an explanation for such conduct or behavior. “We believe this approach strikes the right balance and allows licensing agencies to carry on in their vital role of protecting the profession and the public,” she said. A growing number of states – including Arizona, Illinois, Massachusetts, Pennsylvania and Tennessee – have eliminated discriminatory mental health questions from their bar admissions practices.

Mandatory Accrual Accounting: ABA President Paulette Brown, in a statement for the record of an April 26 hearing on “Navigating Business Tax Reform,” urged members of the Senate Finance Committee to oppose proposals that would require personal service businesses, including law firms, with annual gross receipts over $10 million to switch from the simple cash method of accounting to the more complex and costly accrual method. The proposals were included as Section 51 of the committee’s staff discussion draft tax reform bill during the 113th Congress and are part of similar proposals currently under consideration. “Although we commend you and your colleagues for your efforts to craft legislation aimed at simplifying the tax laws – an objective that the ABA and its Section of Taxation have long supported – we are concerned that mandatory accrual accounting proposals like Section 51 would have the opposite effect and cause other negative unintended consequences,” Brown wrote. “These far-reaching proposals would create unnecessary new complexity in the tax law by disallowing the use of the cash method; increase compliance costs; and cause substantial financial hardship to many law firms, other personal service businesses by requiring them to pay tax on income long before it is actually received. Brown emphasized that the mandatory accrual accounting proposals are also opposed by more than 30 state, local and specialty bars throughout the country. Last month, Brown conveyed a similar message to members of the House Ways and Means Committee prior to its Tax Policy Subcommittee’s April 13 hearing on “Fundamental Tax Reform Proposals.”

Louisiana Public Defense: The ABA sent letters recently to Louisiana Gov. John Bel Edwards and Commissioner of Administration Jay Dardenne urging them to ensure that the state’s public defense system is sufficiently funded “so that attorneys may meet their constitutional and ethical obligations.” In a March 30 letter to Edwards, ABA President Paulette Brown recognized Louisiana’s $1.6 billion budget shortfall, but she emphasized that “public defense is one service that cannot be cut.” A proposal to reduce the public defense budget by nearly 62 percent would “exacerbate the current workload problem, threatening mass constitutional and ethical violations, as well as likely incur- ring wrongful convictions and mass incarceration,” she wrote. To avoid ethical, constitutional and statutory violations, the Louisiana Public Defense Board recently announced implementation of statewide service reductions pursuant to the ABA Eight Guidelines of Public Defense Related to Excessive Workloads and state protocol. In a May 8 letter to Dardenne, ABA Governmental Affairs Director Thomas M. Susman also urged the state to maintain the Louisiana Public Defenders work on behalf of indigent parents in child welfare cases and children in Families in Need Services (FINS) and delinquency proceedings. Susman pointed out that the ABA Center on Children and the Law has worked closely with the Louisiana Supreme Court to improve representation of indigent parents and their children, and the state has emerged as a national leader in the child welfare legal field. “Inadequate funding of the Louisiana Public Defender Board or the local offices that results in de-prioritization or elimination of specialized representation will dismantle years of reform and negatively impact children and families. High-quality representation results in children remaining with their families safely and measurable positive outcomes for children such as decreased teen pregnancy, juvenile arrests, and homelessness,” he said.

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“Miranda: more than words” is theme of 2016 Law Day

This year’s Law Day featured events around the country focused on this year’s theme, “Miranda: more than words,” to commemorate the 50th anniversary of *Miranda v. Arizona*, 384 U.S. 436 (1966), the landmark Supreme Court case establishing that, prior to custodial interrogation, police have an affirmative duty to warn detained criminal suspects of their right to remain silent and request to have counsel present.

Law Day, originally envisioned in 1957 by then ABA President Charles S. Rhyne and officially established the next year by President Eisenhower, has grown from one day (May 1) to weeks of events conducted by bar associations, courts, schools and other organizations to celebrate the rule of law.

“The court’s decision in *Miranda v. Arizona* affirmed that “Equal Justice Under Law” is more than just words, but a cornerstone of our nation’s legal system – the idea that no matter who you are or where you come from you will be treated equally and afforded due process,” President Obama said in his Law Day proclamation. The ruling, he said, “imparts an important lesson: knowledge of our constitutional rights is an essential component to fully exercising those rights.”

