

**DAILY JOURNAL**

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2006 ANNUAL MEETING  
HONOLULU, HAWAII  
AUGUST 7-8, 2006**

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">10A</a>	COLORADO BAR ASSOCIATION TORT TRIAL AND INSURANCE PRACTICE SECTION GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION COMMISSION ON DOMESTIC VIOLENCE PRESIDENTIAL ADVISORY COUNCIL ON DIVERSITY IN THE PROFESSION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES	Urges federal, state, territorial, tribal, and local governments to assure that adequate and appropriate services are made readily available to at-risk youth and their caretakers by ensuring that community mental health systems serving youth are reinvigorated and significantly expanded to provide greater access to troubled youth and their caretakers.	Approved as Revised*
10B	NEW YORK STATE BAR ASSOCIATION TORT TRIAL AND INSURANCE PRACTICE SECTION	Recommends that prosecutors and other enforcement authorities should not directly or indirectly pressure, request or encourage an entity to refuse to advance, reimburse or indemnify legal fees and expenses of a current or former director, officer, employee or agent of the entity.	Withdrawn

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\* See attached

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
11-1	CONSTITUTIONAL AMENDMENT	Amends §1.2 of the Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.”	Postponed Indefinitely
11-2	CONSTITUTIONAL AMENDMENT	Amends §2.1(g) of the Constitution to realign District 2 and District 4 based on changes in lawyer population figures.	Not Approved
<a href="#">11-3</a>	BYLAWS AMENDMENT	Amends §26.1(c) of the Bylaws to change the term of the law student member-at-large of the Board of Governors from a two-year term to a one-year term.	Approved
11-4	BYLAWS AMENDMENT	Amends §31.7 of the Bylaws to provide that at least two members of the Standing Committee on Ethics and Professional Responsibility must be solo practitioners and two must be small firm practitioners in a firm with 2-5 lawyers; and that at least two members of the Standing Committee on Professional Discipline must be solo practitioners and two must be small firm practitioners in a firm with 2-5 lawyers.	Withdrawn
11-5	CONSTITUTION, BYLAWS AND HOUSE RULES AMENDMENTS	The Standing Committee on Constitution and Bylaws proposes the following housekeeping amendments to the Association’s Constitution, Bylaws and House Rules of Procedure:	

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
11-5 cont...		(A) Amends §2.2(c) and §6.12 to include facsimile and electronic communication as appropriate means for giving notice.	Approved as Revised*
		(B) Deletes the last sentence in §6.2(a)(4), "At the conclusion of the 1995 Annual Meeting, those persons elected as Assembly Delegates serve the remainder of their terms as Delegates-at-Large."	Approved
		(C) Deletes the last sentence in §6.4(c), "However, a local bar association that has fewer than 2,000 members and was represented in the House at the 1990 Annual Meeting is entitled to a delegate until the conclusion of the Annual Meeting in 2005."	Approved
		(D) Rewords §6.4(e) to read: "A state or local bar association may not be represented in the House if its governing documents discriminate with respect to membership because of race, sex, religion, creed, color, national origin, ethnicity, age, sexual orientation or persons with disabilities."	Approved
		(E) Amends §6.6 to change the reference of "International Associates" to "Non-U.S. Lawyer Associates."	Approved
		(F) Amends §29.4(e) to read, "...effectuate the filling of vacancies in the case of elected members of the Board, other than the members-at-large; ..."	Approved

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
11-5 cont...		(G) Amends §47.1 so that the president and executive director of each association and organization and the chair of each Section will receive the Summary of Action.	Approved
<a href="#">100</a>	STANDING COMMITTEE ON PARALEGALS	Grants approval, reapproval and extension of the term of approval to several paralegal education programs, and withdraws the approval of three programs at the request of the institution and withdraws one program due to the termination of accreditation of the program.	Approved
<a href="#">101</a>	SECTION OF TAXATION SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE	Adopts the <i>Model State Administrative Tax Tribunal Act</i> , dated August 2006 and recommends to state and territorial legislatures the adoption of the Act.	Approved
<a href="#">102</a>	COMMISSION ON CIVIC EDUCATION AND SEPARATION OF POWERS PRESIDENTIAL ADVISORY COUNCIL ON DIVERSITY IN THE PROFESSION SECTION OF HEALTH LAW SECTION OF STATE AND LOCAL GOVERNMENT LAW STANDING COMMITTEE ON PUBLIC EDUCATION STANDING COMMITTEE ON SPECIALIZATION STANDING COMMITTEE ON JUDICIAL INDEPENDENCE OHIO STATE BAR ASSOCIATION TORT TRIAL AND INSURANCE PRACTICE SECTION YOUNG LAWYERS DIVISION	Encourages all lawyers and judges to be personally and actively engaged in civic education in their communities and schools and to work to increase Americans' understanding of the role of separation of powers in our constitutional democracy, and urges policymakers at all levels of government to ensure that all students experience high quality civic learning.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
103	TORT TRIAL AND INSURANCE PRACTICE SECTION OHIO STATE BAR ASSOCIATION	Opposes the promulgation by federal agencies of rules or regulations that pre-empt state tort and consumer protection laws in instances where state laws hold parties to a higher or stricter standard than that being promulgated by a federal agency, unless there is Congressional authority.	Withdrawn
<a href="#">104</a>	STANDING COMMITTEE ON CLIENT PROTECTION SECTION OF BUSINESS LAW SECTION OF LABOR AND EMPLOYMENT LAW NATIONAL ORGANIZATION OF BAR COUNSEL STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE OHIO STATE BAR ASSOCIATION WASHINGTON STATE BAR ASSOCIATION HAWAII STATE BAR ASSOCIATION STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY	Amends Rules 1 and 10 of the <i>Model Rules for Lawyers' Funds for Client Protection</i> , dated August 2006, to address issues primarily arising from the multijurisdictional practice of law.	Approved as Revised*

