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 29, 2012 and November 9-10, 2012, Board of Governors Meetings

DATE: November 14, 2012

Attached is the Summary of Action of the October 29, 2012 meeting of the Board of Governors, held by conference call, and the November 9-10, 2012, meeting of the Board of Governors held at the Fiesta Americana in Puerto Vallarta, Jalisco, Mexico. This Summary does not constitute official Minutes of the meeting. Minutes of the Board’s October 29, 2012, conference call were approved at the Board’s November 9-10, 2012, meeting. Minutes of the Board’s November 9-10, 2012, meeting will be presented to the Board for approval at the next meeting, in February 2013.

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 and Executive Director. The minutes of the Board meetings of August 2-3, 7, 2012, in Chicago, Illinois,* October 17, 2012 (by e-mail ballot), and October 29, 2012 (by conference call) were approved. The minutes of the Executive Committee’s meetings of August 30, 2012 (by conference call); September 21, 2012 (by e-mail ballot); and October 23, 2012 (by conference call) were received.

2. ** MATTERS FOR DIRECT BOARD ACTION **

2.1 **Panel Regarding International Activities**

Barton Legum, Chair of the Section of International Law, and leaders of the Mexican legal community presented to the Board a short overview of the Mexican legal system and the legal profession. The overview included a discussion of regulation of lawyers in Mexico, Mexican courts, Mexican bar associations, and litigation in Mexico. Thereafter, the Board asked follow up questions regarding how the American Bar Association and the Mexican Bar can work together to solve issues affecting both countries (e.g., immigration, diversity, criminal justice issues). President Bellows thanked Mr. Legum and the Mexican Bar leaders for engaging in such a substantive discussion. In response, the Mexican Bar Leaders stated that the discussion with the ABA Board was a significant step forward in enhancing relations between lawyers in both countries.

2.2 **2012 Section Officers Conference (SOC) Meeting Follow Up Report**

The Honorable Mary Ellen Coster Williams, Linda A. Klein, and SOC Chair Jennifer (Ginger) Busby presented to the Board a follow up report on the 2012 SOC meeting in Chicago. Judge Coster Williams had overall responsibility for Board activities at the SOC meeting and Ms. Klein took the lead in strategic planning for the meeting. Judge Coster Williams reviewed the results of the survey of Board members who attended the SOC meeting. In general, the survey results showed that a) Board members were of the

---

* Items acted upon by the Board of Governors during its October 29, 2012 meeting by conference call are noted with an asterisk. *
opinion that their participation in the SOC meeting was very beneficial, and b) issues that need to be worked on include enhancing communication between the Board and the Sections, Divisions, and Forums (Sections), assuring Sections that they are valued, working with Sections on membership and marketing initiatives, and improving the role of the Board Liaison. The Board then discussed in detail various challenges facing the ABA and the Sections because of the perspective that there is a conflict between the “Big ABA” vs. “the Sections,” as well as ideas for enhancing the dialogue and the relationship between the ABA and the Sections (e.g., convene a planning summit, ask individual Sections to give presentations at Board meetings, ensure that Section leaders can contact Executive Director Rives directly, advise Sections who their Board Liaisons are as soon as possible after the Liaisons are appointed by the ABA President-elect). President Bellows thanked Ms. Busby for agreeing to convene the Summit at the 2012 SOC meeting and also thanked Judge Coster Williams, and Ms. Klein for their excellent work in ensuring that the Summit was a success.

2.3 Membership Discussion

Thomas R. Curtin, Chair of the Membership Subcommittee of the Operations and Communications Committee; Sandra R. McCandless, member of the Membership Subcommittee; Barbara J. Howard, Chair, Standing Committee on Membership (SCOM); Christopher Gloede, Chief Marketing Officer; and Paula Cleave, Director, Membership Department, presented an overview of Membership and Marketing at the American Bar Association. The discussion included a) an orientation to explain how ABA Membership and Marketing is staffed, b) a summary of the results of studies conducted in 2009, 2010, and 2011 regarding unmet member needs, as well as an c) overview of the challenges faced by the ABA regarding membership, particularly in terms of there being a lack of perceived value.

Thereafter the Board and the presenters engaged in a question and answer session regarding membership. The following major points were raised: a) The ABA is good at recruiting members, not at retaining members. b) The ABA must provide members with more technology support. c) The Association must do more for young lawyers, particularly with respect to helping young lawyers be better lawyers. d) The Association is competing with state and local bar associations. How does the ABA differentiate itself? e) There must be more personal contact between law students and young lawyers and ABA leaders in a local area. f) Young lawyers are adept at accessing and retrieving information. However, young lawyers do not know what to do with the information that they receive. ABA leaders could be of great assistance in this regard. g) Perhaps the Association’s model should be reversed and the price to join the Association should be much lower. h) The Association must provide discounts on products and services. i) The Association should define its membership goal. Who does the ABA want to attract? The Association cannot be all things to all people. j) How does Membership allocate its resources in terms of setting priorities?

