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**Folder Title:** JGR/American Bar Association  
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THE WHITE HOUSE

WASHINGTON

January 12, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Correspondence from Morris Harrell,  
President of the American Bar Association,  
to the President

Morris Harrell, new President of the ABA, has written to the President requesting his views on appropriate items for the ABA's long-term planning agenda. He notes that similar letters have been sent to the Chief Justice and Attorney General. I recommend sending the letter to the Justice Department for development of a substantive response. The Department has several areas of ongoing relations with the ABA, and I think a coordinated response to both letters could be helpful in advancing our relations with the ABA. I have attached a proposed memorandum to the Deputy Attorney General, transmitting the correspondence.

Attachment

THE WHITE HOUSE  
WASHINGTON

January 12, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS  
DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING *Orig. signed by FFF*  
COUNSEL TO THE PRESIDENT

SUBJECT: Correspondence from Morris Harrell,  
President of the American Bar Association,  
to the President

The President has received the attached letter from Morris Harrell, soliciting his views on the appropriate items for A.B.A. consideration in the upcoming years. Rather than dashing off an innocuous reply, I thought I would send it over to the Justice Department for development of a more substantive reply -- perhaps for the President's signature. I know that Harrell has sent a similar letter to the Attorney General, and a coordinated and thoughtful response to both letters could go far in advancing our relations with the A.B.A.

Attachment

FFF:JGR:aw 1/12/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE

WASHINGTON

January 12, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS  
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cc: FFFielding  
JGRoberts  
Subj.  
Chron

# **WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET**

*116879*☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence  
Received (YY/MM/DD) 1 / 1Name of Correspondent: Morris Harrell☐ MI Mail Report

User Codes: (A) \_\_\_\_\_ (B) \_\_\_\_\_ (C) \_\_\_\_\_

Subject: Requests benefit of the Administration's  
thoughts with regard to issues the ABA  
should consider**ROUTE TO:****ACTION****DISPOSITION**

Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>CU Holland</u>	ORIGINATOR	<u>83101103</u>			<u>1 / 1</u>
<u>CU AT 18</u>	Referral Note: <u>D</u>	<u>83101103</u>		<u>S</u>	<u>83101103</u>
	Referral Note:	<u>1 / 1</u>			<u>1 / 1</u>
	Referral Note:	<u>1 / 1</u>			<u>1 / 1</u>
	Referral Note:	<u>1 / 1</u>			<u>1 / 1</u>
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**ACTION CODES:**

A - Appropriate Action  
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to be used as Enclosure

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S - For Signature  
X - Interim Reply

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C - Completed  
S - Suspended

**FOR OUTGOING CORRESPONDENCE:**

Type of Response = Initials of Signer  
Code = "A"  
Completion Date = Date of Outgoing

Comments: \_\_\_\_\_

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

DEC 20 1982

5  
*Fred Fielding*

AMERICAN BAR ASSOCIATION

OFFICE OF THE PRESIDENT  
MORRIS HARRELL  
AMERICAN BAR CENTER  
CHICAGO, ILLINOIS 60637  
TELEPHONE: 312 / 947-4042

PLEASE REPLY TO:  
REPUBLIC NATIONAL BANK TOWER  
DALLAS, TEXAS 75201  
TELEPHONE: 214 / 742-1021

December 9, 1982

116879 *CM*

The President  
The White House  
Washington, D.C. 20050

Dear Mr. President:

Through the years, the American Bar Association has played a significant role in supporting and improving the administration of justice in the United States. In order to serve the legal profession, our system of justice, and society most effectively, the Association has instituted a comprehensive long-range planning process.

We know that it would be helpful for the Association to have the benefit of the insights of you and your staff as part of our planning process. Your views on any matter which you would suggest for Association consideration would be appreciated. }

As background, I am enclosing a list of the current goals of the Association as approved by the Board of Governors last year. The planning process may result in revision of these goals if the information received indicates that change is necessary for the Association to continue improving its ability to serve the profession and the citizens of this country. Also enclosed is a list of issues which we have asked our leadership to consider.

Participation in the planning process has been opened to all entities within the Association as well as to the leaders of outside institutions involved with our legal system. A request similar to this has already been sent to the Attorney General and the Chief Justice of the United States. Next spring, we will provide you with a summary of the views and suggestions we receive from all sources.

The President  
December 9, 1982  
Page Two

I am confident that with the insights of leaders from both within and outside of the Association, goals will be established for the ABA which represent the best collective judgment of all those who participate.

Respectfully,

A handwritten signature in cursive script that reads "Morris Harrell".

Morris Harrell

MH/cc

Enclosures

ABA GOALS AND SUMMARY OBJECTIVES  
(Adopted February, 1981)  
American Bar Association  
Planning System

GOAL I: TO PROMOTE IMPROVEMENTS IN THE AMERICAN SYSTEM OF JUSTICE.

- Summary Objective: 1. Improve the operation of the judicial system.
- Summary Objective: 2. Develop non-judicial alternatives.
- Summary Objective: 3. Provide guidance on judicial selection and discipline.

GOAL II: TO IMPROVE THE DELIVERY OF LEGAL SERVICES.

- Summary Objective: 1. Support delivery of legal services to the poor through private bar involvement.
- Summary Objective: 2. Develop effective delivery models.
- Summary Objective: 3. Support adequate funding for the delivery of legal services.

GOAL III: TO PROVIDE LEADERSHIP IN THE IMPROVEMENT OF THE LAW.

- Summary Objective: 1. Improve substantive and procedural law.
- Summary Objective: 2. Provide leadership in development of sound law related public policy.

GOAL IV: TO INCREASE UNDERSTANDING OF THE LEGAL SYSTEM.

GOAL V: TO ASSURE THE HIGHEST STANDARDS OF PROFESSIONAL COMPETENCE AND ETHICAL CONDUCT.

- Summary Objective: 1. Assist other organizations such as state and local bars, law schools, law firms, and corporations in carrying out their CLE responsibilities.



- Summary Objective: 2. Provide high quality national CLE programming for lawyers.
- Summary Objective: 3. Provide high-quality national CLE programming for judges.
- Summary Objective: 4. Update and refine codes and rules, render ethical opinions and substantive research, and implement pilot programs to improve lawyer competence and ethical responsibility.
- Summary Objective: 5. Develop and implement model enforcement mechanisms for disciplinary enforcement and the operations of ethics entities.

GOAL VI: TO SERVE AS THE NATIONAL REPRESENTATIVE OF THE LEGAL PROFESSION.

- Summary Objective: 1. Provide effective representation of Association policies before governmental entities.
- Summary Objective: 2. Provide leadership and support to state and local bar associations and foundations.
- Summary Objective: 3. Develop effective liaison with other professional organizations on law related matters of mutual concern.

GOAL VII: TO ENHANCE THE PROFESSIONAL GROWTH OF THE MEMBERS.

- Summary Objective: 1. Encourage and support section and committee activities, programs and publications.
- Summary Objective: 2. Increase ABA Membership.
- Summary Objective: 3. Maintain effective communication with members.
- Summary Objective: 4. Conduct meetings for the general membership.
- Summary Objective: 5. Make available a broad variety of membership benefits.

0044T

## ISSUES FOR CONSIDERATION

The categories listed below are not exhaustive, but should serve as a guide for developing your analysis. You may wish to comment on only one or two of the items listed under each category or you may wish to add other items. Your comments should be submitted to Morris Harrell, President of the American Bar Association, Bar Center, 1155 East 60th Street, Chicago, Illinois 60637. Your comments are requested by December 31, 1982. After the 1983 ABA Midyear Meeting, you will have the opportunity to react to a summary of all participants' views which may trigger additional thoughts that can be incorporated in your reaction.

### 1. Environment

Many environmental forces can have an important influence on the legal profession. Significant categories of such forces are:

Economic (inflation; employment; etc.)

Demographic (law school enrollments; law school graduates; lawyer population by age distribution, by practice distribution, by geographical distribution, etc.)

Social (constituent demands, consumer or public demands, environmental pressures, etc.)

Political (favorable or unfavorable local, state or federal political climate; regulatory pressures, etc.)

Technological (trends in new technologies, i.e., video technology, computers, etc.; impact of trends on products and services, etc.)

Competitive (competing organizations or groups; competition in terms of service, quality, performance, technological innovation, image, cost, etc.)

In this framework, please identify the significant environmental forces and trends which you believe affect or could affect the activities of the ABA now or in the future.

## 2. Legal Issues

The ABA and the legal profession face many important law-related issues. Frequently mentioned general categories of issues are:

- promoting the general interests of the profession and individual lawyers (specialization, advertising discovery abuse, multi-state law practice, discipline, etc.);
- advancing the science or profession of law/jurisprudence (competence, ethics, standards, guidelines, etc.);
- improving the justice system (speedier, less costly justice; equal/uniform justice, etc.);
- uniting members of the bar;
- influencing legislation on state/federal levels;
- promoting or improving the law practice of members;
- improving legal education and CLE;
- promoting the public good or welfare;
- protecting rights of minorities, of victims/witnesses, of the accused;
- providing more effective delivery of legal services;
- increasing public awareness of and trust in the legal profession; improving the image of the profession;

Please identify the most important issues which, in your view, face the ABA and the profession in the next 3-5 years. Please expand on your analysis wherever possible.

## 3. Policy/Structure

Consider whether the ABA's policies and structure are in harmony with the primary trends and issues you have identified in questions 1 and 2. For example, should the ABA:

- be more or less responsive to the rank and file of its membership;

- represent divergent views or speak with a unified voice;
- attempt or not attempt to provide leadership that represents a cross-section of members and their views;
- be more or less involved in social issues;
- increase or decrease its cooperation with state and local bar associations;
- increase or decrease its involvement in politics;
- be all things to all constituencies or direct its resources to selected areas.

0043T

## MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

March 7, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*  
SUBJECT: Submission of ABA Resolution

F. Wm. McCalpin, Secretary of the American Bar Association, has forwarded for appropriate action a resolution passed by the ABA House of Delegates. The resolution supports procedural protections to safeguard the confidentiality of net worth information submitted in connection with fee applications under the Equal Access to Justice Act. Although I assume the ABA has sent copies of the resolution throughout the Federal Government, we should forward it to the Department of Justice for appropriate consideration, and advise McCalpin that we have done so.

Attachment

THE WHITE HOUSE  
WASHINGTON

March 7, 1983

MEMORANDUM FOR EDWARD C. SCHMULTS  
DEPUTY ATTORNEY GENERAL

FROM: FRED F. FIELDING Orig. signed by FFF  
COUNSEL TO THE PRESIDENT

SUBJECT: ABA Resolution: Equal Access to Justice Act

F. Wm. McCalpin, Secretary to the American Bar Association, has forwarded the attached ABA resolution on procedural protections to safeguard the confidentiality of net worth information submitted under the Equal Access to Justice Act. I send it along for your information and whatever consideration and action you deem appropriate.