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">105</a>	STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE TASK FORCE ON GATS LEGAL SERVICES NEGOTIATIONS SECTION OF INTERNATIONAL LAW STANDING COMMITTEE ON CLIENT PROTECTION NATIONAL ORGANIZATION OF BAR COUNSEL SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY STANDING COMMITTEE ON PROFESSIONALISM SECTION OF INTERNATIONAL LAW	Supports the efforts of the U.S. Trade Representative to encourage the development of transparency disciplines on domestic regulation in response to Article VI (4) of the GATS requiring the development of "any necessary disciplines" to be applicable to service providers and supports the U.S. Trade Representative's participation in the development of additional disciplines on domestic regulation.	Approved
106A	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR TORT TRIAL AND INSURANCE PRACTICE SECTION	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting Interpretation 302-10 providing opportunities for law student participation in pro bono activities, as an addition to the <i>Standards for Approval of Law Schools and the Interpretations of the Standards</i> , dated August 2006.	Withdrawn
<a href="#">106B</a>	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting revisions to Standards 210-212 concerning equal opportunity and diversity, of the <i>Standards for Approval of Law Schools and the Interpretations of the Standards</i> , dated August 2006.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">107</a>	CRIMINAL JUSTICE SECTION COMMISSION ON DOMESTIC VIOLENCE SECTION OF LITIGATION YOUNG LAWYERS DIVISION	Adopts the black letter <i>ABA Criminal Justice Standards on DNA Evidence</i> , dated August 2006, which address collecting, preserving and use of DNA evidence, testing of DNA evidence, pretrial proceedings, trial, post-conviction, charging by DNA profile and DNA databases.	Approved
<a href="#">108A</a>	COMMISSION ON HOMELESSNESS AND POVERTY SENIOR LAWYERS DIVISION STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS JUDICIAL DIVISION COMMISSION ON DOMESTIC VIOLENCE STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES SECTION OF BUSINESS LAW COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW STEERING COMMITTEE ON UNMET LEGAL NEEDS OF CHILDREN CRIMINAL JUSTICE SECTION STANDING COMMITTEE ON SUBSTANCE ABUSE YOUNG LAWYERS DIVISION	Adopts principles for Homeless Court Programs and approve the criteria for individual participation recognizing that administration of the programs will differ depending on the particular needs, goals and challenges of a jurisdiction.	Approved as Revised*

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">108B</a>	COMMISSION ON HOMELESSNESS AND POVERTY SENIOR LAWYERS DIVISION STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS COMMISSION ON DOMESTIC VIOLENCE COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW STEERING COMMITTEE ON THE UNMET LEGAL NEEDS OF CHILDREN SECTION OF BUSINESS LAW CRIMINAL JUSTICE SECTION SECTION OF REAL PROPERTY PROBATE AND TRUST LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION	Urges all federal agencies to include within the definition of "homeless person" individuals who lack a fixed, regular and adequate nighttime residence including those who, due to loss of housing, economic hardship, or similar reasons, are sharing the housing of others or living in motels, hotels or camping grounds.	Approved as Revised*
<a href="#">109</a>	STANDING COMMITTEE ON SUBSTANCE ABUSE COMMISSION ON LAWYER ASSISTANCE PROGRAMS COMMISSION ON DOMESTIC VIOLENCE	Urges all federal, state, territorial and local legislative bodies and governmental agencies to adopt laws and policies that require health and disability insurers who provide coverage for the treatment of both abuse and dependence on drugs and alcohol to do so in a manner that is based on the most current scientific protocols and standards of care.	Approved as Revised*

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">110</a>	<p>COMMISSION ON DOMESTIC VIOLENCE</p> <p>NATIONAL ASSOCIATION OF WOMEN LAWYERS</p> <p>COMMISSION ON IMMIGRATION</p> <p>COMMISSION ON WOMEN IN THE PROFESSION</p> <p>COMMISSION ON HOMELESSNESS AND POVERTY</p> <p>TORT TRIAL AND INSURANCE PRACTICE SECTION</p> <p>SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES</p> <p>YOUNG LAWYERS DIVISION</p> <p>SECTION OF FAMILY LAW</p>	<p>Urges federal, state, territorial, local and tribal governments to enact or amend domestic violence civil protection order statutes that provide protection to victims who are in a romantic or intimate relationship with the perpetrator of domestic violence or have been in a romantic or intimate relationship with the perpetrator, but do not necessarily have a child with, live with, or are married to the perpetrator of the violence.</p>	<p>Approved as Revised*</p>
<a href="#">111</a>	<p>STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS</p> <p>STEERING COMMITTEE ON UNMET LEGAL NEEDS OF CHILDREN</p> <p>COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS</p> <p>NATIONAL LEGAL AID AND DEFENDER ASSOCIATION</p> <p>COMMISSION ON HOMELESSNESS AND POVERTY</p> <p>COMMISSION ON DOMESTIC VIOLENCE</p> <p>STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES</p> <p>NEW YORK STATE BAR ASSOCIATION</p> <p>SECTION OF LABOR AND EMPLOYMENT LAW</p>	<p>Adopts revised <i>Standards for the Provision of Civil Legal Aid</i>, dated August 2006 and recommends implementation of the Standards by entities providing civil legal aid to the poor.</p>	<p>Approved</p>

