

MEMORANDUM

TO: Members of the House of Delegates

FROM: Select Committee of the ABA House of Delegates

SUBJECT: 2022 Annual Meeting of the American Bar Association and Meeting of the House of Delegates

DATE: September 30, 2022

REPORT ON THE ABA ANNUAL MEETING

The 145th Annual Meeting of the American Bar Association (the “ABA” or the “Association”) was held August 4-9, 2022, at the Hyatt Regency Chicago Hotel, in Chicago, Illinois. A wide variety of programs were sponsored by committees, sections, divisions, forums and affiliated organizations. The House of Delegates met for one and a half days. The Meeting of the Membership was held, and the Nominating Committee also met.

The Nominating Committee sponsored a Candidates Forum on Sunday, August 7, 2022. The following candidates seeking nomination at the 2023 Midyear Meeting gave speeches to the Nominating Committee and to the members of the Association present: William R. Bay of Missouri, candidate for President-Elect for the 2023-2024 term; and Marvin S. C. Dang of Hawaii, candidate for Secretary for the 2023-2026 term.

THE HOUSE OF DELEGATES

The House of Delegates of the American Bar Association (the “House”) met on Monday, August 8, and Tuesday, August 9, 2022. Barbara J. Howard of Ohio presided as Chair of the House of Delegates.

The Chicago Police Department Honor Guard presented the colors. The invocation for the House was delivered by past ABA President and Louisiana delegate Judy Perry Martinez. The Chair of the House Committee on Credentials and Admissions, Hon. Lee Smalley Edmon of California, welcomed the new members of the House and moved that the signed roster be approved as the permanent roster for this meeting of the House. The motion was **approved**.

Sharon Stern Gerstman of New York, Chair of the Committee on Rules and Calendar, provided a report on the Final Calendar for the House. She stated that all supplemental materials for the House were sent electronically and posted on the House’s webpage. She noted that additional bar association resolutions were filed and moved that late-filed resolution be calendared. She moved to adopt the final calendar and approve the list of individuals who sought privileges of the floor. All motions were **approved**. Ms. Stern Gerstman noted that the deadline for submission of Resolutions with Reports for the 2023 Midyear Meeting is Thursday, November 16, 2022, while the deadline for Informational Reports is Friday, December 9, 2022. She also referred to the consent calendar, noting that the deadline for removing an item from

the consent calendar was Friday, August 5, 2022. . Ms. Stern Gerstman reminded the House of the treatment of Reports 10A and 10B regarding the archiving of policies. Ms. Stern Gerstman then moved the items remaining on the consent calendar. The motion was **approved**.

Secretary Pauline A. Weaver of California moved that the proposed Summary of Action for the House for the 2022 Midyear Meeting be adopted as the official record of the House. The motion was **approved**. Secretary Weaver moved that the House adopt the recommendations for the continuation of certain special committees and commissions (Report 177A). The motion was **approved**.

Deceased members of the House were named and remembered with a moment of silence.

For more details of the House meeting, see the following two-part report of the House session. The first part of the report provides a synopsis of the speeches and reports made to the House. The second part provides a summary of the action on the resolutions presented to the House.

I. SPEECHES AND REPORTS MADE TO THE HOUSE OF DELEGATES

Statement by the Chair of the House of Delegates

Barbara J. Howard of Ohio, Chair of the House of Delegates, welcomed the delegates to this in person meeting of the House. Chair Howard read a land acknowledgement honoring the Indigenous Peoples of the land on which the meeting was being held. She then thanked the ABA Media Relations and Strategic Communications Department for informing ABA members, the legal community, and the general public about developments in the House by providing updates and reporting on the proceedings of the House via Twitter @ABAesq.

Chair Howard extended a special welcome to new members of the House and recognized those delegates who have served the House for 25 years or longer. Chair Howard then acknowledged all of those who serve on House Committees and thanked them for their service. Chair Howard then shared a video regarding ABA Day 2022 and encouraged all members to get involved and participate in ABA Day 2023, which will be held from March 27-28, 2023.

Statement by the ABA President

ABA President Reginald M. Turner of Michigan thanked the members of the House for their leadership and service to the ABA and said that it had been an honor to serve as president. President Turner thanked Immediate Past President Trish Refo for her support and for her continued service to the ABA. He said that despite the challenging times we all find ourselves in, the ABA continues to thrive, thanks to the leadership of so many including the staff and volunteer leadership. He also acknowledged the 60th anniversary of the Solo, Small Firm and General Practice Division. President Turner than discussed the work of the “Practice Forward” group that is working to create and disseminate practical tools and resources to help navigate

the legal profession as it transitions beyond COVID-19.

