

MEMORANDUM

TO: Section and Committee Chairs
Presidents and Executive Directors of State and Local Bar Associations
State and Section Delegates in the House of Delegates
ABA Directors and Department Heads

FROM: Marina B. Jacks

SUBJECT: Summary of Action of the February 2007 Board of Governors Meeting

DATE: February 22, 2007

Attached is the Summary of Action of the February 8-9, 2007, meeting of the Board of Governors held at the InterContinental Hotel in Miami, Florida. Please note that this Summary does not constitute official Minutes of the meeting. Minutes will be presented for Board approval at its next meeting in June 2007.

If you have any questions with respect to the action taken, please let me know.

Attachment

cc: Board of Governors

**SUMMARY OF ACTION
AMERICAN BAR ASSOCIATION
BOARD OF GOVERNORS**

**The InterContinental Hotel
Miami, Florida
February 8 - 9, 2007**

1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR

The Board of Governors (Board) received the reports of the President, President-elect, Chair of the House of Delegates, Immediate Past President, Secretary, Treasurer and Executive Director. The minutes of the Board's October 28, 2006, meeting in Colorado Springs, Colorado, were approved as presented. The minutes of the Executive Committee's November 15, December 12, and December 29, 2006, meetings; and the Executive Committee's February 7 and February 8, 2007, meetings were received.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 House Reports

The actions of the Board on Reports with Recommendations to the House of Delegates are reported in the Board's Transmittal Report to the House of Delegates, #177A. Copies of Report #177A are available from the Division for Policy Administration. (See also Exhibit 5.4 below.)

2.2 ABA Legislative and Governmental Priorities

The Board approved the following ABA Legislative and Governmental Priorities for the First Session of the 110th Congress:

- Access to Legal Education
- Access to Legal Services
- Anti-Terrorism and Preservation of Civil Liberties
- Health Care Law
- Immigration
- Independence of the Judiciary
- Independence of the Legal Profession
- Criminal Justice System Improvements and Protection
of Rights
- Rule of Law – Global
- Tax Simplification
- Youth-at-Risk

2.3 Fund for Justice and Education

The Board, sitting as the members of the Board of the American Bar Association Fund for Justice and Education (ABA/FJE) a) approved the minutes of the October 28, 2006,

meeting of the ABA/FJE Board as presented; and b) accepted the ABA/FJE restricted grants and contributions received or awarded through January 5, 2007, and not previously reported, as requested by the Association's Grant Development & Administration Office. c) The presentation by Sheila Slocum Hollis, Chair of the Council of the FJE, was deferred.

2.4 Presentations on President Mathis' Initiatives

a. Task Force on International Rule of Law Symposia

Dianna P. Kempe and Robert A. Stein, Co-Chairs of the Task Force on International Rule of Law Symposia, and Andrew Prozes, Global Chief Executive Officer, Lexis Nexis Group, presented a progress report on implementation of the Initiative. The Task Force oversees President Mathis' Rule of Law Initiative, which has been divided into six parts: i) Fundraising; ii) a joint ABA-International Bar Association (IBA) symposium, held September 16-17, 2006, in conjunction with the annual IBA meeting and ABA Section Officers Conference meeting in Chicago, Illinois; iii) a regional anti-corruption conference that will be held in Bangkok, Thailand, in February 2007; iv) development of white papers; v) a second rule of law symposium to be held in New York City in June 2007; and vi) the development and submission of Reports with Recommendations for consideration by the House of Delegates at the 2007 ABA Annual Meeting.

b. Commission on Second Season of Service

Maury B. Poscover, Chair of the ABA Commission on Second Season of Service, and Commission Co-Chairs William C. Hubbard and Vincent I. Polley, presented a status report on the Commission's work. The Commission focuses on lawyers who are beginning to leave full-time practice to pursue other interests. The Commission will help lawyers, law firms, law schools, the ABA and the court system address the imminent retirement of a significant number of lawyers through projects, web-based applications and development and marketing of appropriate ABA products and services. The Commission's major activities include i) retention of a consultant to design and manage an electronic survey of the heads of corporate law departments and law firm managing partners to determine practices for lawyers transitioning into active retirement or less than full-time status, ii) development of a Website that will feature information on volunteer opportunities and articles and news stories on relevant topics, iii) development of a membership recruitment initiative that will focus on lawyers 59-65 years of age, and iv) development of a joint Senior Lawyers Division/Young Lawyers Division mentoring program that will match senior lawyers with young lawyers working on pro bono cases.

