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 2012 Board of Governors Meeting

DATE: February 10, 2012

Attached is the Summary of Action of the February 2-3, 2012, meeting of the Board of Governors held at the Sheraton New Orleans in New Orleans, Louisiana. This Summary does not constitute official Minutes of the meeting. Minutes will be presented to the Board for approval at the next meeting, in June 2012.

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

CC: Board of Governors

Attachment
SUMMARY OF ACTION
AMERICAN BAR ASSOCIATION
BOARD OF GOVERNORS

Sheraton New Orleans
New Orleans, Louisiana

February 2-3, 2012

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's October 28, 2011, meeting in Covington, Kentucky, were approved as presented. The minutes of the Executive Committee's conference calls of November 16, December 7, and December 21, 2011; and January 4, 2012, were received.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 House Reports

The Board transmitted the following Resolutions with Reports to the House of Delegates with recommendations that each be approved by the House at the 2012 Midyear Meeting:

Resolution 10A (Co-sponsors: Bar Association of Puerto Rico and Carlos A. Rodriguez-Vidal, ABA Member) Urges the highest courts or legislative bodies of all states, territories and tribes charged with the administration of justice, admission to the bar, and regulation of the legal profession, to respect the organized bar's ability and right to function independently and express its views freely.

Resolution 109A (Primary Sponsor - Center for Human Rights): Endorses the United Nations "Protect, Respect and Remedy" Framework on Business and Human Rights and the Framework's companion Guiding Principles for Implementing the Framework and similar principles promulgated by the Organization for Economic Cooperation and Development, and urges governments, the private sector and the legal community to integrate them into their respective operations and practices.

Resolution 111 (Primary Sponsor – Commission on Disability Rights): Urges entities that administer a law school admission test to provide appropriate accommodations for a test taker with a disability to best ensure that the exam results reflect what the exam is designed to measure and not the test taker's disability.

The Board did not make any other recommendations to the House of Delegates regarding Resolutions with Reports submitted for consideration at the 2012 Midyear Meeting.
2.2 Status Report Regarding Lincoln Memorial University Duncan School of Law

In executive session, the Board received a status report from the ABA General Counsel regarding the Association's litigation with Lincoln Memorial University Duncan School of Law.

2.3 Recommendation Regarding Relationship with the American Law Institute

In executive session, the Board considered the recommendation that the Board of Governors approve and authorize the issuance of a written Notice of Termination to the American Law Institute (ALI), terminating the ALI-ABA Memorandum of Understanding, as amended and restated in 2005.

Thereafter, it was reported that the matter had been deferred.

2.4 Request to Approve ABA Legislative and Governmental Priorities

The Board approved the following ABA Legislative and Governmental Priorities for 2012, as recommended by the Standing Committee on Governmental Affairs and the Governmental Affairs Office:

- Access to Legal Services
- Criminal Justice System Improvements and Protection of Rights
- Eliminating Discrimination and Protecting Civil Liberties
- Health Care Law and Tort Reform
- Immigration
- Independence of the Judiciary
- Independence of the Legal Profession
- Promoting the International Rule of Law

2.5 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, 2011, meeting of the ABA/FJE Board as presented and b) accepted the ABA/FJE restricted grants and contributions received or awarded through December 31, 2011, and not previously reported, as requested by the Association’s Financial Services Division.

2.6 National Judicial College

a. Nominations

The Board, sitting as the Members of the National Judicial College (NJC), elected Honorable James Matthew Martin of North Carolina to a three-year term on the NJC Board of Trustees, representing the Judicial Division's National Conference of Specialized Court Judges, to begin at the conclusion of the NJC Annual Meeting in 2012 and end at the conclusion of the NJC Annual Meeting in 2012, as recommended by the Judicial Division.
b. National Judicial College Presentation

The Board, sitting as the members of the National Judicial College (NJC), heard a brief presentation from Honorable William F. Dressel, President of the NJC. On behalf of the NJC Board of Trustees, President Dressel thanked the Board for its continued support of the NJC. In celebration of the NJC’s 50th anniversary in 2013, the NJC will conduct symposia at various locations across the country on the topics "Court Culture/Civility-Impact of Public Trust and Confidence," "How Courts Resolve Disputes and the Role of the Jury Trial in the 21st Century," and "Judicial Competency, Committed Retention and Leadership: Critical Challenges Facing the Judiciary."

2.7 General Practice, Solo and Small Firm Division Request to Adopt Resolution to Commemorate the Division’s 50th Anniversary

The Board adopted a resolution to commemorate the 50th Anniversary of the General Practice, Solo and Small Firm Division. The resolution proclaims Wednesday, August 8, 2012, as "Solo, Small Firm and General Practice Day."

2.8 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.

