

Federal BarAssociation National Council Meeting

Mid-Year Meeting 2014

Saturday, March 28, 2015 at 2:15 p.m. Westin Arlington Gateway Arlington, VA



National Council Meeting Agenda

Saturday, March 28, 2015 at 2:15 p.m. EDT Westin Arlington Gateway Arlington, VA

1. Call to 0	Order		Matthew Moreland
2. Consent	Agenda		
•	Approval of the Minutes (September 6, 2014)	(Tab A)	Matthew Moreland
3. Report f	from the President		Matthew Moreland
•	FBA Midyear Update	(T. 1. P.)	
•	Actions of the Board of Directors	(Tab B)	
4. Report fr	om the Treasurer	(Tab C)	Hon. Michael Newman
•	Financial Update as of January 31, 2015		
5. Reports			
•	Report from the Executive Director		Karen Silberman
•	Report from the President-Elect		Mark Vincent
•	Report from the Chair of the Membership Committee		Jonathan Hafen
•	Report from the Chair of the Nominations and Elections Committee	(Tab D)	Matthew Moreland
•	Report from the Chair of the Government Relations Committee	(Tab E)	West Allen
•	Report from the Chair of the Constitution, Bylaws, Rules and Resolutions Committee	(Tab F)	Beth Smith
•	Report from the President of the Foundation of the FBA		Martha Hofmeister
•	Report from the President of the Federal Bar Building Corpora	ation	Robert Mueller
•	Report from the ABA Delegate	(Tab G)	Ashley Belleau
6. Unfinisl	ned Business		Matthew Moreland
7. New Bu	siness		Matthew Moreland
8. Presider	nt's Final Remarks		Matthew Moreland
9. Adjourn	nment		Matthew Moreland

2015

- 40th Annual Indian Law Conference, April 9-10, 2015, Scottsdale, AZ
- Chapter, Section & Division Leadership Training Program, May1-2, 2015, Arlington, VA
- Immigration Law Seminar, May 15-16, 2015, Memphis, TN
- 26th Annual Insurance Tax Seminar, May 28-29, 2015, Washington DC
- Women in the Law Conference, June 5, 2015, Washington DC
- Board of Directors Meeting, July 11, 2015, San Francisco, CA
- Board of Directors Meeting, September 10, 2015, Salt Lake City, UT
- Annual Meeting and Convention, September 10-11, 2015, Salt Lake City, UT
- National Council Meeting, September 12, 2015, Salt Lake City, UT

TAB A Approval of the Minutes September 6, 2014

Federal Bar Association National Council

Saturday, September 6, 2014 2:15 p.m. EDT Omni Providence Hotel Providence, R.I.

CALL TO ORDER

President Gelpi called the meeting to order at 2:17 EDT with a quorum present. The agenda was adopted as distributed prior to the meeting.

APPROVAL OF THE MINUTES

A motion was made to approve the minutes of the March 28, 2014 meeting. The motion was properly seconded and passed unanimously.

REPORT OF THE PRESIDENT

President Gelpi reported on the actions of the Board of Directors since the last meeting of the National Council:

Actions of the Board of Directors at its June 21, 2014 Meeting

- Approved the FY2015 Budget
- Approved revised Policy 1-8: Whistleblower
- Approved revised Policy 2-2: Authority to Sign Checks
- Approved revised Policy 2-3: Reimbursements
- Approved revised Policy 2-7: Credit Card Privileges
- Approved the increase of the Health Law Section dues to \$15
- Approve the distribution of Policy 9-4: Section and Division Policies, Procedures and Guidelines for public comment
- Approved the Maine Chapter charter
- Approved the Hon. P. Michael Mahoney Western Division for the Northern District of Illinois Chapter charter
- Approved the FY2015 Issues Agenda
- Approved the change of law student dues: Year one student (1L), \$20 per year or, 3 years for \$50; year two student (2L), \$20 per year or, 2 years for \$30; Year three student (3L), \$20 plus 1 year free for period starting from graduation date; and law student division advisor, \$0.

Actions of the Board of Directors at its September 4, 2014 Meeting

- Approved revised Policy 1-6: Standing Committees, Special Committees and Task Forces
- Approved revised Policy 3-1: Recognition of Long Standing Members
- Approved revised Policy 7-1: National Convention Policy
- Approved the Arkansas Chapter charter
- Approved the Northern District of West Virginia Chapter charter
- Approved the Central District of Illinois Chapter charter

• Approved the Southern District of New York Chapter to host the 2018 Annual Meeting and Convention in New York, NY.

President Gelpi gave the report of Nominations and Elections Committee. The following individuals were elected to terms beginning Oct. 1, 2014:

Officers	
President-Elect	Mark K. Vincent
Treasurer	Hon. Michael J. Newman
Directors	
Group 1	Richard S. Dellinger
Group 2	
Group 3	Katherine Gonzalez-Valentin
Group 4	
-	
Vice Presidents for the Circuits	
1st Circuit	Matthew Moschella
2nd Circuit	Ernest Bartol
3rd Circuit	
4th Circuit	
5th Circuit	
6th Circuit	
7th Circuit	
8th Circuit	9
9th Circuit	
10th Circuit	
11th Circuit	
D.C. Circuit.	•
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President Gelpi recognized the past presidents in attendance. Additionally, he reported on his outreach efforts and recognized the chapters and sections that held events commemorating the 50th anniversaries of the Criminal Justice Act and the Civil Rights Act. President Gelpi stated that there are current chapters in 45 states and he hopes there can be chapters in every state in the near future.

REPORT FROM THE PRESIDENT-ELECT

Officers

President-Elect Moreland announced FY15 committee chair appointments. President-Elect Moreland appointed Adine Momoh as the Vice President for the Eighth Circuit and Michael Vitale as the Vice President for the Eleventh Circuit, as Richard Dellinger will be stepping down from this position. President-Elect Moreland also presented the FY15 budget as approved by the Board of Directors at is June 21, 2014 meeting.

He thanked Judge Gelpi for his service and presented him with the President's Tower.

President-Elect Moreland read the proposed new Law Student Associate dues structure (effective Oct. 1, 2014) that was previously approved by the Board of Directors:

- Law student division advisor, \$0, no dues.
- Year one student (1L), \$20 per year or 3 years for \$50.
- Year two student (2L), \$20 per year or 2 years for \$30.
- Year three student (3L), \$20 plus 1 year free for period starting from graduation date.

A motion was made to approve the new Law Student Associate dues structure, effective Oct. 1, 2014. The motion was properly seconded and passed unanimously.

REPORT FROM THE TREASURER

Mr. Vincent presented the financial statements as of August 31, 2014, which cover approximately 82 percent of the year's budget and reported that the FBA is in a solid financial position.

REPORTS

Report from the Constitution, Rules, Resolutions and Bylaws Committee

President Gelpi presented the proposed amendment to Section 6 of the Bylaws – Election
Schedule, Procedure and Requirements. A motion was made to approve the Bylaws as
amended. The motion was properly seconded and passed unanimously.

Report from the Membership Committee

Mr. Hafen reported that the membership hit an all-time high over the past year, but growth has slowed. However, he did state that there has been significant growth in law student associate membership. Mr. Hafen emphasized the need to promote Sustaining Membership and he encouraged chapters to continue to follow their membership plans to meet the goal of 3 percent yearly membership growth. Finally, he recognized the members of the Membership Committee for their hard work over the past year.

Report from President of the Foundation of the Federal Bar Association Ms. Hofmeister recognized the Board of Directors of the Foundation of the Federal Bar Association. Ms. Hofmeister reported the revenue from the 2014 Silent Auction totaled \$8,178. She reminded members of the National Council that the deadline for the 2015 Public Service Scholarship is April 30, 2015 and that the next deadline to apply for a Chapter Community Outreach Grant is December 15, 2014.

Report from the Government Relations Committee

Mr. Allen recognized members of the committee and Bruce Moyer. He presented the report of the Government Relations Committee and highlighted the work being done toward reducing the number of judicial vacancies and ensuring that there is adequate funding for the federal courts. Finally, Mr. Allen encouraged attendance at the 2015 Capitol Hill Day to be held on April 30, 2015.

Report from the President of the Federal Bar Building Corporation
Robert Mueller provided a history of the Federal Bar Building Corporation and stated the investment fund of the FBBC is valued at approximately \$5 million.

President Gelpi presided over the election of the two open director positions on the FBBC Board of Directors by the National Council. Past National Presidents Adrienne Berry and Les Horowitz were nominated by the FBBC Nominating Committee prior to the National Council meeting. President Gelpi announced that Ms. Berry and Mr. Horowitz were elected to the FBBC Board of Directors.

Report from the ABA Delegate

Ashley Belleau presented the report of the ABA Delegate. Ms. Belleau reported that she reviewed the 44 resolutions for consideration by the ABA House of Delegates at its annual meeting. She voted in favor of five resolutions that would be of the most interest to FBA members: a resolution opposing the suspension or delay of the fundamental right to a civil jury trial, even in the face of difficult fiscal circumstances; a resolution endorsing the 2014 American Civil Trial Bar Roundtable's, A White Paper on Increasing the Professionalism of American Lawyers; a resolution opposing changes in current educational debt loan forgiveness programs for public service lawyers; a resolution urging Congress to reallocate payroll tax revenues between the Old-Age and Survivors Insurance Trust Fund (OASI) and the Disability Insurance Trust Fund (DI) as needed to prevent depletion of the reserves of either Trust Fund; and a resolution urging all bar associations and foundations, courts, law schools, legal aid organizations and law firms to create and advance initiatives that marshal the resources of newly admitted lawyers to meet the unmet legal needs of underserved populations in sustainable ways. These five resolutions were adopted by the ABA House of Delegates. Ms. Belleau reported that she abstained from voting on 35 resolutions and the remaining resolutions were withdrawn for various reasons.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

President Gelpi recognized the service and efforts of the current Board of Directors and previous boards and officers. He distributed awards to the Directors, Committee Chairs and Vice Presidents for the Circuits.

ANNOUNCEMENTS/2015 CALENDAR OF EVENTS

- Board of Directors Meeting, January 31, New Orleans, LA
- Tax Law Conference, March 6, Washington, DC
- Midyear Meeting, March 28, Arlington, VA
- 40th Annual Indian Law Conference, April 9-10, Scottsdale, AZ
- Capitol Hill Day, April 30, Washington, DC
- Chapter, Section and Division Leadership Training, May 1-2, Arlington, VA
- 27th Annual Insurance Tax Seminar, May 28-29, Washington, DC

REPORT FROM THE EXECUTIVE DIRECTOR

Karen Silberman thanked the leadership and members for their service. She reported that the FBA is increasing and improving the ways in which we connect members to the mission. There are more ways than ever to create positive member experiences. Highlights include: Capitol Hill Day, Legislative Updates, Annual Moot Court Competition, and the newly established Women in the Law Conference. She emphasized her commitment to build upon the success built over the previous year.

PRESIDENT'S FINAL REMARKS

The following officers and directors were sworn in by Hon. Gustavo Gelpi, Jr.: President-elect, Mr. Vincent; Treasurer, Judge Newman; and Directors, Mr. Dellinger, Ms. Stern, Ms. Gonzalez-Valentin, and Ms. Kimmelman. The following Vice Presidents for the Circuits were also sworn in: Mr. Moschella, Mr. Bartol, Ms. Varnado, Mr. Ashe, Mr. Satola, Ms. Mecklenburg, Ms. Momoh, Ms. Bachus, Mr. Hafen, Mr. Vitale, and Ms. Pugh.

ADJOURNMENT

President Gelpi adjourned the meeting at 4:58 p.m. EDT.

Respectfully submitted,

Karen Silberman Executive Director

TAB B

Report from the President

FBA Midyear Update Actions of the Board of Directors



ACTIONS OF THE BOARD OF DIRECTORS FY2015

JANUARY 31, 2015 MEETING

- Approved revised Policy 7-2: Chapter Leadership Training
- Approved revised Policy 7-3: Section and Division Leadership Training
- Adopted a resolution that authorizes the Executive Director, Deputy Executive
 Director, President, and Treasurer to act on behalf the Federal Bar Association
 regarding contractual matters, including, but not limited to, entering into, life
 insurance and annuity contracts, entering into financial planning agreements,
 exercising authority over brokerage accounts and other financial transactions with
 Minnesota Life
- Approved revised budget for FY2015
- Approved the establishment of a Qui Tam Section
- Approve the Law Student Division Bylaws
- Adopted the resolution of Tidewater Chapter of the FBA to change the chapter's name to the Hampton Roads Chapter
- Approved the recommendation of the Young Lawyers Division to change the age limitation of membership to 40 years of age or younger
- Approved the recommendation of the Constitution, Bylaws, Rules and Resolutions Committee regarding proposed amendments to the FBA Bylaws
- Approved revised Policy 2-3: Reimbursements

NOVEMBER 12, 2014 MEETING

- Approved additional FY2015 committee appointments
- Approved the St. Louis Chapter Bylaws

SEPTEMBER 4, 2014 MEETING

- Approved FY2015 committee appointments
- Adopted a resolution that authorizes and empowers the Executive Director and the President to execute agreements, give direction, and receive information to/from SunTrust Bank regarding the assets of the Federal Bar Association
- Adopted a resolution that authorizes and empowers the Executive Director, Deputy Executive Director, President, and Treasurer to act, give instructions, access information, use Bank's services, perform transactions, enter into agreements, and delegate authority on behalf the operational account of the Federal Bar Association at SunTrust Bank

TAB C

Report from the Treasurer

Financial Update as of January 31, 2015

Federal Bar Association Statement of Financial Position January 31, 2015 and 2014

Assets Current Assets Cash and cash equivalents	\$			
	\$			
Cash and cash equivalents	\$			
		306,237	\$	453,078
Short-term Investments		62,053		1,663,982
Long-term Investments		2,069,993		-
Accounts Receivable		66,388		26,606
Inventory		15,321		31,302
Prepaid expenses		51,190		77,468
Total Current Assets		2,571,182		2,252,436
Other Access				
Other Assets		407.000		407.000
Furniture and fixtures		187,920		187,920
Computer equipment and software		589,460		578,930
Total Property and Equipment before Acc Depr		777,380		766,850
Accumulated depreciation		(544,306)		(472,248)
Net Property and Equipment		233,074		294,602
Total Assets		2,804,256	\$ ===	2,547,038
<i>Liabiliti</i> es				
Current Liabilities				
Accounts payable	\$	116,806	\$	5,504
Accrued annual leave	Ψ	39,743	Ψ	35,652
Deferred membership dues		117,227		115,645
Due to related entities		4,880		3,482
Other		•		3,402
Other		8,498		
Total Current Liabilities		287,154		160,283
Net Assets				
Total Net Assets		2,517,102		2 226 755
i Olai Nel Assels		2,517,102		2,386,755
Total Liabilities and Net Assets	\$ =====	2,804,256	\$ ===	2,547,038

Federal Bar Association Statement of Activities For the Four Months Ending January 31, 2015

	FY 2015 YTD	FY 2014 YTD	FY 2015 Budget	Percent of Budget
Support and Revenue:				
(1) National dues	\$ 681,560	\$ 646,062	\$ 1,860,154	37%
(2) Sustaining dues	264,630	259,535	723,052	37%
(3) Section/division dues	55,920	54,605	153,000	37%
(4) Conferences	207,575	122,041	910,000	23%
(5) Co-sponsored conferences	-	-	50,000	0%
(6) Sections/divisions activities	24,430	36,917	85,000	29%
(7) Administrative and other revenues (Schedule I)	129,472	91,133	239,500	54%
Total support and revenue	 1,363,587	 1,210,293	4,020,706	34%
Expenses:				
(8) Activity expenses (Schedule II)	377,589	344,203	2,179,000	17%
(9) General and overhead expenses (Schedule III)	598,771	578,389	1,809,500	33%
Total expenses	 976,360	 922,592	3,988,500	24%
Change in net assets from operations	 387,227	 287,701		
Net Assets, beginning of year	 2,129,875	2,099,054		
Current Net Assets	\$ 2,517,102	\$ 2,386,755	•	

Federal Bar Association SCHEDULE OF ADMINISTRATIVE AND OTHER REVENUES Schedule I For the Four Months Ending January 31, 2015