Attachments

FFF:JGR:aw 3/7/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

THE WHITE HOUSE  
WASHINGTON

March 7, 1983

Dear Mr. McCalpin:

Thank you for your recent letter transmitting the resolution of the American Bar Association concerning procedural protections to safeguard the confidentiality of net worth information submitted in connection with fee applications under the Equal Access to Justice Act. I have forwarded the resolution to the Department of Justice for appropriate consideration and handling.

Thank you for advising us of the action of the American Bar Association on this matter.

Sincerely,

Orig. signed by FFF

Fred F. Fielding  
Counsel to the President

Mr. F. Wm. McCalpin  
American Bar Association  
1155 East 60th Street  
Chicago, Illinois 60637

FFF:JGR:aw 3/7/83

cc: FFFielding  
JGRoberts  
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Thank you for advising us of the action of the American Bar Association on this matter.

Sincerely,

Fred F. Fielding  
Counsel to the President

Mr. F. Wm. McCalpin  
American Bar Association  
1155 East 60th Street  
Chicago, Illinois 60637

FFF:JGR:aw 3/7/83

cc: FFFielding  
JGRoberts  
Subj.  
Chron

WHITE HOUSE  
CORRESPONDENCE TRACKING WORKSHEET

*PROF*

☐ O - OUTGOING

☐ H - INTERNAL

☐ I - INCOMING

Date Correspondence  
Received (YY/MM/DD) 1/1

Name of Correspondent:

*F. William McAlpin*

☐ MI Mail Report

User Codes: (A) \_\_\_\_\_

(B) \_\_\_\_\_

(C) \_\_\_\_\_

Subject:

*Equal Access to Justice Act Resolution  
American Bar Association*

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<i>W Holland</i>		ORIGINATOR	<i>83103101</i>			<i>1/1</i>
<i>W AT 18</i>		Referral Note:	<i>D 83103101</i>		<i>S 83103111</i>	
		Referral Note:				<i>1/1</i>
		Referral Note:				<i>1/1</i>
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# American Bar Association

WRITER'S DIRECT LINE

947-4019

SECRETARY  
F. Wm. McCalpin  
Suite 1400  
611 Olive Street  
St. Louis, MO 63101

ASSISTANT SECRETARY  
William H. Neukom  
1000 Norton Building  
Seattle, WA 98104

February 23, 1983

127701 *cu*

Mr. Fred Fielding  
Counsel to the President  
The White House Office  
1600 Pennsylvania Ave., N.W.  
Washington, D.C. 20500

RE: Equal Access to Justice Act

Dear Mr. Fielding:

At the meeting of the House of Delegates of the American Bar Association held February 7-9, 1983, the attached resolution was adopted upon recommendation of the Section of Administrative Law. The action taken thus becomes the official policy of the Association in this matter.

This resolution is transmitted for your information and whatever action you may deem appropriate. Please do not hesitate to let us know if you need any further information, have any questions or if we can be of any assistance.

Sincerely yours,

*F. Wm. McCalpin*  
F. Wm. McCalpin

FWM/BAH/kab  
Enclosure  
0716L/1572T/1573T

cc: William H. Allen, Esquire  
Chairman, Section of Administrative Law  
Marion Edwyn Harrison, Esquire

REPORT 102B

BE IT RESOLVED, That the American Bar Association opposes the automatic release of net worth exhibits and supporting financial information ("net worth information") submitted in conjunction with fee award applications under the Equal Access to Justice Act.

AND BE IT FURTHER RESOLVED, That the American Bar Association supports procedural protections providing to those who submit net worth information the opportunity to act to ensure that such information is kept confidential by administrative agencies in administrative adjudications under the Equal Access to Justice Act. Such protections include the following:

1. An applicant objecting to the public disclosure of net worth information should have the opportunity to submit any portion of a net worth exhibit or other document ("net worth document") directly to the adjudicative officer (e.g., an administrative law judge) ruling on the fee award application in a sealed envelope labeled "Confidential Financial Information."

2. An applicant objecting to public disclosure should have the opportunity to file a motion to withhold the information from public disclosure.

3. The material in question should be served on counsel representing the agency against which the applicant seeks a fee award but need not be served on or disclosed to any other party to the proceeding.

4. If the adjudicative officer determines that the net worth information should be kept confidential and should not be disclosed, any net worth document should remain sealed, pending a subsequent request to inspect or copy the document under the Freedom of Information Act. An FOIA request pertaining to a sealed net worth document should be disposed of in accordance with the agency's established FOIA procedures.

AND BE IT FURTHER RESOLVED, That the American Bar Association urges that courts dealing with fee award applications under the Equal Access to Justice Act adopt procedures to protect the interests of applicants, where appropriate, in preserving the confidentiality of financial information submitted by them.

ABA

OFFICERS BRIEFING SESSION  
(Tentative Agenda)

March 17, 1985

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9:30 a.m.      The White House  
Fred Fielding, Counsel to the President  
Richard A. Hauser, Deputy Counsel to the President

10:45 a.m.      The Department of Justice  
\*Hon. Edwin Meese III, Attorney General  
\*Lowell Jensen, Acting Deputy Attorney General  
Phillip D. Brady, Acting Assistant Attorney  
General, Office of Legislative Affairs  
James M. Spears, Acting Assistant Attorney  
General, Office of Legal Policy

12:00 noon      Luncheon  
Monocle Restaurant on Capitol Hill  
107 D Street, NE  
Guests:    \*Hon. Robert Dole, Majority Leader,  
United States Senate  
             \*Hon. Alan K. Simpson, Majority Whip,  
United States Senate

1:30 p.m.      The Senate Judiciary Committee  
Hon. Strom Thurmond, Chairman  
Hon. Joseph R. Biden, Jr., Ranking Minority Member  
Dennis W. Shedd, Chief Counsel  
Mark H. Gitenstein, Chief Minority Counsel

3:00 p.m.      The House Judiciary Committee  
Hon. Hamilton Fish, Jr., Ranking Minority Member  
Elaine M. Mielke, Chief Counsel  
Alan F. Coffey, Jr., Chief Minority Counsel

\*Awaiting final confirmation.

# AMERICAN BAR ASSOCIATION LEGISLATIVE ISSUES

Current through October 1984

\*Indicates Critical Legislative Priority issues for 1 year period beginning February 1984

\*Indicates Very Important Legislative Priority issues for 1 year period beginning February 1984

+ Indicates legislation enacted or objective achieved; entry retained for reference

"R" indicates reaffirmation of policy by House of Delegates

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## Administrative Law

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Administrative Conference of the United States. Support retaining the public membership of the ACUS and support adding certain functions to ACUS. 6/79

Administrative Law Judges. Support legislation to exempt ALJs from Civil Service veterans' preference hiring requirements and support legislation with respect to the appointment, tenure and discipline of ALJs. 8/76; 6/79

Administrative Procedure Act Amendments. Support a package of APA amendments relating to definition of "Rule," appeals boards, uniform rules, subpoena power, judicial review of agency proceedings, compulsory process, etc. 8/70; 8/79; 2/81

Attorneys' Fees. Urge Congress to enact legislation which would (1) establish uniform principles for the regulation of attorneys' fees in proceedings before federal administrative agencies; (2) provide for reasonable fees; and, (3) implement through the administrative rule-making process. 8/80

Bank Chartering and Branching Proceedings. Support making public the staff findings and recommendations in

de novo proceedings conducted by the Comptroller of the Currency and by the Federal Home Loan Bank Board, with due opportunity for the parties to comment thereon, and support a prohibition on ex parte communications between the staff and the agency head. 2/77

Benefit Programs for the Elderly. Urge the federal government to establish uniform procedures for administering its benefit programs for the elderly. 2/80

Bumpers Amendment. Support legislation strengthening judicial review of federal agency action. 8/79

Civil Aeronautics Board Decisions. Support legislation removing, in all but international security cases, the role of the President in reviewing Civil Aeronautics Board decisions concerning the award of foreign air routes to domestic carriers. 8/54; 8/74

Congressional Review of Presidential Action. Support congressional review of the exercise of certain congressionally delegated Presidential actions which involve quasi-legislative powers by including in each statute delegating a particular power a time limit on the limit on the use of that power and authority for the President to withdraw or modify his action in light of any intervening congressional resolution. 8/79

Congressional Veto of Agency Regulations. Oppose legislation providing for congressional review of agency regulations, which would become effective only after the expiration of a set time, unless expressly vetoed by Congress. 8/79

Debt Collection. Support legislation authorizing contracts by appropriate federal agencies to retain private counsel to collect debts owed to the U.S. 8/84

Discipline of Lawyers. Support legislation to bar federal agencies from prescribing rules of conduct and discipline for attorneys practicing before federal agencies except as necessary to maintain order in proceedings before an agency or to conform with action taken by state disciplinary boards; undertake the development of a model enforcement mechanism for the discipline of lawyers who practice before administrative agencies. 8/80; 8/82

Ex Parte Communications in Rulemaking Proceedings. Support legislation prohibiting such communications between private parties and government personnel. 2/59; 8/70; 8/75

Federal Trade Commission Act Amendments. Support legislation to amend Section 5 of the Federal Trade Commission Act to define unfair acts or practices as those "which have resulted in or will cause substantial injury to consumers, and such injury is neither reasonably avoidable by consumers themselves nor outweighed by countervailing benefits to consumers of competition." 8/82

\*\*Federal Trade Commission Regulation of Lawyers. Oppose legislation authorizing the Federal Trade Commission to preempt traditional state regulation of the legal profession in

the absence of any preliminary show of lack of effectiveness to prevent unfair or deceptive acts, especially areas of codes of ethics, discipline rules and commercial and business practices. 8/83

Federal Trade Commission Rulemaking Power. Urge Congress to limit the rulemaking power to regulate practices that are deceptive or are widely condemned by legislation, decision, prevalent community or industry standards, and to repeal FTC power make rules based on unfairness. 8/8

Freedom of Information Support amendments to FOIA which would (1) balance more carefully interests of private and public parties; (2) provide increased protection for financial, commercial and business information (3) define the term "agency record" (4) strengthen or create exemptions pertaining to national security and intelligence, law enforcement rules manuals, and national security and criminal investigatory records. 8/72/82; 2/83; 8/83; 2/84.