2.9 Report Regarding Non Dues Revenue

Board member Mary L. Smith, Chair of the Non-Dues Revenue (NDR) Committee, presented an informational report to the Board. Her presentation, which referenced materials included in the Board’s February 2012 agenda books, included a) a status report regarding the NDR Committee’s pilot programs on pricing and generation of non-dues revenue, b) an overview of the NDR Committee’s December 2, 2011, briefing for ABA staff and c) a summary of the NDR Committee’s December 20, 2011, briefing for ABA member leaders.

2.10 Report From the Strategic Planning and Action Committee

Laurel G. Bellows, Chair of the Strategic Planning and Action Committee (SPAC) presented an informational report to the Board regarding current SPAC initiatives. SPAC is analyzing how the ABA develops funding priorities to assist the ABA in strategic budgeting in the future. As part of the analysis, SPAC is gathering, on a confidential basis, information from ABA leaders and entities to assist in the development of funding priorities. In addition, SPAC is focusing on the ways that ABA entities can work together to develop projects that are of mutual benefit and also examining the role of the ABA internationally, given the global nature of the practice of law.
2.11 Reports to the Board of Governors

a. 2012 Law Day: "No Courts, No Justice, No Freedom"

Mark D. Agrast, Chair of 2012 Law Day, presented a status report regarding Law Day planning. The theme of 2012 Law Day is "No Courts, No Justice, No Freedom." President Robinson and Mr. Agrast are urging state and local bar associations to emphasize in their Law Day initiatives the under-funding of the state courts. Bar associations will be urged to visit the ABA Website's new Court Funding Portal, which contains useful information, including toolkits, to help bar associations understand the issues related to under-funding of state courts as well as resources to assist them in taking action.

b. 2012 ABA Day

William C. Hubbard, Chair of the ABA Day Planning Committee, presented a status report on planning for 2012 ABA Day, April 17-19, 2012, in Washington, DC. ABA Day will focus, in part, on funding for the Legal Services Corporation and the Violence Against Women Reauthorization Act of 2011. President Robinson urged all members of the Board to attend this important event. He thanked Mr. Hubbard for his excellent work in connection with ABA Day planning. Mr. Hubbard commended Legislative Counsel Kenneth Goldsmith in the ABA Governmental Affairs Office for his outstanding assistance.

c. Commission on Ethics 20/20

Michael C. Traynor, Co-chair of the Commission on Ethics 20/20, presented a report on the Commission's work to date, as summarized in the agenda materials. The Commission was created in 2009, at the request of then President-elect Carolyn B. Lamm, to perform a thorough review of lawyer ethical rules and the system of lawyer regulation in light of the technological advances and globalization that has changed the way law is practiced since the Ethics 2000 Commission performed the last comprehensive review of the Model Rules of Professional Conduct (Model Rules), beginning in 1997.

The first year of the Commission's work was devoted to conducting research and listening to the profession and the public regarding the ethical challenges that arise due to the increased use of technology and increased globalization. Beginning in the second year, and continuing to the present time, the Commission formulated possible solutions to the aforementioned challenges and published draft proposals and discussion drafts for comment. The Commission has held hearings, and appeared before more than 70 sections, committees, and state and local bar associations. The Commission has concluded that the principles in the current Model Rules are still applicable to changes that have occurred in the practice of law. As a result, many of the Commission's draft proposals involve clarifications and expansion of existing Model Rules rather than complete revision of the Model Rules.

Mr. Traynor advised that to facilitate consideration of the Commission's proposals by the House of Delegates, the Commission's recommendations will be presented to the House
of Delegates in two parts. The first set of proposals (regarding technology, outsourcing, and mobility) will be submitted for consideration at the 2012 Annual Meeting. The second set of proposals (regarding uniformity and choice of law, inbound foreign lawyers, and alternative law practice structures) will be submitted for consideration at the 2013 Midyear Meeting.

d. Fund for Justice and Education

Alan S. Kopit, Chair of the Council of the Fund for Justice and Education (FJE), presented a report regarding current FJE initiatives and activities. He referenced the "Business Case for an ABA Resource Development Office Executive Summary" that was distributed to the Board. The document outlines the development of an expanded Resource Development Office (Office) to i) cultivate unrestricted giving, ii) adopt and implement a capital campaign for public service, iii) and promote planned giving. In addition, the Office will target fundraising for ABA entities and their public service programs, reinvigorate the Enterprise Fund, and renew the emphasis on sponsorship development. To achieve the aforementioned goals, the FJE has developed a five-year business plan, which will require an investment of $6.9 million over a five-year period, with a return on investment of between $14 to $17 million during the same period. Once established, the Office will continue to build revenue sources with the goal of funding all public service programming through outside funding, with general revenue providing only core support.

