MEMORANDUM

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

FROM: Marina B. Jacks

SUBJECT: Summary of Action of the February 5-6, 2015, Board of Governors Meeting

DATE: February 9, 2015

Attached is the Summary of Action of the February 5-6, 2015, meeting of the Board of Governors held at Hilton of the Americas, Houston, Texas. This Summary does not constitute official Minutes of the meeting. Minutes of the February 5-6, 2015 meeting will be presented to the Board for approval at the next meeting in June, 2015.

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

cc: Board of Governors
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 November 14, 2014 meeting were approved. The minutes of the Executive Committee’s meetings on December 15 and 23, 2014 were received.

NEW ITEM: Report Regarding ABA Day

The Board received a report from Robert M. Carlson, Chair, ABA Day.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 House Reports

The Board discussed and recommended approval of the following Resolution with Report submitted to the House of Delegates for the 2015 Midyear Meeting:

a. Resolution 112: (Primary Sponsor: Coalition on Racial and Ethnic Justice)

Urges legislative bodies and governmental agencies to refrain from enacting Stand Your Ground Laws that eliminate the duty to retreat before using force in self-defense in public spaces, or repeal existing Stand Your Ground Laws.

2.2 Request to Approve Revised Santa Fe Accord Between American Bar Association, American Bar Foundation, and American Bar Endowment

This item was withdrawn.

2.3 Request to Approve Legislative Priorities

The Board approved the following ABA Legislative and Governmental Priorities for 2015, as recommended by the Standing Committee on Governmental Affairs and the Governmental Affairs Office:

Access to Legal Services
Civil Justice System Access
Criminal Justice System Improvements
Elimination of Discrimination
Immigration Reform
Independence of the Judiciary
Independence of the Legal Profession
International Rule of Law
Legal Education
National Security and Civil Liberties
2.4 Status Report Regarding the A-E-F-C Pension Plan and the 401K Plan

In executive session, the Board received a report from Allen C. Goolsby, Chair of the A-E-F-C Pension Plan Committee, and Jarisse Sanborn, ABA General Counsel.

2.5 Status Report Regarding Insurance

In executive session, the Board received a report from James Dimos, Chair, Insurance Committee, and Laura V. Farber and Timothy Bouch, Members, Insurance Committee.

2.6 Consent Calendar: Report of Board Committee Chairs

The Board adopted the Consent Calendar (with the exception of 3.1e) 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 the Work of the Commission on the Future of Legal Services

The Board received a report from Judy Perry Martinez, Chair, and Maury B. Poscover, Member, Commission on the Future of Legal Services (“Commission”), regarding the work of the Commission.

2.8 Report from Board Governance Committee

The Board received a report from John S. Skilton, Chair, Board Governance Committee.

2.9 Fund for Justice and Education

The Board, sitting as members of the Board of the American Bar Association Fund for Justice and Education (“ABA/FJE”): 1) Approved the minutes of the November 14, 2014 meeting of the ABA/FJE Board as presented; and 2) Accepted the ABA/FJE restricted grants and contributions received or awarded through December 31, 2014, and not previously reported, as requested by the Association’s Financial Services Division.

2.10 Report from Law Practice Division

The Board received a report from Robert Arthur Young, Chair, Law Practice Division.

2.11 Report from Working Group On Unaccompanied Minor Immigrants

The Board received a report from Christina A. Fiflis and Mary K. Ryan, Co-Chairs, Working Group On Unaccompanied Minor Immigrants.

2.12 Report from Task Force to Examine Association Policies Impacting Recruitment and Retention of Law Students and Young Lawyers

The Board received a report from Robert A. Clifford, Chair, Task Force to Examine Association Policies Impacting Recruitment and Retention of Law Students and Young Lawyers.
WRITTEN INFORMATIONAL REPORT

2.25 Commission on Women in the Profession

The Board received a written report from the Commission on Women in the Profession.

OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

a. The Board approved the request of the Section of Family Law to amend its bylaws to revise the dues delinquency period prior to membership loss to align with the period set by the ABA Board of Governors. The proposed amendment was approved by the Section Council on August 9, 2014 and by the Section membership during its Fall conference on October 15-18, 2014.

b. The Board approved the request of the Section of Intellectual Property Law to amend its bylaws to add a young lawyer council position to the Section Council. The proposed amendment was approved by the Section Council on November 12, 2014 and is subject to approval by the Section’s membership at the Section’s Annual Business Meeting in August, 2015.

c. The Board approved the request of the Section of Public Contract Law to amend its bylaws to revise the dues delinquency period prior to membership loss to align with the period set by the ABA Board of Governors. The proposed amendment was approved by the Section Council on November 1, 2014 and is subject to approval by the Section’s membership at the Section’s Annual Business Meeting in August, 2015.

d. The Board approved the request of the Section of Administrative Law and Regulatory Practice to amend its bylaws to add a Standing Committee on Diversity and Inclusion, and to name the Chair of that Committee as the Section’s Diversity Officer. The proposed amendments were approved by the Council of the Section on October 18, 2014 and are subject to approval by the Section’s membership at the Section’s Annual Business Meeting in August, 2015.

e. The Board did not approve the request of the Section of Real Property, Probate and Trust Law to amend its bylaws to make explicit that the Section does not have to hold live in-person council meetings and that the Section does not have to meet in conjunction with the ABA Annual Meeting.

3.2 Nominations

a. Intellectual Property Constituency

The Board elected Marina A. Lewis of California as the ABA’s representative to the Intellectual Property Constituency for a three-year term beginning July 1, 2015 and concluding July 1, 2018.
b.  **American Intellectual Property Law Education Foundation**

The Board elected William L. LaFuze of Texas as the ABA’s representative to the American Intellectual Property Law Education Foundation for a three-year term beginning July 1, 2015 and concluding July 1, 2018.

c.  **National Commission on Correctional Health Care**

The Board re-elected Patricia Blair of Texas as the ABA’s representative to the National Commission on Correctional Health Care for a third three-year term beginning May 1, 2015 and concluding May 1, 2018.

d.  **Council for Agricultural Science and Technology**

The Board elected Todd J. Janzen of Indiana as the ABA’s representative to the Council for Agricultural Science and Technology (“CAST”) for a three-year term effective November 1, 2014 and concluding November 1, 2017. In addition, the Board approved the request to pay CAST dues up to $1,500 annually from Section funds for membership years 2014-15, 2015-16, and 2016-17.

3.3 **Awards**

a.  **Young Lawyers Division**

The Board approved the request of the Young Lawyers Division to create the On the Rise: American Bar Association’s Top Forty Young Lawyers award to spotlight exceptional young lawyers who are achieving great success in their professional and personal endeavors.

b.  **Health Law Section**

The Board approved the request of the Health Law Section to create the ABA Health Law Section Best Article Award to honor a member of the Section who has made a significant contribution to the publications of the Section. One award will be for the best article from The Health Lawyer and one will be for the best article from the Health eSource.

c.  **Section of Science & Technology Law**

The Board approved the request of the Section of Science & Technology Law to create a Chair’s Award to recognize an active section member who has been active for a minimum of 10 years and has made significant and outstanding contributions to the success of the Section in a number of areas.

d.  **Standing Committee on Pro Bono and Public Service**

The Board approved the request of the Standing Committee on Pro Bono and Public Service to create the William Reece Smith Jr. Equal Justice Conference Scholarship to allow upcoming bar leaders with the opportunity to attend the annual ABA/NLADA Equal Justice Conference. Three scholarship awards will be granted each year.
3.4 Request from Commission on Immigration to Participate as a Member of the Steering Committee of the Committee for Immigration Reform Implementation

The Board approved the request of the Commission on Immigration to participate as a member of the Steering Committee of the Committee for Immigration Reform Implementation, a group dedicated to action surrounding the immigration-related Executive Order recently announced by President Obama.

3.5 Requests from Rule of Law Initiative to Enter Into a Memorandum of Understanding/Letter of Cooperation

a. The Board approved the request of the American Bar Association Rule of Law Initiative to enter into a Memorandum of Understanding for a period of three years with the National Anti-Corruption Commission of Thailand, a constitutionally mandated independent agency tasked with preventing and combating corruption in Thailand.

b. Ministry of Justice of the Kingdom of Saudi Arabia

The Board approved the request of the American Bar Association Rule of Law Initiative to enter into a Letter of Cooperation between the ABA and the Ministry of Justice of the Kingdom of Saudi Arabia to solidify the commitment between the two entities and strengthen the ABA's relationship with the Kingdom of Saudi Arabia.

3.6 Request from Family Law Section to Reimburse Law Student For 2015 Annual Meeting

The Board approved the request of the Family Law Section for partial reimbursement of expenses incurred by its Law Student Division Council member for Section meetings to be held in conjunction with the 2015 Annual Meeting.