Governmental Intervention in the Economy. Endorse the principle that in lieu of governmental intervention, reliance be placed upon the competitive market as regulator supported by antitrust laws; support several enumerated analytical principles to avoid unnecessary regulation. 2/79

Management of Administrative Agencies Urge agencies to reduce delay and improve management by making greater use of informal rulemaking, agency delegation of final authority to presiding officers and staff appeal boards, and certain management procedures subject to an outside audit. 8/78

Modified Administrative Procedure. Support an amendment to the APA to



provide a category of modified procedure in cases now heard on the record for the purpose of determining whether a formal trial-type hearing is necessary. 2/79

Policy Consulting Boards. Recommend that the federal regulatory agencies consider establishing broadly representative boards to help solve policy problems assigned to them. 2/79

Presidential Intervention in Regulatory Process. Support statute authorizing President to direct regulatory agencies to consider the issuance/modification/withdrawal of regulations which affect both national interest and the agency's statutory goal(s). 8/79

Public Participation. Support the principles of the payment of attorneys' fees and costs by the government in administrative proceedings and the judicial review of such proceedings considered to be in the public interest. 2/77; 2/78

Race to the Courthouse. Support legislation to provide that petitions to different U.S. courts of appeals for judicial review of agency action filed within five days of final agency action be treated as simultaneously filed, and that the appellate court be chosen by random selection. 2/83

Regulatory Reform. Support and oppose numerous amendments to the Administrative Procedure Act, and other statutes, to decrease federal regulation, to streamline and simplify regulatory procedures, and to provide for improved coordination among federal agencies and increased public and private oversight of regulatory action. Many entries under Administrative Law which pertain to the federal regulatory process and the Administrative Procedure Act are subsumed under Regulatory Reform. 2/78; 8/78; 2/79; 6/79; 8/79; 8/80

Review of Proposed Regulatory Action  
Support issuance of Executive Order directing federal agencies to prepare regulatory analysis and inter-agency review of the impact that important proposed regulatory actions would have on the achievement of all relevant statutory goals. 8/79

Rulemaking Procedures. Support legislation amending Section 553 of Administrative Procedures Act to require hybrid, or more stringent, procedures in informal (notice and comment) rulemaking. 8/81

SSI Reform. Urge the enactment of legislation such as H.R. 5341, S.256 (98th Congress) to resolve administrative inequities and anomalies in programs such as SSI to enhance efficiency, effectiveness, fairness and accessibility of such programs. 8/81

SEC Standards of Conduct. Urge Securities and Exchange Commission to refrain from adopting proposed standards of conduct constituting unethical practice by lawyers before the Commission. (See also Discipline Lawyers.) 11/81

Sunset Legislation. Support a limited form of sunset legislation, provided several considerations are met, which would require periodic review by the Congress of federal regulatory agencies. 2/78

Veterans Administration. Support legislation to empower the federal courts to review decisions of the VA and to lift the \$10 restriction on attorneys fees paid for representing veteran in VA proceedings. 8/75; 8/78

Wage-Price Controls. Support principles concerning public notice and participation and administrative due process in any program or voluntary



mandatory federal controls. 2/75

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Admiralty and Maritime Law

---

Maritime Law. Support federal legislation to insure uniformity of maritime laws. 8/76

---

Antitrust Law

---

Competition Improvements Act. Oppose the introduction into federal regulatory agency proceedings of excessively competitive consideration such as contained in the proposed Act. 8/76

Federal Trade Commission Act. Oppose amendments to Section 10 expanding FTC authority to enforce compulsory process and to increase fines for failure to comply; support expanded rights of respondents to challenge compulsory process. 2/76

Franchising Termination Practices Reform Act. Oppose Act or similar enactment of overly restrictive and rigid rules for termination and nonrenewal of franchise agreements. 2/78

Illinois Brick. Oppose legislation to overturn the Illinois Brick decision by permitting a) state attorneys general to bring antitrust actions as parens patriae on behalf of natural persons and b) allowing state and federal government entities to sue as ultimate purchasers. 8/84

Industrial Reorganization Act. Oppose the Act or principles contained in similar legislation, which would reorganize at least seven concentrated industries and declare monopoly power per se unlawful 2/74

National Productivity and Innovation Act of 1983. Support passage of Title II-V of the Act subject to certain modifications and qualifications. -1

Oil Divestiture. Issue of divestiture of vertically integrated oil companies control over the exploration, extraction, refining and sale of petroleum products. (No position)

Tunney Act. Oppose expanding the Tunney Act to compel judicial review of voluntary dismissals of antitrust proceedings brought by the U.S. and more extensive judicial and third-party roles in approval of consent judgments subject to the Act. 8/84

Unfair Competition Act of 1967. Support enactment of the Act, with amendment prohibiting misrepresentation or misappropriation in any trade practice or course of conduct in commerce. 2/5/75

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Attorneys, General Practice

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+Attorney Fee Shifting. Support legislation to permit courts and administrative agencies to award attorneys' fees to a private party prevailing against government where public benefit results and economic interest is small. 2/78

Compensation for Assigned Counsel. Support action by Circuit Judicial Councils to provide compensation for assigned counsel in criminal cases comparable to that paid for private counsel for similar services. 2/74

Equal Access to Justice. Support amendment to Act providing boards of contract appeals with authority to award attorney fees and costs under

Act. (See also Attorney Fee-Shifting.) 2/82; oppose proposals to restrict eligibility or to impose arbitrary limits on hourly fees for private attorneys that might be recovered from the federal government. 8/82; support extension of Act to include social security Administrative hearings. 4/84

Federal Disciplinary Jurisdiction and Proceedings Against Lawyers. Oppose federal legislation establishing rules governing and allowing proceedings in federal courts against lawyers admitted to federal practice, and granting prosecutorial discretion to U.S. Attorneys to initiate such proceedings. 8/75; 2/76

Federal Government Attorneys. Support the establishment of Attorney Classification Standards Boards within each federal agency or centrally within the Department of Justice to evaluate the professional competence of individual attorneys. 2/78

Federal Statutory Charging Lien for Attorneys. Support legislation creating liens for attorneys whose clients obtain judgments against the United States. 2/74

Fee Limitations on Federal Administrative Proceedings. Support removal of any statutory or administratively-imposed limits on the award or payment of attorneys' fees. 2/73-R-2/75; 2/76; 8/76

Law Book Publishing Practices. Support and encourage compliance with FTC guides to protect lawyers and law libraries against unfair and deceptive publishing practices. 2/76

Professional Discipline. Support the adoption of the Model Federal Rules of Disciplinary Enforcement by the Judicial Conference of the U.S. and by each federal court. 2/78

Release of Net Worth Information. Oppose the automatic release of net worth information in conjunction with fee award applications under the Equal Access to Justice Act; support certain procedural protections which provide those who have filed such information the opportunity to keep it confidential. 2/83

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## Banking, Finance and Securities Law

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Banking Reform Act of 1971. Oppose provisions of the Act prohibiting a director, officer, employee or the li of a commercial bank, S&L association or mutual savings bank from representing a customer in connection with a transaction with the institution. 4/71

Federal Securities Code. Support the Code in the form proposed by the American Law Institute and recommend its enactment by the Congress. 2/79

Uniform Limited Offering Exemption (ULOE). Favor adoption of the ULOE as adopted by the North American Securities Administrators Association subject to three qualifications. 8/8

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## Bankruptcy Law

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\*\*Bankruptcy Court Judges. Urge Congress to adopt legislation regarding the bankruptcy courts that would continue the judges as Article I adjuncts of the district courts, vesting in federal district courts jurisdiction for all cases arising under bankruptcy laws, authorizing the bankruptcy courts to exercise district court jurisdiction but allowing district courts to recall cases in

which the parties have not consented to bankruptcy court jurisdiction and authorizing district courts to refer any recalled case to a bankruptcy judge as a special master or magistrate. 9/82; 2/83

Insolvency Proceedings. Support legislation amending Sections 3466 and 3467 of the U.S. Revised Statutes dealing with priority of government claims in insolvency proceedings not conducted under the Bankruptcy Act. 2/77

+Revision of Bankruptcy Laws. Support in principle legislation, such as HR 8200, 95th Congress, to provide a comprehensive bankruptcy law, provided separate bankruptcy courts are not now established and a planning agency is created to study the appropriate stature for bankruptcy courts. 2/78; 8/78

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## Civil Rights and Constitutional Law

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\*Equal Rights Amendment. Support ratification of the proposed 27th Amendment to the Constitution. 2/72; 8/74

Fair Trial/Free Press. Support balanced approach to fair trial/free press issues (proposed standards). 8/76

Financing of Abortions for Indigent Women. Support legislation on the federal and state level to finance abortion services for indigent women. 8/78

Handicapped Persons Employment. Support federal, state and local legislation designed to further equal employment opportunities for the handicapped. 8/77

Indian Treaty Obligations. Urge

federal government to follow policy of strict adherence to Indian treaty obligations except for compelling circumstances of national security or emergency. 2/80

Japanese American Detentions. Urge appropriate legislative recognition to those denied equal justice under law during WWII detention of Japanese Americans.

Mentally Disabled Advocacy Programs. Urge the establishment of advocacy programs for the representation of the mentally disabled and call on the Legal Services Corporation to increase its activities in this area. 8/78

National Constitutional Convention. Support legislation to provide recommended procedures and controls for a national constitutional convention. 8/73

Physically Handicapped. Support efforts to insure access to public buildings and transportation for the physically handicapped. 8/76

President's Commission on Mental Health. Commend the report of the Commission as a valuable study and endorse those recommendations providing for protection of the human and legal rights of the mentally disabled [the report's section entitled "Protecting Basic Rights."] 8/78

+Rights of Institutionalized. Support legislation to permit U.S. Attorney General to bring suit on behalf of persons confined in state institutions. 8/76

Sex Discrimination in Employment. Support federal and state legislation assuring that prohibitions against sex discrimination in employment will also prohibit employment discrimination because of pregnancy. 2/78

Sex Discrimination in Public Accommodations. Urge the amendment of the Public Accommodations section of the 1964 Civil Rights Act to prohibit sex discrimination in public accommodations, provided however that such amendment not require access by both sexes to the same facilities where legitimate privacy concerns are involved. 8/80

Subversive Activities Control Act. Oppose amendments to the Act to insure the taking in good faith of the constitutional oath of office by federal employees, on grounds that procedures to insure such good faith violate the 1st and 5th Amendments. 2/74

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Congress

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Code of Investigative Procedure. Support adoption of congressional rules requiring consent of witnesses before testimony is broadcast or reproduced. 8/74

Witnesses. Support, in the U.S. House and Senate, rules providing that no witness shall be compelled to give testimony in any hearing for public broadcast. 8/74

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Consumer Law

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Agency for Consumer Protection. Support creation of federal agency to advocate the views of consumers by intervening

in other agencies' proceedings and seeking judicial review of such proceedings. 8/72

Department of Justice Class Actions  
Oppose provisions of class action  
reform such as the partial transfer of the Justice Department of control of private class actions and using the class action for punitive as well as compensatory purposes; support Rule of the Federal Rules of Civil Procedure in its present form. 8/74; 2/79

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Corrections

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Agreement on Detainers. Support even state and the federal government becoming a party to agreements on detainers. 8/62-R-5/73

Certificates Setting Aside Convictions  
Support legislation to establish limits for such certificates. 8/73

Discrimination in Employment. Support elimination of employment discrimination in correctional systems. 8/75

Ex-Offender Employment. Support elimination of law putting limitations on employment and occupational licensing of ex-offenders. 8/75  
"Gate-Money". Support provision of transitional financial assistance to prison releasees. 8/76

Prison Work-Release Programs. Support elimination of procurement policies which discriminate against such programs. 2/74

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Courts/Judges/Procedure

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(For additional policy positions, see

the ABA Standards Relating to Trial Courts and Standards Relating to Court Delay Reduction).