Mr. Kopit also informed the Board that approximately $18,000 has been contributed to the legal opportunity scholarship fund established in memory of former ABA Secretary Armando Lasa-Ferrer in June 2011.

Mr. Kopit stated that 100 percent of the Board and 90 percent of the House of Delegates have contributed to the FJE. On behalf of the FJE Council, he thanked the members of the Board and the House of Delegates for this excellent accomplishment. Mr. Kopit also introduced ABA/FJE Director Krista D. Kauper and commended Ms. Kauper and her staff for their outstanding work.

e. Death Penalty Representation Project

John H. Mathias, Chair of the Death Penalty Representation Project (Project), and Project Director Robin M. Maher presented an overview of the Project’s work. The Project was created in 1986 and celebrated its 25th anniversary in 2011. The goals of the Project are to raise awareness about the lack of representation available to Death Row prisoners, to address this urgent need by recruiting competent volunteer attorneys, and to offer these volunteers training and assistance. Mr. Mathias stated that thousands of volunteer lawyers nationwide have contributed well over a hundred million dollars of billable time to pro bono death penalty cases and tens of millions of dollars in out-of-pocket costs. In addition, through the Project’s work, 52 death row inmates have been released from prison or have had their sentences commuted. Mr. Mathias and Ms. Maher thanked the ABA for its continuing support of the Project. President Robinson and James Hill, Board Liaison to the Project, commended the Project for its outstanding work, despite limited resources.
f. Presentation Regarding the Harper Lee Prize

Bryan Fair, Thomas E. Skinner Professor of Law at the University of Alabama School of Law (Law School), presented an overview of the Harper Lee Prize for Legal Fiction (Prize) on behalf of Dean Kenneth Randall who was unable to attend the Board meeting. The Prize was established in 2011 to commemorate the 50th Anniversary of the publication of *To Kill a Mockingbird* and to honor the book’s author, Harper Lee, who attended the Law School in the 1940s. Co-sponsored by the Law School and the ABA Journal, the Prize will be given annually to a published book-length work of fiction that best exemplifies the role of lawyers in society and lawyers’ power to effect change. The inaugural Prize was presented to John Grisham for his book *The Confession*. Former ABA President Robert J. Grey, Jr. served on the selection committee for the first Prize. The selection committee for the 2012 Prize includes Nina Totenberg, legal affairs correspondent for National Public Radio, and journalist Juan Williams.

g. ADDITIONAL ITEM: Presentation Regarding Law Student Division Membership Survey Results

Brandon Smith, the Law Student Representative on the Board, presented the results of the "American Bar Association Law Student Division 2012 Membership Survey." The survey, which was sent to 18,909 individuals, was designed to gather feedback and suggestions for improvements and enhancements to serve the needs of law students. There were 1,539 responses to the survey, reflecting an eight percent response rate. All 1,539 respondents are members of the Division, more respondents are male than female, the majority are full-time students, and 68 percent are younger than 30 years old. In pertinent part, the survey results show the following: i) ABA publications (e.g., Student Lawyer, ABA Journal) provide the greatest amount of satisfaction for law students, and free and discounted section memberships also provide satisfaction; ii) although 38 percent of respondents believe that the ABA is taking steps to ensure transparency in law school reporting of employment data, 30 percent of respondents neither agree or disagree; iii) less than one-third of law students feel the ABA is addressing concerns regarding the significant amount of law school-incurred debt; iv) the ABA is not viewed as facilitating law students' efforts in securing employment upon graduation; v) 25 percent of law students feel the ABA has contributed to their networking opportunities within the profession; vi) 16 percent of respondents have attended an ABA meeting within the past 12 months, and most attendees believe the meetings are useful; vii) law student members are satisfied with their membership, believe the ABA is relevant or becoming more relevant to law students, and 76 percent of respondents are likely to renew their membership.

On behalf of the Board, President Robinson thanked Mr. Smith and the Division for their excellent work. He stated that when he travels to different cities he makes every effort to visit local law schools since law students represent the future of the legal profession.
2.12  **ADDITIONAL ITEM: Request of Adoption of Memorial Resolution for Former Board Member**

The Board passed a memorial resolution recognizing the accomplishments, standards and achievements of former Board member Honorable Patrick J. Sheedy of Wisconsin, who passed away January 13, 2012.

2.25  **INFORMATIONAL REPORTS**

The Board received written informational reports from the ABA *Journal* and the Commission on Women in the Profession.

