

## 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/abailinoisstatedelegate>.

I also would like to send you a special invitation to the ABA Annual Meeting in Chicago in August, of which I am serving as Special Advisor to ABA President Tommy Wells. Please read further for more information on this exciting event.

## ABA Midyear Meeting, 2009

The Illinois delegation met in early February in Chicago and again in Boston in preparation for the discussion before the House of Delegates at the Midyear Meeting, Feb. 14-16.

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 Chicago, Illinois State Bar Association President Jack Carey presented a calendar in commemoration of the 200th birthday of President Abraham Lincoln. A beautiful laminated reproduction was given to each member of the ABA House of Delegates. [Click here to download a free calendar.](#)



Jack Carey, President of the Illinois State Bar Association, with ISBA President-Elect John O'Brien

In Boston, breakfast was a busy working meeting with several candidates stopping by to speak on their upcoming elections for offices in the ABA. Bill Robinson of Kentucky and Bill Allen of

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### Quick Links

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The Illinois Delegation meets in Boston prior to the House of Delegates Midyear Meeting.

For the first time in the history of the ABA, the work of the House was "televised" live on the internet during its one-day session Feb. 16.

The live webcast proceedings could be followed on one's computer, and all speeches and proceedings of that day can be seen here: <http://www.totalwebcasting.com/live/aba/>

The new Chair of the House of Delegates, William Hubbard of South Carolina, presided over the day-long meeting on President's Day, 2009, that led to several significant new policy measures, some of which were marked by serious debate including:

- [the most rigorous debate on two separate resolutions](#) dealt with lateral hiring by law firms and the imputation of conflicts to all other lawyers in the new law firm, an issue that takes on particular importance in these recessionary times of layoffs and lateral transfers. The debate focused on changing the current status of firm-to-firm lateral hires that prevents lawyers from representing clients who might have a potential conflict of interest without a written waiver from the client. Ultimately, by a close vote, the ABA House of Delegates agreed to ease the prohibitions on such client representation provided the lawyer undergoes prior screening to resolve any conflicts. The new language changed Model Rule 1.10 of Professional Conduct and now provides a procedure for allowing lateral hires despite a conflict provided three conditions are met: (i) if the new attorney is screened from participating in the matter of the former client's adversary and receives none of the fees derived therefrom; (ii) the former client is given notice of and is informed of its right to have the matter reviewed by a judge; and (iii) the new attorney provides his former client with a copy of the Model Rule and a description of the screen procedures being employed by his new firm. A conflict waiver from the client is not necessary under the amended Model Rule of Professional Conduct 1.10. [Click here to view the new language and accompanying comments.](#) It was a very proud moment to see lawyers from around the country embrace the issue and passionately argue for their beliefs. The orderly procedure in which the debate was conducted and the intellectual rigor of the process made one proud to be a lawyer and a member of the ABA.
- another resolution that was subject to great discussion was the adoption of comprehensive measures that attempt to reduce harm and litigation following catastrophes. With the recent disasters of flooding in the Midwest and California wildfires and, of course, the hurricanes in the South, the measures that were adopted urge broadening the availability of insurance protection for storm damage, enacting programs to increase the availability of affordable insurance,

Arkansas, candidates for President-Elect in 2010, spoke about their initiatives for the organization. Since the Meeting, Bill Allen has withdrawn from the race and Bill Robinson is running unopposed for the position at this time. See more about the candidates running for office under Nominating Committee Meeting below.

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## Major Resolutions Adopted at ABA Midyear Meeting



Live webcasting from the House of Delegates Midyear Meeting.

[Membership](#)

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[ABA Day](#)

[Federal Legislative News](#)

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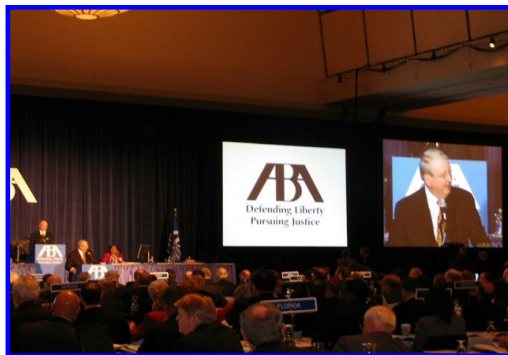
establishing federal standards for damage-resistant building codes and encouraging capital markets to finance catastrophic risk.

