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 October 2011 Board of Governors Meeting

DATE: November 2, 2011

Attached is the Summary of Action of the October 27-28, 2011, meeting of the Board of Governors held at the Cincinnati Marriott at RiverCenter in Covington, Kentucky. This Summary does not constitute official Minutes of the meeting. Minutes will be presented to the Board for approval at the next meeting, in February 2012.

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

CC: Board of Governors

Attachment
1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR

The Board received the reports of the President, President-elect, Chair of the House of Delegates, Immediate Past President, Secretary, Treasurer, Executive Director, and Deputy Executive Director and Chief Financial Officer. The minutes of the Board’s August 5, 2011, meeting in Toronto, Ontario, Canada, were approved as presented. The minutes of the Executive Committee’s August 16, September 15, and September 27, 2011 conference calls and August 19, August 24, and September 6 mail ballot votes were received.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 ABA Washington, DC, Office

a. Report and Recommendation Regarding ABA Washington DC Office Space

In executive session, the Board received the report of the ABA Washington, DC and Chicago Office Space Committee and approved, as presented, the Space Committee’s recommendation regarding the ABA's Washington, DC Office space.

b. Recommendation Regarding Investment of Proceeds From Sale of Washington, DC Office

In executive session, the Board approved, as amended, the recommendation regarding the investment of proceeds from the sale of the Washington, DC office.

2.2 Report From the Section of Legal Education and Admissions to the Bar

In executive session, the Board received a report from the Section of Legal Education and Admissions to the Bar.

2.3 Request for Adoption of Memorial Resolutions

The Board passed memorial resolutions recognizing the accomplishments, standards and achievements of a) former ABA President Jerome J. Shestack of Pennsylvania, who passed away August 18, 2011, and b) former ABA Secretary Walter H. Beckham, Jr. of Florida, who passed away October 4, 2011.
2.4 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.

2.5 National Judicial College Nominations

a. ABA Board Representative on National Judicial College Board of Trustees (See Exhibit 3.2a below.)

The Board, sitting as the Members of the National Judicial College, elected Matthew J. Sweeney of Nashville, Tennessee, to a three-year term on the National Judicial College Board of Trustees, representing the ABA Board of Governors, effective as of June 2010 through June 2013.

b. National Judicial College Representative on National Judicial College Board of Trustees

The Board, sitting as the Members of the National Judicial College, elected Javade Chaudhr of San Diego, California, to a three-year term on the National Judicial College Board of Trustees, representing the National Judicial College, effective as of June 2011 through June 2014.

2.6 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 August 5, 2011, meeting of the ABA/FJE Board as presented and b) reviewed and accepted the ABA/FJE restricted grants and contributions received or awarded through September 30, 2011, and not previously reported, as requested by the Association's Financial Services Division.

2.7 Reports to the Board of Governors

a. Non-Dues Revenue Committee

Board member Mary L. Smith, Chair of the Non-Dues Revenue (NDR) Committee, presented an informational report to the Board that included a summary of the NDR Committee’s history, current activities, and future initiatives.

b. Committee on Board Procedures and Operations

Board member Allen C. Goolsby III, Chair of the Committee on Board Procedures and Operations, presented an informational report to the Board that included background information regarding the Committee’s creation and purpose as well as a summary of matters discussed in recent Committee meetings.
c. **Follow Up From the August 9, 2011 Board Meeting**

Board member Cheryl I. Niro, the lead facilitator at the August 9, 2011, meeting of the 2011-2012 Board of Governors in Toronto, presented a follow up report from the meeting. The report summarized the "key ideas" discussed at the meeting to improve Board procedures and operations and included a brief overview of the specific functions and roles of ABA leadership, staff and ABA entities.

2.8 **Entity Reports to the Board of Governors**

a. **Standing Committee on Membership (including E-Mail Status Report)**

Barbara J. Howard, Chair, Standing Committee on Membership, presented an informational report that highlighted key membership accomplishments in FY2011, including i) an increase of 895 lawyer members, ii) an increase of nearly ten percent in law student membership, and iii) dues revenue of $61 million, which is $2 million over the projected FY2011 dues revenue goal of $59 million.