Additional Judge for D.C. Circuit. Urge Congress to enact legislation which would provide for an additional judge for the U.S. Court of Appeals for the District of Columbia Circuit. 8/80

+Annuity Payments. Support legislation to discontinue annuity payments to former federal employees while they are serving as justices or judges of the U.S. 2/80

Appellate Court Procedure. Support legislation creating a Commission on the Federal Judiciary System and making improvements in federal appellate court procedure. 8/76

Bankruptcy Judges' Retirement. Support enactment of legislation to establish a judicial retirement system for bankruptcy judges. 2/82

Cameras in the Courtroom. Consistent with the right to a fair trial and other express conditions, a judge may authorize broadcasting, televising, recording and photographing of judicial proceedings in courtrooms. 8/82

Certification of State Law Questions. Urge states to adopt a procedure whereby the highest state court may answer a question of state law certified from an Article III Federal court in certain circumstances. 2/83

Court Costs and Delay. Encourage all courts, court supervisory bodies, and state and local bar associations to take an active role in reducing delay and excessive costs in litigation. 8/81

\*\*Diversity Jurisdiction. Oppose legislation that would either abolish diversity jurisdiction in the federal

courts or curtail it by precluding a resident plaintiff from invoking federal jurisdiction. 6/78

+Division of the Fifth Circuit. Support legislation to divide Fifth Circuit into two autonomous units; one to be composed of the States of Louisiana, Mississippi and Texas, and the other be composed of the States of Alabama, Florida and Georgia. 7/80

Federal Court Calendar Priorities. Support repeal by Congress of all statutory provisions requiring any category of civil case, other than habeas corpus, to receive consideration prior to any other category of case. 2/77

Federal Courts Improvement. Support in part and oppose in part certain provisions of the omnibus court reform legislation; e.g., oppose creation of Federal Circuit Court of Appeals, U.S. Claims Court and U.S. Court of Tax Appeals, and support in principle the deleted provisions of the Federal Courts Improvement Act of 1979, permitting a circuit court of appeals to entertain an appeal from an interlocutory order in a civil action under certain circumstances. 8/79; 10/79; 2/80

Federal Court Study Commission. Support creation of a temporary federal court study commission consisting of representatives from the three branches of Government. 4/83

\*\*Federal Court Subject Matter Limitations. Oppose legislation to curtail the jurisdiction of the Supreme Court of the United States or the inferior Federal courts for the purpose of effecting changes in constitutional law. 8/81; 6/82

Federal Judgeships. Support legislation creating additional district and



appeals court judgeships. 2/74; 2/77; 8/81

**\*\*Federal Judicial Compensation.**

Support increases from current level and continuing, more frequent future increases to keep pace with cost of living in order to retain qualified federal judges; oppose legislation such as the proposed Federal Judicial Salary Control Act, S.1847, 97th Congress, which would subject the federal judiciary to the annual authorization process of Congress. 2/77; 12/80; 4/81

Federal Judicial Rulemaking. Support changes in relevant statutes and procedures applicable to adopting federal rules including vesting rulemaking authority in the Judicial Conference of the United States, assuring broad representation of legal profession on Advisory Committees of Judicial Conference performing that function, and promoting openness in rulemaking process. 2/82

Judicial Compensation. Urge federal and state governments to adjust compensation schedules for judicial officers, to provide relief from inflation. 8/80

+Judicial Discipline. Support in principle legislation which provides machinery for judicial discipline short of removal, while continuing to support legislation which provides for removal of unfit judges. 8/80

Judicial Removal. Support legislation providing for the removal or censure of unfit federal judges by means other than impeachment, but oppose coverage of Supreme Court justices, in such legislation as the Judicial Tenure Act. 8/72; 8/77

**\*\*Judicial Survivors' Annuities.**

Support enactment of improvements in annuities paid to survivors of federal

judges, represented by such legislation as the Judicial Survivors' Annuities Reform Act of 1982. 10/82

Juror Fees and Service. Support legislation increasing fees and allowances for jurors serving on Federal juries and witnesses appearing in U.S. Courts, and providing for a civil penalty and injunctive relief in the event of discharge or threatened discharge of an employee because of Federal jury service. 2/78

Juror Rights. Support federal legislation to improve statutory rights of jurors in federal court cases. 8/81

Jury Service. Support legislation to require that excuse of prospective jurors from federal jury service on grounds of distance from trial be based on demonstrated hardship. 2/78

+Magistrates Jurisdiction and Selection. Approve in principle the procedure for selection of U.S. magistrates by panel, and support legislation to enlarge jurisdiction of federal magistrates in both civil and criminal cases. 8/77; 8/79

Marshals Service. Support legislation which would allow the Attorney General to prescribe by regulation fees now set by law for the service of documents by the U.S. Marshals Service. 2/78

Merit Selection of Judges. Establish procedures to encourage the appointment of all federal judges strictly on the basis of merit and without regard to extraneous political considerations. 8/72; 8/77; 8/80

Urge all presidential candidates to disavow any platform plank inconsistent with concept of merit selection. 8/80

\*Minor Disputes Resolution. Support appropriations to implement the Dispute

Resolution Act which would provide federal funds to states to create or improve small claims courts and such other means of dispute resolution as mediation and arbitration. 8/77

National Court of Appeals. Support legislation creating such a court to which cases could be referred by the Supreme Court. Oppose granting to the new court jurisdiction to hear cases transferred from the regional courts of appeals, Court of Claims and Court of Customs and Patent Appeals. 2/76

Peremptory Challenges. Urge enactment of legislation permitting the peremptory challenge of a federal district judge, magistrate or bankruptcy judge in civil cases. 2/80

Spanish in the Courtroom. Support legislation providing that certain proceedings and pleadings of the U.S. District Court of Puerto Rico be conducted in Spanish and that Spanish-speaking Puerto Ricans serve on grand and petit juries in proceedings before same court. 2/80

State Justice Institute. Support enactment of legislation such as the State Justice Institute Act of 1981 (97th Congress) to provide federal financial assistance to state courts. 2/82

\*\*Social Security Amendments Act of 1983. Support legislation to postpone to January 1986 the effective date of Section 101(c) of the Social Security Amendments Act of 1983. 6/83; Support legislation to remove social security tax on compensation of senior status judges. 8/83

Supreme Court Mandatory Jurisdiction. Support legislation to abolish all cases of obligatory Supreme Court review by appeal except for appeals from determinations by three-judge

courts. 2/79

Transfer of Venue. Support legislation permitting a federal court, when in interest of justice, to transfer an improperly filed case to the appropriate U.S. court. 8/79

U.S. Small Claims Court Jurisdiction. Support legislation to clarify that jurisdiction of U.S. Small Claims Court encompasses all "bid protest" cases establish that the Claims Court and district courts in such cases have concurrent and coextensive jurisdiction. 8/84

Voir Dire. Support voir dire amendments to Federal Rules of Civil Procedure Federal Rules of Criminal Procedure permit counsel to conduct an oral examination of prospective jurors. 2/75; 8/76; 2/81

+Women Federal Judges. Support notification to the President urging his consideration, in the appointment process, of the fact that there are extraordinarily few women federal judges. 8/75

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#### Criminal Law/Procedure

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(For additional policy positions, see the ABA Criminal Justice Standards, Juvenile Justice Standards and Criminal Justice Mental Health Standards.)

+Anti-Arson Act. Support the enactment of legislation similar to S.294 (97th Congress), the "Anti-Arson Act of 1981", which would establish a congressional strategy to combat arson (197-298). 8/81

Anti-Crime Patrol Groups. Oppose legislation providing for funding of citizen patrol groups. 8/72

Armed Career Criminal Act. Oppose the Armed Career Criminal Act of 1983 (S.52 of the 98th Congress) or similar legislation. 2/84

Attorney General. Support restrictions on appointments of person to be Attorney General who played "leading partisan role" in President's political campaign. 2/76

Bail Reform Act. The ABA Standards on Pretrial Release (chapters 20 & 21) adhere to a strong policy preference in favor of the release of defendants pending trial, with limited exceptions based upon a defendant's specific acts or omissions.

Capital Punishment. Oppose in principle capital punishment for any offense committed while under the age of eighteen. 8/83

Computer Crimes. Support, subject to certain conditions, legislation to establish federal jurisdiction concurrent with state jurisdiction over certain crimes committed against or through the use of computers. 8/79

Control of Gambling. Support federal assistance to states in control of illegal gambling. 2/70

Counsel in Death Cases. Urge the Supreme Court to adopt a rule providing for appointment of counsel to pursue postconviction remedies in death penalty cases, and recommend that the Criminal Justice Act be amended to provide for adequate compensation to counsel in such cases. 2/79

\*Crime Victims Compensation. Support legislation to compensate victims of federal crimes and authorize payment to states to carry out the program. 8/66-R-5/74

Criminal Code. Support recodification of all federal criminal laws and favor numerous specific amendments to and deletions from such code. 2/73; 8/73; 8/75; 2/79; 8/79

Criminal Justice Act. Urge Congress increase, or to provide a mechanism administratively increasing, the per hour and maximum total amount of compensation authorized under the Criminal Justice Act of 1964 so that attorneys receive reasonable compensation in accordance with prevailing standards. 2/82

Criminal Justice Financial Assistance. Support legislation to provide federal financial assistance to states and localities to help their crime-fighting efforts. 2/79

Criminal Justice Information. Support legislation to restrict unauthorized and harmful dissemination of criminal justice data identifiable to a person. 2/76

Decriminalization of Marijuana. Support the decriminalization of the personal use or simple possession of marijuana and treatment of the casual distribution of small quantities as simple possession. 8/72; 8/73. See also entry under Health/Mental Health

+Division of Government Crimes. Support statutory establishment of such a division in the Department of Justice. 2/76

\*Exclusionary Rule. Support retention in its current form of the exclusionary rule and oppose legislation which would restrict the application of the rule. 2/73

Extradition. Support the Uniform Extradition and Rendition Act promulgated in 1980 by the NCCUSL. 2/76



Fair Treatment of Crime Witnesses/Victims. Adopted a set of 13 Guidelines for Fair Treatment of Crime Victims and Witnesses in the Criminal Justice System. 8/83

FBI Charter. Support in principle legislation to establish a statutory charter for the FBI and urge inclusion of several provisions, e.g., civil cause of action exclusively against the United States to redress serious abuses of investigatory authority. 2/80

+FBI Director. Support enactment of legislation providing for a definite term of office of the Director of the FBI. 2/76

FBI Jurisdiction. Support legislation carefully defining the responsibilities of the FBI. 2/76

Federal Rules of Criminal Procedure and Evidence. Support numerous amendments to the rules. 2/77; 2/79; 8/79; 8/80

Federal Witness Immunity Act. Urge amendment of the Act to permit the court to compel a defense witness to testify over a claim of privilege against self-incrimination. 8/80

+Foreign Intelligence Surveillance Act. Support enactment of the Act with amendment, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information. 4/78

Government Appeal of Sentences. Oppose in principle government appeal of sentences on grounds that they are too lenient; oppose inclusion of such a provision in pending legislation to recodify the Federal Criminal Code. 2/80