3.7 Request from Judicial Division to Amend Joint Dues Program

The Board approved the request of the Judicial Division to amend the current Joint Dues Program for judge members to include the Section of International Law and the Section of Labor and Employment Law.

3.8 Request from Section of Environment, Energy, and Resources To Co-sponsor and Contribute Funds

The Board approved the request of the Section of Environment, Energy, and Resources (“Section”) to co-sponsor and make financial contributions from Section funds for the following two programs: a) Pace Environmental Law Review Symposium on March 20, 2015 at Pace Law School, co-sponsorship request for 2015 program and financial support up to $2,500; and b) San Francisco Chapter of the Surfrider Foundation for public service project March 2015, co-sponsorship request for 2015 project and financial support up to $3,000.
3.9 American Bar Endowment and American Bar Insurance Consultants, Inc. Request for Exception to ABA Email Address Policy

The Board approved, with certain conditions, the request of the Boards of Directors of the American Bar Endowment (“ABE”) and of American Bar Insurance Plans Consultants, Inc. (“ABI”) for a 1-year exception to the email policy set out in the ABA Policy and Procedures Handbook, which would allow ABE and ABI to promote their plans to ABE’s members using the ABA’s email address lists.

3.10 Requests from Standing Committee on Membership

a. Terminate Law Student Section, Division and Forum Membership Upon Conversion from Student to Lawyer Membership Status

This item was withdrawn.

b. Dues Pilots for 2016

The Board approved the request of the Standing Committee on Membership for all existing pilot programs to continue and authorized a 5% increase to the tiered rates of the Full Firm Membership program for FY2016.

3.11 Task Force to Examine Association Policies Impacting Recruitment and Retention of Law Students and Young Lawyers Request Regarding Law Student Dues

The Board approved the request of the Task Force to Examine Association Policies Impacting Recruitment and Retention of Law Students and Young Lawyers to eliminate law student dues and that the dues revenue be replaced with general revenue funding. In addition, the Board approved the request that a “freemium” dues plan be created and implemented.

3.12 Request from Commission on Homelessness & Poverty to Establish National Military & Veterans Legal Network and Seek Outside Funding

The Board approved the request of the Commission on Homelessness & Poverty to establish a coalition of organizations supporting the creation of a National Military & Veterans Legal Network and to seek outside funding for this initiative.

3.13 President-Elect Brown Request to Approve Board Meeting Dates for 2015-2016

The Board approved the request of President-Elect Paulette Brown to conduct the November 12-15, 2015 Board meeting in Baltimore, MD and the June 9-12, 2016 Meeting in Chicago, IL.

3.14 Request Regarding Rocket Lawyer Inc. Project

The Board approved the request to authorize the ABA Executive Director to proceed with the development, deployment and, if determined viable, full commercial launch of a web-based legal services delivery platform pilot, in
cooperation with Rocket Lawyer Inc., with the understanding that the Executive Director will provide regular updates to the Board.

3.15 Request from Standing Committee on Gun Violence For Joint Statement

The Board approved the request of the Standing Committee on Gun Violence to issue a joint statement entitled “Firearm-Related Violence in the United States – A United Call to Action.”

3.18 Request from Rule of Law Initiative Regarding Grant

In executive session, the Board approved the request from Rule of Law Initiative regarding a grant.

B. MATTERS OF INDEPENDENT JURISDICTION

3.16 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. Standing Committee on Legal Aid and Indigent Defendants: to co-sponsor with Marshall Goldberg, a lawyer, adjunct professor and lecturer at Stanford Law School and University of Michigan Law School, who also has a background as a television and film writer and producer, a documentary film dramatizing the plight of indigent individuals who become defendants.

b. Health Law Section: to co-sponsor with the University of Maryland School of Law the University of Maryland Health Law Compliance and Regulatory Competition at the University of Maryland Carey School of Law in Baltimore, Maryland, on February 21, 2015.


d. Section of Individual Rights and Responsibilities (two requests):

   i. to co-sponsor with Georgetown University a symposium on international religious freedom in Spring 2015 in Washington, D.C.

e. Commission on Racial and Ethnic Diversity in the Profession: to co-sponsor the third annual Collaborative Bar Leadership Academy (“CBLA”) with the four National Bars of Color on June 25-27, 2015 in Minneapolis, MN.