President Turner reflected on his personal upbringing and experiences and how they have impacted his personal and professional life throughout the years. He then spoke of the importance of the Rule of Law and the critical role that the ABA plays in defending the Rule of Law as well as some examples of the ABA's work in this area. He noted the importance of current members assisting in supporting and growing membership, noting the "Each One, Reach One" initiative that encourages current members to help recruit new members into the Association.

President Turner stated, "After a year of continued and seemingly insurmountable division in our country, the increasing embrace of the notion that violence is an acceptable way to resolve our differences and government actions that many experience as attacks on life and liberty, I have not wavered in my belief of a rising sun on the rule of law in America."

President Turner then thanked his law firm, Clark Hill, for its support. He also thanked his children and his wife, Marcia. He concluded his remarks by encouraging everyone to "focus on hope", to which the house responded with a standing ovation to thank President Turner for his leadership.

Statement by the Executive Director

ABA Executive Director Jack L. Rives of Illinois thanked President Turner and Chair Howard for their leadership over the past year and congratulated incoming President Deborah Enix-Ross and other incoming leaders. Mr. Rives focused on the critical issue of membership, and what the Association must do to recruit and retain dues-paying members. He reviewed recent improvements to the value proposition, including an on-demand CLE library with more than 2,000 programs, an effective paywall that limits valuable content to dues-paying members, and upgraded email communications targeted to members' interests. He also outlined a variety of ways in which the ABA works to help the public and to address legal problems in the United States and around the world.

Mr. Rives addressed several upcoming efforts, approved by the Board of Governors, to further enhance the ABA's member experience. He highlighted new, sustained marketing efforts to drive positive perceptions of the Association, and to showcase its impact on the legal profession, our clients, and our communities. He explained that this would be a multi-year effort to rebuild the ABA's reputation in the legal community and beyond, with an emphasis on the ABA's Four Goals and how we achieve them. In conclusion, Mr. Rives expressed his confidence in the ABA's future, despite current challenges. He stressed the Association's commitment to seek new opportunities to recruit and retain members that would ensure growth in the years ahead.

SCOPE Nominating Committee

Chair Howard recognized Linda Randell of Connecticut, Chair of the Committee on Scope and Correlation of work ("SCOPE") to nominate Hilary Hughes Young of Texas, to serve on the Committee on Scope for a 5-year term, beginning at the conclusion of the 2022 Annual

Meeting. Chair Randell then moved to close the nominations. The motion was **approved**. Later that day in the afternoon session, the House elected Ms. Young to serve on SCOPE.

Passing of the President's Gavel and Statement by President-Elect

ABA President Reginald M. Turner introduced and passed the gavel to President-Elect Deborah Enix-Ross of New York. In a prerecorded video, Ms. Enix-Ross was sworn in by retired US Supreme Court Justice Stephen G. Breyer.

President-Elect Enix-Ross encouraged the legal profession to lead the way in promoting civics, civility, and collaboration—the cornerstones of our democracy—to restore confidence in our democratic institutions and the judicial system, and to protect the Rule of Law. She said that lawyers are uniquely positioned to promote the ABA's new Cornerstones of Democracy outreach initiative in order to restore confidence in our democratic institutions, in the judicial system and to protect the Rule of Law. President-Elect Enix-Ross also highlighted ongoing ABA efforts including the National Celebration of Pro Bono in October, ABA Day, and Poll Worker Esq., which encourages lawyers and law students to serve as Election Day poll workers.

President-Elect Enix-Ross thanked past presidents Judy Perry Martinez and Trish Refo for their steadfast leadership during the pandemic. She said that it was on their recommendation that she met with leadership from the ABA Sections, Divisions and Forums. From those discussions, she heard a resounding commitment to finding new and improved ways to operate given the lessons learned from the pandemic and a dedication to foster diversity and inclusion within the Sections, Divisions and Forums. President-Elect Enix-Ross also thanked President Turner for his leadership and expressed her desire to build on his "Each One, Reach One" membership outreach effort. She then thanked the ABA staff for their hard work and commitment to the ABA.

President-Elect Enix-Ross thanked those who were present in the House to celebrate this day with her, including representatives from her law firm Debevoise & Plimpton LLP, her law school alma matter and fellow alumni from the University of Miami School of Law, her lifelong friends and support network, and her family including her husband, Rodney. President-Elect Enix-Ross ended with a quote from John Wesley, the founder of the Methodist Church: "Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can."

