



## **NABE NEWS**

**November 6, 2007**

### **PUTTING IT ALL IN PERSPECTIVE....**

Early in October I accompanied a group of Lancaster Bar Association attorneys to Washington, D.C. to be admitted to practice before the U.S. Supreme Court. Despite the mind-boggling early hour of departure, we were all awake and alert as we were ushered into that majestic courtroom.

After Chief Justice Roberts granted the motion to admit our 13 members, we witnessed oral arguments for two cases dealing with sentencing guidelines. The justices were thoughtful and pointed with their questioning. The attorneys were well-prepared and persuasive with their responses.

What struck me, however, was that this is truly what our legal system boils down to ... the chance to express differing points of view, to be given an equitable hearing, and to be able to rely on the structure of the system to come to a fair conclusion.

By the time we returned to Lancaster, our public radio station was broadcasting the 5:00 p.m. news – and reporting on the cases heard earlier that day in D.C. I was proud to have been able to “witness history”, but more so to be able to say that I am, in some small way, a part of a legal system that consistently works to protect our rights and freedoms. Maybe we need to remind ourselves of that upon occasion.

### **KUDOS TO THE COMMUNICATIONS SECTION!**

They did it again! The Communications Section staged an ELECTRIC workshop in Philadelphia – jam-packed with on-target sessions dealing with everything we all need to know. Topics ranged from communicating with diverse populations to how to enter the world of producing podcasts... from “branding” to avoiding communication catastrophes... and that was just the beginning.

Many thanks to Mark Tarasiewics (Workshop Committee Chair), David Beam, Dan Cirucci, Adrienne Cornwall, Rene Eichem, Joyce Hastings, Kelley Jones King, Cynthia Kuhn, Carol Manning, Fred Massie, Kevin Ryan, Bonnie Sashin and Duane Stanley for all the work they put in to craft the programs. ...and I would be remiss if I didn't recognize the superb efforts of Chris Morganti (Sponsorship Committee Chair) and her committee – Francine Walker, Dan Wise, Brooke Monaco and Adrienne Cornwall – for finding the means to make this affordable to all the attendees.

Great job!!!! Thank you!

## **REMINDER – SCHOLARSHIP APPLICATION DEADLINE FOR MIDYEAR MEETING IS FAST APPROACHING.....**

Scholarship applications for the 2008 Midyear Meeting February 5 through 7 in Los Angeles have been posted to NABE's membership listserv and on the NABE Web site. Recipients will have their registration fees waived and will receive a \$500 stipend to defray travel expenses.

NABE plans to offer up to six scholarships for this meeting. Deadline for returning the applications to Scholarship Committee Chair Jan Wade is Nov. 20.

## **ABA HOUSE OF DELEGATES -- REPORT FROM NABE DELEGATE BILL WEISENBERG**

The ABA House of Delegates will meet on Monday, February 11, 2008 in Los Angeles in conjunction with the ABA Mid-Year Meeting. For recommendations with reports to be included in the bound Book of Reports, they must be submitted by November 14, 2007. However, the House Rules of Procedures provides that the final date for submission of matters by state and local bar associations that can be considered by the House of Delegates is the last scheduled meeting of the Rules and Calendar meeting before the House begins. This will be Sunday, February 10, 2008. In such case, as you can imagine, these reports will be circulated as an addendum. For detailed information on these procedures, please refer to a memorandum sent to all state and local bar associations represented in the House of Delegates on September 21, 2007. For those considering filing a report, please feel free to contact me at [wwweisenberg@ohiobar.org](mailto:wweisenberg@ohiobar.org), (614) 487-4414 or Rochelle E. Evans at the Division of Policy Administration, [evansre@staff.abanet.org](mailto:evansre@staff.abanet.org), (312) 988-5157.