3.  **OPERATIONS AND COMMUNICATIONS COMMITTEE**

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

3.1  **Requests for Bylaw Amendments**

a.  **Section of Administrative Law and Regulatory Practice**

The Board approved the request of the Section of Administrative Law and Regulatory Practice to amend its bylaws to i) permit Council members to participate and vote by telephone, videoconference, or other electronic means and ii) provide that only those *Ex Officio* Council members actually participating in a meeting be included in the denominator for purposes of determining the existence of a quorum (defined as a simple majority of Council members). The Section Council approved the proposed amendments on August 6, 2011.

b.  **Judicial Division**

The Board approved the request of the Judicial Division to amend its bylaws, in pertinent part, to i) designate six Division standing committees, ii) make a correction to provide that the Board of Governors, and not the House of Delegates, approves proposed amendments to Division bylaws, iii) permit the Chair of the Board of Trustees of the National Judicial College (in addition to the chairs of the Division’s conferences) to designate a representative on the Division’s Council for the purpose of voting, and iv) clarify that Council members may vote in writing using e-mail or other electronic methods. The Division Council approved the proposed amendments on August 6, 2011.

In addition, the Board directed that Article XI (Amendments) of the Division Bylaws be amended to provide that the Board of Governors, and not the House of Delegates, approves amendments to the Judicial Division bylaws.
3.2 Nominations

a. **ABA Journal Board of Editors**

The Board i) re-elected Raymond L. Ocampo, Jr., of California, and ii) elected Honorable Herbert B. Dixon of Washington, DC, and Alice E. Richmond of Massachusetts to the Board of Editors of the ABA Journal, all for three-year terms, to begin at the conclusion of the 2012 ABA Annual Meeting and end at the conclusion of the 2015 ABA Annual Meeting, as recommended by the ABA Journal Board of Editors.

b. **Judicial Division Representative on the National Judicial College (NJC) Board of Trustees (from National Conference of Specialized Court Judges (NCSCJ))**

See Exhibit 2.6a above.

3.3 Requests to Establish Awards or Amend Existing Awards

The Board approved requests to establish or amend the following annual awards. No additional ABA general revenue is requested or required for the awards.

a. **Forum on the Construction Industry**: to establish the Forum on the Construction Industry Special Service Award to recognize outstanding dedication and service to the Forum by a member. The actual award will likely be a plaque or glass object with a maximum value of $200.

b. **Section of Antitrust Law**: to establish a series of Section recognition awards for its members who have provided service to the Section in the following categories - book publishing, speakers and organizers of the Section’s continuing legal education and other programs, outgoing officers and council members, and other individuals who may have been instrumental in providing Section comments and other services. The awards will be plaques, certificates, globes, or replicas of book covers valued between $20 and $140.

c. **Section of Public Contract Law**: to amend the writing competition rules originally established in 2001 when the Section requested and was granted approval to sponsor an annual Public Contract Law Journal Writing Competition.

d. **Commission on Disability Rights**: to establish the Champions for Disability Inclusion in the Legal Profession Award to be presented to law firms and corporations that have made measurable progress in the training, recruitment, hiring, retention, mentoring, and promotion of legal professionals with disabilities. The award will be a glass statute with a value between $200 and $500.

e. **Law Student Division (LSD) (Twelve Awards)**: to establish the following 12 awards to recognize individuals and law schools for their accomplishments in the Division’s Competitions Program:
Arbitration Competition Awards – Awarded to individual law students and law schools

i) **Certificates of Participation**: awarded to each LSD member registered at the Regional Competition which takes place in November each year. Cost: $5

ii) **Regional Awards**: awarded to individual LSD members and law schools during competitions which take place each January. Each Arbitration Competition Regional Finalist team member (four individuals) and school will receive a certificate valued at $15.

iii) **National Awards**: awarded to individual LSD members and law schools during competitions which take place each January. Awards for National Champions would consist of plaques, trophies, and four cash awards of $250 each. Awards for National Finalists will consist of certificates and four cash awards of $150 each.

Client Counseling Competition Awards – Awarded to individual law students and law schools

iv) **Certificates of Participation**: awarded to each LSD member registered at the Regional Competition which takes place in February each year. Cost: $5.

v) **Regional Awards**: Each Client Counseling Competition Regional Champion team member (two individuals) and the school will receive a plaque valued at $25. Each Regional Champion school will also receive a trophy valued at $150.

vi) **National Awards**: awarded to individual LSD members and law schools during competitions which take place each March. The awards presented to the National Champions will consist of plaques, trophies, and two cash awards of $500 each. The National Second Place winners will receive plaques and two cash awards of $250 each. The National Third Place winners will receive plaques and two cash awards of $50 each.