	F	FY 2015 YTD	F	Y 2014 YTD	Y 2015 Budget	Percent of Budget
Schedule of Revenues						
(7.01) Administrative Fees (FBBC)	\$	-	\$	10,100	\$ _	
(7.02) Administrative Fees (FFBA)		4,500		4,250	13,500	33%
(7.03) Administrative Fees (Sections&Divisions)		52,772		48,104	52,000	101%
(7.04) Interest/Investment Income		27,350		57	42,000	65%
(7.05) FBA Need an Attorney		3,525		2,575	12,000	29%
(7.06) The Federal Lawyer & Publications		7,103		8,064	33,000	22%
(7.07) Royalty Income		1,872		3,701	8,000	23%
(7.10) Webinars		23,361		11,196	55,000	42%
(7.11) List Sales		475		931	4,000	12%
(7.12) Miscellaneous Income		8,514		2,155	20,000	43%
Total Administrative and					 	
Other Revenues	\$	129,472	\$	91,133	\$ 239,500	54%

Federal Bar Association SCHEDULE OF ACTIVITY EXPENSES Schedule II For the Four Months Ending January 31, 2015

	F	FY 2015	2015 FY 2014		FY 2015	Percent
		YTD		YTD	Budget	of Budget
Schedule of Activity Expenses						
Activity Expenses						
(8.01) President & BOD	\$	3,740	\$	20,485	\$ 140,000	3%
(8.02) National Council		14		500	5,000	0%
(8.03) Circuit Vice Presidents		193		-	38,000	1%
(8.04) NC Appointees		-		-	9,000	0%
(8.05) Past Presidents		-		-	6,000	0%
(8.06) Gov. Committees & Board		4		-	1,500	0%
(8.07) National Elections		-		-	10,500	0%
(8.08) Government Relations		30,772		22,000	72,000	43%
(8.09) Chapter Delegate		-		1,251	45,000	0%
(8.10) Chapter Leadership Training		(35)		-	65,000	(0%)
(8.11) Chapter Activity Fund		2,200		5,200	20,000	11%
(8.12) Chapter Rebates		116,809		114,583	455,000	26%
(8.13) Chapter Services		935		1,529	12,000	8%
(8.14) Membership Services		22,238		16,155	60,000	37%
(8.15) Membership Programs		500		277	12,000	4%
(8.16) The Federal Lawyer & Publications		48,962		43,206	225,000	22%
(8.17) FBA Conferences		48,252		20,281	630,000	8%
(8.18) Membership Marketing		-		1,234	12,000	0%
(8.19) Meetings Marketing		4,228		-	15,000	28%
(8.20) Webinar CLE Fees		4,072		1,026	16,000	25%
Subtotal Activity Expenses		282,884		247,727	1,849,000	15%
(8.21) Section and Divisions		93,641		92,568	285,000	33%
(8.22) FBA Funded Divisions		1,007		3,908	35,000	3%
(8.23) Section Council		57		-	5,000	1%
(8.24) Section Activity Fund					5,000	
Subtotal Section & Division						
Activity Expense		94,705		96,476	330,000	29%
Total Activity Expenses	\$	377.589	\$	344,203	\$ 2,179,000	17%

See Accompanying Accountant's Compilation Repolf.

Federal Bar Association SCHEDULE OF ADMINISTRATIVE EXPENSES Schedule III For the Four Months Ending January 31, 2015

	I	FY 2015 FY 2		Y 2014	FY 2015		Percent
		YTD		YTD		Budget	of Budget
Schedule of Administrative Expenses							
Administrative Expenses							
(9.01) Salaries	\$	358,554	\$	376,652	\$	1,030,000	35%
(9.02) Payroll taxes		24,085		25,834		75,000	32%
(9.03) Employee Insurance		22,810		19,236		79,000	29%
(9.04) Employee Retirement		7,508		13,972		54,000	14%
(9.05) Employee Training		1,404		187		8,000	18%
(9.06) Management Travel		-		891		5,000	0%
(9.07) Outsourced Services		57,669		19,386		175,000	33%
(9.08) Dues and subscriptions		782		3,567		5,000	16%
(9.09) Leased Equipment		5,203		3,687		16,000	33%
(9.10) Repairs and maintenance		837		747		5,000	17%
(9.11) Rent		20,000		20,000		60,000	33%
(9.12) Insurance		5,781		6,791		21,000	28%
(9.13) Personal property taxes		1,489		-		4,000	37%
(9.14) Professional fees		6,100		10,000		18,000	34%
(9.15) Supplies		7,238		2,586		17,000	43%
(9.16) Computer/Internet Services		33,471		25,967		97,500	34%
(9.17) Telephone		8,491		6,566		27,000	31%
(9.18) Postage		3,751		242		7,500	50%
(9.19) Depreciation-Furniture & Fixtures		2,041		2,041		7,500	27%
(9.20) Depreciation-Computer Equipment		18,798		22,554		60,000	31%
(9.21) Other Office Expense		9,939		15,157		30,000	33%
(9.22) Miscellaneous Expense		2,820		2,326		-	
Subtotal Administrative Expense		598,771		578,389		1,801,500	33%
(9.23) Recovered Overhead & Production		-		-		8,000	
Subtotal Recovered Expenses		-		-		8,000	
Total Administrative Expenses	\$	598,771	\$	578,389	\$	1,809,500	33%

TAB D Report from the Chair of the Nominations and Elections Committee



Pursuant to the FBA Constitution and Bylaws, and in accordance with the notice disseminated earlier this year, the Nominations & Elections Committee has met and considered applications for nomination to FBA national office. The committee has nominated the following members for the offices indicated.

Candidates

Hon. Michael J. Newman President-Elect

Hon. Michelle H. Burns Treasurer

W. West Allen Director (Group 1-Vice Presidents for the Circuits)

Hon. Elizabeth Ann Kronk Warner Director (Group 2-Chairs for the Sections and Divisions)

Christine Companion Varnado Director (Group 3-Chapter Presidents)

Glen R. McMurry Director (Group 4-Younger Lawyers)

Ashley L. Belleau ABA Delegate

Oreste R. Ramos Vice President for the First Circuit

Philip R. Schatz Vice President for the Second Circuit

Hon. Karoline Mehalchick Vice President for the Third Circuit

Andrew K. Clark Vice President for the Fourth Circuit

Col. William C. Kirk (Ret.) Vice President for the Fifth Circuit

Tonya Kennedy Cammon Vice President for the Sixth Circuit

Kevin G. Desharnais Vice President for the Seventh Circuit

Daniel C. Hedlund Vice President for the Eighth Circuit

Joseph S. Leventhal Vice President for the Ninth Circuit

Chris M. Stephens Vice President for the Tenth Circuit

Brett A. Barfield Vice President for the Eleventh Circuit

Steven R. Miller Vice President for the D.C. Circuit

The names of these candidates will be listed on the Notice of Election that will be distributed to each member in good standing as of June 15, 2015.

Petitions

Members who have not been nominated for office by the Committee, but who wish to be placed on the ballot for national office, may do so by delivering to Matthew B. Moreland, Chair of the Nominations and Elections Committee, at elections@fedbar.org, a petition, including an Application, specifying the office being sought and bearing the required number of signatures, i.e., fifty (50) signatures for national offices; twenty (20) signatures for vice presidents for the circuits by members within the respective circuit. No member shall be eligible as an endorser of a petition whose dues are not paid for the current fiscal year or who is not otherwise in good standing. Each petition may propose nominees for one or more offices; however, in no event shall any member be eligible as an endorser of more than one candidate for the same office. Petitions must be received by 5 p.m. EDT on Monday, April 27, 2015.

Notice of Election, Ballots and Voting

In accordance with Bylaw 6(D), by **June 15, 2015**, the Committee shall cause a Notice of Election to be sent to each member of the Association in good standing. The notice shall list the names of all nominated candidates and candidates by petition in alphabetical order under each elective office. The notice also shall contain such instructions as necessary for members to cast their votes as prescribed by policy adopted by the Board of Directors. A suspended member who is restored to good standing after the transmittal of the notice and who, prior to the election's close, delivers to the Committee evidence of good standing, shall thereupon be entitled to vote. In an uncontested election, the Association shall only send the Notice of Election electronically to members.

The ballot shall contain the names of all nominated candidates and candidates by petition for each elective office as well as space for a write-in candidate for each elective office. Completed ballots shall be received by the Chair of the Committee or by such person as designed by the Chair no later than June 30. The Committee shall review and certify the tabulated votes and report as elected the candidate for each office who has received a plurality of the votes cast for that office by July 1.

Matthew B. Moreland, President 2015 Nominations and Elections Committee Chair

TAB E

Report from the Chair of the Government Relations Committee



FEDERAL BAR ASSOCIATION GOVERNMENT RELATIONS COMMITTEE

February 23, 2015

TO: Board of Directors

Federal Bar Association

FROM: Government Relations Committee

W. West Allen, Chair; and Bruce Moyer, Counsel

SUBJ: Update from the Government Relations Committee

Government Relations Committee Activities

GRC Programming at Mid-Year Meeting. The Government Relations Committee is producing two events in conjunction with the upcoming Mid-Year Meeting. On Saturday morning, March 28, the GRC will present a panel session on the Foreign Intelligence Surveillance Court and the balance between national security and civil liberties interests, featuring a panel of judges, litigators and experts. An overview of the session is attached. In addition, the GRC has secured Lyle Deniston, the dean of the journalist corps covering the U.S. Supreme Court, as the keynote luncheon speaker.

FBA Capitol Hill Day. Registration continues for FBA Capitol Hill Day, Thursday, April 30. The registration flyer is attached. Last year 35 FBA leaders participated in Capitol Hill Day, the highest number of participants ever. This year the GRC is especially seeking CHD participants associated with the states and Congressional districts of Senate and House lawmakers who are members of the judiciary committees.

Government Relations Liaisons. Chapters have begun designating their government relations liaisons to promote and assist in the chapter's participation of government relations activities. The circuit vice-presidents are assisting in promoting chapter participation in this initiative. A promotional flyer on this initiative is attached.

FBA Government Relations Training. GRC Chair West Allen and Counsel Bruce Moyer will present a training session on FBA government relations activities and opportunities during the upcoming FBA Leadership Training program on May 1.

Government Relations Update. A free, live video webinar by FBA Counsel Bruce Moyer detailing legislative and policy developments affecting federal practitioners will be broadcast on the FBA website on Tuesday, March 24, at 12:30 pm.

Bruce Moyer's *Washington Watch* column continues to appear in *The Federal Lawyer*, and important updates are posted on the FBA website. In addition, the monthly FBA government relations update is transmitted to chapters, and in turn to chapter members and judges.

Call for Nominations to FY2016 Issues Agenda. The GRC invites members, chapters, sections, and divisions to nominate issues for addition to its Government Relations Issues Agenda. The deadline for Issues Agenda nominations is Friday, April 3. The Issue Nomination Application is attached, as well as available online.

Recent Developments on Capitol Hill

Low Levels of Judicial Vacancies. Article III vacancies currently stand at 49 vacancies – a relatively low level. This is a development the Federal Bar Association should take pride in and feel a sense of accomplishment. While the reduction of judicial vacancies from 100-plus levels several years ago to less than half that number today is due to several factors, they include FBA's prominent advocacy for a prompt nomination and confirmation process. The reduction of judicial vacancies to the current favorable levels are due, in part, to the efforts of FBA national and chapter leaders and members who continually urged their Senators to keep the federal bench fully-staffed and assure the prompt administration of justice.

Confirmation Hearings of Attorney General and Deputy Attorney General

Nominees. The Senate Judiciary Committee held a confirmation hearing later in late January on the nomination of Loretta Lynch to become Attorney General; the Committee is expected to report out her nomination at its February 26 business meeting. President Obama nominated Lynch, the current United States Attorney for the Eastern District of New York, to the post in November. The Senate's consideration of the President's nomination of Sally Quillian Yates to the No. 2 post in the Justice Department – Deputy Attorney General – is likely to follow action on the Lynch nomination. Yates is currently the United States Attorney for the Northern District of Georgia in Atlanta.

SCOTUS Electronic Filing Announced in Chief Justice's Year-End Report. The Supreme Court is moving toward a full and free-access system for all briefs and other filings in cases before the Court. The system is expected to be working "as soon as 2016," Chief Justice John G. Roberts, Jr. said in his annual year-end report on the state of the federal judiciary. Though paper filings will still be required for those who have

business with the court, all filings will eventually be available for anyone to view online, free of charge. In explaining the move, Chief Justice Roberts indicated the Supreme Court will make briefs and other filings available electronically through a new, free system the Court will create on the Court's website. Currently the Court directs users to a site maintained by the American Bar Association for copies of the briefs in the approximately seventy cases it hears each year.

The Chief Justice used the report to note the Court's deliberate guardedness in immediately embracing cutting-edge innovation. It implicitly reached to the slowness of the Court's readiness to authorize the video transmittal of its own proceedings. "The federal courts, including the Supreme Court, must often introduce new technologies at a more measured pace than other institutions, especially those in private industry," Roberts wrote. "Judges and court executives are understandably circumspect in introducing change to a court system that works well," he wrote, "until they are satisfied that they are introducing change for the good ... Courts will always be prudent whenever it comes to embracing the 'next big thing.'"

Cameras Courtroom Coverage Remains Contentious. The Chief Justice's observations in his year-end report about the Supreme Court's use of technology have prompted proponents of wider transparency and video coverage of all federal court proceedings to raise their voices. Rep. Steve King (R-IA) has introduced the "Sunshine in the Courtroom Act of 2015" (H.R. 917) and Sen. Chuck Grassley (R-IA) is expected to do the same soon. The legislation would authorize (but not direct) district and appellate courts, including the Supreme Court, to provide for camera coverage of their proceedings.

The FBA has not taken a position favoring or opposing camera coverage of the federal courts. The Issues Agenda "encourages a discussion of the competing considerations visavis proposed legislation which would authorize federal judges, in their discretion, to permit photographing, electronic recording, broadcasting, and televising of federal court proceedings in appropriate circumstances."

Patent Litigation Reform. Optimism is high that Congress will pass legislation overhauling the patent litigation system this year, after inconclusive efforts during the last Congress. The House Judiciary Committee on Feb. 12 held a hearing on the impact of recent Supreme Court decisions on patent litigation that offer new tools to federal district judges in combatting abusive patent litigation practices. The Federal Bar Association's position, as expressed in the Issues Agenda, "supports legislation that curbs abusive patent litigation practices and other responsible measures to improve the quality and clarity of patents." In addition, "[t]he FBA opposes legislation that reduces judicial discretion in adjudicating patent actions or circumvents the Rules Enabling Act by mandating changes that depart from the Federal Rules of Civil Procedure in patent cases."

Panel Session on The FISA Court: National Security and Civil Liberties

Federal Bar Association Mid-Year Meeting March 28, 2015, 10:30 am – Noon Westin Arlington Gateway Hotel, Arlington, VA.

This session will spotlight the Foreign Intelligence Surveillance Court, or FISA Court, its jurisdiction and judges, how it operates, and the legislative proposals aimed at changing how the Court performs its work. The FBA's sponsorship of this program advances the Association's Issues Agenda and its encouragement of discussion of the twin assurance of the preservation of national security and the protection of civil liberties.

The FISA Court has been called the "most powerful court you have never heard of." Yet the court lies at the heart of the federal judiciary's apparatus for preserving national security through intelligence gathering, while assuring civil liberties. It is a specialized Article III court that hears applications and grants warrants or orders approving of certain foreign intelligence gathering activities. In addition, the Foreign Intelligence Surveillance Court of Review reviews rulings of the FISA Court.