In addition, Chief Marketing Officer Chris Gloede presented a brief status report regarding the development of a new protocol for delivery of Association e-mail.

b. **Video Presentation Regarding ABA Grassroots Efforts**

Thomas M. Susman, Director of the ABA Governmental Affairs Office, presented an overview of the Association's grassroots efforts. The Grassroots Action Team is a network of ABA members who feel strongly about legislative issues that impact the justice system. Team members, as lawyers and constituents, generally communicate with their own Members of Congress through personal meetings and correspondence to educate them on issues of concern to the organized bar.

c. **Standing Committee on Amicus Curiae Briefs**

Richard J. Gray, Chair, Standing Committee on Amicus Curiae Brief, presented an overview of the Standing Committee's work. The seven-member Standing Committee reviews and makes recommendations to the Board's Executive Committee on all proposed amicus curiae briefs to be filed on behalf of the Association, including whether the proposed brief is a fair representation of the policy position of the Association and whether the brief is of high professional quality.

d. **Young Lawyers Division**

Michael G. Bergmann, Chair of the Young Lawyers Division (YLD), presented a report that highlighted the current activities of the YLD, including i) "Project Salute: Young Lawyers Serving Veterans," the YLD's 2011-2012 national public service project that educates former service members regarding available federal veterans' benefits and assists them in completing the required forms, ii) the "Next Steps Challenge," supported by the Center for Racial and Ethnic Diversity and Wal Mart, which is designed to increase diversity in the educational pipeline to the legal profession, and iii) the Law Day Video contest for high school students.
Section of International Law

Michael E. Burke IV, Chair of the Section of International Law, presented an overview of current Section activities highlighting i) the Section's Fall 2011 meeting in Dublin Ireland, which was attended by over 1,000 lawyers and professionals from nearly 60 countries, and ii) upcoming International Legal Exchange Programs that offer legal information sessions and training for foreign lawyers and other professionals and facilitate entry into the U.S. by foreign lawyers who have been offered training by U.S. law firms.

A-E-F-C Pension Plan Administration Committee

John A. Krsul, Jr., Chair of the A-E-F-C Pension Plan (Plan) Administration Committee, presented an overview of the Committee's work. The Committee has been delegated the responsibility for administration and operation of the Plan, which is the defined benefit retirement plan established in 1963 for employees of the American Bar Association, American Bar Endowment, American Bar Foundation and National Judicial College. The Board was also provided with a document that answered "Frequently Asked Questions" regarding the Plan. Mr. Krsul advised that, going forward, the Board will receive regular reports regarding the Plan's performance.

Standing Committee on the Federal Judiciary

Allan J. Joseph, Chair of the Standing Committee on the Federal Judiciary, presented an overview of the Standing Committee's work. For more than 50 years, the Standing Committee has evaluated prospective nominees to the federal bench based on three criteria: integrity, professional competence and judicial temperament. In its evaluations, the Standing Committee does not consider a prospective nominee's philosophy, political affiliation or ideology. The impartiality and independence of the Standing Committee are paramount to its work. For this reason, the ABA House of Delegates, Board of Governors and officers are not involved in the Standing Committee's work. In addition, no disclosures regarding the Standing Committee's work are made to ABA volunteers or staff.

Informational Items

a. Hyatt Hotels and Union Strike

Hon. Mary Ellen Coster Williams, Board Liaison to the Standing Committee on Meetings and Travel, and Martin D. Balogh, Director of the Meetings and Travel Department, presented an informational report regarding the labor dispute between Hyatt Hotels and UNITE HERE. President Robinson requested that the Board receive a report regarding this issue because the Hyatt Regency Chicago is the headquarter hotel for the 2012 Annual Meeting and some ABA Board members have been contacted by UNITE HERE representatives.

b. ABA Letter to U.S. Department of Labor Regarding Proposed Changes to "Persuader" Rule

Thomas M. Susman, Director of the Governmental Affairs Office, presented an informational report regarding the Association's letter to the U.S. Department of Labor
(DOL) urging the (DOL) to reconsider a proposed rule on the Labor-Management Reporting and Disclosure Act. The DOL’s proposed rule would substantially narrow the longstanding “advice” exemption to the “persuader activities” reporting rule issued under the Act and would require many labor lawyers and law firms to report sensitive and confidential client information to the government. The letter emphasized that by expressing concerns over the proposed rule, “the ABA is not taking sides on a union-versus-management dispute, but rather is defending the confidential client-lawyer relationship.

