



News

September 2008

"I'm Rod Wegener and I approve this message." For the country, that statement of approval ends November 4. NABE members get to hear mine through next July. At least your vote in November will play a small part in determining whether my story about my visit to Wasilla, Alaska will stop after the election or continue until my term ends next July.

- The *2008 annual meeting has been history* almost two months, but there is much to remember. Attending were 251 members and 20 sponsors. Both were very high counts, if not our highest ever. Very highly rated were the plenary and break-out sessions led by Arthur Brooks, PhD on "Generational Change and Successful Associations." His handout and others can be found on the NABE website at www.abanet.org/nabe/events/annuals/2008/handouts/.
- Coming to your electronic mailbox soon is a *survey about the benefits of NABE*. The survey intends to get a pulse on NABE members' interests and what benefits the organization is, or is not, providing. Please take a few minutes to respond to the questions when it arrives.
- The *NABE website* needs some upgrading. During the annual meeting in New York, there was an informal meeting about the site and the result was creating a task force to determine what upgrades are needed, what features should be added, and how can the site best be managed. The task force co-chairs are Lincoln Mead (Utah State) and Anna Zanolli (Oregon State). Other members are Steve Dunn, and representatives of each section: Mark Mathewson, Leah Johnson, Harry Shipley, and Pat Yevics. Craig Johnson will be the DBS representative and ABA staff administering the ABA site will join in at some point.
- I intend to include *regular columns* in NABE News. The columns will be General News, Sections, Mid-year and Annual Meetings/Program Committee, Amongst Us, ABA Report, Board Business, and Committees and Forums. Not all columns will be in each issue, but whenever there is news to report. This issue of NABE News is longer as it includes the report of the ABA House of Delegates meeting and gives details of past and upcoming NABE events.
- Admittedly this issue has more substance than style. There'll be more style next issue, and I hope to keep up the substance.

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Sections

Communications - Francine Walker, chair

The Communications Section continues its tradition of holding excellent workshops this year in Austin, TX, October 22-25. Non-section members will be able to save \$65 if they join the section before registering. Also, there are four scholarships available this year (twice as many as previous years) offering a waiver of the registration fee and a \$500 travel stipend. For more info and eligibility requirements, contact Cynthia Kuhn, scholarship committee chair,

cgkuhn@dcb.org or call 202-626-3470. Register for the workshop at www.regonline.com/nabeaustin.

Government Relations - Gail Stone, chair

The section will hold its annual workshop at the Hyatt Regency in Washington DC this November 12-14. Download the form at www.abanet.org/nabe/govrelations/grshopreg.pdf to register. The housing deadline is October 10 and space is limited.

Administration & Finance - Lynda Tanner, chair

The section will offer a workshop on Tuesday, February 10, 2009 in Boston. The workshop title is "Best Practices for A&F Professionals." Registration is included on the ABA registration form for the midyear meeting.

Program Committee

George Brown, chair - The committee met in Boston on September 5-6 to lay plans and programming for the 2009 mid-year and annual meetings. More information on the mid-year meeting will be included in upcoming *NABE News*.

Put these dates on your calendar. The early registration deadline for the mid-year meeting is December 12. The housing deadline is January 9.

Amongst Us

These tidbits already are old news, but all are worth repeating.

- Congratulations to **Tom Pyrz**, the Executive Director of the Indiana State Bar. Tom received the highest accolade in NABE, the Bolton Award, at the annual meeting in New York. The Bolton Award is presented annually to a bar executive who epitomizes the highest standard of professional excellence. It is named in honor of Fred Bolton, executive director and secretary of the Pennsylvania Bar Association from 1966 to 1977.
- Congratulations also to **Pat Yevics** (Maryland State) and **Pam Robinson** (ABA Division for Bar Services) who received the President's Award. Then-NABE president Ev Sullivan presented the award to members who provided exceptional service to NABE in the past year.
- The third congratulations to **Bill Weisenberg** (Ohio State) who was appointed chair of the ABA Committee on Judicial Independence. It's an honor for a bar executive, and NABE member, to be appointed chair of this committee.
- **Duane Stanley** of the Hennepin County (MN) Bar was selected by the Board of Directors to fill the vacant board position vacated by Carrie Witt when she ascended to the vice-president position. Duane serves through August 2009.
- Two respected executive directors are retiring December 31, 2008. **Karen Garst** is leaving the Oregon State Bar after 12 years. Also, retiring after 18 years at the bar and 9 years as executive director is **Tim Hazen** from the Connecticut Bar. Their leadership within NABE surely will be missed.
- Taking Karen's position at the Oregon State Bar is **Teresa Schmid**, the Executive Director of the State Bar of Arizona. Teresa will move into the new position late this year.

