

MEMORANDUM

SUBJECT: 2012 Annual Meeting of the American Bar Association and
Meeting of the House of Delegates

DATE: August 29, 2012

REPORT ON THE ABA ANNUAL MEETING

The 134th Annual Meeting of the American Bar Association (the “ABA”) was held August 2-7, 2012, at the Hyatt Regency Chicago Hotel in Chicago, Illinois. Wide varieties of programs were sponsored by committees, sections, divisions, and affiliated organizations. The House of Delegates met for a day and a half session. The Nominating Committee also met.

The Nominating Committee sponsored a “Meet the Candidates” Forum on Sunday, August 5, 2012. The following candidates seeking nomination at the 2013 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association present: Timothy L. Bertschy of Illinois and G. Nicholas Casey of West Virginia, candidates for Treasurer; Mary L. Smith of Illinois, Mary T. Torres of New Mexico and Pauline A. Weaver of California, candidates for Secretary; and William C. Hubbard of South Carolina, candidate for President-Elect.

THE HOUSE OF DELEGATES

The House of Delegates of the American Bar Association (the “House”) met on Monday, August 6, and Tuesday, August 7, 2012. Linda A. Klein of Georgia presided as Chair of the House.

The Chicago Fire Department Color Guard presented the colors. The invocation for the House was delivered by Manuel A. Quilichini of Puerto Rico. The Chair of the House Committee on Credentials and Admissions, Laura V. Farber of California, welcomed the new members of the House and moved that the signed roster be approved as the permanent roster for the meeting of the House. The motion was **approved**.

Palmer Gene Vance II of Kentucky, Chair of the Committee on Rules and Calendar, provided a report on the Final Calendar for the House, including recently filed reports. He moved to consider the late-filed reports, adopt the final calendar and approve the list of individuals who sought privileges of the floor. All three motions were **approved**. Mr. Vance noted that the deadline for submission of Resolutions with Reports for the 2013 Midyear Meeting is Wednesday, November 14, 2012, while the deadline for Informational Reports is Friday, December 7, 2012. He also referred to the consent calendar, noting the deadline for removing an item from the consent calendar or from the list of resolutions to be archived.

Later in the day, Palmer Gene Vance II moved the items remaining on the consent calendar. The motion was **approved**.

For more details of the House meeting, see the following two-part report of the House session. The first part of the report provides a synopsis of the speeches and reports made to the House. The second part provides a summary of the action on the resolutions presented to the House.

I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES

Statement by the Chair of the House of Delegates

Linda A. Klein of Georgia, Chair of the House of Delegates welcomed the delegates in the House and recognized members of the various House committees. Chair Klein extended a special welcome to new members of the House. She announced that the House Technology Committee would be reporting on the proceedings of the House via Twitter.

She recognized the Committee on Rules and Calendar and reminded members where they could find the House Rules of Procedure. Chair Klein introduced the Tellers Committee and reviewed procedures for speaking.

Chair Klein spoke about the ABA's charitable arm, the Fund for Justice and Education ("FJE"). She encouraged House members to contribute and urge their constituents to do so. She reported that 100% of the Board of Governors has contributed to the FJE this year. Specifically, Chair Klein highlighted the work of the Legal Opportunity Scholarship Fund which was started in 1999. It funds scholarships to minority law students and over the last 10 years has provided over \$3 million for more than 200 minority scholarships.

She reminded state delegates to complete the Goal III survey to assist in identifying the makeup of the House of Delegates.

Chair Klein discussed the obligations and responsibilities of House members to take legislative priorities to lawmakers in Washington, D.C. She asked each delegate to be part of the Grassroots Action Team and attend ABA Day on April 16-18, 2013 in Washington, D.C. She suggested that members register early, as participation requires advance planning.

Statement by the Secretary

Hon. Cara Lee T. Neville of Minnesota, Secretary of the Association, moved approval of the House of Delegates Summary of Action from the 2012 Midyear Meeting, which was **approved** by the House. On behalf of the Board of Governors, Secretary Neville presented and referred the House to Report Nos. 177 and 177A, the Board's Informational and Transmittal Reports to the House.