c. Commission on Youth at Risk

Dwight L. Smith, Chair of the ABA Commission on Youth at Risk, presented a status report on the Commission's work. The Commission's work builds upon existing ABA policy and programming through a coordinated effort to expand and enhance ABA and lawyer activity in this area. The Commission will i) examine serious issues facing teens (ages 13-19) that greatly elevate their risk, ii) develop laws, judicial intervention

strategies, policies, practices, and programs intended to help prevent teens from becoming delinquent or engaging in criminal acts, and iii) determine how the ABA and others in the legal profession can lend support. The Commission's activities include i) a January 18, 2007, satellite/Internet videoconference, co-sponsored with the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, and the U.S. Department of Health & Human Services Family & Youth Services Bureau, which addressed the needs of juvenile status offenders and their families, ii) a Roundtable on Youth at Risk and a Presidential Showcase "Juvenile Status Offenders: What's the Right Approach" that were held during the 2007 Midyear Meeting, and iii) an ABA/Girl Scout USA Pilot Program, "Take Charge: Violence Prevention Education, Conflict Resolution & Law", which will be launched in 10 major U.S. cities.

2.5 Presentations on ABA Rule of Law Initiatives

a. ABA Rule of Law Initiative

Roberta Cooper Ramo, Chair of the ABA Rule of Law Initiative (ROLI), updated the Board on the work of ROLI in furtherance of ABA Goal VIII ("to advance the rule of law in the world") and the consolidation of the ABA's international rule of law programming into a single ABA entity. At present, ROLI operates in over 40 countries in five regions: Africa, Asia, Europe and Eurasia, Latin America and the Caribbean, and the Middle East and North Africa. For Fiscal Year 2005-2006, ROLI projects received \$32,000,000 in federal grants, which represents over 80 percent of all federal grants administered by the ABA Fund for Justice and Education. Ms. Ramo expressed her sincere appreciation to those individuals who are willing to give of their time to go to these regions to provide necessary assistance without pay.

b. Africa Law Initiative

Dianna P. Kempe, Chair of the Africa Law Initiative Council, presented to the Board a status report on the Initiative's activities. She discussed, specifically, the development and implementation of a long-term regional anti-trafficking program in East Africa, which is focused on protecting women and children. The three-part program consists of i) legal education for judges, lawyers, police and non-governmental organizations, ii) media awareness, and iii) legal aid.

c. Asia Law Initiative

Roberta Cooper Ramo presented an update on the activities of the Asia Law Initiative on behalf of Asia Law Initiative Council Chair Laura Stein, who was not in attendance. Highlights of the Initiative's work during the past year include i) facilitation of the signing of Memoranda of Understanding (MOU) between the ABA and the All China Lawyers Association and the Japan Federation of Bar Associations, ii) the completion of a Judicial Reform Index in the Philippines, and iii) the inauguration of programs in support of the Nepalese and Vietnamese bar associations.

d. Central European and Eurasian Law Initiative

Martha Barnett, Chair of the Central European and Eurasian Law Initiative (CEELI), presented to the Board a status report on CEELI's activities. CEELI, the first of the ABA's technical legal assistance programs, presently has an on-ground presence in 23 countries in Central and Eastern Europe, Eurasia, and the Middle East. The Board has been requested to create a separate Middle East and North Africa Initiative. CEELI's programs vary in response to the needs of individual countries, but focus on seven areas: Judicial reform, criminal law reform and anti-trafficking, legal profession reform, anti-corruption, legal education reform, gender, and human rights/conflict mitigation. Ms. Barnett also highlighted recent CEELI programs during the past year including i) the Second Annual General Meeting and Training Program of the Arab Women's Legal Network in Algiers, Algeria, in June 2006 and ii) the Arab Council for Judicial and Legal Studies Inaugural Conference on "Promoting the Role of the Judiciary in the Middle East and North Africa Region" in Amman, Jordan, in June 2006.

e. Latin America Law Initiative

Armando LaCasa, Chair of the Latin America Law Initiative Council (LALIC), presented to the Board a status report on LALIC's activities. Mr. LaCasa highlighted i) the Project to Combat Trafficking in Persons in Ecuador and ii) an April 26-29, 2007, conference on in Mexico City, Mexico, regarding Cuban lawyers and how they will influence Cuban economic development. (See Exhibit 3.15g below.) He also emphasized that understanding the differences between adversarial and inquisitorial criminal justice systems remains one of the biggest challenges in the region.

