

State Delegate of Illinois, Robert A. Clifford



A Message from Bob Clifford

The Illinois delegation met in January in Chicago and again in Florida, in preparation for the discussion before the House of Delegates at the Mid-Year Meeting in Miami in February.

ABA Mid-Year Meeting

Major Issues Discussed

The most significant issue approved at the Meeting was the revision of the Model Code of Judicial Conduct. In 2003, then ABA President Dennis W. Archer, Jr., announced the appointment of a commission to review the ABA's model ethics codes for judges. The revisions that had been discussed in committee for years were intended to clarify guidance on the professional and personal conduct of judges and to assure the public that effective standards exist to regulate that conduct. With the theme, "integrity, independence and impartiality," the House updated the code regarding the political activities of judges, the permitted conduct for judicial election candidates, the acceptance of gifts and the prohibition of judges making pledges or commitments regarding cases that are before them. After much debate, the Commission's work constitutes the most sweeping effort since 1990 to change the Model Code which is widely followed by the states. In other action, the House urged Congress to take immediate action to enact a substantial pay increase for the federal judiciary, a resolution of which the Illinois State Bar Association was a co-sponsor.

The House of Delegates also adopted a range of policies on criminal justice including more effective criminal sanctioning. The House adopted a resolution that encouraged jurisdictions to develop community supervision programs that allow all but the most serious offenders to avoid incarceration and conviction records as well as meaningful graduated sanctions for violations of probation or parole. Another resolution adopted urged state agencies and licensing boards to develop and enforce a policy that would more easily re-integrate offenders into society, including contractors and vendors who do business with the state.

Still reeling from the effects of Hurricane Katrina and Louisiana still operating under emergency pro hac vice procedures, the House addressed not only the needs of clients who had difficulty securing pro bono service from out-of-state lawyers, but also lawyers who had their records destroyed or were forced to be displaced for months in the wake of the disaster. The House provided guidance for lawyers to practice in another jurisdiction following an emergency based on a model rule introduced by the ABA Task Force on Hurricane Katrina.

Answering a need for legal assistance for military personnel, the House reaffirmed its policy urging Congress to make mandatory the provision of civil legal assistance to all

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low-income active-duty service members and their dependents. The House also urged federal, state and local lawmakers to respond to the increasing social and family needs of the children of deployed American military members.

The House also urged states to enact "apology legislation" that would allow medical providers or their staffs' apologies for "unanticipated outcomes" of medical care (relating only to pain, suffering or death) to be inadmissible as evidence of an admission of liability. After hearing from Cheryl Niro of Illinois speak in support of the resolution on the "incredible healing power of sorry and words of compassion," the House voted to adopt the resolution in the hope that such an act would improve the delivery of health care by the medical profession.

The Commission on Homelessness and Poverty and the Commission on Mental and Physical Disability Law co-sponsored a resolution that opposed the implementation of laws and policies that punish persons experiencing homelessness for carrying out life-sustaining practices or acts in public spaces when no alternative private areas are available. Such conduct includes eating, sleeping and seeking shelter. The House of Delegates approved the resolution and urged the legal community to recognize the problems faced by homeless people and called for national, state, territorial and local bar associations to work in cooperation with the courts, lawmakers and advocates to revise laws and policies recognizing these problems of the homeless.

In support of the rule of law and equal access to justice, the House of Delegates also approved a resolution that promotes pro bono service assisting people embracing unpopular causes. This resolution stemmed from the recent controversial statements of former Deputy Assistant Secretary of Defense for Detainee Affairs Charles Stimson who condemned lawyers providing pro bono legal services for Guantanamo Bay detainees. The ABA was among the first to respond to these outrageous remarks. At that time, I wrote an article that was published on the Editorial Page of the Chicago Tribune. To view this article, please see <http://www.cliffordlaw.com/news/attorneys-articles/robert-clifford-pens-article-for-chicago-tribune-on-detainees>. The ABA resolution not only commended lawyers who provide legal services to disfavored individuals and groups, it urged public education efforts to explain the vital service these lawyers perform under the American system of justice.

New Officers

The new officers who were approved by the Board of Governors for the year 2008-09 are as follows:

- H. Thomas Wells, Jr., of Alabama, President-Elect Nominee (one-year term)
- The Honorable Bernice B. Donald of Tennessee, Secretary-Elect Nominee (three-year term)
- Alice E. Richmond of Massachusetts, Treasurer-Elect Nominee (three-year term)

The House of Delegates will vote on all nominations in August at the 2007 San Francisco Annual Meeting.