Deceased members of the House were named by the Secretary of the Association, Hon. Cara Lee T. Neville of Minnesota, and were remembered by a moment of silence. Chair Klein asked for recognition of those who had given their lives in defense of our freedom, as well as the shooting victims in Colorado and Wisconsin. She also recognized the families of the 11 Israeli athletes and coaches brutally murdered at the Munich Olympic Games 40 years ago this summer. In this remembrance, the ABA's longstanding commitment to international human rights is carried forward.

Chair Klein recognized Marna S. Tucker of the District of Columbia on a point of personal privilege to speak about John Payton. She also recognized William "Bill" Johnston of Delaware on a point of personal privilege to eulogize Bruce Stargatt, Stephen N. Zack of Florida to speak about Jerome J. Shestack, and William H. Neukom of Washington to speak about Roderick B. Mathews.

Statement by the ABA President

In his remarks to the House, ABA President Wm. T. (Bill) Robinson III of Kentucky expressed gratitude for the privilege of serving as the Association's President and then summarized a few of this year's ABA achievements asking the House to read his final President's Page in the August ABA Journal for more detail. He noted that the ABA strengthened its diversity efforts this year within the Association and in the legal profession. And the Association reaffirmed its continuing commitment to law students and young lawyers. To that end, he announced the creation of the ABA Task Force on the Future of Legal Education.

Trumpeting the message of “No Courts, No Justice, No Freedom,” President Robinson reported on the ABA’s expanded national advocacy campaign regarding the funding crisis affecting our state Courts. That campaign included more than 50 articles and newspaper editorials, a new website, an educational video and a toolkit for state bar leaders. Despite ABA efforts thus far, President Robinson emphasized that still more needs to be done, as many states continue to decrease funding for their state Courts such as his home state of Kentucky where the Courts were closed statewide for the first time in modern history on the very day he addressed the House. He further observed that we would never consider shutting down the police department or a hospital emergency room one day a week for lack of budgetary support and our Courts should be no different. An independent and adequately funded Court system is the key to our unique, representative, constitutional democracy which is the key to our freedom. President Robinson noted that our work on this very important issue will continue under the leadership of ABA President Laurel Bellows with Mr. Robinson and Steve Zack serving as Co-Chairs of the Task Force on the Preservation of Justice System for the coming ABA year.

ABA Medal Presentation

ABA President Wm. T. (Bill) Robinson III of Kentucky introduced Morris S. Dees, Jr. as the recipient of this year’s ABA medal for his tremendous work in fighting racism and injustice. Mr. Dees created the Southern Poverty Law Center, obtained reversal of the death sentences in the Triboro Three case, and has used civil lawsuits to secure judgments against racists and hate groups. The ABA honors Mr. Dees for his courage, leadership, and service.

Mr. Dees expressed his gratitude for the honor of receiving the ABA medal and thanked those who have helped with his work over the years. He told members of the House that his life as a trial lawyer has been enriched by the judges, juries, and clients. As an illustration of the lessons he has learned, he shared the story of a civil trial where his client when asked for forgiveness by a young klansmen involved in the death of her son stated that she had already done so. His client’s words of forgiveness showed love, understanding, and mercy that were higher justice than the seven million dollar verdict returned by the jury. Noting the continued hate, injustice, and anger in the United States, Mr. Dees thanked the ABA for its commitment to the rule of law.

Statement by the Treasurer

ABA Treasurer, Lucian T. Pera of Tennessee, reported that the finances of the Association are sound. He referred members of the House of Delegates to his written

report and used his remarks to provide context for certain items in his written report. He explained the projected net loss for the year, noting certain categories of expenses that predominately accounted for the deficit and commenting on the shortfall in dues revenue. Treasurer Pera briefly discussed the Association's cash flow and pension obligations. He also discussed this year's budget process, reporting that there is a balanced budget based on appropriately conservative assumptions that looks firmly to the future; the Board decided to use the remaining funds in the dues warehouse to support the budget; and significant cuts have been made but only after careful consideration. Treasurer Pera concluded his remarks by thanking the leadership of the ABA's financial services department.

Passing of the President's Gavel and Statement by the President-Elect

ABA President Robinson introduced President-Elect Laurel G. Bellows of Illinois. In her remarks, President-Elect Bellows shared her vision that the ABA continue honoring its commitments to lawyers and clients while promoting fairness and the rule of law. She reflected on the exceptionalism of American lawyers, noting that lawyers have played a unique role in the story of our country and have served as the first responders when liberty and justice are imperiled, as well as fighting for diversity and equal opportunity. Ms. Bellows emphasized that lawyers matter, stating that the ABA will tap into the exceptionalism of American lawyers to correct inadequacies in our justice system.