President Bellows asked each Board member to e-mail their comments to SCOM Chair Howard and Chief Marketing Officer Gloede.
Thereafter, the Board approved the creation of a task force to make recommendations regarding member value.

2.4 Request to Approve Policy Regarding Cybersecurity

The Board approved the request of the Cybersecurity Legal Task Force and adopted policy which urges the Executive and Legislative branches to consider five guiding principles throughout the decision-making process when making U.S. policy determinations to improve cybersecurity for the U.S. public and private sectors.

2.5 Recommendation from Committee on Board Procedures and Operations

The Board adopted the six recommendations presented by the Committee on Board Procedures and Operations. The recommendations a) replace one class dinner each year with a randomly assigned dinner for the Board members and officers, b) encourage more use of Chicago and the ABA headquarters as a location for Board meetings, c) create connecting links among the three Board committees, d) request that representatives of ABA entities making presentations to Board committees provide materials covering the presentation in advance and include any recommendations for Board action, e) encourage Board committee chairs to discuss with the Board significant matters discussed by their committees rather than having every item on the consent calendar, and f) provide that the chair of the Standing Committee on Audit present to the Board at least annually and include in the presentation a discussion of significant risks and related risk controls.

2.6 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.

2.7 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 3, 2012, meeting of the ABA/FJE Board, as presented, and b) accepted the ABA/FJE restricted grants and contributions received or awarded through September 30, 2012, and not previously reported, as requested by the Association’s Financial Services Division.*

2.8 Report Regarding 2013 ABA Day in Washington

Linda A. Klein, Chair of the ABA Day in Washington Planning Committee, presented a report regarding planning for 2013 ABA Day in Washington, to be held April 16-18, 2013. The headquarters hotel for 2013 ABA Day will be the Madison Hotel and the professional awards dinner will be held at the Library of Congress. Once again, funding for the Legal Services Corporation will be the most significant issue discussed by ABA Day participants and their congressional representatives. A complete issues list for
2013 ABA Day in Washington will be finalized in February 2013. Ms. Klein encouraged all Board members to participate in 2013 ABA Day in Washington and suggested that Board members consult the ABA Day in Washington page on the ABA Website for useful resources.

2.9 Report Regarding Presidential Initiatives

President Bellows presented a brief overview of the work of her Presidential Initiative entities. The Task Force on Human Trafficking in the United States will, in pertinent part, a) coordinate implementation of a range of anti-trafficking projects identified by a planning committee in 2012 and b) focus on the sex and labor trafficking and enslavement of adults and children in the United States. The Task Force may coordinate with the Forum on the Entertainment and Sports Industries to develop television programming on this issue. The Task Force on Gender Equity will, in pertinent part, a) identify the current gaps in legislation and civil remedies that adversely affect women and identify potential legislative and administrative solutions, and b) also develop a social media campaign to raise public awareness of these important gender equality issues. The Cybersecurity Legal Task Force (Task Force) will, in pertinent part, a) examine the legal issues pertaining to public safety, national security and individual rights during events involving cyber attacks, including cyber conflict, and b) consider where gaps in law and policy exist and what expertise the ABA can contribute to fill the gaps. The President stated that at the November 2012 Board meeting she has submitted a request for the creation of a Business Advisory Group on Forced Labor (Business Advisory Group) to support the work of the Task Force. The Business Advisory Group will a) work with other ABA entities and non-ABA entities to foster a dialogue at the corporate level on how best to eradicate human trafficking when it intersects with the business community, including the adoption of best practices by companies, b) collect and publish research and coordinate the creation and dissemination of educational programs and materials, with disclaimers, and iii) assist the Task Force with fundraising.

The President also stated that the work of the Task Force on the Preservation of Justice is continuing under the able leadership of Immediate Past President Robinson and former ABA President Zack. She expressed her appreciation to Mr. Robinson and Mr. Zack for their outstanding work on this initiative.