Since its creation in 1978, the FISA Court has operated largely in secret and in a non-adversarial manner with the government as the only party, due to the sensitive nature of intelligence warrant issuance. Some Members of Congress and critics have suggested that this non-adversarial process prevents the FISA Court from hearing opposing viewpoints on difficult legal issues facing the court. To address these concerns, Congressional proposals have sought to mandate the FISA Court to hear from a specially-designated advocate who would brief the court on potential privacy and civil liberty interests implicated by a government application. Other proposals have been more moderate, clarifying the Court's authority to hear from amici curiae. Separation of powers and standing questions are implicated in the mandating of parties to appear before the court. The issue has some urgency in the 114th Congress, due to the expiration in June 2015 of certain surveillance authorities under the Patriot Act

The panelists in the FBA panel session will include:

- Hon. John D. Bates, U.S. District Court Judge, District of Columbia (FISA Court judge from 2006-2013)
- Hon. Dee Benson, U.S. District Court Senior Judge, District of Utah (FISA Court judge from 2004-2011)
- Robert S. Litt, General Counsel of the Office of the Director of National Intelligence
- Stephen I. Vladeck, Professor of Law at American University Washington College of Law

The panelists will address the FISA courts, their unique jurisdiction and staffing, along with their security-sensitive procedures; examine Congress' power to regulate the practice and procedures of the FISA Court; consider proposals to make the FISA court proceedings more adversarial, as well as the larger balance of national security and civil liberties. A Q&A period with the FBA audience will conclude the session. The session will be closed to the press.

Federal Bar Association

CAPITOL HILL DAY

Thursday, April 30, 2015

Plan to participate in this important event as FBA leaders from across the country meet with House and Senate offices to discuss important FBA legislative issues that impact the administration of justice and the federal courts. FBA Capitol Hill Day is becoming more popular each year. Don't miss out!

During meetings on Capitol Hill, FBA participants will discuss issues most critical to our Third Branch of government, including: adequate funding for the federal courts, filling judicial vacancies promptly, and sufficient judgeships to render justice.

Participants in FBA Capitol Hill Day are responsible for scheduling their meetings with their Senate and House offices in advance of the event. Feedback on these meetings will be distilled during the Group Debriefing at the end of the day.

Between meetings, participants will have the opportunity to visit the Senate and House galleries, as well as the Capitol Visitors Center.

Capitol Hill Day is held in conjunction with the 2015 Leadership Training Program (May 1-2, 2015). All chapters are encouraged to send a representative to this event. Because reimbursement is available for attendees of the Leadership Training Program, chapters who wish to have their representatives participate in Capitol Hill Day will only need to incur the cost of one additional night of lodging.

Program

9:00 a.m.

Legislative Advocacy Training Learn the issues and how to be effective on the Hill

10:30 a.m.

Participant Meetings with Senate and House Offices Begin and Continue into the Afternoon

Lunch

On Your Own

4:00 p.m.

Group Debriefing on Hill Meetings

REGISTRANT INFORMATION

Name		Title	
Firm/Agency			
Address			
City	State	Zip	
Phone	Fax		
E-mail Address			BAR ASSO

Return form to the FBA office, 1220 North Fillmore Street, Arlington VA 22201 or (571) 481-9090 (fax) or email jzaretskie@fedbar.org.

Participants and chapters sending representatives to Capitol Hill Day are responsible for their travel and lodging in connection with this event.





CHAPTER GOVERNMENT RELATIONS LIAISON

FBA National encourages all chapters to appoint a Government Relations Liaison.

The Chapter Government Relations Liaison will serve as the point-of-contact for the chapter with FBA Headquarters and the Government Relations Committee in promoting chapter government relations activity, as well as assist in the distribution of FBA government relations information to the chapter and its members and stakeholders.

The chapter vice-president or incoming president may be the ideal candidate for the Liaison position. This position is intended to enliven and strengthen a chapter, not create more work.

The Liaison could assist, as appropriate, in:

- Distribution of the monthly GRC update to chapter members and possibly local federal judges. (The chapter may prefer to have the chapter president continue to transmit the GRC update to the federal judges)
- Coordination of the chapter's input, if any, into the annual FBA Issues Agenda nomination process
- Coordination of the chapter's advocacy in support of an FBA legislative priority, when requested by FBA National
- Coordination of the chapter's participation in FBA Capitol Hill Day
- Other duties as assigned by the chapter to promote the chapter's engagement in public policy issues and the FBA's government relations program.

The GRC will periodically host government relations briefings for chapter government relations liaisons and chapter presidents on pertinent issues and developments.

Please send the name and contact information for your Chapter's Government Relations Liaison to <u>Jane Zaretskie</u>, Manager of Chapters and Circuits.



Federal Bar Association

Issues Agenda Nomination

Please complete the form by entering requested information in the gray text fields. The text fields will expand to accommodate multiline text. Please send completed nomination forms to the FBA Government Relations Committee by e-mail grc@fedbar.org or fax 571-481-9090, attention Bruce Moyer. The deadline for all agenda nominations is Friday, April 3, 2015.

NOMINATOR INFORMATION	
Name	
Indicate whether nominating on behalf of Self Self Section/Division	
Email Telephone	
NOMINATED ISSUE 1. State the issue:	
2. Provide a description of the nominated issue, referencing its origins and background. Identify what recommended position FBA should take (for, against, or neutral), if pertinent.	
3. To your knowledge, has the issue been the subject of Congressional legislative proposals, past or and/or present? If so, provide pertinent information.	or
4. Describe the arguments for and, if known, against the issue. If known, describe the positions of any oth organizations on the issue.	ıer
5. How is the issue relevant to FBA and its membership?	
Please attach any additional information that will be helpful in the consideration of the nomination.	
Signature Date	

TAB F Report from the Chair of the Constitution, Bylaws, Rules



To: FBA National Council

From: Beth Smith, Chair Constitution, Bylaws, Rules and Resolutions Committee

Date: February 23, 2015

Re: Report of Proposed Changes to the FBA Bylaws and Other Future Considerations

Committee Members: Beth Smith (chair), Geoffrey Cheshire, Steven Justice, Lynnette Kimmins, George Lieberman, Kevin Maxim, Honorable Suzanne Mitchell, Peg O'Connor, Paul Vamvas and Stacy King (staff liaison).

Actions of the Committee

The FBA Constitution, Bylaws, Rules and Resolutions Committee ("Committee") reviewed actions of the FBA Board of Directors ("BOD") and actions by other FBA groups that would require amendment to the Constitution of Bylaws.

Law Student Division Provision. During its March 2014 meeting, the BOD approved the establishment of the FBA Law Student Division. That action requires the FBA Bylaws to be amended for the inclusion of language establishing this new division.

During early January, the Committee considered proposed language to be included in the Bylaws concerning the FBA Law Student Division and after email exchanges and a meeting by conference call on January 8, 2015, the final provision appears as follows:

FBA Bylaws.

10. Divisions

F. Law Student Division. There shall be a Law Student Division of the Association. All Law Student Associate members shall be members of the division. Law Student Associate Members are not eligible or authorized to vote or hold any elective office in the Association.

The above language was changed from the original proposal due to the keen eye of former Committee Chair Paul Vamvas who raised the issue that an associate member of the Association may not hold an elective office. Geoff Chesire suggested a solution to include a full FBA member

as chair of this new division. Therefore, the language for 10(F) works and the draft of the Law Student Division Bylaws were amended to include one full FBA member on the 12 member Law Student Division Board of Directors, and the same member will serve as chair of the division. As such, the Committee also reviewed and approved the FBA Law Student Division Bylaws as attached.

Correction of typo. The Committee also approved a change in the Bylaws in Section 6(D) to correct the spelling of "designated".

The above items were reported to the Board of Directors at its January 31, 2015 meeting and recommended to be submitted for a vote by the National Council at the FBA Mid-Year meeting. The Board of Directors approved the committee's recommendation to amend the Bylaws. The committee submits the proposed amendments to the National Council for its approval.

Changes to YLD Age Limitation: During the meeting the Committee also reviewed the Younger Lawyer Division/Age Limit Evaluation Memorandum, which proposes changing the same division's age limitation from 36 years to 40 years of age; or from the first 5 years of practice to the first 10 years of practice. The Committee considered the memorandum and the importance of extending the two limitations to allow younger lawyers, either by age or years of practice, to establish themselves in the area of federal practice, making membership in the FBA meaningful. The Committee determined that the YLD's proposal did not conflict with either the FBA Constitution or Bylaws. The committee reported on its recommendation to accept the YLD's proposal at the January 31, 2015 meeting of the Board of Directors. The Board of Directors approved the committee's recommendation. Due to the timing requirements for submission of proposed changes, this proposal cannot be considered during the Mid-Year meeting, and the Committee will recommend acceptance of the YLD age limitation proposal by National Council during the National Convention Annual Meeting in September.

Future Consideration:

The Committee will meet again to consider the following:

Changing section 14 of the Bylaws by reducing the 90-day requirement a proposal must be submitted to the Committee for consideration to a lesser number of days. Such a change would allow more swifter and flexible governance.

FBA Bylaws

Section 1. National Headquarters and Staff

Section 2. Membership

Section 3. Expulsion from Membership

Section 4. Dues

Section 5. Non-Payment of Dues

Section 6. Election Schedule, Procedure, and Requirements

Section 7. Meetings

Section 8. Standing Committees

Section 9. Special Committees

Section 10. Divisions

Section 11. Public Positions by Association Entities

Section 12. Assets of Inactive Chapters

Section 13. Fiscal Year

Section 14. Amendments to the Constitution and the Bylaws

Section 15. Robert's Rules of Order

1. National Headquarters and Staff

A. National Headquarters. The Federal Bar Association shall maintain a National Headquarters at a location to be selected by the Board of Directors. The National Headquarters shall be the repository for the books, records, and reports of the Association and its Officers, Board of Directors, National Council, Divisions, Standing Committees, Sections, and Chapters. Such papers shall be open to inspection by any member upon reasonable application to the Association. Additionally, a roster of the members and associates in good standing, together with listings of the membership of the Divisions, Standing Committees, Sections, and Chapters of the Association shall be maintained at the National Headquarters. All communications with the Association shall be addressed to the Federal Bar Association at its National Headquarters.

B. Executive Director.

The Board of Directors shall employ an Executive Director whose title, terms, and conditions of employment shall be specified by the Board of Directors.

The Executive Director shall manage and direct all staff activities of the Association as prescribed by the Board of Directors. The Executive Director shall employ and may terminate the employment of members of the necessary support staff and may fix such employees' compensation within the approved budget and guidelines set by the Board of Directors. The Executive Director shall define the duties of the staff, establish their titles, and supervise their performance, and delegate responsibilities of management as appropriate. The Executive Director shall be responsible for maintaining the books, records, reports and roster of the Association, as noted in Bylaw 1.A.

2. Membership

A. Applications. Application to become a member or an associate of the Association shall be by a form approved by the Membership Committee and shall be accompanied by one year's dues.

B. Approval. The Association's Executive Director shall process applications at the Association's National Headquarters for review and approval. The Executive Director may refer any application for review and approval to the Membership Committee.

C. Honorary Membership.

(1) (1) Federal Judges. A chapter may elect to honorary membership a judge who is eligible for honorary membership under Article IV, Section 2.c., of the Constitution. The Chapter shall notify the Association at the National Headquarters prior to such election. Similarly, the Chapter shall notify the Association if such an honorary member ends service as a judge in active, senior, or retired status.(2) Other. A chapter may propose any other person for receipt of an honorary membership in accordance with Article IV, Section 2b of the Constitution, which proposal shall be submitted in advance to the Association at the National Headquarters for approval. Upon approval, the chapter may extend honorary membership to the person(s) so approved.

D. Secondary Chapter Association. Although each member is assigned to one primary chapter based upon geographic location or request, such assignment does not preclude association, attendance or inclusion in the events or activities of any other chapter (subject to any applicable dues, fees, or other prerequisites imposed by such other chapter(s)).

3. Expulsion from Membership

A. Cause. As provided in Article IV, Section 4, of the Constitution, the Board of Directors may expel any member of the Association for good cause. "Good cause" includes, but is not limited to, knowingly engaging in conduct designed to overthrow the constitutional form of government in the United States by force or violence, or knowingly assisting another in such conduct; disbarment by (or resignation with disciplinary proceedings pending before) any State, Federal court or tribal court of record or knowingly engaging in conduct that is in violation of the Constitution of the Association or these Rylaws

B. Charge and Response. A charge for expulsion may be brought by any active member of the Association. The charge shall be in writing and signed by the charging party, and shall describe in detail the act or acts in question and why such act or acts justify expulsion. The charge shall be filed with the Association and shall be referred immediately to the Board of Directors. The Association shall give actual notice to the respondent of the charge and of the right to respond to the charge in writing and in person before the Board of Directors. If a member of the Board of Directors brought the charge against the respondent or is the respondent, that person shall not participate in the Board of Directors' consideration or in its vote.

C. Board of Directors Action. At the next meeting of the Board of Directors that allows at least ten days notice to the respondent, the Board shall consider the charge for expulsion. The Board initially shall consider whether the charge sets forth factual assertions that would constitute reasonable grounds for expulsion, and shall determine by a majority vote whether to dismiss the charge or to pursue the charge as provided in this Bylaw. If the Board of Directors pursues the charge, it shall consider the respondent's written response, if any. If the respondent has requested an appearance before the Board, the Board shall grant the respondent a reasonable opportunity to be heard. After fully considering the charge and any response, the Board shall determine by a majority vote whether to expel the respondent or to dismiss the charge. The Association immediately shall notify the respondent of the Board's action and of the respondent's right to appeal any decision to expel.

D. Appeal. If the Board of Directors expels the respondent from the Association, the respondent may appeal that decision to the Association within 60 days from notice thereof by the Association. To appeal, the respondent shall send the Association at the National Headquarters a letter so indicating and may send a written statement for consideration by the Association and a notice of intent to appear before the Association. The appeal will be considered by the National Council at the next regular meeting or at a special meeting called for that purpose. The Association shall give actual notice to the respondent of the time and place of that meeting. The decision of the Board of Directors shall be affirmed unless overruled by a majority of those members of the National Council present and eligible to vote.

4. Dues

A. Amount of Dues. Except honorary members, each member and associate of the Association shall pay annual dues to the Association. Twenty percent (20%) of each regular (i.e., not associate) annual member's dues (not including sustaining dues), rounded upward to the next one-half dollar, shall be rebated to the Chapter that serves the location of the member's mailing address, provided: If, as of the date of adoption of this Bylaw, a different Chapter is receiving a rebate of a member's dues or if a member designates a different Chapter as the member's primary Chapter, such different Chapter shall receive such rebate. Provided further, if a member opts to affiliate with no Chapter, no rebate shall be paid to any Chapter. Annual dues for members and associates of the Association shall be established by the Board of Directors and National Council. The National Council shall consider the dues recommendations of the Board of Directors upon notification as prescribed in Article VII of the Constitution provided that no proposed change in the amount of annual dues shall be considered unless the members of the National Council shall have received at least thirty (30) days advance notice of such proposed change (including amount(s) thereof).