- [significant debate also ensued on the issue of the Guantanamo Bay](#) detainees with the House agreeing to urge the Obama administration to ensure that any detainees who are expected to be charged with crimes be prosecuted in federal district courts. The resolution also recommended that if the Attorney General certifies that the detainees cannot be prosecuted in such courts that they will be prosecuted in other regularly constituted courts consistent with due process, the laws of war, the Geneva Convention and the Uniform Code of Military Justice. The House also urged that any detainees who are no longer considered to be enemy combatants should be released or resettled, and any currently detained enemy combatants be granted prompt habeas corpus hearings with full due process rights.

To learn more about the proceedings of the House that day, visit: <http://www.abavideonews.org/ABA548/hodr.php>

### Presidential Initiatives

President H. Thomas Wells, Jr. of Birmingham, Alabama, addressed the House of Delegates on his initiatives. One of his most proud initiatives is his multi-phase "State of Diversity in the Legal Profession." The first presidential summit on this topic was held during the Boston Midyear Meeting.



**ABA President Tommy Wells addresses the House of Delegates.**

Mary Smith, currently serving as the National Native American Bar Association Delegate to the House, made a presentation before the Presidential Diversity Initiative Fact-Finding

Hearing where she spoke of Native Americans becoming citizens in 1924 and receiving the right to vote long after African Americans and women were granted that right. Some states barred Native Americans the right to vote until as late as 1948. Mary, an enrolled member of the Cherokee Nation, also spoke of the over 560 federally-recognized tribes in this country, and of how Article I, Section 8 of the U.S. Constitution recognizes the nation-to-nation relationship between the United States and tribes. She has been nominated for the Minority-At-Large representative for the Board of Governors. Mary is the first tribally-enrolled Commissioner and Chair of the Women of Color Committee for the ABA's Commission on Women in the Profession. The Illinois delegation escorted Mary to the well of the House, welcoming her in her new position.

The Hon. Michael B. Hyman, also a member of the Illinois Delegation, presented written remarks to the presidential summit as Chair of the Lawyers Conference of the ABA Judicial Division which will discuss the subject more in depth at an expanded roundtable during the Annual Meeting in Chicago this August. He wrote that, "the perception is that our legal system fails people of color. And this perception should not be underestimated."

Other regional hearings will be held in various cities across the country including in Atlanta, Georgia, on March 18, and in San Francisco, California, March 25. Members are encouraged to fill out a survey at [www.abanet.org/diversity/summit/](http://www.abanet.org/diversity/summit/). For further information, please visit [www.abanet.org/diversity](http://www.abanet.org/diversity) or contact the ABA Diversity Center at [diversity@staff.abanet.org](mailto:diversity@staff.abanet.org) or 312-988-6086.

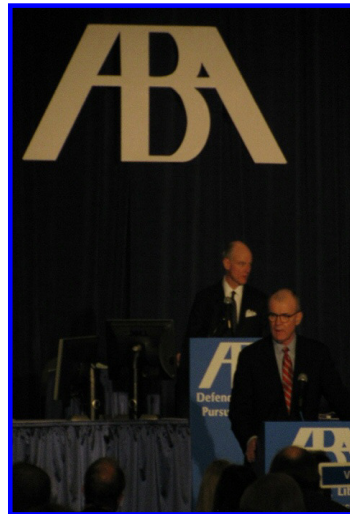
President Wells also is focusing on Women of Color Research. Three fundraising

