



Assembly Resolutions and Reports

August 12, 2017
ABA Annual Meeting
New York, NY

**American Bar Association
Law Student Division Assembly**

Grand Hyatt New York
Saturday, August 12, 2017, 1:00pm – 4:00pm

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**American Bar Association
Law Student Division Assembly**

Grand Hyatt New York
Saturday, August 12, 2017, 1:00pm – 4:00pm

Agenda

- I. Opening of Assembly**
 - A. Call to Order

- II. Purpose and Mission of the Assembly**

- III. Assembly Reports**
 - A. Credentials Report
 - B. Assembly Standing Rules
 - C. Assembly Agenda

- IV. Reports of Officers and Committees**
 - A. Annual Elections Committee Progress Report
 - B. Resolutions Committee Report
 - C. Approval of 2016 Assembly Minutes

- V. Awards**
 - A. Law School Newspaper Award
 - B. Division Liaison Award
 - C. Henry J. Ramsey, Jr. Diversity Award
 - D. Volunteer Income Tax Assistance (VITA) Program Award
 - E. Judy M. Weightman Memorial Public Interest Award
 - F. Student Bar Association Award

- VI. State of the Division Address**

- VII. General Orders**

- 102A TORT TRIAL AND INSURANCE PRACTICE SECTION**

Opposes the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supports enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposes legislation and regulations that would authorize, encourage or enforce such agreements.

**116 SECTION OF LITIGATION
JUDICIAL DIVISION**

Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans.

**115 COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
MASSACHUSETTS BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
NEW YORK COUNTY LAWYERS ASSOCIATION
SECTION OF LITIGATION
NEW YORK CITY BAR ASSOCIATION
WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS**

Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.

**112E CRIMINAL JUSTICE SECTION
COMMISSION ON YOUTH AT RISK**

Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18.

112F CRIMINAL JUSTICE SECTION

Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.

**118A STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW**

Urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.

**118B STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW**

Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including *ex parte* orders.

VIII. Presentation of the Division Chair Awards

IX. Announcement of Election Results

- A. Vice Chair
- B. Delegate of Communications
- C. Delegate of Diversity and Inclusion
- D. Delegate of Programming

X. Installation of the 2017-18 Division Officers and Delegates

XI. Announcements

XII. New Business

XIII. Adjournment Sine Die – 4:00 p.m.

**American Bar Association
Law Student Division Council
2017-2018**

Officers

Chair – Kareem Aref

Vice Chair – Marcus Sandifer

Vice Chair-SBA – Crystal Araujo

Secretary-Treasurer – Thomas Kim

Law Student At-Large of the ABA Board of Governors – John Louros

Division Delegates to the ABA House of Delegates

Division Delegate – Jenna Le

Division Delegate – Rene Morency

Division Delegate – John Weber

Student Editor

Student Editor – Raquel Richards

Officers-Elect

Chair-Elect – Thomas Kim

Law Student At-Large of the ABA Board of Governors-Elect – G. Meredith Parnell

Education Director-Elect – Samuel Chang

**American Bar Association
Law Student Division
2016 Assembly Minutes
Saturday, August 6, 2016, San Francisco, CA**

- Opening of Assembly
 - Welcome by Fabi
 - Call to order
- Assembly reports
- Reports of officers and committees
- Awards
- State of the division address
- General orders
 - Resolution 110 on Spanish Language Miranda
 - Adopted
 - Resolution 111B on Offender Funded System of Probation
 - Adopted
 - Resolution 16-08/01 Student Empowerment Initiative
 - Debate
 - Pro
 - Caucus will allow regional representation and more student participation.
 - This is an opportunity to make our board better.
 - Con
 - The resolution should be reviewed section by section through separate resolutions.
 - If we give students the responsibility, they may put it in their backburner. We need circuit governors.
 - Motion to extend time is lost
 - Lost
 - Motion to send this to committee
 - Lost
 - Closing remark by the maker of the resolution
 - Vote, should Resolution 16-08/01 be adopted?
 - Yay 109
 - No 55
 - Lost
 - Motion to reconsider by the prevailing side
 - Yay 111
 - No 36
 - Motion to reconsider adopted
 - Motion to adopt Resolution 16-08/01
 - Yay 113
 - No 51
 - Resolution 16-08/02
 - Adopted
 - Resolution 16-08/03
 - Adopted
- Adjournment Sine Die – 4:00pm

**American Bar Association
Law Student Division Assembly**

Grand Hyatt New York
Saturday, August 12, 2017, 1:00pm – 4:00pm

Voting and Credentials Procedures

The following credentials procedures will be used for certifying Assembly Delegates at the Assembly session of the 2017 Annual Meeting in New York, NY.

The Law Student Division Assembly is the principal voice of all accredited law schools in the country. When appropriate, resolutions that are passed by the Division Assembly are brought before the ABA House of Delegates. If adopted, the resolution becomes Association policy. Legislative issues may then be lobbied before Congress.

