



Assembly Resolutions and Reports

August 4, 2018
ABA Annual Meeting
Chicago, IL

**American Bar Association
Law Student Division Assembly**

Chicago Marriott
Saturday, August 4, 2018, 1:00pm – 4:00pm

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2017-18 Law Student Division Council

Officers

Chair – Thomas Kim
Vice Chair – Tijuana Barnes
Law Student At-Large of the ABA Board of Governors – Meredith Parnell
Education Director – Samuel Chang

Division Delegates to the ABA House of Delegates

Division Delegate – Caitlin Peterson
Division Delegate – Alissa Koenig
Division Delegate – John Weber

Student Editor

Lead Student Editor – Hannah Hoffman

Officers-Elect

Chair-Elect – Negeen Sadeghi-Movahed
Law Student At-Large of the ABA Board of Governors-Elect – Matthew Wallace
Education Director-Elect – Sarah Correll
Student Editor-Elect – Dayna Maeder

**American Bar Association
Law Student Division Assembly**

Chicago Marriott
Saturday, August 4, 2018, 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 & Resolutions Committee Report
 - B. Adoption of Assembly Standing Rules & the Assembly Agenda

- 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**

- 109 STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**

Urges governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules or regulations that allow individuals to: 1) voluntarily and confidentially submit their names into databases used for gun background checks, and 2) remove themselves from those systems.

111D SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Standards 501 (Admission) and 503 (Admission Test) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

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100A CRIMINAL JUSTICE SECTION

Urges bar associations, law schools, and other stakeholders to develop and increase curricular offerings through which law students provide pro bono representation of incarcerated individuals and those reentering society.

**104E SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
YOUNG LAWYERS DIVISION**

Urges governments and international institutions to adopt and implement legislation and regulations to eliminate, prevent and provide remedies for gender-based violence in the workplace, including sexual harassment, based on virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, the intersectionality between race and sex or status as a victim of domestic or sexual violence.

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 2018-19 Division Officers and Delegates

XI. Closing Remarks

XII. New Business

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

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Voting and Credentials Procedures

The following credentials procedures will be used for certifying Assembly Delegates at the Assembly session of the 2018 Annual Meeting in Chicago, IL.

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 2018-19 academic year.

Multiple Votes

Assembly Delegates, including proxies, may hold multiple votes.

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Law Student Division Assembly**

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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 standing if a voice vote is insufficient. Delegates who hold multiple votes will be asked to remain standing for additional counts as needed to count all votes.

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 Chicago Marriott 7th floor registration desk.

Delegate Certification Hours

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

Thursday, August 2	11:00 am – 5:00 pm
Friday, August 3	7:30 am – 5:30 pm
Saturday, August 4	7:00 am – 12:00 pm

**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
§ 107.4 Committee Reports
§ 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 Request for 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 an ABA Law Student Division 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 an ABA 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 -Request for Information

A request for 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**

Chicago Marriott
Saturday, August 4, 2018, 1:00pm – 4:00pm

Resolutions Summary

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

***109 STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE**

Urges governments to reduce potential harm that individuals may inflict on themselves or others by enacting statutes, rules or regulations that allow individuals to: 1) voluntarily and confidentially submit their names into databases used for gun background checks, and 2) remove themselves from those systems.

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***100A CRIMINAL JUSTICE SECTION**

Urges bar associations, law schools, and other stakeholders to develop and increase curricular offerings through which law students provide pro bono representation of incarcerated individuals and those reentering society.

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YOUNG LAWYERS DIVISION**

Urges governments and international institutions to adopt and implement legislation and regulations to eliminate, prevent and provide remedies for gender-based violence in the workplace, including sexual harassment, based on virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, the intersectionality between race and sex or status as a victim of domestic or sexual violence.