ABA President Paulette Brown, in her Law Day message, said that the 2016 Law Day theme “allows us to examine the issues and challenges that remain to be overcome for our nation to live up to its pledge of justice for all,” and “provides us an opportunity to explore ways to advocate for change.”

Brown presided over the annual Leon Jaworski Public Program, a major Law Day event in Washington that featured a panel of experts discussing the role of *Miranda* in our national culture.

Moderated by John Milewski, director of digital programming at the Woodrow Wilson International Center for Scholars, the panel (in accompanying photo) included: Russell Dean Covey, professor of law, Georgia State University College of Law; Angela J. Davis, professor of law, American University Washington College of Law; Yue Ma, associate professor, Department of Law, Police Science and Criminal Justice Administration; John Jay College of Criminal Justice, City University of New York; and Ronald C. Machen, partner, WilmerHale, and former U.S. attorney for the District of Columbia. ■

FinCEN rule is one of several steps by administration

In the final rule, FinCEN agreed with the ABA, recognizing both the lawyers’ professional obligation to maintain client confidentiality under state law and codes of professional conduct, as well as the significant operational challenges facing lawyers and law firms in collecting the beneficial ownership information for escrow accounts. The agency also noted that state bar associations impose extensive recordkeeping requirements upon attorneys with respect to such accounts, generally including, among other things: records tracking each deposit and withdrawal, including the source of funds, recipient of funds, and purpose of payments; copies of statements to clients or other persons showing disbursements to them or on their behalf; and bank statements and deposit receipts.

For these reasons, FinCEN concluded that for the purposes of the final CDD rule, attorney escrow and client trust accounts will be treated like other intermediated accounts, and financial institutions should treat the intermediary law firm as its customer, not the law firm’s clients. As a result, financial institutions need only collect beneficial ownership information regarding the law firm establishing the new intermediated account, not the identity or beneficial ownership information of the law firm’s clients for whose benefit the accounts are established or maintained.

The CDD rule is one of several steps taken this month by the Obama administration to increase transparency and disclosure requirements for combating money laundering, corruption and tax evasion.
The persuader rule requires employers and their labor consultants, including lawyers, to file extensive periodic disclosures with the department when they are involved in persuading employees on union formation or membership issues. For more than 50 years, the department interpreted the advice exemption broadly and deemed lawyers to be exempt from the rule’s reporting requirements when they merely provide advice or other legal services directly to their employer clients on these unionization issues but have no direct contact with the employees.

In her statement, Brown expressed concerns that the department’s new interpretation of the rule “will essentially nullify the act’s advice exemption, undermine the related attorney-client communications exemption, and hence thwart the will of Congress.” She also warned that the new rule will conflict with lawyer’s existing state ethics rules regarding client confidentiality and seriously undermine both the confidential lawyer-client relationship and the employers’ fundamental right to effective counsel. “To avoid these negative consequences,” Brown explained, the ABA urges Congress to preserve the previous well-established interpretation of the advice exemption” and urges the department to narrow the scope of Form LM-21 so that only those receipts and disbursements relating directly to the law firm’s persuader activities need be disclosed.

The rule states that the advice exemption will no longer shield employees and their lawyers from reporting agreements in which the lawyer “has no face-to-face contact with employees but nonetheless engages in activities behind the scenes (known as indirect persuader activities) where an object is to persuade employees concerning their rights to organize and bargain collective.”

In addition, unless the department’s Form LM-2 (“Receipts and Disbursements Report”) is substantially modified in a new rulemaking planned for this fall, the new rule will require lawyers who provide legal advice to employer clients and engage in any persuader activities to report all receipts from and disbursements on behalf of every employer client for whom the lawyers engaged any “labor relations advice or services,” not just those employer clients whom persuader activities were performed.

ABA Past President Wm. T. (Bill) Robinson III, testifying before the subcommittee in his individual capacity, explained that the final rule is similar to an earlier version proposed in 2011 that caused great concern to the legal profession when he was ABA president. At the time, Robinson sent a letter expressing the association’s serious concerns about the proposal, and 18 states, local and specialty bar associations submitted also separate written comments opposing the proposed rule.