receptions will be held throughout the country this year in a commitment to both a diverse work force and the eradication of barriers. This phase of comprehensive research on women of color in the profession is a first-of-a-kind study of women of color in corporate and governmental settings. The project is seeking fundraising support from law firms that would like to serve on the host committee for a reception. The first one will be held in Washington, D.C., Tuesday, April 21, at 5 p.m. at White & Case, 701 Thirteenth St., N.W., and will be honoring President-Elect Carolyn Lamm. The second reception will be held in Chicago at Jenner & Block, 330 N. Wabash, at 5:30 p.m. May 27, honoring ABA President H. Thomas Wells, Jr.; Michele Coleman Mayes, Vice President and General Counsel of the Allstate Corporation; and Anita Alvarez, newly elected Cook County State's Attorney in Chicago. A third reception will be held in June at the New York law firm of Edwards Angell Palmer & Dodge, LLP, 750 Lexington Avenue.

To view Tommy Wells' speech before the House of Delegates [click here](#).

## Speeches

ABA Executive Director Henry F. White, Jr., also spoke to the group about the ABA's activities, particularly in the area of marketing and membership. He said that the key ways to recruit new members is through one-on-one, person-to-person recruiting and in academia. He spoke of the increased need for communications, a priority of his job, particularly in these times of economic struggle that the ABA faces and will face. Please visit: <http://www.abavideo.org/ABA548/av.php?id=328&type=v>



ABA Executive Director Hank White speaks in Boston.



President-Elect Nominee Steve Zack graciously accepts the nomination.

Stephen N. Zack of Florida, former Chair of the House of Delegates and the

first Latino nominated for the top ABA post, was named President-Elect Nominee for ABA President in 2010. He spoke of the "difficult times" for Americans and for the profession, and that liberties and fundamental rights will be challenged. He spoke of his concern of the lack of funding for the judiciary. He also said that every lawyer must go to their school

boards and legislatures to insist that civics be taught in the schools so that children understand their government. To view his speech, please visit: <http://www.abavideo.org/ABA548/av.php?id=330&type=v>

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## Treasurer's Report/ABA Member Benefits

A very effective presentation was made by Treasurer Alice E. Richmond updating the House of Delegates and all watching via the web about the benefits of the ABA. As of Aug. 31, 2008, Richmond reported that ABA revenues exceeded expenses by \$3.9 million. The "current turmoil in the financial markets caused moderate losses to the Association's long term investments," according to

Richmond. The goal, she said, is to maintain dues pricing for a fifth year. She pledged increased transparency and understandability of the ABA's financial reports and encouraged feedback and ideas.

She said in the coming year, she intends to focus on non-dues revenue which means the plethora of products and services that some members simply aren't taking advantage of. Of note, is the ABA Journal which can be received free online at [www.abajournal.com](http://www.abajournal.com).

She quoted some famous people in history:

John D. Rockefeller who said, "I always tried to turn every disaster into an opportunity," and Winston Churchill who said, "Success consists of going from failure to failure without loss of enthusiasm." To view this important presentation to see how your membership can work for you, please visit: <http://www.totalwebcasting.com/live/aba/>



**ABA Treasurer Alice Richmond updates the House of Delegates and web viewers about the benefits of the ABA.**

## "America's Greatest Lawyer - Abraham Lincoln in Private Practice and Public Life"



**Former U.S. Solicitor General, Walter Dellinger III, talks about Abraham Lincoln.**

Other speeches made to the House of Delegates included an exciting presentation by Walter E. Dellinger III, the former U.S. Solicitor General, who commemorated the 200th birthday of Abraham Lincoln with, "America's Greatest Lawyer - Abraham Lincoln in Private Practice and Public Life." Despite being a man marked by melancholy, Lincoln handled more than 2,000 cases in court, including hundreds in the Illinois Supreme Court and in federal courts. Sleeping two to four to a bed, and sometimes sleeping in a single bed with an adversary or perhaps even the judge, lawyering conditions then were

obviously much different than now. His move from lawyering to public life was seamless, Dellinger said. Lincoln's candor, directness, persuasiveness, ability to frame the context of the issue and accomplish an objective where many parties are involved and put them in a better place were among his attributes, according to Dellinger.