The Division Staff shall certify voting delegates according to the following policies:

Registered ABA Representatives, SBA Presidents, and Liaisons

All registered ABA Representatives, SBA Presidents, and Liaisons who are also registered to attend Annual Meeting will be automatically certified to vote. Each Assembly Delegate must check in at the Division Information Desk to pick up their voting ribbons. These ribbons will confirm their eligibility to vote at the Assembly.

Certified Proxies

An ABA Representative or SBA President may, by written notice to the Law Student Division using the form provided, grant his or her proxy to a Law Student Division member from the same school. A proxy, separately certified for each vote, may cast both votes from his or her school.

Proof of Membership

All Assembly Delegates must be members of the Law Student Division for the 2016-17 academic year.

Multiple Votes

Assembly Delegates, including proxies, may hold multiple votes.

**American Bar Association
Law Student Division Assembly**

Grand Hyatt New York
Saturday, August 12, 2017, 1:00pm – 4:00pm

Voting Floor Instructions

Certified Assembly Delegates (the SBA president and the ABA representative or their respective proxy voters; the Division liaisons to other ABA entities; and up to three (3) representatives appointed by affiliate student legal associations) may vote on resolutions brought before the Assembly.

Only Assembly Delegates, identified by black delegate or pink proxy ribbon, are allowed on the voting floor. Votes will be counted by raised hands if a voice vote is insufficient.

If the Assembly Delegate is also serving as a proxy, the Assembly Delegate will receive a voting card to represent their additional vote.

Members of the Law Student Division Council are also permitted on the floor, with the right to make or debate motions, but shall not vote unless they are also a certified Assembly Delegate.

Notes about Obtaining Certification

Assembly Delegates are certified at the Law Student Division Registration Desk located at the New York Grand Hyatt.

Delegate Certification Hours

Certification of Assembly Delegates will take place at the Division's Registration Desk during the following hours:

Thursday, August 4	8:00 am – 3:00 pm, Grand Ballroom Foyer
Friday, August 5	8:00 am – 3:00 pm, Manhattan Ballroom
Saturday, August 6	8:00 am – 10:30 am, Grand Ballroom Foyer

Robert's Rules of Order Motion Chart

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

If You Want To:	You Say:	Interrupt?	2nd?	Debate?	Amend?	Vote?*
Close meeting	I move to adjourn	No	Yes	No	No	Majority
Take break	I move to recess for	No	Yes	No	Yes	Majority
Register complaint	I rise to a question of privilege	Yes	No	No	No	None
Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
Close debate	I move the previous question	No	Yes	No	No	2/3
Limit or extend debate	I move that debate be limited to...	No	Yes	No	Yes	2/3
Postpone to a certain time	I move to postpone the motion to...	No	Yes	Yes	Yes	Majority
Refer to a committee	I move to refer the motion to a committee	No	Yes	Yes	Yes	Majority
Modify wording of motion	I move to amend the motion by...	No	Yes	Yes	Yes	Majority
Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
Bring business before assembly (a main motion)	I move that [or "to"]...	No	Yes	Yes	Yes	Majority

* Majority means more than ½ of the votes cast; 2/3 means at least 2/3 of the votes cast

Incidental Motions - no order of precedence. Arise incidentally and decided immediately.

If You Want To:	You Say:	Interrupt?	2nd?	Debate?	Amend?	Vote?
Enforce rules	Point of order	Yes	No	No	No	None
Submit matter to assembly	I appeal from the decision of the Chair	Yes	Yes	Varies	No	Majority
Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
Demand rising vote	I call for a division	Yes	No	No	No	None
Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
Request for information	Request for information	Yes	No	No	No	None

Motions That Bring a Question Again Before the Assembly – no order of precedence. Introduce only when nothing else pending.

If You Want To:	You Say:	Interrupt?	2nd?	Debate?	Amend?	Vote?
Take matter from table	I move to take from the table	No	Yes	No	No	Majority
Cancel previous action	I move to rescind	No	Yes	Yes	Yes	Majority
Reconsider motion ***	I move to reconsider... I voted on the prevailing side.	No	Yes	Varies	No	Majority

** Majority if previous notice; 2/3 without such notice

*** Can only be made by one who voted on the prevailing side of the motion to be reconsidered

**American Bar Association
Law Student Division**

Assembly Standing Rules

Rule 101 - General Provisions
§ 101.1 Proceedings Governed
§ 101.2 Bylaws Incorporate

Rule 102 - Credentials
§ 102.1 Definitions
§ 102.2 Certification
§ 102.3 Proxies

Rule 103 - The Floor
§ 103.1 Privilege of the Floor
§ 103.2 Recognition

Rule 104 - Decorum
§ 104.1 Attire
§ 104.2 Promptness
§ 104.3 Disturbances

Rule 105 - Quorum
§ 105.1 Quorum Defined
§ 105.2 Lack of a Quorum

Rule 106 - Order of Business
§ 106.1 Resolutions Committee
§ 106.2 Orders of the Day
§ 106.3 Agenda
§ 106.4 Reports and Programs
§ 106.5 Consent Calendar
§ 106.6 Late Resolutions
§ 106.7 Previous Notice
§ 106.8 New Business

Rule 107 - Debate
§ 107.1 Debate Generally
§ 107.2 Main Motions
§ 107.3 Speeches
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§ 107.5 Secondary Motions

Rule 108 - Motions
§ 108.1 Motions Generally
§ 108.2 Amendment
§ 108.3 Limit Debate; Previous Question
§ 108.4 Extend Limits of Debate
§ 108.5 Division of the Assembly
§ 108.6 Point of Information
§ 108.7 Order of Business

Rule 109 - Adjournment

Rule 110 - Amendment and Suspension
§ 110.1 Amendment
§ 110.2 Suspension

Rule 101 - General Provisions

§ 101.1 - Proceedings Governed

These rules govern proceedings in the Law Student Division Assembly at the Annual Meeting.

