AGENDA

AMERICAN BAR ASSOCIATION

BOARD OF GOVERNORS

Chicago, Illinois
Video Conference Meeting
November 7-9, 2018

(See Tips for Using Zoom Technology)

MEETINGS OF THE BOARD AND BOARD COMMITTEES

PLEASE NOTE THAT ALL MEETINGS ARE CENTRAL TIME ZONE

Wednesday, November 7, 2018

Subcommittee on Investments Meeting 3:00 p.m. – 5:00 p.m.
Executive Committee Meeting 5:00 p.m. – 6:00 p.m.

Thursday, November 8, 2018

Member Services Committee Meeting 9:00 a.m. – 12:00 p.m.
Profession, Public Service and Diversity Committee Meeting 9:00 a.m. – 12:00 p.m.
Finance Committee Meeting 9:00 a.m. – 12:00 p.m.

Friday, November 9, 2018

Board of Governors Meeting 8:00 a.m. – 12:00 p.m.
1. REPORT OF OFFICERS
8:00 a.m. – 9:00 a.m.

1.1 President
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CARLSON

1.2 President-Elect
---
PERRY MARTINEZ

1.3 Chair of the House of Delegates
---
BAY

1.4 Immediate Past President
---
BASS

1.5 Secretary
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SMITH

a. Board Minutes
   August 2-3, 2018
   September 17, 2018 (conference call)

b. Executive Committee Minutes
   August 1, 2018
   September 7, 2018
   October 3, 2018
   October 23, 2018

c. Blanket Authority Report

d. Fund for Justice and Education
   (Board sitting as members of the Board of the Fund for Justice and Education.)
   i. Minutes of August 2, 2018
   ii. Final Acceptance of Grant Awards

1.6 Treasurer
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BEHNKE
(separate distribution)

1.7 Executive Director
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2. **MATTERS FOR DIRECT BOARD ACTION**

2.1 Update Regarding Marketing for New Membership Model

*Karen Alexander, ABA Chief Marketing Officer*

2.2* ABA CEELI, Inc.

*(Board sitting as members of ABA CEELI, Inc.)*

2.3 Reports from Committee Chairs

a. Profession, Public Service and Diversity

b. Finance

c. Member Services

2.4* Consent Calendar

a. Items to be Removed from Consent Calendar

b. Adoption of Consent Calendar

**INFORMATIONAL REPORTS**

None

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* Board action required.
AGENDAS OF BOARD COMMITTEES

3. MEMBER SERVICES

a) Matters for Review by the Board

3.1 Requests for Bylaw Amendments
   a. Young Lawyers Division
   b. Section of Labor and Employment

3.2 Request from Section of Tort Trial and Insurance Practice to Extend Memorandum of Understanding with the Union Internationale des Avocats

3.3 Request from Section of Litigation to Extend Memorandum of Understanding with Union Internationale des Avocats

3.4 Request from Government and Public Sector Lawyers Division to Charge Fees at the 2019 Midyear Meeting

b) Matters for Committee Consideration Only

3.20 Approval of Minutes
   August 2, 2018

3.21 Section of Dispute Resolution Notification of Dues Increase

3.22 Discussion of Crisis Communications Plan

c) Informational Only

3.30 Membership Report (will be addressed in 2.1)
AGENDAS OF BOARD COMMITTEES

4. PROFESSION, PUBLIC SERVICE AND DIVERSITY

a) Matters for Review by the Board

4.1 Request from Standing Committee on Paralegals to Reimburse Commission Volunteers

Finance Committee

4.2 Request from Commission on Sexual Orientation and Gender Identity to Create ABA SOGI LGBT Public Interest Scholarship Program and to Solicit Outside Funds

4.3 Request from Commission on Disability Rights to Participate in Diversity Task Force

4.4 Requests from ABA Rule of Law Initiative
   a. Memoranda of Understanding with ABA ROLI Partner Organizations
   b. Registration of Liberia Office

4.5 Request from Standing Committee on Public Education to Seek Outside Funds for 19th Amendment Centennial Commemoration Activities