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">112A</a>	TASK FORCE ON ACCESS TO CIVIL JUSTICE SECTION OF BUSINESS LAW COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS COMMISSION ON LAW AND AGING SECTION OF LITIGATION STEERING COMMITTEE ON UNMET LEGAL NEEDS OF CHILDREN DEATH PENALTY REPRESENTATION PROJECT STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS COMMISSION ON IMMIGRATION THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK KING COUNTY BAR ASSOCIATION MAINE STATE BAR ASSOCIATION NEW YORK COUNTY LAWYERS ASSOCIATION PHILADELPHIA BAR ASSOCIATION NATIONAL LEGAL AID AND DEFENDER ASSOCIATION SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE BOSTON BAR ASSOCIATION WASHINGTON STATE BAR ASSOCIATION COLORADO BAR ASSOCIATION NEW YORK STATE BAR ASSOCIATION CONNECTICUT BAR ASSOCIATION	Urges federal, state, and territorial jurisdictions to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody as determined by each jurisdiction.	Unanimously Approved as Amended*

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
112A cont...	MINNESOTA STATE BAR ASSOCIATION LOS ANGELES COUNTY BAR ASSOCIATION BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA SECTION OF LABOR AND EMPLOYMENT LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES		
<a href="#">112B</a>	TASK FORCE ON ACCESS TO CIVIL JUSTICE SECTION OF BUSINESS LAW COMMISSION ON LAW AND AGING COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS STEERING COMMITTEE ON THE UNMET LEGAL NEEDS OF CHILDREN DEATH PENALTY REPRESENTATION PROJECT STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS COMMISSION ON IMMIGRATION MAINE STATE BAR ASSOCIATION THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK NEW YORK COUNTY LAWYERS ASSOCIATION NATIONAL LEGAL AID AND DEFENDER ASSOCIATION BOSTON BAR ASSOCIATION WASHINGTON STATE BAR ASSOCIATION NEW YORK STATE BAR ASSOCIATION SECTION OF LABOR AND EMPLOYMENT LAW	Adopts the <i>Principles of a State System for the Delivery of Civil Legal Aid</i> , dated August 2006, which describe a system for the delivery of civil legal aid that provides a full-range of high quality, coordinated and uniformly available civil law-related services to the state's or territory's low-income and vulnerable populations in sufficient quantity to meet their civil legal needs.	Approved

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
<a href="#">113</a>	ADVISORY COUNCIL ON DIVERSITY IN THE PROFESSION KANSAS BAR ASSOCIATION AMERICAN IMMIGRATION LAWYERS ASSOCIATION NATIONAL ASSOCIATION OF WOMEN JUDGES NATIONAL BAR ASSOCIATION BAR ASSOCIATION OF ERIE COUNTY ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK NEW YORK STATE BAR ASSOCIATION THE FLORIDA BAR NEW JERSEY STATE BAR ASSOCIATION SECTION OF INTERNATIONAL LAW SAN DIEGO COUNTY BAR ASSOCIATION NATIONAL LESBIAN AND GAY LAW ASSOCIATION STATE BAR OF NEW MEXICO KING COUNTY BAR ASSOCIATION MARYLAND STATE BAR ASSOCIATION BAR ASSOCIATION OF BALTIMORE CITY SECTION OF TAXATION BAR ASSOCIATION OF SAN FRANCISCO SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE NEW YORK COUNTY LAWYERS ASSOCIATION SECTION OF BUSINESS LAW SENIOR LAWYERS DIVISION SECTION OF DISPUTE RESOLUTION OREGON STATE BAR JUDICIAL DIVISION TENNESSEE BAR ASSOCIATION	Urges all state, territorial and local bar associations to work with national, state and territorial bar examiners, law schools, universities and elementary and secondary schools to address significant problems facing minorities within the pipeline to the profession.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
113 cont...	ILLINOIS STATE BAR ASSOCIATION		
	STATE BAR OF WISCONSIN		
	LOS ANGELES COUNTY BAR ASSOCIATION		
	HENNEPIN COUNTY BAR ASSOCIATION		
	OHIO STATE BAR ASSOCIATION		
	SOUTH CAROLINA BAR		
	DADE COUNTY BAR ASSOCIATION		
	HEALTH LAW SECTION		
	DUPAGE COUNTY BAR ASSOCIATION		
	SECTION OF LITIGATION		
	SECTION OF INTELLECTUAL PROPERTY LAW		
	SANTA CLARA COUNTY BAR ASSOCIATION		
	SECTION OF STATE AND LOCAL GOVERNMENT LAW		
	BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA		
	LAW STUDENT DIVISION		
	TORT TRIAL AND INSURANCE PRACTICE SECTION		
	WASHINGTON STATE BAR ASSOCIATION		
	UTAH STATE BAR		
	AUSTIN BAR ASSOCIATION		
	ARKANSAS BAR ASSOCIATION		
	KENTUCKY BAR ASSOCIATION		
	MARICOPA COUNTY BAR ASSOCIATION		
	NASHVILLE BAR ASSOCIATION		
	LOUISVILLE BAR ASSOCIATION		
	MONROE COUNTY BAR ASSOCIATION		
	PENNSYLVANIA STATE BAR ASSOCIATION		
	MINNESOTA STATE BAR ASSOCIATION		

