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 July 29 and August 8-9, 2013, Board of
         Governors Meetings

DATE: August 21, 2013

Attached is the Summary of Action of the July 29, 2013, meeting of the Board of Governors, held by
conference call, and the August 8-9, 2013, meeting of the Board of Governors held at the San Francisco
Marriott Marquis in San Francisco, California. This Summary does not constitute official Minutes of the
meeting. Minutes of the July 29 and August 8-9, 2013, meetings will be presented to the Board for approval at
the next meeting, in November 2013.

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  

Conference Call  
July 29, 2013  
and  
San Francisco Marriott Marquis  
San Francisco, California  
August 8-9, 2013  

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 May 29, 2013 meeting (by conference call)\(^1\) and June 15, 2013, meetings were approved as presented. The minutes of the Executive Committee's meetings of July 1* (by E-mail ballot), July 2* (by conference call), July 10* (by E-mail ballot), and July 22*, 2013 (by conference call) were received.  

2. MATTERS FOR DIRECT BOARD ACTION  

2.1 House Reports  

The Board received an informational report regarding Resolution 10B (Sponsor and Co-sponsors: Indiana State Bar Association, Judicial Division, National Conference of State Trial Judges, National Conference of Federal Trial Judges, Appellate Judges Conference, National Conference of Administrative Law Judges, and National Conference of specialized Court Judges) and Resolution 108 (Sponsors and Co-sponsors: the standing committees on Ethics and Professional Responsibility, Professional Discipline, Client Protection, Professionalism, and Specialization), which have been submitted for consideration at the 2013 Annual Meeting. Resolution 10B urges states and territories to review their judicial disqualification procedures to assure the fair and impartial administration of justice and to conduct such reviews periodically. Resolution 108 amends the terminology section, and the black letter and comment of Rule 2.11 of the ABA Model Code of Judicial Conduct dated August 2013, to address ethical issues relating to disqualification of judges in the election and retention election context. Both resolutions will be withdrawn and a compromise resolution will be submitted for consideration at a future meeting of the House of Delegates (House).  

The Board also considered and voted on the following Resolutions with Reports submitted to the House of Delegates for the 2013 Annual Meeting:  

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\(^1\) Items considered by the Board of Governors during its July 29, 2013, meeting by conference call are noted with an asterisk (*).
a) Resolution 103 (Sponsors and Co-sponsors: Tort Trial and Insurance Practice Section and Section of Business Law): Adopts principles that should be applied in determining the availability of attorney-client privilege for law firm consultations with in-house counsel.

The Board voted to transmit Resolution 103 to the House of Delegates with the recommendation that Resolution 103 be approved at the 2013 Annual Meeting.

b) Resolution 118 (Sponsor and Co-sponsors): Cybersecurity Legal Task Force, Standing Committee on Law and National Security, and Section of Environment, Energy, and Resources: Condemns unauthorized, illegal intrusions by foreign governments, organizations, and individuals into the computer networks of lawyers and law firms and urges governmental bodies to examine, and if necessary, amend or supplement, existing laws to promote deterrence and provide appropriate sanctions.

The Board voted to transmit Resolution 118 to the House of Delegates with the recommendation that Resolution 118 be approved at the 2013 Annual Meeting.

2.2 Report from the Cybersecurity Legal Task Force

Judith A. Miller and Harvey Rishikof, Co-Chairs of the Cybersecurity Legal Task Force presented a report regarding the work of the Task Force, which was created by the Board in 2012 at the request of President Bellows to oversee her cybersecurity initiative. The Task Force has three major areas of focus, each overseen by a working group: a) The Law Firm and its Clients, to provide resources to respond to the varied cyber challenges faced by law firms and their clients. The Task Force recently published The ABA Cybersecurity Handbook: A Resource for Attorneys, Law Firms and Business Professionals, which offers practical cyber threat information, guidance, and strategies to lawyers and law firms of all sizes. The guide discusses the interrelationship between lawyer and client, establishing what legal responsibilities and professional obligations are owed to the client in the event of a cyber-attack; b) Critical Infrastructure, which centers on strengthening the relationship between private and public entities to improve cybersecurity; and c) International Law and Cyber, which focuses on the law of armed conflict, international data conventions, and international criminal cyber conventions and treaties. The Task Force has submitted resolutions for consideration by the House 2013 ABA Midyear and Annual Meetings, and intends to submit a resolution for consideration at the 2014 Midyear Meeting.