**American Bar Association
Law Student Division Assembly**

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Resolutions Details

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON GUN VIOLENCE
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
CRIMINAL JUSTICE SECTION
COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, territorial, and tribal
2 governments to reduce potential harm that individuals may inflict on themselves or others
3 by enacting statutes, rules, or regulations allowing individuals to temporarily prevent
4 themselves from purchasing firearms. Such measures should include, at minimum, the
5 following provisions that:
- 6 1. any person may voluntarily and confidentially request that his or her own name be
7 added to the Index of the National Instant Criminal Background Check System, an
8 equivalent state background system, or to both, to prevent future firearms
9 purchases; and
- 10 2. the statute, rule, or regulation provide a procedure with appropriate safeguards
11 whereby the person may have his or her name removed from the system.

EXECUTIVE SUMMARY

1. Summary of the Resolution

To reduce the risk of suicides and other deadly incidents, this resolution urges that individuals be allowed to: 1) voluntarily submit their names into databases used for gun background checks, and 2) remove themselves from those systems.

2. Summary of the Issue that the Resolution Addresses

Roughly two thirds of gun related deaths are suicides. Most suicides are impulsive acts and most successful suicides involve a firearm. This resolution allows persons who self-identify as being at risk of harming themselves (or in many cases others) to take proactive steps to lessen this likelihood.

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

This resolution sets general standards, and provides wide latitude to states to enact laws to help a portion of an at-risk population insulate themselves against further harm.

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

None identified.

AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

1 RESOLVED, That the American Bar Association House of Delegates concurs in the action of
2 the Council of the Section of Legal Education and Admissions to the Bar in adopting the
3 amendments dated August 2018 to Standard 501 (Admission) and Standard 503 (Admission
4 Test) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

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American Bar Association
Section of Legal Education and Admissions to the Bar
Revised Standards for Approval of Law Schools
August 2018

Standard 501. ADMISSIONS

(a) A law school shall adopt, publish, and adhere to sound admission policies and practices consistent with the Standards, ~~its~~ the law school's mission, and the objectives of its program of legal education.

(b) A law school shall ~~only~~ admit only applicants who appear capable of satisfactorily completing its program of legal education and being admitted to the bar.

(c) Among the factors to consider in assessing compliance with this Standard are the academic and admission credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.

~~(d) (e)~~ A law school shall not admit or readmit a student who has been disqualified previously for academic reasons without an affirmative showing that the prior disqualification does not indicate a lack of capacity to complete its program of legal education and be admitted to the bar. For every admission or readmission of a previously disqualified individual, a statement of the considerations that led to the decision shall be placed in the admittee's file.

Interpretation 501-1

~~*Among the factors to consider in assessing compliance with this Standard are the academic and admission test credentials of the law school's entering students, the academic attrition rate of the law school's students, the bar passage rate of its graduates, and the effectiveness of the law school's academic support program. Compliance with Standard 316 is not alone sufficient to comply with the Standard.*~~

Interpretation 501-21

Sound admissions policies and practices may include consideration of admission test scores, undergraduate course of study and grade point average, extracurricular activities, work experience, performance in other graduate or professional programs, relevant demonstrated skills, and obstacles overcome. If a law school requires an admission test, it shall publish information regarding which tests are accepted.

Interpretation 501-32

A law school having a cumulative non-transfer attrition rate above 20 percent for a class creates a rebuttable presumption that the law school is not in compliance with the Standard.

Interpretation 501-3

46 Failure to include a valid and reliable admission test as part of the admissions process creates a
 47 rebuttable presumption that a law school is not in compliance with Standard 501.

48

49 **Standard 503. ADMISSION TEST**

50

51 ~~A law school shall require each applicant for admission as a first-year J.D. degree student to take~~
 52 ~~a valid and reliable admission test to assist the school and the applicant in assessing the applicant's~~
 53 ~~capability of satisfactorily completing the school's program of legal education. In making~~
 54 ~~admissions decisions, a law school shall use the test results in a manner that is consistent with the~~
 55 ~~current guidelines regarding proper use of the test results provided by the agency that developed~~
 56 ~~the test.~~

57

58 *Interpretation 503-1*

59 ~~A law school that uses an admission test other than the Law School Admission Test sponsored by~~
 60 ~~the Law School Admission Council shall demonstrate that such other test is a valid and reliable~~
 61 ~~test to assist the school in assessing an applicant's capability to satisfactorily complete the~~
 62 ~~school's program of legal education.~~