Grand Jury Act. Approve Model Grand Jury Reform Act of 1982. 2/82

Grand Jury. Oppose constitutional

amendment which would eliminate the requirement of an indictment in criminal cases and support legislation implementing 3 improvements in grand jury proceedings, including the right to counsel and limiting the use of hearsay. 8/75; 8/77; 8/80; 2/81; 2/82

Graymail. Support enactment of legislation which will balance the needs of government and the rights of defendants in cases involving possible disclosure of classified information and to accomplish this, recommend, inter alia, the utilization of a mandatory pretrial conference on motion of either party. 2/80

\*Gun Control. Support legislation limiting the sale or possession of "Saturday Night Special" handguns, and favoring numerous other law changes in such areas as sentencing to effectuate strong federal gun control. 2/73; 8/73; 2/83

Habeas Corpus. Oppose legislation, such as S.653, 97th Congress, which would restrict access to federal courts in habeas corpus actions, and support adoption of reforms to improve habeas corpus proceedings. 8/82

Immigration and Nationality Act Amendments. Oppose amending Act to provide for forfeiture of vehicles used in illegal transportation, concealment, harboring, or smuggling of illegal aliens. 2/80

Insanity Defense. Support a defense of nonresponsibility for crime focusing solely on whether a defendant, as a result of mental disease or defect, was unable to appreciate the wrongfulness of his or her conduct at the time of the offense charged; support allocating the burden of proof in insanity cases according to the insanity test employed; and oppose the enactment of guilty but mentally ill statutes. 2/80

Inspector General. Support statute to perpetuate an Office of Professional Responsibility, or Inspector General, in the Department of Justice. 2/76

IRS Jurisdiction. Support legislation to restrict IRS activities by prohibiting intelligence gathering or investigations based on political or ideological considerations unrelated to administering laws. 2/76

Juvenile Court Services. Urge the Office of Juvenile Justice and Delinquency Prevention of DOJ to support implementation of adequate defense and prosecution services in juvenile courts, and that assessment and support of these services receive priority attention. 8/84

Law Enforcement Activities by White House Personnel. Support legislation to prohibit such activities. 2/76

Law Enforcement Assistance Administration. Support legislation to reauthorize LEAA for 5 years and to make several changes in the existing LEAA law. 2/79

Logging of Contacts with Department of Justice. Support legislation requiring Justice Department personnel to record all outside contacts. 2/76

Mandatory Minimum Prison Sentences. Oppose legislatively- or administratively- imposed mandatory minimum sentences or parole, including sentences for drug offenders. (See also Sentencing Reform entry) 2/74

Monetary Instruments. Oppose certain amendments to the Currency and Foreign Transactions Reporting Act dealing with attempt to transport, warrantless searches, and compensation of informants. Support legislation protecting innocent owners of monetary

instruments. 2/81

Post-Conviction Procedures. Support the Uniform Act promulgated by the NCCUSL in 1980. 2/81

Racketeer-Influenced and Corrupt Organizations (RICO). Support amendments to RICO statute including the replacement of the term "racketeering activity" with the phrase "criminal activity." 8/82

Rape Law Revision. Support for redefinition of rape in terms of persons, amendment of rules of evidence to protect the victim's privacy and other reform measures. 2/75

Reimbursement of Costs. Support reimbursement of costs, but not attorney fees, for non-convicted criminal defendants. 8/76

\*Sentencing Reform. Support more uniform sentencing by a commission to set sentencing guidelines for federal criminal offenses and advocate provisions which would provide more adequate emphasis on alternatives to incarceration. 8/68; 8/79

+Special Prosecutor. Support amendments to the special prosecutor provisions of the Ethics in Government Act of 1978, including eliminating unwarranted investigations of petty matters, limiting the crimes which can trigger the appointment of a special prosecutor, and limiting the persons covered. 2/76; 8/82

+Speedy Trial Act. Support legislation to amend certain sections of the Act to relax or suspend certain time limits and sanctions under the Act. 6/79

Supreme Court Jurisdiction. Oppose legislation limiting criminal law jurisdiction of the Supreme Court. 5/68-R-5/75

Task Force on Crime. Support  
"Statement of Proposal" portions of  
Task Force on Crime Report on gun  
control, delays in the appellate  
process, resources for criminal justice  
system, corrections, juvenile justice,  
and the role of the legal profession.  
2/83

Unanimous Verdicts. Oppose  
less-than-unanimous verdicts in federal  
criminal cases. 8/76

Uniform Alcoholism and Intoxication  
Treatment Act. Support utilization of  
federal funds available to implement  
the Act and decriminalization of  
alcoholism. 2/75

Voir Dire. Oppose FRCP amendments  
prohibiting voir dire by counsel;  
propose voir dire amendments to FRCP.  
2/75; 8/76; 2/81

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#### Customs & International Trade

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Access to Confidential Information.  
Support amendment of the International  
Trade Commission General Procedures for  
the Conduct of Investigations and of  
the Trade Agreements Act of 1979 to  
insure that corporate counsel have the  
same right of access to confidential  
information under protective orders as  
do retained counsel. 8/82

Burden of Proof. Support amendment of  
customs laws to provide that a  
challenging party in Customs Court  
shall only have the burden of proving  
that a Customs Service decision was  
incorrect and shall not also have the  
burden of proving what the correct  
decision should be. 8/77

+Customs Courts Act. Support  
legislation to reform and clarify the

jurisdiction of the Customs Court and  
the U.S. Court of Customs and Patent  
Appeals, including establishment of a  
small claims procedure. 6/78; 10/79

Customs Court Jurisdiction. Support  
legislation granting jurisdiction pri  
to administrative exhaustion. 8/76

Customs Headquarters Consideration of  
Petitions. Support centralized Custo  
Headquarters consideration and  
disposition of petitions for relief  
from civil fines, penalties and  
forfeitures wherever: (1) the  
proposed field settlement exceeds  
\$5,000; (2) the petition involves  
issues for which there is no clear  
precedent; or, (3) an issue of law o  
policy is presented and Headquarters  
review is requested. 8/80

Customs Law Modernization and Reform.  
Support legislation implementing such  
reform. 2/75

Equity Jurisdiction. Support  
legislation creating equity  
jurisdiction in Customs Court. 8/76

General Agreement on Tariffs and Trade  
(GATT). Oppose import quota  
legislation which is in conflict with  
the U.S. obligations under GATT. 2/71

International Trade. Urge the U.S.  
Government to seek, during current  
multi-lateral trade negotiations in  
Geneva, reform of the procedures for  
resolving disputes between nations,  
incorporating specified principles. 2

Notice of Liquidation. Recommend tha  
the U.S. Customs Service institute  
procedures whereby the official notic  
of liquidation of an entry would be t  
date of receipt of a mailed copy of  
that notice. 8/80

Tariff Act Penalty Provisions. Suppo  
legislation making the penalty

provision of Sec. 592 of the Tariff Act more uniform and equitable. 8/75

Tariff Review. Support legislation permitting judicial review of agency tariff decisions and presidential modification thereof. 2/72

Time Limits for Investigations. Urge U.S. Customs Service to establish time limits for different classes of investigations and to provide notice to the party who is the subject of an investigation whenever the investigation is terminated. 8/80

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#### Election Law

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Absentee Balloting. Urge recodification of federal statutes governing absentee balloting procedures for military personnel and U.S. Civilians abroad, and granting of federal assistance to states that adopt federal provisions. 8/80

Districting. Support single-member districting for state legislatures and certain local governmental entities. 2/81

Election of the President. Support proposed constitutional amendment providing for election of the President and Vice President by direct popular vote and abolition of the Electoral College. 2/67-R-5/74; 2/74

Equal Time Provision of Communications Act. Support legislation repealing equal time provisions as to presidential candidates and amending as to congressional candidates. 8/75

Federal Campaign Financing. Support legislation for federal campaign financing which includes principles concerning contribution and expenditure

limits and standards for providing matching federal funds for presidential and congressional candidates. 9/75

Federal Election Commission. Support the creation and independent functioning of a Federal Election Commission. 8/75; 2/76

Postcard Voter Registration. Support legislation creating a federal administration and procedures and funding for voter registration by for federal elections. 8/74

Twenty-Fifth Amendment. Support congressional hearings pursuant to Amendment procedures for filling vacancy in the Office of Vice President. 8/74

Vice Presidency. Support retention of the constitutional Office of Vice President and involvement of the Vice President in the operations of the presidency; urge presidential contenders to announce tentative list of possible vice-presidential running-mates, and favor televised debate by vice-presidential candidates in any future presidential debates

Voter Participation. Urge the President to appoint a commission study the decline in voter participation, support the enactment of legislation that encourages voter participation, including fair congressional redistricting, and urge the state and local bars to aid the Association in improving voter participation. 2/79

+Voting Rights. Support extension of the Voting Rights of 1965, with amendments and support effects tests. 10/81

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#### Energy/Public Utilities

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National Energy Program. Oppose creation of a federal Corporation for Petroleum Production and support certain legislative efforts to control the energy crisis. 8/73; 8/74

Regulatory Conflicts. Urge Congress to enact legislation enabling the federal courts to resolve by declaratory judgments controversies with respect to jurisdiction to regulate a public utility. 5/63-R-5/73

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#### Environment/Natural Resources

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+Department of Energy and Natural Resources. Support creation of a federal Department of Energy and Natural Resources. 8/72; 8/73

Environmental Controls. Support maintenance of environmental standards in dealing with actions to meet energy crisis. 2/74

EPA Compliance Schedules. Support granting EPA authority to temporarily relax compliance schedules for environmental standards in overall public interest. 8/74

Mining Law Revision. Support legislation encouraging mineral exploration and development on public lands with regard for environmental protection. 8/74

Private U.S. Investment in Foreign Minerals. Support U.S. Governmental action to assure that foreign governments agree not to expropriate mineral deposits owned by U.S. concerns. 8/73

(For additional policy positions, see the ABA Standards of Practice for Lawyer Mediators in Family Disputes)

+Child Abuse Prevention and Treatment Act. Support increased effort to identify, prevent and treat child abuse and neglect and urge Congress to support extension of the Act. 8/80

Child Care Resources. Support wider availability of child care resources for American families through enactment of legislation, tax incentives, and increased legal assistance from individual attorneys and bar groups 8/83

+Child Snatching in U.S.. Support several principles relating to the curtailment of child snatching, including the enactment of legislation requiring full faith and credit recognition of state custody decrees and relevant provisions of the proposed Criminal Code Reform Act. 8/77; 8/78

Child Snatching/International. Urge approval and ratification of the Convention on Civil Aspects of International Child Abduction as proposed by the Hague Conference on Private International Law. 2/81

Child Support Enforcement Funding. Urge Congress to maintain funding system for enforcement of family support obligations under Title IV-D of Social Security Act. 8/82

Child Support Orders. Oppose amendments to law (P.L. 90-321) which imposes restrictions on garnishment, assignments, sequestrations, or like process for enforcement of state orders for child support or alimony. 2/78