*2.3 Report from the Pricing Strategy Advisory Group

Finance Committee Chair James Dimos presented a status report regarding the work of the Pricing Strategy Advisory Group (PSAG), on behalf of PSAG Chair Joseph D. O'Connor who was not in attendance. The twenty-member PSAG was created by the Board in February 2012 to assess the effectiveness of the current ABA dues structure and make recommendations to the Finance Committee and to the Board on how the ABA should configure its dues structure for the future. The PSAG held its second
meeting July 15, 2013, and discussed the following: a) the possibility of a return to a three-year dues cycle and a dues increase needed to eliminate projected deficits in the foreseeable future, i.e. FY2014-FY2017; and b) ideas for simplification of the ABA dues structure. The PSAG’s next meeting will be held in September 2013, immediately following the conclusion of the Section Officers Conference. It was suggested that the PSAG develop a marketing plan for the roll out of a dues increase and present the plan at the November 2013 Board meeting. It is anticipated that a resolution regarding a dues increase will be submitted for consideration by the House of Delegates at the 2014 Midyear Meeting. Therefore, the Board will have to vote on the proposal at its November 2013 meeting.

2.4 Final Report from the Committee on Board Procedures and Operations

In executive session, the Board received the final report from the Committee on Board Procedures and Operations.

2.5 Report Regarding Legal Education

Hon. Randall T. Shepard, Chair of the Task Force on the Future of Legal Education (Task Force); Kent D. Syverud, Chair of the Section of Legal Education and Admissions to the Bar; and Honorable Solomon Oliver, Jr., Section Chair-Elect, presented a report regarding legal education. The presentation highlighted the work of the Task Force on the Future of Legal Education, which was created in 2012 to study the key challenges facing the delivery of legal services and the provision of legal education in the United States and make recommendations regarding how the ABA and the legal profession can best address these issues. Through research conducted by the Task Force, as well as the testimony presented at hearings held by the Task Force, the following overarching themes have emerged, which will inform the Task Force’s recommendations: i) the financing of legal education should change; ii) there should be more differentiation and heterogeneity in the courses of study in law schools; and iii) state supreme courts and regulators of lawyers and law practice should consider ways to enhance the delivery of legal services (e.g., proposals to reduce the amount of study required for persons to be eligible to sit for a bar examination or to be admitted to practice, limited licensure or certification). The Task Force expects to issue a draft report for comment in one month and to submit a resolution and report to the House of Delegates for consideration at the 2014 Midyear Meeting. In addition the Board received a status report regarding the current, major initiatives of the Section, including a comprehensive revision of the ABA Standards for Approval of Law Schools and the work of the Section’s data collection committee to ensure that the collection of law school data is timely and accurate.

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 Report Regarding ABAction

ABA Executive Director and Chief Operating Officer Jack L. Rives presented a report regarding ABAction. The report, which referenced an August 9, 2013, written summary and August 13, 2013, pamphlet that were distributed to the Board, detailed activities in the following areas since the Board approved the initiative on June 15, 2013: a) Communication, including Town Hall Meetings, and meetings with Section Chairs and Chairs-Elect in Chicago and Washington, DC; b) Budget, which described how the $200,000 in FY2013 funding for ABAction, approved by the Board in April is expected to be spent; and c) Projects, which highlighted the efforts to plan and implement specific non-dues revenue and membership programs. In addition, the report discussed some of the challenges presented by ABAction.

2.8 Report from the Solo, Small Firm and General Practice Division

Due to time limitations, this report was not presented to the Board. The report will be presented at a future meeting of the Board.