2.25 INFORMATIONAL REPORT

The Board received a written informational report of proceedings from the ABA Journal.
3. **OPERATIONS AND COMMUNICATIONS COMMITTEE**

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

3.1 **Requests for Bylaw Amendments**

a. **Judicial Division National Conference of Specialized Court Judges (NCSCJ)**

The Board approved the request of the Judicial Division to amend its bylaws to more accurately reflect its practices and clarify certain questions and issues which had arisen since the previous revision in 2008-09. In pertinent part, the proposed amendments i) clarify eligibility for membership in NCSCJ, ii) clarify the authority of the Chair in establishing the NCSCJ committee structure, and iii) establish a Strategic Planning Committee. The proposal was approved by the NCSCJ Executive Committee and membership on August 3, 2012, and the Judicial Division Council on October 2, 2012.

b. **Section of Dispute Resolution**

The Board approved the request of the Section of Dispute Resolution to amend its bylaws to i) combine duties the Vice-Chair and Secretary to reduce the chair track from five to four years, ii) eliminate the Secretary position, and iii) change the Budget officer term from two years to one year. The Section Council and membership approved these revisions in August 2012.

c. **Section of Environment, Energy, and Resources**

The Board approved the request of the Section of Environment, Energy, and Resources to amend its bylaws to formally establish a Governance Committee, which would review and make recommendations to the Section’s Chair and Council and propose changes to the governance policies of the Section. The proposed changes were approved by Section membership at the Section’s Annual Business Meeting on August 5, 2012.

d. **Young Lawyers Division**

The Board approved the request of the Young Lawyers Division to amend its bylaws to formalize current practices and provide clarity and consistency in certain provisions and definitions. In pertinent part, the proposed amendments i) provide that law students may become members of the Division upon payment of annual dues of $5 (for FY2013-14), and young lawyer associates may become Division members upon payment of annual dues of $25 (for FY2013-14), and that the dues ceiling for law students and young lawyer associates shall be $60, ii) permit more flexibility in eligibility for affiliate delegates who practice in multiple states, and iii) allow representation in the Division Assembly for those entities or territories who may not qualify for "affiliate" status, but have young lawyer members and are represented in the ABA House of Delegates. The proposed amendments were approved by the Division Assembly in August 2012.
e. American Prepaid Legal Services Institute (API) and American Prepaid Institute Foundation (APF)

The Board approved the request of the Standing Committee on Group and Prepaid Legal Services, on behalf of API and APF, to amend the bylaws of API and APF to change the name of API to “Group Legal Services Association” and the name of APF to “Group Legal Services Foundation.” The API/APF Board of Directors approved the proposed amendments on July 26, 2012. Article 18 of the Bylaws of API and APF requires that the ABA Board approve amendments to the Bylaws as passed by the API/APF Board of Directors.

3.2. Nominations

a. Section of Public Contract Law Request to Elect ABA Representative to the National Construction Dispute Resolution Committee of the American Arbitration Association

The Board elected Donald G. Gavin of Virginia to serve as an ABA representative to the National Construction Dispute Resolution Committee of the American Arbitration Association, for a term to take effect immediately and conclude in August 2015.

b. Appellate Judges Education Institute Board of Directors (President Bellows and the Judicial Division)

The Board re-elected The Honorable Norma L. Shapiro of Pennsylvania as an ABA representative to the Board of Directors of the Appellate Judges Education Institute (Institute) for a term to begin immediately and end at the conclusion of the 2015 ABA Annual Meeting, as requested by President Bellows.*

The Board deferred to the February 2013 meeting of the Board the request of the Judicial Division to elect Justice Frank Sullivan, Jr. of Indiana to fill the unexpired term of one of the two ABA representatives on the Board of Directors of the Institute to ensure that the request is submitted in compliance with the Guidelines for the Election of ABA Representatives to Other Organizations.

In 2003, the Board approved an agreement between the ABA and the Institute to provide for annual and periodic continuing judicial education programs for appellate judges, court staff and practitioners. The Institute is a 501(c)(3) not-for-profit corporation established in 2002 and affiliated with the Dedman School of Law at Southern Methodist University.

