

A Message from Bob Clifford

As a fellow Illinois attorney, I thought you might be interested in the recent activities of the American Bar Association (ABA), the largest legal membership organization in the country. As the state's delegate to the ABA House of Delegates, we discuss many important issues that impact lawyers and the profession. The following is a summary of the discussion and debate at the most recent meeting and some of the votes that took place on issues that are pertinent to Illinois lawyers as well as some of the activities of the Illinois delegation. I hope you find it informative and of interest in what you do as a practicing lawyer in the state. If you would like to learn more about the ABA and its impact on Illinois lawyers, please visit a website I have created to help keep you informed of the activities of the House of Delegates: <http://www.cliffordlaw.com/abaillinoisstatedelegate>.

The Illinois delegation met in January in Chicago and again in California in preparation for the discussion before the House of Delegates at the Midyear Meeting in Los Angeles in February.

The meetings are very productive because the delegation gets together to discuss the various issues expected to come before the House of Delegates and come to a consensus as to its stance, particularly on some controversial topics. Some members are personally involved in the debate and their insight is invaluable at this informal level. In Los Angeles, David Weiner of Ohio stopped by to speak of the "Attorney-Client Privilege Protection Act of 2007" and to ask attorneys to urge their senators to co-sponsor S.186 (the same bill, H.R. 3013, passed the House) on Law Day in Washington, D.C.

ABA Midyear Meeting

Major Resolutions Adopted at ABA Midyear Meeting

With House Chair Laurel G. Bellows of Chicago presiding over the session, the day-long House of Delegates meeting led to nearly 30 new policy measures approved, some which were marked by much debate on several interesting issues including:

- A majority of the House agreed with the Council of the Section of Legal Education and Admissions to the Bar and concurred in adopting the Standards of Approval of Law Schools concerning the sufficiency of a law school's bar passage rate. The issue apparently was initially raised by the U.S. Department of Education, and the ABA action endorsed an accrediting standard based, in part, on bar passage rates. Amidst a lively debate, proponents argued that the year-long work of the Council led to an interpretation that clarifies the various standards by which law schools can



2008 Midyear Meeting in LA

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comply with ABA standards for minimum bar passage rates.

- A model rule dealing with conditional admission to practice law, encouraging students with substance abuse problems or mental illness to seek proper treatment without fear that lack of confidentiality would jeopardize their legal careers.
- Model Rules of Professional Conduct regarding prosecutorial obligations vis-a-vis exculpatory information, calling for the amendment of Rule 3.8 of the ABA Model Rules of Professional Conduct to identify prosecutors' obligations when they know of new evidence establishing a reasonable likelihood that a convicted defendant did not commit that offense.
- In this presidential election year, the House called for independent redistricting commissions in states to try to remove the process from politically charged atmospheres. In embracing the rule of law, the resolution called for states to configure these commissions and set suitable redistricting criteria.
- The ABA unanimously supported the restoration of the rule of law in Pakistan and expressed solidarity with the Pakistani legal profession, calling on the president of Pakistan to restore the country's constitution, reinstate fired judges and justices, and release lawyers and judges who have been wrongly arrested during the country's state of emergency.
- New policies were adopted outlining legal approaches to the problem of climate change and environmental threats. The ABA urged federal, state, territorial and tribal governments to be more aware of protecting and enhancing ecosystems when approving laws, regulations and policies with due regard for economic, human and social impacts.
- Supported federal regulations to codify and improve detention standards, codifying the Department of Homeland Security Immigration and Customs Enforcement National Detention Standards. The resolution also supported improvement, periodic review and increased oversight of the implementation of detention standards to ensure that detained non-citizens and their families are treated humanely and have meaningful access to counsel and to the legal process.
- Called for strengthened legal representation on behalf of veterans of the U.S. military in assisting members of the Armed Forces to obtain the full range of health care, benefits and services to which they are lawfully entitled.
- Approved special prosecution units or the designation of a specially trained prosecutor to pursue crimes of elder abuse, neglect and financial exploitation.
- Called for new efforts by governmental entities and bar associations to assist victims of identity theft through pro bono, lawyer referral and legal aid programs.