Ms. Bellows will use the considerable expertise of the ABA to work towards ending the shameful horror of human trafficking in the United States. Approximately 100,000 U.S. citizens are forced into sex and labor for the profit of their captors, in addition to hundreds of thousands of people who are trafficked into our country. We will develop a uniform anti-trafficking law and train responders, police, prosecutors, and pro bono lawyers. We will focus on protecting our national security and the drain on our intellectual property from cyberattacks, continue to engage state legislators to fund our courts, work to retain the civil jury trial, promote workplace equity between men and women, and develop the best ways to teach our young lawyers how to practice law. We will also look inward to ensure the fiscal health of the Association and make sure that we are providing value to our members.

Statement by the Executive Director

ABA Executive Director Jack L. Rives of Illinois welcomed delegates to Chicago, home of the Association. He asked the House to join him and recognize the staff for their passion and hard work, then he summarized some recent developments.

Acknowledging the loss of some \$13 million in dues revenues from Fiscal Year 2008 through the amount budgeted next year, Mr. Rives highlighted some recent efforts to cut expenses and also to raise non-dues revenues. He also noted last year's gains in membership numbers and the projection of increased gains this year. He emphasized that we need to continue to convey the value of membership to lawyers. Despite the increase in membership, our dues revenue has been decreasing.

Executive Director Rives reported that the ABA has been awarded a certificate by the Department of Homeland Security for meeting rigorous standards for continuity of business -- a "first" for any association and only the second awarded to any business. He further reported that a new location for the D.C. office has been identified, at 1050 Connecticut Avenue, N.W. All of the staff will be housed on the 58,000 square foot fourth floor, and a staff lounge and conference rooms will be on the fifth floor. The move to the new location is planned for May 2013.

Executive Director Rives provided delegates with an update on staff diversity activities. The diversity and inclusion task force he appointed created an anonymous survey, which received an astonishing 75% response rate. The survey will be repeated in future years, with the earlier results serving as a benchmark for progress. Staff has also begun a "We are the ABA" program to show how everyone fits into the mosaic that "is" the American Bar Association.

By viewing the challenges as opportunities, Executive Director Rives reported that the ABA is moving forward.

Presentation by President of the American Bar Endowment

Chair Klein recognized N. Lee Cooper, President of the American Bar Endowment, for the presentation of checks to the American Bar Foundation and Fund for Justice and Education.

Remarks by Board Chairman of Legal Services Corporation

Chair Klein recognized John G. Levi of Illinois, Chairman of the Board of the Legal Services Corporation. Mr. Levi thanked the ABA for its partnership and urged delegates to continue to support the access to justice community. The Legal Services

Corporation is the single largest funder of civil legal aid to support equal justice for all. Programs funded by the Legal Services Corporation deal with civil matters that go to the heart of the safety and security of clients. Even though an increasing number of citizens are eligible for civil legal assistance, the Legal Services Corporation's congressional appropriations have decreased significantly in recent years. With its limited resources, the Legal Services Corporation has built a network of websites that deliver a wealth of legal information, self help videos, and online forms. Yet increased technology and pro bono work is not enough. Work must be done to educate the public about great risks to our democracy associated with the underfunding of civil legal assistance and state courts.

Resolution and Impact Review Presentation

Chair Klein recognized Alan O. Olson of Iowa, Chair of the House Committee on Resolution and Impact Review, to present the report of the Committee. Mr. Olson noted that the Committee with the assistance of staff developed two video clips, which were presented to the House. The videos were the result of policies adopted by the House regarding: 1) mediation of mortgage foreclosure disputes (see [*video*](#)), and 2) pro bono help for disaster victims (see [*video*](#)). Mr. Olson thanked the Committee and staff for its hard work. Chair Klein also thanked the Committee and noted that the videos would be available on the ABA's website to further educate constituents about what a difference the House of Delegates makes. She also noted that the Committee had worked very hard on updating the archiving process which hadn't been done in 16 years.