Issues of Concern to the Legal Profession Presentation

Chair Howard recognized Stephen P. Younger of New York, Chair of the Committee on Issues of Concern to the Legal Profession. She thanked the Committee for its work on the presentations it has organized. Mr. Younger introduced the topic for the presentation, "Democracy in Peril—How Can We Change the Course for America?". The panel included: Nancy Rogers, Former Law School Dean and Former Ohio Attorney General as moderator; Bakari Sellers, Lawyer and Political Commentator; Kathleen Jamieson, Professor, University of Pennsylvania; Steven Levitsky, Professor, Harvard University; and J. Michael Luttig, Retired Judge.

Resolution and Impact Review Committee Video Presentation

Chair Howard recognized the Honorable Leslie Miller of Arizona, Chair of the Resolution and Impact Review Committee, who introduced a video that was produced to detail the positive impact of the work of the House of Delegates through one of its resolutions. The presentation focused on Resolution 102, adopted at the 2015 Annual meeting, which asked states to eliminate questions regarding mental health history, diagnosis and treatment from the bar admissions application and instead ask questions that focus on conduct and behavior that would impact a person's ability to practice law.

Statement by the Treasurer

ABA Treasurer, Kevin L. Shepherd of Maryland delivered the Treasurer's Report, noting that an extensive written report had previously been issued to members of the House.

Mr. Shepherd reported that for FY2022 through June 30, 2022, consolidated operating revenue is \$158.8 million, which is \$5.1 million below budget. He noted that the unfavorability to budget was primarily driven by the following shortfalls in general operations: dues (\$3.2 million), meeting fees (\$1.8 million), lower National Institute revenue (\$1.3 million), shortfalls in several other departments (\$0.5 million) and royalties (\$1.0 million). He also noted that S/D/F revenue was \$6.3 million unfavorable to budget due to meetings-related shortfalls, grant segment revenue was \$8.1 million favorable to budget, and gift segment revenue was \$0.1 million unfavorable to budget. Mr. Shepherd explained that although overall revenue is below budget, the consolidated operating revenue of \$158.8 million through June 30, 2022 is \$20.8 million better than the prior year.

Mr. Shepherd said that the Association's expense management remains disciplined, as consolidated operating expense of \$168.6 million is \$8.2 million favorable to budget. He further reported that consolidated operating expense of \$168.6 million through June 30, 2022 is \$27.8 million higher than prior year.

Mr. Shepherd reported that the consolidated total change in net assets includes an operating deficit of \$9.8 million, as well as non-operating ("below the line") results. He said that below the operating line, the Association had \$45.2 million of investment losses, used \$9.5 million of investments to support operations, and had \$1.4 million of non-operating net expense. He explained that this resulted in a \$65.9 million decrease in the Association's net assets through the ten months ended June 30, 2022.

Mr. Shepherd said that while it may be jarring to learn of a decrease of \$65.9 million in our net assets, he explained that the decline was largely due to the extraordinary turbulence in the financial markets, which has resulted in a loss of \$45.2 million on our investments. In contrast, he noted that the Association's net assets increased by \$66.7 million last fiscal year, largely due to the then very favorable financial markets. He noted that because we only sell a small portion of our investments each year to fund operations, this is primarily an unrealized loss and, as such, we should maintain a long-term view on our investment portfolio, fully recognizing there will be significant swings in the reported balance.

Despite the recent substantial decline in financial markets and its significant impact on our investment portfolio, Mr. Shepherd said that the Association's financial position remains very strong, as we have total assets of \$297.4 million and liabilities totaling \$140.6 million, resulting in total net assets of \$156.8 million. He said that of the \$156.8 million of total net assets, \$115.0 million are unrestricted S/D/F net assets and the remaining \$41.8 million are General Operations/FJE net assets (of which \$15.1 million are restricted).

Mr. Shepherd expressed his sincere appreciation to the financial staff at the ABA for all of their hard work and support, including CFO Bill Phelan, Dana Hill, and Evan Teitelbaum.

