



U. S. Department of Justice
Office of the Deputy Attorney General

FILE: 1995 ABA Annual Meeting

Washington, D.C. 20530

March 21, 1995

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

THROUGH: MERRICK B. GARLAND
Principal Associate Deputy Attorney General

FROM: RENEE M. LANDERS *RML*
Deputy Assistant Attorney General
Office of Policy Development

GEOFFREY M. KLINEBERG *GMK*
Special Assistant to the Deputy Attorney General

SUBJECT: Planning for the August 1995 ABA Annual Meeting

PURPOSE: To propose to the Deputy Attorney General a plan for the Department's participation in this year's ABA Annual Meeting in Chicago, IL

TIMETABLE: A meeting is scheduled for Wednesday, March 22, 1995 to discuss this.

In anticipation of the meeting scheduled for 11:30 am on Wednesday, March 22, we have sought to memorialize our current thinking about how best to approach the Department's participation at this year's ABA Annual Meeting. As we indicated last week, the deadline for each ABA section to submit its schedule and agenda is not until May 16, so there is still plenty of time to contact those sections with which you would like to have the Department participate.

1. Judge Weinshienk's Invitation. You have been invited by the National Conference of Federal Trial Judges to participate on a panel of five to six speakers on the "Impact of the New Federal Crime Act on the Courts and Society." It will take place on Monday, August 7, from 9:00 am to 11:00 am. Each participant will speak for 10 minutes, followed by a question-and-answer session.

We recommend that you accept this invitation. As you know, most of the important section meetings will take place between Thursday and Monday (August 3-7), so this event comes at the end of what will likely be your main participation at the meeting. At the same time, it takes

place on the morning of the first day that the House of Delegates will be meeting, so if you would like to address the House, you will already be there. Finally, for the sake of variety, you might enjoy dealing (albeit briefly) with a criminal topic after focusing most of your attention on the civil side (as we propose in paragraph 3 below).

2. Participation of AAGs. It is in the Department's interest to have the Assistant Attorneys General address those ABA sections principally concerned with their subject area. So, for example, Deval Patrick should be encouraged to speak at the ABA Section of Individual Rights and Responsibilities; Loretta Argrett should address the Section of Taxation; Lois Schiffer should speak to the Section of Natural Resources, Energy, and Environmental Law; Jo Ann Harris should address the Criminal Justice Section; Anne Bingaman should consider speaking to the Business Law Section; etc.
3. Participation of Department Leadership. We propose that the Department's leadership focus its attention on the issue of civil justice reform. Not only is this likely to be of great interest to most of the participants at the annual meeting, but it also lead to a somewhat less confrontational atmosphere than we have experienced in years past. Although this is necessarily just a preliminary sketch, we thought you might consider pursuing the following:
 - Presidential Showcase on Current Developments in Tort Reform: Plans are underway to present a special program sponsored by the Tort and Insurance Practice Section on Monday, August 7, from 2:00 pm to 5:00 pm. This might prove to be a great opportunity for a formal and well-publicized speech on the Administration's position.
 - Presidential Showcase on Court and Jury Access for Persons with Disabilities: Plans are underway to present a program sponsored by the Commission on Mental and Physical Disability Law on Sunday, August 6, from 1:30 pm to 3:00 pm. This could be a good opportunity to discuss the Department's plans for providing those with disabilities with meaningful access to justice.
 - Presidential Showcase on the 75th Anniversary Commemoration of the Woman's Right to Vote: Plans are underway to present a program sponsored by the Commission on Women in the Profession on Friday, August 4, from 6:00 pm to 10:00 pm. This could prove

to be an interesting forum for you or the Attorney General.