Election of Officers and Members of the Board of Governors

On behalf of the Nominating Committee, Robert T. Gonzales of Maryland, Chair of the Steering Committee of the Nominating Committee, reported on the nominations for officers of the Association and members of the Board of Governors. The House of Delegates elected the following persons for the terms noted:

OFFICERS OF THE ASSOCIATION

President-Elect for 2012-2013

James R. Silkenat of New York

Chair of the House of Delegates (2012-2014 Term)

Robert M. Carlson of Montana

MEMBERS OF THE BOARD OF GOVERNORS (2012-2015)

District Members

District 3: Thomas R. Curtin of New Jersey

District 5: William T. Coplin, Jr. of Alabama

District 9: John S. Skilton of Wisconsin

District 14: Laura V. Farber of California

District 15: Kenneth G. Standard of New York

District 16: Timothy W. Bouch of South Carolina

District 17: Paul T. Moxley of Utah

Section Members-at-Large

Section of Family Law

Timothy B. Walker of Colorado

Section of Taxation

Kenneth W. Gideon of the District of Columbia

Judicial Member-at-Large

Hon. Jodi B. Levine of Oklahoma

Young Lawyer Member-at-Large

William Ferreira of New Jersey

Minority Member-at-Large

Michael E. Flowers of Ohio

Law Student Member-at-Large (2012-2013)

Bryan Rogers of Indiana

It was noted that the Association's Constitution provides that the President-Elect automatically becomes the President at the conclusion of the Annual Meeting and Laurel G. Bellows of Illinois will assume that office.

Remarks by President-Elect Nominee

President-Elect Nominee James R. Silkenat of New York thanked the members of the House for the great honor of being asked to serve the Association. He stated that he intends to build on the ABA's strong foundation of programs, projects, and leadership. Noting the Association's challenge of balancing the responsibilities of serving its members and protecting the justice system, Mr. Silkenat stated that the ABA

must fulfill both responsibilities. We need to help our members be better at their craft, grow our membership, and work toward making sure our profession reflects the diversity of those who we represent. We also need to work to ensure a truly independent and fully functioning judiciary because it is central to everything we do as lawyers. To create meaningful jobs for lawyers and increase access to legal services, Mr. Silkenat proposed creation of a new legal job corps. In addition, Mr. Silkenat emphasized that lawyers play a special role in our society and that lawyers can lead where legislators have failed to do so, such as on important national legal issues like immigration, gun violence, the death penalty, and election law reform. Mr. Silkenat told delegates that he is proud of the Association's work and knows that it can help to create a better and stronger America.

Scope Nominating Committee

J. Anthony Patterson, Jr. of Montana, Chair of the Committee on Scope and Correlation of work, nominated John L. McDonnell III of California, to the Committee on Scope for a 5-year term beginning at the conclusion of the 2012 Annual Meeting. Chair Klein later moved the election of Mr. McDonnell. The motion was **approved**.

Delegate-at-Large Election Results

Chair Klein announced the election of the following members to three-year terms as Delegates-at-Large: Tom Bolt of the Virgin Islands; Pamela A. Bresnahan of Maryland; C. Elisia Frazier of Georgia; Leslie B. Miller of Arizona; Llewelyn G. Pritchard of Washington; and Saul A. Wolfe of New Jersey.

II. RESOLUTIONS VOTED ON BY THE HOUSE

A brief summary of the action taken on resolutions brought before the House follows. The resolutions are categorized by topic areas and the number of the resolution is noted in brackets.

ACCESS TO JUSTICE

[10B] On behalf of the State Bar of South Dakota, Robert B. Frieberg of South Dakota moved Report 10B urging federal, state, territorial, tribal and local governments to support efforts to address the decline in the number of lawyers practicing in rural areas and to address access to justice issues for residents in rural America. Patrick Goetzinger of South Dakota spoke in favor of the resolution. The resolution was **approved**.

ADMINISTRATIVE LAW

[109A] On behalf of the Section of Administrative Law and Regulatory Practice, John M. Vittone of Maryland **withdrew** Resolution 109A urging Congress to mandate disclosure of all political expenditures and contributions by non-profit organizations exempt under 501(c)(4) and political organizations exempt under 527 of the Internal Revenue Code.