- B. Dues Adjustments and Payment. Beginning October 1, 1990, dues for each category of membership, as well as for associates, shall be adjusted by the change in the Consumer Price Index over the previous three years as of the prior January 31st, rounded upward to the next dollar, and will be adjusted similarly every three years thereafter. Beginning October 1, 1996, the Board of Directors may further adjust the amount of such annual dues upward or downward to the nearest whole dollar figure ending in a 0 or a 5, which further adjustment shall not affect the calculation of future adjustments to reflect a change in the Consumer Price Index, as set forth in the first sentence of this Bylaw 4B. In turn, the portion of such dues to be rebated to Chapters shall be adjusted similarly to maintain the percentage level indicated in this Bylaw. Dues payments shall be collected and recorded by the Association at the National Headquarters; Chapter rebates portion of dues will be transmitted to the respective Chapters.
- C. Dues Anniversary. Members and associates shall pay a full year's dues upon admission and shall be billed annually thereafter within a month of the anniversary month of admission, with the exception that those who were members prior to September 30, 1975, shall be billed at the beginning of each fiscal year.
- D. Waiver of Dues. A member or associate may request, by a written request to the National Headquarters a waiver of dues for compassionate or exceptional reasons for a period not to exceed one year. The National Headquarters will forward the request to the President-elect for decisions. If the President-elect approves the request, the President-elect will notify the Executive Director, who will notify the Treasurer, the requesting member or associate, and that member's or associate's Chapter President of this decision. The member's or associate's Chapter will receive no rebate with respect to dues that have been waived.
- E. Chapter, Division, and Section Dues. Each Chapter may collect additional Chapter dues in its discretion, and the Chapter does not need to account for such dues to the National Headquarters. On request of any Chapter, approved by the Executive Director, the Association at the National Headquarters shall collect a Chapter's dues and remit same to the Chapter. Each Division and Section may charge additional Division or Section dues in its discretion; all Division and Section dues shall be collected by the Association at the National Headquarters.
- *F. Sustaining Dues.* Members of the Association may distinguish themselves by becoming Sustaining Members. Rebates for Sustaining Members are only paid on the amount equal to active dues. The sustaining portion of the sustaining dues is not eligible for a rebate. Sustaining Membership dues shall be set as established by this Bylaw.
- *G. Purpose of Dues.* Annual dues shall be used to pay the general expenses of the Association. All additional dues collected through Sustaining Dues memberships shall be used primarily to support publications and educational programs of the Association.
- H. Membership Development and Dues Adjustments. Effective October 1, 1995, should a Chapter determine that, as a membership development tool, the waiver or reduction of national dues chargeable within its Chapter for a specific category(ies) of members is justified, that Chapter must submit its proposal to the Board of Directors for approval, for that Chapter only, in writing at least sixty (60) days in advance of the next regularly scheduled Board of Directors meeting. Each proposal must include justification and provide for the Chapter to maintain appropriate membership statistics. The Budget Committee shall analyze each such proposal and present its analysis and conclusions at least thirty (30) days prior to the next scheduled Board of Directors' meeting. The prior approval of the Board of Directors must be obtained before the experiment is implemented as a program. Each Chapter which shall obtain approval of such a program shall reimburse the Association for any additional administrative cost related to implementing the program. Each dues experiment program will be limited in duration to no more than three (3) years. Each Chapter with an approved program will submit a written progress report to the Board of Directors annually, so long as the program remains in effect.

5. Non-Payment of Dues

A. Delinquent Member. If annual dues of a member or an associate have not been received by the National Headquarters within 60 days after dues have expired for the prior year, the Association shall

notify the member or associate that the dues are in arrears and that the member or associate will be suspended from the Association unless the dues are received within 30 days. The Association also shall notify each Chapter with which the member or associate is affiliated and the Vice President for the Circuit in which such member or associate is located of the delinquency.

- *B. Persons Not in Good Standing.* A person whose annual dues have not been received at the National Headquarters within 90 days after dues have expired for the prior year shall be regarded as not in good standing and shall be suspended from the Association. A person who has been suspended from membership for nonpayment of annual dues may be reinstated at any time by payment of the current annual dues.
- *C. Members of the Armed Forces During Time of War.* Notwithstanding the foregoing, all Association members on active duty in the armed forces of the United States during a war, who do not request to the contrary, shall be exempt from the payment of dues while so serving.

6. Election Schedule, Procedure, and Requirements

- A. Nominations by Nominations and Elections Committee and Notice of Election. By February 1 of each year, any member who desires to be considered by the Nominations and Elections Committee (Committee) for any elective office shall submit a completed Application for National Office (Application) to the Committee. The Committee may also seek out or consider other qualified members of the Association for possible nomination. By February 28 of each year, the Committee shall nominate one or more eligible members in good standing for each of the elective offices becoming vacant for the coming term. By April 1, the Committee shall cause to be transmitted to each member in good standing notice of the upcoming annual election and of the offices to be filled therein; of the Committee's nominations for those offices; and the manner and time by which nominations of candidates may be made by petition as provided in Article V, Section 3.b., of the Constitution and this Bylaw.
- B. Qualifications and Elections of Officers and Directors
- 1. *Qualifications of Officers*. To be eligible for election as a National Officer, a person must be a member of the Association in good standing and have served as a voting member of the Association's Board of Directors for at least three (3) years.
- 2. Qualifications and Election of Directors. Twelve members of the Board of Directors shall be elected by members of the Association as follows:
- 1. Three (3) Board positions shall be filled by current or former Circuit Vice Presidents, elected for staggered three-year terms.
- 2. Three (3) Board positions shall be filled by current or former Chairs of Sections or Divisions, elected for staggered three-year terms.
- 3. Three (3) Board positions shall be filled by current or former Chapter Presidents, elected for staggered three-year terms.
- 4. Three (3) Board positions shall be filled by members who, at the time of election, are age 36 or younger and have served as a chapter officer, a national YLD officer or Board member, or as a chapter leader with YLD responsibilities.

A member appointed to serve the remaining period of a term to which another person was elected, at the conclusion of that partial term, may stand for election for a full three-year term. No director shall serve more than two elected three-year terms (which terms must be non-consecutive) on the Board exclusive of any term based upon service as a National Officer.

- 3. Qualifications of Vice Presidents of the Circuits. To be eligible for election as a Circuit Vice President, a person must have been a member of the FBA in good standing for a minimum of five (5) years and have served or be currently serving as a Chapter President or a Chapter Officer.
- C. Nominations Close. Nominating petitions shall be delivered to the Committee at National Headquarters by April 25. Any petitions received thereafter shall be returned to the would-be candidate, indicating that the petition was tardy and the date it was delivered to the Committee.

Nominating petitions must include a completed Application.

D. Notice of Election, Ballots and Voting. By June 15, the Committee shall cause a Notice of Election to be sent to each member of the Association in good standing. The notice shall list the names of all nominated candidates and candidates by petition in alphabetical order under each elective office. The notice also shall contain such instructions as necessary for members to cast their votes as prescribed by policy adopted by the Board of Directors. A suspended member who is restored to good standing after the transmittal of the notice and who, prior to the election's close, delivers to the Committee evidence of good standing, shall thereupon be entitled to vote. In an uncontested election, the Association shall only send the Notice of Election electronically to members. The ballot shall contain the names of all nominated candidates and candidates by petition for each elective office as well as space for a write-in candidate for each elective office. In an uncontested election, the Association shall conduct an election in a manner in which the Executive Director and Committee, subject to the approval of the President, deem to be the most efficient and cost effective. Completed ballots shall be received by the Chair of the Committee or by such person as designated by the Chair no later than June 30. The Committee shall review and certify the tabulated votes and report as elected the candidate for each office who has received a plurality of the votes cast for that office by July 1. If no candidate for a national office receives a plurality of the votes counted; (a) in the case of a tie between two (2) candidates, the election shall be resolved by a coin flip in the presence of the tied candidates or their designees by the National President or the President's designee, which shall resolve the tie. The tosser of the coin shall be designated by the President. The candidate whose last name occurs last alphabetically shall call the coin toss; (b) in the case of a tie among more than two candidates; the election shall be resolved by drawing straws by the tied candidates or their designees from the hand of the National President or the President's designee. The National President or the President's designee shall prepare the straws and the candidate or designee drawing the longest straw shall win the election.

- *E. Voting Procedure.* Procedures shall be adopted by the Board of Directors to regulate the handling of voting, including the form of notices and ballots, and to prevent abuses of the voting privilege.
- *F. Authority of Nominations and Elections Committee.* The Committee is responsible for monitoring the overall conduct of the annual election and for ensuring compliance with this Bylaw.
- G. Time. In the event that any deadline herein specified is a Saturday, Sunday, or legal federal holiday, the next succeeding business day shall substitute for that specific deadline.

Meetings

A. Time of Meetings and Procedures. Meetings of the Board of Directors and the National Council required by Article VI, Section 4.a. and Article VII, Section 2.a., of the Constitution shall be held at such time and place as the Board of Directors may direct. No proxies may be voted at meetings of the Board of Directors, National Council, or other meetings of the Association. Meetings of the Board of Directors, National Council, and of the Association shall be governed by the Constitution of the Association, these Bylaws and such rules as the Board of Directors and National Council may prescribe. When not inconsistent with such rules, the latest edition of Robert's Rules of Order shall apply. The President shall appoint a parliamentarian for each meeting of the National Council and the Board of Directors.

B. Notice of Meetings and Agenda. Notice of meetings shall comply with the requirements of the Constitution. An agenda for meetings of the National Council and the Board of Directors shall be included with any notice. Additional agenda items for a meeting of the National Council (except as provided in Bylaw 4A or with respect to amendments to the Constitution or Bylaws, which must be addressed only by satisfying the full notice requirements established by the Constitution) may be added by the President or Board of Directors if supplemental notice is provided by mail or electronic transmission no later than ten (10) days before a properly noticed meeting. Upon motion to suspend the notice requirement to address additional business, a two-thirds majority of those present and voting may raise additional issues at a National Council meeting, except that no motion to suspend the notice requirement shall be entertained with respect to amendments to the Constitution or Bylaws.

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- C. Telephonic Meetings. Upon the decision of the President and appropriate notice, the Board of Directors may convene via telephone, video-conference or other electronic means.
- D. Challenge to Board Action. Any motion to alter, amend, or reverse a decision of the Board of Directors pursuant to Article VI Section 3.C.(2) of the Constitution shall be presented at least forty-five (45) days prior to the National Council meeting.

8. Standing Committees

- A. Establishment. Under Article VI, Section 5, of the Constitution, the following Standing Committees, Council, and Boards are established:
- (1) Operational Committees and Council.
- (a) Audit Committee. The Audit Committee is responsible for securing and reviewing an independent audit. The President shall appoint four (4) Board members and three (3) association members, who will serve for a term of one year. The Board appointees shall not include the President-elect or Treasurer
- (b) Budget and Finance Committee. The Budget and Finance Committee is responsible for developing and monitoring the implementation of the budget of the Association. The President shall appoint the President-elect, Treasurer, and three (3) additional members of the Board who will serve a term of one year. The President shall appoint the President-elect as chair.
- (c) Constitution, Bylaws, Rules, and Resolutions Committee. The Constitution, Bylaws, Rules, and Resolutions Committee is responsible for considering and reporting on proposed changes in the Constitution and the Bylaws of the Association prior to presenting such proposals to the Board of Directors and/or the National Council. The Committee is responsible for considering and reporting to the Board of Directors on all resolutions prior to presenting such resolutions to the National Council. It is also responsible for studying and considering, on a continuing basis, means of improving the operations and the rules of the Board of Directors and the National Council prescribed pursuant to Bylaw 7.
- (d) Government Relations Committee. The Government Relations Committee is responsible for coordinating and advancing the Association's issues agenda in implementation of policies adopted by the Board of Directors. The Committee shall have at least nine members and the President will appoint a member as chair. The President-elect, the Chair of the Sections and Divisions Council, and the Chair of the Circuit Vice Presidents shall be members.
- (e) Membership Committee. The Membership Committee is responsible for developing and implementing the Association's annual membership recruitment and retention programs.
- (f) Nominations and Elections Committee. The Nominations and Elections Committee is responsible for administering the procedures applicable to nomination and election of national officers of the Association during the annual election as prescribed in Article V, Section 3, of the Constitution and Bylaw 6. The Committee shall be composed of the President, who shall chair the Committee; President-elect; immediate past-President; two Vice Presidents for the Circuit designated by the President; a Division chairperson designated by the President-elect; a Section Chairperson designated by the President, and two Chapter representatives designated by the President-elect. If a member of the Nominations and Elections Committee becomes a candidate for an elective office, the person shall be deemed to have resigned from the Committee instanter and a substitute member shall be promptly appointed by the person who originally appointed the resigning member. The substitute member shall complete the original term of the resigning member.
- (g) Sections and Divisions Council. The Sections and Divisions Council as established by the Board of Directors is responsible to coordinate, assist, and supervise the efforts of Sections and Divisions of the Association. The President shall nominate and, with the approval of the Board of Directors, appoint a Chair of the Sections and Divisions Council, and such Deputy Chairs and members as the President may deem appropriate.

- (2) Programmatic Committees and Boards.
- (a) Annual Meeting. The Annual Meeting Committee is responsible for planning and administering the annual meetings of the Association and for recommending to the Board of Directors sites and dates for future annual meetings. The Committee shall be composed of the President, President-elect, the Treasurer, and two members of the Board of Directors and chaired by the President-elect unless the President-elect determines a different composition.
- (b) Bench/Bar Relations. The Bench/Bar Relations Committee is responsible for facilitating and acting as the liaison between the federal judiciary and the members of the Federal Bar Association and for keeping the President and Board of Directors advised as to issues affecting the bench/bar. The committee shall be composed of six (6) members of the Federal bench and six (6) members of the Association and the Clerk of the Supreme Court. The members are appointed to the committee by the President and shall represent as many different Circuits as possible. The President-Elect shall appoint from the committee members the Deputy Chair, who shall become the Chair the following year.
- (c) Editorial Board. The Editorial Board is responsible for developing and publishing The Federal Lawyer. The Committee shall have at least nine members and the President shall appoint a member as chair.
- (d) Professional Ethics. The Professional Ethics Committee is to encourage professional and ethical practice in the Federal bar and to serve as a resource for events and CLE activities of the chapters, sections, divisions, and the national organization regarding professional ethics.
- B. Committee Composition and Terms of Office. The composition of the following Standing Committees: (1) Constitution, Bylaws, Rules, and Resolutions; (2) Membership; and (3) Professional Ethics, shall consist of no more than nine members, at least six of whom are from different Circuits. The President shall appoint a member as chairperson. Any vacancy shall be filled by appointment by the President for the time remaining in the vacated term. The terms shall be on a three (3) year staggered basis.

9. Special Committees

Any Special Committee or Task Force established by the Board of Directors shall go out of existence one year from the date it is established unless prior thereto the Board of Directors shall extend its existence for another year. The President shall appoint the members and shall appoint the chairperson.

10. Divisions

There shall exist the following Divisions, each of which shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Division's general objectives, organization—including a chairperson and other internal leadership progression—and operation.

- A. Federal Career Service Division. There shall be a Federal Career Service Division of the Association. All members of the Association who are or have been officers or employees of the United States or of the District of Columbia are eligible to be members.
- *B. Judiciary Division*. There shall be a Judiciary Division of the Association. All past and present members of the Federal, Administrative, Military, State, and tribal judiciaries and their legal staffs are eligible to be members.
- *C. Senior Lawyers Division.* There shall be a Senior Lawyers Division of the Association. All active members of the Association who are age 55 years or older on the date on which each such member's dues is payable are eligible to be members.
- *D. Younger Lawyers Division*. There shall be a Younger Lawyers Division of the Association, comprised of all active members of the Association who are age 36 years or younger on the first day of the fiscal year of the Association or who have engaged in the practice of law for fewer than five years as of the first day of the fiscal year of the Association. In the event that the Immediate Past Chairperson, who

serves as an officer of the Division the year following his or her term as Chairperson, is older than 36 years as of the first day of the fiscal year of the Association in the year he/she is to serve as Immediate Past Chairperson, or in the event he/she has been engaged in the practice of law for more than five years as of the first day of the fiscal year of the Association, he/she shall still be an eligible member of the Division for the year he/she is fulfilling his/her term as Immediate Past Chairperson. In the event the Division membership of any Division officer would otherwise cease in accordance with the foregoing, that officer shall remain a member of the Division and in office until the succeeding officers have commenced their terms.

E. Corporate and Association Counsel Division. There shall be a Corporate and Association Counsel Division of the Association. All past or present members of corporate or association counsel's staffs are eligible to be members.

F. Law Student Division. There shall be a Law Student Division of the Association. All Law Student Associate members shall be members of the division. Law Student Associate members are not eligible or authorized to vote or hold any elective office in the Association.

11. Public Positions by Association Entities

A Division, Section or Chapter may not issue a public report or take a public position on an issue unless it adheres to the process set forth in the Constitution. A Standing or Special Committee may not take a public position or issue a public report; however, it may make recommendations or submit positions for consideration to the Board of Directors. No report or position may be inconsistent with any existing position of the Association. The Association shall keep a record of every report or position reported to the Board of Directors.

12. Assets of Inactive Chapters

Upon determination by the Board of Directors that a Chapter has failed to maintain an active membership of at least ten members for a period of one year, that it has withdrawn itself from the Association, or that it has had its charter revoked, the President shall direct the Treasurer to take charge of all assets and property of the Chapter and to hold them in trust for one year for the benefit of any Chapter that may organize or reorganize in that geographic area. If, at the end of one year, the Chapter is not reactivated and no new Chapter is organized, title to all such assets of the Chapter shall vest in the Association.

13. Fiscal Year

The fiscal year of the Association shall run from October 1 through September 30 of the following year.