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
113 cont...	NATIONAL ASSOCIATION OF WOMEN LAWYERS SECTION OF ANTITRUST LAW ENERGY BAR ASSOCIATION HISPANIC NATIONAL BAR ASSOCIATION STATE BAR OF SOUTH DAKOTA COMMISSION ON IMMIGRATION MASSACHUSETTS BAR ASSOCIATION SECTION OF REAL PROPERTY PROBATE AND TRUST LAW COLUMBUS BAR ASSOCIATION COUNCIL ON LEGAL EDUCATION OPPORTUNITY COMMISSION ON WOMEN IN THE PROFESSION COUNCIL ON RACIAL AND ETHNIC JUSTICE ASSOCIATION OF AMERICAN LAW SCHOOLS COMMISSION ON RACIAL AND ETHIC DIVERSITY IN THE PROFESSION CHICAGO COUNCIL OF LAWYERS SECTION OF LABOR AND EMPLOYMENT LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION SAN FERNANDO VALLEY BAR ASSOCIATION		

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">114</a>	YOUNG LAWYERS DIVISION SECTION OF LITIGATION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS STEERING COMMITTEE ON UNMET LEGAL NEEDS OF CHILDREN GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION SECTION OF FAMILY LAW	Adopts the <i>Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases</i> , dated August 2006, which would clarify the role of parents' attorneys in the same type of cases.	Approved as Amended*
<a href="#">115</a>	NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS SECTION OF LITIGATION	Supports legislation which provides relief from excessive rents charged to the Judiciary by the General Services Administration by requiring that the rent charges for courthouse and other judicial facilities provided to the judiciary not exceed GSA's actual costs of operating and maintaining the facilities and prohibiting the inclusion by GSA any capital costs, real estate taxes or administrative fees.	Approved
<a href="#">116</a>	STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS CRIMINAL JUSTICE SECTION SECTION OF LITIGATION	Urges Congress to amend 28 U.S.C. §1259 (3) and (4) to permit discretionary review by the Supreme Court of the United States of decisions rendered by the United States Court of Appeals for the Armed Forces that deny petitions for review of courts-martial convictions or deny extraordinary relief.	Approved

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">117</a>	SECTION OF BUSINESS LAW GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION	Supports the Proposed Attorney Discipline Amendments to the Federal Rules of Bankruptcy Procedure that would clarify the authority of bankruptcy courts to discipline attorneys engaging in a pattern of misconduct and require district or bankruptcy courts to adopt and enforce local disciplinary rules and procedures with respect to attorneys practicing before bankruptcy courts and which comply with the <i>ABA Model Federal Rules of Disciplinary Enforcement</i> and the <i>ABA Standards for Imposing Lawyer Sanctions</i> .	Approved
<a href="#">118</a>	COMMISSION ON LAW AND AGING AMERICAN IMMIGRATION LAWYERS ASSOCIATION COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON RENAISSANCE OF IDEALISM IN THE LEGAL PROFESSION SENIOR LAWYERS DIVISION STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE HEALTH LAW SECTION STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES TORT TRIAL AND INSURANCE PRACTICE SECTION COMMISSION ON INTEREST ON LAWYERS TRUST ACCOUNTS SECTION OF LABOR AND EMPLOYMENT LAW YOUNG LAWYERS DIVISION	Encourages state and territorial bar associations and other attorney licensing entities to adopt practice rules that establish guidelines to allow pro bono legal service by qualified, retired or otherwise inactive lawyers, under the auspices of qualified legal services or other non-profit programs.	Approved

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
<a href="#"><u>119</u></a>	SECTION OF ADMINISTRATIVE LAW AND REGULATORY PRACTICE	Urges Congress to amend the Lobbying Disclosure Act of 1995 to extend the registration and reporting obligations with respect to lobbying coalition membership and grassroots lobbying.	Approved
<a href="#"><u>120A</u></a>	SECTION OF LITIGATION SECTION OF STATE AND LOCAL GOVERNMENT LAW SECTION OF SCIENCE & TECHNOLOGY LAW CRIMINAL JUSTICE SECTION YOUNG LAWYERS DIVISION	Urges federal and state courts to adopt consistent rules to govern the scope of required disclosures for discovery of testifying experts and their reports and that draft expert reports and attorney-expert communications relating to the expert's report be protected from discovery in accordance with the proposed resolution.	Approved (207;137)
<a href="#"><u>120B</u></a>	SECTION OF LITIGATION CRIMINAL JUSTICE SECTION SECTION OF STATE AND LOCAL GOVERNMENT LAW SECTION OF INTERNATIONAL LAW BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA TORT TRIAL AND INSURANCE PRACTICE SECTION SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION	Urges the United States Government to support the Darfur peace accord signed May 5, 2006, to support the efforts of the International Criminal Court, the United Nations and the African Union toward the same goals, and to enact legislation to implement the Darfur Peace and Accountability Act of 2006.	Approved as Revised*