For a thumbnail sketch of the work of the House of Delegates at the Midyear Meeting, please visit

http://www.abanet.org/leadership/2008/midyear/docs/Daily_Journal.doc.

More than 800 panel discussions, awards ceremonies, continuing legal education classes and other events were held during the meeting. To view more about the meeting, please visit the ABA's website at

<http://www.abavideonews.org/ABA496/>

Officers

Following a three-way race, Carolyn Lamm, an international lawyer in Washington, D.C., was nominated as President-Elect of the ABA. She will be considered by the

House of Delegates to become President-Elect of the organization in 2008 at the August Annual Meeting and would then become President in 2009. To hear her remarks in accepting the nomination, visit <http://www.abavideonews.org/ABA496/av.php?id=172&type=v>.

President-Elect, H. Thomas Wells, Jr., of Birmingham, Alabama, is to take over the leadership of the ABA at the close of the 2008 August Annual Meeting. He addressed the House of Delegates on his upcoming initiatives and told leaders he is looking for recommendations for appointments to various commissions and leadership roles.

The House also was addressed by many speakers including ABA President Bill Neukom who spoke of the importance of rule of law around the world. His videotaped remarks are available for viewing at <http://www.abavideonews.org/ABA496/av.php?id=169&type=v>. To read his entire speech, visit: <http://www.abavideonews.org/ABA496/media/pdf/neukomspeech.pdf>.

ABA Executive Director Henry F. White, Jr. also spoke to the group about the ABA's focus on communication and its providing an open forum for debate on programs that touch "every American every single day in every single way." He also spoke of the importance of the ABA nationally as well as internationally.



Executive Director Henry F. White, Jr. addressing the House of Delegates

His remarks can be viewed at:

<http://www.abavideonews.org/ABA496/av.php?id=177&type=v>.

Stephen N. Zack of Florida, former Chair of the House of Delegates, who has filed notice with the Nominating Committee of his candidacy for ABA President in 2010, also gave an eloquent speech about his roots and why he wanted to become a lawyer and the President of the ABA. Zack also is the 2008 Chair of the ABA Day Planning Committee.

Center for Human Rights 4th Annual Luncheon

Described by ABA President Neukom as a "hero," Alberto J. Mora, spoke on "Legalizing Cruelty: The Cost to our Nation," to a filled room when the House of Delegates broke for lunch. A captivated audience learned of the former general counsel of the U.S. Navy's experiences regarding the mistreatment of Guantanamo detainees as part of the nation's "war on terror."

He addressed the national and global impact of these policies, reminding the audience of French philosopher Albert Camus' observation that in fighting for its values, "a nation must take care that it not kill those values with the very weapons used in their defense."



Now the Vice President and General Counsel-International of Wal-Mart Stores,

Inc., Mora was the recipient of the ABA's 2006 JFK Profile in Courage Award.

Alberto J. Mora

To read Mora's entire speech, visit

http://www.abavideo.org/ABA496/media/pdf/navycounsel_OMKall.pdf.

Issues of Concern to the Legal Profession

As a member of the Committee on Issues of Concern to the Legal Profession, we met in Los Angeles to discuss putting together a panel of speakers at the upcoming Annual Meeting in New York on the issue of the use of subpoenas to disclose reporters' sources. Several possible speakers were discussed to be part of an informative and memorable program before the House of Delegates in New York this August. After a series of follow-up phone calls, we are close to securing an all-star panel. More to come as plans finalize.



Committee on Issues of Concern to the Legal Profession Meeting in LA

New Illinois Members

The Illinois Delegation welcomed a new member: Mark D. Hassakis of Mount Vernon joins the group as the Third Vice President of the Illinois State Bar Association. Welcome! The Illinois Delegation also had the privilege of welcoming Mitch Orpett to the Board of Governors as the representative of the Tort and Insurance Law Section. In the tradition of the House, the Illinois Delegation walked him to the well as the House applauded his recent appointment that takes effect in August. Congratulations, Mitch!