## Chief Justice Margaret Marshall's Speech

Another presentation of interest was the remarks by Chief Justice Margaret Marshall, President of the Conference of Chief Justices and 23rd Justice of the Massachusetts Supreme Judicial Court, the oldest court in continuous existence in this country. In her "State of the State Courts" address, the first of its kind before the House of Delegates, Justice Marshall said, having grown up in South Africa, she understands the importance of the rule of law. Justice there was not blind, she said, "It was a stacked deck." She

emphasized the need never to take for granted the independence of the judiciary. She spoke of troubling developments in state courts: inadequate funding, the lack of access to justice for all and the politicization of state judiciaries in judicial campaigns and electioneering that involves special interest groups pledging money to judges in multi-million dollar elections. She spoke of New Hampshire temporarily shutting down its courthouses for lack of funding and 25 other states looking into doing the same. All of this particularly matters because of the public's perception of its government, she said. She called the ABA one of the "staunchest allies" in trying to fortify the independence of state courts. To hear her address, please visit:



**Chief Justice of Massachusetts Margaret Marshall speaks to the House.**

<http://www.abavideo.org/ABA548/av.php?id=326&type=v>

### Nominating Committee Meeting



**David Weiner of Ohio speaks to the Nominating Committee.**

The Nominating Committee met to hear some very important speeches because the future leaders of the ABA spoke in what will be some hotly contested races in upcoming elections. David Weiner of Ohio and Linda Klein of Georgia are both vying for Chair of the House of Delegates in 2010, a two-year term. Weiner, who has been involved in the ABA for 25 years including as a member of the House of Delegates since 1981, told the Nominating Committee how he has held numerous positions and has spoken in the well of the House on many important issues. He said that

his involvement with the ABA "is a good way to give back to the profession." Through his extensive legal work and pro bono efforts, he billed himself as a consensus builder in the ABA.

Klein, former Chair of Rules and Calendar for the House of Delegates, said she has held a total of 16 positions in the ABA. She also received the ABA's prestigious Margaret Brent Award in 2004. She is Managing Partner at her law firm. She talked of her grandfather who taught her "where I have been, where I am going and who I am."

The position of President-Elect in 2010 initially was contested with William Allen of Arkansas and William Robinson of Kentucky giving speeches on their credentials. About two weeks after the meeting, it was announced that Bill Allen withdrew his name, so at this time, Robinson is running unopposed. He spoke to the Nominating Committee about his ancestry, weaving a fascinating metaphor of his grandfather, a tailor, who used measurements, fabric and thread to help him learn the dignity of hard work. As a former seminarian, he said he has been dedicated to the service of others for a long time. He did not speak of new presidential initiatives - instead, he said he was interested in building on the work that already is in place. He said he wanted to focus on working closely with local bar associations and recruit



**Bill Robinson speaks to the Nominating Committee about his candidacy for President-Elect in 2010.**

members for the ABA for the many different opportunities that are available nationally. He had "no silver bullet" as to membership concerns, but he would address affordability of the ABA.



**Lucien Pera of Tennessee speaks to the Illinois delegation on his candidacy for Treasurer in 2010.**

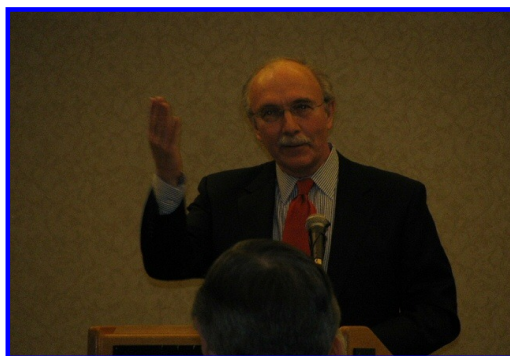
Lucien Pera of Tennessee, who calls himself "an optimist," is running unopposed thus far for Treasurer in 2010. He has experience as Chair of the Finance Committee.