After echoing many of the same concerns expressed by the ABA, Robinson predicted that the new rule “would set a trap for attorneys whose responsibility it is to advise members of an entire class of clients – every person and business creating jobs in America.”

Robinson also urged members to vote for H.J. Res 87, a joint resolution introduced by Rep. Bradley Byrne (R-Ala.) to block the rule from taking effect. The House Education and the Workforce Committee approved the measure May 18.

More than 70 House members also expressed their opposition to the new rule in a March 23 letter to Reps. Tom Cole (R-Okla.) and Rosa DeLauro (D-Conn.), the chair and ranking member of the House Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies. The members urged the committee to attach riders to fiscal year 2017 appropriations legislation to prohibit DOL from spending money to implement the new rule.

Others opposed to the final rule include the U.S. Chamber of Commerce, the National Federation of Independent Businesses, the Associated Builders and Contractors, other business groups, and various large management-side law firms. Lawsuits seeking to block implementation of the rule have been filed by these and other opponents in U.S. district courts in Arkansas, Minnesota, and Texas.
ABA Day features Justice and Grassroots Awards

continued from front page

those convicted of criminal offenses and his support for a more just and humane juvenile justice system; Rep. Jim Sensenbrenner (R-Wis.), for his support for voting rights, reauthorization of the Second Chance Act, and reform of civil asset forfeiture laws; and Rep. Joyce Beatty (D-Ohio), for her commitment to combating child sex trafficking, support for LSC, paycheck fairness and voting rights, and her efforts to bring affordable housing to distressed communities of color.

At the annual Capitol Hill reception, a Grassroots Advocacy Award was given to Miami attorney Neal Sonnett, former chair of the Criminal Justice Section and the Section of Individual Rights and Responsibilities (now the Section of Civil Rights and Social Justice), who has been an admired and influential member of the ABA for decades. His work has included chairing the Task Force on Treatment of Enemy Combatants and the Task Force on Domestic Surveillance in the Fight Against Terrorism, which were instrumental in developing ABA policies for protecting the nation’s security and civil liberties following the 9/11 terrorist attacks.

Also receiving a Grassroots Advocacy Award was the Military Spouse JD Network, a group that advocates for military spouse lawyers and pushed for ABA policy adopted in 2012 urging jurisdictions to consider changing bar admission rules to help these spouses practice law as they are moved around the country by the military.

Three law students – Christopher Jennison, Madison Hardee and Jordan Glasgow – were recognized for their contributions, through their personal stories, to the ABA’s #SaveLoan4Giveness social media campaign to preserve the Public Service Loan Forgiveness Program.

Keynote speakers during the opening session included Reps. Joseph Kennedy III (D-Mass.), who helped launch the Congressional Access to Civil Legal Services Caucus, and David Jolly (R-Fla.). Both emphasized their support for legal services funding. Stephen Saltzburg, former chair of the ABA Criminal Justice Section, briefed the group on the criminal justice issues. At the breakfast briefing the next day, Valerie Jarrett, senior advisor to President Obama, commended the ABA for its work toward criminal justice reform, and President Brown presented an ABA Presidential Citation to Wade Henderson, president of the Leadership Conference on Civil and Human Rights, who is retiring this year.

In his message to attendees, ABA Day Planning Committee Chair Bob Carlson thanked participants for contributing their valuable time and said he was confident that they “can and will make a difference,” through their advocacy visits. Planning is already underway for next year’s ABA Day in Washington, scheduled for April 25-27, 2017.

Korea

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negotiated and embodied in the Free Trade Agreement between the Republic of Korea and the United States (KORUS),” ABA Governmental Affairs Director Thomas M. Susman wrote April 2.

Specific concerns, he said, include: imposition of a substantial in-time requirement for the formation of joint ventures between U.S. and Korean firms; a mandated 49-51 U.S.-Korean equity ratio for voting shares or equity interests in joint ventures; and the placement of certain practice areas, such as intellectual property, labor and real estate law, off limits to joint venture law firms.

The letter urges Korea to reconsider and further amend FLCA to provide for “more robust and flexible associations between U.S. and Korean law firms and lawyers.”