As of October 17, 2007, the following "may" be presented for consideration by the House of Delegates in February, 2008:

- Interstate Compact Administrative Law Procedure Act
- Model Land Use Administrative Procedure Act for States
- Improving Procedural Fairness in the Federal Sentencing Process
- Prosecutorial Disclosure of Evidence Under the ABA Model Rules
- Sentence Mitigation for Youthful Offenders
- Standards on Prosecutorial Investigation
- Vigorous Prosecution of Crimes Against the Elderly
- Detention Conditions and Standards – Immigration
- Family Detention Standards – Immigration
- Paralegal Education Programs
- Model Rule for Conditional Admission to Practice Law (withdrawn from August, 2007 House of Delegates agenda)
- Protocols for Judges in the Settlement and Trail of Cases Involving Unrepresented Litigants
- Prescription Drug Monitoring Programs
- Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act
- Uniform Interstate Depositions and Discovery Act

- Uniform Limited Cooperative Association Act
- Uniform Representation of Children in Abuse, Neglect, and Custody Proceedings Act
- Uniform Rules Relating to Discovery of Electronically Stored Information

To view reports and recommendations that will be considered by the House of Delegates in February, 2008, you can access the House of Delegates website at [www.abanet.org/leadership/2008/midyear](http://www.abanet.org/leadership/2008/midyear) and be directed to agenda items for the 2008 mid-year meeting, or please contact me directly.

If your bar association is planning to submit reports and recommendations to the House of Delegates for consideration at the mid-year meeting, please let me know and I will make sure it is shared with our colleagues.

### **ACTIVITIES OF THE ABA CENTER FOR PROFESSIONAL RESPONSIBILITY POLICY IMPLEMENTATION COMMITTEE – REPORT FROM NABE LIAISON TERESA SCHMID**

The Policy Implementation Committee of the Center for Professional Responsibility tracks the states' adoption of Model Rules relating to professionalism after the ABA's House of Delegates approves each Rule. In addition, the Committee reviews drafts of proposed Model Rules before the drafts are submitted to the House. In this way, the Committee identifies any issues that might impede the promulgation of a proposed new Rule. For NABE members, this Committee provides insight into the emerging professionalism issues that may impact our respective states. The following is a report on the Committee's activities since the ABA's annual meeting in August 2007.

The Committee met on August 9, 2007 during the Annual Meeting. One of the most significant continuing issues for the Committee will be promoting the *Model Code of Judicial Conduct*, which the ABA adopted this year. This represents a highly controversial restructuring of the judicial canons. One key issue: the prohibition against conduct having the "appearance of impropriety" was preserved in the new Code. On another front, the Committee continued its study of a proposed Model Rule for the registration of in-house counsel. Although several states have such a rule, a Model Rule will probably not be ready for the House of Delegates by the mid-year meeting in February 2008.

The Committee met again on October 20, 2007. Although I was not able to attend that meeting, the agenda included continuing activity in support of the Model Code. A possible new entry for ABA approval in February 2008 is a Model Rule on Conditional Admission to Practice Law.

The Committee also continues to track the states' adoption of Model Rules already approved by the ABA. Currently the Committee tracks:

- The Model Rules of Professional Conduct (a hot topic being California's recent initiative to review the Model Rules for possible adoption)
- Model Rule 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice;
- Model Rule 8.5 (Disciplinary Authority; Choice of Law)
- Model Court Rule on Insurance Disclosure
- Katrina Model Court Rule

The Committee's next meeting is on Saturday, February 9, 2008, 3:00-5:00 p.m. at the ABA mid-year meeting.

## **NOTES FROM THE NOVEMBER NABE BOARD MEETING**

Your Board of Directors had a productive meeting November 1-3. Amendments drafted by the Bylaws Committee were reviewed and approved for presentation to the membership for vote at the MidYear Meeting in Los Angeles. Watch your email – they will be coming to you shortly.

The Board is focused on improving communication with the membership and with committees, sections and forums. We will be making a concentrated effort to invite representatives of various entities to attend the February and August meetings so that we have a better understanding of issues of concern. That doesn't mean you can't attend a board meeting without an invitation! Just let me know if you'd like to be included.

## **LETTERS TO THE “EDITOR”**

I noticed at the end [*of the October NABE News*] about the Small Bar Listserv. I just somehow want to let the list know that the IT Section wants to be “bothered” by questions from small bars. That is one of the goals of the section. We want to be the place that small bars call with IT questions. I am not sure how to get this information to them. If they have a question that is IT related we want to make sure it is forwarded to the IT Section listserv. I will be sending a message to the IT Section to let them know.  
-- Pat Yevics

*Thanks, Pat. Note to all Small Bar folks: Your guilt feelings are now assuaged! Take advantage of all the good advice that is out there. (and I suspect that the other sections feel the same way....)*