§ 101.2 - Bylaws Incorporated

These rules incorporate the Bylaws including the meaning of terms defined therein.

§ 102.1 – Definitions

1. “Voting Member” includes the two delegates from each school, the SBA President and the ABA Representative or their respective proxy voters; the Division liaisons to other ABA entities; and up to three (3) representatives appointed by affiliate student legal associations.
2. “Assembly Delegate” means a voting member who has been certified to vote at the Annual Meeting Assembly.
3. “Staff” means the ABA Law Student Division Staff

§ 102.2 - Certification

1. Certification confers the exclusive right to vote at the Assembly.
2. The Staff shall certify each member who claims to be an Assembly Delegate if the claimant is a member and is:
 - a) Attending the Annual Meeting
 - b) Registered in his or her position with the Law Student Division;
 - c) The proxy of a principal Assembly Delegate who has filed written notification of his or her appointment with the Law Student Division as directed for that year and the principal Assembly Delegate has filed any additional written notification as required by the Law Student Division for that year to certify their proxy.

§ 102.3 - Proxies

1. An ABA Representative or SBA President may, by written notice to the Law Student Division, grant his or her proxy to a Law Student Division member from the same school. A proxy, separately certified for each vote, may cast both votes from his or her school.
2. The Assembly Delegate may also suspend a granted proxy by written notice to the Law Student Division.

Rule 103 -The Floor

§ 103.1 - Privilege of the Floor

1. The following persons shall enjoy the privilege of the floor and, except as this rule prescribes otherwise, may speak or make a motion:
 - a. each Assembly Delegate;
 - b. each member of the Law Student Division Council, including each nonvoting member;
 - c. each member of a standing or special committee of the Division with respect to any matter within or touching the committee's charge;

- d. each candidate with respect to any matter concerning the election in which he or she is running;
- e. the staff, without power to make a motion;
- f. the mover of a resolution with respect to the resolution;
- g. the authorized representative of another entity within or of an organization affiliated with the Association for the purpose of communicating or advocating the entity's policy on a resolution without power to make a motion;
- h. any guest participating in a program planned by the Chair for the purpose of the program without power to make or debate a motion;
- i. any other member or employee of the Association, as authorized by the Chair, the Assembly, or the Law Student Division Council without power to make a motion;
- j. any former Chair; and any former member of the Law Student Division Council who is a member of the Law Student Division or the Young Lawyers Division.

Comment. According to Robert, the expression "privileges of the floor," sometimes used in legislative bodies or conventions, has nothing to do with having the floor but means merely that a person is permitted to enter the portion of the hall floor otherwise restricted to members and necessary staff. It carries no right to speak or any other right of membership except as may be determined by rules or action of the body. H. Robert, *Robert's Rules of Order Newly Revised* (11th Edition, 2011), §3, p. 29, fn.

- 2. Each person on the floor is subject to these rules in the same manner as an Assembly Delegate.

§ 103.2 - Recognition

- 1. An Assembly Delegate or other person with speaking privileges may claim the floor by written notice, or other means provided, to the Chair who shall ordinarily recognize speakers in the order in which the floor is so claimed. The Chair may, without regard to this order, entertain a motion from the floor in the belief that a sufficient number may favor the motion.
- 2. The Chair may note when recognizing a speaker whom he or she expects to recognize next but such notice shall neither constitute recognition nor create a right to be recognized before debate expires or the chair recognizes another.

Comment. This rule lets the Chair announce who is "on deck" without formal recognition. It both preserves the right of the Assembly to control its time through motions to limit and extend the limits of debate and prevents the Chair from abusing the power of recognition to extend the limits of debate without a vote.

Rule 104 - Decorum

§ 104.1 - Attire

The proper attire for a meeting is business attire.

§ 104.2 - Promptness

Each Assembly Delegate is asked to be present and ready to proceed to business five minutes before the scheduled call to order.

§ 104.3 - Disturbances

No Assembly Delegate shall converse, make loud noise or create any other intrusive sensation that may disturb another Assembly Delegate. Any Assembly Delegate who does so shall stop such behavior upon request. An Assembly Delegate who does not stop such behavior may be removed so that business may continue.

Rule 105 - Quorum

§ 105.1 - Quorum Defined

A quorum shall consist of one-third of the Assembly Delegates.