NABE Board

The Board of Directors is meeting November 7-8 in Charleston, SC. Part of the meeting will include a session with the ABA Standing Committee on Bar Services and Activities. Some of the other items on the board's agenda are: how to institutionalize the small bar conference, identifying future leaders in NABE, identifying how forums can best serve the organization, and evaluating the results of the membership survey.

The board had the honor of meeting with ABA Executive Director Hank White during the meetings in New York City to discuss such topics as the ABA accreditation of new law schools, the ABA budget process, and his visits to state and local bars.

ABA Delegate Report

Bill Weisenberg, NABE Delegate to ABA House of Delegates

The ABA House of Delegates met on August 11-12, 2008 in New York City. If "motions" can be considered a meeting highlight, then the motion to "Postpone Indefinitely" that was made to Report Number 114 falls into this category. This Report recommended an amendment to Model Rule of Professional Conduct 1.10 ("Imputation of Conflicts of Interest: General Rule") to permit screening within a law firm to allow other lawyers to undertake representations that would be prohibited to another lawyer in the firm because of a conflict of interest from a prior employment. After intense negotiations between opposing sides of the issue and circulation of e-mails up to the time of debate, the House of Delegates voted 192 to 191 to postpone indefinitely. The debate was spirited and civil with persuasive arguments on both sides. We should not be surprised to see the issue revisited at the 2009 midyear meeting in Boston.

Report Number 118 encouraging Senators in each state to jointly establish bipartisan commissions to evaluate the qualifications of prospective candidates to U.S. district and courts of appeals and to recommend possible nominees whom their Senators might suggest for the President's consideration was adopted at the urging of President Tommy Wells with support from a lengthy list of co-sponsors. It should be emphasized that the panels suggested are advisory only and its recommendations not binding on either a state's Senator or the President.

Among other proposals considered, the House of Delegates adopted the following:

Report 10A, as revised, urging all jurisdictions to adopt best practices for use in proceedings with unrepresented litigants.

Report 10C, recommending the adoption of programs of "Introductory Judicial Education" to assist lawyers with potential career aspirations of service in the judiciary was withdrawn to permit interested parties additional time to refine the proposal.

Report 10D, urging state and territorial judiciaries, in cooperation with state, local and specialty bar associations, to undertake assessments of their judicial systems, using as an assessment tool the *State Court Assessment Project*, developed by the Standing Committee on Judicial Independence.

Report 103, as revised, urging legislative bodies, governmental agencies and health care providers to establish and support decision-making protocols to ensure that the wishes of those who have advanced chronic progressive illnesses are appropriately translated into visible and portable medical orders such as "Physicians Orders for Life-Sustaining Treatment" or "POLST" that address higher probability medical contingencies.

Report 104C, as revised, urging all appropriate governmental bodies to enact effective legislation, policies and procedures to ban law enforcement's use of racial or ethnic characteristics not justified by specific and articulable facts suggesting that an individual may be engaged in criminal behavior.

Report 104D, as revised, urging trial judges to give a cross-racial identification jury instruction where appropriate to guard against the enhanced risk of eyewitness misidentification.

Report 109, urging all appropriate governmental bodies to adopt legislation and appropriate funding to strengthen protection and assistance for victims of gender-based violence within the United States and abroad and urges Congress to enact and fund the International Violence Against Women Act of 2007 or similar legislation.

Report 112A, as revised, adopting the *Model Rule for Registration of In-House Counsel*, dated August 2008, which provides a mechanism for jurisdictions to identify and monitor in-house counsel who are practicing in the jurisdiction.

Report 113B, adopting the black letter of the *Standards for Final Pretrial Submissions and Orders*, dated August 2008, which are intended to provide guidance on how to move the case forward to trial, but does not impose unnecessary burdens or require pretrial submissions too early in the parties' final pretrial preparation, and to simplify what items should be prepared as the case in the final pretrial stage.

Report 115, as revised, urging legislative bodies to adopt legislation establishing pilot programs that enable and encourage medical personnel to report hospital events which, if repeated, could threaten patient safety.

Report 119A, amending the *Election Administration Guidelines and Commentary*, dated August 2008, regarding the administration of the electoral process.

Report 121, as revised, adopting a new mission, goals and objectives of the American Bar Association.

For a complete report of all action taken by the House of Delegates, visit the House of Delegates website at www.abanet.org/leadership/2008/annual. Click to House of Delegates/Delegates Meetings/2008 NY Annual Meeting/Daily Journal (August 12, 2008). If you would like to speak with me directly or communicate by email, I can be reached at (614) 487-4414 or wweisenberg@ohiobar.org. Your thoughts and opinions on any matters considered by the House or to be considered in the future are welcome and appreciated.

Read something here and don't know who to contact or what to do? Check the NABE website at www.nabenet.org

I hope you approved of these messages. I welcome input and response for *NABE News* from you, so please email me at rwegener@osbar.org if you have something to contribute.

Rod Wegener, President of NABE, 2008-09