Election of Officers and Members of the Board of Governors

On behalf of the Nominating Committee, the Karol Corbin Walker of New Jersey, Chair of the Steering Committee of the Nominating Committee, reported on the nominations for officers of the Association and members of the Board of Governors. The House of Delegates elected the following persons for the terms noted:

OFFICERS OF THE ASSOCIATION

President-Elect for 2022-2023 Term

Mary L. Smith of Illinois

Chair, House of Delegates for 2022-2024

Palmer Gene Vance II of Kentucky

Treasurer for 2023-2026 (to serve as Treasurer-elect for 2022-2023)

Frank "Fritz" Langrock of Vermont

MEMBERS OF THE BOARD OF GOVERNORS (2022-2025 Term)

District Members

District 7: Aurora Austriaco of Illinois
District 8: Jo Ann Englehardt of Florida
District 10: Hon. James S. Hill of North Dakota
District 11: M. Joe Crosthwait, Jr. of Oklahoma
District 13: Carlos Rodriguez-Vidal of Puerto Rico
District 18: Daniel A. Schwartz of Connecticut

Section Members-at-Large

Section of Dispute Resolution

Pamela Enslin of California

Section of Family Law

Anita M. Ventrelli of Illinois

Section of Public Contract Law

Michael W. Mutek of Alabama

Law Student Division

Mussab Ali of New Jersey

Goal III Woman Member-at-Large

Katie Larkin-Wong of California

Goal III Disability Member-at-Large

Denise Avant of Illinois

It was noted that the Association's Constitution provides that the President-Elect automatically becomes the President at the conclusion of the Annual Meeting and Deborah Enix-Ross of New York will assume that office.

Remarks by President-Elect Nominee

President-Elect Nominee, Mary L. Smith of Illinois addressed the House and thanked those in attendance from her family and friends to support her. She noted that "we are the keepers of democracy and that as keepers of democracy, we must lead." Ms. Smith said that "threats to our democracy are not a political issue" and urged the Association to unite around issues of concern to the Rule of Law.

She then highlighted some of the work of the ABA that inspires her and demonstrates the ABA's leadership in our profession. Ms. Smith told House members she is inspired every day by the work of her colleagues to support the ABA's four goals via efforts such as the Young Lawyers Division's support of new attorneys; ABA Day's impact on American policy; the long success of the Collaborative Bar Leadership Academy; and ongoing endeavors to connect Afghan lawyers and judges to immigration assistance and careers in the U.S. legal profession.

In concluding, Ms. Smith, quoted Cherokee Principal Chief Wilma Mankiller, "The secret of our success is that we never, never give up," Ms. Smith continued in her own words, "So we must not give up. We must not give in. We must do what is right. We must lead."

Remarks by Chairman of the Board of Directors of the Legal Services Corporation

John G. Levi, Chairman of the Board of Directors of Legal Services Corporation ("LSC") addressed the House, beginning with his expression of gratitude to President Turner, President-Elect Enix-Ross and the ABA for the unwavering and continuous support for LSC. Mr. Levi reminded the members that LSC is the single largest funder of civil legal assistance for low-income Americans and shared that LSC has recently issued its report about the justice gap in America. He said that the report revealed that "low-income Americans did not receive any or enough legal help for 92% of their civil legal problems." Moreover, he said, "nearly one-

half (46%) of those who did not seek legal help for one or more problems cite concerns about cost as a reason why.” Mr. Levi said that this report revealed the ongoing insufficient funding for helping low-income Americans with their civil legal needs while underscoring the critical role that LSC plays in funding civil legal aid. He noted that the LSC would seek an increase in its appropriate in the next budget process and asked the ABA to redouble its advocacy efforts in support of LSC. Mr. Levi also encouraged all members of the House to read the report at <https://justicegap.lsc.gov/>.

II. RESOLUTIONS VOTED ON BY THE HOUSE

A brief summary of the action taken on resolutions brought before the House follows. The resolutions are categorized by order of consideration and the number of the resolution is noted in brackets.

LEGAL EDUCATION

[300] On behalf of the Section of Legal Education and Admissions to the Bar, Antonio Garcia Padilla of Puerto Rico withdrew Resolution 300 concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2022 to Standards 206 and 405 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The resolution was **withdrawn**.

[301] On behalf of the Section of Legal Education and Admissions to the Bar, Antonio Garcia Padilla of Puerto Rico moved Resolution 301 concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2022 to Definitions (7) and (8) and Standards 306 and 311 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The resolution was **approved**.

[302] On behalf of the Section of Legal Education and Admissions to the Bar, Joan Howland of Minnesota moved Resolution 302 concurring in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2022 to Rule 19 and 29 of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The resolution was **approved**.

STANDING COMMITTEES, COMMISSIONS AND TASK FORCES

[600] The House **adopted by consent** Resolution 600 from the Standing Committee on Paralegals granting approval to 1 program, reapproval to 10 programs, withdrawing the approval of 9 programs at the request of the institutions and extending the term of approval to 47 programs.