§ 105.2 – Lack of a Quorum

A meeting may act without a quorum, but any such action, other than an action that can legally be taken in the absence of a quorum, shall be ineffective without confirmation when a quorum is present. Each main motion passed in the absence of a quorum shall, upon reappearance of a quorum, be in order without debate in the form and order passed. Such a motion shall take a two-thirds vote or it shall revert to its status when the quorum disappeared and the negative vote shall not be reconsidered. If the Assembly adjourns sine die without voting on such a motion, the motion is referred to the Law Student Division Council for expedited consideration.

Rule 106 - Order of Business

§ 106.1 - Resolutions Committee

For the purposes of this rule "committee" means the Resolutions Committee. The committee or its designee shall be available on the floor throughout each meeting of the Assembly and the Law Student Division Council during the Annual Meeting to receive any notice from an Assembly Delegate under this rule.

§ 106.2 - Orders of the Day

For each timely introduced resolution the committee shall either certify that the resolution is in order or return it to the mover with particular objections within five (5) working days of the deadline for timely introduced resolutions. The mover shall have five (5) working days from the deadline for timely introduced resolutions to cure all objections at which time the committee shall certify that the resolution is in order. The committee shall, by a report at the beginning of Assembly at the Annual Meeting, make each certified timely resolution a general order. A motion to amend this report is in order, but after each such amendment has been disposed of the report (as amended, if amended) shall stand adopted and shall not be reconsidered. A motion to amend something previously adopted is still in order, however, with respect to the report; likewise, a motion is still in order that makes a special order out of a resolution that the report made a general order.

§ 106.3 - Agenda

The agenda of each meeting shall be special orders, reports from committees on resolutions previously referred, unfinished business, general orders, and, if there is time, new business.

§ 106.4 - Reports and Programs

The Chair may, notwithstanding this agenda, place an informational report or program anywhere in the order of business in which case the report or program shall outrank and suspend all other business.

§ 106.5 - Consent Calendar

The committee, by a report at Assembly at the Annual Meeting may place a resolution on the consent calendar if substantial opposition to the resolution is not expected. Any Assembly Delegate may, by written notice to the committee 24 hours before Assembly object to such placement in which case the resolution shall be a special order at Assembly. Any resolution on the consent calendar to which timely objection is not made shall stand approved and a motion to reconsider such a resolution shall take a two-thirds vote.

§ 106.6 - Late Resolutions

Any movant may introduce a late resolution by written notice to the Resolutions Committee Chair. The committee shall either certify that a request to move the resolution is in order or return it to the mover with particular objections. Upon cure of the particular objects to the satisfaction of the committee, the request for a late resolution shall be in order.

The mover of a request to move a late resolution shall summarize the reasons why the resolution submission procedures should be waived and shall justify its lateness on grounds other than lack of notice of the deadline or poor planning. The mover shall not discuss the content of the resolution. A member of the committee who opposes the request, if there is one, may briefly reply.

The question upon the request shall be put, without further debate, and shall take a two-thirds vote. If a two-thirds vote is obtained, the resolution shall be in order the vote granting the request shall serve as previous notice. The committee unanimously, or the Assembly by a two-thirds vote, may make the resolution an order of the day.

Any other provision of these rules to the contrary notwithstanding, a late resolution shall not be in order until the mover, at his or her own expense, has distributed a paper copy to each Assembly Delegate. Such expenses shall not be reimbursed by the ABA/LSD absent extraordinary circumstances. The mover shall not distribute copies of the late resolution by electronic mail (e-mail). The Resolutions Committee chair, upon the request of the mover and in consultation with the Chair, may distribute the late resolution by e-mail with an appropriate annotation that the late resolution has been approved to be in order by the Resolutions Committee, if time allows.

§ 106.7 - Previous Notice

Any Assembly Delegate may, at any meeting, give previous notice of a motion by written notice to the Chair who shall announce each such notice, in the order received, before the meeting is declared adjourned.

Comment. According to Robert, the term previous notice or notice, as applied to necessary conditions for the adoption of certain motions, has a particular meaning in parliamentary law. A requirement of previous notice means that an announcement that the motion will be introduced, indicating its exact content as described below, must be included in the call of the meeting at which the motion will be brought up or, as a permissible alternative, if no more than a quarterly time interval will have elapsed since the preceding meeting, the announcement must be made at the preceding meeting. If previous notice is given at a meeting it can be given orally unless the rules of the organization require it to be in writing, which is often the case with notice of amendments to Bylaws. Unless the rules require the full text of the motion, resolution, Bylaw amendment, etc. to be submitted in the notice, only the purport need be indicated. Such a statement of purport must be accurate and complete since it will determine what amendments are in order when the motion is considered. The notice becomes invalid if the motion is amended beyond the scope of the notice. H. Robert, Robert's Rules of Order Newly Revised § 10 at 199-20 (S. Robert ed. 1990) (emphasis in original) (cross-references omitted).

§ 106.8 - New Business

If a meeting disposes of the orders of the day before the prescheduled adjournment, any Assembly Delegate may move to bring a question again before the Assembly, request to move a certified late resolution, move a late resolution at the last meeting or make any other main motion other than a resolution. Such a motion or request shall be in order in the order in which previous notice was given followed by any motion or request (in the order received) for which previous notice was not given. If it is voted to adjourn or the prescheduled time for adjournment arrives before the mover of such a motion or request is recognized, the Chair, before the meeting is declared adjourned, shall announce each such motion or request of which previous notice was not already given as if the mover had given previous notice of it.

