

**AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES**

**2004 MIDYEAR MEETING
SAN ANTONIO, TEXAS**

SUMMARY OF RECOMMENDATIONS

REPORT # SUBJECT

**8A NEW YORK COUNTY LAWYERS' ASSOCIATION
CRIMINAL JUSTICE SECTION**

Urges law enforcement agencies to videotape the entirety of custodial interrogations of crime suspects at police precincts, courthouses, detention centers and other places where suspects are held for questioning, or where videotaping is impractical, to audiotape the entirety of such interrogations and urges legislatures and/or courts to enact laws or rules of procedure for this requirement.

8B BAR ASSOCIATION OF SAN FRANCISCO

Recommends that the United States Congress adopt and the President sign, legislation that affords the four million U.S. citizens residing in Puerto Rico a process that defines the non-territorial options that are available to the people of Puerto Rico and that authorizes a federal referendum on the Island that enables them to make an informed decision on a permanent legal status for Puerto Rico.

**100 SECTION OF TAXATION
SECTION OF REAL PROPERTY, PROBATE AND TRUST LAW**

Recommends that Section 1361(e)(2) of the Internal Revenue Code of 1986, which defines the term "potential current beneficiary" be amended.

101A STANDING COMMITTEE ON PARALEGALS

Grants approval, reapproval and extension of the term of approval to several legal assistant education programs, and withdraws the approval of several programs.

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- 101B** **STANDING COMMITTEE ON PARALEGALS**
Adopts amendments to the *ABA Model Guidelines for the Utilization of Paralegal Services*, dated February 2004.
- 102** **STANDING COMMITTEE ON SPECIALIZATION**
Grants accreditation, reaccreditation and extension of accreditation to several specialty certification programs for lawyers.
- 103A** **SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES**
STANDING COMMITTEE ON LAW AND NATIONAL SECURITY
SECTION OF INTERNATIONAL LAW AND PRACTICE
CENTER FOR HUMAN RIGHTS
CRIMINAL JUSTICE SECTION
BAR ASSOCIATION OF METROPOLITAN ST. LOUIS
Enunciates policies that should govern the proper exercise of universal criminal jurisdiction and clarifies the right of a nation to preempt the exercise of such jurisdiction over one or more of its citizens or lawful residents accused of committing an international crime upon declaring its willingness to investigate the allegations and prosecute the accused in accordance with international human rights norms and standards.
- 103B** **SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES**
AIDS COORDINATING COMMITTEE
Urges the federal government to implement HIV/AIDS-related initiatives in a manner consistent with international human rights law and science-based prevention, care, support and treatment objectives and endorses the United Nations Declaration of Commitment on HIV/AIDS, dated June 2001.
- 103C** **SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES**
Supports efforts of the National Tribal Steering Committee to address the inadequacy of health care for American Indians and Alaska Natives through the reauthorization of the Indian Health Care Improvement Act and urges Congress and the Executive Branch to address the various areas where health care for American Indians and Alaska Natives is deficient.
- 103D** **SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES**
SECTION OF FAMILY LAW
Opposes any federal enactment that would restrict the ability of a state to:
1) prescribe the qualifications for civil marriage between two persons within its jurisdiction; or 2) give effect to a civil marriage validly contracted between two persons under the laws of another jurisdiction.

- 104** **ROBERT L. WEINBERG, THE DISTRICT OF COLUMBIA BAR DELEGATE**
Urges courts of the United States to exercise jurisdiction over petitions for habeas corpus filed by foreign nationals challenging the legality of their detention at the U.S. Naval Base leased from Cuba at Guantanamo Bay.
- 105** **SECTION OF LITIGATION
BAR ASSOCIATION OF SAN FRANCISCO
AMERICAN IMMIGRATION LAWYERS ASSOCIATION
COMMISSION ON IMMIGRATION POLICY, PRACTICE & PRO BONO
CRIMINAL JUSTICE SECTION
SECTION OF INTERNATIONAL LAW AND PRACTICE**
Urges the federal government to retain exclusive jurisdiction over civil immigration matters, opposes delegation of legal authority to state and local police to enforce federal civil immigration laws and opposes legislation creating a crime based merely on an alien's undocumented presence (e.g., entering the country without documents or inspection or overstaying a lawful visa).
- 106** **SECTION OF INTERNATIONAL LAW AND PRACTICE**
Supports the creation of a United Nations Democracy Caucus within the United Nations (UN) framework to work towards the strengthening of democracy, human rights and the rule of law throughout the UN system.
- 107** **SECTION OF BUSINESS LAW
SECTION OF DISPUTE RESOLUTION
SECTION OF INTERNATIONAL LAW AND PRACTICE
SECTION OF LABOR AND EMPLOYMENT LAW
SECTION OF LITIGATION
SECTION OF TORT TRIAL AND INSURANCE PRACTICE
SENIOR LAWYERS DIVISION**
Adopts the revised *Code of Ethics for Arbitrators in Commercial Disputes*, dated February 2004.
- 108** **SECTION OF INTELLECTUAL PROPERTY LAW**
Supports the enactment of federal legislation to protect an individual's right of publicity to the extent the individual's identity is used for a commercial purpose in "commerce", as defined in Section 45 of the Lanham Act, 15 U.S.C. §1127, and to prospectively preempt inconsistent state and territorial laws.