[601] On behalf of the Standing Committee on Gun Violence, Margaret Finerty of New York moved Resolution 601 urging federal, state, local, territorial, and tribal governments to enact statutes, rules and regulations that provide law enforcement reasonable time to complete a thorough background check of a prospective purchaser of a firearm before the transfer of a

firearm can take place; and urges the repeal of Federal Law 18 U.S.C. § 922(t)(1)(B)(ii), also known as the “Charleston Loophole,” that allows for the sale of a firearm to be consummated after three business days have expired, even if the background check has not been completed. Sherry Levin Wallach of New York spoke in favor of the resolution. The resolution was **adopted**.

[602] On behalf of the Standing Committee on Election Law, Michael Drumke of Illinois moved Resolution 602 adopting the revised American Bar Association Election Administration Guidelines and Commentary (“Guidelines and Commentary”), dated August 2022; urges all election officials to ensure the integrity of the election process through the adoption, use, and enforcement of these Guidelines and Commentary; and urges that federal, state, local, territorial and tribal governments provide election authorities with adequate funding to implement the Guidelines and Commentary. The resolution **adopted**.

[603] On behalf of the Center for Human Rights, James Silkenat of New York moved Resolution 603 urging governments and agencies to implement as appropriate the *Principles on Effective Interviewing for Investigations and Information Gathering* (May 2021) in devising and conducting custodial interrogations, interviews, investigations, and information-gathering, and to do so equally with respect to suspects, victims, witnesses, and informants. The resolution **adopted**.

[604] On behalf of the Working Group on Building Public Trust in the American Justice System, Robert Weiner of the District of Columbia moved Resolution 604 adopting the ABA Nine Principles on Reducing Mass Incarceration, black letter and commentary; and urges federal, state, local, territorial, and tribal legislative, and other governmental bodies to adopt policies consistent with the ABA Nine Principles on Reducing Mass Incarceration. Mark Schickman of California, Michael Iacopino of New Hampshire and Rhodia Thomas of Pennsylvania spoke in favor of the resolution. The resolution **adopted**.

[605] On behalf of the Standing Committee on Lawyer Referral and Information Service, David Keyko of New York moved Resolution 605 combining the Model Supreme Court Rules Governing Lawyer Referral and Information Services and the Minimum Quality Standards for Lawyer Referral into the Model Rules Governing Lawyer Referral and Information Services and amends such rules to reflect modern practices. Robert Peck of the District of Columbia moved to amend the resolution. Lucian Pera of Tennessee moved to lay the matter on the table until after special orders. Stephen Curley moved to take the resolution off the table. Lynda Shely of Arizona spoke in favor of the resolution as amended. The motions were approved and the resolution was **adopted as amended**.

[606] On behalf of the Commission on Youth at Risk, Mark Schickman of California moved Resolution 606 urging federal, state, local, territorial, and tribal courts, as well as attorneys, judges, legislators, governmental agencies, and other policymakers to take actions to address issues of racism in America’s civil and criminal justice systems. The resolution **adopted**.

ASSOCIATION’S CONSTITUTION, BYLAWS AND HOUSE RULES OF PROCEDURE

[11-1] Association Member Edward Haskins Jacob of the Virgin Islands presented, and

Secretary Pauline A. Weaver of California moved Report 11-1 amending §1.2 of the Constitution to include the following language as one of the purposes of the Association: “to defend the right to life of all innocent human beings, including all those conceived but not yet born.” A motion to postpone indefinitely was made. The motion was **not approved**. A vote was then taken on the main motion. The motion was **not approved**.

[11-2] Amy Lin Meyerson of Connecticut moved Resolution 11-2 amending §31.7 of the Association’s Bylaws to reflect the ABA Board of Governors approved elimination of the Internal Audit function. The motion was **defeated**. During the Tuesday session, Nicholas Casey of West Virginia moved to reconsider. Linda Murnane of Ohio spoke in opposition to the motion to reconsider. Lucian Pera of Tennessee spoke in support of the motion. The motion was **adopted**. Kevin Shepperd of Maryland moved Resolution 11-2. Kathleen Hopkins of Washington moved to amend the motion. The motion to amend was **adopted**. Linda Murnane of Ohio spoke in opposition to the resolution. Andrew Schpak of Oregon and Amy Lin Meyerson of Connecticut spoke in favor of resolution. The motion was **approved**.

[11-3] Edith Osman of Florida moved Resolution 11-3 amending §31.7 of the Association’s Bylaws to increase the number of members appointed to the Standing Committee on Meetings and Travel from seven to nine. The motion was **withdrawn**.