2.9 Report from the Task Force on Human Trafficking

Jimmy Goodman and Linda C. Hayman, Co-Chairs of the Task Force on Human Trafficking, presented a report regarding the work of the Task Force, which was created by the Board in 2012 to coordinate the implementation of anti-trafficking projects focusing on sex and labor trafficking and enslavement of adults and children in the United States. Task Force initiatives are grouped into topic areas (corporate, pro bono, public awareness, training, and legislation) and involve coordinated efforts among numerous ABA entities and outside organizations. Mr. Goodman and Ms. Hayman highlighted the following Task Force projects: a) ABA Video & Tool Kit -- “Voices for Victims: Lawyers Against Human Trafficking”. This project was developed by the ABA Communications and Media Relations Division and Task Force Staff Director Vivian Huelgo along with pro bono staff support. In June, the video won a Bronze “Stevie” Award from American Business Awards. b) Public Service Announcements. These announcements, which will initially be shown in movie theaters, are being developed in conjunction with the Forum Committee on the Entertainment and Sports Industries. c) Resolution 102. This resolution, which has been submitted by the National Conference of Commissioners on Uniform State Laws (NCCUSL) for consideration by the House of Delegates at the at the 2013 Annual Meeting Approves the Uniform Prevention of and Remedies for Human Trafficking Act, promulgated by NCCUSL, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein. In pertinent part, the Act provides clear and comprehensive definitions of the two primary forms of human trafficking – sexual servitude and forced labor, substantial criminal penalties for human trafficking, victim immunity provisions, and business liability provisions.
2.10  Report from the Task Force on the ABA’s International Role

Michael E. Burke, Chair of the Task Force on the ABA’s International Role, provided a status report regarding the work of the Task Force, which was created in April 2013 to study the Association’s international role, and make recommendations to strengthen the Association’s goals and infrastructure in the international arena. To begin its work, the Task Force has drafted a SWOT analysis (strength/weakness/opportunity/weakness) of the Association’s international role. The document is intended to evolve over time, but will serve as a reference point for the Task Force’s future efforts. The SWOT analysis has been sent to numerous stakeholders for comment, including the chairs of the internationally-focused committees in sections, divisions, and fora outside of the Section of International Law and the staff leadership of the Section of International Law, ABA Rule of Law Initiative, and the Center for Human Rights. In addition, on August 8, 2013, the Task Force convened a meeting of all ABA international entities. The Task Force is also developing a calendar of the international programs and events that are being conducted by ABA entities.

*2.11  Continuation of Board Entities

The Board approved the continuation of entities created by the Board whose assignments were ongoing, and discontinued those that had completed their tasks.

*2.12  Continuation of Special Committees and Commissions

The Board made recommendations to the House of Delegates regarding the continuation and discontinuation of special committees and commissions. The recommendations are set forth in the Board’s Transmittal Report to the House, #177A. Copies of Report #177A are available from the Division for Policy Administration.

2.16  National Judicial College

The Board, sitting as the Members of the National Judicial College (NJC), heard a presentation from Mark G. Tratos, Chair of the Board of Trustees of the NJC, and Hon. William F. Dressel, President of the NJC. Mr. Tratos advised the Members that the NJC is celebrating its 50th anniversary in 2013. He and Judge Dressel expressed their deep appreciation to the American Bar Association and the ABA staff for their continued support of and commitment to the NJC. Mr. Tratos and Judge Dressel announced that the American Bar Association has been selected as the recipient of the NJC Advancement of Justice award and presented President Bellows with a plaque to commemorate the honor. President Bellows stated that after 13 years of service, Judge Dressel is retiring as NJC President. On behalf of the Board, President Bellows thanked Judge Dressel for his exemplary service to the NJC and the judiciary.

2.17  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 May 29, 2013,
meeting of the ABA/FJE Board, held by conference call, as presented* and b) accepted
the ABA/FJE restricted grants and contributions received or awarded through June 20,
2013, and not previously reported, as requested by the Association's Financial Services
Division.