14. Amendments to the Constitution and the Bylaws

A. Proposal and Study of Amendments. All proposals or petitions to amend (including repeal) provisions of the Constitution under Article XIX thereof, or these Bylaws under Bylaw 14C., except for annual dues changes proposed by the Board of Directors, shall be directed or referred to the Constitution, Bylaws, Rules, and Resolutions Committee for its recommendations, All such proposals or petitions shall reach the Committee at least ninety (90) days before the proposed amendments are to be considered for adoption at a National Council meeting or an annual meeting of the membership, as appropriate. The Constitution, Bylaws, Rules, and Resolutions Committee shall consider all such proposed amendments and shall report on them to the members of the Board of Directors sufficiently in advance of the meeting of the National Council at which any proposed change is to be considered to allow the Board of Directors to consider and express its approval or disapproval of the proposed change; and to the National Council or membership, as appropriate, on or before the dates on which notice must be provided of the next meeting of the National Council or annual meeting of the membership at which such proposed amendments may be acted upon. The Committee shall include in its report the recommendation of the Board of Directors and its recommendations as to whether the proposed amendment conflicts with provisions of the Constitution and other Bylaws, and if so, in what form or with what related changes to the Constitution or these Bylaws as may be necessary and appropriate. The provisions of this Bylaw shall not be suspended.

B. Constitution.

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- (1) Report of Constitution, Bylaws, Rules, and Resolutions Committee. The Constitution, Bylaws, Rules, and Resolutions Committee shall prepare a report on the proposal. The report shall include the text of the proposal, the text of any part to be repealed or amended, and a summary of the arguments for and against adoption of the proposal. A copy of this report shall be mailed or transmitted electronically with the ballot to each member of the Association in good standing.
- (2) Ballots. Returned ballots may not be required to be signed or otherwise identified by the members voting. The envelopes in which the ballots are returned shall be identified to enable the Association to identify them as ballots. The Constitution, Bylaws, Rules, and Resolutions Committee shall be responsible for overseeing the opening and counting the ballots and for reporting the vote.
- *C. Bylaws*. Subject to satisfying the notice and quorum requirements of the Constitution and these Bylaws, the National Council may adopt, amend, or repeal any Bylaw at a regular or special meeting of the National Council upon two-thirds vote of those present and voting.

15. Robert's Rules of Order

Wherever the Constitution of the Association or these Bylaws omit or fail to address any substantive or procedural matter that is addressed in the most current version of Robert's Rules of Order, the most current version of Robert's Rules of Order shall govern as to that matter.

Base Document Published September 28, 1991

Last revised April 6, 2013; September 10, 2011; March 19, 2011; September 25, 2010; February 10, 2006; Bylaw 8a (1) (e) added & former (e) through (l) redesignated (f) through (m) April 24, 1999; Bylaw 4 and 14 revised October 10, 1998; Bylaw 4 revised April 25, 1998, effective October 1,1998; Bylaw 4b revised & bylaw 8a 1(l) added September 21, 1996; Bylaw 6D Revised April 27, 1996; Bylaw 4A, 4B, 4D, and 4H Revised September 16, 1995; Bylaws 6A and 8A2(c) & (g) Revised April 22, 1995; Bylaw 6 Revised October 8, 1994; Bylaw 16 Repealed October 1, 1993

TAB G Report from the ABA Delegate



Federal Bar Association

ABA Midyear House of Delegates Meeting February 9, 2015 Houston, Texas

FBA Delegate Report

As the FBA's delegate to the ABA House of Delegates, I attended the ABA Midyear Meeting in Houston. The following is a Summary Report of the Resolutions that were considered:

100	Urges legislation related to the care to persons with advanced illness.	ADOPTED AS REVISED
101	Grants reapproval to several paralegal education programs.	ADOPTED BY CONSENT
102	Reaccredits Civil Trial Advocacy and the Social Security Disability Law programs.	ADOPTED BY CONSENT
103A	Approves the Uniform Fiduciary Access to Digital Assets Act.	ADOPTED BY CONSENT
103B	Approves the Uniform Recognition of Substitute Decision-Making Documents Act.	ADOPTED BY CONSENT
103C	Approves the Uniform Voidable Transactions Act.	ADOPTED BY CONSENT
104	Urges Congress to amend 31 U.S.C. § 330(a) and (b).	WITHDRAWN

105	Urges legislation relating to care and protection of wild animals.	ADOPTED AS REVISED
106	Encourages law schools to offer comprehensive debt counseling.	ADOPTED
107A	Urges governments to adopt a presumption against the use of restraints on juveniles in court.	ADOPTED
107B	Urges governments to protect the integrity of criminal proceedings, in its truth seeking function.	ADOPTED
107C	Urges sentencing laws that protect public safety and appropriately recognize mitigating considerations.	ADOPTED AS REVISED
107D	Adopts the black letter of the ABA Standards for Criminal Justice: Prosecution Function and Defense Function.	ADOPTED
108A	Urges all governments that impose capital punishment to require unanimous recommendation of the sentence.	ADOPTED
108B	Urges jurisdictions that imposes capital punishment to promulgate execution protocols in an open and transparent manner.	ADOPTED
109A	Urges governments to enact civil protection order statutes that extend protection to minor and adult victims of sexual assault.	ADOPTED
109B	Urges governments and regulators to enact and amend housing protection laws for victims of domestic and sexual violence.	ADOPTED
110	Urges authorities to identify and address the special needs of vulnerable populations.	ADOPTED AS REVISED

111A	Adopts the recommendations contained in "A Roadmap for Making Native America Safer".	ADOPTED AS REVISED
111B	Urges Congress to enact legislation that supports the principles set forth in the Consumer Privacy Bill of Rights.	WITHDRAWN
111C	Urges governments to continue to enforce and to enact consumer protection laws.	ADOPTED
112	Urges legislative bodies and governmental agencies to repeal or refrain from enacting Stand Your Ground Laws.	ADOPTED
113	Supports government appointed counsel for unaccompanied children in immigration proceedings.	ADOPTED

The addendum to this report summarizes each resolution and the position taken by the FBA in conjunction with the FBA's mission and vision, and the input of the FBA leadership and the Government Relations Committee.

Respectfully submitted by:

Ashley L. Belleau

Federal Bar Association ABA Delegate



Federal Bar Association

ABA Midyear House of Delegates Meeting February 9, 2015

Houston, Texas

FBA Delegate Report Addendum

SUMMARY OF RESOLUTIONS

REPORT # SUBJECT

100

COMMISSION ON LAW AND AGING SECTION OF HEALTH LAW

Urges governments to enact legislation and regulation that will promote specific components in the provision of care to persons with advanced illness.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution supports legislation and regulation that promotes access to and financing of high-quality, comprehensive long-term supportive services for persons with advanced illness. This is a growing population in our aging society whose needs, along with their family caregivers' needs, have been largely unmet by current health delivery and financing systems. The resolution urges development and implementation of innovations that prioritize person-centered care planning and coordination, home-based supportive services, palliative care, expanded research in delivery practices and standards, greater workforce development, effective health information technology, and payment mechanisms that support these elements.

- 2. Summary of the Issue that the Resolution Addresses
- Most Americans today die in old age after an extended period of decline caused by chronic conditions. Most will face a time when one or more conditions become serious enough that general health and functioning decline, treatment aimed at cure begins to lose its effect, and quality of life increasingly becomes the focus of care. This is the transition point to advanced illness and progresses through an indefinite time period until death. Within our current health "system," there are numerous barriers to access to quality care clinical, social, and financial that reinforce fragmented, uncoordinated, and unsupportive care currently to the sickest and most vulnerable Americans and that require simultaneous interventions to overcome them.
- 3. Please Explain How the Proposed Policy Position will address the issue Legislative and regulatory change at the federal level, especially in Medicare and Medicaid, can change the incentives that currently encourage unwanted and sometimes harmful treatment so that, instead, they encourage person-centered care planning and coordination, home-based supportive services, palliative

care, expanded research in delivery practices and standards, greater workforce development, effective health information technology, and the payment mechanisms that support these elements.

4. Summary of Minority Views None as of this writing.

FBA position: (___ vote in favor or ____ vote against or __X_ abstain)

101 STANDING COMMITTEE ON PARALEGALS

Grants reapproval to several paralegal education programs, withdraws the approval of one program at the request of the institution, and extends the term of approval to several paralegal education programs.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Standing Committee on Paralegals resolve (s) that the House of Delegates grants reapproval to eighteen programs, withdraws the approval of one program, and extends the term of approval of seventy-three programs.

- Summary of the issue which the Resolution Addresses
 The programs recommended for reapproval in the enclosed report meet the Guidelines for the Approval of Paralegal Education Programs.
- 3. An explanation of how the proposed policy position Will Address the Issue The programs recommended for reapproval in this report have followed the procedures required by the Association and are in compliance with the Guidelines for the Approval of Paralegal Education Programs.
- 4. A summary of any minority views or opposition which have been identified No other positions on this resolution have been taken by other Association entities, affiliated organizations or other interested groups.

FBA position: (_X__ vote in favor or ____ vote against or ___ abstain)

102 STANDING COMMITTEE ON SPECIALIZATION

Reaccredits the Civil Trial Advocacy and the Social Security Disability Law programs of the National Board of Trial Advocacy as designated specialty certification programs for lawyers for additional five-year terms.

EXECUTIVE SUMMARY

Summary of the Resolution

The recommendation requests that the American Bar Association grant reaccreditation to the Civil Trial Advocacy and Social Security Disability Law programs of the National Board of Trial Advocacy, a division of the National Board of Legal Specialty Certification.

- 2. Summary of the Issue that the Resolution Addresses To respond to a need to regulate certifying organizations, the House of Delegates adopted standards for accreditation of specialty certification programs for lawyers, and delegated to the Standing Committee the task of evaluating organizations that apply to the ABA for accreditation and reaccreditation. This Resolution acquits the Standing Committee's obligation to periodically review programs that the House of Delegates has accredited and recommend their further reaccreditation or revocation of accreditation.
- 3. Please Explain How the Proposed Policy Position will address the issue

The recommendation addresses the issue by implementing previous House resolutions calling on the ABA to evaluate specialty certification organizations that apply for accreditation and reaccreditation.

Summary of Minority Views
 The Standing Committee on Specialization approved the proposed recommendation unanimously. No opposition has been identified.

FBA position: (_X__ vote in favor or ____ vote against or ___ abstain)

103A

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

Approves the Uniform Fiduciary Access to Digital Assets Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act.

EXECUTIVE SUMMARY

- 1. Summary of the Resolution
 RESOLVED, That the American Bar Association approves the Uniform Fiduciary Access to Digital Assets
 Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an
 appropriate Act for those states desiring to adopt the specific substantive law contained in the Act.
- 2. Summary of the Issue that the Resolution Addresses
 As the nature of our personal property has evolved, the law has failed to keep pace. As a result, fiduciaries have been unable to effectively administer estates containing digital property. The Uniform Fiduciary Access to Digital Assets Act (UFADAA) extends a fiduciary's traditional access to an account holder's tangible assets to also include the account holder's digital assets stored by a custodian and accessed via the Internet. The fiduciary's access is subject to the account holder's rights under any terms-of-service agreement and other laws, and the fiduciary remains bound by all the usual fiduciary duties. UFADAA provides default rules for access that may be overridden by the terms of an account holder's estate plan or by the account holder's affirmative act using an online account feature separate from the other terms of a terms-of-service agreement. UFADAA provides rules for four common types of fiduciaries: personal representatives of a decedent's estate, conservators of a protected person's estate, agents under a power of attorney, and trustees.
- 3. Please Explain How the Proposed Policy Position will address the issue Approval of the Uniform Fiduciary Access to Digital Assets Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above. Enactment by a state legislature will extend a legally appointed fiduciary's existing authority under other state laws to include authority over digital assets.
- 4. Summary of Minority Views
 We know of no opposition at this time.

 FBA position: (___ vote in favor or ___ vote against or __X_ abstain)

103B NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

Approves the Uniform Recognition of Substitute Decision-Making Documents Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act.

EXECUTIVE SUMMARY

- Summary of the Resolution
 RESOLVED, That the American Bar Association approves the Uniform Recognition of Substitute
 Decision-Making Documents Act, promulgated by the National Conference of Commissioners on Uniform
 State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law
 contained in the Act.
- 2. Summary of the Issue that the Resolution Addresses Substitute decision-making documents are called by different names in different jurisdictions (e.g. powers of attorney, proxies, and representation agreements), but are routinely used throughout the United States and Canada. In our modern, mobile society, legal recognition of documents executed in another jurisdiction is an increasingly common problem. New state laws are necessary to provide for legal recognition of foreign substitute decision-making documents while protecting persons asked to accept those documents from liability for good-faith compliance.
- 3. Please Explain How the Proposed Policy Position will address the issue Approval of the Uniform Recognition of Substitute Decision-Making Documents Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above. Enactment by a state legislature will allow recognition of foreignexecuted substitute decision-making documents and shield the persons who accept them from liability.
- 4. Summary of Minority Views None known.

FBA position: (___ vote in favor or ___ vote against or __X_ abstain)

103C NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

Approves the Uniform Voidable Transactions Act (as amended in 2014), promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law contained in the Act.

EXECUTIVE SUMMARY

- Summary of the Resolution
 That the American Bar Association approves the Uniform Voidable Transactions Act (as Amended in 2014) promulgated by the National Conference of Commissioners on Uniform State Laws in July 2013 as an appropriate Act for those states desiring to adopt the specific substantive law contained in the act.
- 2. Summary of the Issue that the Resolution Addresses
 The Uniform Voidable Transactions Act (UVTA) (as Amended in 2014), formerly named the Uniform
 Fraudulent Transfer Act (UFTA), strengthens creditor protections by providing remedies for certain
 transactions by a debtor that are unfair to the debtor's creditors. The 2014 amendments to the UVTA
 address a small number of narrowly defined issues, and are not a comprehensive revision of the
 UFTA/UVTA. The amendments, among other things, clarify terminology that was confusing to many
 courts and litigants. The amendments add a clear choice-of-law provision that offers predictability and
 reduces costs. The amendments also improve provisions for determining a debtor's insolvency, address
 emerging legal developments, and provide crucial guidance to courts and litigants regarding key
 evidentiary matters.
- 3. Please Explain How the Proposed Policy Position will address the issue Approval of the Uniform Voidable Transactions Act (as Amended in 2014) by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

Summary of Minority Views	
We know of no opposition at this time.	

FBA position: (____vote in favor or ____vote against or __X__abstain)

SECTION OF TAXATION 104

Urges Congress to amend 31 U.S.C. § 330(a) and (b) to include within the scope of those provisions non-attorney "tax return preparers," as that term is defined by 26 U.S.C. § 7701(a)(36) and Treasury Department regulations promulgated thereunder.

EXECUTIVE SUMMARY

1. Summary of the Resolution The Resolution urges Congress to amend 31 U.S.C. § 330(a) and (b) to include within the scope of those provisions non-attorney "tax return preparers," as that term is defined by 26 U.S.C. § 7701(a)(36) and Treasury Department regulations promulgated thereunder. The Resolution also urges Congress to amend 31 U.S.C. § 330(d) to clarify that the Treasury Department has the authority to regulate persons who advise taxpayers with respect to the reporting of items on Federal tax returns, provided that the scope of any such regulation should not exceed the scope set forth in Treasury Department Circular 230 as

published on June 12, 2014. These changes would reverse the effect of recent judicial decisions limiting Treasury's authority to regulate the conduct of paid tax advisors, including tax return preparers, to protect consumers and safeguard the tax system.