4.6 Request from ABA Representatives and Observers to the United Nations Committee to Create Committee Mission Statement

4.7 Requests to Create Program Support Funds
   a. Standing Committee on Election Law
   b. Division for Bar Services

b) Matters of Independent Jurisdiction

4.15 Requests for Co-Sponsorship
   a. Section of Environment, Energy, and Resources
   b. Section of Science and Technology Law
   c. Section of Intellectual Property Law (2)
   d. Section of Litigation (2)
c) **Matters for Committee Consideration Only**

4.20  Approval of Minutes  
August 2, 2018

4.21  ABA Enterprise Fund Projects -FY 2018 Fourth Quarter Reports

4.30  Actions Taken on Co-Sponsorships Since August 2018

**d) Informational Only**

3.30  Membership Report (will be addressed in 2.1)
5. **FINANCE COMMITTEE**

a) **Matters for Review by the Board**

1.5d(ii) Grant Awards Modification Report

4.1 Request from Standing Committee on Paralegals to Reimburse Commission Volunteers

*Profession, Public Service and Diversity Committee*

5.1 Request for Approval of FY2019 Budget – Section 10% Variance

5.2 Pension Loan Update - Request Approval to Convert Variable Rate Portion to Fixed Rate

b) **Matters for Committee Consideration Only**

5.20 Approval of Minutes

a. Finance Committee
   August 2, 2018

b. FJE Approval of Minutes
   August 2, 2018

5.21 Treasurer’s Report

5.22 Section/Division/Forum Financial Trends

5.23 Report of Investments Committee

5.24 4th Quarter FYTD Variance to Budget Reports

   - General Counsel
   - Deputy Executive Director Group
   - Corporate

5.25 Finance Committee December Conference Call

5.26 Law School Accreditation Legal Fees

c) **Informational Only**

3.30 Membership Report (will be addressed in 2.1)

3.31 ABA FY2020 Budget Process

   - Calendar
   - Budget Task
TIPS FOR USING ZOOM TECHNOLOGY

1. If your device has camera and audio/microphone capabilities, please log on using only that device. If that is not the case, you may log on using your computer for video and your telephone for audio. However, in this case, please be sure that only one device has a live microphone. For guidance on using two devices. Please visit this link: join by computer or mobile device and telephone.

2. Please note, if you log on using a device with a camera, you can be seen by other participants on the video conference.

3. If you are participating using a telephone, please announce yourself when you call in so that a name can be attached to the telephone number.

4. All devices should be on mute unless member is speaking. The mute button in on the lower left side of the screen. (In alternative, the moderator will automatically mute all lines as members join the video conference call). If devices are not muted when members are not speaking, the video tries to switch pictures when it picks up noises from devices that have not been muted, resulting in bouncing pictures not attached to the speaker.

5. To request to be heard, use the hand feature under Participants menu. By indicating the hand feature, the moderator is informed that a member would like to speak.

6. Remember to unmute yourself when speaking.

7. If you have not used Zoom in the past, please test the technology in advance of the video conference by visiting: https://zoom.us/test

8. If you have not done so, please download the Zoom technology in advance of the video conference: https://zoom.us/download
TO: Board of Governors
FROM: Robert M. Carlson
DATE: October 5, 2018
SUBJECT: Report of the President

My activities since the last report from the Board of Governors Meeting are as follows:

August 9-11  Bernalillo, NM
- Remarks at State Bar of New Mexico Annual Meeting
- Interview with Law 360 reporter Aebra Coe

August 13-14  Anchorage, AK
- Remarks at Alaska Federal Bar Conference

August 18-21  Newport, RI
- Annual Meeting of Conference of Chief Justices and Conference of State Court Administrators

August 22-24  San Francisco, CA
- 2019 Annual Meeting Site Visit

August 26-30  Harlingen, TX
- Volunteer training and work with South Texas Pro Bono Asylum Representation Project (ProBAR)
- Meeting with McAllen Mayor Jim Darling
- Interview with TIME magazine reporter Maya Rhodan
- Interview with ABA Journal reporter Lorelei Laird

September 5-7  Philadelphia, PA
- Remarks at Hispanic National Bar Association Annual Meeting
- Executive Committee Conference Call