Additional Remarks: Homer Moyer

Homer E. Moyer, Jr., Counselor to the Central European and Eurasian Law Initiative and a member of the Board of Directors of the Friends of the CEELI Institute (Friends), also informed the Board that June 2007, the building which houses the CEELI Institute will be fully renovated. The CEELI Institute is a post-graduate lawyer and judicial training center in Prague, Czech Republic, that was formed in 1999. Because Friends raised the funds for the renovation of the building that houses the Institute, CEELI will be able to occupy the building rent-free for 50 years.

2.6 Presentation from ABA Non-Dues Revenue Committee

See Exhibit 3.31 below.

2.7 Consent Calendar: Report of Board Committee Chairs

The Board adopted the Consent Calendar as presented by the Secretary. Action on all items contained on the Consent Calendar is set forth in items 3 through 5 of this Summary of Action relating to the reports of the Board Committees.

3. OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

a. Appellate Judges Conference

The Board approved the request of the Appellate Judges Conference (AJC) of the ABA Judicial Division to amend its bylaws to eliminate the Council of Chief Judges of Courts of Appeal (Chief Judges) as a designated Council of the Appellate Judges Conference. The Chief Judges are now staffed and funded through their affiliation with the National Center for State Courts. The Chief Judges will remain regular members of the AJC but will no longer operate and receive funding as a separate Council. The AJC approved the proposed amendment on August 6, 2006.

b. Section of Taxation

The Board approved the request of the Section of Taxation to amend its bylaws to expand the Section Council from 12 to 15 members by adding an additional Council member in each of the next three years, beginning with 2007 Council members. Each of the 15 Council members will serve a three-year term in accordance with the Section bylaws. The amendment was approved by the Section Council at its August 2006 Annual Meeting and by the Section membership at its Midyear Meeting Plenary Session on January 19, 2007.

3.2 Requests Regarding Dues

a. Forum on the Construction Industry

The Board approved the request of the Forum on the Construction Industry to increase its dues for members and associates from \$40.00 to \$50.00. The Forum's Governing Committee approved the increase on November 14, 2006.

b. Government and Public Sector Lawyers Division

The Board approved the request of the Government and Public Sector Lawyers Division to increase its dues for members and associates from \$30.00 to \$40.00 and to decrease Division Law Student dues from \$5.00 to \$0. The Division Council approved the proposed Member and Associate rate increases at its October 14, 2006, meeting and approved the proposed free membership for Law Students at its August 5, 2006, meeting.

c. Section of Intellectual Property Law

The Board approved the request of the Section of Intellectual Property Law to decrease the Section's Law Student dues from \$10.00 to \$0. Approval by the Board is subject to approval by the Section Council at its meeting on February 10, 2007.

d. Law Student Division

The Board approved the request of the Law Student Division to increase its dues from \$20.00 to \$25.00. The Law Student Division Board of Governors approved the increase at its spring meeting on March 18, 2006.

e. Section of Family Law

The Board approved the request of the Section of Family Law to increase its dues from \$45.00 to \$50.00. The Section Council approved the dues increase in January 2007.

3.3 Nominations

a. ABA Journal

The Board elected Christopher T. Lutz of Washington, DC, and re-elected Sheila S. Hollis of Washington, DC, and Rew R. Goodenow of Reno, Nevada, to the *ABA Journal* Board of Editors, all for three-year terms to commence at the conclusion of the 2007 ABA Annual Meeting and expire at the conclusion of the 2010 ABA Annual Meeting, as recommended by the *ABA Journal* Board.

b. National College of District Attorneys Board of Regents (Criminal Justice Section)

The Board re-elected Mary F. Harkenrider of Chicago, Illinois, to a three-year term on the Board of Regents of the National College of District Attorneys, as requested by the Criminal Justice Section. Ms. Harkenrider's term will be effective as of January 1, 2007, and will conclude on December 31, 2009.

c. National Construction Dispute Resolution Committee of the American Arbitration Association (Section of Litigation)

The Board approved the request of the Section of Litigation, on behalf of its Construction Litigation Committee, and elected Albert Bates, Jr. IV of Pittsburgh, Pennsylvania, to a three-year term as an ABA representative to the American Arbitration Association (AAA) National Construction Dispute Resolution Committee (NCDRC). Mr. Bates' term is effective as of the conclusion of the NCDRC Annual Meeting in November 2006 and will end at the conclusion of the NCDRC meeting in November 2009.

