

ABA Annual Meeting, Chicago, IL  
August, 2007  
House of Delegates  
Report by  
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Illinois State Delegate

The American Bar Association's 129<sup>th</sup> Annual Meeting was held in San Francisco, California, in August.

**Speech of Justice Anthony M. Kennedy**

Supreme Court of the United States Associate Justice Anthony Kennedy received the ABA Medal for 2007, the highest honor of the organization. The ABA Medal is given only in years when the ABA Board of Governors determines that a nominee has provided exceptional and distinguished service to the law and the legal profession. Justice Kennedy was recognized for his outstanding contribution in advancing the rule of law as well as federal sentencing guidelines. It is a true inspiration to hear his acceptance speech before the House of Delegates in San Francisco. Without notes, he extemporaneously spoke for 20 minutes about what it means to be a lawyer and to uphold the rule of law in this country and elsewhere.

“The work of freedom has just begun,” he said to a hushed crowd at the Moscone Convention Center. The rule of law can be an “instrument of opportunity” for everyone around the world. He said that the members of the ABA should be, not only lawyers of America, but lawyers for America. He held back tears in thanking his family for their support in his work. To hear his entire speech, visit the ABA website at <http://www.abavideonews.org/ABA435/av.php?id=27&type=v>

Also at that website, speeches can be heard of William H. Neukom, the new President of the ABA speaking of his World Justice Project, a multi-disciplinary and multinational approach to the rule of law. In response to his initiative, the Board of Governors created the World Justice Project Advisory Commission with up to five counselors who will provide advice about and support for the Project and rule of law activities. He also will be working to build collaboration among ABA entities and other organizations. His term is building toward a summit in Vienna in the summer of 2008 of hundreds of leaders.

H. Tommy Wells, Jr., President-Elect, also addressed the House of Delegates and talked about lawyers making a difference. He said that during his tenure he intends to carry on the initiatives of previous presidents and will focus on programs and activities that are central to the core values of lawyers, particularly as they relate to strengthening the rule of law, the independence of the bar and judiciary and diversity in the legal profession.

Henry F. White, Jr., who took over as Executive Director a year ago spoke of a call to action of the legal profession. He noted that the ABA is the only institution in this country whose work touches every American every day. He said the organization will continue to strive to increase membership and nurturing leadership skills of all lawyers as well as developing forums for open debate so that all perspectives may be heard.

## **Major Resolutions Adopted at ABA Annual Meeting, August, 2007**

Many of the issues considered are before Congress and are being debated throughout the country:

\*Urged Congress to override the President's executive order of July 20 that alters the U.S. government's international obligations under the Geneva Convention regarding the treatment and interrogation of detainees.

\*Mandatory age-based retirement policies at law firms should be discontinued because they are not in the best interests of the clients or the profession. Instead, law firms should evaluate senior partners individually consistent with the firm's performance criteria. During the debate, it was noted that senior lawyers can create opportunities for younger lawyers in different ways. The resolution called for firms to voluntarily change their policies and is not meant to interfere with a firm's right to enter into contracts with its partners.

\*Voted that judicial review is necessary in civil cases when the government asserts state secret privileges. The state secrets doctrine has been used extensively throughout the country since Sept. 11, 2001. The resolution stated that a court should dismiss a case only after confidentially reviewing that the defense would be substantially impaired by the inability to use privileged evidence in its case.

\*Agreed that U.S. attorneys and career attorneys should be insulated from partisan politics in their appointment, retention and replacement as well as in the exercise of their professional judgment and discretion.

\*Urged all governmental entities to improve the administration of elections through facilitating voting by individuals with disabilities.

\*Urged Congress to act in response to a recent Supreme Court of the United States ruling on pay discrimination. The ABA policy called for the statute of limitations to run from each payment reflecting the claimed unlawful disparity of an employee rather than filing within a 180-day time limit from the first paycheck under the 1964 Civil Rights Act, as held in *Ledbetter v. Goodyear Tire & Rubber Company*.

## **Nominating Committee**

Nominating speeches were heard from all of the candidates for major offices of the ABA. William Hubbard, running unopposed for Chair of the House of Delegates, spoke, as well as three candidates for President-Elect: Carolyn Lamm of Washington, D.C., Paul Moxley of Utah, and Jim Silkenat of New York. A lively question-and-answer period followed where a great deal was revealed about the candidates and the depth of their experience with the ABA as well as their proposed platforms. The Nominating Committee will nominate the candidates at the 2008 Midyear Meeting, and the House of Delegates will vote for the nominees at next year's Annual Meeting.

It was also reported that the following officers were elected:

H. Thomas Wells, Jr., Alabama, as President-Elect (2007-08).

The Honorable Bernice B. Donald, Tennessee, Secretary-Elect (2007-08), Secretary (2008-11).

Alice E. Richmond, Massachusetts, Treasurer-Elect (2007-08), Treasurer (2008-11).