3.3 Requests to Establish Awards or Make Changes to Existing Awards

a. Section of Dispute Resolution

The Board approved the request of the Section of Dispute Resolution to establish the Civility in Law award to be presented to a lawyer, law student or dispute resolution professional that epitomizes the highest professional standards of civility in work and
whose practice follows the spirit of Resolution 108, passed by the House of Delegates in 2011. This Resolution affirms the ABA’s support of the principle of civility as a foundation for democracy and the rule of law. The award would be presented on a biannual basis, in alternate years with the Section’s “Lawyer as Problem Solver Award,” which was approved in 2001. The award recipient would receive an engraved clock valued at approximately $150, paid from Section funds.

b. Section of Environment, Energy, and Resources

The Board approved the request of the Section of Environment, Energy, and Resources to add cash awards as prizes given to winners of its annual Energy Law Student Writing Competition. The contest, approved in August 2010, published winning papers in a special edition of the Renewable, Alternative, and Distributed Energy Committee and the Energy and Environment Markets and Finance Committee’s newsletters and acknowledged the winners on the Section’s Website. With approval from the Board, the Section will also award cash prizes of $700 to the winner, $500 to the first runner-up, and $250 to the second runner-up, to be paid from Section funds. In the Section’s opinion, the awarding of cash prizes will make the Section’s competition commensurate with writing competitions held by other ABA entities.

c. Standing Committee on Legal Assistance for Military Personnel (LAMP) (Two Requests)

i. The Board approved the request of the Standing Committee on Legal Assistance for Military Personnel (LAMP) to establish the ABA Military Pro Bono Project Star Ranking Support Certificate to recognize law firms, corporations, other organizations and private individuals that provide financial contributions to the ABA Military Pro Bono Project (Project), LAMP’s flagship initiative. Certificates are provided for five levels of financial support ranging from $100 to $25,000. In addition, supporters are acknowledged on the Project’s website.

ii. The Board also approved LAMP’s request to establish the ABA Military Pro Bono Project Outstanding Services Award to recognize individual attorneys, law firms, and corporate law departments that have provided extraordinary pro bono services through a) acceptance and provision of legal services for at least three pro bono case referrals originating with the Project in a calendar year or b) pro bono hours. The actual awards will be certificates signed by a member of the LAMP Committee and acknowledgements on the Project’s website.

d. Young Lawyers Division

The Board approved the request of the Young Lawyers Division to change the Division’s “ABA YLD Law Day/You Tube Award” contest for students, approved in 2009, from a You Tube video contest, to an annual “Law Day” contest in which submissions may be video, art, essays or poems. In the Division’s view, this change, effective in the 2013 Association year, will make the contest more accessible and also reduce costs by eliminating the portion of the You Tube contest that paid the expenses of the winners.
and their families to travel to Washington DC. for Law Day. All costs associated with the Law Day contest will be paid from the Division’s approved budget.

3.4 President Bellows’ Requests

a. Request to Create a Business Advisory Group on Forced Labor to Support the Work of the Task Force on Human Trafficking

The Board approved President Bellows’ request to create a Business Advisory Group on Forced Labor (Business Advisory Group) to support the work of the Task Force on Human Trafficking (Task Force), to be comprised of up to 30 lawyer and non-lawyer corporate stakeholders, including the chair, and including five working groups. The Business Advisory Group will i) work with other ABA entities and non-ABA entities to foster a dialogue at the corporate level on how best to eradicate human trafficking when it intersects with the business community, including the adoption of best practices by companies, ii) collect and publish research and coordinate the creation and dissemination of educational programs and materials, with proper disclaimers, and iii) assist the Task Force with fundraising.

Any resulting policy statements will be brought to the Board or to the House of Delegates for consideration. No additional ABA general revenue is requested or required.

b. Request to Change the Name of the Cybersecurity Task Force and Establish the Task Force as a Separate ABA Task Force

The Board approved President Bellows’ request to establish the ABA Cybersecurity Legal Task Force, which was originally approved by the Board as a task force of the Standing Committee on Law and National Security, as a separate ABA Task Force. The Cybersecurity Legal Task Force will continue to be supported by the Standing Committee’s staff. No additional ABA general revenue is requested or required.

3.5 Requests to Charge Registration Fees for Programs Presented During the 2013 Midyear Meeting

a. Section of International Law (and request to co-sponsor program)

The Board approved the request of the Section of International Law to co-sponsor a one-day symposium on the Arab Spring with the Southern Methodist Dedman School of Law, Thursday, February 7, 2013, during the Midyear Meeting in Dallas, Texas, and also charge ABA members $115 and non-ABA members $175 to cover costs.

b. Section of State and Local Government Law (and request to co-sponsor program)

The Board approved the request of the Section of State and Local Government Law to solicit state and local bar associations in Texas, including diversity bar associations, as
co-sponsors for three CLE programs, i) “Hot Topics in Diversity Law,” ii) “Beyond Fracking,” and iii) “Education Law,” to be presented Thursday, February 7, 2013, during the Midyear Meeting. The Board also approved the Section’s request to charge a registration fee of $25 for all three programs to help defray costs. Law students will be permitted to attend at no charge. The programs will be followed by a networking reception.

c. Government and Public Sector Lawyers Division

The Board approved the request of the Government and Public Sector Lawyers Division to charge a maximum registration fee of $35 each for two or three CLE programs that will be offered by the Division for government lawyers during the 2013 Midyear Meeting. CLE topics examined may include ethics, military law, and/or technology. The fees will help defray costs and permit the Division to offer the programs at a reasonable cost for government lawyers.