2.19 American Bar Association, an Illinois Not-for-Profit Corporation – Election of
Directors

The Board, as members of the American Bar Association, an Illinois Not-for Profit
Corporation, re-elected James R. Silkenat and Hon. Cara Lee Neville and elected
William C. Hubbard to serve as directors on the Board of Directors of the American Bar
Association, an Illinois Not-For-Profit Corporation.

2.25 INFORMATIONAL REPORT

The Board received a written report regarding the meeting of the Board of Editors of the
ABA Journal, held in San Francisco, California, January 5, 2013.

3. OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

a. Health Law Section

The Board approved the request of the Health Law Section to amend its bylaws to allow
for a designated seat for a government attorney on the Section Council. The proposed
amendment was approved by the Section Council on June 26, 2013, and is subject to
the approval of the Section Membership at its annual business meeting during the 2013
Annual Meeting.

b. Section of Intellectual Property Law

The Board approved the request of the Section of Intellectual Property Law to
amend its bylaws to clarify the language of the existing bylaws and conform the
bylaws to actual operations of the Section. In pertinent part, the amendments i)
conform the language to the language of other model bylaws, ii) bring the bylaws
into conformity with ABA policy to make the Section authority for policymaking
consistent with the scope of the authority permitted by the Association, iii) clarify the
roles of the Section officers, iv) provide that a quorum is a majority of council
members voting; and v) remove the two-thirds Council majority requirement to
rescind a policy. The proposed amendments were approved by the Section Council on
May 14, 2013. Approval of the proposed amendments by the Board is subject to
approval by the Section Membership at the Section Business Session at the 2013 ABA
Annual Meeting.

Summary of Action
July 29, 2013, and August 8-9, 2013, Board of Governors Meetings
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c. **Young Lawyers Division**

At the June 2013 Board meeting, the Board approved the request of the Young Lawyers Division (YLD) to amend its bylaws to separate the position of Secretary-Treasurer into two separate positions. The Board approved YLD’s request to amend its bylaws to make certain technical edits necessitated by the separation of the Secretary-Treasurer position into two positions.

3.2. **Nominations**

a. **Inter-American Bar Association (IABA) (Section of International Law)**

The Board elected Jose A. (Tony) Santos, Jr. of Florida to a second three-year term as the ABA's representative to the Inter-American Bar Association Council, to begin in fall 2013 and conclude in fall 2016.

b. **Standing Committee on Audit (President-elect Silkenat)**

In accordance with the Section 31.7 of the ABA Bylaws, the Board a) elected Joseph B. Bluemel of Wyoming, a member of the 2016 Board of Governors class, and b) re-elected Karl J. Ege of Washington State to the Standing Committee on Audit, each for three-year terms to begin at the conclusion of the 2013 Annual Meeting and end at the conclusion of the 2016 Annual Meeting. The Board was also advised that President-elect Silkenat will reappoint Marshall J. Doke of Texas as chair of the Audit Committee for the 2013-2014 Association Year.

c. **A-E-F-C Pension Plan Administration Committee (Pension Committee)**

i. **American Bar Foundation (ABF) Representative**

The Board elected Kay H. Hodge of Massachusetts to serve a three-year term as the American Bar Foundation’s representative to the A-E-F-C Pension Plan Administration Committee, to begin at the conclusion of the 2013 Annual Meeting and end at the conclusion of the 2016 Annual Meeting.

ii. **National Judicial College (NJC) Representative**

The Board elected Peter J. Neeson of Pennsylvania to a second three-year term as the National Judicial College’s representative to the A-E-F-C Pension Plan Administration Committee, to begin at the conclusion of the 2013 Annual Meeting and end at the conclusion of the 2016 Annual Meeting.