## **Board of Governors' Action at the Annual Meeting, August, 2007**

It also was reported that Richard Cassidy of Vermont and Rosemary Guiliano of Connecticut are members of the Planning Committee for ABA Day in Washington, D.C., scheduled for April 16-

17, 2008. It will mark the 50<sup>th</sup> anniversary of Law Day.

Lawrence M. Gill of Chicago was re-elected to the Standing Committee on Audit, and he was appointed by President Bill Neukom as its Chair for a one-year term. Liisa Thomas also of Chicago was elected by the Board of Governors to the Board of Trustees of the American Intellectual Property Law Education Foundation for a three-year term.

Chicago's own Thomas Howell, Jr., also is to be congratulated on being named the General Counsel of the ABA.

Thomas Hayward, Jr., was re-elected to a three-year term on the ABA Museum of Law Board of Directors.

It should also be noted that Mitchell A. Orpelt of Illinois was elected to serve on the Committee on Scope and Correlation, (2007-12).

### **Committee on Issues of Concern to the Legal Profession**

As a member of this Committee created by the House of Delegates, we have been discussing the presentation of a program at the Midyear Meeting in Los Angeles as well as the Annual Meeting in New York next year. Several ideas were discussed in San Francisco – from a single speaker to a panel, from it being an election year to Congress in recess in August. We have had a subsequent conference call to try to nail down the topic and speakers. It was decided that the Committee will pursue a debate-type format, and the topic for the Midyear Meeting will be the tension between the executive and legislative branches of government. The topic for the Annual Meeting was determined to be the growing use of subpoenas being granted to obtain reporters' sources. Committee members now are investigating many suggestions regarding moderators and speakers.

Created in 2004 to identify issues and find ways to effectively engage the House of Delegates in full debate on emerging issues of concern to the legal profession, the Committee is attempting to secure high-profile speakers. I will keep you posted as this develops under the leadership of its new chair, John L. McDonnell, Jr., of Oakland, California.

### **Standing Committee on Strategic Communications**

As Chair of the Standing Committee on Strategic Communications, we have been very busy trying to improve communications within the ABA infrastructure. The goal of the Committee is to more effectively communicate with ABA members, particularly through the ABA website, as well as keep ahead of the curve on technological advances.

Presentations were made to the Board of Governors and the Section Officers Conference on a blog policy for ABA members. The Board adopted a policy on interactive online communication that enables direct member communication through the ABA website provided certain standards are adhered to. Already, committees are communicating through list serves and blogs in order to more efficiently and effectively get their work accomplished. The Committee is planning a follow-up meeting/conference call in the fall to further develop an ABA communications plan.

### **Illinois Law Schools**

As I have mentioned in previous e-newsletters, the Illinois Delegation is interested in hosting an event for Illinois law school students that would serve as a networking mixer this fall. The purpose would not only be of a collegial value, but it would serve as demonstrating to these

students the value of the ABA.

Toward that end, we have been in touch with the Seventh Circuit Governor of the ABA Law Student Division representative, a student from John Marshall, to sit down and work with other active student members of the ABA to make this happen. If you would like to participate in organizing or hosting this event, please contact my Administrative Assistant, Rachel Baker, at 312-899-9090.

### **200<sup>th</sup> Birthday Party for Abraham Lincoln in 2009**

Prior to the Annual Meeting, the Illinois delegation met, and the bicentennial celebration in 2009 was the topic of much discussion. Many ideas came out of the meeting including a traveling exhibit, educational materials for schools and a reception at the Chicago Historical Society. The 2009 ABA Annual Meeting in August will be held in Chicago but the Midyear Meeting in February, that coincides with Lincoln's actual birthday, will be held in Boston. John Ratnaswamy of Foley & Lardner of Chicago heads the effort for that year's activities in both cities that will include a program on Lincoln as well as a resolution that will highlight Lincoln in a special way.

They would like to educate the public that year, not only about Abraham Lincoln, but about lawyers and the legal system. They are working with the federal as well as the state Abraham Lincoln Bicentennial Commission and the Abraham Lincoln Presidential Library and Museum located in Springfield.

Please contact John if you have any ideas or would like to help at [JRatnaswamy@foley.com](mailto:JRatnaswamy@foley.com)

For interesting information on the 16<sup>th</sup> President of the United States, visit:

<http://access.ncsa.uiuc.edu/Stories/Lincoln/>

It was also noted that the ABA is considering a proposal that was brought to it by the Abraham Lincoln Presidential Library and Museum located in Springfield to sponsor valuable Lincoln memorabilia. To date, the ABA has not yet made a determination as to sponsoring the collection.

As a side note, I should mention that I was appointed to the Executive Committee of the Conference of State Delegates. Nine of the state delegates from around the country sit on that Executive Committee.

### **Midyear Meeting**

Next up is the Midyear Meeting Feb. 6-12, 2008, in Los Angeles. If you have any questions, or would like to discuss any issues with me, please feel free to contact me at 312-899-9090.