National Appellate Advocacy Competition (NAAC) Awards – Awarded to individual law students and law schools

vii) **Certificates of Participation**: awarded to each LSD member registered at the Regional Competition which takes place in late February or early March each year. Cost: $5.

viii) **Regional Awards**: awarded to individual LSD members and law schools during competitions which take place each April. NAAC Regional Champion, Regional Advocate and Regional Best Brief teams and schools will receive certificates, plaques or trophies valued between $5 and $150.

ix) **National Awards**: awarded to individual LSD members and law schools during competitions which take place each year. The following awards will be presented:
   a) National Champion (two-three individuals, one school): plaques trophies, cash awards of $500 each;
   b) National Best Advocate: plaque, trophy, cash award of $500;
   c) National Best Brief Team (two-three individuals, one school): plaques, trophy, $500 cash award to be split among winners;
   d) National Finalist (second place team of two-
three individuals, one school): plaques, trophy, cash awards of $300 each; e) the two National Semifinalist Teams (four-six persons, two schools): plaques, cash awards of $200 each; f) the four Quarterfinalist Teams (eight to twelve individuals, four schools): plaques. In addition, the National Best Advocates-2nd through 10th Place (nine persons) and the National Best Brief Team-2nd through 5th Place (four teams of two-three individuals) will receive certificates.

Negotiation Competition Awards – Awarded to individual law students and law schools

x) Certificates of Participation: awarded to each LSD member registered at the Regional Competition which takes place in November each year. Cost: $5.

xi) Regional Awards: awarded to individual LSD members and law schools during competitions which take place each February. The awards, which are presented to Regional Champions, Regional Finalist, Regional Third Place team, and Regional Fourth Place team, will consist of plaques, trophies and cash awards valued between $15 and $150.

xii) National Awards: awarded to individual LSD members and law schools during competitions which take place each February. The awards, which are presented to the National Champions, National Finalist, National Third Place team, and National Fourth Place team, will consist of plaques, trophies and cash awards valued between $25 and $500.

3.4 President-elect Bellows’ Requests

a. Request to Create Planning Committees for 2012-2013

The Board approved President-elect Bellows’ request to create the following planning committees for her 2012-13 initiatives: i) Human Trafficking (slavery) in the United States; will focus on trafficking into the United States of women and children, and the enslavement of U.S. citizens for sex (primarily prostitution and child pornography), domestic work, and many other forms of involuntary labor; ii) Achieving Gender Equality: will focus on confirming, where needed, that women and men remain unequal in our society. iii) Law and National Security/Cyberwar: will determine the focus for an initiative to identify policy, legislation or governance requirements that need to be effective in the event of a successful cyber attack.

b. Request for Approval of 2012-2013 Meeting Dates and Locations

The Board approved the following meeting dates and locations for the 2012-2013 meetings of the Board of Governors.

November 14-17, 2012
Fiesta Americana Puerto Vallarta
Puerto Vallarta, Jalisco Mexico
March 13, 2013
Hilton Chicago
Chicago, IL

June 16-20, 2013
The Peninsula Chicago (with all meetings held at the ABA Chicago Office, 321 N. Clark)
Chicago, IL

August 7-9, 2013
San Francisco Marriott
San Francisco, CA

3.5 Commission on Disability Rights Request to Amend Disability Pledge

The Board approved the request of the Commission on Disability Rights to amend the language of the Commission’s “Disability Diversity in the Legal Profession: A Pledge for Change,” originally approved in 2007, to include members of the judiciary as signatories.

3.6 Standing Committee on Membership Requests

a. Request for Member Benefit Program with Symantec

The Board approved the request of the Standing Committee on Membership to develop a member benefit program with Symantec, makers of Norton antivirus and computer security products. The proposed program will have an initial term of two years and provide a 40% discount on Norton antivirus and computer security products. Additionally, the ABA will receive royalties of 35% of net sales on Norton security products and 25% of net sales on Norton Online Family Premier products.

b. Recommendation Regarding Recruitment of All Graduates of ABA Approved Law Schools

The Board also approved the request of the Standing Committee on Membership to set the dues rate for law school graduates at $0 and to actively recruit all graduates of ABA-approved law schools with an offer of free membership that will extend until bar admittance or 18 months, whichever comes first.

3.7 Requests to Enter into Memoranda of Understanding (MOU) with Outside Organizations

a. Section of International Law

i. Revised MOU with Center for Reproductive Rights

The Board approved the request of the Section of International Law to enter into a revised MOU with the Center for Reproductive Rights (CPR) to further the Section’s International Models Project on Women’s Rights (IMPOWER).
In October 2011, the Board deferred the Section's request to enter into an MOU with CPR to permit the Office of the General Counsel to review and revise the MOU to ensure that the language of the MOU authorizes only data sharing between the Section and CPR. The General Counsel approved a revised version of the MOU, and the Section submitted and requested approval of the revised MOU at the February 2012 meeting of the Board.

ii. MOU with Organization of American States (OAS) Inter-American Commission of Women (CIM)