- 2. Summary of the Issue that the Resolution Addresses In 2011 the Treasury Department promulgated regulations under 31 U.S.C. § 330 to regulate paid tax return preparers. The Court of Appeals for the D.C. Circuit held in Loving v. Internal Revenue Service, 742 F.3d 1013 (D.C. Cir. 2014), that those regulations exceeded the Treasury Department's authority. More recently, in Ridgely v. Lew, 2014 U.S. Dist. LEXIS 96447 (D.D.C. July 16, 2014), the U.S. District Court for the District of Columbia invalidated other regulations promulgated by the Treasury Department under 31 U.S.C. § 330 that limited certain contingent fee arrangements charged by tax practitioners. These and other cases have limited the Treasury Department's authority to regulate the conduct of persons who, for compensation, advise or represent taxpayers with respect to any matters arising under the Internal Revenue Code, including the reporting of items on Federal tax returns.
- Explanation of how the Resolution Will Address the Issue By urging Congress to amend 31 U.S.C. § 330 to allow the Treasury Department to regulate paid tax return preparers, as that term is defined by 26 U.S.C. § 7701(a)(36) and the regulations thereunder, and provide a clear affirmative grant of authority of the Treasury Department to regulate a broader range of conduct engaged in by paid tax advisors, including applicable due diligence standards, fee arrangements and other activities of paid tax advisors that do not involve direct interaction with the Internal Revenue Service in an adversarial proceeding but nonetheless have a significant impact on the public fisc and on taxpayers' compliance with their obligations under the tax law, the proposed Resolution would directly address the concerns presented in Loving. By approving this Resolution, the Association would (1) promote competence, ethical conduct and professionalism, (2) protect our members and the public from unscrupulous unregulated tax return preparers, and (3) promote accountability through oversight of paid tax advisors by the Internal Revenue Service's Office of Professional Responsibility.
- 4. Summary of Any Minority Views of Opposition Which Have Been Identified No minority views have been identified in opposition to the proposed Resolution.

FBA position: (_X__ vote in favor or ____ vote against or ___ abstain)

105 TORT TRIAL AND INSURANCE PRACTICE SECTION

Urges legislative bodies and governmental agencies to enact comprehensive laws that prohibit the private possession, sale, breeding, import, or transfer of dangerous wild animals, in order to protect public safety and health, and to ensure the humane treatment and welfare of such animals.

EXECUTIVE SUMMARY

1. Summary of the Resolution
The Resolution urges all federal, state, territorial, and local legislative bodies and/or governmental agencies to enact comprehensive laws that prohibit the private possession, sale, breeding, import, or transfer of dangerous wild animals, such as big cats, bears, wolves, primates, and dangerous reptiles, in order to protect public safety and health, and to ensure the humane treatment and welfare of such animals.

- 2. Summary of the Issue that the Resolution Addresses
 Since 1990, there have been more than 1,200 dangerous incidents involving captive big cats, bears, primates, and large constrictor snakes nationwide, resulting in more than 40 human deaths (including eight children) and nearly 700 injuries. With no federal laws directly addressing the private possession of dangerous wild animals in the U.S., the issue currently is governed by an inconsistent regulatory patchwork of state and local laws. Twenty-one states and Washington, D.C. already prohibit the possession of some wild animals (big cats, bears, wolves, non-human primates, and most dangerous reptiles). Another thirteen states ban some, but not all, of these species. Eleven other states allow private possession but regulate the keeping of these animals by requiring a permit. However, five U.S. states still have absolutely no laws regulating the possession of dangerous wild animals.
- 3. Please Explain How the Proposed Policy Position will address the issue The proposed policy position urges all federal, state, territorial, and local legislative bodies and/or governmental agencies to enact comprehensive laws that prohibit the private possession, sale, breeding, import, or transfer of dangerous wild animals. By encouraging such legislative action the proposed policy position will assist implementation of a uniform U.S. legal regime that safeguards the public, protects animals, allocates legal liability and insurance risk properly, furthers a policy of respect for nature, and considers the interests of present and future generations in accordance with the goals of the American Bar Association.

4. Summary of Minority Views
It was asked that an exemption for assistance monkeys be included in the Report. However, the
American Veterinary Medical Association (AVMA) has a formal policy position stating, "The AVMA does
not support the use of nonhuman primates as assistance animals because of animal welfare concerns,
the potential for serious injury, and zoonotic risks." Furthermore, in 2011, the Department of Justice
removed monkeys from the definition of service animals covered by the Americans with Disabilities Act
(ADA). This was a deliberate move to close a loophole that many primate owners were exploiting to flout
restrictions on owning dangerous wild animals.

FBA position: (_	vote in favor or	vote against or	_X	abstain)
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YOUNG LAWYERS DIVISION 106

Encourages law schools to offer comprehensive debt counseling and debt management education to all currently admitted and enrolled law students, and encourages bar associations to offer similar debt counseling and debt management education to young lawyers and newly admitted lawyers.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

The purpose of this resolution is to encourage law schools to offer and comprehensive debt counseling and debt management education to all currently admitted and enrolled law students. Bar associations are encouraged to offer similar debt counseling and debt management education to young and newly admitted lawyers.

- Summary of the Issue(s) that the Resolution Addresses. In recent years the federal government has enacted several laws in an attempt to facilitate more manageable student loan borrowing and debt repayment programs. While borrower assistance programs exist for the benefit of the borrower, it is rarely easy to figure out what types of relief exist and how to qualify. Moreover, while borrowers may change their repayment program at any time, they may face varying degrees of helpfulness from for-profit loan servicers.
- 3. Please Explain How the Proposed Policy will address the issue(s). Instead of the current baseline approach where law schools provide the minimum amount of required loan counseling, law schools should expand their debt counseling programs to include (1) pre-enrollment counseling for new admittees who have received an offer of enrollment, including information regarding borrowing options and the true cost of a law school education; (2) post-enrollment periodic counseling to educate students on an ongoing basis (e.g., annual seminars); and (3) robust pre-graduation counseling to help students implement the complex information transmitted in the required exit counseling. Such expanded debt counseling curriculum would help all law students understand their financial future. Bar associations should also play an important role in helping young lawyers succeed financially. Rather than assume that each graduate sorts out their student loans by the time they graduate, bar associations should also take a proactive role to offer the type of expanded debt counseling program described above. As the needs of borrowers and applicable laws change over time, bar associations can play an important role in keeping new lawyers above water with their loan repayment choices.

4. Summary of Minority Views. The ABA Young Lawyers Division has not identified any minority views or opposition to this resolution.

FBA position: (_X__ vote in favor or ____ vote against or ____ abstain)

CRIMINAL JUSTICE SECTION 107A

Urges governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an in-person opportunity to be heard and finding that the restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The resolution urges federal, state and local governments and agencies to restrict the use of restraints on juveniles in court to those juveniles who present a risk of harm or flight, employing a presumption against the use of restraints in court, and giving the juvenile an opportunity to be heard on whether restraints are the least restrictive alternative. The resolution does not seek to impose limitations on security measures for transporting juveniles to and from the courtroom.

2. Summary of the Issue that the Resolution Addresses
The overwhelming majority of juveniles are in court for non-violent offenses. In 2011, the juvenile violent crime arrest index rate was the lowest in three decades. Yet in many courts across the country, all youth, regardless of their alleged offense, are shackled in juvenile proceedings. Some jurisdictions extend this to children charged with status offenses – non-criminal misbehavior.

3. Please Explain How the Proposed Policy Position will address the issue

This resolution promotes fairness and the rule of law in juvenile proceedings, provides for the imposition
of restraints when needed for safety, protects the due process rights and well-being of youth, and upholds
the rehabilitative principles of juvenile courts. Shackling of children in the courtroom without compelling
justification is an inherently stigmatizing and traumatic practice that compromises the presumption of
innocence. Wholesale reliance on shackles in the juvenile court without an individualized determination
that they are actually necessary is contrary to law, undermines the purpose of the juvenile court, and is
inimical to the interests of children and youth in conflict with the law.

4. Summary of Minority	y Views
None are known.	

FBA position: (___ vote in favor or ___ vote against or __X_ abstain)

107B CRIMINAL JUSTICE SECTION

Urges governments to protect the integrity of criminal proceedings, in its truth seeking function, by seeking to hold accountable those who unlawfully intimidate or tamper with victims and by examining practices, procedures and training, and revising them as needed to assure that victims and witnesses are not improperly intimidated or tampered with.

EXECUTIVE SUMMARY

Summary of the Resolution

The resolution addresses the corrupting influence that unlawful and improper intimidation can have on the testimony of witnesses, including victims, in criminal trials and the reality that intimidation undermines the rule of law and the credibility of the judicial process. The possibility that victims and witnesses will be targeted by individuals who seek to influence their testimony is not new. It has been present since the founding of the Nation. In 1789, intimidation usually required personal contact or delivery of written threats. With the development of the telephone, intimidation from a distance became a new threat. In the current digital age, communication with victims and witnesses is possible in an ever expanding array of ways. And many victims and witnesses have wittingly or unwittingly exposed a vast array of information about themselves on social media, making it easier for anyone seeking to find them and influence them, to attempt to do so.

- 2. Summary of the Issue that the Resolution Addresses Prosecutors and law enforcement have consistently reported that the highest rates of witness intimidation exist in cases involving domestic violence, gangs and drug dealing. However, witness intimidation can occur in any type of case, from white collar crimes to petty offenses. Domestic and intimate partner violence cases arise from the complex web of family and intimate relationships.
- 3. Please Explain How the Proposed Policy Position will address the issue
 The Resolution highlights the threat to the integrity of the criminal justice system as a result of victim and witness intimidation. Meaningful participation in the criminal justice system cannot exist when victims and witnesses are too fearful to come forward or are afraid to tell the truth about what they know. When victims and witnesses are too fearful to participate in the judicial process, the system of justice no longer retains credibility within society and the rule of law as a great arbiter, withers and dies. The Internet has created an explosion of new methods by which a victim or witness can be intimidated with ease, thus making witness intimidation a graver problem than ever before. The prevention of witness intimidation

requires renewed, dedicated focus and should be a high priority for all members of the criminal justice system. Legislatures must assure that laws are updated and adequate to deal with new challenges, prosecutors and defense counsel must be alert to the new dangers associated with social media. And all participants in the criminal justice system must be aware of the various ways in which victims and witnesses can feel that they are being improperly pressured. The most egregious forms of intimidation must be investigated and prosecuted, but the more subtle forms must not be ignored.

4. Summary of Minority Views None are known.

FBA position: (___ vote in favor or ___ vote against or __X_ abstain)

107C CRIMINAL JUSTICE SECTION

Urges governments to adopt sentencing laws and procedures that both protect public safety and appropriately recognize the mitigating considerations of age and maturity of youthful offenders by enacting sentencing laws and rules of procedure.

EXECUTIVE SUMMARY

1. Summary of the Resolution This resolution urges elimination of life without the possibility of release or parole sentences for youthful offenders both prospectively and retroactively and provides youthful offenders with meaningful periodic opportunities for release based on demonstrated maturity and rehabilitation beginning at a reasonable point into their incarceration, considering the needs of the victims.

- 2. Summary of the Issue that the Resolution Addresses In 2008, the American Bar Association (ABA) approved Resolution 105C (see conclusion of the report), urging governments to authorize and implement sentences for youthful offenders that are generally less punitive than comparable sentences for older offenders, and by requiring that such offenders generally be eligible for parole consideration at a reasonable point during their sentences and, if parole is denied, be reconsidered for parole periodically thereafter. This resolution was based on the considerations endorsed by the United States Supreme Court in *Roper v. Simmons*, 543 U.S. 551 (2005). Subsequent to the passage of Resolution 105C, the Supreme Court issued two additional decisions addressing sentencing for youthful offenders.
- 3. Please Explain How the Proposed Policy Position will address the issue The purpose of this resolution is to build on the prior work of the ABA by recognizing the further developments in law set forth by the United States Supreme Court in *Graham v. Florida*, 130 S.Ct. 2011 (2010) and *Miller v. Alabama*, 132 S.Ct. 2455 (2012).
- Summary of Minority Views None are known.

FBA position: (___ vote in favor or ___ vote against or _X_ abstain)

107D CRIMINAL JUSTICE SECTION

Adopts the black letter of the ABA Standards for Criminal Justice: Prosecution Function and Defense Function, dated February 2015, to supplant the Third Edition (1993) of the ABA Standards for Criminal Justice: Prosecution Function and Defense Function.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Criminal Justice Section recommends that the ABA adopt the black letter standards, dated February 2015, to chapter three "The Prosecution Function" and chapter 4, "The Defense Function" of the American Bar Association Standards for Criminal Justice.

- 2. Summary of the Issue that the Resolution Addresses Since these chapters were last amended, there have been dramatic developments in the area of legal ethics. Thousands of new judicial decisions have been handed down. Hundreds of new books and articles touching upon the ethics of our profession have been published. Indeed, the proper role and function of defense counsel has been a particularly topical focus of discussion, debate and controversy in recent years.
- 3. Please Explain How the Proposed Policy Position will address the issue
 The Fourth Edition of the Standards substantively revises all of the Standards in the previous edition. In
 addition, this edition proposes 21 new Prosecution Function Standards including standards handling
 incriminating evidence, plea agreements and improper bias. This edition also proposes 21 new Defense
 Function Standards including standards on handling incriminating evidence, plea agreements and
 improper bias. The Standards that are new are noted in the Table of Contents in this resolution. While
 there are too many changes to list here, you can find a copy of the third edition Standards at
 http://www.americanbar.org/groups/criminal_justice/standards/prosecution_function_standards.html
 (Prosecution Function) and

http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_dfunc_toc. html (Defense Function). The Criminal Justice Section urges prompt consideration of the proposed Standards by the House due to the ABA's continuing obligation to see to it that the ABA Standards for Criminal Justice reflect current developments in the law.

4. Summary of Minority Views None are known.

FBA position: (___ vote in favor or ___ vote against or _X_ abstain)

108A

DEATH PENALTY DUE PROCESS REVIEW PROJECT SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES

Urges all governments that impose capital punishment, and the military, to require that before a court can impose a sentence of death, a jury must unanimously recommend or vote to impose that sentence, and the jury in such cases must also unanimously agree on the existence of any fact that is a prerequisite for eligibility for the death penalty.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Recommendation addresses the particular significance of the sentencing determination in a death penalty case and calls upon all jurisdictions with capital punishment to require the jury to unanimously recommend or vote for a death sentence before such punishment can be imposed. Additionally, a capital sentencing jury should unanimously agree on the existence of any fact whose existence is a prerequisite for eligibility for death, and unanimously agree on the specific aggravating factors that have each been proven beyond a reasonable doubt.

- 2. Summary of the Issue that the Resolution Addresses
 This resolution addresses the outlier policies in a handful of states that do not require a jury to be
 unanimous before imposing the sentence of death. This resolution clarifies that the ABA's long-standing
 policies in favor of unanimous jury verdicts also extends to the profoundly significant decision by a jury of
 whether a person convicted of a capital crime should be put to death.
- 3. Please Explain How the Proposed Policy Position will address the issue

The proposed policy will clarify the ABA's view on the best practice in this area of criminal law and highlight the outlier status of the three places that still allow non-unanimous decisions to lead to a recommendation of death.

4. Summary of Minority Views

There has been no opposition raised or any minority views expressed within the American Bar Association to this Recommendation. The opposition in the outlier states is usually based on a claim that a unanimity requirement would reduce the number of sentences of death imposed in that jurisdiction and lead to a reduction in the availability of the death sentence generally.

FBA position: (___ vote in favor or ___ vote against or __X_ abstain)

108B

DEATH PENALTY DUE PROCESS REVIEW PROJECT DEATH PENALTY REPRESENTATION PROJECT SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES

Urges each jurisdiction that imposes capital punishment to promulgate execution protocols in an open and transparent manner and require public review and comment prior to final adoption of any execution protocol, and require disclosure to the public by all relevant agencies of all relevant information regarding execution procedures.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution seeks to ensure that states' lethal injection procedures fully comport with the ABA's longstanding position that the death penalty be administered only when performed in accordance with constitutional principles. The resolution aims to accomplish this goal by calling on jurisdictions to make detailed information available to the public about lethal injection drug protocols and execution procedures, to protect media and witness rights to view the entirety of the execution process, to conduct and make publicly available contemporaneous records of the minute-to-minute events of executions, and to provide for independent investigations of all flawed or troubled executions.