We also heard speeches from the three candidates seeking the nomination for ABA President-Elect (2008-09), Carolyn Lamm of Washington, D.C., Paul Moxley of Utah and James Silkenat of New York. William Hubbard of South Carolina is seeking the Chair of the House unopposed for that year. If elected, they would serve in 2009 - 2010. At next year's Mid-Year Meeting in Los Angeles, the Nominating Committee will decide on which candidate to put forth to the Board of Governors and the membership. For a detailed report of the Mid-Year Meeting, please visit: <http://www.abanet.org/media/youraba/200702email/index.html>.

The House also was addressed by many eloquent speakers including ABA President Karen J. Mathis, who opened the proceedings, as well as Past President Michael Greco who, to a standing ovation, eulogized Father Robert Drinan, recipient of the highest form of recognition to American jurisprudence, the ABA Medal. The group also was fortunate to hear from the United Kingdom's Attorney General Lord Peter Goldsmith who stressed a respect for the rule of law.

Standing Committee on Strategic Communications

As many of you may know, I was appointed by ABA President Karen Mathis to Chair the Standing Committee on Strategic Communications. 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. Toward that end, the Committee has met to discuss various communication strategies that could be implemented to enhance that goal. In particular, the Committee is looking into the following:

- a new general policy on interactive web communications including blogs to ensure consistency throughout the ABA and to provide procedural guidance to the organization's diverse entities.
- a feature that would be posted on the ABA home page, inviting members to comment on a topic that draws from multiple sources. The goal would be to promote member discussion as well as build a sense of community and education.
- creation of a discussion board within the House of Delegates on the proposed revisions to the Judicial Canon, including an on-line chat for House members. The House of Delegates discussion board has been created and was used prior to the House of Delegates meeting in Miami.
- more timely and easier means to get information on the Mid-Year and Annual Meetings through a prototype electronic newsletter.
- expansion of use of streaming audio and video on the web year round.
- e-polls.
- a presidential column that can solicit members' opinions.
- expanded use of online chats that would allow members to converse directly with ABA leaders and experts on specified topics.
- explore expert panels to discuss hot topics on the law on interactive blogs or discussion boards.

The Committee plans a follow-up meeting in April.

Issues of Concern to the Profession

I also serve on the Issues of Concern to the Profession Committee. After numerous emails and conference calls, we met in Miami to discuss putting on a program at the Annual Meeting in August. Several excellent ideas were put forth and names of possible panelists. For example, court packing and the ramifications of how the next president can influence the Supreme Court of the United States, immigration and attorney/client privilege, the rule of law and the role of lawyers, the legal rights of returning servicemen and servicewomen including family law issues, the tension between civil liberty and security in light of the Stimson attack, unilateralism versus multi-nationalism, the death penalty.

In the next few weeks, we intend to decide upon a timely topic and will submit it for consideration in San Francisco.

New Illinois Members

A reception was held for the new members of the House of Delegates. I am proud to say that all three of our newest members, Aurora Austriaco, John O'Brien and Mary Smith, attended the informative event in Miami. With Illinois' own Laurel Bellows, Chair of the House, and others, they were guided through what to expect in the days and years to come. Welcome.

Reception for ABA Executive Director

In other ABA news, I am pleased to inform you that the Illinois Delegation sponsored a reception in November at the Chicago Club for the new ABA Executive Director, Hank White, Jr. He addressed the House of Delegates in Miami, outlining his agenda for the organization. He clearly is a tremendous addition to the ABA, and we look forward to working with him in the years to come in advancing the mission of the organization.



Laurel Bellows, the newly-inducted Chair of the ABA House of Delegates, was on hand to greet White, a retired Rear Admiral in the U.S. Navy Reserve.

New Bar Admittees

In December, I took it upon myself to write the thousands of the new admittees to the Illinois state bar. Not only did the letter congratulate them, it also served to inform them that membership is free the first year after admission. I invited them to explore the ABA website to view all of its benefits and advantages. As a result, a handful have subscribed to this e-newsletter, and we will try to monitor if there is a spike in membership in our state.

Illinois Law Schools

After organizing a meeting with ABA law school representatives from around the state (some in person and others via conference call), I have learned that many of the Illinois law school students are very anxious to be active in the ABA. Justice Anne Burke attended the meeting and spoke about the importance of the organized bar. She pointed out that although the Young Lawyers' Division is free and the first year of

membership as a lawyer to the ABA also is free, law students pay an annual fee of \$20.

Laurel Bellows, Chair of the House of Delegates, also met with the group, some traveling from out of town. Her inspirational talk of her involvement with the ABA and its important work, particularly in revising the Model Judicial Code, was very informative for the students who said they would like to hear from other members to learn more of the bar association and its benefits. The question of dues also was raised.

It appears, first and foremost, they are interested in networking possibilities with other ABA members. Towards that end, I am trying to set up a networking reception for members and students. I will send you more specific information as that becomes available. If you are interested in being a part of the planning process or attending, please contact me. Also, I have been invited to speak at Northern Illinois Law School by the ABA student representative which I hope to accommodate sometime during this school year.