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\* See attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">120C</a>	SECTION OF LITIGATION SECTION OF STATE AND LOCAL GOVERNMENT LAW CRIMINAL JUSTICE SECTION TORT TRIAL AND INSURANCE PRACTICE SECTION YOUNG LAYWERS DIVISION	Encourages law firms to consider: (a) alternatives to mandatory minimum billing requirements that would reduce undue emphasis on lawyers' billable hours; and (b) compensation systems that recognize and reward attorneys based on factors in addition to the number of hours they bill to client matters.	Approved
<a href="#">120D</a>	SECTION OF LITIGATION SECTION OF STATE AND LOCAL GOVERNMENT LAW CRIMINAL JUSTICE SECTION TORT TRIAL AND INSURANCE PRACTICE SECTION	Urges federal and state courts to adopt consistent rules to address how the courts and counsel should resolve issues involving claims of inadvertent disclosure of materials protected by the attorney-client privilege or work product doctrine.	Approved
<a href="#">121A</a>	COMMISSION ON RENAISSANCE OF IDEALISM IN THE LEGAL PROFESSION STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SENIOR LAWYERS DIVISION LAW STUDENT DIVISION SECTION OF STATE AND LOCAL GOVERNMENT LAW GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION SECTION OF LITIGATION STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES COMMISSION OF DOMESTIC VIOLENCE SECTION OF HEALTH LAW	Urges solo and small firm attorneys, larger law firms, corporate law departments and government and military law offices to encourage their lawyers, partners as well as associates, to service their communities through pro bono and public service activities consistent with applicable rules of professional conduct and adopts <i>Pro Bono Policies and Procedures</i> , dated August 2006 to provide their lawyers with opportunities to do pro bono work and to adopt specific internal policies and procedures to support such work.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
121A cont...	LAW PRACTICE MANAGEMENT SECTION SANTA CLARA COUNTY BAR ASSOCIATION SECTION OF LABOR AND EMPLOYMENT LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION		
<a href="#">121B</a>	COMMISSION ON RENAISSANCE OF IDEALISM IN THE LEGAL PROFESSION STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS SENIOR LAWYERS DIVISION LAW STUDENT DIVISION SECTION OF LITIGATION STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES COMMISSION ON DOMESTIC VIOLENCE GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION LAW PRACTICE MANAGEMENT SECTION SECTION OF LABOR AND EMPLOYMENT LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION	Urges law schools to require legal employers that recruit on campus to disclose, and to make available to the schools' students and alumni, specific information regarding the employer's pro bono policies, practices and activities and urges law schools to adopt the <i>Pro Bono Disclosure Requirements for Law School Recruiters</i> , dated August 2006.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">121C</a>	<p>COMMISSION ON  RENAISSANCE OF  IDEALISM IN THE LEGAL  PROFESSION</p> <p>STANDING COMMITTEE ON  PRO BONO AND PUBLIC  SERVICE</p> <p>STANDING COMMITTEE ON  LEGAL AID AND INDIGENT  DEFENDANTS</p> <p>SENIOR LAWYERS DIVISION  LAW STUDENT DIVISION  SECTION OF LITIGATION</p> <p>STANDING COMMITTEE ON  THE DELIVERY OF LEGAL  SERVICES</p> <p>NATIONAL ASSOCIATION OF  WOMEN JUDGES</p> <p>COMMISSION ON DOMESTIC  VIOLENCE</p> <p>GENERAL PRACTICE, SOLO  AND SMALL FIRM DIVISION</p> <p>STANDING COMMITTEE ON  JUDICIAL INDEPENDENCE</p> <p>LAW PRACTICE  MANAGEMENT SECTION</p> <p>SECTION OF LABOR AND  EMPLOYMENT LAW</p> <p>SECTION OF INDIVIDUAL  RIGHTS AND  RESPONSIBILITIES</p> <p>YOUNG LAWYERS DIVISION</p>	<p>Urges all federal, state, local  and territorial courts to develop  programs, in collaboration with  state, local and territorial bar  associations and pro bono  programs and legal services  offices, to encourage, facilitate  and recognize pro bono  representation of indigent  parties in civil cases.</p>	<p>Approved</p>

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
<a href="#"><u>122A</u></a>	SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES CRIMINAL JUSTICE SECTION COMMISSION ON MENTAL AND PHYSICAL DISABILITY LAW DEATH PENALTY MORATORIUM IMPLEMENTATION PROJECT DEATH PENALTY REPRESENTATION PROJECT BEVERLY HILLS BAR ASSOCIATION SECTION OF LITIGATION LOS ANGELES COUNTY BAR ASSOCIATION SECTION OF DISPUTE RESOLUTION YOUNG LAWYERS DIVISION SECTION OF HEALTH LAW	Without taking a position supporting or opposing the death penalty, urges each jurisdiction that imposes capital punishment to implement specific policies and procedures as it relates to mental illness.	Approved
<a href="#"><u>122B</u></a>	SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES BAR ASSOCIATION OF SAN FRANCISCO BEVERLY HILLS BAR ASSOCIATION LOS ANGELES COUNTY BAR ASSOCIATION ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK STATE BAR OF MEXICO YOUNG LAWYERS DIVISION	Urges the federal, state, local and territorial governments to enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations.	Approved
<a href="#"><u>123A</u></a>	SECTION OF INTERNATIONAL LAW	Urges the United States government to promptly sign, ratify and implement the Hague Convention on Choice of Court Agreements.	Approved

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
<a href="#">123B</a>	SECTION OF INTERNATIONAL LAW COMMISSION ON IMMIGRATION	Supports multinational cooperation and consultation in the formulation of national laws and policies relating to migration and urges the United States government to enter into regional and international discussions and agreements governing the flow of workers.	Approved
123C	SECTION OF INTERNATIONAL LAW	Urges the U.S. Patent and Trademark Office to amend 37 C.F.R. §§ 11.6 and 11.7 to permit the registration and continued qualification to practice before the USPTO of any attorney at law who (a) demonstrates the necessary scientific, technical, character, language and professional qualifications and (b) passes the USPTO examination for registration, without regard to the applicant's citizenship, country of residence or visa status of resident aliens.	Withdrawn
300A	COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS	Encourages jurisdictions, with prosecutors and others, to develop community supervision programs that allow less serious offenders to avoid incarceration and a conviction record.	Withdrawn
300B	COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS	Urges jurisdictions to develop graduated sanctions, including brief periods of community detention where appropriate, for violations of probation and parole.	Withdrawn