- 2. Summary of the Issue that the Resolution Addresses
- In 2011, the sole U.S.-based manufacturer of sodium thiopental, a key component in lethal injection protocols across the country, ceased producing the drug. Since that time, death penalty states have been experimenting with new and untested lethal injection drug combinations and dosages. The results of this experimentation have been troubling. In recent years there has been a marked increase in the number of botched executions, and states' lethal injection procedures have been questioned by death row prisoners, experts, advocates, and the public. Death penalty states responded to this scrutiny by implementing measures that undermine important constitutional protections. Many states have enacted secrecy laws that prohibit disclosure of information about the drugs used in lethal injection protocols, including the identity of the drug manufacturers, and the types, dosages, and expiration dates of the drugs. These secrecy laws prevent prisoners from obtaining the information necessary to determine if the drugs will cause death in a humane manner that comports with Eighth Amendment standards. Secrecy laws also violate prisoners' due process rights and First Amendment rights by withholding information essential to a constitutional claim. In addition to enacting secrecy laws, states are moving toward only allowing witnesses and the media to view certain parts of the execution process, rather than the whole procedure. Like the secrecy laws, these measures pose a significant threat to fundamental First Amendment freedoms.
- 3. Please Explain How the Proposed Policy Position Will Address the Issue States' secrecy laws and limitations on information about execution protocols and access to viewing execution procedures create a grave risk that executions will be carried out in a manner that fails to comport with important U.S. constitutional and public policy principles. Condemned prisoners need access to the types of information detailed in the resolution in order to challenge the constitutionality of the procedures in state and federal court. The public needs this information so that it can properly

evaluate death penalty procedures and decide whether or not they comport with current standards of decency. This resolution will encourage all death penalty jurisdictions to provide the type of information about execution protocols and drugs that is essential for our society and legal system to be able to evaluate death penalty cases and ensure that they are administered fairly and impartially, in accordance with due process, and not in violation of the Eighth Amendment's prohibition against cruel and unusual punishment.

4. Summary of Minority Views

There has been no opposition raised or minority views expressed within the American Bar Association to this Recommendation. However, externally, proponents of lethal injection drug secrecy laws have asserted the contentions that state officials want to provide confidentiality for drug suppliers in order to protect those suppliers from purported threats or harassment and to prevent anti-death penalty advocates from pressuring them to stop selling the drugs.

FBA position: (vote in favor or vote	against orX	abstain)
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109A

COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE COMMISSION ON YOUTH AT RISK

Urges governments to enact civil protection order statutes that extend protection to minor and adult victims of sexual assault, rape, and stalking, outside of the context of an intimate partner relationship, and without the requirement of any relationship between the parties.

EXECUTIVE SUMMARY

1. Summary of the Resolution.

The Resolution urges federal, state, territorial, local, and tribal governments to enact civil protection order statutes that provide protection to victims of sexual assault, rape, and stalking, outside of the context of intimate partner, and without the requirement of any relationship between the parties.

Summary of the issue that the resolution addresses.

Though some states permit sexual assault, rape, and stalking victims to access civil protection orders for their safety and protection, not all jurisdictions provide for protection orders in cases of sexual assault, unless there is an intimate partner relationship between the parties. This resolution seeks to expand access to civil protection orders so as to better protect sexual assault, rape, and stalking victims.

- 3. Please explain how the proposed policy position will address the issue.

 The proposed policy position will urge federal, state, territorial, local, and tribal governments to expand civil protections available to victims of sexual assault, rape, and stalking.
- Summary of any minority views. None to date.

FBA position: (_	vote in favor or	vote against or _	_X_	abstain
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109B

COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON YOUTH AT RISK

Urges governments and regulators to amend existing laws and regulations, or to enact new laws or regulations to expand housing protections for victims of domestic and sexual violence.

EXECUTIVE SUMMARY

1. Summary of the Resolution

disaster strike. Additionally, the resolution, mindful of the important contributions lawyers can make in advocating for the legal protections and rights of the most vulnerable and in serving their communities, urges lawyers to participate in these planning processes.

4. Summary of Minority	Views			
We are unaware of any	minority vi	iews or opposition	to this	Resolution

FBA position: (___ vote in favor or ___ vote against or __X_ abstain)

111A SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES CRIMINAL JUSTICE SECTION NATIONAL NATIVE AMERICAN BAR ASSOCIATION

Adopts the recommendations contained in the Indian Law and Order Commission's November 2013 Report to the President and Congress of the United States, entitled "A Roadmap for Making Native America Safer" ("Commission's Report"), and urges the Administration, Congress, and state and tribal governments to promptly implement the recommendations of the Commission's Report.

EXECUTIVE SUMMARY

1. Summary of the Resolution
This Resolution urges the United States Administration, the United States Congress, state governments, and tribal governments to promptly implement all the recommendations contained in the Indian Law and Order Commission's November 2013 Report to the President and Congress of the United States, entitled A Roadmap for Making Native America Safer, and urges the American Bar Association to work with governmental entities, law schools, bar associations, and legal service providers to promote improvements to criminal justice in Indian country, and help implement and promote the recommendations proposed in the Commission's Report.

2. Summary of the Issue that the Resolution Addresses
In July 2010, the Indian Law and Order Commission, an independent national advisory commission, was created as part of the Tribal Law and Order Act ("TLOA") of 2010. The Commission was extended by the Violence Against Women Reauthorization Act of 2013. The Commission was charged with conducting a comprehensive study of law enforcement and criminal justice in tribal communities, including criminal jurisdiction, the tribal jail and Federal prisons systems, tribal and federal juvenile justice systems, and the impact of the Indian Civil Rights Act on tribes, defendants, and the overall tribal criminal system. As part of that comprehensive study, the Commission was charged with assessing justice in Indian country and developing long-term recommendations on necessary modifications and improvements to justice systems at the tribal, federal, and state levels. In November 2013, after months of hearings and listening sessions around the country, the Indian Law and Order Commission's findings and recommendations were released as a single report, entitled A Roadmap for Making Native America Safer: Report to the President & Congress of the United States ("ILOC Report"). The ILOC Report contains six chapters, addressing: (1) Jurisdiction; (2) Reforming Justice for Alaska Natives; (3) Strengthening Tribal Justice; (4) Intergovernmental Cooperation (5) Detention and Alternatives; and (6) Juvenile Justice.

3. Please Explain How the Proposed Policy Position will address the issue This Resolution will encourage Congress, as well as state, local, and tribal governments, to promptly implement all the recommendations offered in the Indian Law and Order Commission's 2013 Report, which should directly lead to improvements in criminal justice in Indian country.

The second second second second	
4. Summary of Minority Views	
No minority views or opposition h	have been identified at this time.

FBA position: (_X__ vote in favor or ____ vote against or ____ abstain)

111B SECT

SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES

Urges Congress to enact legislation that supports the principles regarding consumer data privacy set forth in the Consumer Privacy Bill of Rights contained in the 2012 White House Report Consumer Data Privacy In a Networked World, and urges governments to enact legislation, regulations and practices that are consistent with and supportive of these principles.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges the United States Congress to enact legislation that supports the principles set forth in the Consumer Privacy Bill of Rights contained in the 2012 White House Report Consumer Data Privacy In a Networked World and urges state, local, territorial and tribal governments to enact legislation, regulations and practices that are consistent with and supportive of these principles.

- 2. Summary of the Issue that the Resolution Addresses American consumers are exposed to data privacy violations through gaps in the coverage offered by federal consumer privacy law in the United States. The law is comprised of sector-specific statutes, leaving some areas of consumer privacy well-protected and others entirely exposed. The methods of enforcement and the means of redress vary across the statutes, depriving consumers of a consistent baseline of privacy protections. While other countries have dedicated data privacy commissions, the United States lacks even a core set of data privacy rules with which businesses must comply. In response to this void, the White House proposed in 2012 a Consumer Privacy Bill of Rights ("CPBR"), based on the widely known Fair Information Practices ("FIPs"). Despite being articulated as long ago as 1973, the FIPs have not been incorporated into legislation that addresses baseline consumer protections directed at American businesses. To date, the FIPs have been incorporated only into statutes that address administrative agency behavior, leaving the United States without a general floor of privacy protection for consumers. The CPBR is the most significant formulation of the FIPs in the United States. It provides a comprehensive framework that lists seven substantive privacy protections for consumers: Individual Control, Transparency, Respect for Context, Security, Access and Accuracy, Focused Collection, Accountability.
- 3. Please Explain How the Proposed Policy Position will address the issue By enacting the CPBR and making it into law, Congress could ensure that the personal data of consumers is protected throughout the data's lifecycle. More importantly, Congress could put in place the baseline privacy standards that are widely recognized around the world and necessary to protect the interests of consumers. This Resolution will encourage Congress, as well as state, local, territorial and tribal governments, to enact legislation that establishes a floor of consumer privacy protections and thus enables a consistent and uniform articulation of data privacy rights within the United States.

4. Summary of Minority Views No minority views or opposition have been	n identified at this time.	
FBA position: (vote in favor or	_vote against orX_	abstain

111C
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
THE BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA
BAR ASSOCIATION OF SAN FRANCISCO
COMMISSION ON HOMELESSNESS AND POVERTY

Urges governments to continue to enforce and to enact rules or legislation that strengthen consumer protections regarding deceptive or fraudulent loan foreclosure rescue practices.

This policy seeks to expand housing protections for victims of domestic violence, dating violence, sexual assault and stalking, using the federal Violence Against Women Act, as well as some emerging state practices, as a model.

- 2. Summary of the Issue that the Resolution Addresses
 Survivors of domestic violence, dating violence, sexual assault and stalking can often face a terrible choice: the choice between staying in their housing and potentially subjecting themselves to ongoing and repeated violence; or fleeing to preserve their safety, but in the process losing their housing and often becoming homeless. VAWA's housing protections have preserved housing and prevented homelessness for thousands of survivors and their families. In early 2013, Congress expanded VAWA protections to include nearly all federally subsidized housing units, including HUD funded housing, USDA rural housing, and housing funded through the Low Income Housing Tax Credit (LIHTC) program. However, a survivor's ability to preserve both housing and safety should not depend on their status as a public or subsidized housing tenant. Consequently, this resolution urges that all governments enacting housing laws aim to mirror VAWA's housing provisions. This would help save lives, and have the added benefit of ensuring uniform treatment for all tenants and their landlords, without regard for how the rent gets paid.
- Please Explain How the Proposed Policy Position will address the issue
 This policy supports specific types of housing protections for survivors, modelled on VAWA and as well as some emerging state practices.
- Summary of Minority Views None reported.

FBA position: (___ vote in favor or ___ vote against or _X_ abstain)

110

COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COMMISSION ON HOMELESSNESS AND POVERTY

Urges authorities to identify and address the special needs of vulnerable populations, including but not limited to individuals with disabilities, children, the frail, the elderly, the impoverished, and persons with language barriers, when planning for and responding to disasters.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution urges federal, state, local, tribal, and territorial authorities and legislative bodies to proactively identify and address the special needs of vulnerable populations that are disproportionately affected by disasters and to provide appropriate funding. It also urges lawyers to participate in community planning to help ensure that plans comport with legal requirement applicable to services and benefits offered disaster survivors, especially for the most vulnerable.

- 2. Summary of the Issue that the Resolution Addresses
 This resolution seeks to address and remediate the tragic, devastating and disproportionate impact of major disasters on disadvantaged and vulnerable populations. Examples of such impact are many: The disabled may have difficulty or be unable to access services and benefits, the frail and elderly may be isolated from emergency responders, the poor do not have disposable income or means to find alternative housing or replace lost wages, the non-English speaker may not understand evacuation instructions or have service providers fluent in their language, children may experience multiple and disruptive school changes.
- 3. Please Explain How the Proposed Policy Position will address the issue
 There is widespread consensus in the emergency management community that the best way to address
 problems that may be caused by a disaster is to eliminate or alleviate the problem beforehand, through
 disaster planning. This Resolution addresses the human tragedies identified above by urging all levels of
 government to identify populations in their communities most vulnerable and to plan for their need should

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution urges federal, state, local, territorial and tribal governments to continue to enforce and enact rules or legislation that strengthen consumer protections regarding deceptive or fraudulent loan foreclosure rescue practices; supports ongoing efforts of state courts and lawyer disciplinary agencies to investigate allegations of deceptive or fraudulent loan foreclosure rescue practices by lawyers and, when appropriate, to prosecute and discipline lawyers who commit this type of misconduct; and encourages national, state, local, territorial, and tribal bar associations to establish and support programs to educate lawyers and consumers about deceptive or fraudulent foreclosure rescue practices, including those involving lawyers.

- 2. Summary of the Issue that the Resolution Addresses
 In the midst of the current economic turmoil and foreclosure crisis, millions of distressed homeowners
 have become vulnerable targets to unscrupulous and sometimes criminal third-party scammers posing as
 "loan modification specialists," an increasing number of whom are lawyers. The alleged "rescuers"
 employ various scams with disastrous consequences for homeowners: phantom foreclosure counseling,
 lease-back or repurchase scams, fraudulent refinance, fraudulent loan modification, bankruptcy
 foreclosure, and reverse mortgage fraud. While waiting for the promised relief, homeowners not only lose
 their money but often fall deeper into default and lose valuable time.
- 3. Please Explain How the Proposed Policy Position will address the issue Since 2010, the Lawyers' Committee for Civil Rights Under Law and its partners in the Loan Modification Scam Prevention Network (LMSPN) have lead a national complaint and data collection effort to track foreclosure rescue scams. The LMSPN has compiled over 40,000 complaints with total reported losses of \$90 million from homeowners. According to the data collected, complaints of rescue scams involving attorneys has risen every year since 2010, and by the end of 2013, attorney-involved complaints were 59% of all complaints received. This percentage continues to climb and is expected to surpass 70% of all complaints by the end of 2014. This resolution will help the ABA and others educate lawyers about the ethical pitfalls of engagement in foreclosure rescue schemes and encourage the enactment and enforcement of rules and legislation to strengthen consumer protections against these fraudulent practices.

 Summary of Minority Views No minority views or opposition have been 	en identified.		
FBA position: (vote in favor or	vote against or _	_x_	_abstain)

112

COALITION ON RACIAL AND ETHNIC JUSTICE
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON YOUTH AT RISK
CENTER FOR RACIAL AND ETHNIC DIVERSITY
COMMISSION ON HISPANIC LEGAL RIGHTS AND
RESPONSIBILITIES
COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY
COUNCIL ON RACIAL AND ETHNIC DIVERSITY IN THE
EDUCATIONAL PIPELINE

Urges legislative bodies and governmental agencies to refrain from enacting Stand Your Ground Laws that eliminate the duty to retreat before using force in self-defense in public spaces, or repeal existing Stand Your Ground Laws.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The resolutions urge applicable legislative bodies to repeal or refrain from enacting Stand Your Ground Laws, which eliminate the duty to retreat before using force in self-defense in public spaces.

In the event that states elect not to repeal Stand Your Ground laws, the resolutions further urge applicable bodies to modify existing or proposed laws to: (1) eliminate the civil immunity provisions, (2) prohibit the use of the Stand Your Ground defense when force is used against a law enforcement officer; (3) develop strategies to combat the apparent racially disparate impact; (4) ensure jury instructions are drafted to enhance clarity of the application and limitations; (5) protect the use of deadly force against a person who is in retreat; and (6) protect a person who is the initial aggressor in an encounter. With respect to the law enforcement function, the resolution urges the development of training materials on best practices for investigating Stand Your Ground Laws in addition to the creation of a national database for tracking Stand Your Ground cases. Finally, the resolution urges the American Bar Association to implement a national educational campaign regarding Stand Your Ground Laws to the general public as well as to undertake efforts to investigate the impacts that gun laws have in Stand Your Ground states.

2. Summary of the Issue that the Resolution Addresses

The call for amendment or repeal of Stand Your Ground laws addresses the empirical evidence which shows that states with statutory Stand Your Ground laws have not experienced decreased theft, burglary, or assault crimes and have experienced increased homicide rates. In addition to the issues referenced in Section 1 above, the call for modification of existing or proposed Stand Your Ground laws addresses these issues:

- Implicit racial bias has been identified as a significant factor causing inconsistent outcomes in Stand Your Ground cases.
- The statutory immunity provisions of certain Stand Your Ground laws prevent victims from obtaining redress through the criminal justice system and prohibits subsequent civil suit and thus substantially restricts the available remedies, such as compensation, typically available to innocent bystander and other victims.
- Evidence of inconsistent outcomes in Stand Your Ground cases that were factually similar due to divergent judicial rulings due to judicial confusion, or juror misunderstanding of the proper application of these laws.
- The creation of additional difficulties for law enforcement that impede the pursuit of fair and consistent outcomes in self-defense cases.
- 3. Please Explain How the Proposed Policy Position will address the issue Given that there is no existing ABA policy with respect to Stand Your Ground laws, the proposed policy positions will permit the ABA to make inroads in addressing a significant legal issue by engaging federal, state, territorial and local legislative bodies and governmental agencies to develop solutions to the aforementioned issues through education, advising and collaboration.