Rule 107 - Debate

§ 107.1 - Debate Generally

"Proponent" means a speaker who favors and "Opponent" means a speaker who opposes the pending motion. Debate shall generally alternate between proponents and opponents. The mover of a motion that the mover of a pending motion favors shall be recognized as a proponent and the mover of any other motion (even if the motion does not apply to the pending motion) as an opponent.

§ 107.2 - Main Motions

Debate shall expire after twenty minutes on any resolution and after ten minutes on any other main motion. The expiration of debate shall not interrupt a speaker.

§ 107.3 - Speeches

Each speaker may speak for up to two minutes per speech. The mover of a resolution may speak first and last thereon, for five and one minute respectively, without prejudice to his or her ordinary speaking privileges even if debate has been limited or the previous question has been ordered.

§ 107.4 - Committee Reports

1. If the Law Student Division Council or, in the absence of action by the Council, the Resolutions Committee, makes a recommendation as to the disposition of the resolution, the reporting member of the Council shall speak for up to four minutes on the resolution after the mover has spoken. The report shall include the reasons for the recommendation.
2. The reporting member of any committee that makes a recommendation as to the disposition of the resolution may speak for up to four minutes on the resolution after the Council has reported or, if the Council does not report, after the mover has spoken. If the resolution was previously referred to the committee, the reporting member shall move the action, if any, that the report recommends and debate shall expire on that motion, if debatable, after ten minutes. If the report does not dispose of the resolution or is not adopted, debate shall continue on the resolution from the point where it was referred and shall expire after ten minutes.

§ 107.5 - Secondary Motions

"Secondary motion" means a debatable motion that is in order while another motion is pending. The mover of a secondary motion may speak first thereon after which:

1. if the mover of the main motion favors the secondary motion and there is no objection, the secondary motion shall stand approved;
2. if the mover of the main motion favors the secondary motion but there is an objection, the Chair shall recognize the objector, the mover of the main motion and another opponent of the secondary motion after which the question shall be put; or
3. if the mover of the main motion opposes the secondary motion, the chair shall recognize the mover of the main motion, a proponent of the secondary motion and another opponent of the secondary motion after which the question shall be put.

Rule 108 - Motions

§ 108.1 - Motions Generally

An incidental motion is in order from the floor. The Chair may entertain any other motion from the floor in the belief that a sufficient number may favor the motion. No motion is otherwise in order until the mover files it in writing with the Secretary-Treasurer.

§ 108.2 -Amendment

No amendment to a resolution, other than an amendment made by the mover in moving the resolution or made by unanimous consent, is in order until the mover, an opponent, a proponent, and another opponent, if there are any, have debated the resolution.

§ 108.3 - Limit Debate; Previous Question

Neither a motion to limit debate nor a motion for the previous question shall take effect until an opponent, if there is one, has spoken against any motion to which it applies. The Chair may note when putting the question how many speakers still seek the floor. Neither motion shall prejudice the right of the mover of a resolution to speak last thereon.

§ 108.4 -Extend Limits of Debate

A motion to extend the limits of debate is in order notwithstanding any limit in these rules. Such a motion shall provide that debate be extended for a certain time, not less than four minutes, or for an even number of speakers.

§ 108.5 - Division of the Assembly

Upon hearing a proper call for a division of the Assembly the Chair shall count or cause to be counted how many are voting for and against the question which result the minutes shall record.

§ 108.6 -Point of Information

A point of information may request an objective fact or an expert opinion but may not request anyone, including the Chair or the mover of a resolution, to say how he or she expects or intends a resolution to be interpreted or applied by the present or a future administration.

Comment. The Assembly cannot control how a resolution is interpreted or applied except by the language that it adopts. The kind of subjective expectation or intent that this rule prohibits, although it may sound authoritative, especially if it comes from the Chair, is therefore mere speculation and totally nonbinding. The purpose of this rule is to keep such speculation from turning into a poor substitute for carefully drafted and clearly worded text. A Assembly Delegate who wants a resolution to mean something that it does not clearly say cannot rely or mislead others into relying on speculation by the mover or the Chair, and must instead move an amendment that properly clarifies the resolution.

§ 108.7 - Order of Business

The Chair may, in his or her discretion, entertain from the floor as a question of privilege a motion relating to the order of business.

Comment. The Chair has historically entertained at the last session several motions to make a general order into a special order. Absent this rule such motions are arguably out of order since the rules already prescribe an order of business. "The agenda of each meeting shall be special orders, reports from committees on resolutions previously referred, unfinished business, general orders, and, if there is time, new business." §106.3. "[A]ny other main motion other than a resolution" belongs under new business. §106.8. This rule approves the historical practice and thus liberalizes the right of the Assembly to control the order of business.

Rule 109 - Adjournment

A motion to adjourn before the prescheduled time, to recess until then or to recess most of the time until then shall take a two-thirds vote.