Subject to review and approval of the MOU by the Office of the General Counsel, the Board approved the request of the Section of International Law to enter into an MOU with OAS-CIM, an inter-governmental agency established to ensure recognition of human rights of women, to further the Section's IMPOWR Project. The intent of the MOU is to coordinate search capabilities and access to content on the IMPOWR website from the OAS-CIM website, as well as to permit OAS-CIM representatives to directly input their research onto the IMPOWR website.

b. Health Law Section – MOU with Chicago Medical Society (CMS)

The Board approved the request of the Health Law Section to enter into an MOU with CMS for the purpose of collaborating on programs and other initiatives of mutual interest, (including educational programs for legal and medical professionals), exchanging information and expertise, and fostering communications between and among members. The MOU has been reviewed and approved by the Office of the General Counsel.

3.8 Section of International Law Request to Serve as an In-Kind Contributor for the World Bank's Global Forum on Law, Justice and Development

The Board approved the request of the Section of International Law to serve as an in-kind contributor for the World Bank's Global Forum on Law, Justice and Development (Global Forum). By signing an Official Letter of Endorsement as an In-Kind Contributor, the Section will become a founding Partner and member of the interim Global Forum Steering Committee. The Partners intend to collaborate to promote the establishment of a permanent forum through a global partnership, supported by: a) an information communication technology platform that will facilitate the free access to, and dissemination of, relevant legal knowledge and b) in-kind contributions (i.e. knowledge and logistics).

3.9 ABA Rule of Law Initiative (ABA ROLI) Requests

a. Request to Revise Jurisdictional Statements of ABA ROLI and ROLI Councils

The Board deferred to the next meeting of the Operations and Communications Committee the request of ABA ROLI to revise the jurisdictional statements of ABA ROLI and the ROLI Councils.
b. Request Regarding Registration of Representative Offices in Specified Countries

The Board approved ABA ROLI's request for a resolution to streamline authorization of the registration of ABA ROLI representative offices in specified countries by a) authorizing registration in specified countries in advance on an annual basis, b) delegating to the Executive Director the authority to approve country-specific registration and operational documentation, and c) delegating to the Executive Director and the ABA Secretary the authority to execute such confirming affidavits or documents as may be required.

The Board's approval was with the understanding that the request will be clarified to specify exactly which of the countries known as Guinea is included in the request.

3.10 Tort Trial and Insurance Practice Section (TTIPS) Request to Submit Technical Comments and Notifications to Serve as Reviewing Entities for These Technical Comments

a. TTIPS Technical Comments Request

Pursuant to the Association's Blanket Authority Procedure, the Board approved TTIPS' request to submit technical comments to the Department of the Treasury, Federal Insurance Office, Federal Emergency Management Agency, Financial Stability Oversight Council, Department of Health and Human Services, and the Office of Insurance Exchanges.

b. Notifications to Serve as Reviewing Entities for TIPS Technical Comments

In accordance with the Association's Blanket Authority Procedure, the sections of Business Law; Health Law; Labor and Employment Law; Real Property, Trust and Estate Law; and the Judicial Division's National Conference of the Administrative Law Judiciary submitted notifications that they wish to serve as reviewing entities for TTIPS' technical comments. The Operations and Communications Committee received the five notifications for informational purposes. No action was required of the Board.

3.11 Commission on Homelessness and Poverty Request to Co-sponsor Summit and Seek Outside Funding

The Board approved the request of the Commission on Homelessness and Poverty to a) co-sponsor the program "Homelessness and the Justice System: The Role of Problem Solving and Collaborative Courts," with the California Administrative Office of the Courts and the California Association of Drug Court Professionals, May 11, 2012, in San Francisco California, and b) seek outside funding for the program.
3.12 **Section of State and Local Government Law Request to Co-sponsor and Make Financial Contributions to Two Outside Activities**

a. **University of Wisconsin Law School Heirs Property Research**

The Board approved the request of the Section of State and Local Government Law to contribute $500 from Section funds to the University of Wisconsin Law School to be used for Professor Thomas Mitchell’s study of certain tenancy in common property issues from an international comparative perspective. A portion of the research will be used in a Section publication.

b. **Black Women Lawyers’ Association of Greater Chicago 25th Anniversary National Summit**

The Board approved the request of the Section of State and Local Government Law to co-sponsor and contribute $500 from Section funds to the Black Women Lawyers of Greater Chicago 25th Anniversary National Summit of Black Women Lawyers, April 12-14, 2012, in Chicago, Illinois. Schiff Hardin, Mayer Brown, Accenture, Walmart, Exelon, Navistar, Hinshaw & Culbertson LLP, Winston & Strawn, and Miller Coors are co-sponsors as of this date.