2.10 ABA Rule of Law Initiative Request to Re-Register Offices in Foreign Countries

a. Uzbekistan

The Board approved the request of the ABA Rule of Law Initiative (ABA ROLI) to re-register its office and establish a full-time presence in Uzbekistan to permit ABA ROLI to execute a grant from the U.S. Agency for International Development for an Ombudsman and Advocate Training Support Program.

b. Republic of Macedonia.

The Board approved the request of the ABA Rule of Law Initiative (ABA ROLI) to re-register its Representative Office and establish a full-time presence in the Republic of Macedonia to permit ABA ROLI to execute a grant from the U.S. Department of State/Bureau for International Narcotics and Law Enforcement for a Macedonia Defense Bar Program.

WRITTEN INFORMATIONAL REPORTS

2.25 ABA Journal Reports of Proceedings - June 2011 and September 2011

The Board received written informational reports of the proceedings of the June 2011 and September 2011 meetings of the ABA Journal Board of Editors.

3. OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

2.1 ABA Washington, DC, Office

a. Report and Recommendation Regarding ABA Washington, DC Office Space

On August 27, 2011, the ABA Washington, DC and Chicago Office Space Committee presented to the Operations and Communications Committee its report and recommendation regarding the ABA Washington, DC Office space at 740 15th Street, NW, Washington, DC. The Operations Committee recommended that the Board approve the Space Committee's recommendation as presented. (See also Exhibit 2.1 above, under "Matters for Direct Board Action," and Exhibit 2.1 below, under “Finance Committee.")
3.1 Requests for Bylaw Amendments

a. Judicial Division Conferences

i. Appellate Judges Conference

The Board approved the request of the Appellate Judges Conference (AJC) to amend its bylaws to permit the AJC Nominating Committee to use email as a valid form of notification to members regarding the Committee’s report and slate of nominees for their annual elections. The Judicial Division Council approved the proposed amendment on September 16, 2011.

ii. National Conference of State Trial Judges

The Board approved the request of the National Conference of State Trial Judges (NCSTJ) to amend its bylaws to a) clarify that the NCSTJ Nominating Committee may select no more than two nominees for each Officer, Director and Delegate to the House of Delegates position and b) provide that the NCSTJ delegates from each state shall conduct both liaison and membership activities within their state or territory. The Judicial Division Council approved the proposed amendments on September 16, 2011.

b. Business Law Section

Subject to approval by the Business Law Section membership, the Board approved, with additional amendments recommended by the Operations Committee, the request of the Business Law Section to amend its bylaws to accurately reflect the way in which the business of the Section is presently conducted. In pertinent part, the amendments a) update the Section’s purpose and no longer include references to various Section policies, b) provide for electronic notice of meetings, and c) clarify and simplify the procedures for officer vacancies and succession. The original amendments, as submitted to the Board, were approved by the Section membership on August 8, 2011.

3.2 Nominations

a. ABA Board of Governors Representative on National Judicial College Board of Trustees

See Exhibit 2.5a above.

b. A-E-F-C Pension Plan Administration Committee

The Board elected Richard Lipton of Chicago, Illinois, to complete an unexpired term on the A-E-F-C Pension Plan Administration Committee, as recommended by President Robinson. Mr. Lipton’s term takes effect immediately and ends at the conclusion of the 2012 ABA Annual Meeting.
3.3 Requests Regarding Awards

a. AIDS Coordinating Committee

The Board approved the request of the AIDS Coordinating Committee to establish the biennial “Alexander D. Forger Award for Sustained Commitment to HIV Legal Services and Advocacy.” Recipients of the proposed award would include distinguished organizations and individuals who have provided or enabled legal services over a sustained period for people with HIV. The actual award would be in the form of a small statuette or plaque with a value between $250-300. The cost of the award will be paid from the Committee’s approved budget, and no additional ABA general revenue is requested or required.