[109B] On behalf of the Section of Administrative Law and Regulatory Practice, Randolph J. May of Maryland moved Revised Resolution 109B urging federal agencies to pursue regulatory cooperation with relevant foreign authorities where appropriate and consistent with their legal authority, statutory mandates and regulatory missions. The resolution was **approved as revised**.

[109C] On behalf of the Section of Administrative Law and Regulatory Practice, John M. Vittone of Maryland **withdrew** Resolution 109C urging the Federal Acquisition Regulatory Council to promulgate model contract language for use in contracts posing a high risk of either personal conflicts of interest or misuse of certain non-public information, which would subject contractor employees to new restrictions analogous to those that apply to federal employees.

ANIMAL RIGHTS

[100] On behalf of the Tort Trial and Insurance Practice Section, Timothy W. Bouch of South Carolina moved Resolution 100 urging legislative bodies and governmental agencies to adopt comprehensive breed-neutral dangerous dog laws based on behavior and to repeal any breed discriminatory or breed specific provisions. Elise Van Kavage of Illinois spoke in favor of the resolution. The resolution was **approved**.

ARCHIVING

[400A] The House **approved by consent** Resolution 400A recommending that certain Association policies that pertain to public issues and are 10 years old or older be archived, after Item No. 14 was removed from the archival list.

[400B] The House **approved by consent** Resolution 400B recommending that certain Association policies that pertain to public issues that were adopted between 1950 and 1985 be archived, after the following items were removed from the archival list: 12, 45, 58, 61, 67, 68, 75, 87, 102, 114, 120, 121, 145, 146, 147, 148, 160, 162, 166, 167, 168, 170, and 171.

ARMED FORCES LAW

[11-4] On behalf of the Standing Committee on Armed Forces Law, John D. Altenberg, Jr. of the District of Columbia **withdrew** Resolution 114 urging the Department of Defense to strengthen further its efforts to prevent and eliminate sexual assault within the military and opposing the enactment of H.R. 3435, 112th Congress, the *Sexual Assault Training Oversight and Prevention Act* or similar legislation.

ASSOCIATION'S CONSTITUTION, BYLAWS AND HOUSE RULES OF PROCEDURE

[11-1] Edward Haskins Jacobs of the Virgin Islands presented Report 11-1 amending §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." Stephen J. Curley of Connecticut, Chair of the Standing Committee on Constitution and Bylaws, reported the action of the standing committee. Daniel A. Schwartz of Connecticut moved to postpone indefinitely consideration of the proposal. The proposal was **postponed indefinitely**.

[11-2] Barbara J. Howard of Ohio moved Revised Report 11-2 amending Article 3 of the Association's Constitution, and Article 21 and §31.7 of the Bylaws regarding membership issues. Stephen J. Curley of Connecticut, Chair of the Standing Committee on Constitution and Bylaws, reported the action of the standing committee. The proposal was **approved as revised**.

[11-3] The House **approved by consent** Report 11-3 amending §6.2(a)(5), §6.7(g) and §10.1(a) of the Association's Constitution, to change the name of the General Practice, Solo and Small Firm Division to the Solo, Small Firm and General Practice Division.

[11-4] Min K. Cho of Florida moved Report 11-4 amending §6.4(a) of the Association's Constitution to change the requirement that if the bar associations of a state are entitled to four or more delegates, at least one delegate must have been admitted to practice in his or her first bar within the past five years, or must be less than 36 years old. Stephen J. Curley of Connecticut, Chair of the Standing Committee on Constitution and Bylaws, reported the action of the standing committee. The proposal was **approved**.

[11-5] J. Anthony Patterson, Jr. of Montana moved Report 11-5 amending §31.7 of the Association's Bylaws to eliminate the Standing Committee on Substance Abuse. Stephen J. Curley of Connecticut, Chair of the Standing Committee on Constitution and Bylaws, reported the action of the standing committee. The proposal was **approved**.

[11-6] The House **approved by consent** Report 11-6 amending §42.6 of the Rules of Procedure of the House of Delegates to provide that the 11th Edition of *Robert's Rules of Order Newly Revised* shall govern the House in parliamentary situations that are not covered by the Constitution, the Bylaws or the House Rules.

CIVIL RIGHTS

[116] On behalf of the Section of Individual Rights and Responsibilities, Mark I. Schickman of California moved Resolution 116 amending the 2008 policy regarding racial and ethnic profiling to include religious profiling and characteristics indicative of religious affiliation. The resolution was **approved**.