63

64 *Interpretation 503-2*

65 ~~This Standard does not prescribe the particular weight that a law school should give to an~~
 66 ~~applicant's admission test score in deciding whether to admit or deny admission to the applicant.~~

67

68 *Interpretation 503-3*

69 ~~(a) It is not a violation of this Standard for a law school to admit no more than 10% of an~~
 70 ~~entering class without requiring the LSAT from:~~

71 ~~(1) Students in an undergraduate program of the same institution as the J.D. program;~~

72 ~~and/or~~

73 ~~(2) Students seeking the J.D. degree in combination with a degree in a different discipline.~~

74 ~~(b) Applicants admitted under subsection (a) must meet the following conditions:~~

75 ~~(1) Scored at or above the 85th percentile on the ACT or SAT for purposes of subsection~~
 76 ~~(a)(1) or for purposes of subsection (a)(2), scored at or above the 85th percentile on the~~
 77 ~~GRE or GMAT; and~~

78 ~~(2) Ranked in the top 10% of their undergraduate class through six semesters of academic~~
 79 ~~work, or achieved a cumulative GPA of 3.5 or above through six semesters of academic~~
 80 ~~work.~~

EXECUTIVE SUMMARY

1. Summary of the Resolution

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to Standards 501 (Admission) and 503 (Admission Test) of the *ABA Standards and Rules of Procedure for Approval of Law Schools*.

2. Summary of the Issue that the Resolution Addresses

The proposal eliminates the requirement in Standard 503 of a valid and reliable admissions test and revises Standard 501 by moving Interpretation 501-1 (factors to consider in assessing compliance with Standard 501) into the black letter of the Standard. An admissions test would be one of the factors relevant to determining whether a law school complies with Standard 501. A new sentence in Interpretation 501-1 requires law schools to publish information informing potential students which tests are accepted. New Interpretation 501-3 addresses concerns about unregulated innovation in admissions by stating that failure to include a valid and reliable admission test as part of the admissions process creates a rebuttable presumption that a law school is not in compliance with Standard 501.

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

The proposals amend the 2017-2018 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. Summary of Minority Views

Of the comments received, those opposed to the changes, especially to eliminate Standard 503, stated that the removal of a standardized test would harm diversity, open the door to bias, risk undermining public confidence in the legal profession, and complicate collecting data for consumer protection information. Moreover, there were concerns that there are insufficient outputs in place to move to a fully test-optional accreditation standard.

AMERICAN BAR ASSOCIATION
SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association House of Delegates concurs in the action of
2 the Council of the Section of Legal Education and Admissions to the Bar in making amendments
3 dated August 2018 to the following *ABA Standards and Rules of Procedure for Approval of Law*
4 *Schools*:
- 5 1. Standard 303: Curriculum
 - 6 2. Standard 304: Simulation Courses, Clinics, and Field Placements
 - 7 3. Standard 305: Other Academic Study
 - 8 4. Standard 306: Distance Education
 - 9 5. Standard 307: Studies, Activities, and Field Placements Outside the United States
 - 10 6. Standard 601: Library and Information Resources, General Provisions

American Bar Association
 Section of Legal Education and Admissions to the Bar
 Revised Standards for Approval of Law Schools
 August 2018

1. Standard 303: Curriculum

Standard 303. CURRICULUM

(a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least the following:

(1) one course of at least two credit hours in professional responsibility that includes substantial instruction in rules of professional conduct, and the values and responsibilities of the legal profession and its members;

(2) one writing experience in the first year and at least one additional writing experience after the first year, both of which are faculty supervised; and

(3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement, as defined in Standard 304. ~~To satisfy this requirement, a course must be primarily experiential in nature and must:~~

~~(i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;~~

~~(ii) develop the concepts underlying the professional skills being taught;~~

~~(iii) provide multiple opportunities for performance; and~~

~~(iv) provide opportunities for self-evaluation.~~

(b) A law school shall provide substantial opportunities to students for:

(1) law clinics or field placement(s); and

(2) student participation in pro bono legal services, including law-related public service activities.