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#### Family Law

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+Civil Service Annuities. Support legislation recognizing spousal interests in such annuities. 2/78

Family Violence. Support federal, state and local efforts to combat family violence, and recommend the adoption of certain procedures by the police, prosecution, and the courts to make the criminal justice system more responsive to the problem. 2/78; 8/78

+Foster Care. Support federal legislation which, among other things, will provide funding for child welfare services, mandate case review for children in foster care, and encourage states to provide families with services to prevent unnecessary out-of-home placements. 8/80

Garnishments. Support action by the U.S. Government to assure that garnishment under Social Security Act on the salaries and pensions of U.S. personnel will be promptly executed. 2/78

+Military Retired Pay. Support legislation recognizing spousal interests in military pensions. 8/79; 2/82

+Select Committee on Children, Youth and Families. Support enactment of legislation to establish a Select Committee on Children, Youth, and Families. 8/82

+Social Security Services for Non-Welfare Children. Support extension of federal reimbursement to states for costs of services provided non-welfare children under Title IV-D of the Social Security Act. 2/76

+Spousal Interest in Deferred Compensation. Support legislation making all deferred compensation from employment subject to state property

laws. (See also Military Retired Pay.) 2/82; 8/82

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## Federal Government

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Federal Tort Claims Act Amendments. Support legislation to amend the Federal Tort Claims Act which would substitute the U.S. as defendant in constitutional tort or Bivens actions if it provides for: 1. a waiver of the good faith defense by the government; 2. separate attorney's fees and punitive damage provisions; 3. jury trials; and 4. periodic reports by the Attorney General to Congress on the actions taken against individuals who have caused the government to pay. 6/78; 8/83

Corporation for Public Broadcasting. Support establishment and long-range funding for the federally-funded CPB. 10/71

+Department of Justice. Support implementation of increased oversight of department programs through review and prior approval of programs by the Judiciary Committees. 2/76

+Financial Disclosure by Federal Officials. Support in principle legislation requiring reasonable financial reporting by federal officials and employees in positions of trust and responsibility, based on seven listed principles. 2/77

Legislative Drafting. Support a set of principles to improve quality of bill drafting and lawyer involvement in legislative drafting in executive branch. 8/72; 8/73

Metric System of Weights and Measures. Support federal assistance in implementing voluntary and complete

U.S. conversion to the metric system.  
8/75

National Institute of Justice. Support creation of an independent federal agency to conduct research and fund pilot projects aimed at improving the justice system. 8/74-R-8/79

National Law Library. Support the creation of an independent, separate department of the Library of Congress which would include the present law library. 2/79; 2/81

Revenue Sharing. Various federal programs provide general and special revenue sharing to states and localities. (No position)

U.S. Attorneys. Support implementation of procedures by which all U.S. Attorneys would be selected solely on the basis of merit. 2/76

U.S. Code Revision and Codification. Support effort to move forward in revision of U.S. Code and reenactment of titles into positive law 2/66

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#### Health/Mental Health

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Death Definition. Join with the AMA and the NCCUSL in creating a uniform public policy position on this legal/medical issue. 2/81

Medical Use of Marijuana. Support federal legislation to remove prohibitions against the treatment of patients with marijuana under the supervision of a physician with controls adequate to prevent improper use. 2/84

Mentally Disabled. Support swift and effective implementation by federal and state governments of laws and

regulations codifying rights of mentally disabled persons. 8/77

National Health Insurance. See Insurance.

Nursing Homes. Urge the retention of effective enforcement mechanisms to ensure adequate quality of care in nursing homes participating in Medicaid and Medicaid. 2/83

Review of Medicare Reimbursement Controversies. Urge Congress to hold public hearings addressing the need for legislation to ensure efficient administrative and judicial review of Medicare reimbursement controversies. 8/80

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#### Immigration Law

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\*Administrative Appeal. Oppose legislation that would not provide for appeal to an independent body for all persons subject to administrative orders of exclusion or deportation or to denial of asylum claims. 2/83

\*Administrative Law Judges. Support legislation that would require administrative law judges for immigration proceedings to be appointed pursuant to the Administrative Procedure Act. 2/83

Administrative Review of Immigration Appeals. Urge amendment of regulations to eliminate the present bifurcated administrative review of immigration appeals so that the power of ultimate decision would be vested solely in the Board of Immigration Appeals. 2/60-R-5/78; 8/80

Alien Deportation Proceedings. Support legislation creating a 10-year statute of limitations on such proceedings.



2/68-R-5/75

\*Amnesty for Illegal Aliens. Support enactment of legislation recognizing that unlawful aliens now in the U.S. should be dealt with realistically and humanely, and those who are otherwise law-abiding should be accorded a legal status. 2/83

\*Board of Immigration Appeals in Department of Justice. Support legislation creating statutory basis for the Board. 2/58-R-5/73

Civil Penalties. Oppose enactment of legislation that would authorize enforcement of civil penalties without opportunity for adjudicatory hearings before administrative law judges. 2/83

\*Employer Sanctions. Oppose enactment of legislation imposing civil and criminal sanctions on employers who knowingly hire unlawful aliens. 2/83

Immigration and Nationality Act of 1952. Oppose amendments to Act which provide for forfeiture of vehicles, vessels or aircraft used by illegal aliens. 2/80

Immigrations Procedures Due Process. Support legislation and regulations insuring adequate due process safeguards. 10/55-R-5/73

Immigration Proceedings. Support applicability of Administrative Procedure Act to such proceedings. 2/68-R-5/75

\*Increased Appropriations for Enforcement. Support provision by Congress of sufficient resources to federal agencies charged with administering immigration, refugee and fair labor standards laws. 2/83

Indochinese Refugees. Support legislation authorizing the Attorney

General to adjust the immigration status of such refugees, regardless numerical quotas, from parolees to permanent resident aliens. 8/77

\*Judicial Review Availability. Oppose legislation to limit availability and scope of judicial review of administrative decisions regarding reopening and reconsideration of exclusion or deportation proceedings, asylum determinations on constitutional and statutory writs of habeas corpus. Oppose legislation to limit to less than 60 days the time within which petitions for review must be filed.

Judicial Review of Final Orders of Exclusion. Support enactment of legislation creating jurisdiction for the judicial review of all final orders. 8/74

Labor Certification Appeals. Support legislation to permit decisions of the Secretary of Labor concerning the granting of labor certificates to be appealed to courts. 2/83

Labor Certification Program. Support amendment of Immigration and Nationality Act to improve labor certification and improvement by Department of Labor of certification program. 8/76

Law Enforcement by State and Local Police. Recommend that (1) state and local police not exercise powers of immigration officer or enforce federal immigration laws except in cases involving alien smuggling; (2) local police inform the INS when they suspect an arrested person is an illegal alien; and (3) local police not interrogate detained persons regarding suspected immigration law violations. 8/83

Presidential Powers in Immigration Emergencies. Recommend that legislation giving the President broad

powers in immigration emergencies preserve the right of judicial review and protect the right to travel. 8/83

\*Right to Counsel. Oppose legislation that would limit the rights of persons subject to exclusion, deportation, or asylum proceedings to retain counsel. 2/83

Reform of Legal Immigration. Existing laws and procedures for admission of aliens should be reformed to assure increased economic and cultural benefits to the U.S. from such admission. Aliens should be permitted to change their status to that of a permanent resident even if they have not maintained continuous legal status since entering the U.S. 2/83

\*Summary Exclusion. Oppose summary exclusion legislation, and support legislation to provide (1) hearings before immigration judges when entry applicants may not appear to examining officers to have required entry documentation and (2) hearings for asylum applicant on all issues, including issues not initially raised in asylum applications. 2/83

Temporary Workers. Support legislation which will preserve rights of aggrieved persons to pursue administrative, equitable, or legal remedies where employees of non-immigrant temporary aliens fail to comply with employment terms. 2/83

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#### Insurance Law

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Aviation Litigation. Oppose uniform laws in the field of aviation litigation. 2/70

National Health Insurance. Support

primary contribution by private insurers and the preservation of self-regulation of the insurance industry to the extent consistent with the need for federal regulation. 2/72

No-Fault Automobile Insurance. Oppose federal statute establishing, or federal standards for, no-fault insurance programs, and support improved state reparations laws. 8/72-R-5/79

\*Product Liability. Oppose enactment of broad federal legislation to codify tort laws of the 50 states as they relate to product liability, but support federal legislation to address the issues of liability and damages for certain occupational disease claims to allocate product liability risks between the federal government and contractors. 2/81; 2/83

Workers' Compensation. Oppose legislation mandating minimum federal standards for state plans of workers' compensation; urge that workers' compensation systems remain the responsibility of states and oppose federal legislation infringing upon states' systems. 2/74; 2/80

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#### International Law

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Airline Liability. Support modification of present system of compensation for injuries in international air transportation and support Senate ratification of Montreal Protocol #1. 2/77

American Convention on Human Rights. Support accession of the United States to the Convention subject to several reservations, understandings and declarations. 8/79

Antitrust Laws Amendments. Support enactment of H.R. 5235 (97th Congress) which would amend the Sherman Act, the Clayton Act, and the Federal Trade Commission Act to exempt certain conduct involving exports, subject to certain technical amendments. 8/82

Arctic Region. Reject application of the "sector principle" in the Arctic region as inconsistent with the general provisions of international law which are applicable and endorse U.S. efforts regarding development of living and non-living resources of Antarctica. 8/80

Attorney-Client Privilege. Urge the Commission of the European Economic Communities to grant the same protections against disclosure of clients' written communications with U.S. lawyers that are accorded to such communications with lawyers from member states. 2/83

Cabotage Traffic to Non-U.S. Carriers. Oppose certain legislation that deals with the right to allow cabotage traffic to non-U.S. carriers. 8/79

"Case Act" Amendments. Support legislation redefining situation in which unilateral presidential commitment of funds or troops overseas must be submitted for congressional scrutiny as an alternative to congressional veto of executive agreements. 2/76

Convention on the Elimination of Discrimination Against Women. Urge ratification of the Convention, subject to: (1) a reservation to preserve Federal-State divisions of authority; and (2) a declaration that the Convention's substantive provisions are not self-executing. 8/84

Commission on the International Application of U.S. Antitrust Laws. Recommend establishment of a bipartisan

commission. 8/81; 8/82

Crimes Aboard Aircraft. Support strong U.S. and international measures to reduce the frequency of, and to punish such crimes. 2/63-R-5/73

Declaration on International Investment and Multinational Enterprises. Support this Declaration as a constructive statement on the responsibilities of government and multinational enterprises with respect to foreign investment. 2/77

Disarmament and Non-Proliferation of Nuclear Weapons. Support congressional approval of "Interim Agreement on Certain Measures with respect to the Limitation of Strategic Offensive Arms," and urge prompt agreement on further measures providing for the general and complete disarmament and non-proliferation. 8/72-R-5/79

Executive Agreements. Oppose legislation providing for a congressional veto of executive agreements in international affairs. 2/76

Export Administration Act. Urge that export controls be administered according to generally recognized principles of international law and that the Export Administration Act be applied extraterritorially only in ways consistent with recognized principles of international law. 8/83