[115] On behalf of the Forum on Communications Law, Charles D. Tobin of the District of Columbia moved Resolution 115 urging legislatures to enact legislation to protect individuals and organizations who choose to speak on matters of public concern from meritless litigation designed to suppress such speech, commonly known as SLAPPs (Strategic Lawsuits Against Public Participation). The resolution was **approved**.

[301] On behalf of the Section of Individual Rights and Responsibilities, Estelle H. Rogers moved Revised Resolution 301 urging Congress to strengthen tribal jurisdiction to address crimes of domestic violence, dating violence, sexual assault, stalking, and sex trafficking committed on tribal lands in the reauthorization of the Violence Against Women Act. Mary L. Smith of Illinois spoke in favor of the resolution. The resolution was **approved as revised**.

CRIMINAL JUSTICE

[107A] On behalf of the Criminal Justice Section, Mathias H. Heck, Jr. of Ohio moved Revised Resolution 107A urging governments to review child sexual abuse criminal statutes of limitations to determine whether extending the statute of limitations is warranted. Estelle H. Rogers of the District of Columbia spoke in favor of the resolution. The resolution was **approved as revised**.

[107B] On behalf of the Criminal Justice Section, Stephen A. Saltzburg of the District of Columbia moved Revised Resolution 107B urging prosecutors to fulfill their traditional prosecutorial functions and further protect the public through the use of a broad spectrum of strategies to discharge that duty and urging increased funding for prosecutors to achieve these objectives. The resolution was **approved as revised**.

[107C] On behalf of the Criminal Justice Section, Cynthia H. Orr of Texas moved Resolution 107C urging defender organizations and criminal defense lawyers to

address clients' inter-related criminal, civil and non-legal problems and urging funding for these purposes. The resolution was **approved**.

[107D] On behalf of the Criminal Justice Section, William N. Shepherd of Florida moved Revised Report 107D urging Congress to amend 28 U.S.C. § 2254(d) to require a federal district court to review *de novo*, based on the record made in the federal court, claims of ineffective assistance of counsel by petitioners under sentence of death. The resolution was **approved as revised**.

ETHICS AND PROFESSIONAL RESPONSIBILITY

[10A] On behalf of the Illinois State Bar Association, John E. Thies of Illinois moved Report 10A reaffirming policy adopted July 2000 that the sharing of legal fees with non-lawyers and the ownership or control of the practice of law by non-lawyers are inconsistent with the core values of the legal profession and the law governing lawyers that prohibits lawyers from sharing legal fees with non-lawyers and from directly or indirectly transferring to non-lawyers ownership or control over entities practicing law should not be revised. David B. Wolfe of New Jersey and Lawrence J. Fox of Pennsylvania spoke in favor of the resolution. Frederic Ury of Connecticut and H. Thomas Wells Jr. of Alabama spoke against the resolution. Maury B. Poscover of Missouri moved to postpone indefinitely consideration of the resolution. Cheryl I. Niro of Illinois spoke in favor of the motion to postpone indefinitely. Marjorie A. O'Connell of the District of Columbia and David W. Clark of Mississippi spoke against the motion to postpone indefinitely. The resolution was **postponed indefinitely**. (see video tape of debate)

[105A] On behalf of the Commission on Ethics 20/20, Jamie S. Gorelick of the District of Columbia and Michael Traynor of California gave an overview of Resolutions 105A-F. Cheryl I. Niro of Illinois moved Revised Resolution 105A amending the black letter and Comments to Model Rules 1.0, 1.6 and 4.4, and the Comments to Model Rules 1.1 and 1.4 of the *ABA Model Rules of Professional Conduct* dated August 2012, to provide guidance regarding lawyers' use of technology and confidentiality. Ellen J. Flannery of the District Columbia moved an amendment, which was approved. The resolution was **approved as revised and amended**.

[105B] On behalf of the Commission on Ethics 20/20, H. Thomas Wells, Jr. of Alabama moved Resolution 105B amending the black letter and Comments to Model Rules 1.18 and 7.3, and the Comments to Model Rules 7.1, 7.2 and 5.5 of the *ABA Model Rules of Professional Conduct* dated August 2012, to provide guidance regarding lawyers' use of technology and client development. The resolution was **approved**.