Interpretation 303-1

A law school may not permit a student to use a course to satisfy more than one requirement under this Standard. For example, a course that includes a writing experience used to satisfy the upper-class writing requirement [see 303(a)(2)] cannot be counted as one of the experiential courses required in Standard 303(a)(3). This does not preclude a law school from offering a course that may count either as an upper-class writing requirement [see 303(a)(2)] or as a simulation course [see ~~303(a)(3) and 304(a) and 304(b)] provided the course meets all of the requirements of both~~

47 types of courses and the law school permits a student to use the course to satisfy only one
48 requirement under this Standard.

49
50 *Interpretation 303-2*

51 *Factors to be considered in evaluating the rigor of a writing experience include the number and*
52 *nature of writing projects assigned to students, the form and extent of individualized assessment of*
53 *a student's written products, and the number of drafts that a student must produce for any writing*
54 *experience.*

55
56 *Interpretation 303-3*

57 *Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono*
58 *legal services primarily to persons of limited means or to organizations that serve such persons.*
59 *In addition, lawyers are encouraged to provide pro bono law-related public service. In meeting*
60 *the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for*
61 *law student pro bono service that incorporate the priorities established in Model Rule 6.1. In*
62 *addition, law schools are encouraged to promote opportunities for law students to provide over*
63 *their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2).*
64 *Pro bono and public service opportunities need not be structured to accomplish any of the*
65 *outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-*
66 *granting activities within a law school's overall program of law-related pro bono opportunities so*
67 *long as law-related non-credit bearing initiatives are also part of that program.*

68
69 *Interpretation 303-4*

70 *Law-related public service activities include (i) helping groups or organizations seeking to secure*
71 *or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic,*
72 *community, governmental, and educational organizations not able to afford legal representation;*
73 *(iii) participating in activities providing information about justice, the law or the legal system to*
74 *those who might not otherwise have such information; and (iv) engaging in activities to enhance*
75 *the capacity of the law and legal institutions to do justice.*

76 77 **2. Standard 304: Simulation Courses, Clinics, and Field Placements**

78
79 Standard 304. EXPERIENTIAL COURSES: SIMULATION COURSES, LAW CLINICS, AND
80 FIELD PLACEMENTS

81
82 (a) Experiential courses satisfying Standard 303(a) are simulation courses, law clinics, and field
83 placements that must be primarily experiential in nature and must:

- 84
85 (1) integrate doctrine, theory, skills, and legal ethics, and engage students in performance
86 of one or more of the professional skills identified in Standard 302;
87
88 (2) develop the concepts underlying the professional skills being taught;
89
90 (3) provide multiple opportunities for performance;
91

92 (4) provide opportunities for student performance, self-evaluation, and feedback from a
 93 faculty member, or, for a field placement, a site supervisor;

94
 95 (5) a classroom instructional component; or, for a field placement, a classroom instructional
 96 component, regularly scheduled tutorials, or other means of ongoing, contemporaneous,
 97 faculty-guided reflection; and

98
 99 (6) provide direct supervision of the student's performance by the faculty member; or, for
 100 a field placement, provide direct supervision of the student's performance by a faculty
 101 member or a site supervisor.

102
 103 ~~(b) (a)~~—A simulation course provides substantial experience not involving an actual client, that ~~(1)~~
 104 is reasonably similar to the experience of a lawyer advising or representing a client or engaging in
 105 other lawyering tasks in a set of facts and circumstances devised or adopted by a faculty member,;
 106 and ~~(2)~~ includes the following:

107
 108 ~~(i) direct supervision of the student's performance by the faculty member;~~

109 ~~(ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and~~

110 ~~(iii) a classroom instructional component.~~

111
 112 ~~(c) (b)~~—A law clinic provides substantial lawyering experience that ~~(1)~~ involves advising or
 113 representing one or more actual clients or serving as a third-party neutral,; and ~~(2)~~ includes the
 114 following:

115
 116 ~~(i) direct supervision of the student's performance by a faculty member;~~

117 ~~(ii) opportunities for performance, feedback from a faculty member, and self-evaluation; and~~

118 ~~(iii) a classroom instructional component.~~

119
 120 ~~(d) (e)~~—A field placement course provides substantial lawyering experience that (1) is reasonably
 121 similar to the experience of a lawyer advising or representing a client or engaging in other
 122 lawyering tasks in a setting outside a law clinic under the supervision of a licensed attorney or an
 123 individual otherwise qualified to supervise, and (2) includes the following:

124
 125 ~~(i) direct supervision of the student's performance by a faculty member or site supervisor;~~

126
 127 ~~(ii) opportunities for performance, feedback from either a faculty member or a site~~
 128 ~~supervisor, and self-evaluation;~~

129
 130 ~~(i) (iii)~~—a written understanding among the student, faculty member, and a person in
 131 authority at the field placement that describes both (A) the substantial lawyering experience
 132 and opportunities for performance, feedback and self-evaluation; and (B) the respective
 133 roles of faculty and any site supervisor in supervising the student and in assuring the
 134 educational quality of the experience for the student, including a clearly articulated method
 135 of evaluating the student's academic performance;

136

137 ~~(ii) (iv)~~—a method for selecting, training, evaluating and communicating with site
 138 supervisors, including regular contact between the faculty and site supervisors through in-
 139 person visits or other methods of communication that will assure the quality of the student
 140 educational experience. When appropriate, a school may use faculty members from other
 141 law schools to supervise or assist in the supervision or review of a field placement program;
 142

143 ~~(v) a classroom instructional component, regularly scheduled tutorials, or other means of~~
 144 ~~ongoing, contemporaneous, faculty guided reflection; and~~

145
 146 ~~(iii) (vi)~~—evaluation of each student’s educational achievement by a faculty member; and

147
 148 ~~(iv) (vii)~~—sufficient control of the student experience to ensure that the requirements of the
 149 Standard are met. The law school must maintain records to document the steps taken to
 150 ensure compliance with the Standard, which shall include, but is not necessarily limited to,
 151 the written understandings described in Standard 304~~(e)~~~~(iii)~~~~(d)~~~~(i)~~.

152
 153 ~~(e) (d)~~—Credit granted for such a simulation, law clinic, or field placement course shall be
 154 commensurate with the time and effort required and the anticipated quality of the educational
 155 experience of the student.

156
 157 ~~(f) (e)~~—Each student in such a simulation, law clinic, or field placement course shall have
 158 successfully completed sufficient prerequisites or shall receive sufficient contemporaneous
 159 training to assure the quality of the student educational experience.

160
 161 *Interpretation 304-1*

162 ~~*To qualify as an experiential course under Standard 303, a simulation, law clinic, or field*~~
 163 ~~*placement must also comply with the requirements set out in Standard 303(a)(3). When*~~
 164 ~~*appropriate, a school may use faculty members from other law schools to supervise or assist in the*~~
 165 ~~*supervision or review of a field placement program.*~~

166
 167 **3. Standard 305: Other Academic Study**

168
 169 Standard 305. OTHER ACADEMIC STUDY

170
 171 (a) A law school may grant credit toward the J.D. degree for courses that involve student
 172 participation in studies or activities in a format that does not involve attendance at regularly
 173 scheduled class sessions, including, but not limited to, moot court, law review, and directed
 174 research.

175
 176 (b) Credit granted for such a course shall be commensurate with the time and effort required and
 177 the anticipated quality of the educational experience of the student.

178
 179 (c) Each student’s educational achievement in such a course shall be evaluated by a faculty
 180 member.

181
 182 *Interpretation 305-1*

183 *To qualify as a writing experience under Standard 303, other academic study must also comply*
 184 *with the requirement set out in Standard 303(a)(2). To qualify as an experiential course under*
 185 *Standard 303, other academic study must also comply with the requirements set out in Standard*
 186 ~~303(a)(3)~~304.

187
 188 **4. Standard 306: Distance Education**

189
 190 Standard 306. DISTANCE EDUCATION

191
 192 (a) A distance education course is one in which students are separated from the faculty member or
 193 each other for more than one-third of the instruction and the instruction involves the use of
 194 technology to support regular and substantive interaction among students and between the
 195 students and the faculty member, either synchronously or asynchronously.

196
 197 (b) Credit for a distance education course shall be awarded only if the academic content, the
 198 method of course delivery, and the method of evaluating student performance are approved as
 199 part of the school's regular curriculum approval process.