[11-4] Robert Carlson of Montana moved Resolution 11-4 amending §6.4 (a) of the Association’s Constitution to change the year of the annual meeting upon which the minimum number of delegates a state bar association is entitled to certify is based; amends §6.4 (c) to add a provision that a local bar association that had a delegate in 2016 is entitled to maintain that delegate; removes §6.4(f), which is now addressed by the amendment to §6.4 (a); amends §6.6 (a) to add a provision that a section is entitled to at least the same number delegates as it was entitled to certify during the 2016 annual meeting; and removes 6.6 (b), which is now addressed by the amendment to §6.6 (a). Christopher Rockers of Missouri spoke in favor of the motion. The motion was **approved**.

SECTIONS AND DIVISIONS

[500] On behalf of the Section of Dispute Resolution, James Alfini of Texas withdrew Resolution 500 adopting the *American Bar Association Rules for Non-Administered Arbitrations*, dated August 2022. The resolution was **withdrawn**.

[501] On behalf of the Criminal Justice Section, Justin Bingham of Washington moved Resolution 501 adopting the *ABA Criminal Justice Standards on Diversion*, dated August 2022. The resolution was **adopted**.

[502] On behalf of the Criminal Justice Section, Wayne McKenzie of New York moved Resolution 502 urging federal, state, local, territorial, and tribal governments to enact legislation permitting courts to hear petitions that allow de novo hearings to take a “second look” at criminal sentences where individuals have been incarcerated for ten years. The resolution was **adopted**.

[503] On behalf of the Section of Civil Rights and Social Justice, Mark Schickman of California

moved Resolution 503 urging the federal government and each state to establish, expand and adequately fund Offices of Equity within its agencies or departments. Robert Grey of Virginia spoke in favor of the resolution. The resolution was **adopted**.

[504] On behalf of the Section of Civil Rights and Social Justice, Roula Allouch of Kentucky moved Resolution 504 urging federal, state, local, territorial, and tribal governments to enact or expand cyberstalking legislation to require investigation by law enforcement, stronger penalties for committing such crimes, and a private right of action. Shasta Inman of New Mexico spoke in favor of the resolution. The resolution was **adopted**.

[505] On behalf of the Section of Civil Rights and Social Justice, Wendy Mariner of Massachusetts moved Resolution 505 urging federal, state, local and territorial governments to prioritize tribal consultation and urges the passage of the RESPECT Act [H.R.3587] or similar legislation in order to strengthen the United States government-to-government relationship with tribes and better effectuate its trust responsibility through codifying tribal consultation processes. Matthew Archer-Beck of Virginia and Heather Torres of California spoke in favor of the resolution. The resolution was **adopted**.

[506] On behalf of the Young Lawyers Division, Sheila Willis of South Carolina moved Resolution 506 urging Congress to amend the Supplemental Nutritional Assistance Program (“SNAP”) to afford States the ability to permit SNAP to purchase shelf-stable food and other emergency necessities, within a certain time period, in preparation for a disaster. (“Preparedness SNAP”). The resolution was **adopted**.

[507] On behalf of the Young Lawyers Division, Rene Morency of Missouri moved Resolution 507 urging federal, state, local, territorial, and tribal governments to enact legislation remedying longstanding effects of structural racism on public health and supports the enactment of the Anti-Racism in Public Health Act of 2021 (S. 162, 117th Congress) or similar legislation that would create a National Center for Anti-Racism, and a Law Enforcement Violence Prevention Program at the Center for Disease Control and Prevention. Mark Schickman of California spoke in favor of the resolution. The resolution was **adopted**.

[508] On behalf of the Section of Intellectual Property Law, Bill LaFuze of Texas moved Resolution 508 supporting, in principle, a test for deciding when the Lanham Act should apply extraterritorially that considers: (1) whether the defendant’s conduct has a substantial effect on U.S. commerce; (2) whether the defendant is a United States citizen or domiciliary; and (3) whether such an application would conflict with trademark rights established under the relevant law of a foreign jurisdiction. Thad Chaloehtiarana of Illinois spoke in favor of the resolution. The resolution was **adopted**.

[509] On behalf of the Section of Intellectual Property Law, Bill LaFuze of Texas moved Resolution 509 supporting, in principle, that a final judgment on the merits by a court of competent jurisdiction that a product or service does not infringe a patent owner’s patent precludes that patent owner from subsequently asserting against other persons that the same product or service infringes the same patent. The resolution was **adopted**.

[510] On behalf of the Section of Intellectual Property Law, Adrianna Luedke of the Maryland

moved Resolution 510 supporting legislation to improve diversity, equity, and inclusion in the intellectual property ecosystem, including inventorship, legal employment opportunities, and the representation of clients; supports legislation giving the Director of the United States Patent and Trademark Office authority to collect from patent applicants certain voluntarily disclosed demographic information; and opposes any legislation or procedures making said demographic information a factor favoring or disfavoring patentability. The resolution was **adopted**.

