

GENERAL INFORMATION FORM

Submitting Entity: Section of Litigation

Submitted by: Judith Miller, Chair

1. Summary of Recommendation.

The recommendation proposes that the ABA adopt a Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings.

2. Approval by Submitting Entity.

On April 30, 2008, the Section of Litigation Council unanimously approved this Recommendation. The vote was taken during a conference call for which the time and agenda had been previously distributed. The vote occurred during a conference call and not at a regularly-schedule meeting for the following reason. The Recommendation was on the agenda of the regularly-scheduled meeting of the Section of Litigation Council on April 16, 2008. When it became apparent that there was insufficient time to consider the Recommendation at that meeting, the Chair announced that the matter would be placed on the agenda of a conference call to take place within two weeks. Notice of the date of the call (April 30, 2008) was given on April 24, 2008 and again on April 29, 2008. Support of the Recommendation was unanimous.

3. Has this or a similar recommendation been submitted to the House or Board previously?

No similar recommendation has been submitted to the House of Delegates by the Section of Litigation. The National Conference of Commissioners on Uniform State Laws (NCCUSL) submitted a recommendation on a similar subject for consideration by the House of Delegates at the 2008 Mid-Year meeting in Los Angeles, but withdrew the Recommendation before it was voted upon.

4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?

The Recommendation is consistent with both the ABA Standards on the Representation of Children in Abuse and Neglect Standards and the ABA Model Rules of Professional Conduct.

5. What urgency exists which requires action at this meeting of the House?

States are seeking guidance in defining the proper role of lawyers assigned to represent abused or neglected children. It is important for the American Bar Association to provide guidance in the form of model legislation.

6. Status of Legislation. (If applicable).

N/A

7. Cost to the Association. (Both direct and indirect costs.)

Adoption of the recommendation will not result in expenditures.

8. Disclosure of Interest. (If applicable.)

No known conflict of interest exists.

9. Referrals.

This Recommendation will be circulated to Association entities and Affiliated Organizations including:

ABA Section of Family Law
National Conference of Commissioners on Uniform State Laws (NCCUSL)
Center for Professional Responsibility
Criminal Justice Section
Commission on Domestic Violence
Individual Rights & Responsibilities
Judicial Division
Steering Committee on Legal Aid and Indigent Defense (SCLAID)
Young Lawyers Division
Youth at Risk Commission

10. Contact Persons. (Prior to the meeting.)

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11. Contact Person. (Who will present the report to the House.)

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