1. Introduction – Sara Sandford and Ingrid Busson-Hall

   - Policy is incredibly important to the Section and to the committees. The policies we make impact law throughout the world.

2. Policy – Yee Wah Chin, Policy Officer


   - Also see Section Policy website: [http://www.americanbar.org/groups/international_law/policy.html](http://www.americanbar.org/groups/international_law/policy.html)

   - Policy is important to the mission of the Section and the ABA to be more than a "trade" organization.

   - In addition to Yee Wah, we have two deputy officers, Carol Mates, and Bruce Rashkow, and Ashley Bean is the staff supporting the Section’s policy activities.

   - Policy, with regards to the Section, is policy with respect to international legal issues.

   - All of the Section’s Policy information, including our new Policy Manual, is on our homepage here: [http://www.americanbar.org/groups/international_law/policy.html](http://www.americanbar.org/groups/international_law/policy.html)

   - We also have a listserv to allow vice-chairs to discuss policy: INTPOLICYVC@mail.americanbar.org

   - **Policy Overview**

     - The Section is involved in 2 major types of policy, as well as a third type that is a subset of one of 2 major types.
First major policy type: R&R – resolution with reports and recommendation: when adopted by ABA House of Delegates (HOD), it becomes official ABA wide policy with indefinite shelf life, and it is generally about big tent issues.

Process for developing R&R: Committee should set up drafting group with other relevant committees and other ABA Sections (this maximizes chances of HOD acceptance)

§ Drafting group seeks approval of the draft R&R from drafting committees and sends it to Yee Wah, Carol Mates, and Bruce Rashkow to vet for form before being sent to Section Council

§ Council has quarterly meetings where draft R&R would be submitted for approval – during which time, drafters should be prepared to appear and answer questions regarding R&R at the meeting. (Drafts often have to go back to Council more than once.)

§ Section delegates will present R&R to HOD if it passes Council and will seek co-sponsors at HOD for R&R among other Sections – HOD meets semi-annually (ABA Annual and Mid-year).

§ Due to limited meetings for Council and HOD, R&R’s need to be about long range issues.

Second major policy type: Blanket Authority Statements – Section policy only and 2 year shelf life – target is normally a government agency, either U.S. or foreign.

Process for developing Blanket Authority statement:

§ Committees create drafting group reaching out to other appropriate committees and Sections

§ Once drafting group approves, draft is submitted for approval to all drafting Sections at the same time for approval

§ Section approval begins with Executive Committee approval

§ After Executive Committee, Council must approve

§ After Council approval, whole ABA gets 10 business days to object before the Comments are submitted
§ Expedited Blanket Authority only needs 2 business days of ABA review, but statement is only valid for 90 days – policy can be submitted for regular blanket authority during the expedited period

- Blanket Authority statements are more focused generally than R&Rs and can be completed and adopted within a much shorter time.

- Technical comments are a subset of blanket authority which generally go through the same development process as blanket authority statements but have a shorter ABA approval time, and more limited scope of review by only those ABA entities that had asked in advance to review technical comments on the topic. Technical comments focus on technical aspects, and are submitted to U.S. agencies and/or other foreign government bodies in response to public comment solicitations.

- In the last year, the House of Delegates has passed 6 R&Rs sponsored by the Section.

- The Section has also issued 20 Blanket Authority Statements, and 2 Technical Comments.

- In the last several months, the Council reviewed and supported an R&R from the Commission on Immigration on Civil Immigration Detention, and reviewed an R&R developed by Section Committees to support allowing international observers to monitor U.S. elections.

- Committees are also working on R&Rs on Drone Strikes, the Arms Trade Treaty, and on Licensing and Privilege Considerations for Foreign Attorneys working in the U.S.

- On the Blanket Authority front, the Section has submitted comments jointly with the Section of Individuals Rights and Responsibilities in response to a consultation by the Law Commission of India on India’s media law; with the Section of Antitrust Law, the Section jointly submitted to the government of Japan a statement on attorney client privilege in the antitrust investigation process; and with the Section of Intellectual Property Law to Canada a comment on proposed amendments to Canada’s trademark law. The Section has continued its regular collaboration with the Antitrust Section on comments on antitrust matters to jurisdictions around the world. In the last several months there were joint comments to the PRC and Mexico, with comments in the works to Australia, Hong Kong, and the Philippines.

- Going forward, we look for more input and activity on policy initiated by Committees. Committee Policy Vice Chairs should monitor for potential policy projects with the Committee’s jurisdiction, and see if can organize Committee members to spearhead projects. The Vice Chairs are not expected to actively draft all comments, but are expected to bring potential projects to the Committee and see if a working group
can be created to take up the project, as well as coordinate with other Section Committees on potential projects.

- The Section will be developing a briefing book for the incoming ABA President, and would welcome input from Committees as to which international legal policy issues the President might highlight during the year that might be included in the briefing book.

- At seasonal meetings, we plan to have sessions to discuss policy development and implementation. It is not enough to get R&R or blanket authority statements issued. We need follow up.

- In both business plans and program proposals, Committees should consider potential policy dimensions. Business plans might include policy goals and identify milestones to be reached in achieving those goals. For example, for R&Rs the stage of progress might be noted since R&Rs generally are lengthy projects. For blanket authority statements note might be made of the types and number of statements since they may generally be completed in months. In programs, Committees might consider any policy issues discussed that might be the basis of a policy statement.

**Question and Answer**

- There were questions and comments from Section members including Daniel McGlynn, Richard Field, and Carol Mates regarding ABA Day, and the fairly limited opportunity of the Section to use this day to bring up substantive issues.

- Sara Sandford also emphasized that, to ensure that the ABA President is briefed on an issue, it needs to be based on existing ABA or Section policy.

3. **Other Matters - Sara Sandford, Ingrid Busson-Hall, Jonathan Lewis**

- R&R to propose modifying the current rule regarding “on the record” policy for programming. Government speakers have far more interesting things to say when it is not for attribution. It seems like there may be committees interested in writing a proposal to the HOD to have some avenue where certain segments of a presentation would not be for attribution. This would not be intended, we expect, to limit access of media, but rather to afford some opportunity for comments without attribution too.

- There were comments from several Section Members, including Jonathan Meyer and Corinne Lammers about the difficulty of obtaining certain speakers – such as a national security officials – to speak on the record. Yee Wah Chin concluded that it sounds like an intracommittee working group should be created to address this issue, and Sara Sandford encouraged committees to use the Policy VC listserve to reach out to this group. She also encouraged committees to first ascertain whether the ABA already has an official policy in place on an issue before proposing a new
one. Perhaps this project would be a proposal to modify existing policy, she suggested.

4. Deadlines:

- Year in Review – Deadline for Committee Submissions and Publication Agreements: **December 1, 2014**