3.6 Standing Committee on Meetings and Travel Requests

a. Request i) for ABA to Hold Stand-Alone, Self-Funded Meeting in London in June 2015 to Celebrate the 800th Anniversary of the Magna Carta and ii) to Create a London Planning Committee

The Board approved the request of the Standing Committee on Meetings and Travel for a stand-alone self-funded meeting on June 12-14, 2015, in London, England, to celebrate the 800th Anniversary of Magna Carta, which would be held at the JW Marriott Grosvenor House Hotel. The Board also approved the request of the Standing Committee on Meetings and Travel to create a London Planning Committee to be appointed by the person nominated in February 2013 to be ABA President-Elect (2013-2014), comprised of ten (10) U.S. lawyer members including a Chair and ten (10) Commonwealth lawyers including representatives from the General Council of the Bar of England and Wales and the Law Society of England and Wales.

b. Recommendation Regarding Registration Fees for 2013 Annual Meeting.

The Board approved the recommendation of the Standing Committee on Meetings and Travel that there be no registration fee increase for the 2013 Annual Meeting in San Francisco, California, except for the adult ticket price for the President’s Reception. The Board approved the recommendation of the Standing Committee that the adult ticket price for the President’s Reception be increased by $15, from $50 to $65. The increase will help to generate an additional $18,000 to $20,000 in Annual Meeting revenue which is needed to maintain the current level of high quality food, beverage and entertainment at the event due to rising food, labor and venue rental costs.
3.7 Commission on Lawyer Assistance Programs Request to Amend Jurisdictional Statement

The Board approved the request of the Commission on Lawyer Assistance Programs to amend its jurisdictional statement to reflect more directly and accurately its work with lawyers in America and the legal profession. In pertinent part, the amendments to the jurisdictional statement a) provide that the Commission “(s)hall have jurisdiction over matters relating to lawyer assistance programs (LAP) as they provide professional assistance to lawyers, judges and law students who have alcoholism, substance abuse, addiction and mental health issues” and b) specify the Commission shall i) support and seek to improve existing services, including diversity outreach and, as appropriate, assist in the development of new LAPs, ii) provide educational and training opportunities for LAP staff and volunteers, the legal profession, the judiciary, law students, legal educators and the public, iii) disseminate information to and create and foster platforms for communications among LAP staff and volunteers, iv) develop and advance policies that better enable lawyers and judges to obtain assistance and return to good health, protect the integrity of the legal profession and the judiciary and protect the public.

3.8 Standing Committee on Lawyer Referral and Information Service Request for Approval of Venture with LegalPPC to Develop an iPhone Application to Locate Nearest Lawyer Referral Service

The Board authorized a venture between the Standing Committee on Lawyer Referral and Information Service (LRIS) and LegalPPC, a California-based website design, search engine marketing, and search engine optimization company, to develop mobile applications that will allow consumers to locate their nearest public service lawyer referral service.

The Board’s authorization to proceed with the venture was with the understanding that a) the ABA has, at a minimum, joint proprietary rights with LegalPPC, b) pricing shall be developed jointly by the ABA and LegalPPC, c) the ABA shall share equitably in net revenue generated from the venture, d) if either party wishes to terminate the venture, proprietary rights shall revert back to the ABA, and e) any agreement regarding the venture shall be subject to the approval of the ABA General Counsel and the Associate Executive Director-Public Services Group.

3.9 Requests to Enter Into Memoranda of Understanding (MOU) with Outside Organizations

a. Section of International Law (Two Requests)

i. MOU with Solicitors’ International Human Rights Group (England)

The Board approved, subject to review and approval of the Memorandum of Understanding (MOU) by the Office of the ABA General Counsel, the request of the Section of International Law to enter into an MOU, for a two-year term, with SIHRG, a non-profit organization established to promote awareness of international human rights.
within the legal profession and mobilize solicitors into effective action in support of those rights. The MOU will further the Section’s International Models Project on Women’s Rights (IMPOWR) Task Force. The MOU will constitute an agreement for the voluntary exchange of information, cooperative efforts to create collaborative information resources on gender-related law reform, and coordination between respective website and database resources on that subject. It will not commit either the Section or SIHRG to any particular project, program or initiative, or to the expenditure of any funds. No ABA general revenue is requested or required.