[105C] On behalf of the Commission on Ethics 20/20, Neal R. Sonnett of Florida moved Resolution 105C amending the Comments to Model Rules 1.1, 5.3 and 5.5 of the *ABA Model Rules of Professional Conduct* dated August 2012, to provide guidance regarding the ethical implications of retaining lawyers and nonlawyers outside the firm to work on client matters (i.e. outsourcing). The resolution was **approved**.

[105D] On behalf of the Commission on Ethics 20/20, Wayne J. Positan of New Jersey moved Resolution 105D adopting the *Model Rule on Practice Pending Admission*, and amending the black letter and Comment to Rule 5.5 of the *ABA Model Rules of Professional Conduct*, dated August 2012, to enable lawyers to practice in a new jurisdiction while the lawyer actively pursues admission through one of the procedures that the jurisdiction authorizes. Stephen Gillers of New York, John T. Berry of Florida and Myles V. Lynk of Arizona, spoke in favor of the resolution. Jequita H. Napoli of Oklahoma spoke against the resolution. The resolution was **approved**.

[105E] On behalf of the Commission on Ethics 20/20, Stephen A. Saltzburg of the District of Columbia moved Resolution 105E amending the *ABA Model Rule for Admission by Motion* dated August 2012, to allow lawyers to qualify for admission by motion at an earlier point in their careers than the current Rule allows. Paula E. Boggs of Washington and Judith A. Miller of Maryland spoke in favor of the resolution. The resolution was **approved**.

[105F] On behalf of the Commission on Ethics 20/20, Barbara Mendel Mayden of Tennessee moved Revised Resolution 105F amending the black letter and Comments to Model Rule 1.6, and the Comments to Model Rule 1.17 of the *ABA Model Rules of Professional Conduct* dated August 2012, to provide guidance regarding the detection of conflicts of interest when lawyers move from one firm to another, firms merge or there is a sale of a law practice. Abraham C. Reich of Pennsylvania spoke in favor of the resolution. Lawrence J. Fox of Pennsylvania spoke against the resolution. Salvador Mungia of Washington moved an amendment. Arthur D. Burger of the District of Columbia, Roberta D. Liebenberg of Pennsylvania, and Lucian T. Pera of Tennessee spoke against the proposed amendment. The amendment was defeated. The resolution was **approved as revised**.

GUN VIOLENCE

[111] On behalf of the Standing Committee on Gun Violence, William D. Missouri of Maryland moved Resolution 111 opposing governmental actions and policies that limit the rights of physicians and other health care providers to inquire of their patients whether they possess guns and how they are secured in the home or to counsel their

patients about the dangers of guns in the home and safe practices to avoid those dangers. Mr. Missouri also moved an amendment. The resolution was **approved as amended**.

IMMIGRATION

[102] On behalf of the Commission on Immigration, Robert E. Juceam of New York moved Resolution 102 adopting the *ABA Civil Immigration Detention Standards*, dated August 2012, which govern the treatment of persons in the U.S. immigration detention system. Karen T. Grisez of the District of Columbia and Neal R. Sonnett of Florida spoke in favor of the resolution. The resolution was **approved**.

INTELLECTUAL PROPERTY

[104] On behalf of the Section of Intellectual Property Law, Susan B. Montgomery of Massachusetts **withdrew** Resolution 104 adopting policy relating to determinations of patent infringement in cases with patent claims for methods or processes that require multiple steps and multiple participants to complete.

INTERNATIONAL LAW

[113] On behalf of the Section of International Law, Michael H. Byowitz of New York moved Resolution 113 urging the Department of Homeland Security to create a Haitian Family Reunification Parole Program and immediately begin paroling into the United States already-approved Haitian beneficiaries of family-based visa petitions. The resolution was **approved**.

LAW AND AGING

[106A] On behalf of the Commission on Law and Aging, David M. English of Missouri moved Revised Resolution 106A urging Congress to amend the Patient-Self Determination Act provisions of the Medicare and Medicaid law regarding advance care planning. The resolution was **approved as revised**.

[106B] On behalf of the Commission on Law and Aging, David M. English of Missouri moved Resolution 106B adopting the *Third National Guardianship Summit Standards and Recommendations*, dated August 2012, and urging courts and policy making bodies to implement them. The resolution was **approved**.