The position of Secretary is contested in a three-way race between David Houghton of Nebraska who has worked on many ABA committees over the years, Honorable Cara Lee Neville of Minnesota who has been a member of the House of Delegates since 1986 and held many positions including Chair of the Coordinating Council of the Justice Center, and Pauline Weaver of California who

described herself as a "problem solver and healer." She said one of the more memorable lines of the meeting when Weaver, an Assistant Public Defender, and her sister, an FBI agent, quip to people: "She arrests the innocent and I get off the guilty."

## Center for Human Rights 5th Annual Luncheon

"Human Rights in a New Administration" was the topic of discussion at the Center for Human Rights 5th Annual Luncheon. Jeff Shattuck, Chief Executive Officer of the John F. Kennedy Library Foundation and Senior Fellow and Lecturer at the College of Citizens and Public Service at Tufts University, was the keynote speaker. Shattuck has an impressive background that includes serving as a lecturer at Harvard and being involved in major civil rights and civil liberties issues during the Nixon, Ford, Carter and Reagan administrations. He also served as Assistant



**Jeff Shattuck is the distinguished speaker at the Human Rights luncheon.**

Secretary of State for Democracy, Human Rights and Labor from 1993-98 where he played a leadership role in the efforts to end the war in Bosnia among other international accomplishments in human rights. At his luncheon speech he talked about how the Obama Administration can work to address the country's commitment to human rights and the rule of law as economic issues push it off the national agenda because the country "needs moral leadership." He spoke of how the United States can return to a path of human rights leadership at home and abroad, particularly with the country's position being questioned since the Sept. 11, 2001 terrorist attacks on home ground. He suggested returning to basics - the rule of law and the Geneva Convention. He also called for lifting the "veil of secrecy" and to go after terrorism as "a crime against humanity." To view his speech, please see: <http://www.abavideo.org/ABA548/av.php?id=327&type=v>

## New Illinois Members

The Illinois Delegation welcomed three new members: John Locallo joins the group as the Third Vice President of the Illinois State Bar Association. Also joining the group are two law student representatives: Caitlin Fitzgerald of Loyola University School of Law, the Board of

Governors representative, and Caitlin Groh of John Marshall Law School, the Law Student Division representative. They attended a lunch in Boston where they were educated on the House of Delegates' rules and procedures. Welcome!



ABA President Tommy Wells (center) stops for a moment at the Conference of Section and Division Delegates Reception with John Locallo (left) of Chicago and Mark Hassakis of Mount Vernon, members of the Illinois Delegation.

## Law School Initiative for New Members



Bob Clifford with Illinois Law Student Delegates Caitlin Fitzgerald and Caitlin Groh (right).

Bob

Clifford appointed Illinois State Membership Chairs, Gina Arquilla of Arquilla & Fink and Courtney Marincsin of Clifford Law Offices, to work as part of an ABA initiative encouraging law students to join the ABA. Currently, there are nearly 7,000 law students in Illinois and only about 2,000 are members. Mr. Clifford created the notion of ABA Day at the Law Schools as a way to increase ABA visibility

among students as well as provide networking with ABA members. He has pledged to pay the dues for all non-member students who attend the programs offered that day and decide to join. The first annual ABA Day will be held April 8 at Northern Illinois University Law School. Lawyers are encouraged to attend the program that is meant to help students with mentoring and their legal careers. If interested, please contact Rachel Baker at Clifford Law Offices at [rbaker@cliffordlaw.com](mailto:rbaker@cliffordlaw.com). Also, John Marshall Law School is sponsoring the first annual "Professionalism and Leadership in the Law Week" beginning Monday, March 30. The week will promote ABA membership and involvement.

## Standing Committee on Strategic Communications (SCSC)

Bob Clifford serves as Chair of the SCSC which has been actively trying to improve communications within the organization as well as with its members. In the last few months the group is working with the staff and officers of the ABA in improving communication both within the organization as well as reaching out to its current members as well as to possible new members. A policy was unanimously adopted by the Conference of State Delegates that will officially allow state delegates to send email communications to its members, like this one.