In October 2006, the Board approved the request of the Section of Public Contract Law for ABA representation in the AAA-NCDRC and the election of an ABA representative

to the NCDRC. The Board also voted to establish a three-year term for the ABA representative to the NCDRC.

3.4 Requests to Establish Awards

a. Commission on the American Jury Project

The Board approved the request of the Commission on the American Jury Project to establish the annual *Jury Innovation Award* to honor an individual or group that has made significant contributions to the preservation and strengthening of the American jury system. The Board also approved the Commission's request for an exception to the ABA policy prohibiting reimbursement of ABA Annual Meeting expenses to permit the Commission to pay the travel expenses of the award recipient to the event where the award will be presented. In approving the request, the Board understood that i) the award, which will consist of a plaque or statue valued between \$100 and \$250, and the travel expenses of the award recipient will be paid for through the Commission's approved budget; and ii) no additional ABA general revenues are requested or required.

b. Forum on Affordable Housing and Community Development Law

The Board approved the request of the Forum on Affordable Housing and Community Development Law to establish the annual *Michael Scher Award* to honor a lawyer who exemplifies the commitment of the late Michel Scher to affordable housing. Mr. Scher was a member of the Forum's Governing Committee and an advocate for housing rights in Baltimore, Maryland. Forum members and attorneys practicing in the field are eligible to receive the award. ABA membership is not a requirement. In approving the request, the Board understood that i) the award will be a plaque with an approximate value of \$350 and will be paid for with Forum funds; and ii) no ABA general revenue is requested or required.

3.5 Standing Committee on Membership

a. Pricing Strategy Advisory Group Dues Pilot Recommendations for 2007-2008 Membership Year

Pursuant to the resolution adopted by the House of Delegates in February 2006, pilot tests of new dues pricing concepts may be considered by the Board of Governors. The Board approved four pilots in 2006, which are presently being conducted. In addition to the four pilots approved in 2006, the Board approved the following recommendations of the ABA Pricing Strategy Advisory Group:

i) Three new dues pilot programs for the 2007-2008 Membership Year:

- Section-Included Pilot Phase III: Section dues remain at levels established by Sections for 2007-2008 membership year. Base ABA dues increased by \$50 to cover cost of included Section and Sections receive dues revenue at rates set by the Sections.

- Association Recruitment Pilot: Members of three local or specialty bar associations offered opportunity to join ABA at 50% discount.
- Solo Recruitment Pilot: Non-member solo practitioners offered ABA membership at 50% discount.

ii) One modification to the current Institutional Flat Rate Group dues pilot program, which would offer the office or agency in the program the option to enroll a number of lawyers less than the total number of lawyers in the office or agency and pay the dues rate based on the number of enrolled lawyers.

b. Request for Expansion of Member Benefit Telecommunications Program with Sprint Nextel Corp.

The Board approved the request of the Standing Committee on Membership to expand the Sprint Nextel Corp. member benefit program to add Sprint's strategic partner, InterCall, a teleconferencing company. Under the expansion, ABA members will receive discounts up to 75% off list price teleconferencing. Revenues for InterCall services will be integrated into the existing Sprint program and, if warranted at a later date, the ABA Member Benefit Department will renegotiate to make InterCall a stand-alone program.

3.6 ABA Rule of Law Initiative Request to Create the ABA Middle East and North Africa Initiative (MENA)

The Board approved the request of the ABA Rule of Law Initiative to create a regional initiative for the Middle East and North Africa (MENA). The new initiative will be effective March 1, 2007. The Council for MENA will consist of six members and will, in pertinent part, a) promote, initiate, develop, coordinate and supervise activities of the American Bar Association and its entities in the Middle East and North Africa region; and b) review and report to the Board of Governors on matters relating to ABA activities in the region.

Further, pursuant to the February 7, 2007, recommendation of the Executive Committee, the Board expanded the jurisdictional statement of the ABA Rule of Law Initiative to add a representative of the Middle East and North Africa Initiative.

