

ABA Update

By Greg Brooker

ABA Government & Public Sector Lawyers Division (GPSLD). In 2015-16, the GPSLD sponsored relatively inexpensive CLE webinars on a wide range of topics, including: Ethical and Effective Use of Social Media, Deposition Skills Training for Government Lawyers, and Ethical Considerations in Public Sector Law. In addition, the GPSLD sponsored over 25 law school panels on the public practice of law by government lawyers at law schools throughout the country. In addition, the GPSLD voted on several resolutions presented to the ABA House of Delegates.

ABA Resolutions Enacted. At the ABA Mid-Year Meeting in San Diego in February, the ABA House of Delegates approved a wide range of resolutions, including:

Administrative Procedure Act Updates. This resolution urged Congress to amend the APA rulemaking provisions to modernize the Act to help enhance public participation in the rulemaking process.

Inmate Emails. This resolution urged the Federal Bureau of Prisons to amend its policies with respect to monitoring emails between attorneys and their incarcerated clients to permit attorneys and clients to communicate confidentially via email and thereby maintain the attorney-client privilege. This would provide those emails with the same confidentiality protections as traditional letter mail.

U.S. Supreme Court Video Recording. This resolution urged the U.S. Supreme Court to record and make available video recordings of its oral arguments to allow persons to access and better understand the process through which the Court arrives at its decision.

Uniform Bar Examination. This resolution urged the bar admission authorities in each state and territory to expeditiously adopt the Uniform Bar Examination (UBE) in their respective jurisdictions.

Regulation of Online and Non-Traditional Legal Services Providers. This resolution adopted the ABA Model Regulatory Objectives for the Provision of Legal Services and urged that each state's highest court be guided by the Model Regulatory Objectives when they assess the court's existing regulatory framework and any other regulations they may choose to develop concerning non-traditional legal services providers, including online legal services.

Uniform State Laws. In several resolutions, the ABA adopted uniform state laws promulgated by the National Conference of Commissioners on Uniform State Laws, including: Revised

Uniform Athlete Agents Act; Revised Uniform Residential Landlord and Tenant Act; Uniform Commercial Real Estate Receivership Act; Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act; Uniform Home Foreclosures Act; and Uniform Trust Decanting Act.

The GPSLD will hold its spring meeting in Philadelphia in May and will convene at the ABA Annual Meeting in San Francisco in August. Many more resolutions will be voted on at that time.

Three Minnesotans serve on the GPSLD Council: The Honorable John Tunheim, U.S. District Court Judge; the Honorable Susan Burke, Hennepin County District Court Judge, and Assistant U.S. Attorney Greg Brooker.