200
 201 (c) A law school shall have the technological capacity, staff, information resources, and facilities
 202 necessary to assure the educational quality of distance education.

203
 204 (d) A law school may award credit for distance education and may count that credit toward the 64
 205 credit hours of regularly scheduled classroom sessions or direct faculty instruction required by
 206 Standard 311(b) if:

207
 208 (1) there is opportunity for regular and substantive interaction between faculty member and
 209 student and among students;

210
 211 (2) there is regular monitoring of student effort by the faculty member and opportunity
 212 for communication about that effort; and

213
 214 (3) the learning outcomes for the course are consistent with Standard 302.

215
 216 ~~(e) A law school shall not grant a student more than a total of 15 credit hours toward the J.D.~~
 217 ~~degree for courses qualifying under this Standard. A law school may grant a student up to one-~~
 218 ~~third of the credit hours required for the J.D. degree for distance education courses qualifying~~
 219 ~~under this Standard. A law school may grant up to 10 of those credits during the first one-third~~
 220 ~~of a student's program of legal education.~~

221
 222 ~~(f) A law school shall not enroll a student in courses qualifying for credit under this Standard until~~
 223 ~~that student has completed instruction equivalent to 28 credit hours toward the J.D. degree.~~

224
 225 (f) A law school shall establish an effective process for verifying the identity of students taking
 226 distance education courses and that also protects student privacy. If any additional student

227 charges are associated with verification of student identity, students must be notified at the time of
 228 registration or enrollment.

229

230 *Interpretation 306-1*

231 *Technology used to support a distance education course may include, for example:*

232 ~~(a) The Internet;~~

233 ~~(b) One way and two way transmissions through open broadcast, closed circuit, cable,~~
 234 ~~microwave, broadband lines, fiber optics, satellite, or wireless communications devices;~~

235 ~~(c) Audio and video conferencing; or~~

236 ~~(d) Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in~~
 237 ~~a course in conjunction with any of the technologies listed in paragraphs (a) through (c).~~

238

239 *Interpretation 306-2 306-1*

240 *Methods to verify student identity as required in Standard 306(f)(g) include, but are not limited to*
 241 *(i) a secure login and pass code, (ii) proctored examinations, and (iii) other technologies and*
 242 *practices that are effective in verifying student identity. As part of the verification process, a law*
 243 *school shall verify that the student who registers for a class is the same student that participates*
 244 *and takes any examinations for the class.*

245

246 **5. Standard 307: Studies, Activities, and Field Placements Outside the United States**

247

248 Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED 249 STATES

250

251 (a) A law school may grant credit for study outside the United States that meets the requirements
 252 of the Criteria adopted by the Council.

253

254 (b) A law school may grant credit for field placements outside the United States that meet the
 255 requirements of Standard 304.

256

257 (c) A law school may grant up to two-thirds of the credits required for the J.D. degree for study
 258 outside the United States provided the credits are obtained in a program sponsored by an ABA-
 259 approved law school. Programs sponsored by an ABA-approved law school include programs held
 260 in accordance with the *Criteria for Approval of Foreign Summer and Intersession Programs*
 261 *Established by ABA-Approved Law Schools*; programs held in accordance with the *Criteria for*
 262 *Approval of Foreign Semester and Year-Long Study Abroad Programs Established by ABA-*
 263 *Approved Law Schools*; and field placements outside the United States.

264

265 (d) A law school may grant up to a maximum of one-third of the credits required for the J.D. degree
 266 for any combination of 1) student participation in study outside the United States under the *Criteria*
 267 *for Accepting Credit for Student Study at a Foreign Institution* and 2) credit for courses completed
 268 at a law school outside the United States in accordance with Standard 505(c).

269

270 (e) Credit hours granted pursuant to subsections (b), (c) and (d) shall not in combination exceed
 271 two-thirds of the total credits required for the J.D. degree.

272

273 (f) A student participating in study outside the United States must have successfully completed
 274 sufficient prerequisites or must contemporaneously receive sufficient training to assure the quality
 275 of the student educational experience.