ii. MOU with International Organization for Migration

The Board approved, subject to review and approval of the Memorandum of Understanding (MOU) by the Office of the ABA General Counsel, the request of the Section of International Law to enter into an MOU, for a three-year term, with the International Organization for Migration, the leading intergovernmental organization for labor migration. The MOU will further the Section’s work on the international standards of migrant workers and establish a basis for cooperative exchange of information and substantive resources, but will not require the exchange of any funds. No ABA general revenue is requested or required.

b. Health Law Section Request to Enter into an MOU with the Health Information Management Systems Society (HIMSS)

The Board approved the request of the Health Law Section to enter into a Memorandum of Understanding (MOU), for an initial term of three years, with Health Information Management Systems Society, a not-for-profit organization exclusively focused on providing global leadership for the optimal use of information technology and management systems for the betterment of healthcare. The MOU, which has been reviewed and approved by the Office of the ABA General Counsel, provides for the collaboration by the parties on programs and other initiatives of mutual interest, including educational programs for legal and medical professionals, exchange of information and expertise, and fostering communications between and among their members, but does not include financial obligations. No ABA general revenue is requested or required.

3.10 Section of Environment, Energy, and Resources Request to Co-sponsor and Make Financial Contributions from Section Funds for Five Programs

The Board approved the request of the Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds to the following five programs. No ABA general revenue is requested or required:

- Rocky Mountain Mineral Law Foundation’s Natural Resources Law Teachers Institute: to co-sponsor 2013 program and contribute up to $7500 for co-sponsorship support.
- Symposium at the Wallace Stegner Center for Land, Resources and the Environment of Utah S.J. Quinney College of Law request to co-sponsor the 18th
Annual Stegner Center Symposium: Religion, Faith and the Environment, April 12-13, 2012, and contribute up to $1,000 for co-sponsorship support.

- Association of American Law Schools 2013 Annual Meeting: to co-sponsor the 2013 Annual Meeting and contribute up to $1,000 for co-sponsorship support.
- Pace Law School Environment Moot Court Competition: to increase annual financial support of $2,500 for the 2013 and 2014 Competitions, previously approved by the Board, to annual support of $3,000 for the 2013 and 2014 Competitions.
- International Union for Conservation of Nature (IUCN) Academy of Environmental Law’s 11th Annual Colloquium: request to co-sponsor 11th Colloquium, to be held in 2013, and contribute up to $2,000 for co-sponsorship support

3.11 Standing Committee on Membership Requests

a. Requests Regarding Member Benefit Programs

i. Request to Add Hertz Car Sales to ABA Hertz Advantage Program

The Board approved the request of the Standing Committee on Membership to add Hertz Car Sales to the ABA Advantage Hertz program. The addition will enable ABA members to buy vehicles that are being retired from the Hertz rental fleet. ABA members will receive discounts of $250 on the purchase of used cars from Hertz. (Cars are priced up to 30% less than blue book value.) The $250 discount is applied to the already-reduced price. Most cars in the program will sell for between $10,000 and $20,000. Hertz will pay the ABA $100 per car sold. It is estimated that the ABA will receive $6,000 to $10,000 per year from Hertz Car Sales, based on five to eight sales per month. That revenue is in addition to the more than $1.5 million Hertz pays for existing programs.

ii. Request to Modify ABA Advantage Contract with Mercedes-Benz USA

The Board approved the request of the Standing Committee on Membership to modify the Mercedes-Benz USA Advantage Program contract to permit discounts for new ABA Associates only after they have belonged to the ABA for at least one year. This modification will not affect lawyer or law student members, nor will it affect current Associates. Under the current ABA Advantage contract, Mercedes offers discounts to all ABA members, including lawyers, law students and Associates. When the contract was finalized, however, Mercedes was not aware that anyone with an interest in the Association or the law could join as an ABA Associate. In the past, unscrupulous automobile brokers have used such open enrollments as a sales tool. They have encouraged their clients to join an organization only to obtain a discount. This request was made to address this concern.
b. Request to Authorize Pro Ration of Dues for New ABA Members

The Board approved the request to formally authorize the pro ration of Association dues paid by new ABA members during the course of the Association Year and when refunds are issued upon request.

The Board deferred to the February 2013 meeting of the Board the request to authorize pro ration of Section/Division/Forum dues to permit Sections/Divisions/Forums to study the issue in further detail.

