

ABA Delegates to Consider Policies on Same-Sex Marriage, Criminal Justice, Tracing Guns, Mitigating Harm from Disasters, Civil Legal Aid

2010 Annual Meeting to Convene in August in San Francisco

CHICAGO, July 9, 2010—Issues ranging from same-sex marriage to criminal justice system resources, tracing weapons used in crime, mitigating loss of life and other harm from disasters, advancing principles for providing legal assistance in civil cases, and ensuring access to counsel for disabled and elderly persons are among matters to be considered by the [American Bar Association House of Delegates](#) next month in San Francisco.

Convening during the [2010 ABA Annual Meeting](#), the 560-member House of Delegates will consider 35 proposals from the spectrum of substantive groups in or affiliated with the ABA. No measure is ABA policy unless it is adopted during the upcoming annual meeting. The House will convene Aug. 9 and 10 in the Moscone Center West. Also during the House meeting, [ABA President Carolyn B. Lamm](#) of Washington, D.C., will present the [ABA Medal](#), the association's highest recognition, to [Associate Justice Ruth Bader Ginsburg](#) of the Supreme Court of the United States.

Fourteen groups represented in the House of Delegates have combined forces to sponsor the [measure on same-sex marriage](#). It would urge state-level governments to eliminate all legal barriers to civil marriage between two persons of the same sex who are otherwise eligible to marry and build on a [2004 ABA policy](#) opposing a federal constitutional amendment to define marriage as a union between a man and a woman and prohibit states from allowing same-sex couples to enter civil marriage. The new proposal is sponsored by state bar associations in Massachusetts, New York, Vermont and Washington; local bar associations in Beverly Hills, New York City and San Francisco; ABA sections on individual rights and responsibilities and on tort law, and the ABA General Practice, Solo and Small Firm Division; as well as the National LGBT Bar Association.

The ABA Criminal Justice Section has submitted nine proposals, addressing conduct of [federal](#) and [state](#) prosecutors, [funds for indigent defense](#), [advancement of forensic science](#) in criminal cases (see also Reports [100E](#) and [100F](#)), [standards for medico-legal death investigations](#), [support of nationally interoperable databases](#) for fingerprint and ballistics information and adequacy of resources available to accused persons for [evidence testing and expert testimony](#).

A proposal to enable law enforcement to trace guns used in crime would urge state-level governments to require [micro-stamping technology on all newly manufactured semi-automatic pistols](#). Proponents suggest the technology would make it possible to determine the serial number of a weapon used by examining a cartridge casing fired from the weapon, leading to the original purchaser of the gun and assisting investigation of who committed the crime.

A comprehensive strategy for reducing the loss of life, damage to property and harm to the economy from probable disasters is proposed by the ABA Section of State and Local Government Law. Although investing resources and capital in that effort is rational and logical, social, political and economic factors deter that effort, note sponsors, who are asking delegates to endorse a white paper offering strategic themes and elements of a [national mitigation strategy](#).

Fundamental requirements for effectively providing representation to persons who cannot afford a lawyer in adversarial civil proceedings involving such basic human needs as shelter, sustenance, safety, health and child custody, are embodied in [ABA Basic Principles of a Right to Counsel in Civil Legal Proceedings](#), proposed by the ABA Standing Committee on Legal Aid and Indigent Defendants with support from 10 other ABA entities and bar associations in Philadelphia and Santa Clara County, Calif. In a companion proposal, the same entities are urging support for the [ABA Model Access Act](#), for jurisdictions ready to enact a statutory civil right to counsel.

The ABA Commission on Law and Aging and ABA Commission on Mental Health and Physical Disability Law have teamed to propose support for reauthorization of the Protection and Advocacy System and related programs of legally based [advocacy services for persons with disabilities](#). That proposal also would oppose legislation to impose more restrictive requirements on class actions for persons with disabilities than are required under Federal Rules of Civil Procedure. The Law and Aging Commission is sponsoring, with support from the ABA Senior Lawyers Division, a measure urging [reauthorization of the Older Americans Act of 1965](#), with specific structural changes in the system to deliver legal services to the elderly.

The delegates also will consider [reducing association dues](#) by approximately 25 percent for all lawyers in practice more than five years, beginning with the fiscal year starting in September 2011. The proposal also would collapse the number of dues categories from 10 to four.

Among other proposals to the House of Delegates are ones that:

- Support creation of a "[safe harbor](#)" provision in the [Medicare, Medicaid and SCHIP Extension Act of 2007](#) precluding assessment of civil penalties against reporting entities that follow reasonable processes to obtain information or that rely on information verified by claimants regarding Medicare benefits;
- Advance standards to improve the quality of judicial practice and court processes in child abuse and neglect cases, sponsored by the ABA National Conference of Specialized Court Judges and Commission on Youth at Risk;
- Encourage education and training about [financial market products and practices](#) for judges in the United States and abroad, proposed by the ABA Section of International Law in view of the complexity of new financial instruments;
- Recommend that state, local, territorial and tribal governments provide legal counsel at all stages of proceedings for children and youth alleged to be or adjudicated as [juvenile status offenders](#);
- Urge all state level governments to [implement the Fostering Connections to Success and Increasing Adoptions Act](#) by extending foster care, independent and transitional living services, adoption assistance and guardianship assistance to youth and young adults up to age 21;
- Encourage all lawyers to take responsibility to ensure that all students experience high quality [civic learning](#);
- Advocate adoption of [Voluntary Good Practices Guidance for Lawyers to Detect and Combat Money Laundering and Terrorist Financing](#).

A [Summary of Recommendations](#) provides a brief description of each measure submitted in advance to be listed on the House calendar. The report number shown for each recommendation links to the resolution language and supporting report for the measure. Under ABA procedures, state bar associations may submit reports through the afternoon of Sunday, Aug. 8, and other entities have the option of seeking permission to file late reports, meaning other measures still could be added to the calendar.

During the Annual Meeting, a press room for accredited journalists will be set up on the second level of the Moscone Center West, and will open for on-site media registration at 8 a.m. on Aug. 5. Thereafter the press room will be open daily from 8 a.m. to 6 p.m., and will close one hour after the adjournment of the House of Delegates on Aug. 10.

[Online registration](#) for news reporters is easier than ever. Credential guidelines are at <http://www.abanet.org/media/credentials.html>.

With nearly 400,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges

in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law.