- Presidential Showcase on Law Enforcement and Intelligence: Plans are underway to present a program sponsored by the Standing Committee on Law and National Security on Sunday, August 6, from 3:00 pm to 4:00 pm. Although this may be somewhat "off topic," it is an issue on which you may have much to say.
- Presidential Showcase on Domestic Violence Judicial Training Program: Plans are underway to present a program sponsored by the Section of Family Law on Saturday, August 5, from 1:00 pm to 4:00 pm. The Department could use this opportunity to discuss its recent grants under the Violence Against Women Act to help fund battered-women shelters, law enforcement and judicial training, and education of local prosecutors. By the end of this year, the Department will have provided \$26 million of an authorized \$800 million administered through the Violence Against Women Office. The new director of the office, Bonnie Campbell, could be the one to represent the Department here.
- Section on Dispute Resolution: This could offer the opportunity to present the Department's new ADR policy, to introduce the Senior Counsel for ADR, and to discuss the development and progress of the case-selection criteria.
- Standing Committee on the Delivery of Legal Services: This forum could provide the occasion to present the Department's new pro-bono guidelines.
- National Conference of Bar Presidents: This could be the place to discuss the Department's policy on non-lawyer practice as part of its Access to Justice initiative. Although this topic may prove to be somewhat controversial for this particular audience, it could also prove quite useful as a way of defusing the tension between the Department's policy and the local rules prohibiting the unauthorized practice of law.
- Litigation Section: This would be the logical group to take up the issue of tort reform, punitive damages, and the English Rule. Although it is difficult to anticipate where these issues will be as

a legislative matter by August, it is likely that the Administration will have had to stake out some position by then. The audience would presumably be quite eager to learn what the Department has to say.

There may also be an opportunity to discuss the Department's efforts to create a capacity to conduct, monitor, and fund research on civil justice issues to parallel the NIJ/BJA on the criminal side.

- Section on Family Law: Depending on where the issue of welfare reform stands by this point, there might be an opportunity to discuss the Department's project on developing a unified family court structure.

If you believe this is a useful direction in which to proceed, we will contact the various sections and committees to ascertain whether they would be interested in having a senior Department official address these issues. We could then determine how best to schedule you, in light of the issues you would like to pursue.

Attachment (Current List of Showcase Programs for 1995 Annual Meeting)

AMERICAN BAR ASSOCIATION

1995 ANNUAL MEETING
CHICAGO

SHOWCASE PROGRAMS

Section of Antitrust Law

SUNDAY, AUGUST 6

1:30 p.m. to 4:30 p.m.

"COOPERATIVE ENFORCEMENT EFFORTS BETWEEN THE UNITED STATES AND CANADA"

Cosponsors: International Law Section; Canada Bar

Section of Business Law

MONDAY, AUGUST 7

10:30 a.m. to 12:30 p.m.

"BUSINESS CLIENTS' 'LOVE/HATE' RELATIONSHIP WITH THE BILLABLE HOUR"

Section of Criminal Justice

SUNDAY, AUGUST 6

2:00 p.m. to 4:30 p.m.

"CRIMINAL DOMESTIC VIOLENCE AND TRYING THE 'STALKING' CASE"

Section of Dispute Resolution

SATURDAY, AUGUST 5

2:00 p.m. to 5:00 p.m.

"FRANK E. A. SANDER LECTURE"

PART I: "INTRODUCING MEDIATION INTO COMMUNITY POLICING"

PART II: "CONTRACT WITH THE AMERICAN WORKER: WORKPLACE CIVIL RIGHTS AND THE POTENTIAL ROLE OF ADR"

Cosponsors: Sections of Antitrust; Family Law; Individual Rights and Responsibilities; Law Practice Management

Section of Family Law

SATURDAY, AUGUST 5

1:00 p.m. to 4:00 p.m.

"DOMESTIC VIOLENCE JUDICIAL TRAINING PROGRAM"

Cosponsors: Judicial Administration Division; Commission on Domestic Violence

Section of Individual Rights and Responsibilities

SATURDAY, AUGUST 5

2:00 p.m. to 5:00 p.m.

Section of International Law and Practice

MONDAY, AUGUST 7

2:15 p.m.

"ASIAN TIGERS, DRAGONS AND BEMs ('Big Emerging Markets'): A GUIDE FOR AMERICAN LAWYERS IN NAVIGATING THE LEGAL AND CULTURAL WATERS IN FIVE OF ASIA'S HOTTEST ECONOMIES"

Judicial Administration Division

SUNDAY, AUGUST 5

1:00 p.m. to 4:00 p.m.

"DRUGS, CRIME, AND VIOLENCE IN OUR SOCIETY: WHAT CAN AND SHOULD BE DONE"

Cosponsors: Section of Criminal Justice; Special Committee on the Drug Crisis

Section of Law Practice Management

SATURDAY, AUGUST 5

SUNDAY, AUGUST 6

MONDAY, AUGUST 7

9:00 a.m. to 11:00 a.m.