3.12 Request to Amend Jurisdictional Statement of the Operations and Communications Committee

The Board approved the request of the Operations and Communications Committee to amend the Operations Committee’s jurisdictional statement to add the areas of Continuing Legal Education and Publications to its scope of authority. As amended, the jurisdictional statement will read:

“… (14) CONTINUING LEGAL EDUCATION (CLE): Retains oversight of the continuing legal education programs and services of the Association in accordance with Board-approved policies and procedures and as administered by the Standing Committee on Continuing Legal Education. Receives status reports from the Standing Committee on Legal Education and Center for Professional Development which include information regarding the development of Association CLE programs and services as well as the financial aspects of such programs and services. Hears and makes recommendations to the Board regarding appeals of requests for co-sponsored CLE programs that have been denied by the Standing Committee on Continuing Legal Education.

(15) PUBLISHING: Retains oversight of board-approved publishing policies and procedures of the Association, as administered by the Standing Committee on Publishing Oversight and ABA Publishing. Receives status reports from the Standing Committee on Publishing Oversight and ABA Publishing which include information pertaining to the development, marketing and sales of ABA publications and the financial aspects of such services.”

3.13 Standing Committee on Legal Aid and indigent Defendants Request to Co-publish Report with the National Association of Criminal Defense Lawyers.

The Board approved the request of the Standing Committee on Legal Aid and Indigent Defendants (SCLAID) to co-publish with the National Association of Criminal Defense Lawyers a report that highlights the discussions and proposals for reform of the indigent defense system considered by a national focus group of indigent defense, bar, prosecution, judicial and other leaders. The focus group is part of a multi-year, multi-faceted project undertaken by SCLAID to provide training, experiential learning and distillation of major issues with respect to indigent defense. The report will not result in new policy statements. The Department of Justice Bureau of Justice Assistance
provided a grant that funded the preparation of the report, and no ABA general revenues are requested or required.

3.14 **American Bar Endowment and American Bar Insurance Plans Consultants, Inc.**  
Request for Exception to Policy Regarding Use of E-Mail Addresses

The Board a) granted the American Bar Endowment (ABE) and the American Bar Insurance Plans Consultants, Inc. (ABI), through February 1, 2013, an exception to the ABA policy that prohibits the use of ABA member E-mail addresses by Affiliates of the ABA to permit ABE and ABI to promote their plans to ABE’s members (who are all ABA members) at a reduced cost; and b) asked that ABA and ABI report the results of their use of the e-mail addresses at the February 2013 meeting of the Board.

3.16 **Request to Appoint Jarisse Sanborn as Registered Agent of the American Bar Association, LLC**

The Board appointed ABA General Counsel Jarisse J. Sanborn as Registered Agent for the American Bar Association, LLC to replace former ABA General Counsel R. Thomas Howell, Jr., who retired in August 2012.

**NEW BUSINESS:**

3.17 **Request Regarding Presidential Citations**

The Board continued the process and criteria for awarding Presidential Citations through the 2012-2013 Association Year, with an amendment to provide that denials of requests to award Presidential Citations by the three-member Presidential Citation Subcommittee of the Operations and Communications Committee may be appealed to the full Operations and Communications Committee, whose decision shall be final.

**B. MATTERS OF INDEPENDENT JURISDICTION**

3.15 **Requests for Co-Sponsorships**

The Operations and Communications Committee approved co-sponsorship requests from the following entities, with one understanding, as noted below. No additional ABA general revenue is requested or required for the co-sponsorships.

a. **Center for Professional Responsibility:** to co-sponsor the two-day symposium, "Navigating the Practice of Law in the Wake of Ethics 20/20" with The Miller-Becker Center (MBC) for Professional Responsibility, April 2013, at the University of Akron School of Law.

c. **Commission on Women in the Profession:** to co-sponsor a “Dallas Leadership Conference for Professional Women: Skills for Success,” February 8-9, 2013, in Dallas, Texas. with the National Conference of Women’s Bar Associations, National Association of Women Lawyers, and Dallas Women Lawyers Association.

d. **Section of Antitrust Law:** to present the Section’s “Why Antitrust?” programs at additional ABA-accredited law schools (listed in the request), with the additional schools serving as co-sponsors, during the 2012-2013 Association year and ongoing.

e. **Section of International Law (Two Requests):**

i. to co-sponsor the “International Law Weekend” sponsored by the American Branch of the International Law Association for Association Years 2012, 2013 and 2014. The 2012 program was held October 25-27 in New York. The dates and locations of the 2013 and 2014 International Law Weekends have not yet been determined.