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
300C	COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS	Urges state agencies and licensing boards to develop and enforce policy on the employment of people with convictions, including the contractors and vendors who do business with the state.	Withdrawn
300D	COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS	Urges jurisdictions to limit access to and use of criminal history records for non-law enforcement purposes.	Withdrawn
300E	COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS	Urges jurisdictions to charge defenders with an ethical duty to advise their clients of the collateral consequences of conviction, and to provide additional funds to public defender and legal aid offices to enable them to assist offenders in removing or neutralizing those collateral consequences.	Withdrawn
300F	COMMISSION ON EFFECTIVE CRIMINAL SANCTIONS	Urges prosecutors, judges, parole officers and others who exercise discretion in the justice system to participate in training that will give them greater understanding of what elements should be considered in the exercise of their discretion.	Withdrawn
<a href="#">301A</a>	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE	Adopts revisions to the <i>Model Rule for the Licensing and Practice of Foreign Legal Consultants</i> , dated August 2006.	Approved

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
<a href="#"><u>301B</u></a>	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in adopting revisions to Chapters 2 (Organization and Administration), 5 (Admissions and Student Services) and 8 (Council Authority, Variances and Amendments) of the Standards for Approval of Law Schools and the Interpretations, dated August 2006.	Approved
<a href="#"><u>302A</u></a>	TASK FORCE ON ATTORNEY- CLIENT PRIVILEGE TENNESSEE BAR ASSOCIATION SECTION OF STATE AND LOCAL GOVERNMENT LAW BAR ASSOCIATION OF SAN FRANCISCO SECTION OF BUSINESS LAW TORT TRIAL AND INSURANCE PRACTICE SECTION GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION SECTION OF HEALTH LAW SECTION OF LITIGATION SECTION OF TAXATION NEW YORK STATE BAR ASSOCIATION SECTION OF LABOR AND EMPLOYMENT LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES YOUNG LAWYERS DIVISION	Supports the preservation of the attorney-client privilege and work product doctrine in connection with audits of company financial statements and urges the Securities and Exchange Commission and other relevant organizations to adopt standards, policies, practices and procedures and take other appropriate steps to ensure that attorney-client privilege and work product protections are preserved throughout the audit process.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION TAKEN</u>
<a href="#">302B</a>	TASK FORCE ON ATTORNEY-CLIENT PRIVILEGE NEW YORK STATE BAR ASSOCIATION SECTION OF BUSINESS LAW TORT TRIAL AND INSURANCE PRACTICE SECTION GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION SECTION OF ANTITRUST LAW CRIMINAL JUSTICE SECTION SECTION OF LITIGATION SECTION OF STATE AND LOCAL GOVERNMENT LAW SECTION OF LABOR AND EMPLOYMENT LAW YOUNG LAWYERS DIVISION SECTION OF HEALTH LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES SECTION OF INTELLECTUAL PROPERTY LAW	Recommends that prosecutors, investigators and enforcement authorities should not, directly or indirectly, demand request or encourage an entity to discipline, sanction or terminate any employee because of that employee's decision to exercise his or her Fifth Amendment right against self-incrimination.	Approved as Revised*
<a href="#">303</a>	SECTION OF SCIENCE AND TECHNOLOGY LAW SECTION OF INTERNATIONAL LAW SECTION OF BUSINESS LAW SECTION OF INTELLECTUAL PROPERTY LAW	Urges the U.S. Government to become a signatory to the <i>United Nations Convention on the Use of Electronic Communications in International Contracts</i> .	Approved

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\* See attached

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
<a href="#">304</a>	TASK FORCE ON PRESIDENTIAL SIGNING STATEMENTS AND THE SEPARATION OF POWERS CRIMINAL JUSTICE SECTION SECTION ON INDIVIDUAL RIGHTS AND RESPONSIBILITIES THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK SAN FRANCISCO BAR ASSOCIATION SECTION OF STATE AND LOCAL GOVERNMENT LAW NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS	Opposes, as contrary to the rule of law and our constitutional system of separation of powers, a President's issuance of signing statements to claim the authority or state the intention to disregard or decline to enforce all or part of a law he has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress.	Approved as Amended*
<a href="#">305</a>	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS TORT TRIAL AND INSURANCE PRACTICE SECTION SECTION OF HEALTH LAW SECTION OF STATE AND LOCAL GOVERNMENT LAW	Approving the Uniform emergency Volunteer Healthcare Practitioners Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2006 as an appropriate Act for those States desiring to adopt the specific substantive law suggested therein.	Approved
<a href="#">306</a>	SECTION OF INTELLECTUAL PROPERTY LAW SECTION OF SCIENCE AND TECHNOLOGY LAW	Supporting the retention of test used to determine when a claimed invention that consists of combining or modifying previous inventions is obvious and therefore not eligible for a patent.	Approved

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\* See attached

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION TAKEN</u></b>
<a href="#"><u>307</u></a>	SECTION OF ANTITRUST LAW	Urging that Fed. R. Civ. P. 12(b) (6) be interpreted to require that complaint alleging a conspiracy in violation of Section 1 of the Sherman Act must allege facts constituting more than mere parallel conduct and ordinary business behavior.	Approved
<a href="#"><u>308</u></a>	STANDING COMMITTEE ON FEDERAL JUDICIAL IMPROVEMENTS SECTION OF LITIGATION STANDING COMMITTEE ON JUDICIAL INDEPENDENCE TORT TRIAL AND INSURANCE PRACTICE SECTION NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES	Opposes legislation such as H.R. 5219 and S. 2678 (109 <sup>th</sup> Congress) that would establish a statutory Office of Inspector General for the Judicial Branch for the purpose of conducting investigations of matters pertaining to the Judicial Branch, including possible misconduct in office of judges and judicial proceedings.	Approved
<a href="#"><u>400</u></a>	REPORT WITH RECOMMENDATION ON ARCHIVING	Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.	Approved