3.13 **Committee on Board Procedures and Operations Request to Create a Committee to Conduct a Survey of the Board**

The Board approved the request of the Committee on Board Procedures and Operations to create a committee, comprised of five Board members selected by the ABA President, to conduct an annual evaluation of the performance of the Board and Board committees.

3.14 **Report and Recommendation From Operations and Communications Committee Subcommittee on Co-sponsorships**

The Board approved amendments to the *Guidelines for Cosponsorship of Programs/Activities with Other Organizations* which provide that a) the Operations and Communications Committee member appointed by the Operations Committee Chair to review requests for co-sponsorship determines whether the request meets the Guidelines and, if so, approves the request, b) the request is circulated to the Committee with the notation that it has been approved by the designated Committee member, c) any Committee member may object to the request, and d) if an objection is received, the Committee staff person shall advise the Committee Chair who shall ask for a vote on whether the request shall be approved.

3.15 **Standing Committee on Publishing Oversight Recommendation for Increase in the Book Publishing Fee Charged to Entities that Publish Through ABA Publishing**

The Board approved the request of the Standing Committee on Publishing Oversight to increase from 14 percent of gross revenue to 17 percent of gross revenue the book publishing fee charged to entities publishing through ABA Publishing. The fee increase
takes effect September 1, 2012, and applies to all sales of book content published by ABA Publishing, whether in print or electronic form.

3.16 Recommendation From the Special Committee on ABA Awards and Recognition

The Board approved the recommendation of the Special Committee on ABA Awards and Recognition that the ABA President be authorized to present citations to recognize exceptional accomplishments, in accordance with certain, specified criteria.

B. MATTERS OF INDEPENDENT JURISDICTION

3.17 Requests for Co-Sponsorships

The Operations and Communications Committee approved co-sponsorship requests from the following entities. No additional ABA general revenue is requested or required for the co-sponsorships.

a. Section of Antitrust Law (Five Requests)
   i. to co-sponsor the Antitrust Law & Economics Institute for Judges program with the Law & Economics Center of George Mason University School of Law, October 7-10, 2012.
   ii. to approve 22 additional law firms (listed in the request) as potential co-sponsors of “Committee Programs” (formerly called “Brown Bag” programs) for the remainder of the 2011-12 Fiscal Year.
   iii. to co-sponsor a panel discussion and networking event with the Chicago Bar Association and the Chicago Women Antitrust Lawyers Network in April or May 2012. The Section has also requested that the ABA Commission on Women co-sponsor this event.
   iv. to co-sponsor several membership outreach events for the remainder of the 2011-12 Fiscal Year with certain additional law firms (listed in the request).
   v. to co-sponsor a “why antitrust and why consumer protection” membership Diversity Outreach program with the Lawyers Collaborative for Diversity, and possibly the Connecticut Bar Association, in early to mid-May 2012.

b. Commission on Disability Rights: to permit various legal employers; national disability organizations; organizations that assist persons with disabilities, including law students and lawyers, in finding employment; and university-affiliated programs specializing in disability issues (listed in the request) to co-sponsor the ABA Third National Conference on the Employment of Lawyers with Disabilities, May 8, 2012, in Washington, DC.


d. Center on Children and the Law: to co-sponsor with the Safe Start Center and Child and Family Associates a project on child victimization histories.
e. **Section of Intellectual Property Law:** to co-sponsor a Diversity in the Profession Action Group networking event with Microsoft Corporation and the law firm Morgan, Lewis & Bockius LLP in late March or early April 2012, in Washington, DC.

f. **Section of Real Property, Trust and Estate Law:** to participate in National Financial Literacy Month to be held annually in April, beginning in 2012. Co-sponsors are likely to include the AICPA, National Association of Estate Planners and the Society for Financial Service Professionals.

g. **Section of Environment, Energy, and Resources:** to continue its co-sponsorship of an annual student writing competition offered by the Environmental Law Institute through 2015. The co-sponsorship was previously approved by the Board in October 2005 for five years through 2010.

h. **Young Lawyers Division (Two Requests)**
   i. to invite its National Affiliate young lawyer organizations to be name only co-sponsors of its 2013, 2014, and 2015 Next Steps Challenge subgrant.
   ii. to invite its International Affiliate young lawyer organizations to be name only co-sponsors of its 2012, 2013, and 2014 International Oratory Competitions to be held in conjunction with the YLD’s Spring Conferences.

i. **Section of Labor and Employment Law and Section of International Law:** to co-sponsor with the Shanghai Bar Association a teleconference focusing on U.S. employment law and its connections with Chinese employers and employees working in U.S. (Tentatively scheduled for March 2012.)

j. **Commission on Women in the Profession:** to co-sponsor with *The Legal Intelligencer* the 2012 Women in the Profession Luncheon, May 23 in Philadelphia, Pennsylvania.

k. **President-elect Bellows:** for the ABA to co-sponsor with the MacArthur Foundation and the Research Network on Law and Neuroscience at Vanderbilt University a conference on law and neuroscience in the spring of 2013.