STATE AND LOCAL BAR ASSOCIATIONS

[400] On behalf of the New York City Bar Association, James Silkenat of New York moved Resolution 400 urging the President and Congress to support the right of the people of Western Sahara to self-determination under international law. Mark Alcott of New York moved to amend the resolution. Steven Richman of New Jersey spoke in opposition to the motion to amend. Mark Schickman of California spoke in favor of the amendment. James Silkenat of New York spoke in opposition to the motion to amend. The motion to amend was not approved. A motion to lay Resolution 400 on the table was made due to the timing of a special order. The motion was approved. A motion to take Resolution 400 off of the table was made. The motion was approved. Katlyn Thomas spoke in favor of the main motion. The resolution was **adopted**.

[401] On behalf of the National Asian Pacific American Bar Association, Wendy Shiba of California moved Resolution 401 urging federal, state, local, territorial, and tribal governments to enact legislation to include Asian American, Native Hawaiian, and Pacific Islander history in the United States in school curricula, including the Teaching Asian Pacific American History Act (H.R. 2283–117th Congress); and encourages educators and educational institutions to develop and include Asian American, Native Hawaiian, and Pacific Islander curricula throughout all levels of the American educational system. Lisa Bail of Hawaii spoke in favor of the resolution. The resolution was **adopted**.

[402] On behalf of the Illinois State Bar Association, John Theis of Illinois moved Resolution 402 reaffirming portions of existing ABA policy adopted in July 2000 (00A10F) that urged jurisdictions to implement and preserve certain core values of the profession developed to protect the public interest. Trish Refo of Arizona moved an amendment to the resolution. Steve Younger of New York spoke in favor of the resolution to amend. The resolution was **adopted as amended**.

[403] On behalf of the San Antonio Bar Association, Cynthia Orr of Texas moved Resolution 403 urging Congress to enact legislation amending Title XVIII of the Social Security Act to provide for coverage of certain lymphedema compression treatment items under the Medicare program, including standard and custom fitted gradient compression garments to individuals diagnosed with lymphedema and prescribed by a physician or authorized healthcare provider and other devices determined to be effective in the prevention or treatment of lymphedema. The resolution was **adopted**.

[404] On behalf of the Virginia Islands Bar Association, Anthony of Cioli of the Virgin Islands moved Resolution 404 as revised supporting the overruling of the United States Supreme Court's decisions in the Insular Cases and the "territorial incorporation doctrine", which are contrary to the principles enunciated by the United States Constitution and subsequent civil

rights jurisprudence. Sherry Levin Wallach spoke in favor of the resolution. The resolution was **adopted as revised**.

[405] On behalf of the New York State Bar Association, Scott Karson of New York moved Resolution 405 as revised condemning the invasion of Ukraine by the Russian Federation and calls upon the United Nations Secretary General to establish international war crime tribunals to exercise jurisdiction and hear and determine whether the Russian Federation and its officials violated international law and hold to account those responsible. Sherry Levin Wallach spoke in favor of the resolution. Mark Alcott of New York spoke in favor of the resolution. The resolution is **adopted as revised**.

ABA GOVERNANCE

[10A] The House **adopted by consent** revised Resolution 10A recommending that certain Association policies that pertain to public issues and are 10 years old or older be archived. Items 35 and 36 were removed from the archival list prior to approval.

[10B] The House **adopted by consent** revised Resolution 10B recommending that certain Association policies that pertain to public issues that were adopted in 2002 which were previously considered for archiving but retained, be archived.

JUDICIARY

[200] On behalf of the National Association of the Administrative Law Judiciary, Danette Mincey of South Carolina moved Resolution 200 urging the establishment of a federal benefits tribunal, with the oversight entrusted to three or more Administrative Law Judges. The resolution was **adopted**.

LATE REPORTS

[800] On behalf of the Commission on Domestic and Sexual Violence, Mark Schickman of California moved Resolution 800 as revised urging governments to enact laws and adopt policies that aim to prevent gender-based violence, and to adopt and adequately fund specific, evidence-based prevention strategies to promote healthy, respectful, nonviolent relationships for all and to emphasize the importance of affirmative, knowing, and competent consent. The resolution was **adopted as revised**.

[801] On behalf of the Commission on Domestic and Sexual Violence, Mark Schickman of California moved Resolution 801 urging governments to enact legislation, adopt policies, and authorize appropriate funding to close the so-called “boyfriend,” “stalking,” and “*ex parte*” loopholes in firearms laws and regulations by prohibiting the purchase, possession, or receipt of firearms and ammunition by persons who commit domestic violence, dating violence, or stalking, and by requiring such persons to safely relinquish such firearms and ammunition. The resolution was **adopted**.