Rule 110 - Amendment and Suspension

§ 110.1 - Amendment

The Assembly may amend these rules by resolution. Such a resolution shall take a two-thirds vote or a simple majority after a favorable report from the Law Student Division Council.

Comment. No such amendment binds the Assembly at any future Annual Meeting unless it is incorporated into the permanent standing rules drafted under § 4 of the Bylaws.

§ 110.2 - Suspension

A motion to suspend these rules or any part of them shall take a two-thirds vote. For the purposes of this rule there is no difference between an ordinary standing rule and a rule of order. The Assembly shall not suspend any other rule, policy, or procedure, except by resolution.

Comment. This rule prevents confusion over the difference between an "ordinary" standing rule and a "rule of order" and removes doubt about whether a rule other than a standing rule can be suspended. See H. Robert, *Robert's Rules of Order Newly Revised* (11th Edition, 2011), §25, p. 265, l.26 – p. 266, l. 2 ("An ordinary standing rule . . . is a rule that does not relate to parliamentary procedure as such . . . Standing rules . . . can be suspended by a majority vote as they do not involve the protection of a minority of a particular size."). Whether a rule is "ordinary" or a "rule of order" is a matter of characterization subject to dissent and abuse. This rule ignores the difference and characterizes all such rules uniformly. The minor sacrifice in the freedom to suspend an "ordinary" rule by simple majority is more than offset by the consistency that will result from, and the confusion that will be prevented by, such a uniform treatment. This rule also prohibits the suspension of a rule other than a standing rule except by resolution. What this resolution sacrifices in the freedom to suspend such a rule it more than compensates for in protecting the justified expectations that such a rule creates. There is, furthermore, very little sacrifice even in terms of freedom to suspend such a rule. A majority can still adopt a resolution for suspension, but only in suitable form and after previous notice. This resolution therefore maximizes care and forethought in any suspension of a rule without lessening the majority's freedom.

**American Bar Association
Law Student Division Assembly**

Grand Hyatt New York
Saturday, August 12, 2017, 1:00pm – 4:00pm

Resolutions Summary

***Resolution pending before the ABA House of Delegates**

***102A TORT TRIAL AND INSURANCE PRACTICE SECTION**

Opposes the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supports enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposes legislation and regulations that would authorize, encourage or enforce such agreements.

***116 SECTION OF LITIGATION
JUDICIAL DIVISION**

Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans.

***115 COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
MASSACHUSETTS BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
NEW YORK COUNTY LAWYERS ASSOCIATION
SECTION OF LITIGATION
NEW YORK CITY BAR ASSOCIATION
WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS**

Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.

***112E CRIMINAL JUSTICE SECTION
COMMISSION ON YOUTH AT RISK**

Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18.

***112F CRIMINAL JUSTICE SECTION**

Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.

***118A STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW**

Urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.

***118B STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW**

Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including *ex parte* orders.

**American Bar Association
Law Student Division Assembly**

Grand Hyatt New York
Saturday, August 12, 2017, 1:00pm – 4:00pm

Resolutions Details

**AMERICAN BAR ASSOCIATION
TORT TRIAL AND INSURANCE PRACTICE SECTION
REPORT TO THE HOUSE OF DELEGATES**

RESOLUTION

- 1 RESOLVED, That the American Bar Association opposes the use of mandatory, binding, pre-
2 dispute arbitration agreements in private student loan contracts; and
3
4 FURTHER RESOLVED, That the American Bar Association supports enactment of legislation
5 and regulations that would prohibit or invalidate such arbitration agreements and opposes
6 legislation and regulations that would authorize, encourage, or enforce such agreements.

102A

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution places the American Bar Association on record opposing the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts. The resolution also places the American Bar Association on record supporting the enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposes legislation and regulations that would authorize, encourage, or enforce such agreements.

2. Summary of the Issue that the Resolution Addresses

Lenders in the private student loan market have come under increasing scrutiny for predatory practices that include (1) charging high interest rates and penalties in violation of state consumer protection laws, (2) providing high-cost loans to borrowers who are likely unable to repay their debts, and (3) misrepresenting the quality of educational institutions that they finance. Borrowers harmed by these practices have sought relief through civil actions, often by way of class action lawsuits, but have been forced to arbitrate their claims due to a pre-dispute arbitration provision in the original loan documents. These borrowers often unknowingly waive their right to a civil jury or non-jury trial. Moreover, because the cost of arbitration often exceeds the amount of an individual's damages, they are unable to bring their claims and potentially illegal predatory practices cannot be challenged.

3. Please Explain How the Proposed Policy Position will address the issue

The resolution reaffirms the ABA's longstanding support for the concept that the right to a trial by jury is a fundamental right and that any waiver of this right should be knowing and voluntary. It reaffirms the ABA's support for access to the courts and for alternative dispute resolution, such as arbitration, when it is voluntary. The resolution specifically extends existing policy to cases involving private student loans.

4. Summary of Minority Views or Opposition Which Have Been Identified:

Minority views were presented within the Section to the effect that the resolution is not consistent with the ABA's support for alternative dispute resolution. The majority view was that opposition to *pre-dispute* arbitration provisions in private student loans is not inconsistent with the ABA's longstanding support for *voluntary* alternative dispute resolution.