- 109** **YOUNG LAWYERS DIVISION**
SECTION OF DISPUTE RESOLUTION
SECTION OF FAMILY LAW
SECTION OF GENERAL PRACTICE, SOLO AND SMALL FIRM
STANDING COMMITTEE ON PUBLIC EDUCATION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
Encourages federal, state, territorial and local governments to adopt legislation that promotes school violence prevention education, instruction, awareness training and programs for children, parents, teachers and school administrators and encourages lawyers to support school violence prevention education in schools and community settings.
- 110** **STANDING COMMITTEE ON CONTINUING LEGAL EDUCATION**
COMMISSION ON RACIAL AND ETHNIC DIVERSITY IN THE
PROFESSION
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION
NATIONAL BAR ASSOCIATION
ALI-ABA COMMITTEE ON CONTINUING PROFESSIONAL
EDUCATION
SECTION OF FAMILY LAW
SECTION OF LABOR AND EMPLOYMENT LAW
CRIMINAL JUSTICE SECTION
Amends the Commentary to Section 2 of the Model Rule of MCLE to require lawyers, either through a separate credit or through existing ethics and professionalism credits, to complete as part of their mandatory continuing legal education those programs related to racial and ethnic diversity and the elimination of bias in the profession.
- 111A** **NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM**
STATE LAWS
Approves the Revised Uniform Commercial Code, Article 7, Documents of Title, promulgated by the American Law Institute and the National Conference of Commissioners on Uniform State Laws in 2003 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.

- 111B NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
Approves the 2003 Amendments to the Uniform Commercial Code, Article 2A, Leases, promulgated by the American Law Institute and the National Conference of Commissioners on Uniform State Laws in 2003 as appropriate Amendments for those States desiring to adopt the specific substantive law suggested therein.
- 111C NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
Approves the 2003 Amendments to the Uniform Commercial Code, Article 2, Sales, promulgated by the American Law Institute and the National Conference of Commissioners on Uniform State Laws in 2003 as appropriate Amendments for those States desiring to adopt the specific substantive law suggested therein.
- 111D NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
Approves the Uniform Apportionment of Tort Responsibility Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2002 and amended in 2003 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.
- 111E NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
Approves the 2003 revision of the Uniform Estate Tax Apportionment Act and new Article 3, part 9A of the Uniform Probate Code, promulgated by the National Conference of Commissioners on Uniform State Laws in 2003 as appropriate Acts for those States desiring to adopt the specific substantive law suggested therein.
- 111F NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS**
Approves the Uniform Environmental Covenants Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2003 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.
- 112 DARRELL J. STUTES, SR., ABA MEMBER**
Supports the enactment and implementation of just laws by government to secure to each and every child growing in the womb of the mother, the unalienable life and liberty right to live until natural death.

- 113A JUDICIAL DIVISION**
Adopts the black letter *Standard 1.65, Court Use of Electronic Filing Processes*, as an amendment to the *Standards Relating to Court Organization*, dated February 2004.
- 113B JUDICIAL DIVISION**
NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW
JUDICIARY
SENIOR LAWYERS DIVISION
STANDING COMMITTEE ON JUDICIAL INDEPENDENCE
Encourages Congress to establish a retirement plan for federal administrative law judges that is appropriate to their judicial status and functions and that is separate from retirement plans of other career civil servants.
- 114 COMMISSION ON LAWYER ASSISTANCE PROGRAMS**
COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW
STANDING COMMITTEE ON SUBSTANCE ABUSE
Adopts the revised black letter *Model Lawyer Assistance Programs*, dated February 2004, to assist state and local bar associations in the development and maintenance of effective programs to identify and help those lawyers, judges and law students impaired by alcoholism, other forms of chemical dependency or mental health problems.
- 115 SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE**
SECTION OF BUSINESS LAW
SECTION OF DISPUTE RESOLUTION
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
Endorses the revised *Standards for the Establishment and Operation of Ombuds Offices*, dated February 2004.
- 116 CRIMINAL JUSTICE SECTION**
Urges adoption of laws and policies to address the complex problem presented by the large number of adults with mental illness and juveniles with mental or emotional disorders who come into contact with the criminal and juvenile justice systems, and supports increased funding for public mental health systems.
- 177B BOARD OF GOVERNORS**
Adopts revisions to the blanket authority procedure, dated February 2004.

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SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR

Concurs with the action of the Council of the Section of Legal Education and Admissions to the Bar in withdrawing provisional approval and removing the Western State University College of Law from the list of law schools approved by the American Bar Association.

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