ii. to co-sponsor between four and eight programs at the “Israel Bar Association Annual Congress,” May 26-29, 2013, in Eilat, Israel. **Note:** The Operations Committee’s approval was with the understanding that the Section of International Law will provide the ABA Division for Policy Administration with a copy of the final program schedule once the program topics are finalized.

f. **Standing Committee on Legal Aid and Indigent Defendants:** to co-sponsor with The Constitution Project, an event to celebrate the 50th Anniversary of *Gideon v. Wainwright*, March 18, 2013, in Washington, DC.

g. **Government and Public Sector Lawyers Division:** to co-sponsor with West, a Thomson Reuters business, a program regarding case management and collaboration, February 8, 2013, during the 2013 ABA Midyear Meeting in Dallas, Texas.

3.23b **Report of Corporate Sponsorship Subcommittee of the Operations and Communications Committee**

The Operations and Communications Committee received the report of its Corporate Sponsorship Subcommittee, which was appointed by the Operations Committee Chair to review the current Corporate Sponsorship Guidelines (Guidelines). The report included the results of the survey of ABA entities regarding the entities’ experiences with the Guidelines as well as the Subcommittee’s suggested revisions to Section 2.10 of the Guidelines regarding focus groups and testing of sponsors’ products. The proposed revisions to the Guidelines will be circulated to ABA entities for comment. It is anticipated that the revisions will be brought to the Board for consideration at the February 2013 Board meeting.
C. MATTERS FOR COMMITTEE CONSIDERATION ONLY

NEW BUSINESS:

A joint subcommittee of the Operations and Communications and Finance committees will be appointed to study and, if appropriate, make recommendations to the Board of Governors regarding a) travel of ABA officers and their spouses/significant others and b) stand-alone Board meetings.

4. PROGRAM, EVALUATION AND PLANNING COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Standing Committee on Federal Judicial Improvements Request to Create Program Support Fund.

The Board approved the request of the Standing Committee on Federal Judicial Improvements to create a Program Support Fund to support two public service and law-related education projects and programs: a) the 2013 Annual Meeting program “Are Courts Dying? From the 20th Century Invention of Democratic Courts to the 21st Century Decline of Open and Public Adjudication,” and b) the Federal Courts Data Project, which will collect data regarding federal civil cases, including bankruptcy, and data regarding federal judges.

B. MATTERS OF INDEPENDENT JURISDICTION

None for consideration.

5. FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Section of Taxation Request to Contribute Funds to the American Tax Policy Institute

The Board approved the request of the Section of Taxation to contribute $50,000, from Section funds, to the American Tax Policy Institute (Institute), a 501(c)(3) organization formed in 1990 by the American College of Tax Counsel to promote and facilitate scholarly research, analysis, and discussion of tax policy issues. The Board has approved contributions to the Institute each year since 2001.
5.2 **Request for Election Under New Pension Law**

The Board a) approved an election by the American Bar Association as Plan Sponsor of the A-E-F-C Pension Plan (Plan) to defer the application of segment rates under the Moving Ahead for Progress in the 21st Century Act to plan years beginning on or after January 1, 2013, solely for purposes of determining the adjusted funding target attainment percentage when applying the funding-based benefit restrictions under § 436 of the Internal Revenue Code, it being understood that the American Bar Association will use those rates for purposes of minimum funding requirements, and b) authorized the Treasurer to provide written notice of that election in appropriate form to the Enrolled Actuary for the Plan and the Plan Administrator and to take such further action as may be by him deemed appropriate to implement such approval.

5.3 **Request to Amend A-E-F-C Pension Plan**

The Board a) approved an amendment to the Plan to provide that, effective January 1, 2013, the benefit payment commencement date for terminated vested participants is the first day of the month following the date the participant attains age 65, unless the participant elects to defer commencement of payment, but not later than the time required under Section 5.9 of the Plan; b) authorized the execution by the President of the ABA or other appropriate officer of the ABA of an amendment embodying that concept in the form approved by the ABA Office of General Counsel; and c) authorized the appropriate officers of the ABA to take such further action as they deem, reasonable and appropriate to carry out the implementation of the foregoing.

5.4 **NEW BUSINESS:**

The Board approved amending the Association’s FY2013 budget to provide for the funding from reserves as selected by the Deputy Executive Director and Chief Financial Officer, in an amount not to exceed $125,000, of a study by an independent consultant selected by the Executive Director regarding the organization, structural alignment, resource utilization and effectiveness of the Association’s Membership and Marketing Department pursuant to an agreement approved by the Executive Director.

**B. MATTERS OF INDEPENDENT JURISDICTION**

None for consideration.