g. ABA Journal (two requests):
   i. to co-sponsor with the Louisiana State Bar Association the Hackcess to Justice Hackathon on March 21-22, 2015 in New Orleans, LA. The first place winner will receive $1,500, the second place $1,000 and the third place $500, paid from funds generated through ABA Journal advertising. The competition is subject to the approval by the ABA’s General Counsel’s Office of the rules and regulations.
   ii. to co-sponsor with Avvo the Lawyernomics 2015 conference on May 15-17, 2015 in Las Vegas, NV, a three-day forum featuring marketing expert and media hacker Mitch Joel.

h. Commission on Disability Rights (two requests):
   i. to co-sponsor with Prudential Financial, Inc. a summer internship opportunity for a first-year law student with a disability for the next three years (2015, 2016, 2017).
   ii. to co-sponsor with the Travelers Indemnity Company a summer internship opportunity for a first-year law student with a disability for the next three years (2015, 2016, and 2017).

i. Section of Dispute Resolution: to co-sponsor with the Association of Indian Mediators, CPR – International Institute for Conflict Prevention and Resolution, the Foundation for Sustainable Rule of Law Initiatives, the UC Hastings College of Law Center for Negotiation and Dispute Resolution, the Singapore International Mediation, and the United Nations Commission on International Trade Regional Centre for Asia and the Pacific an Asia Pacific International Mediation Summit in New Delhi, India on February 12-15, 2015.

3.17 Request from Senior Lawyers Division to Approve Six Travel Programs for 2016

The Operations and Communications Committee approved the Senior Lawyers Division’s requests for the following Division travel programs for Division members to be conducted through the following travel providers subject to review and approval of agreements by ABA’s General Counsel’s Office:

   a) Programs provided through Thomas P. Gohagan & Company: a) February 14-23, 2015, Voyage of Discovery: Wonders of the Galapagos Islands/M.V. Santa Cruz; b)
April 16-24, 2016, European Coastal Civilizations/M.S. L’Austral; and c) September 22-30, 2016, Cruising the Elbe River/M.S. Swiss Ruby.


PROGRAM, EVALUATION AND PLANNING COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Request to Approve 14 Outside Funding Requests Received

The Board approved the requests of the following entities to seek outside funding that were received from various ABA entities through the FY2015-2016 Annual Planning process, with the understanding that any grants received are subject to the new, revised grants policy and with the caveat that any potential grants to ROLI or other areas at less than the NICRA rate are subject to the additional steps for approval outlined in the revised Grants Policy approved by the Board in February 2013: ABA Rule of Law Initiative-ROLI (various); Standing Committee on the American Judicial System (1); Commission on the American Jury Project (1); Center on Children and the Law (2); Coalition on Racial and Ethnic Justice (1); Criminal Justice Section (1); Commission on Homelessness and Poverty (1); ABA Death Penalty Due Process Review Project (IR&R) (1); Judicial Division (2); Standing Committee on Law and National Security (1); Standing Committee on Legal Aid and Indigent Defendants (1); Standing Committee on Pro Bono and Public Service (1), with the caveat that any potential grants to ROLI or other areas at less than the NICRA rate are subject to the additional steps for approval outlined in the revised Grants Policy approved by the Board in February 2013.

4.2 Request from Coalition on Racial and Ethnic Justice to Create Program Support Fund

The Board approved the request of the Coalition on Racial and Ethnic Justice (“COREJ”) to create a program support fund to support the public service and educational programs of COREJ that cannot be obtained through general revenue.

4.3 Request from Working Group on Unaccompanied Minor Immigrants for Funding

The Board approved the request of the Working Group on Unaccompanied Minor Immigrants for $50,000 to hire a coordinator position to facilitate the placement of ABA member volunteers with programs offering pro bono opportunities to counsel and represent children caught up in our immigration system.

4.4 Request to Grant No-Cost Extension to ABA Enterprise Fund Project

The Board approved the request of the ABA entity sponsors of the following ABA Enterprise Fund project for a six-month, no-cost extension from February 2015 to August 2015 to complete the work of the project: Protecting Privacy to Enhance Safety.
FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Standing Committee on Audit Report and Request for Acceptance and Approval of Audited Financial Statement

The Board received the consolidated financial statements, details of consolidation and other information for the years August 31, 2014 and 2013 and the Single Audit Reports for the year ended August 31, 2014

5.2 Allocation of List Revenue

The Board rescinded the policy requiring the allocation of list rental profit as there is no longer profit from the list rental activity.

5.3 FY2016 Budget

The Board approved the request that ABA management submit a preliminary/draft consolidated budget to the Finance Committee for consideration at its April meeting and the budget contemplate 5.5% of reserves in General Operation Revenue.