b. Section of Environment, Energy, and Resources

The Board approved the request of the Section of Environment, Energy, and Resources to change the name of its annual “Renewable and Distributed Energy Resources Law Student Writing Competition,” approved by the Board in August 2010, to the “Energy Law Student Writing Competition.” All award parameters will remain the same.

c. Section of Antitrust Law

The Board deferred action on the request of the Section of Antitrust Law to establish, from 2012 through 2017, the “Best Scholarship on Retrospective Analysis of Mergers.” The Board directed the Chair of the Operations and Communications Committee, Board Liaison to the Section of Antitrust Law, and the Operations Committee member responsible for reviewing requests for awards (Subcommittee) to have a conference call with the Chair of the Section of Antitrust Law to request additional information regarding award criteria. If the Subcommittee is satisfied with the additional information that is provided, the award will be deemed approved and the Operations Committee will be notified in writing. If the Subcommittee is not satisfied with the additional information provided, the Section will be asked to submit a revised award request at a future meeting of the Board.

d. Standing Committee on Public Education and Commission on Civic Education in the Nation’s Schools

The Board approved the request of the Standing Committee on Public Education and the Commission on Civic Education in the Nation’s Schools to establish the annual “Civics & Law Honor Roll” to recognize secondary school students who have demonstrated a commitment to civic learning and engagement. The “Civics & Law Honor Roll” will be administered by the ABA Division for Public Education. State, local, territorial, and special interest/affinity bar associations and other community organizations will select the students for the honor roll and the ABA will acknowledge the students who are chosen with certificates of recognition and letters from the ABA President. Any costs associated with the Honor Roll will be paid from the approved budgets of the Standing Committee and Commission. No additional ABA general revenue is requested or required.
The Board approved the request of the Section of Administrative Law and Regulatory Practice to further modify the Gellhorn-Sargentich Law Student Essay Competition, originally approved by the Board in February 2008 and previously modified in June 2011, to increase the amount awarded to the winner of the competition from $2,500 to $5,000. All other award parameters remain the same.

3.4 President Robinson’s Request to Create a Second Special Advisor Position to the Strategic Planning and Action Committee

The Board approved President Robinson’s request to create a second special advisor position to the Strategic Planning and Action Committee (SPAC) to permit James Silkenat of New York to serve in this capacity. No additional ABA general revenue is requested or required for the second special advisor position.

3.5 Standing Committee on Meetings and Travel Request for Approval of Registration Fees for 2012 Annual Meeting

The Board approved the recommendation of the Standing Committee on Meetings and Travel that there be no registration fee increase for the 2012 ABA Annual Meeting in Chicago, Illinois. The 2012 Annual Meeting registration fee schedule was approved as follows:

**REGISTRATION**

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>FEE</th>
</tr>
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<tbody>
<tr>
<td>Member – Early (by 5/31/12)</td>
<td>$195</td>
</tr>
<tr>
<td>Member – Standard (6/1 – 8/1)</td>
<td>$295</td>
</tr>
<tr>
<td>Member – Onsite</td>
<td>$320</td>
</tr>
<tr>
<td>Speaker</td>
<td>$150</td>
</tr>
<tr>
<td>Affiliate (NABE, NCPB, NCBF, IOLTA)</td>
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<tr>
<td>Non-Member</td>
<td>$600</td>
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<tr>
<td>Law Student Member (by 5/31/12)</td>
<td>$50</td>
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<tr>
<td>Law Student Non-Member (by 5/31/12)</td>
<td>$75 (extra $25 will include enrollment in LSD)</td>
</tr>
<tr>
<td>Law Student Member (after 5/31/12)</td>
<td>$75</td>
</tr>
<tr>
<td>Law Student Non-Member (after 5/31/12)</td>
<td>$100 (extra $25 will include enrollment in LSD)</td>
</tr>
<tr>
<td>Adult Guest – Age 18 and over</td>
<td>$25</td>
</tr>
<tr>
<td>Youth Guest – Under age 18</td>
<td>$0</td>
</tr>
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**EVENTS**