3.3 **Section of Public Utility, Communications and Transportation Law Request to Establish Award**

The Board approved the request of the Section of Public Utility, Communications and Transportation Law to establish the *Samuel H. Porter Service Award* to be presented to a Section member or Section members who have made a difference by volunteering.
time and dedicated service to the Section. The award, a plaque with a maximum value of $200 to be paid from Section funds, will be presented at the Section’s Fall or Spring Council Group Meeting.

3.4 Standing Committee on Publishing Oversight Request to Outsource Entity Advertising

The Board approved the request of the Standing Committee on Publishing Oversight (SCOPO) to outsource the sales function for entity periodicals to Fox & Associates, subject to review and approval of the agreement between SCOPO and Fox & Associates by the Office of the General Counsel.

3.5 Standing Committee on Membership (SCOM) Requests

a. Request to Modify Mercedes Benz USA Advantage Contract

The Board approved the request of the Standing Committee on Membership to renew the Mercedes-Benz USA Advantage contract, through December 31, 2016, with a clarification that the Mercedes savings incentive is available only to members (lawyers and law students) of the American Bar Association.

b. Request to Expand Public Service Group Pilot to Include Associates

The Board a) approved the request of the Standing Committee on Membership (SCOM) to expand the Public Service Group Pilot (PSG Pilot) program to include ABA Associates that meet specific criteria and b) approved SCOM’s request to bring the PSG Pilot to the House of Delegates for adoption as a permanent dues program at the 2013 Annual Meeting. However, the Board directed that the inclusion of Associates in the Public Service Group permanent dues program be brought to the House for consideration at a future meeting of the House.

3.6 President-elect Silkenat’s Requests

a. Request for Additional Special Advisors

The Board approved President-elect Silkenat’s request to create and approve Special Advisor positions to the Standing Committee on Amicus Curiae Briefs, Legal Access Job Corps Task Force and the Commission on Immigration. In addition, the Board approved the President-elect’s request to continue a special advisor to the Commission on Youth at Risk.

b. Request to Continue Special Advisor to Program, Evaluation and Planning Committee for FY2013-2014

The Board approved President-elect Silkenat’s request to continue a special advisor to the Program, Evaluation and Planning Committee for FY2013-2014.
3.7 Request to Adopt Recommendations of the Joint Subcommittee on Officer and Spouse Travel Reimbursement and Stand-Alone Board Meetings (Joint Subcommittee)

a. Policy with Respect to Officer and Spouse Travel

The Board authorized the Executive Committee to take action to approve the international trips of ABA officers until the next regularly scheduled or special meeting of the Board.

b. Policy with Respect to Board Meetings

The Board approved, with an amendment, a policy regarding Board meetings. As amended, the policy provides that: i) at least one Board meeting per year shall be held in either Chicago or Washington, DC and recommends that the June Board meeting be held in Chicago; ii) potential sites for stand-alone Board meetings shall be submitted by the President-elect to the Operations and Communications Committee of the Board for consideration no later than at the Midyear meeting next following the election of the President-elect, and iii) the request from the President-elect should include all relevant financial information and information regarding the accessibility of the proposed meeting site.

c. Policy with Respect to Association Policies and Procedures

The Board did not take action on this request.

3.8 Request to Approve Criteria Regarding Categories of ABA Rule of Law Overseas Contracts to be Exempt from Advance Review by the General Counsel Under the Policy on Contracting Authority

The Board approved the request of the General Counsel that the following categories of ABA Rule of Law overseas contracts be exempt from advance review by the General Counsel under the Policy on Contracting Authority: a) the contract is for an aggregate value of $10,000 or less on an annual rolling basis from one source; and b) does not involve (i.e., agreements which fall under the following categories require General Counsel approval): i) the provision of security services; ii) a lease or acquisition of real property; iii) a power of attorney; iv) an employment agreement; v) a retention agreement for the hiring of attorneys or the provision of legal services of any kind; or v) the provision of transportation services. In addition, the authority extended to Country Directors/equivalents by the above policy exception may be revoked at any time by the Executive Director or General Counsel. Furthermore, the Executive Director or General Counsel may amend, limit, or otherwise restrict the authority granted in any manner consistent with the terms set forth above.
3.9 Operations and Communications Committee Subcommittee on Naming Opportunities (Naming Opportunities Subcommittee) Request to Approve Criteria for Naming Opportunities

The Board deferred to the November 2013 meeting of the Board a) consideration of a policy regarding naming opportunities and b) consideration of the request of the Coordinating Council of the Center of Professional Responsibility to rename the Center for Professional Responsibility in honor of Jeanne P. Gray.