[802] On behalf of the Commission on Domestic and Sexual Violence, Mark Schickman of California moved Resolution 802 urging federal, state, local, territorial, and tribal governments

to enact laws that provide a civil rights cause of action and remedies for those subjected to acts of gender-based violence; and urges lawyers, bar associations, victim advocacy organizations, and others to take steps to increase awareness of such civil rights laws and to advance initiatives to facilitate their use. The resolution was **adopted**.

[803] On behalf of the Section of Civil Rights and Social Justice, Mark Schickman of California withdrew Resolution 803 encouraging the government's use of strong encryption to protect personal data transmitted over the Internet or stored on devices and urges restraint from enacting policies that would weaken strong encryption and requires that warrants to obtain encrypted digital evidence not violate attorney-client privilege nor increase vulnerability to third parties. The resolution was **withdrawn**.

[804] On behalf of the Section of Civil Rights and Social Justice, Juan Thomas of Illinois moved Resolution 804 urging the ABA to oppose the imposition of criminal and/or civil liability, where such civil liability is available and/or awarded solely because an individual or entity, with the voluntary consent of another person, (a) assists or provides support in any way to that person with having an abortion or (b) assists or provides support to a person in any way who is experiencing a miscarriage, stillbirth, or other pregnancy outcome. Lorelie Masters of the District of Columbia and Laurel Bellows spoke in favor of the resolution. The resolution was **adopted**.

[805] On behalf of the Section of Civil Rights and Social Justice, Mark Schickman of California moved Resolution 805 opposing federal, state, local, territorial, and tribal legislation and regulations that restrict the right of any individual to access contraceptives or contraceptive care. The resolution was **adopted**.

[806] On behalf of the Section of Civil Rights and Social Justice, Mark Agrast of the District of Columbia moved Resolution 806 supporting enactment of the Respect for Marriage Act (H.R. 8404, 117th Congress) or similar legislation that codifies marriage equality for same-sex and interracial couples in federal statute. Wendy Shiba of California spoke in favor of the resolution. The resolution was **adopted**.

[807] On behalf of the Section of Civil Rights and Social Justice, Wendy Mariner of Massachusetts moved Resolution 807 opposing the criminal prosecution of any physician or medical or health care provider who provides or attempts to provide an abortion, or who encourages, helps, advises, gives information to, aids, assists, or supports a patient with having an abortion. Ruthe Ashley of California and Renee Landers of Massachusetts spoke in favor of the resolution. The resolution was **adopted**.

[808] On behalf of the Section of Civil Rights and Social Justice, Beth Whittenbury of California moved Resolution 808 urging the repeal of and opposition to statutes that delegate enforcement authority to private citizens and statutes that grant monetary bounties to private citizens who seek to enforce laws so as to evade federal court review of the law's constitutionality. Patricia Lee Refo of Arizona spoke in favor of the resolution. The resolution was **adopted**.

[809] On behalf of the Section of Civil Rights and Social Justice, Robyn Shapiro of Wisconsin

moved Resolution 809 urging the enactment of legislation that protects personal reproductive and sexual health information from disclosure. The resolution was **adopted**.

Closing Business

Chair Howard recognized Kim Askew of Texas on a point of personal privilege. Ms. Askew extended her gratitude to ABA Meetings & Travel, the Policy staff and others for their work on a very successful Annual Meeting.

Chair Howard recognized Darrel Papillion of Louisiana on a point of personal privilege. Mr. Papillion welcomed members of the House to New Orleans for the 2023 Midyear Meeting.

Passing of the Chair's Gavel

At the conclusion of the meeting of the House on Tuesday, August 9, Chair Howard thanked all members of the House committees as well as the ABA Policy team, led by Alpha Brady. Chair Howard recalled the four panels on Issues Impacting the Legal Profession, and she encouraged everyone to watch those panels and take up the charges made in each program.

Chair Howard then acknowledged Palmer Gene Vance of Kentucky and warmly wished him well as the new Chair of the House of Delegates as she passed the gavel to him.

Mr. Vance recognized Chair Howard for her leadership and thanked her for her service to the American Bar Association. He expressed his gratitude for the opportunity to serve the ABA as the Chair of the House as well as his family, friends and law firm for their support.

Chair Vance recognized Sharon Stern Gerstman who then moved the House adjourn *sine die*. The motion was **approved**.