3.7 Friends of the CEELI Institute and CEELI Institute, p.b.c. Request for Modification of Governing Structure of CEELI Institute

The Board approved the request of the Friends of the CEELI Institute (Friends) and CEELI Institute, p.b.c. to modify the governing structure of the CEELI Institute. Under the modified governance structure, the ABA Board of Governors will have the right to name three of the nine members of the Friends Board of Directors in accordance with the ABA *Guidelines for the Election of ABA Representatives to Other Organizations*. Previously, all nine members of the Friends Board were nominated by the Special Committee on CEELI (a/k/a "CEELI Executive Board") and elected by the ABA Board in accordance with the ABA election guidelines.

3.8 ABA Entity Requests to Change Their Names

a. Presidential Advisory Council on Diversity in the Legal Profession

The Board declined to approve the request of the Presidential Advisory Council on Diversity in the Legal Profession to change its name to the "ABA Council on Pipeline Diversity."

b. Council on Racial and Ethnic Justice

The Board declined to approve the request of the Council on Racial and Ethnic Justice to change its name to the "Council on Social Justice & Legal Equity."

c. Task Force on GATS Legal Services Negotiations

The Board approved the request of the Task Force on GATS Legal Services Negotiations" to change its name to the "Task Force on International Trade in Legal Services."

3.9 Request for Exception to Policy Regarding Honorary Membership

In 1987, the Board discontinued the practice of bestowing honorary ABA memberships. However, in 1997 an exception was made to permit honorary memberships for distinguished members of the legal profession of another country upon recommendation of the Operations Committee.

The Board approved the request of President Karen J. Mathis and Laura Stein, Chair of the Asia Law Initiative Council for an exception to the policy regarding honorary memberships to permit the ABA to bestow honorary membership upon Yu Ning, the President of the All China Lawyers Association (ACLA) and a supporter of the Association's work in China.

3.10 Request for Approval of 2007-2008 Board of Governors Meeting Dates

The Board approved the following dates and sites for the 2007-2008 meetings of the Board, as requested by President-elect William H. Neukom:

October 18-21, 2007	Four Seasons Hotel Austin, Texas
February 7-8, 2008	Hyatt Regency Century Plaza Los Angeles, California
April 17–19, 2008	Amalfi Hotel/ABA Headquarters Chicago, Illinois
June 5-8, 2008	Sun Valley Resort Sun Valley, Idaho
August 7-8, 2008	Hilton New York New York, New York

3.11 Section of Real Property, Probate and Trust Law and Section of Taxation Request to Participate in a Task Force to Study Developments in the Patenting of Tax Techniques

The Board declined to approved the request of the Section of Real Property, Probate and Trust Law and the Section of Taxation to participate in a task force, consisting of representatives from the American Institute of Certified Public Accountants, the American College of Trust and Estate Counsel, and the American Bankers Association to study developments in the patenting of tax techniques.

3.12 General Practice, Solo and Small Firm Division Request for Approval of Division Member Benefit Program with Thomson West

The Board approved the request of the General Practice, Solo and Small Firm Division for a Division member benefit program with Thomson West that will include a Thomson West online discount coupon in the Division's *Lawyer's Toolbox for Solos* product. In approving the request, the Board understood that a) the use of the coupon will be treated as a pilot program, lasting one year, to gauge any competitive issues the coupon may create with existing ABA products; and b) at the end of one year the Division will report to the Standing Committee on Publishing Oversight, with the assistance of ABA Publishing, regarding the results of the pilot program in terms of opportunity realized and any risks created.

3.13 Request to Revise Governing Principles of the Standing Committee on Federal Judiciary

The Board approved the request of the Standing Committee on Federal Judiciary to revise its Governing Principles, originally adopted by the Board in 1988 and subsequently amended in 2001. In pertinent part, the changes strengthen the recusal standard contained in the Governing Principles.

3.14 Request to Create Task Force on Best Practices

The Board approved the request of the Operations and Communications Committee for the creation of a Task Force on Best Practices, comprised of not more than five members appointed by the ABA President. The Task Force shall a) review current information regarding best practices for governance of the Association, such as business conduct standards for members of volunteer organizations and enforcement mechanisms, should the code be violated; and b) submit its recommendations to the Board no later than August 2007.