3.10 Section of Taxation Request to Change Name of Public Service Fellowship to the “Christine A. Brunswick Public Service Fellowship”

The Board approved the request of the Section of Taxation to change the name of the Section’s Public Service Fellowship, approved in 2008, to the “Christine A. Brunswick Public Service Fellowship” to posthumously honor Christine Brunswick, the late Director of the Section of Taxation who contributed significantly to the Section and pro bono efforts for over 35 years.

3.11 American Bar Endowment and American Bar Insurance Plans Consultants, Inc. Request for Indefinite Exception to ABA E-mail Address Policy

The Board declined to grant the request of the American Bar Endowment (ABE) and the American Bar Insurance Plans Consultants, Inc. (ABI) for 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. In November 2012 the Board granted the exception to the policy from January 1, 2013 to February 1, 2013.

*3.12 Standing Committee on Lawyer Referral and Information Services

In November 2012, the Standing Committee on Lawyer Referral and Information Service (ABA LRIS) received approval from the Board, with certain understandings, to proceed with development of an iPhone application with LegalPPC to allow users to find the nearest lawyer referral program based on the current GPS location, or to locate a program in another area by manual entry of a zip code. As the result of conversations with Legal PPC following the November 2012 approval, the Scope of Work document has been revised. The Board re-authorized its approval for ABA LRIS to proceed to finalize a contract with LegalPPC subject to approval of the ABA General Counsel and the Associate Executive Director – Public Services Group.

3.13 Request to Approve Executive Session Policy for Board of Governors Meetings

The Board approved an executive session policy for Board of Governors meetings that was included as one of the recommendations in the Final Report to the Board of Governors from the Committee on Board Procedures and Operations (Final Report).
The Final Report was submitted to the Board for consideration at the August 2013 Board meeting.

3.14 Commission on Law and Aging Request for Approval of a Smartphone Exclusive Licensing Agreement

The Board deferred to the November 2013 meeting of the Board the request of the Commission on Law and Aging for approval of an exclusive licensing agreement between the Commission and The Murdocks, LLC, to give the ABA the right to brand, distribute, and further develop, in collaboration with The Murdocks, a smartphone application (“app”) developed by The Murdocks, tentatively titled “My Health Care Wishes -- An ABA Advance Directive Family Registry App.” Deferral will permit questions from the Operations and Communications Committee and the Office of the General Counsel to be compiled and submitted to the Commission for response in advance of the November 2013 meeting.

3.16 Request Regarding Proration of Section Dues

The Board authorized the proration of Section dues and the deletion of the following provision in the 2012-2013 ABA Policy and Procedures Handbook (the “Greenbook”):

Section dues are not prorated and the incoming member pays the same amount of dues whenever he or she joins the section. However, members enrolling in sections during the last five months of the membership year receive a full 12-month credit on their bill for the ensuing year.

The request originally submitted in June 2013 but was deferred to permit the Executive Director, the Section Officers Conference and any other interested entities to confer regarding the request.