276
 277 ~~Standard 307. STUDIES, ACTIVITIES, AND FIELD PLACEMENTS OUTSIDE THE UNITED~~
 278 ~~STATES~~

279 ~~(a) — A law school may grant credit for (1) studies or activities outside the United States that are~~
 280 ~~approved in accordance with the Rules of Procedure and Criteria as adopted by the Council and~~
 281 ~~(2) field placements outside the United States that meet the requirements of Standard 304 and are~~
 282 ~~not held in conjunction with studies or activities that are approved in accordance with the Rules of~~
 283 ~~Procedure and Criteria as adopted by the Council.~~

284
 285 ~~(b) — The total credits for student participation in such studies or activities may not exceed one-~~
 286 ~~third of the credits required for the J.D. degree.~~

287
 288 *Interpretation 307-1*
 289 *The three Criteria adopted by the Council are the Criteria for Approval of Foreign Summer and*
 290 *Intersession Programs Established by ABA Approved Law Schools, the Criteria for Approval of*
 291 *Foreign Semester and Year Long Study Abroad Programs Established by ABA Approved Law*
 292 *Schools, and the Criteria for Accepting Credit for Student Study at a Foreign Institution.*

293
 294 *Interpretation 307-2*
 295 *For purposes of Standard 307, a brief visit to a country outside the United States that is part of a*
 296 *course offered and based primarily at the law school and approved through the school's regular*
 297 *curriculum approval process is not considered to be studies outside the United States.*

298
 299 **6. Standard 601: Library and Information Resources, General Provisions**

300
 301 Standard 601. GENERAL PROVISIONS

- 302
 303 (a) A law school shall maintain a law library that:
- 304
 - 305 (1) provides support through expertise, resources, and services adequate to enable the law
 - 306 school to carry out its program of legal education, accomplish its mission, and support
 - 307 scholarship and research;
 - 308
 - 309 (2) develops and maintains a direct, informed, and responsive relationship with the faculty,
 - 310 students, and administration of the law school;
 - 311
 - 312 (3) working with the dean and faculty, engages in a regular planning and assessment
 - 313 process, including ~~written~~ assessment of the effectiveness of the library in achieving its
 - 314 mission and realizing its established goals; and
 - 315
 - 316 (4) remains informed on and implements, as appropriate, technological and other
 - 317 developments affecting the library's support for the law school's program of legal
 - 318 education.

319 (b) A law school shall provide on a consistent basis sufficient financial resources to the law library
320 to enable it to fulfill its responsibilities of support to the law school and realize its established
321 goals.

EXECUTIVE SUMMARY

1. Summary of the Resolution

Under Rule 45.9(b) of the Rules of Procedure of the House of Delegates, the resolution seeks concurrence in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2018 to the following *ABA Standards and Rules of Procedure for Approval of Law Schools*:

1. Standard 303: Curriculum
2. Standard 304: Simulation Courses, Clinics, and Field Placements
3. Standard 305: Other Academic Study
4. Standard 306: Distance Education
5. Standard 307: Studies, Activities, and Field Placements Outside the United States
6. Standard 601: Library and Information Resources, General Provisions

2. Summary of the Issue that the Resolution Addresses

1. Standard 303: Curriculum
2. Standard 304: Simulation Courses, Clinics, and Field Placements
3. Standard 305: Other Academic Study

The proposal moves the general definition of what an experiential course must contain from Standard 303(a)(3) to Standard 304(a). Duplicative language defining simulation, clinic, and field placement in Standard 304 was deleted. Finally, the cross references to the Standards in the Interpretations were changed to reflect the recommended changes.

4. Standard 306: Distance Education

The proposal raises the number of distance education credit hours permitted from 15 credits to up to one-third of the credits required for the J.D. degree. Under this proposed revision, law schools would be permitted to grant 10 of those distance education credit hours in the first year. The current structure of the Standard is familiar and avoids any confusion that might be caused by a different approach. The current definition of a distance education course is also retained.

5. Standard 307: Studies, Activities, and Field Placements Outside the United States

The overarching goal of the proposed changes to Standard 307 is to address two matters: (a) how the Standards and Criteria deal with field placements that are located outside the United States; and (b) the total amount of credits that may be earned toward the J.D. for studies outside the United States.