<table>
<thead>
<tr>
<th>Event</th>
<th>FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>President’s Reception – Adult</td>
<td>$50</td>
</tr>
<tr>
<td>President’s Reception – Youth</td>
<td>$25</td>
</tr>
</tbody>
</table>

**OTHER FEES**

Cancellation Fees                      $50
3.6 **Section of Environment, Energy, and Resources Request to Co-sponsor and Make Financial Contributions From Section Funds to Five Programs**

The Board approved the following requests from the Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds to the five programs listed below.

a. **Tulane Law School Summit on Environmental Law and Policy:** to co-sponsor the April 2012 Summit and make a maximum contribution of $1,000 to the Summit.


c. **International Environmental Moot Court Competition at Stetson University College of Law, Gulfport, Florida:** to co-sponsor the March 29-31, 2012, Competition, well as the 2013 and 2014 Competitions, and make a maximum contribution of $2,000 to the Competition in 2012, 2013, and 2014.

d. **Pace Law School Environmental Moot Court Competition:** to co-sponsor the February 23-25, 2012, Competition, as well as the 2013 and 2014 Competition, and make a maximum contribution of $2,500 to the Competitions in 2012, 2013, and 2014.

e. **World Justice Project:** to co-sponsor the Project in FY 2011-2012 and FY 2012-2013 and make a maximum contribution of $10,000 to the Project in FY 2011-2012 and FY 2012-2013.

3.7 **Section of International Law Request to Enter into Memorandum of Understanding with the Center for Reproductive Rights**

The Board deferred the request of the Section of International Law to enter into a memorandum of understanding (MOU) with the Center for Reproductive Rights (CPR) to further the Section’s International Models Project on Women’s Rights (IMPOWER). Deferral will permit the MOU to be reviewed and revised by the ABA Office of the General Counsel to ensure that the language of the MOU permits only data sharing between the Section of International Law and the Center for Reproductive Rights.

3.8 **Section of International Law Request for Exception to the Annual Meeting Registration Policy for Leadership Retreat**

The Board a) granted the Section of International Law a one time exception to the policy that requires all attorneys attending the ABA Annual Meeting to be registered for the meeting to permit the Section to use its 2012 Annual Meeting headquarter hotel, the Intercontinental, for its 2012 Leadership Retreat, to be held August 1-2, 2012, in Chicago, Illinois, which overlaps with the dates of the ABA Annual Meeting, b) directed that a list of 2012 Leadership Retreat attendees be provided to the ABA Meetings and Travel Department prior to the start of the Leadership Retreat, and c) specified that if
any Leadership Retreat attendees stay beyond August 2, 2012, they must register for the 2012 ABA Annual Meeting and pay the Annual Meeting registration fee.

3.9 Requests to Charge Fees for CLE Programs Presented During the 2012 Midyear Meeting

a. Government and Public Sector Lawyers Division

The Board approved the request of the Government and Public Sector Lawyers Division to charge a fee of no more than $35 each for two CLE programs the Division will present for government lawyers at the 2012 Midyear Meeting. Program topics may include ethics, e-discovery, technology, diversity in the profession and government construction law.

b. Section of International Law

The Board approved the request of the Section of International Law to charge a maximum registration fee of $50 for a maximum of four programs the Section will conduct at the 2012 Midyear Meeting. The program topics have not yet been finalized.

c. Section of State and Local Government Law

The Board approved the request of the Section of State and Local Government Law to co-sponsor and charge a total fee of $25 for the following three CLE programs the Section will co-sponsor at the 2012 Midyear Meeting with the Association for Women Attorneys (New Orleans Chapter) and other entities listed in the request: Hot Topics in Diversity Law, Natural Gas and Fracking, and Urban Education.

