

ABA Midyear Meeting, Chicago, IL
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House of Delegates
Report by
Robert A. Clifford
Illinois State Delegate

The House of Delegates had a packed agenda with many important items that embraced constitutional rights including the right to trial by jury. Among the issues voted upon include the following:

A resolution that was debated and ultimately overwhelmingly approved by the House of Delegates urged the President to seek approval by a judge in camera before engaging in eavesdropping on international telephone calls. Foreign Intelligence Surveillance Act (FISA) provides for secret courts as a response to executive abuses during the Watergate era. ABA Resolution 302 was drafted by the ABA Task Force on Domestic Surveillance, chaired by Neal Sonnett of Florida, which had bipartisan support. Those speaking on behalf of the resolution made it clear that although the president needs to fight terrorism here and around the world, the person in that office should not be allowed to do so at the expense of Americans' constitutional rights. Congress has not given the president the authority to disregard FISA or constitutional rights.

ABA delegates also voted to oppose health care tribunals, fearing that trial by jury would be replaced by "trial by doctor." Resolution 103 opposed the creation of health care tribunals that would deny victims of medical malpractice the right to present their case to a jury or to be fully compensated for their injuries. Another injustice of such tribunals involves only health care experts being involved in such a tribunal and no one with a legal background being involved to protect victims' rights. Victims would be compensated according to a standardized schedule which really amounts to caps on damages. Delegates voted in favor of justice and access to the courts over efficiency, as delegates speaking against the tribunals noted. Supporters of the resolution urged lawyers to travel to Washington, D.C. and speak to congressional representatives on ABA Day, May 3-4. Lawyers also are encouraged to meet with congressional leaders because the budget for legal services is threatened to be slashed by President Bush.

Another controversial proposal dealt with ABA dues. Despite the Section of Litigation recommending that a resolution be postponed until further study of expenditures and potential areas and programs of cost-cutting, the measure was approved by the House of Delegates. Opponents pointed out that historically a dues increase results in a loss of members. Proponents of the dues increase pointed out that, although the ABA is financially sound, it should not cut into its reserves and an additional \$23 million would be needed in order to continue the programs it currently offers.

Delegates also called for any legislation dealing with asbestos-related injured victims to be adequately represented and be adequately compensated even if a shortfall in funds occurs. The following day in Congress, a \$140 billion trust fund for asbestos victims was sent back to the

Judiciary Committee, with congressional leaders fearing that the fund would be drained and leave taxpayers liable for the shortfall as well as it violating federal budget rules. The bill was sought by many asbestos manufacturers and their insurers.

Other policy-making measures that were adopted included a package of protections that call for an overhaul of the U.S. immigration system including the right to counsel in deportation proceedings and urging the government to make it easier for refugees and asylum seekers to obtain protection in this country. Delegates also approved a resolution that supported a fair and efficient system of administering immigration laws. Delegates were sensitive to immigration reform while promoting national security.

Much discussion was held of Hurricanes Katrina and Rita and the effect on the citizens of the five states most heavily impacted. Delegates urged Congress to investigate governmental response on all levels to these disasters. Lawyers have been displaced and, although they remain stoic, they still need help. These lawyers warned everyone across the nation that disaster may visit. Perhaps now is a good time to ask Illinois lawyers and local bar presidents if their firms and organizations have a disaster plan in place. Please feel free to contact me regarding the collection, dissemination and formation of disaster plans.

If you have any questions or would like further information regarding these resolutions, please contact me or my Administrative Assistant Rachel Baker at 312-899-9090. Looking forward to seeing you at the ABA Annual Meeting in Honolulu in August.