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(Note: Deletions are struck through; Additions are underlined)

## Report No. 10A

The recommendation was revised to read as follows:

RESOLVED, That the American Bar Association urges federal, state, territorial, tribal, and local governments to assure that adequate and appropriate services are made readily available to at-risk youth and their caretakers by ensuring that:

- a) Community mental health systems serving youth are reinvigorated and significantly expanded to provide greater access to troubled youth and their caretakers;
- b) Stronger support is given to expanding availability of evidence-based programs for youth and greater investment is made in research to identify additional evidence-based programs worthy of replication and use for at-risk youth;
- c) A positive youth development perspective is incorporated into services and programs, including opportunities that support young people in developing a sense of competence, usefulness, belonging, and empowerment, through access to developmental services and activities facilitating positive connections among youth and with adults, and also offering young people valuable information and learning experiences to help them choose healthy lifestyles; and
- d) ~~Juvenile justice and child welfare intervention systems, and related courts, avoid accepting jurisdiction over youth referred to them simply as a means of authorizing and providing needed services and/or treatment.~~  
Needed services and/or treatment should be provided to youth in need of such services by appropriate juvenile justice and child welfare intervention systems without the necessity or requirement of courts exercising jurisdiction over or adjudicating them.

FURTHER RESOLVED, That the American Bar Association urges federal, state, tribal, territorial, and local governments to develop and adequately support permanent interagency and other youth resource coordination mechanisms to help assure that at-risk youth and their caretakers receive timely and effective services through public child welfare, youth services, mental health, schools, and other agencies.

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FURTHER RESOLVED, That the American Bar Association urges attorneys and state, territorial, tribal, and local bar associations to help develop legal strategies to promote the above objectives while protecting youth rights to confidentiality and privacy, as well as to support government and private investment in coordinated, community-based mental health and other services to at-risk youth and families, available without involvement in juvenile justice or child protection systems.

## Report No. 11-5

**The recommendation was revised to read as follows:**

### 11-5(A)

Amends §2.2(c) and §6.12 to include facsimile and electronic communication as appropriate means for giving notice to read as follows:

§2.2 General Provisions. For the purposes of this Constitution, the Bylaws, and any rules of the House of Delegates:

...

(c) Notice that is required to be given to members may be given by a special mailing or it may be given in any publication of the Association that is sent to every member. In either case notice is given upon deposit in the mail, or when sent by facsimile transmission or electronic means.

...

## Report No. 104

**The recommendation was revised to read as follows:**

RESOLVED, That the American Bar Association amends Rules 1 and 10 of the *Model Rules for Lawyers' Funds for Client Protection*, dated August 2006.

*ABA Model Rules for Lawyers' Funds for Client Protection*  
(August 2006)

RULE 1. PURPOSE AND SCOPE

...

B. For purposes of these Rules, “lawyer” shall include a person:

- (1) admitted and licensed or authorized to practice law in this jurisdiction, regardless of where the lawyer’s conduct occurs;
- (2) admitted as in-house counsel;
- (3) admitted *pro hac vice*;
- (4) admitted as a foreign legal consultant;
- (5) admitted only in a non-United States jurisdiction but who is authorized to practice law in this jurisdiction; ~~and or~~
- (6) recently suspended or disbarred whom clients reasonably believed to be licensed to practice law when the dishonest conduct occurred.

...

## Report No. 108A

**The recommendation was revised to read as follows:**

RESOLVED, That the American Bar Association adopts the following principles for Homeless Court Programs to the extent appropriate for each jurisdiction:

- (1) Prosecutors, defense counsel, and the court should agree on which offenses may be resolved in the Homeless Court Program, and approve the criteria for individual participation recognizing that defendant participation in Homeless Court Programs shall be voluntary.
- (2) Community-based service providers should establish criteria for individual participation in the Homeless Court Program and screen individuals pursuant to these criteria.
- (3) The Homeless Court Program shall not require defendants to waive any protections afforded by due process of law.
- (4) All Homeless Court Program participants shall have time for meaningful review of the cases and issues prior to disposition.
- (5) The Homeless Court Program process and any disposition therein should recognize homeless participants’ voluntary efforts to improve their lives and move from the streets toward self-sufficiency, including participation in community-based treatment or services.
- (6) Participation in community-based treatment or services shall replace traditional sanctions such as fines, public work service and custody.
- (7) Defendants who have completed appropriate treatment or services prior to appearing before the Homeless Court shall have minor charges dismissed, and, where appropriate, may have more serious misdemeanor charges before the court reduced or dismissed. Where charges are dismissed, public access to the record should be limited.

**Report No. 108B**

**The recommendation was revised to read as follows:**

RESOLVED, That the American Bar Association urges federal agencies to include within the definition of “homeless person” individuals who lack a fixed, regular, and adequate nighttime residence, including those who, due to loss of housing, economic hardship, or similar reasons, are sharing the housing of others or due to loss of housing, economic hardship, or similar reasons and those who are living in motels, hotels or camping grounds.

**Report No. 109**

**The recommendation was revised to read as follows:**

RESOLVED, That the American Bar Association urges all federal, state, territorial and local legislative bodies and governmental agencies to adopt laws and policies that require health and disability insurers to who provide coverage for the treatment of both abuse and dependence on drugs and alcohol to do so in a manner that is based on the most current scientific protocols and standards of care, so as significantly to enhance the likelihood of successful recovery for each patient.