3.10 Request Regarding Settlement Authority

The Board approved the request to adopt a policy regarding authority for the settlement of litigation, with an amendment to the policy to indicate that settlements of $100,000 or greater will be reported to the Operations and Communications Committee.

3.11 Request to Revise Jurisdictional Statement of Non-Dues Revenue Committee

The Board approved the request of the Board of Governors Non-Dues Revenue Committee to revise the Committee’s jurisdictional statement to a) increase the membership from eight to ten, b) add non-Board members, and non-lawyers, including professionals in the areas of marketing and finance, c) add a maximum of three special advisors, and d) permit the Committee to retain consultants as necessary.

3.12 Business Law Section Request to Submit Technical Comments to the Consumer Financial Protection Bureau and Notifications to Serve as Reviewing Entities for These Technical Comments

a. Business Law Section Technical Comments Request

The Board approved the request of the Business Law Section to submit technical comments to the Consumer Financial Protection Bureau on matters relating to consumer financial services law, pursuant to the Association's Blanket Authority Policy.
b. Notifications to Serve as Reviewing Entities for Business Law Section’s Technical Comments

In accordance with the Blanket Authority Procedure, the Operations and Communications Committee also received notifications that the sections of Administrative Law and Regulatory Practice; Antitrust Law; International Law; and Real Property, Trust and Estate Law wish to serve as reviewing entities for technical comments submitted by the Business Law Section to the Consumer Financial Protection Bureau. The Operations Committee received the notifications for informational purposes. No action was required by the Board of Governors.

3.13 Section of Antitrust Law Request to Establish International Scholars in Residence Program

The Board approved the request of the Section of Antitrust Law to establish a Section sponsored International Scholars in Residence Program for an initial three-year term, beginning with the 2011-2012 Academic Year. The Program will sponsor two or three junior faculty members or current Ph.D. students to conduct research in the United States. The Section Council has approved $20,000 per year for two years to fund the Program. The monies to fund the Program will come from Section funds and no ABA general revenue is requested or required.

3.14 Standing Committee on Membership Request Regarding International Lawyers in the Flat Rate Firm Group Billing Pilot

The Board approved the request of the Standing Committee on Membership to modify the Flat Rate Firm Group Billing Pilot to a) cap the total number of complimentary memberships for international lawyers at 200 and b) charge a rate of $50 for each additional new international member above the 200 number.

3.16 President Robinson’s Request to Create Special Committee on ABA Awards and Recognition

The Board approved President Robinson request to create a Special Committee on ABA Awards and Recognition, comprised of a Chair and four additional members. The Committee will explore and identify opportunities to further enhance the visibility and credibility of the ABA by recognizing exceptional accomplishments in support of the Rule of Law and the legal profession, to the collective benefit of the American Bar Association.

3.17 Commission on Mental and Physical Disability Law Request to Change the Name of the Commission

The Board approved the request of the Commission on Mental and Physical Disability Law to amend its jurisdictional statement to change its name to the “Commission on Disability Rights.” The proposed change is made to emphasize the importance of disability rights to the Commission’s work, to shorten and simplify the Commission’s name, and to clarify and begin to recast the Commission’s mission, goals, and strategic objectives.
3.18 Request to Ratify October 2011 Expedited Action of Operations and Communications Committee Which Approved the Request of the Law Practice Management Section to Establish an Award

The Board ratified the October 11, 2011, action of the Operations and Communications Committee which approved, on an expedited basis, the request of the ABA Law Practice Management Section (LPM) to create the "ABA Law Video Award." The award will be presented at LPM's bi-annual ABA Law Firm Marketing Strategies Conference. In ratifying the Operations Committee's expedited action, the Board understood that the first award will be presented at the Conference to be held November 7 - 8, 2011. The Board was requested to ratify the Operations Committee's action because the Operations Committee does not have independent jurisdiction to establish awards.