"WHAT THEY DIDN'T TEACH YOU IN LAW SCHOOL: STARTING YOUR PRACTICE FAST, LAWYER EFFECTIVENESS AND LEADERSHIP SKILLS, AND PUTTING YOURSELF ON THE RIGHT SIDE OF YOUR CLIENT AND STAYING THERE"

Cosponsors: Young Lawyers Division; Section of General Practice; Commission on Women in the Profession; Commission on Opportunities for Minorities in the Profession; Section of Family Law; Center for partnership Programs

Section of Litigation

TUESDAY, AUGUST 8

3:30 p.m. to 5:00 p.m.

JOHN C. SHEPHERD MEMORIAL LECTURE

"NEW WINE IN AN OLD BOTTLE: THE 'SCIENCE OF CROSS-EXAMINATION"

WEDNESDAY, AUGUST 9

8:30 a.m. to 12:00 Noon

"HOW THE MASTERS TRY CASES"

Section of Natural Resources, Energy, and Environmental Law

TUESDAY, AUGUST 8

9:00 a.m. to 11:45 a.m.

"SUSTAINABLE DEVELOPMENT -- WHAT IT MEANS TO YOU AS A LAWYER AND A CITIZEN"

Division for Public Education Publications Department

SATURDAY, AUGUST 5

2:00 p.m. to 4:00 p.m.

"FIRST ANNUAL SUPREME COURT SYMPOSIUM"

Section of Science and Technology

MONDAY, AUGUST 7

9:00 a.m. to 12:00 Noon

"PROTECTING ENTERPRISE INFORMATION IN THE DIGITAL AGE: ENCRYPTION, DIGITAL TELEPHONY,
PRIVACY, AND SECURITY"

Senior Lawyers Division

SUNDAY, AUGUST 6

2:00 p.m. to 5:00 p.m.

"DRUG LEGALIZATION -- YES OR NO"

Section of Tort and Insurance Practice

MONDAY, AUGUST 7

2:00 p.m. to 5:00 p.m.

"CURRENT DEVELOPMENTS IN TORT REFORM"

Sponsored by: Professional Officers' and Directors' Liability Law Committee

Commission on Mental and Physical Disability Law

SUNDAY, AUGUST 6

1:30 p.m. to 3:00 p.m.

"ACHIEVING EQUAL JUSTICE FOR ALL: COURT AND JURY ACCESS FOR PERSONS WITH
DISABILITIES"

Cosponsor: Commission on Legal Problems of the Elderly

Commission on Women in the Profession

FRIDAY, AUGUST 4

6:00 p.m. to 10:00 p.m.

"75TH ANNIVERSARY COMMEMORATION OF THE WOMEN'S RIGHT TO VOTE"

Cosponsors: ABA Women Rainmakers Interest Group; Commission on Opportunities for Minorities in
the Profession

National Conference of Special Court Judges

SATURDAY, AUGUST 5

2:00 p.m. to 5:00 p.m.

"COURTS UNDER ATTACK III"

Cosponsors: Judicial Administration Division; Section of Family Law

Standing Committee on Law and National Security

SUNDAY, AUGUST 6

3:00 p.m. to 4:00 p.m.

"LAW ENFORCEMENT AND INTELLIGENCE: THE LEGAL DILEMMA"

Standing Committee on Lawyers' Title Guaranty Funds

SUNDAY, AUGUST 6

1:00 p.m. to 3:00 p.m.

"IS TECHNOLOGY MAKING THE REAL ESTATE PRACTITIONER AN ENDANGERED SPECIES?"

Standing Committee on Specialization

SATURDAY, AUGUST 5

2:00 p.m. to 4:00 p.m.

"SPECIALTY CERTIFICATION FOR LAWYERS: THE ABA TAKES UP THE CHALLENGE"

Task Force on Children

SATURDAY, AUGUST 5

2:00 p.m. to 5:00 p.m.

"SCHOOLS, GUNS AND CHILDREN: THE IMPLICATIONS OF ZERO TOLERANCE"

As of 3/14/95