The law student ABA representatives also voiced their concern that no continuity exists from year to year with ABA representatives who act as liaisons to the ABA for the law schools. We have begun identifying professors at each law school who are ABA members who can help us solve this difficulty. Also, I am seeking members who might be interested in reviewing law students' resumes as they venture into the job market. Please contact me if you are interested in polishing the curriculum vitae of some of the law student members.

ABA Day, 2007

ABA Day in Washington will be held April 18-19. Congress will be considering legislation that directly impacts all of us as well as our clients and the profession. Please consider attending. You can register online at <http://www.abanet.org/polady>. For any questions, please contact Julie M. Strandlie, Director of the Grassroots Operations at 202-662-1764 or jstrandlie@staff.abanet.org. This year's ABA Day Planning Committee Chair is Stephen N. Zack.

Speed Networking

Also of note is the "speed networking" event hosted by the ABA Section of Litigation in October. Many young attorneys attended and had the opportunity to speak with many others in a short period of time as they literally dashed from table to table in the timed event.

I spoke at the meeting, addressing the importance of networking among colleagues and membership in bar associations that promotes this aspect of the profession.



Bob Clifford speaking to the attendees about the importance of networking in the profession

200th Birthday Party

I also want to point out that work continues on the 200th anniversary party marking

the birth of Abraham Lincoln in 2009. The 2009 Annual Meeting will be held in Chicago and John Ratnaswamy of Foley & Lardner LLP of Chicago chairs the Committee to head that special event. His volunteer committee includes: Tim Bertschy, Joe Bisceglia, Bob Craghead, Bob Downs, Keith Fruehling, Bill Hannay and Cheryl Niro.

The Committee is looking into the possibility of using the event to educate the public, not only about Abraham Lincoln, but about lawyers and the legal system. The members 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. Governor Rod Blagojevich appointed a Bicentennial Coordinator who will be overseeing Illinois' efforts to celebrate Lincoln's 200th birthday in February, 2009. For a list of the Illinois Commission members please visit: http://www.alplm.org/news/apr19_06.html.

Please contact John if you have any ideas or would like to help at JRatnaswamy@foley.com. For interesting information on the 16th President of the United States, please visit: <http://access.ncsa.uiuc.edu/Stories/Lincoln/>.

ABA Treasurer Election

As many of you may know, James Baird, an Illinois member, ran a wonderful campaign for the position of Treasurer of the ABA. As qualified as he is as a member of the Finance Committee for years and then being appointed its Chair, Jim unfortunately was not successful in his bid. Over the years, Jim has worked hard to try to streamline the budget of the 400,000-member organization. He believes in careful and conservative budgeting. Nonetheless, it does not detract from Jim's many accomplishments including his authoring or editing five books for the ABA which brought in more than \$100,000 for which he took no compensation or expense payments. At the same time, we congratulate the Nominating Committee's choice for Treasurer, Alice E. Richmond.

Perception Study

When I served as Chair of the Section of Litigation in 2001-02, I commissioned a study on the public perception of lawyers. The results of that comprehensive study can be found at <http://www.CliffordLaw.com/abailinoisstatedelegate>. As a follow-up, I also thought it important as trial attorneys to understand how the public views the judicial system at this point in time. Again, I commissioned Leo J. Shapiro and Associates, a national research firm based in Chicago, to conduct a study in September, 2006. It confirmed many beliefs that I have long held and dispelled many of the myths surrounding the civil justice system. For example, although it is not wise to pigeonhole people, it is undeniable that people's beliefs fall into general categories.

The national study surveyed 516 United States households. Overall, the study concluded that, "We are less a nation divided than a nation conflicted. We agree on far more than we disagree, but we are not always internally consistent in our beliefs." For example, many people believe in corporate responsibility at the same time they believe in personal responsibility. Americans worry about the number of medical malpractice lawsuits at the same time they believe that these same lawsuits are necessary to prevent medical mistakes. The issue at trial becomes trying to sort out

these conflicting beliefs and find jurors who will understand the facts of your case and embrace your position, while at the same time holding true to their vision of reality.

As a result of a series of questions ranging over a number of issues, the research uncovered that Americans can be divided into four major segments based upon their attitudes towards lawsuits, corporations, health care, and personal responsibility. Understanding these four groups helps, not only in the questions to ask the venire, but also in determining how to deselect one's jury. Most importantly, it reinforced the need for a communications strategy to the jury. To view a copy of the study, please visit <http://www.cliffordlaw.com/abaillinoisstatedelegate/public-perceptions-of-justice-11-17-06-final.pdf/view>.

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 August 6-15, 2007, in San Francisco, California.

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.

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