B. MATTERS OF INDEPENDENT JURISDICTION

3.15 Requests for Co-Sponsorships

The Operations and Communications Committee approved co-sponsorship requests from the following entities.

a. Center for Racial and Ethnic Diversity: to be listed as a public supporter of and participant in the national inclusiveness campaign, "Step Up For Diversity: Take Action to Build an Inclusive Legal Profession." No additional ABA general revenue is requested or required. The Center for Legal Inclusiveness (CLI) is launching this initiative at the Association of Corporate Counsel's Annual Meeting this fall in Denver. The Diversity Center anticipates its continued involvement in the campaign through FY2012-13.

b. Commission on Mental and Physical Disability Law: to have the Association of Corporate Counsel, Minority Corporate Counsel Association, and the United States Equal Employment Opportunity Commission serve as co-sponsors of the third ABA National Conference on the Employment of Lawyers with Disabilities, which will be held in Washington, DC, May 7–8, 2012. No additional ABA general revenue is requested or required.

c. Commission on Women in the Profession: to have Direct Women and the Minority Corporate Counsel Association co-sponsor the Commission's Southwest Regional General Counsel Summit for women general counsel and senior women in-house counsel in Houston, Texas, March 7, 2012. No additional ABA general revenue is requested or required.

d. Council on Racial and Ethnic Diversity in the Educational Pipeline: to join the collaborative team supporting the “B.A. to J.D. Pipeline: Diversifying the Legal Profession” project, whose partners are the Society of American Law Teachers, the Ronald H. Brown Center for Civil Rights and Economic Development at St. John’s University School of Law, the Dean’s Diversity Council at Seton Hall University School of Law, and the Center for Diversity in the Legal Profession at City University of New York School of Law. No additional ABA general revenue is requested or required.
e. **Section of Litigation (Two Requests)**

i. symposium sponsored by the Nova Southeastern University Shepard Broad Law Center at Nova Southeastern University, February 10, 2012. The symposium will discuss the ABA Model Act on Representing Children in Child Welfare Cases.

ii. symposium on the topic “Over-criminalization in America” at Yale Law School, to be held in conjunction with the Liman Center for Public Justice and the John Jay College of Criminal Justice of the City University of New York, December 9-10, 2011.

f. **Section of State and Local Government Law (Two Requests)**

i. a screening with ro*co films educational, llc, of “Crime After Crime” at the 2012 Midyear and 2012 Annual Meetings.

ii. the Section’s 2012 Fall Meeting, October 4-7, 2012, with the University of Missouri-Kansas City Law School.

4. **PROGRAM, EVALUATION AND PLANNING COMMITTEE**

A. **MATTERS FOR REVIEW BY THE BOARD**

None for consideration.

B. **MATTERS OF INDEPENDENT JURISDICTION**

None for consideration.

C. **INFORMATIONAL ITEMS**

a. The Program, Evaluation and Planning Committee (PEP) will meet in Chicago on December 3 to conduct its evaluation of programmatic entity annual plans. The Committee discussed ideas for performing its jurisdictional evaluation charge, and providing meaningful input to Finance in future years without engaging in a “ranking” process.”

b. PEP’s Subcommittee on Planning chose four substantive areas in which to conduct across-ABA collaborative planning, each to start with a convocation of entities focused in the substantive area (approved process outline attached for Pro Bono, the first planning area):

<table>
<thead>
<tr>
<th>Substantive Area</th>
<th>Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pro Bono</td>
<td>Midyear 2012</td>
</tr>
<tr>
<td>Support for the Courts</td>
<td>Annual Meeting 2012</td>
</tr>
<tr>
<td>Criminal Justice</td>
<td></td>
</tr>
<tr>
<td>Diversity</td>
<td></td>
</tr>
</tbody>
</table>

The Planning Subcommittee will also report to PEP at its February meeting regarding protocols for PEP’s role in ABA planning including developing ABA priorities and gap analyses.
c. In November 2011, the Subcommittee on the Enterprise Fund will present guidelines and requests for proposals for Enterprise Fund programs to all ABA entities to be funded beginning September 2012.

d. PEP’s Subcommittee on Entity Assistance discussed concerns raised by the sections at the SOC, including concerns that (1) Sections receive Board agendas promptly and (2) that Sections receive better communication from Board Liaisons. PEP discussed means of addressing the sections’ concerns.

e. The PEP Subcommittee on the Budget discussed ways that it is partnering with the Finance Committee toward a seamless analysis of entity budget allocations and appeals.

5. FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

2.1 ABA Washington, DC, Office

b. Recommendation Regarding Investment of Proceeds From Sale of Washington, DC Office

On October 27, 2011, the Finance Committee approved its recommendation to the Board regarding the investment of proceeds from the sale of the Washington, DC office. (See also Exhibit 2.1 under "Matters for Direct Board Action" above and under "Operations and Communications Committee" above.)

5.1 Section of Litigation Request to Contribute Funds to Outside Organization

The Board approved the request of the Section of Litigation to contribute $500 from Section funds, not derived from Section dues, to the Ashley Rose Living Trust in Alpharetta, Georgia, in memory of Angela Abel of DecisionQuest, a Section sponsor, who passed away July 28, 2011.

5.2 Non-Dues Revenue Committee Supplemental Budget Request

The Board approved the request of the Non-Dues Revenue (NDR) Committee for a budget of $40,000. The funds will be used to a) provide reimbursement to the members of the NDR Committee for six or seven meetings to be held during FY2011-2012, b) printing, and c) other miscellaneous expenses.

5.3 Standing Committee on Membership Request for Supplemental Funding for “Member Value” Spread in ABA Journal for the Remainder of FY 2012

The Board approved $45,000 in supplemental funds, to be transferred from the Dues Warehouse Fund, to cover the costs that will be incurred by the Standing Committee on Membership to run a new monthly two-page lay-out in the ABA Journal for the remainder of FY 2012. The “member value” spread will be a standing monthly feature highlighting the value of ABA membership by showcasing programs and services that are included, or
that will be included, in ABA base membership dues: Free CLE Speaker Series, the Career Center, Tech Tuesdays, and Member Advantage “deal of the month.”

B. MATTERS OF INDEPENDENT JURISDICTION

Reasonably Anticipated General Revenue

The Finance Committee acknowledged receipt of the ABA’s Reasonably Anticipated General Revenue (RAGR) in the form presented to the Finance Committee, with the understanding the RAGR does not include anticipated revenue from Accreditation Fees or any amounts from reserves other than amounts from the Permanent Reserve and the General Fund.
Outline for ABA Wide Pro Bono Planning Convocation

1. PEP will convene a 3 hour meeting at the New Orleans Midyear Meeting as "Discussion, Coordination and Maximization of Pro Bono Activities Within the ABA."

2. By November 10th, invite Chair, Chair-Elect, Pro Bono Chair and/or appropriate staff of every ABA entity we know that is involved in Pro Bono. Issue a broad invitation to every entity in the ABA self-identifying as being involved in Pro Bono.

3. Ask for RSVP’s to the February open meeting by December 1. Ask all entities to provide materials indicating what they do in the area by January 5 – to be shared with all attendees by January 16. Standing Committee on Pro Bono and Public Service (SCPB) will compile the responses to show full view of ABA Pro Bono activity, and assist PEP in developing materials for Midyear Meeting.

4. PEP will open the meeting and ask the SCPB to do a 20-30 minute opening session, describing its view of ABA landscape and resources and what goes on in Pro Bono. Open the discussion up to other entities to discuss what they are doing in this area. Move discussions through individual perspectives on the following topics:
   - what is your activity regarding PB?
   - what is your biggest priority regarding PB?
   - what is not being done regarding PB?
   - what resources do you need?
   - what resources do you provide?
   - what best practices can you share with others?
   - Other topics, suggestions and concerns raised by attendees

5. After February SCPB follows up on action items, and maintains communication with group, expanded or contracted as appropriate. Between March and July, those entities should keep working on product, and/or providing a "Goal II Pro Bono Report" by August 1 (which will include specific future action items), and meet at the August Annual Meeting to discuss long-term steps. Group could informally meet on an ongoing basis to stay coordinated on Pro Bono activities.