**Report No. 110**

**The recommendation was revised to read as follows:**

RESOLVED, That the American Bar Association urges federal, state, territorial, local, and tribal governments to enact or to amend domestic violence civil protection order statutes ~~that~~ to provide protection to victims who are in a romantic or intimate relationship with ~~dating~~ the perpetrator of domestic violence or have been in a romantic or intimate ~~dating~~ relationship with the perpetrator, but do not necessarily have a child with, live with, or are married to the perpetrator of the violence.

**Report No. 112A**

**The recommendation was amended to read as follows:**

RESOLVED, That the American Bar Association urges federal, state, and territorial governments to provide legal counsel as a matter of right at public expense to low income persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter, sustenance, safety, health or child custody as determined by each jurisdiction.

**Report No. 114**

**The recommendation was amended to read as follows:**

RESOLVED, That the American Bar Association adopts the Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases, dated August 2006.

Standards of Practice for Attorneys Representing  
Parents in Abuse and Neglect Cases  
(August 2006)

...

**Relationship with the Client:**

...

14. Be alert to and avoid potential conflicts of interest ~~or the appearance of a conflict of interest~~ that would interfere with the competent representation of the client.

...

**Report No. 120B**

**The recommendation was revised to read as follows:**

RESOLVED, That the American Bar Association urges the United States Government to support the Darfur peace accord signed on May 5, 2006; and to support the work of the International Criminal Court in investigating and prosecuting the individuals responsible for crimes in Darfur, Sudan, the humanitarian work of the United Nations in Darfur, Sudan, the peacekeeping efforts of the African Union, and any eventual peacekeeping efforts of the United Nations in Darfur, Sudan.

FURTHER RESOLVED, That the American Bar Association urges the United States Congress to enact ~~legislation~~ and the President of the United States to sign into law ~~the Darfur Peace and Accountability Act of 2006 (H.R. 3127)~~ legislation which would:

- (1) block assets and restrict visas of any individual the President of the United States determines is complicit in, or responsible for, acts of genocide, war crimes, or crimes against humanity in Darfur, including the family members or any associates of such individual to whom assets or property of such individual was transferred on or after July 1, 2002;
- (2) authorize the President of the United States to provide assistance to support the African Union Mission in Sudan;

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- (3) encourage the Secretary of State to designate the Janjaweed militia as a foreign terrorist organization under section 219 of the Immigration and Nationality Act; and
- (4) encourage the President of the United States to appoint a Presidential Envoy for Sudan to steward efforts to implement the Comprehensive Peace Agreement for Sudan, bring stability and peace to the Darfur region, address instability elsewhere in Sudan and northern Uganda, and pursue a truly comprehensive peace throughout the region.

FURTHER RESOLVED, That the American Bar Association urges the President of the United States to take action to implement such legislation immediately upon its enactment into law.

### Report No. 302B

#### **The recommendation was revised to read as follows:**

RESOLVED, that the American Bar Association opposes government policies, practices and procedures that have the effect of eroding the employees' constitutional and other legal rights of current or former employees, officers, directors or agents ("Employees") by requiring, encouraging or permitting prosecutors or other enforcement authorities to take into consideration any of the following factors in making a determination of whether an organization has been cooperative in the context of a government investigation:

- (1) that the organization provided counsel to, or advanced, reimbursed or indemnified the legal fees and expenses of, an Employee; ~~or agreed to pay an employee's legal fees and expenses;~~
- (2) that the organization entered into or continues to operate under a joint defense, information sharing and common interest agreement with an Employee ~~or other represented party~~ with whom the organization believes it has a common interest in defending against the investigation;
- (3) that the organization shared its records or other historical information relating to the matter under investigation with an Employee ~~or other represented party;~~ or
- (4) that the organization chose to retain or otherwise declined to sanction an Employee who exercised his or her Fifth Amendment right against self-incrimination in response to a government request for an interview, testimony, or other information.

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## Report No. 304

### **The recommendation was amended to read as follows:**

RESOLVED, That the American Bar Association opposes, as contrary to the rule of law and our constitutional system of separation of powers, the ~~issuance~~ misuse of presidential signing statements ~~that claim~~ by claiming the authority or ~~state~~ stating the intention to disregard or decline to enforce all or part of a law the President has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress;

FURTHER RESOLVED, That the American Bar Association urges the President, if he/she believes that any provision of a bill pending before Congress would be unconstitutional if enacted, to communicate such concerns to Congress prior to passage;

FURTHER RESOLVED, That the American Bar Association urges the President to confine any signing statements to his/her views regarding the meaning, purpose and significance of bills presented by Congress, and if he believes that all or part of a bill is unconstitutional, to veto the bill in accordance with Article I, ' 7 of the Constitution of the United States, which directs him/her to approve or disapprove each bill in its entirety;

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation requiring the President promptly to submit to Congress an official copy of all signing statements he/she issues, and in any instance in which he/she claims the authority, or states the intention, to disregard or decline to enforce all or part of a law he/she has signed, or to interpret such a law in a manner inconsistent with the clear intent of Congress, to submit to Congress a report setting forth in full the reasons and legal basis for the statement; and further requiring that all such submissions be available in a publicly accessible database; and

FURTHER RESOLVED, That the American Bar Association urges Congress to enact legislation enabling the President, Congress, or other entities or individuals, to seek judicial review, to the extent constitutionally permissible, in any instance in which the President claims the authority, or states the intention, to disregard or decline to enforce all or part of a law he/she has signed, or interprets such a law in a manner inconsistent with the clear intent of Congress, and urges Congress and the President to support a judicial resolution of the President's claim or interpretation.