[106C] On behalf of the Commission on Law and Aging, David M. English of Missouri moved Revised Resolution 106C urging courts and community organizations to collaborate in establishing court-focused elder abuse initiatives that serve victims or potential victims of elder abuse through either a court or a court-based program or a program conducted in partnership with a court. The resolution was **approved as revised**.

LEGAL EDUCATION

[103] On behalf of the Section of Legal Education and Admissions to the Bar, Ruth V. McGregor of Arizona moved Resolution 103 concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2012, to Standard 509 and Rule 16 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The resolution was **approved**.

[108] On behalf of the Standing Committee on Paralegals, Deborah Winfrey Keene of Michigan moved Resolution 108 granting approval and reapproval to several paralegal education programs, withdrawing the approval of two programs at the request of the institutions, and extending the term of approval to several paralegal education programs. On behalf of John Zimmerman, Stephen A. Saltzburg of the District of Columbia moved to postpone indefinitely consideration of the resolution. Mr. Zimmerman spoke in favor of motion to postpone indefinitely. Larry C. Hunter of Idaho spoke against the motion to postpone indefinitely. The motion to postpone indefinitely was defeated. The resolution was **approved**.

LITIGATION

[101] On behalf of the Section of Litigation, Lawrence J. Fox of Pennsylvania moved Revised Resolution 101 adopting the *Guidelines for Retention of Experts by Lawyers*, dated August 2012, and urging counsel to consider utilization of the Guidelines in retaining experts for client matters. Robert Peck of the District of Columbia, Richard N. Bien of Missouri, and Herbert B. Dixon, Jr. of the District of Columbia spoke in favor of the resolution. Ellen J. Flannery of the District of Columbia, Dwight L. Smith of Oklahoma, Michael H. Byowitz of New York, and Scott F. Partridge of Texas spoke against the proposal. Stephen A. Saltzburg of the District of Columbia moved an amendment, which was approved. The revised and amended resolution was **defeated**.

SPECIALIZATION

[110] The House **approved by consent** Resolution 110 as submitted by the Standing Committee on Specialization amending the *Accreditation Standards for Specialty*

Certification Programs for Lawyers by the addition of provisions to Sections 4.06(F) and 4.08, and the addition of Section 4.10, dated August 2012.

YOUTH AT RISK

[112A] On behalf of the Commission on Youth at Risk, Laura V. Farber of California moved Resolution 112A urging lawyers, judges, child welfare agency administrators, legislators, educators and educator regulatory bodies to support the enrollment in and successful completion of postsecondary education by youth in foster care, or those who have been in foster care. The resolution was **approved**.

[112B] On behalf of the Commission on Youth at Risk, Lynn M. Allingham of Alaska moved Resolution 112B urging attorneys and judges, state and local bar associations and law school clinical programs to help identify and respond effectively to Fetal Alcohol Spectrum Disorders (FASD) in children and adults through training to enhance awareness of FASD and its impact on individuals in the child welfare, juvenile justice, and adult criminal justice systems, and the value of collaboration with medical, mental health and disability experts. The resolution was **approved**.

Passing of the Chair's Gavel

At the conclusion of the meeting of the House on Tuesday, August 7, Chair Klein commented on how much had been accomplished in the past two days and how the resolutions can affect millions of people. She shared that she had recently received a letter from a retired ambassador thanking us for a resolution passed by the House last year that promoted secured lending in developing countries. The ABA's policy gave credibility to lawyers in South America lobbying for secured lending.

Chair Klein thanked all of the House Committees and staff and highlighted their accomplishments over the last 2 years. She also thanked the members of the House for the courtesies shown to her and for the privilege of serving them.

Linda A. Klein introduced Robert M. Carlson of Montana as new chair of the House of Delegates. Mr. Carlson thanked Ms. Klein for her distinguished service as Chair of the House.

Closing Business

The Texas Delegation was recognized to make a presentation to delegates regarding the 2013 Dallas Midyear Meeting.

Nathaniel Cade, Jr. of Wisconsin moved a resolution in appreciation of the Chicago lawyers and judges, for their work in hosting the meeting. The motion was **approved**.

Chair Carlson recognized Palmer Gene Vance II of Kentucky who then moved that the House adjourn *sine die*. The motion was **approved**.