3.17 Request to Create Stand Your Ground Task Force

The Board approved the request of the Coalition on Racial & Ethnic Justice (COREJ) to create a Task Force on Stand Your Ground Laws (Task Force) and an Advisory Committee to the Task Force (Advisory Committee). The Task Force will be comprised of a maximum of 15 members, including two co-chairs. The Advisory Committee, which will provide support to the Task Force, will include representatives from interested internal and external entities. The individuals currently serving as co-chairs and members of the COREJ task force on Stand Your Ground Laws and as members of the COREJ task force advisory committee will be retained as co-chairs and members of the Task Force and as members of the Advisory Committee. In pertinent part, the Task Force will a) examine the provisions of Stand Your Ground laws that have proven or may prove problematic in operation, b) analyze the degree to which racial or ethnic bias impact the construction, application, and/or operation of Stand Your Ground laws, c) examine the effect of the application of Stand Your Ground laws on universal crime control objectives and public safety, and d) prepare a final report and recommendations,
which is expected to be submitted to the House of Delegates for consideration at the 2014 Annual Meeting.

3.18 Request to Create a Commission on Governance

The Board approved the creation of and a jurisdictional statement for a Commission on Governance with a maximum of 16 members to be appointed by the 2013-2014 ABA President, President-elect and Chair of the House of Delegates for terms commencing with the conclusion of the 2013 Annual Meeting. In addition to the 16 members, the Commission will have liaisons from the Board of Governors. The preliminary 2013-2014 budget has allocated initial funding to support the Commission. Article 16 of the ABA Constitution requires a decennial review of the House of Delegates, the Board and the Nominating Committee. The next decennial review is due to the House in 2015.

B. MATTERS OF INDEPENDENT JURISDICTION

3.15 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 at this time.

*a. Criminal Justice Section: to co-sponsor upcoming programs and activities to be held in the remaining months of 2013 and throughout 2014, in commemoration of the 50th anniversary of the passage of the Criminal Justice Act of 1964 (dates/times/locations TBD). A request to co-sponsor the kick-off event on August 20, 2013, was approved by the Operations Committee, on an expedited basis, on July 18, 2013.

*b. Section of Antitrust Law (Two Requests):
   *i. to co-sponsor with the seven ABA-accredited law schools listed in the request as potential co-sponsors the presentation of “Why Antitrust?” programs during the 2013-2014 Association year.
   *ii. on behalf of its Membership & Diversity Committee and other general committees of the Section, to co-sponsor membership outreach events with the 55 law firms listed in the request as potential co-sponsors, during the 2013-2014 Association Year.

*c. Section of Environment, Energy, and Resources: to co-sponsor certain Section programs that may be held in the 2013-2014 Association Year with the 20 outside entities listed in the request as potential co-sponsors.

*d. Section of International Law: to co-sponsor certain Section committee programs with the 84 outside entities listed in the request as potential co-sponsors, during the 2013-2014 Association Year.

2 Items considered by the Operations and Communications Committee during its August 1, 2013, meeting by conference call are noted with an asterisk (*).
e. **Commission on Disability Rights:** for the Association of Corporate Counsel, Minority Corporate Counsel Association, the State Bar of California Council on Access and Fairness, and the California Committee on the Employment of People with Disabilities to co-sponsor the Fourth ABA National Conference on Persons with Disabilities, April 9, 2014, in Los Angeles, California.

f. **Standing Committee on Federal Judicial Improvements:** to have the American Constitution Society Bay Area Lawyers Chapter serve as an additional co-sponsor of the Standing Committee’s Annual Meeting Showcase Program “Are Courts Dying? The Decline of Open and Public Adjudication.” The Operations Committee approved the Standing Committee’s original request to have certain ABA entities and outside entities serve as co-sponsors of the Showcase Program in June 2013.

g. **Magna Carta 2015 Committee:** to co-sponsor a series of conferences, academic symposia and social events with the Presidential Precinct to mark the 800th Anniversary of the Magna Carta in 2015.

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

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

4.1 **Request to Establish ABA Veterans Claims Assistance Network and Seek Outside Funding**

The Board approved the request of the Coordinating Committee on Veterans Benefits and Services, the Standing Committee on Legal Assistance for Military Personnel and the Commission on Homelessness and Poverty to a) establish the ABA Veterans Claims Assistance Network in partnership with the Veterans Administration and the Legal Services Corporation and to b) seek outside funding.