AMERICAN BAR ASSOCIATION

**SECTION OF LITIGATION
JUDICIAL DIVISION**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges courts to implement plans that
- 2 welcome opportunities for new lawyers to gain meaningful courtroom experience, and
- 3 urges law firms and clients to take advantage of those plans.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution urges judges to encourage and facilitate the participation of young lawyers in courtroom proceedings.

2. Summary of the Issue that the Resolution Addresses

Young lawyers need courtroom experience to become mature professionals.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The Resolution draws attention to the need, and urges judges to facilitate the participation of young lawyers in courtroom proceedings.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None known.

AMERICAN BAR ASSOCIATION
COMMISSION ON IMMIGRATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE
STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS
MASSACHUSETTS BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
NEW YORK COUNTY LAWYERS ASSOCIATION
SECTION OF LITIGATION
NEW YORK CITY BAR ASSOCIATION
WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS
SECTION OF INTERNATIONAL LAW

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association supports the appointment of counsel at
2 federal government expense to represent all indigent persons in removal proceedings
3 before the Executive Office for Immigration Review (in Immigration Courts and before
4 the Board of Immigration Appeals), and if necessary to advise such individuals of their
5 rights to appeal to the federal Circuit Courts of Appeals.
6
- 7 FURTHER RESOLVED, That unless and until the federal government provides counsel
8 for all indigent persons in removal proceedings before the Executive Office for
9 Immigration Review, the American Bar Association encourages state, local, territorial,
10 and tribal governments to provide in removal proceedings legal counsel to all indigent
11 persons in their jurisdictions who lack the financial means to hire private counsel and
12 who lack pro bono counsel.
13
- 14 FURTHER RESOLVED, That the American Bar Association encourages federal, state,
15 local, territorial, and tribal governments to prioritize government-funded counsel for
16 detained individuals in removal proceedings.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution proposes a right to government appointed counsel at federal expense to indigent noncitizens in removal proceedings before the Department of Justice’s Executive Office for Immigration Review (EOIR), specifically before the Immigration Courts and the Board of Immigration Appeals (BIA). This resolution also seeks to ensure that noncitizens are aware of their rights to appeal their cases to the U.S. Circuit Courts of Appeal (if relevant). The ABA has taken an incremental approach in supporting an expanded right to appointed counsel at government expense for indigent individuals in civil proceedings, and this resolution is the next logical step.

2. Summary of the Issue that the Resolution Addresses

The right to counsel provided for by the Immigration and Nationality Act (INA) does not currently include a recognized right to appointed counsel at government expense for indigent respondents. The majority of individuals are ordered removed through summary, DHS-only proceedings, only a minority of individuals (approximately 35%), are placed in “regular” removal proceedings in immigration court pursuant to INA § 240. These are adversarial proceedings where the respondent is opposed by an experienced government attorney. Moreover, the immigration laws are extremely complex and subject to constantly changing agency interpretations and varied case law within the Board of Immigration Appeals and among the U.S. Circuit Courts of Appeals. Meanwhile, the immigration courts are extremely backlogged, demonstrated by the fact that at the end of January 2017, over 540,000 cases were pending. In a recent national study, only 37% of all immigrants in removal proceedings benefitted from legal representation. Many unrepresented individuals request multiple continuances in immigration court to seek counsel, yet ultimately represent themselves and are unable to successfully defend against removal or apply for relief to which they are legally entitled. As a consequence, the immigration system is bogged down and plagued with inefficiencies. Practically speaking, this lack of counsel results in great hardship to individuals with bone fide claims for relief. As a result, families are separated, U.S. citizen children lose loving parents, and in the most egregious situations, asylum seekers face violence and even death when unable to properly present a claim for protection.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The adoption of this policy would improve fairness within the immigration system, as well as enhance the efficiency with which the immigration judges and BIA members operate by making it easier to quickly identify respondents who qualify for legal relief and provide advice and counsel to those who do not qualify.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

There are no minority views of which we are aware.

AMERICAN BAR ASSOCIATION

**CRIMINAL JUSTICE SECTION
COMMISSION ON YOUTH AT RISK**

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, local, territorial
- 2 and tribal legislative bodies and governmental agencies to enact laws and adopt policies
- 3 prohibiting the use of solitary confinement of children and youth under age 18.

112E

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution urges all governmental entities to end the practice of solitary confinement against juveniles in all detention and post-adjudication facilities. Juvenile solitary confinement has many euphemisms, but it is defined as the involuntary placement of a child or youth alone in a cell, room, or other area for any reason other than as a temporary response to behavior that threatens immediate harm to the youth or others and ends when the threat is over and, in no case, more than 4 hours.

2. Summary of the Issue that the Resolution Addresses

Concern over the circumstances under which children and youth are held in locked facilities has been evident for years to the point where all three branches of government have weighed in on this issue and its deleterious impact on children and youth. Many feel that the use of this practice violates the Eighth Amendment proscription against cruel and unusual punishment.

3. Please Explain How the Proposed Policy Position Will Address the Issue

The proposed position will allow lawyers and the ABA to continue to work with other jurisdictional officials to end this practice in all juvenile facilities.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified.