3.18 **Senior Lawyers Division Request for 2013 Travel Programs with Thomas G. Gohagan and Company**

The Operations and Communications Committee approved the request of the Senior Lawyers Division for six travel programs for Division members in 2013 to be provided through Thomas G. Gohagan and Company.
4. PROGRAM, EVALUATION AND PLANNING COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Standing Committee on the Law Library of Congress Request for Creation of Program Support Fund

The Board approved the request of the Standing Committee on the Law Library of Congress to create a Program Support Fund to a) secure outside funding for programming (such as webinars and CLE training) and publishing initiatives and b) generate outside funding for special projects and initiatives such as a traveling exhibit.

4.2 Requests for Approval of Outside Funding Received Through Annual Planning Process

As part of the Annual Planning Process, after review by the Office of the Fund for Justice and Education and the Office of the General Counsel, and upon recommendation of the Program, Evaluation and Planning Committee, the Board approved the following seventeen requests to seek outside funding:

- Criminal Justice Section – 12 programs
- Commission on Homelessness and Poverty – 1 program
- Immigration Commission – 2 programs
- IR&R Death Penalty Moratorium Project – 1 program
- Public Education Division – 1 program

4.3 Request to Approve Annual Plan Programmatic Rankings for FY2012-2013

The Board approved the Program, Evaluation and Planning Committee’s recommended priority rankings of ABA programs, activities and services.

B. MATTERS OF INDEPENDENT JURISDICTION

The Strategic Planning and Action Committee, the Program, Evaluation and Planning (PEP) Committee and the Committee on Scope and Correlation of Work held a joint session on the respective roles of each and their interaction in developing funding priorities for ABA.

PEP’s Pro Bono Convocation will take place Saturday, February 4, 2012, at the New Orleans Marriott from 2:00 p.m. – 5:00 p.m. in Les Galleries 1-2, Second Floor.

In August, PEP will hold its second convocation which will be on Public Understanding About and Support for the Courts.

PEP held a Committee discussion on its role in ranking, review of programs, priority planning and budgeting for program areas.
5. FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Tort Trial and Insurance Practice Section Request to Contribute Funds to American Red Cross

The Board approved the request of the Tort Trial and Insurance Practice Section to donate $1,000 from Section funds to the American Red Cross to augment the Section’s 2011-2012 theme, "Disaster Preparedness and Response."

5.2 Standing Committee on Audit Report

Acceptance and Approval of Audited Financial Statements

The Board approved and accepted the American Bar Association Consolidated Financial Statements, details of consolidation and other information for the years ended August 31, 2010 and 2011, with the report of the independent auditor.

Further, the Board approved and accepted the Single Audit Reports for the American Bar Association for the year ended August 31, 2011, with the reports of the independent auditor.

5.3 Recommendation to James O. Broadhead to Establish an Account at Deutsche Bank

This item was withdrawn. It was approved by the James O. Broadhead Board and does not require the approval of the Finance Committee or the Board.

5.4 Request for Approval of London Bank Resolution

The Board approved a resolution that authorizes the opening of a bank account at JP Morgan Chase Bank, N.A., London Branch, England (London Account), for the purpose of transferring the ABA’s Euro Dollar bank account from Bank of America in Washington, DC to the London Account.

5.5 Request to Increase Membership of the Investment Subcommittee

The Board amended the jurisdictional statement of the Subcommittee on Investments to increase the composition of the Subcommittee from six to nine members and include three Association members who are not members of the Board as follows:

AMENDED JURISDICTIONAL STATEMENT:

The Subcommittee shall be composed of nine members, including the Treasurer, Finance Chair, a designated Section liaison appointed by the Chair of the Section
Officers Conference, and three Association members who are not members of the Board.

In appointing members to the Subcommittee, the Finance Chair shall solicit and consider resumes of potential members and shall appoint Association members whose background and experience demonstrate knowledge, expertise, and experience concerning investment management, fiduciary responsibility, the mandates and work of the Subcommittee, and the investment needs and objectives of the Association.

The three members of the Subcommittee who are not Board members shall serve staggered three-year terms and will be eligible for re-appointment, at the discretion of the Finance Chair. To the greatest extent possible, the members of the Finance Committee appointed to the Subcommittee shall also serve staggered terms. In appointing Finance Committee members to the Subcommittee, the Finance Chair shall make every effort to appoint members who are in a position to serve their full three-year Board terms of office on the Subcommittee to encourage longevity among the members of the Subcommittee.

B. MATTERS OF INDEPENDENT JURISDICTION

None for consideration.