

State Delegate of Illinois, Robert A. Clifford



## A Message from Bob Clifford

In the spirit of communicating with the members of the ABA throughout Illinois, I have decided to institute an e-Newsletter that I will be sending you from time to time. This inaugural issue wraps up the lively debate that was held during the House of Delegates Meeting. Many controversial issues were discussed and much progress was made on important issues that impact all of us. I hope that you will find it interesting and informative. The next meeting of the ABA House of Delegates will be at the ABA Midyear Meeting in Miami, Florida, Feb. 7-13, 2007. I am looking forward to seeing all of you at next year's ABA Annual Meeting, San Francisco, California, Aug. 9-14, 2007.

## Report on ABA Annual Meeting

House of Delegates, August, 2006, Honolulu, Hawaii

The House of Delegates met in Hawaii, a meeting sparked by much debate and lively discussion on a number of topics. I have summarized the actions of the major issues below. Also of note, Laurel Bellows accepted the gavel of the House and will serve as Chair of the House of Delegates for the next two years, the first person from Illinois to be elected to an association-wide office in more than 30 years. Congratulations to Laurel, and we will help our Illinois native in whatever ways possible.

## ABA Treasurer Election

Also, it should be noted that Illinois candidate James Baird is running for Treasurer of the American Bar Association. He is a member of the ABA Finance Committee and is running on the platform that he is not seeking any higher office, but, rather seeks to do the best job possible in streamlining the finances of the 400,000-member organization. He is a fine candidate and will make an excellent treasurer. He is dedicated, honest and sincere. He is an asset to the profession and would be a tremendous asset to the organization.

## New ABA Executive Director

The 2006 Annual Meeting also marked the naming of a new Executive Director, Henry F. White, Jr., effective Oct. 1. He succeeds Robert A. Stein who served in that position for 12 years. White was hired following a year-long national search. He is a retired Rear Admiral in the U.S. Navy Reserve and is the current President of the Institute of International Container Lessors, a worldwide trade association. ABA President Michael Greco called White a leader with vision and versatility.

## Abraham Lincoln's 200th Birthday Party

Also of note: I am very excited to let all Illinois ABA members know that 2009 will be a very special year in our state, marking the 200th anniversary of the birthday

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of Abraham Lincoln, 16th President of the United States. John Ratnaswamy of Foley & Lardner in Chicago has graciously agreed to chair the committee and already numerous enthusiastic ideas are being investigated to celebrate the occasion under the banner, Unity, the Rule of Law and Abraham Lincoln.

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

I also am pleased to announce that I have been appointed by the newly inducted ABA President Karen Mathis of Denver as the Chair of the Standing Committee on Strategic Communications. This Committee is the oversight entity with the responsibility to improve the communications between the organization and its 400,000 members through developing priorities and goals as well as coordinating and assisting in integrated communication messages, plans and strategies. The ever-changing technology landscape weighs heavily in the Committee's outreach work in the message-driven organization.

### **Pro Bono Initiatives**

The House of Delegates meeting in Hawaii was marked by a renewed concern for pro bono as well as access to justice, the erosion of the attorney-client privilege and the rule of law in this country. The concern for the state of the legal profession also was apparent in heated debate in the House calling for stronger language requiring law schools to afford equal opportunity and diversity for students.

### **Signed Statements**

In what was probably the most controversial measure approved, the House of Delegates voiced their opposition to the presidential practice of misusing signing statements that allows the executive branch of government to ignore or dilute legislation just signed into law or to interpret the new laws in ways that Congress did not intend. In the past, presidents had used such signing statements to explain the purpose or significance of the law, but it was noted that President Bush, who has used them more than all presidents combined some 800 to that date is using them as an improper veto to avoid judicial review of the constitutionality of a provision. The resolution urges Congress to pass legislation that would require the president of the United States to submit signing statements to it along with an explanation of the legal basis for objections to the legislation.

### **In other action, the House:**

- Supported strengthening of the attorney-client privilege by urging the Securities and Exchange Commission and other relevant organizations to ensure that communications between lawyers and their clients as well as lawyers' work product remain privileged when companies' financial records are being audited.
- Called on courts to work with bar associations and other legal entities to encourage pro bono representation of indigent parties in civil cases as well as encouraging licensing entities to adopt practice rules that would establish guidelines to allow pro bono legal service by retired or otherwise

inactive lawyers under the auspices of qualified legal service or other non-profit programs.

- Urged law schools to insist that law firm employers disclose their pro bono policies and practices during recruitment.
- Called for all lawyers from corporate law departments to governmental agencies, from military law offices to sole practitioners at all levels to participate in pro bono and public service activities and to adopt specific internal policies and procedures to support such work.
- Urged federal, state and territorial jurisdictions to provide legal counsel as a matter of right at public expense to low income persons in proceedings involving basic human needs such as shelter, sustenance, safety health or child custody matters.
- To lessen the attrition of minorities in law schools, the House urged bar associations to work with bar examiners and schools at all level to implement programs and address significant problems so as to enable minority students to be successful lawyers.
- Urged federal and state courts to adopt consistent rules to govern the scope of required disclosures for discovery of testifying experts and their reports and that draft reports of experts and attorney-expert communications related to the report be protected from discovery.
- Urged federal and state courts to adopt consistent rules to address how the courts and counsel should resolve issues involving claims of inadvertent disclosure of materials protected by the attorney-client privilege or work product doctrine.

## **Congratulations to Michael Greco on an Outstanding Year**

Outgoing President Michael Greco's speech underscored his proactive year and his leadership initiatives coming to fruition including the rule of law, the separation and balance of power, due process, secret surveillance, pro bono service and other issues that define us as a profession and as a nation. The meeting addressed these important issues with courage, bipartisanship and without equivocation. We look forward to 2006-07 under the leadership of Karen Mathis to be just as productive, particularly in these times when the liberty and security of our nation's citizens are being called into question every day and the profession is being challenged by some very difficult questions.

For a full report on the ABA Annual Meeting, please check out the latest news on the ABA's Press Room at <http://www.abanet.org/media/>.

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. Thank you.