6. Standard 601: Library and Information Resources, General Provisions

The proposal eliminates the requirement that the assessment of the effectiveness of the library in achieving its mission and realizing its established goals must be in writing.

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

The proposals amend the 2017-2018 *ABA Standards and Rules of Procedure for Approval of Law Schools*.

4. Summary of Minority Views

None.

AMERICAN BAR ASSOCIATION

CRIMINAL JUSTICE SECTION

REPORT TO THE HOUSE OF DELEGATES

- 1 RESOLVED, That the American Bar Association urges bar associations, law schools and other
- 2 stakeholders to develop and increase educational initiatives, clinics, and other experiential
- 3 courses through which law students provide legal assistance to pre-trial detainees, immigration
- 4 detainees, and incarcerated individuals reentering society.

EXECUTIVE SUMMARY1. Summary of the Resolution

This resolution urges the ABA to encourage bar associations and law schools to increase curricular offerings to provide pro bono services to detained and incarcerated people, both citizens and immigrants.

2. Summary of the Issue that the Resolution Addresses

This Resolution addresses the gap in access to justice for prisoners, detainees, and immigrants, and encourages law schools and legal services programs to fill the gap through experiential opportunities for law students.

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

Additional and expanded programs at law schools and legal services programs will not only provide law students with experiential learning opportunities, but fill a pronounced legal need for a segment of society that is underserved by lawyers.

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

None Identified.

AMERICAN BAR ASSOCIATION
SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE
YOUNG LAWYERS DIVISION

REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

- 1 RESOLVED, That the American Bar Association urges federal, state, local, and tribal
2 governments and international institutions to adopt and implement legislation and
3 regulations to eliminate, prevent and provide remedies for gender-based violence in the
4 workplace, including sexual harassment, based on virtue of their actual or perceived sex
5 (including pregnancy), family responsibilities, sexual orientation, gender identity, gender
6 expression, the intersectionality between race and sex or status as a victim of domestic
7 or sexual violence.
8
- 9 FURTHER RESOLVED, That the American Bar Association urges all
10 employers conducting business in the United States to adopt policies, programs, and
11 procedures to create workplaces free of gender-based violence, including sexual
12 harassment, and address the structural inequalities that allow such violence to occur.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The resolution urges federal, state, local, territorial, tribal governments and international institutions to develop and adopt legislation and implement regulations to eliminate, prevent and correct the means by which individuals, by virtue of their actual or perceived sex (including pregnancy), family responsibilities, sexual orientation, gender identity, gender expression, or status as a victim of domestic or sexual violence are subjected to gender-based violence, including sexual harassment, in the workplace.

It further urges all employers conducting business in the United States to adopt programs and procedures including policies to create workplaces free of gender-based violence, including sexual harassment, by addressing the structural inequalities that permit these violations of human rights to occur.

2. Summary of the Issue that the Resolution Addresses

Recent events, including media coverage of the sexual harassment and assault of female and male workers for many years by high-profile male power-brokers in Hollywood, in the media, and in restaurants and disclosure by thousands of women in social media of as a part of #metoo have led to a public reckoning about the limits of our existing legal and policy structures to prevent and remedy these behaviors.

Heightened public awareness of the incidents and scope of gender-based violence in the world of work and its impact is necessary in order for change to happen. But so is international and domestic law and policy that addresses societal, cultural, and economic structures that create and perpetuate the high rates of gender-based violence at work. It is not enough to make examples of a few famous serial harassers and assaulters. Employers, governments, and international institutions must take responsibility as well by addressing the power dynamics and structural inequalities that have permitted this violence to occur in the past. The recent backlash against the impunity of sexual harassers provides a rare opportunity to create effective mechanisms for preventing and remedying gender-based violence on the job.

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

As we approach a systemic and comprehensive response to gender-based violence in workplace, it is required that we take an intersectional approach if we are truly going to create effective responses and structures to address gender-based violence for all workers. This policy proposes that an intersectional

approach is necessary. This policy also expands upon the 2018 MYM policy as it is broader, building from that policy to recommend comprehensive changes to law, and to programs in workplaces.

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

No minority views or opposition have been identified.