None.

AMERICAN BAR ASSOCIATION
CRIMINAL JUSTICE SECTION
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal
- 2 governments to enact laws allowing individuals to petition to expunge all criminal justice records
- 3 pertaining to charges or arrests that did not result in a conviction.

112F

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution calls for jurisdictions to allow individuals to petition courts, law enforcement, and other applicable criminal justice record keeping entities to expunge, or remove from public view, records pertaining to nonconvictions, including arrests, charges, dispositions of nolle prosequi and acquittals.

2. Summary of the Issue that the Resolution Addresses

Expungement refers to removing criminal records from public view by petitioning the court. Expungement generally only refers to *charges*, not convictions. This resolution calls for jurisdictions to allow those individuals who do not have a criminal conviction but nevertheless have a public record of criminal justice events to expunge that record, allowing them to obtain housing and employment they may not have previously been able to obtain.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This resolution calls for jurisdictions to allow those individuals who have a public record of criminal justice events to expunge that record, allowing them to obtain housing and employment they may not have previously been able to obtain.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified.

This resolution is the result of extensive debate and discussion by the ABA Criminal Justice Council (a balanced mix of prosecutors, defense attorneys, judges and others). The primary concern is providing prosecutors and law enforcement access to records that may show a pattern of criminal behavior, even if none of the arrests or charges resulted in convictions. However, the proposed resolution was approved by the council as it appeared to address the concerns raised at the meeting. Additionally, this resolution calls for the availability and accessibility of expungement procedures, with ultimate decision on expungement to be made on a case-by-case basis, which is usually done only with the approval and consent of the prosecutor's office.

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges Congress to amend the Gun Control Act
2 of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver, or
3 otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor
4 crime of violence that was motivated by hate or bias because of the actual or perceived race,
5 color, religion, national origin, gender, sexual orientation, gender identity or diversity, or
6 disability of any person; and
7
8 FURTHER RESOLVED, That the American Bar Association urges state, local, tribal, and
9 territorial legislatures to enact laws rendering a person ineligible to possess, purchase, sell,
10 deliver, or otherwise transfer any firearm if that person has been previously convicted of a
11 misdemeanor crime of violence that was motivated by hate or bias because of the actual, or
12 perceived race, color, religion, national origin, gender, sexual orientation, gender identity or
13 diversity, or disability of any person.

118A

EXECUTIVE SUMMARY

1. Summary of the Resolution

Urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.

Also urges state, local, tribal, and territorial legislatures to enact laws rendering a person ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm if that person has been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual, or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.

2. Summary of the Issue that the Resolution Addresses

This resolution adds persons convicted of misdemeanor hate crime to Federal and state laws that already prohibit categories of individual from buying firearms. Like misdemeanor convictions for domestic violence, already excluded, hate crimes frequently entail use of weapons and can often escalate in the future due to the underlying biases and prejudices. For public safety it is imperative to keep firearms out of the hands of individual who have demonstrated this animus.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This policy directly addresses the issue at hand by making it illegal to own, possess, sell or transfer a firearm if you have been convicted of a misdemeanor hate crime.

Which Have Been Identified

Criminal Justice Section supports this resolution as applied to persons convicted of a hate crime. It is still debating whether it should apply to situations where a person's sentence has been enhanced because the victim is a member of a protected class.

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
SECTION OF CRIMINAL JUSTICE
SECTION OF LITIGATION
COMMISSION ON YOUTH AT RISK
SECTION OF STATE AND LOCAL GOVERNMENT LAW
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association urges state, local, territorial, and tribal
2 governments to enact statutes, rules, or regulations authorizing courts to issue gun violence
3 restraining orders, including *ex parte* orders, that include at least the following provisions:
4

- 5 1. That a person (a “petitioner”) with documented evidence that another person (a
6 “respondent”) poses a serious threat to himself or herself or others may petition a court
7 for an order temporarily suspending the respondent’s possession of a firearm or
8 ammunition poses a credible threat;
- 9 2. That there shall be a verifiable procedure to ensure the surrender of firearms and
10 ammunition pursuant to the court order; and
- 11 3. That the issuance of the gun violence restraining order shall be reported to appropriate
12 state or federal databases in order to prevent respondent from passing a background
13 check required to purchase a firearm or obtain a firearm license or permit while
14 restraining order is in effect.

118B

EXECUTIVE SUMMARY

1. Summary of the Resolution

Urges state, local, territorial, and tribal governments to enact statutes, rules, or regulations that authorize courts to issue gun violence restraining orders, including *ex parte* orders.

2. Summary of the Issue that the Resolution Addresses

A Gun Violence Restraining Order (GVRO) is a simple legal procedure to enable courts to remove guns from those who are likely to use them to harm themselves or others.

3. Please Explain How the Proposed Policy Position Will Address the Issue

This resolution sets general standards for obtaining a GVRO and provides wide latitude to states to enact laws best suited to their particular circumstances and existing public policy. GVROs are already a legal option in several states. In many cases, the laws are based on similar procedures in the state's domestic violence laws.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

None at this time.