3.31 Non-Dues Revenue Recommendations

The Board approved the following recommendations of the Non-Dues Revenue Committee:

- a. The ABA should review its Unrelated Business Income Tax (UBIT) policy in consultation with legal counsel, with a view toward favoring a broader interpretation of UBIT in the context of those activities which have the potential to increase the ABA's non-dues revenue.
- b. The Executive Director should strongly consider providing additional resources to the Member Benefit Department to maintain and create opportunities for growth of non-dues revenues. Part of this consideration shall be the return on investment ratio.
- c. The ABA should proceed with a 12 month pilot for advertising on the ABA website. This pilot will consist of either or both banner or vertical advertising and will be aimed at determining the revenue potential which exists for such advertising, member response, and advertising revenue cannibalization. Further, the Board requested that the Non-Dues Revenue Committee report the results of the pilot to the Board and Board Committees.
- d. The ABA should implement a comprehensive strategy whereby packages of ABA products and opportunities can be effectively and efficiently marketed.

B. MATTERS OF INDEPENDENT JURISDICTION

3.15 Requests for Co-Sponsorships

a. Appellate Judges Conference

The Operations and Communications Committee approved the request of the Appellate Judges Conference (AJC) of the ABA Judicial Division to co-sponsor with the Appellate Judges Education Institute (AJEI) and Southern Methodist University Dedman School of Law seminars for the Appellate Judges Conference, the Council of Appellate Lawyers, and the Council of Appellate Staff Attorneys to be held September 27-30, 2007, in Washington, DC.

b. Commission on Law and Aging

The Operations and Communications Committee approved the request of the Commission on Law and Aging to co-sponsor the symposium *Facilitating Voting as People Age: Implications of Cognitive Impairment* with the Capitol Center for Government Law and Policy at the University of the Pacific McGeorge School of Law (McGeorge) and the Borchard Foundation Center on Law and Aging (Borchard) on March 21-24, 2007, at McGeorge in Sacramento, California. The Commission is responsible for symposium planning and management. Commission staff time and expenses of participants will be covered by a contribution from Borchard and a separate grant from Borchard to McGeorge covers symposium facility and food expenses. In approving the request, the Operations Committee understood that no ABA general revenues are requested or required for the program.

c. Commission on Racial and Ethnic Diversity in the Profession

The Operations and Communications Committee approved the request of the Commission on Racial and Ethnic Diversity in the Profession to co-sponsor a panel presentation examining career and professional development choices, challenges and opportunities for minority women lawyers with Mayer Brown Rowe & Maw LLP (Mayer Brown), Foley & Lardner LLP (Foley), and the Black Women Lawyers Association of Greater Chicago (BWLAGC). The program will be presented in Chicago prior to August 31, 2007. The Commission will have input regarding the selection of panelists and assist in the marketing of the program to minority women lawyers in the Chicago area. Mayer Brown and Foley will provide the venue, staff support, and marketing materials for the event, and will also underwrite the cost of any refreshments for the event. BWLAGC will assist in marketing the event to its members. In approving the request, the Operations Committee understood that no ABA general revenues are requested or required for the program.

d. Section of Taxation

The Operations and Communications Committee approved the request of the Section of Taxation to co-sponsor a national conference on the "Tax Gap" with the American

Institute of Certified Public Accountants (AICPA), the American Tax Policy Institute (ATPI), and the American College of Tax Counsel (ACTC) on June 21-22, 2007, in Washington, DC. The Section has convened a working group consisting of current and former Section leaders as well as leaders from the AICPA, ATPI and ACTC to plan the conference and to identify financial or other sponsorship assistance to help defray the costs of the conference. The costs that are not defrayed will be shared by the Section and the other co-sponsors.

In approving the request, the Operations Committee understood that i) only Section funds will be used for the program; ii) no ABA general revenues are requested or required; and iii) the Section will obtain required approvals from the Board or the Standing Committee on Publishing Oversight prior to the release or publication of any papers that result from the conference.

e. Standing Committee on Public Education (*Two Requests*)

i) The Operations and Communications Committee approved the request of the Standing Committee on Public Education to co-sponsor a national security public education program with the University of the Pacific McGeorge School of Law (McGeorge) and the ABA Standing Committee on Law and National Security. The estimated initial program development fees will be funded by McGeorge. In approving the request, the Operations Committee understood that no ABA general revenues are requested or required for the program.

ii) The Operations and Communications Committee approved the request of the Standing Committee on Public Education to permit the ABA Division for Public Education to participate in a new online discussion forum, "Talking Justice," which is being developed by the Annenberg Public Policy Center of the University of Pennsylvania (Annenberg). The online discussion forum will complement Annenberg's "Justice Talking" program, which is distributed worldwide by National Public Radio. The focus of the forum is on law and American life. Other participants in the project include the National Law Journal, FindLaw, SCOTUS (the Supreme Court of the United States online), and JURIST: The Law Professors' Network. Annenberg has invited the Division to submit information on one topic per month, of the Division's own choosing. As appropriate, the Division will link users to appropriate pages on the ABA website for additional information on the selected topic.