Bob Clifford addresses the Conference of State Delegates.

## New Bar Admittees

Bob Clifford again is in the process of writing letters to the approximate 1,800 new admittees, welcoming them to the Illinois state bar. The missive also serves to inform them that ABA membership is free the first year after admission. He invites them to explore the ABA website to view all of its benefits and advantages.

## Judge Advocates Free Membership Offer

Active-duty Judge Advocates who have been licensed to practice law five years or less are eligible for a free membership in the ABA. The membership also allows them to enjoy participating in ABA member groups and programs that are geared toward military and government lawyers and the challenges they face; career transition programming; access to ABA Career Counsel resources including resume and interview tips, job listings and articles; online and in-person networking opportunities; continuing legal education courses on a range of topics with many format options to choose from including online, in person, teleconference and webcasting; free subscriptions to the ABA Journal, the e-Report, and the e-newsletter, Your ABA. Judge Advocates are encouraged to go to the ABA website and join for free: [www.abanet.org/join/jag](http://www.abanet.org/join/jag)

If you have already joined and are due a refund, please call the ABA Service Center at 800-285-2221.

## Law Day, 2009

May 1, 2009, marks Law Day throughout the country. President Eisenhower proclaimed the first Law Day in 1948 as a "day of national dedication to the principle of government under law." This year's theme is, "The Legacy of Liberty: Celebrating Lincoln's Anniversary" which is meant to encourage citizens to commemorate this quintessential lawyer-president and appreciate the nation's legacy of liberty. To view information on Law Day, please go to: [www.abanet.org/publiced/lawday/2009/home.shtml](http://www.abanet.org/publiced/lawday/2009/home.shtml)

Illinois State Bar Association President Jack Carey presented a replica of the bronze bust of Lincoln to President Wells for the ABA Law Museum in Chicago. American artist, John W. McClarey, created the vision of Lincoln entitled, "Prairie Lawyer, Master of Us All" that will stand forever in the Supreme Court Building in Springfield. Other replicas are placed in special areas of recognition including the law schools throughout Illinois to remind students of the work of Lincoln the lawyer.

## ABA Day, 2009

April 21-23 is ABA Day in Washington, D.C. Members are urged to contact their congressional representatives on issues that directly impact them, their clients, the legal profession, bar entities and the administration of justice. Laurel Bellows of Chicago is the Chair of the ABA Day Planning Committee. Please consider joining President Wells and your fellow ABA and state and local bar leaders for this annual "lobby day." They will be staying at the Hyatt Regency in the nation's capital. To register to be a part of this important effort, please visit: [www.abanet.org/poladv/abaday09/](http://www.abanet.org/poladv/abaday09/). For questions, please contact the Director of the Grassroots Operations/Legislative Counsel, Julie Strandlie, in Washington, D.C., at 202-662-1764.

## 200th Birthday Party

One of the highlights of the Midyear Meeting was the appearance of "Abraham Lincoln." The look-alike actor read an "updated" version of the Gettysburg Address inviting all members to the Annual Meeting in August in Chicago, commemorating the 200th anniversary of the 16th president of the United States. Various programs will be offered during this Meeting marking this historic event.



**"Abe Lincoln" and the Illinois Delegation invite the House of Delegates to Chicago's Annual Meeting.**

## 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 July 30-August 4, 2009, in Chicago, of which I am serving as Special Advisor to President Tommy Wells. Here's a link that may be of interest to you: <http://new.abanet.org/annual/default.aspx>. For those of you who want to calendar next year's Midyear Meeting, it will be in Orlando, Florida, Feb. 6-8, 2010.

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By selecting the link below, you can update your demographic information or unsubscribe to the e-Newsletter and any additional information that I will publish from time to time regarding ABA activities that impact you and your law practice. {{user ('unsubaddr')}}

Thank you.

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