B. **MATTERS OF INDEPENDENT JURISDICTION**

The Program, Evaluation and Planning Committee held a discussion regarding the Strategic Plan for the Association.

5. **FINANCE COMMITTEE**

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

5.1 **Recommendation Regarding FY2014 Budget**

The Board approved the Fiscal Year 2014 Consolidated ABA budget, including the Fiscal Year 2014 ABA General Operations budget, the Sections’ Operating budget, the Gifts and Grants budget subject to: a) such changes as the Board determines appropriate; b) such changes in the Sections’ Operating budget as may be properly approved by the Sections, such Section changes not to result in an aggregate increase or decrease in the Sections’ Operating budget of more than 10% of the aggregate
budget as approved and the requirement that a Section must not budget a deficit (expenses exceeding revenue) to the extent the Section does not have reserves available to cover the deficit; c) adding to the General Operations budget for the new Annual Meeting Program Planning Committee to be funded from ABA net assets; d) adding to the General Operations budget of Information Systems to cover third party hosting services for the ABA’s email system; e) reducing PSD’s budget in the General Operations budget and reducing the General Operations budget to reflect a reduction in budget for miscellaneous rounding; f) adding to the General Operations budget of the Executive Director to be used to help fund the Magna Carta 2015 Committee and the London Planning Committee; g) adding to the General Operations budget of the Executive Director for use at his discretion; h) adding additional domestic grant revenue and grant expenses; i) increasing expenses under the General Operations budget to support the requested Associate Director of Entity Fundraising, an administrative assistant and associated expenses; and j) adding General Operations revenue from ABA net assets to the extent necessary to fund the General Operations budget adjustments.

In addition, the Board approved the Fiscal Year 2014 Capital Budget, subject to a) adding funds to the capital budget of Information Systems related to the ABA’s voice over internet protocol telephone system; b) adding funds to the capital budget of Information Systems related to the ABA’s video conferencing structure; c) adding funds to the capital budget of Information Systems related to the Boardroom Video Replacement project and d) such other changes as the Board determines appropriate.

5.2 President-Elect Silkenat’s Request for FY 2013-2014 Funding for the Magna Carta 2015 Committee and the London Planning Committee

The Board approved funding for FY 2013-2014 to support the work of the a) Magna Carta 2015 Committee, responsible for refurbishing the ABA Memorial at Runnymede and developing plans for events within the United States to mark the commemoration of the 800th Anniversary of Magna Carta, and b) the London Planning Committee, responsible for planning a stand-alone ABA CLE meeting in London from June 12-14, 2015, to mark the anniversary of the Magna Carta. The funds will be housed with the Executive Director.

5.3 Section of Litigation Request to Contribute Funds to Three Legal Services Organizations

The Board approved the request of the Section of Litigation to make contributions from Section funds, not derived from member dues, to the following legal services organizations: a) Campaign for Legal Services (Concord, NH) for a promotional video; b) Community Legal Center (Memphis, TN) to purchase software for tracking donor information; and c) Community Legal Aid (Worcester, MA) to hire a professional development consultant to assist in the creation of a long-term strategic fundraising plan.
5.4 A-E-F-C Pension Plan Administration Committee Recommendation for Second Amendment to Trust Agreement with Northern Trust Company

The Board approved the Second Amendment to the Trust Agreement dated November 1, 1998, by and between The American Bar Association and The Northern Trust Company, which makes several technical amendments to the Trust Agreement.

5.5 Request for Approval of New Reserves Policy

The Board approved a revised reserves policy and set forth procedures for transfer of assets to the Permanent Reserve and the Operating Reserve.

5.6 A-E-F-C Pension Plan Administration Committee Funding Recommendation

The Board approved and authorized contributions to the trust fund of the A-E-F-C Pension Plan.

5.7 Finance Committee Recommendation to Adopt the ABA Investment Policy Statement

The Board approved the adoption of an ABA Investment Policy Statement, which sets forth the investment objectives and policies applicable to the American Bar Association’s long-term investment assets.