In approving the request, the Operations Committee understood that all postings from the Division will include the standard ABA disclaimer.

f. Section of Environment, Energy, and Resources

The Operations and Communications Committee approved the request of the Section of Environment, Energy, and Resources (SEER) to work with the U.S. Environmental Protection Agency (EPA) for the 2007-2008, 2008-2009, and 2009-2010 Association

years on outreach in the form of an "Energy Challenge" to Section and ABA members and their law firms. SEER will "challenge" law firms to participate in any one of the following three EPA voluntary conservation programs: "Best Workplaces for Commuters"; "Green Power Partnership"; and "Energy Star". SEER will develop the structure of the program, provide firms with promotional and explanatory materials, and develop a Challenge webpage on the SEER website that will be linked to EPA web pages that are being developed for law offices

In approving the request, the Operations Committee understood that i) costs for the program will be minimal and will be covered by the SEER budget; and ii) no ABA general revenues are requested or required for the project.

g. ABA Rule of Law Initiative

The Operations and Communications Committee approved the request of the ABA Rule of Law Initiative to co-sponsor with Lexis-Nexis, the International Bar Association, and the All China Lawyers Association a conference on April 26-29, 2007, in Mexico City, Mexico, regarding Cuban lawyers and how they will influence Cuban economic development.

In approving the request, the Operations Committee understood that i) ABA members who serve on the steering committee for the conference are serving in their individual capacities, at no cost to the ABA; and ii) no ABA general revenues are requested or required for the program.

3.16 Meetings Held Outside the United States

a. Standing Committee on Lawyer Referral and Information Service

The Operations and Communications Committee approved the request of the Standing Committee on Lawyer Referral and Information Service to hold its June 2007 business meeting in Halifax, Nova Scotia, Canada. The Public Legal Education Society of Nova Scotia Legal Information Line & Lawyer Referral Service will be invited to make a presentation to the Standing Committee. In approving the request, the Operations Committee understood that all costs for the meeting will be paid from the Standing Committee's approved budget and no additional ABA general revenue is requested or required.

b. Section of Business Law

The Operations and Communications Committee was notified that the Section of Business Law plans to hold its 2009 Spring Meeting on April 16-19, 2009, at the Vancouver Convention & Exhibition Centre in Vancouver, British Columbia, Canada.

c. Section of Litigation

The Operations and Communications Committee was notified that the Section of Litigation plans to hold an Inter-Bar Roundtable on December 3-5, 2007, in Cairo, Egypt.

d. Section of Taxation

The Operations and Communications Committee was notified that the Section of Taxation plans to hold its "7th Annual Tax Planning Strategies – U.S. and Europe" conference on April 19-20, 2007, in Frankfurt, Germany.

4. PROGRAM AND PLANNING COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Section of Public Contract Law Request to Create Program Support Fund

The Board approved the request of the Section of Public Contract Law to restructure the Public Contract Law Education Project as a Program Support Fund within the Fund for Justice and Education. The purpose of the Fund is for the deposit and disbursement of monies garnered specifically to support the public service and education initiatives of the Section.

4.2 Section of Administrative Law and Regulatory Practice Request for Externally Funded Project on Federal E-Rulemaking

The Board approved the request of the Section of Administrative Law and Regulatory Practice to seek outside funding during the 2006-2007 Association Year for a project on federal electronic rulemaking, with the understanding that, in view of the subject of the program for which the Section is seeking funding, i.e., rule-making, the Section will continue to seek funds from sources with balanced perspectives.

4.3 Requests for Approval to Seek Outside Funding Received Through 2007-2008 Annual Action Plan Process

The Board approved, with one condition, requests from 14 entities to seek outside funding for a total of 20 projects, which were received through the 2007-2008 annual action plan process. (The entities and projects are set forth as Attachment 1.) With respect to the Division for Public Education's ABA/Girl Scouts Partnership Program, the Board granted approval for the Division to seek outside funds but did not grant approval for any new general revenue matching funds. If new general revenue matching funds are required, the Division must return to the Board for approval of the matching funds, prior to entering into any agreements.

5. FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Standing Committee on Continuing Legal Education Request for Exception to Policy Regarding Contribution of Funds

The Board approved the request of the Standing Committee on Continuing Legal Education for an exception to the policy that states it is generally not appropriate for the ABA or any of its entities to contribute funds to other organizations. The exception will permit the Standing Committee to make a contribution to American Law Institute-American Bar Association (ALI-ABA) Continuing Professional Education to support the upcoming "Critical Issues Summit."

5.2 Request to Receive and Accept 2005-2006 Consolidated Audited Financial Statements, 2005-2006 A -133 Single Audit, and 2005-2006 Management Letter and Response

The Board received and accepted the 2005-2006 Consolidated Audited Financial Statements, the 2005-2006 A -133 Single Audit, and the 2005-2006 Management Letter and Responses.

5.3 Safety Deposit Box Access

The Board granted the following individuals access to the Association's safety deposit box at Chase Bank: a) Henry F. White, Jr., Executive Director and Chief Operating Officer; b) Janet C. Gibbs, Associate Executive Director and Chief Financial Officer; and c) Controller Kay Geary. The Board's approval was with the understanding that the Executive Director and Chief Operating Officer will determine the necessity of continuing to maintain the safety deposit box.

5.4 Financial Impact of Resolution 10B Submitted by the Colorado Bar Association and the Denver Bar Association for Consideration by the House of Delegates at the 2007 Midyear Meeting

Section 28.1 of the Association Bylaws provides that if a proposal requiring the expenditure of funds originates in the House of Delegates, it may be acted on only after the Board reports on its feasibility. The Board was requested to report to the House on the feasibility of House Resolution 10B submitted by the Colorado Bar Association and the Denver Bar Association for consideration by the House at the 2007 Midyear Meeting. As originally submitted, Resolution 10B recommended "(t)hat the ABA Board of Governors shall allocate financial resources to enable the ABA to join state, local and territorial bar organizations to defend attacks against the judiciary and oppose any measure that is proposed by any state legislation, referendum, or ballot initiative that

would interfere with or impede the ability of courts to apply the law and the Constitution fairly and impartially.”

The Board found House Resolution 10B as originally submitted not feasible. Subsequently, the Board approved the following amended version of the resolution and recommended to the House that it be approved as amended:

RESOLVED, That the ABA join in efforts by state, local and territorial bar organizations to defend attacks against the judiciary and oppose any measure that is proposed by any state legislation, referendum, or ballot initiative that would interfere with or impede the ability of courts to apply independently the law and the constitution fairly and impartially.¹

¹ Resolution 10B, as amended by the Board, was subsequently revised and thereafter adopted by the House. As adopted, 10B reads as follows:

Recommends that the ABA join in efforts by state, local and territorial bar organizations to defend against attacks on the judiciary and oppose any measure that is proposed by any state legislation, referendum, or ballot initiative that would interfere with or impede the ability of courts to apply independently the law and the Constitution fairly and impartially.

Attachment 1--(See Exhibit 4.3)

**Requests to Seek Outside Funding that were Received Through the
2007-2008 Annual Action Plan Process:**

Section of Administrative Law and Regulatory Practice
Study of Administrative Law in the European Union

Criminal Justice Section
The Criminal Justice Response to Sexual Violence

Criminal Justice Section Commission on Effective Sanctions
Demonstration Projects

Special Committee on Disaster Response and Preparedness
Preparing for and Responding to Disasters: A Legal Perspective

Section of Dispute Resolution
Court and Government DR Programs
Engaging ADR in Business School
Enhance Public Understanding: Conflict Resolution Education
Resolution of End of Life Issues
International Dispute Resolution
Civic Dialogue in ADR

Standing Committee on Election Law
Lawyer as Citizen

Section of Environment, Energy, and Resources
Native American Involvement in Section Meetings

Commission on Immigration
National Immigrant Children's Pro Bono Project
Appointed Counsel of Immigrants Pilot Project

Section of Individual Rights and Responsibilities – AIDS Coordination Project
ABA AIDS Legal Services Project

Section of Individual Rights and Responsibilities –Death Penalty Implementation Project
Second International Conference on Human Rights and the Death Penalty

Standing Committee on Law and National Security
Young National Security Lawyers Initiative

Division for Public Education
ABA/Girl Scouts Partnership Program

Standing Committee on Substance Abuse:
Funding for Conference on Unified Family Courts

Tort, Trial and Insurance Practice Section
Judicial Independence Program