Summary of Min None.	ority Views			
FBA position: (_ vote in favor or	vote against or _	_X_	_abstain)

WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
AMERICAN IMMIGRATION LAWYERS ASSOCIATION
COMMISSION ON IMMIGRATION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
SECTION OF INTERNATIONAL LAW
COMMISSION ON HISPANIC LEGAL RIGHTS AND
RESPONSIBILITIES
STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE

SECTION OF FAMILY LAW SECTION OF LITIGATION COMMISSION ON YOUTH AT RISK

Supports government appointed counsel for unaccompanied children in immigration proceedings and urges that immigration courts should not conduct any hearings, including final hearings, involving the taking of pleadings or presentation of evidence before an unaccompanied child has had a meaningful opportunity to consult with counsel about his or her specific legal options.

EXECUTIVE SUMMARY

many instances.

1. Summary of the Resolution

This resolution supports government appointed counsel for unaccompanied children in immigration proceedings and urges that immigration courts should not conduct any hearings, including final hearings, involving the taking of pleadings or presentation of evidence before an unaccompanied child has had a meaningful opportunity to consult with counsel about his or her specific legal options. Because obtaining Special Immigrant Juvenile Status is one key immigration remedy available to many of these children, the resolution seeks to secure training for state, territorial and tribal courts to help them promptly provide the prerequisites for these visas that fall within their jurisdiction. Finally, the resolution urges state, territorial and tribal courts to consider creating specialized dockets to adjudicate SIJ cases and establishing expedited processes for children age 16 and over.

- 2. Summary of the Issue that the Resolution Addresses
 Each year thousands of unaccompanied children enter the U.S. and are placed in immigration removal proceedings. A significant number of these children do not have legal representation because they cannot find and/or afford a lawyer. One of the few avenues of potential relief for unaccompanied children under the immigration laws is obtaining Special Immigrant Juvenile Status (SIJS). But there are challenges to obtaining SIJS, including that a state court must first make certain factual findings. Some state court judges are confused by the federal immigration laws related to SIJS and others are unaware that they have the authority to grant the special findings. In addition, deadlines in federal law require adjudication of all three steps immigration filling, state court orders, and return to USCIS before the child turns 18 in
- 3. Please Explain How the Proposed Policy Position will address the issue The policy would ensure that all children are afforded legal representation by supporting government appointed counsel where necessary and would help ensure the children's due process rights are protected by urging immigration courts not to set hearings where an unaccompanied child has not had a meaningful opportunity to consult with counsel about his or her specific legal options. For SIJS cases, additional training can help ensure that state, territorial and tribal court judges are aware of and understand their role in these cases. In addition, creating dedicated calendars for SIJ cases and providing expedited processes for children who are 16 years and older will help to ensure that no child is deprived of the opportunity to obtain SIJ status simply because they aged out of eligibility before their court proceedings were finished.

4. Summary of Mino We are not aware o	ority Views f any minority views to	o date.		
FBA position: (vote in favor or	_ vote against or _	_x_	_abstain)

REVISED 100

RESOLUTION

	legisla	LVED, That the ABA urges federal, state, local, territorial, and tribal governments to enaction and regulation that will promote the following components in the provision of care to swith advanced illness:
1	1.	Finance and payment mechanisms that support access to person-centered care coordination and care management across all care settings, providers, medical conditions, and timestages of treatment and support;

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 Advance care planning through counseling, disclosure and meaningful discussion of prognosis, goals of care, personal values, and treatment preferences, including planning for family caregivers' needs;

Access to palliative care, community-based supportive services, and caregiver support to
enable persons with advanced illness to remain in the home and community in accord
with their preferences and needs;

 Expanded research to improve care delivery and payment practices that will benefit individuals and families facing advanced illness;

A strong health care workforce educated and equipped with the clinical and social skills to serve people with advanced illness and their families and caregivers; and

 Health information technology that promotes advance care planning and effective information sharing across time, place, and provider.

REVISED 105

RESOLUTION

1	RESOLVED, That the American Bar Association urges all federal, state, territorial, and
2	local legislative bodies and/or governmental agencies to enact comprehensive laws that
3	prohibit, unless otherwise exempted, the private possession, sale, breeding, import, or
4	transfer of dangerous wild animals, such as big cats, bears, wolves, primates, and
5	dangerous reptiles, in order to protect public safety and health, and to ensure the humane
6	treatment and welfare of such animals.
7	
8	FURTHER RESOLVED, that the American Bar Association urges that such laws should
9	include reasonable exemptions, such as for non-profit wildlife sanctuaries, facilities
10	accredited by the Association of Zoos and Aquariums, and research institutions.

REVISED 107A

RESOLUTION

1	RESOLVED, That the American Bar Association urges all federal, state, local, territorial
2	and tribal governments to adopt a presumption against the use of restraints on juveniles in
3	court and to permit a court to allow such use only after providing the juvenile with an in-
4	person opportunity to be heard and finding that the restraints are the least restrictive
5	means necessary to prevent flight or harm to the juvenile or others.

REVISED 107B

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal
- 2 governments to protect the integrity of criminal proceedings, in its truth seeking function, by (1)
- 3 seeking to hold accountable those who unlawfully intimidate or tamper with victims and
- 4 prosecution and defense witnesses by any source or means, including the use of social media;
- 5 and (2) examining practices, procedures, and training, and revising them as needed to assure that
- 6 victims and witnesses are not improperly intimidated or tampered with by lawyers or law
- 7 enforcement personnel, and that they receive adequate protection against intimidation and
- 8 tampering by any person.

REVISED 107C

RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, tribal, and territorial, governments to adopt sentencing laws and procedures that both protect public safety and appropriately recognize the mitigating considerations of age and maturity of youthful offenders i.e., those under age 18 i.e., those who have not reached the age of majority at the time of their offense who are subject to adult penalties upon conviction, by enacting sentencing laws and rules of procedure that will:

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 Eliminate life without the possibility of release or parole for youthful offenders both prospectively and retroactively;

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 Provide youthful offenders with meaningful periodic opportunities for release based on demonstrated maturity and rehabilitation beginning at a reasonable point into their incarceration, considering the needs of the victims.

REVISED 110

RESOLUTION

RESOLVED, That the American Bar Association urges federal, state, local, tribal and 1 territorial authorities to identify and address the special needs of vulnerable populations, 2 including but not limited to individuals with disabilities, children, the frail, 3 elderly, homeless persons, domestic violence victims, undocumented persons, the impoverished, and persons with language barriers, when planning for and responding to 5 6 disasters. 7 FURTHER RESOLVED, That Congress, state legislatures, territorial legislatures, tribal 8 and local authorities should adequately fund departments and entities charged with 9 responding to and assisting disaster survivors to cover the increased and unique needs of 10 and disparate impact upon vulnerable populations in planning for, responding to, and 11 12 recovering from major disasters. 13 FURTHER RESOLVED, That lawyers should participate in community-wide disaster 14 planning activities to ensure that plans comply with legal and regulatory requirements 15 applicable to the provision of government services and benefits to all disaster survivors, 16 and to identify and help address gaps in policy, practice, and regulation that 17 disproportionately and adversely affect vulnerable populations in times of major disaster. 18

REVISED 111A

RESOLUTION

1	RESOLVED, That the American Bar Association adopts all of the recommendations contained
2	in the Indian Law and Order Commission's November 2013 Report to the President and
3	Congress of the United States, entitled A Roadmap for Making Native America Safer,
4	("Commission's Report"), except for the new circuit court provision of Recommendation 1.2;
5	
6	FURTHER RESOLVED, That the American Bar Association urges Congress to establish a
7	means of creating a consistent, uniform, and predictable body of case law dealing with the civil
8	rights issues and matters of Federal law interpretation arising in Indian country:
9	
10	FURTHER RESOLVED, That the American Bar Association urges the Administration
11	Congress, state governments, and tribal governments state, territorial and tribal governments to
12	promptly implement the recommendations of the Commission's Report; and
13	
14	FURTHER RESOLVED, That the American Bar Association, through its appropriate bodies,
15	should work with governmental entities, law schools, bar associations, and legal service
16	providers to promote improvements to criminal justice in Indian country, and help implement
17	and promote the recommendations proposed in the Commission's Report.



National Council Credentials and Standing Rules

The Constitution of the Federal Bar Association

Article VII - National Council

Section 1. *Composition.* The National Council shall consist of the elective officers; all members of the Board of Directors; all Past National Presidents who are in good standing; Chairpersons of all Divisions, Sections, and Standing Committees; the President of the Federal Bar Building Corporation; the President of the Foundation of the Federal Bar Association; the General Counsel of the Federal Bar Association; either the President of each Chapter or other Chapter officer as designated in writing by the Chapter President to the Board of Directors; one other delegate from each Chapter to be selected by the Chapter; and not more than 20 members to be appointed annually by the President within 30 days after the latter assumes duties of that office. Appointive members shall be subject to removal by the President with the prior approval of the Board of Directors. A vacancy due to death, resignation, or removal of an appointive member may be filled by appointment by the President. The President's appointments shall have prior approval of the Board of Directors.

Section 2. Meetings.

a. The National Council shall meet at the Annual and Midyear Meetings of the Association each year as provided for in the Bylaws of the Association. The Board of Directors may combine the National Council meeting with the Annual Meeting of the Association. Notice, as set forth in the Bylaws of the Association, shall be mailed or transmitted electronically to all National Council members at least 30 days prior to the date of each regular meeting.

b. The National Council may meet specially at other times at the call of the President, with the consent of the Board of Directors, at such time and place and for such purposes as the President may consider necessary; provided, that no business shall be transacted at any special meeting of the National Council unless notice, as set forth in the Bylaws of the Association, of the time, place, and purpose of such meeting has been mailed or transmitted electronically by the Association to each National Council member in good standing at least 30 days prior to such meeting.

Section 3. *Quorum and Procedure.* Twenty-five percent of the members of the National Council in good standing shall constitute a quorum for the transaction of business. Action by the National Council shall be as provided in this Constitution and the Bylaws of the Association.

BAR ASSOCIATION

Federal Bar Association

Policy No. 1-9: National Council Standing Rules

Approved By: Board of Directors

Date Approved: September 7, 2011

Date Effective: September 7, 2011

Policy:

The Federal Bar Association's Constitution and Bylaws govern assemblies of the National Council. Where these documents are silent, the current edition of *Robert's Rules of Order Newly Revised* applies, per the Bylaws. Pursuant to Robert's Rules of Order and the National Council's past practices, please note the following

- 1. The chair must recognize a speaker before that speaker's comments are before the body.
- 2. Except as permitted by Robert's Rules, speakers are not to be interrupted. Person wishing to speak should remain seated until a speaker concludes. Rising from a chair first does not give priority unless the chair instructs persons wishing to speak to approach the microphones. Priority is given to those who have not spoken.
- 3. Approach the microphone to be recognized. A speaker must state name and position prior to making comments.
- 4. Prior to making a motion, a speaker should 1. Be recognized and state his or her name and position; 2. Approach the microphone; 3. State name and position; and 4. Hand the written motion to the Chair. A determination will be made as to whether the motion is in order based on the content of such motion before debate shall begin.
- 5. Any speaker who has spoken on a motion may not speak a second time until all others are heard.
- 6. Microphones will be marked "pro" and "con". Movants shall speak from the pro microphone, opponents from the con microphone.
- 7. Prior to a motion being before the body or debated, the Chair shall 1. State the name of the motion; 2. State the name of the movant and the movant's position; 3. State the name of the second and the second's position; and 4. Read the motion.
- 8. Debate shall be limited to two minutes per speaker. No member may speak in debate more than two times on the same day to the same question.

- 9. No member may speak a second time on the same question if another who has not spoken requests the floor.
- 10. A timekeeper shall signal when allotted time has expired. At that time, the speaker must cease speaking.
- 11. Comments should be addressed to the Chair. Other speakers should be referred to by title or more formal address rather than first name, such as "the prior speaker from New York".

Purpose:

To insure an efficient, productive, and orderly meeting of the National Council.

Change Notice:

BAR ASCO

Federal Bar Association

Policy No. 2-3: Reimbursement Policy

Approved By: Board of Directors

Date Approved: September 24, 1986

Date Effective: October 1, 1986

Policy:

All requests for reimbursement must be submitted within 30 days from the last day of the event for which the expense was incurred. Amounts sought for reimbursement must be within the limits established by this Policy 2-3 or otherwise approved by the President or Executive Director. All requests should be on the attached Reimbursement Request Form and must be accompanied by receipts and/or an explanation of the nature of the expense. When a receipt is not available, a written explanation of the expense shall be submitted.

Reimbursement shall be as follows unless otherwise provided by the President or the Executive Director:

- The President of the Association shall be reimbursed for all reasonable out-of-pocket expenses associated with his/her duties as President. Reimbursement shall not exceed the amount designated in the Association's approved budget.
- Board of Directors shall be reimbursed for up to 3 days per diem plus airfare and up to \$75 for ground transportation for board meetings. If the board meeting is held in conjunction with the annual meeting, Board of Directors shall be reimbursed for up to 5 days per diem (based on actual attendance). Directors-elect shall be reimbursed for up to 5 days per diem plus airfare and up to \$75 for ground transportation (based on actual attendance) for the board meeting held in conjunction with the annual meeting.
- Vice Presidents for the Circuits shall be reimbursed for up to 2 days per diem plus airfare and up to \$75 for ground transportation for annual and midyear meetings. Vice Presidents for the Circuits-elect shall be reimbursed for up to 2 days per diem plus airfare and up to \$75 for ground transportation for annual meetings.
- Chapters are permitted two seats on the National Council: the Chapter President or his/her designee and a Chapter Delegate. Chapter Delegates must be identified by the chapter at least 30 days in advance of the annual and midyear meetings. Each chapter shall be entitled to have one attendee reimbursed for airfare or two attendees each reimbursed for half the cost of airfare. For those chapters in existence for three or fewer years, the Executive Director may grant an exception and reimburse airfare for two attendees.
- Past National Presidents, National Committee Chairs, and National Council Appointed members shall be reimbursed for airfare for annual and midyear meetings.

- One Delegate to the ABA House of Delegates, who is elected by the members of the Association, shall be reimbursed for up to 2 days per diem plus airfare and up to \$75 for ground transportation for two ABA Meetings annually and up to 2 days per diem plus airfare and up to \$75 for ground transportation for FBA annual and midyear meetings. Members are encouraged to represent the FBA on other association boards and committees but no reimbursement will be available.
- Reimbursement for Section and Division Chairs is governed by Policy 9-5: Section and Division Financial Management.

For the purpose of this policy, current reimbursement rates are

- Airfare: coach rate, subject to 21-day, advanced purchase with Saturday night stay. If airfare is purchased less than 21 days in advance of the meeting, the reimbursement will be capped at \$500.
- Rail: up to the maximum of equivalent airfare
- Car Travel: \$.55/mile (in lieu of air/rail up to the maximum of equivalent airfare)
- Lodging, meals and incidentals: \$150 per diem (actual, up to the maximum per day)
- Ground transportation: up to the maximum of \$75

In all instances, receipts must be attached for any expense more than \$25 for reimbursement requests.

Exceptions may be approved by the Executive Director of the Federal Bar Association. If a request is denied, the individual may submit an appeal in writing to the Executive Committee within 30 days of the denial.

Purpose:

To establish the time limits and devise conditions under which requests for reimbursement of expenses incurred by individuals in pursuit of their official function for the Federal Bar Association will be reimbursed.

Change Notice: Amended 1/31/2015; 6/21/2014; 1/25/2014; 4/5/2013; 2/1/2002; 6/24/2001