Standing Committee on Strategic Communications (SCSC)

As Chair of the SCSC, the ABA reviewed the work of our standing committee and found that the ABA would benefit from it having a more well-defined and increased role within the organization. We will be discussing the conclusions of the ABA's Committee on Scope and Correlation of Work (SCOPE) so that we can better facilitate the needs of the ABA as it stresses better communication both within its structure as well as through its outreach programs.

Illinois Law Schools

After working diligently with ABA law school representatives from around the state (some in person and others via conference call), the ABA Illinois Delegation hosted the first networking event for law school students, "Shaken Not Stirred," sponsored by the ABA. Braving the cold weather, students as well as lawyers and many members of the bench joined for an evening of discussion and camaraderie.



Bob Clifford introducing Justice Anne Burke



Illinois Supreme Court Justice Anne Burke was the keynote speaker, talking to the group about the importance of the organized bar. Other members of the judiciary who were in attendance were the

Illinois Supreme Court Justice Anne Burke addressing the ABA law student gathering

Honorable James Holderman, Chief Judge of the U.S. District Court, Northern District of Illinois, Eastern Division; Judges Daniel Locallo and Stuart Palmer, Cook County Circuit Court; and retired Judge James Henry of the Chancery Division of the Cook County Circuit Court.

Members of the Illinois Delegation were in attendance as well as top attorneys in their fields to discuss practice areas with law students at various stations. Feedback from those who attended was that it was a tremendous success in explaining the importance of giving back to the profession through legal organizations as well as to expose students to practitioners in areas of law in which they may be interested to practice.



Several lawyers, including C. Barry Montgomery (foreground left), speaking to students about their law practices

New Bar Admittees

In December, I again wrote the thousands of the new admittees, welcoming them to the Illinois state bar. The missive also served to inform them that ABA membership is free the first year after admission. I invited them to explore the ABA website to view all of its benefits and advantages.

Law Day, 2008

2008 marks the 50th anniversary of Law Day. President Eisenhower proclaimed the first Law Day, May 1, as a “day of national dedication to the principle of government under law.” Fifty years later, the ABA will explore this enduring principle through discussions of the meaning of the rule of law. To view information on Law Day, please go to:

<http://www.abanet.org/publiced/lawday/2008/home.shtml>

ABA Day, 2008

April 15-17 is ABA Day in Washington, D.C. This year the Section of Litigation and the Young Lawyers Division are holding their Annual Meetings in conjunction with this event. Attorneys are asked to urge their senators to co-sponsor the “Attorney-Client Privilege Protection Act of 2007” (S.186 is the same bill as H.R. 3013 that passed the House). Information on ABA Day can be found at

<http://www.abanet.org/poladv/abaday08/>.

To register to attend, please visit:

<http://www.capitolconnect.com/abacc/eventregistration/>.

The ABA Governmental Affairs Offices offers an e-newsletter that provides up-to-date information on federal legislative issues of interest to the legal profession. To view its publications, please click on:

<http://www.abanet.org/poladv/publications.shtml>

200th Birthday Party of Abraham Lincoln

The 2009 Annual Meeting will be held in Chicago and members of the Illinois State Bar Association are taking the lead in presenting programs that will be of interest to the legal community as well as the general public in marking the 200th birthday of the nation’s 16th President and the lawyer that he was.

Member Benefits

The ABA offers many discounts and member advantages that are outlined in its recent newsletter:

http://www.abanet.org/advantage/enewsletter/feb2008_1.html

Annual Meeting

If you have any questions, or would like to discuss any issues with me, please feel free to contact me at 312-899-9090. I look forward to hearing from you or perhaps seeing you at the Annual Meeting in New York, Aug. 7-10, 2008. For those of you who want to calendar next year's Midyear Meeting, it will be in Boston, Feb. 14-16, 2009.



The New York Delegation serenades the House of Delegates in its invitation to the Annual Meeting in August

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