Export-Import Bank Act of 1945. Support extension of the charter of the Export-Import Bank of the United States through Sept. 30, 1988. 4/83

Extraterritorial Application of U.S. Laws. Recommend the implementation of U.S. government policy requiring notification of the State Department before executive departments and independent regulatory agencies take

enforcement actions directed beyond the territory of the U.S.; recommend establishment of a national bipartisan commission to study the international aspects of the antitrust laws. 8/81

Federal Rules of Civil Procedure Amendments. Urge approval by the Supreme Court and the United States for changes in Rules 4, 28 and 44 of the Federal Rules of Civil Procedure, to comply with the Hague Conventions on Service Abroad of Judicial and Extrajudicial Documents, the Taking of Evidence Abroad and the Abolishing of the Requirement of Legalization for Foreign Public Documents in Civil or Commercial Matters. 8/83

Foreign Sovereign Immunities Act. Support amendments to the Act to clarify provisions applicable to debt securities and guarantees issued by foreign states, arbitration and maritime liens, etc. 8/84

Foreign Secondary Economic Boycotts. Support efforts by the U.S., on the basis of uniform national policy, to end boycotts imposed by foreign countries and impacting on U.S. citizens. 8/78

Free Speech and Press. Support free speech and press in international fora and support Article 19 of the Universal Declaration of Human Rights. 2/82

Gas Warfare. Support implementation, through multilateral agreements, of the Geneva Protocol of 1925 banning gas and bacteriological warfare. 8/76

Genocide Convention. Support ratification of the Convention by the Senate subject to three understandings and one declaration. 2/76

Germ Warfare. Support implementation, through multilateral agreements, of the Geneva Convention on Biological Weapons of 1972 which bans manufacture and

stockpiling of bacteriological weapons. 8/76

Hague Convention Abolishing the Requirements of Legalization for Foreign Public Documents. Support U.S. accession to this Convention. 2/75

Human Rights. Support implementation of the provisions of the Helsinki Accords, especially those concerning human rights and humanitarian cooperation; encourage the review of implementation efforts by the Belgrade Conference and the U.S. Commission on Security and Cooperation in Europe. 2/78

Inter-American Convention on International Commercial Arbitration. Support signing and ratification by the U.S., provided conflict is avoided with the Convention on Enforcement of Foreign Arbitral Awards (1958) and appropriate safeguards are provided with respect to future amendments in the IACIC Arbitration Rules. 2/78

International Court of Justice Advisory Opinions. Urge expansion of advisory opinion jurisdiction to include questions of international law referred by national courts. 2/82

International Court of Justice: Connally Reservation. Support Senate repeal of Connally Reservation in order to remove from sole U.S. determination the question of whether an international legal action subjects the U.S. to the jurisdiction of the Court. 2/47-R-5/73

International Covenant on Civil and Political Rights. Support ratification of the Covenant subject to several understandings, declarations and reservations recommended to the Senate by the Departments of State and Justice. 2/79

International Covenant on Economic,



Social and Cultural Rights. Support ratification of the Covenant subject to several understandings, declarations and reservations recommended to the Senate by the Departments of State and Justice. 2/79

International Extradition Practices. Support legislation to modernize U.S. international extradition practices which would preserve the jurisdiction of the federal courts to make the initial determination whether extradition is barred by the political offense exception and assure that the exception not apply to acts of terrorist violence and serious breaches of international norms applicable in armed conflict. 8/83

International Sale of Goods Convention. Support signature and ratification by the U.S. of the United Nations Convention on Contracts for the International Sale of Goods, and urge Senate to give its advice and consent to ratification of the Convention subject to one reservation. 8/81

International Terrorism. Support U.S. action to encourage ratification of relevant conventions by maximum number of countries, to stimulate implementation of these conventions, and to continue development of new initiatives. 2/81

Iranian Claims. Commend the efforts of the U.S. government to assure full, fair, and prompt compensation of American claimants through settlement negotiations and through arbitration by an impartial international claims tribunal. 8/81

Law of the Sea. Support deep seabed mining as a freedom of the high seas; support important navigation provisions that reflect international custom; support bilateral and multilateral efforts to encourage deep seabed

mining; and support amendments to the new Convention's deep seabed regime responsive to United States concerns. 8/73; 2/80; 8/83

Letter Rogatory Convention. Support ratification by the U.S. of the Inter-American Convention on Letters Rogatory and the Additional Protocol to the Convention, and urge Senate to give its advice and consent to ratification of both, subject to several reservations. 8/81

Moon Treaty. Favor ratification by the U.S. of the "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies." 2/82

Nuclear Arms Control. Urge that U.S. policy on nuclear arms control be based on five principles including the pursuit of serious and sustained negotiations to end the nuclear arms race. 8/82

Overseas Private Investment Corporation. Support adoption of legislation to continue OPIC, to increase participation by private insurers in writing political risk investment insurance, and that OPIC continue to act as a primary insurer of political risks, as amendments of the Foreign Assistance Act. 2/77

Peaceful Settlement of International Disputes. Approve in principle the concept of the Draft General Treaty on the Peaceful Settlement of International Disputes and support further study leading to the ultimate consideration of such a treaty. 8/84

Racial Discrimination Convention. Support accession of the U.S. to the International Convention on the Elimination of All Forms of Racial Discrimination, subject to certain understandings and reservations. 8/78

Rule of Law. Support independence of lawyers, judges and legal processes in foreign countries through ABA communications to U.S. Secretary of State. 2/75

Settlement of Legal Disputes Between the U.S. and Canada. Support recommendations of the American and Canadian Bar Associations' Joint Working Group on the Settlement of International Disputes relating to draft treaties on transfrontier pollution and third-party settlement of disputes. 8/79

United Nations. Support and favor strengthening of the U.N. 8/61; 8/72

U.N. Convention on Recovery Abroad of Maintenance. Support accession of U.S. to the Convention and urge the United States Senate to give its advice and consent to ratification of the Convention. 8/80

United Nations Member States. Oppose any limitation on participation in General Assembly and all other U.N. activities by member states. 8/75

United Nations Representation. Support adoption of the principles by the U.N. General Assembly that all nations with a population over 200 million have an automatic equal representation with various regional blocs in all the organs and specialized agencies of the U.N. 2/84

Vienna Convention on the Law of Treaties. Support Senate ratification of measure providing for uniform use of international treaty terms and procedures embodied in the Vienna Convention. 8/71

Washington Convention on the International Will. Support implementation of the 1973 Washington Convention on the International Will;

favor adoption by U.S. Congress of the International Will Act. 4/80

World Bank. Oppose unilateral legislative restrictions on contributions to the World Bank and other international development bank which are inconsistent with their charter. 8/79

Zionism. Oppose and deplore U.N. resolution branding Zionism as racism. 8/76

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#### Labor Law

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Collective Bargaining for Federal Employees. Support the concept that legislation be enacted to replace the existing Executive Order as authority for collective bargaining. 2/76

+Mandatory Retirement. Oppose changing current law and urge Congress to investigate implications of changes in mandatory age retirement law, and request Secretary of Labor to undertake comprehensive study. 2/78

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#### Legal Education

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Clinical Legal Education. Support continued authorization of and appropriations for Title XI program assistance for clinical legal education. 2/72-R-5/74-R-5/79

\*Council on Legal Education Opportunities (CLEO). Support continued authorization of and appropriations for this program to enable disadvantaged students to attend law school. 10/67 2/72

Guaranteed Student Loan Program. Oppose any budgetary change that would exclude law students from eligibility to borrow under the program and support only those revisions in program that take effect in an orderly fashion and continue to assure law students access to a sufficient pool of credit. 3/82; 4/83

Law-Related Citizenship Education. Support federal funding for such education. 8/75

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### Legal Services

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Center for Defense Services. Support the establishment of an independent, federally funded Center for Defense Services for the purpose of strengthening state and local criminal defense service programs. 8/73; 2/79; related resolution 8/81

Disclosure of Client Information. Oppose provision in HEW Title XX regulations which requires reporting of client data. 4/76

IRS Audit of Federal Legal Services Programs. Oppose disclosure of client information as part of this audit procedure. 4/76

Legal Assistance for the Institutionalized. Support Legal Services Corporation efforts to provide assistance to the institutionalized equal to that provided to other eligible clients. 8/75

Legal Assistance for Members of the Military Reserves. Support the concept of armed forces programs providing legal assistance for members of military reserves for their personal affairs prior to actual mobilization in times of national emergency. 2/77

\*\*Legal Services Corporation. Support strengthening of charter and adequate funding for Corporation. 2/65-R-5/73; 4/81

+Older Americans Act. Urge reauthorization of Older Americans Act with priority on the delivery of legal services to the needy elderly. 4/81

Private Lawyer Involvement. Urge amendment of the Legal Services Corporation Act to mandate the opportunity for substantial involvement of private lawyers in providing legal services to the poor. Urge State and Local bar associations to cooperate with LSC grantees to reach local decisions on delivery of legal services to the indigent by the private bar. 8/80; 2/84

Pro Bono Work by Government Attorneys. Urge that government-employed attorney not be prohibited or discouraged from representing pro-bono clients in general or in actions against the government so long as there is no conflict of interest and where representation is consistent with the rules of professional responsibility. 8/84

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### Medical Malpractice

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Awards for Medical Malpractice. Support several principles relative to the statute of limitations applicable to such claims; oppose any monetary ceiling on awards. 2/78

Medical Malpractice Insurance and Proceedings. Support changes in existing state programs relating to confidentiality of disciplinary proceedings, arbitration of disputes, joint underwriting of policies and



changes in tort law and procedure. 8/76

Tort Law and Procedure. Support tort law improvements respecting medical malpractice concerning access to medical records, panel of experts, advance payments, ad damnum clauses, exchange of experts' reports, itemized verdicts, and prejudgment interest. 2/78

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### Military Law

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Attorney Malpractice. Support enactment of legislation comparable to Federal Tort Claims Act to provide for an exclusive remedy for individuals asserting claims for malpractice by Armed Forces legal personnel. 2/78

Command Authority for Military Officers. Oppose curtailment of statutory authority for appointment, terms of office and grades for Judge Advocate flag and general officers in each of the armed services. 11/81

Court of Military Appeals. Support retention and strengthening of the Court of Military Appeals by (a) providing full 15-year terms for its judges, and (b) by making its retirement system equal to that of other Article I courts. 8/79

Courts-Martial. Support amendment of Uniform Code of Military Justice to authorize Judge Advocate General to correct errors not reviewable by the Court of Military Review in court martial cases. 8/74

+Courts-Martial Manual. Urges executive action to require that, in peacetime, all proposed changes to the Manual for Court-Martial should be published in proposed form in the Federal Register, and a period of at least 60 days thereafter be allowed for public comment in most cases. 8/81

Discharge of Armed Forces Personnel  
Support legislation establishing  
certain minimum standards of due process for administrative discharge. 8/68

Federal Rules of Evidence. Support adoption of the Federal Rules of Evidence for court-martial trials.

Government Appeals. Support amendment of the UCMJ to allow certain appeal the government in trials by court-martial, such appeals to be modeled on 18 USC subsection 3731.

Judge Advocate Career Program. Support the career program for judge advocate serving on extended duty as set forth in standards. 5/73; 8/78

Legal Assistance for Military Personnel and Dependents. Support legislation creating a statutory, instead of the current voluntary, authorization for legal assistance. 2/71; 8/72; 8/75

Military Records Correction. Oppose administrative requirements which interfere with an applicant's right to file an application directly with the boards for correction of military records. 8/83

Military Defense Counsel. Support amendment of the UCMJ to avoid duplication of military defense counsel in trials by court-martial and to provide uniform standards for determining the reasonable availability of requested military defense counsel. 8/78

Military Pay. Urge passage of legislation which provides for 11.7% increase in basic pay for military personnel. 8/80

Military Service As Alternative.  
Oppose the practice of offering

military service as an alternative to prosecution or punishment for criminal offenses. 2/81

Reserve Judge Advocate Program.

Endorse for Reserve Judge Advocates a program which includes: an adequate number of Reserve Judge Advocates to meet the military's legal needs; recognition of their professional status; utilization of their civilian skills; and sufficient military training. 8/79

Reserve or Guard Attorneys. Urge that attorneys who are also in the Reserve or Guard are not prejudiced by reason of their military affiliation and receive the assistance of the legal community when ordered to extended duty. 8/79

Supreme Court Review of Court of Military Appeals Decisions. Support creation of Appellate jurisdiction in the U.S. Supreme Court to review decisions of the Court of Military Appeals. 8/79

+Uniform Code of Military Justice. Support several amendments to code such as increasing the number of peremptory challenges in a general court-martial from one to two. 2/78; 8/79

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Patent, Trademark and Copyright Law

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Paris Convention. Oppose modification of the Paris Convention for the Protection of Industrial Property to permit departures from the principles of national treatment and right of priority. Oppose utilization of objectives in any such modification that are unrelated or inappropriate to the purpose of the Convention. 2/76; 8/77; 2/78

Patent and Trademark Office. Support establishment of U.S. Patent and Trademark Office as a separate and independent agency. 2/80

Patent Titles. Oppose regulations or legislation which automatically vest in government title to inventions resulting from federally financed research and development contracts. 2/65-R-5/73; 8/77

+Re-examination of U.S. Patents. Support re-examination by U.S. Patent and Trademark Office of any U.S. patent on the basis of patents and printed publications not previously considered with the opportunity for the patentee to amend to limit the scope of his patent. 2/76; 2/80

Trademark Registration Treaty. Favor the principle of international registration of trademarks. 2/68; 5/77

Venue for Patent Infringement Cases. Support amendment of the patent venue statute to conform to the general corporate venue statute. 2/77

+Voluntary Arbitration of Patent-Disputes. Support legislation providing for voluntary arbitration of patent disputes, including questions of infringement and validity of patent. 2/74

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Privacy

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Bank Secrecy Act. Support the Act in principle to protect privacy of financial records, but oppose certain proposed amendments inhibiting the ability of law enforcement personnel to carry out effective investigations. 2/75; 8/74

Privacy of Criminal Justice Records. Support legislation to facilitate an

regulate the exchange of criminal justice information in a manner to protect against unauthorized use and to insure privacy. 8/72

Privacy of Personal Records. Support various principles to protect the privacy of personal records that are kept by the government or by organizations. 8/79

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#### Public Contract Law

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Buy-National Laws. Support United States participation in negotiations to establish international norms by government procurement practices to eliminate discriminatory effects of buy-national legislation. 2/78

+Contract Disputes Act. Support comprehensive and uniform statutory approach to resolution of federal contract disputes through enactment of the Act. 2/70; 8/76

Copeland Anti-Kickback Act. Support amendment of the Act to remove the requirement that contractors submit weekly statements concerning wages paid to each employee. 8/77

Debarment and Suspension. Support enactment of legislation incorporating thirty-six principles of a proposed Debarment and Suspension Reform Act. 2/82

Federal Acquisition Act. Support in principle goals expressed in proposed Act making basic reforms of federal contracting procedures and authorities. 8/76; 8/77

Federal Aid Agreements Reform. Support legislation for the reform of agreements between agencies and those carrying out federal aid programs and

creation of a commission to study federal aid arrangements. 8/76

Government Contractor Indemnification. Support federal legislation allocating product liability risks between the federal government and its contractors and providing, in certain instances, indemnity against those risks. 2/83

Labor Standards in Government Contracts. Urge Congress not to adopt certain proposed regulations relating to the Davis-Bacon Act, the Service Contract Act, the Contract Work Hours and Safety Standards Act, and Executive Order 11246 which are inflationary beyond its statutory authority or an unjustifiable burden to the procurement process. 8/80

OSHA Interpretation. Support proposals to allow contract safety provisions contracting agencies to control in case of conflict with OSHA regulations. 8/78

+Renegotiation Act. Urge Congress not to renew the Act nor to provide any new, similar authority for renegotiation during peace time. 8/78

Service Contract Act. Support several amendments to the Act relating to wage rate determinations made by the Secretary of Labor. 8/76; 8/78. Proposals have been made to extend coverage to professional employees. (No position)

Small Business Program. Support establishment by the Office of Federal Procurement Policy of guidelines, through regulation, relating to effective administration of small business programs. 8/76

Vinson-Trammell Act. Support elimination of profit limitation provisions of Vinson-Trammell Act and oppose adoption of any similar

authority for profit limitation during peace time. 8/74; 2/80

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### Real Property/Housing Law

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Closing Costs of Residential Transactions. Urge that any legislative or administrative standards to be established with respect to closing costs of residential real estate transactions take into account several factors, including recognition of the nationwide differences in the use of generic terms, methods of registering title, etc. 2/80

Discrimination in the Sale or Rental of Housing. Support legislation to prohibit discrimination on basis of race, color, creed, sex or national origin in the sale or rental of housing. 2/80

Fraudulent Conveyances. Support legislation to amend the Fraudulent Conveyance provisions of state law and the federal Bankruptcy Code to make it clear that property purchased at a properly conducted noncollusive foreclosure sale is to be considered transferred for reasonably equivalent value. 8/83

Planned Communities. Support the Uniform Planned Community Act promulgated in 1980 by the NCCUSL. 2/81

Real Estate Settlement Procedures Act (RESPA) Support legislation amending RESPA and favor continued review of the Act. 4/76

Sex Discrimination. Support legisla-

tion to prohibit discrimination on the basis of sex in sale or rental of housing or in granting mortgage credit. 8/74

Title Insurance Issuance. Oppose any legislation, including the Model Title Insurance Act, which effectively prohibits attorneys from issuing title insurance policies for clients in real property transactions. 2/84

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### Tax Laws

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(For additional policy positions, see Summaries of Legislative and Administrative Recommendations, 1982, Section of Taxation.)

Appropriations for U.S. Tax Court. Support adequate funding for the United States Tax Court to enable it to fully execute its judicial functions in a timely and effective manner; support '82 appropriation of U.S. Tax Court. 4/82

+Attorneys' Fees. Support legislation allowing the Tax court to award attorneys' fees to prevailing party other than government in tax cases. 2/82

+Carryover Basis. Urge that the carryover basis provisions of the Internal Revenue Code, which became effective on January 1, 1980, be repealed and that current law which provides generally for the basis of inherited property to be stepped up or down to its value on the date of death be retained. 2/79

Dependents. Support IRC amendment permitting the allocation of the personal exemption for a dependent child to the custodial parent, in certain cases. 2/81

Employee vs. Self-Employed Benefits. Urge elimination of all existing distinctions in tax treatment of employee-type benefits and benefits for self-employed persons which are based on type of business entity, type of business activity or size of employer (See also Retirement Benefits.) 8/82

Exempt organizations. Support IRC amendments to reduce the aggregate annual penalties which may be imposed on exempt organizations and certain trusts and their managers and trustees for failure to file annual returns and report or to comply with public notice requirements. 2/81

+Foreign Conventions. Oppose restrictions imposed by Tax Reform Act of 1976 on deductions by individuals for expenses incurred while attending foreign conventions. 2/78

\*Generation-Skipping. Recommend that the current law be repealed and authorize the Sections of Taxation and Real Property, Probate, and Trust Law to work with Congress in developing a workable alternative tax. 8/81, 8/84

Gifts. Support IRC amendment clarifying that existing rules for establishing the value of prior gifts for gift tax purposes extends to estate tax and generation-skipping transfer tax computations. 2/81

Income from Not-For-Profit Lawyer Referral Services. Support in principle exclusion from federal taxation of otherwise qualified for 26 U.S.C. Sec. 501 (c) (6) [Sec. 501 (c) (6) of IRS Code] tax exemption derived by bar-sponsored lawyer referral services organized on a non-profit basis. 6/83

+Income Tax Equality Between Single and Married Persons. Support legislation creating such equality. 2/74

+Independent Contractors. Urge amendment of the IRC of 1954 to provide a safe harbor for independent contractors. 8/82

Legal Expenses. Support in principle legislation such as S. 686, 97th Congress, which would provide a federal income tax deduction for legal service expenses. 2/75; 8/82

Personal Legal Expenses and Legal Insurance Premiums. Support federal income tax deductions of these expenses for certain taxpayers. 2/75

\*Prepaid Legal Services. Support enactment of legislation providing tax exclusion from income of premiums paid to and benefits received from employer-funded prepaid legal services plans. 8/74

+Retirement Benefits. Support legislation providing for equalization of treatment under the Internal Revenue Code of retirement benefits between employees and the self-employed. 1/69; 2/73; 8/74; 2/78

+Social Security Benefits. Support legislation to eliminate income earned by self-employed persons before retirement and received after retirement for the Social Security earning test. 10/79

Tax Amendments to Appropriation Bills. Urge Congress to amend its rules to limit amendments to appropriations bills that would restrain the use of appropriate funds to implement or enforce certain substantive provisions of the IRC. 8/82

Tax Indexing. Support the enactment of legislation to provide for automatic cost-of-living adjustments to income tax rate brackets, personal exemptions and qualified plan limitations



applicable to self-employed. 2/79

Tax Law Simplification. Support numerous IRC amendments which would result in simplification. 4/76

Taxation of Fringe Benefits. Support amendments of the IRC which set forth rules for the taxation of fringe benefits. 8/80

U.S. Tax Court. Recommend to the United States Tax Court that special trial judges be utilized in selected major cities on a continuing or repeated basis for such periods as the Court deems appropriate. 8/83

Venue. Support amendment to the Judicial Code to allow, in the district courts, tax refund suits brought by nonresidents of the United States. 2/81

White House Access. Support enactment of statutory restrictions on the release by the IRS of personal tax information to the White House. 2/76

Zero Bracket Amount. Urge amendment of the Internal Revenue Code to remove the zero bracket amount from the definition of taxable income and restore the concept of a standard deduction which would be fixed in amount and incorporated in the tax tables. 2/80

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