September 8  Washington, DC
- American Civil Trial Bar Roundtable
September 12-13  
**Austin, TX**  
- Business Law Section Annual Meeting  
- Interview with editorial board of Austin American-Statesman  
- Virtual session for Commission on Future of Legal Education

September 13-15  
**San Diego, CA**  
- Remarks at California Lawyers Association Annual Meeting  
- Remarks at Conference of California Bar Associations Annual Meeting

September 16-18  
**Chicago, IL**  
- Meeting with Chicago-Kent College of Law Dean Harold Krent  
- Board of Governors conference call  
- Meetings with ABA staff  
- Videotaping for the Commission on the Future of Legal Education/Homeless Youth Law and Policy Summit

September 19-21  
**Kalispell, MT**  
- Remarks at State Bar of Montana Annual Meeting

September 24-25  
**Chicago, IL**  
- Journal Board of Editors Meeting  
- Meetings with ABA staff

September 25-26  
**Charleston, SC**  
- Remarks at Commission on Lawyer Assistance Programs Conference

September 26-28  
**Chicago, IL**  
- Remarks at Section Officers Conference Fall Leadership Meeting

Sept.29-Oct. 2  
**London, England**  
- Opening of the Legal Year  
- ABA Welcome Reception and other events

October 3-4  
**Tucson, AZ**  
- Remarks at Family Law Fall CLE Conference

October 5  
**Vail, CO**  
- ABA Lawyer Retreat and Law Practice Division Fall Meeting

October 7-12  
**Rome, Italy**  
- Remarks at International Bar Association Annual Congress

October 14-21  
**Tashkent, Uzbekistan**  
- ROLI trip
October 24
Washington, DC
• Remarks at National Celebration of Pro Bono event with Justice Elena Kagan
• Meeting with Dean William Treanor of Georgetown University School of Law
• Dinner with Commission on Future of Legal Education

October 25-30
Porto, Portugal
• L5 Meeting, Hosted by Council of Bars and Law Societies of Europe
• Remarks at UIA Congress

November 1
Washington, DC
• Remarks at ABA National Security Law Conference

November 1
San Diego, CA
• Immigration Justice Project’s 10th Anniversary

November 7-9
Chicago, IL
• Board of Governors Meeting

My upcoming meetings and activities scheduled to date:

November 8-11
Chicago, IL
NAPABA’s 30th Annual Convention

November 12
Chicago, IL
LSC Forum on Access to Justice

November 14-15
Houston, TX
Section of Litigation Professional Success Summit

November 16
Washington, DC
23rd Annual William H. Rehnquist Award for Judicial Excellence Reception and Dinner

November 27-28
San Francisco, CA
CLE in the City

December 10
New York, NY
Brooklyn Bar Association Foundation Annual Dinner
NY County Lawyers Association 104th Annual Dinner

Approximate percentage spent in travel budget as of Oct. 5: 20%
TO: Board of Governors
FROM: Judy Perry Martinez
DATE: November 5, 2018
SUBJECT: Report of the President-Elect

My activities since being installed as President-Elect are as follows:

August 26 Harlingen, TX
- Group dinner with experienced local immigration practitioner

August 27 Harlingen, TX
- Volunteer training, pro bono work (asylum interviews) through South Texas Pro Bono Asylum Representation Project (ProBAR) at the Port Isabel Detention Center

August 28 Harlingen, TX
- Pro bono work - asylum interviews at Port Isabel Detention Center
- Dinner at La Posada Providencia with migrants awaiting asylum hearings or relocation

August 29 Harlingen, TX
- Observe Immigration Court hearings at Port Isabel Detention Center; follow-up pro bono asylum interviews

August 30 McAllen, TX
- Visit Catholic Charities of Rio Grande Valley Relief Center at Sacred Heart Catholic Church
- Cross border experience at Rio Grande River, Brownsville, TX Bridge, Port of Entry
- Observe U.S. District Court "Zero Tolerance" hearings on criminal misdemeanor illegal entry

August 31 Harlingen, TX
- Follow-up pro bono work at ProBAR

September 6 Bar Leadership Institute Conference Call
September 7 Executive Committee Conference Call
September 10 Finance Committee Conference Call
September 12-14  **New York, NY**
- Equal Justice Institute Dinner
- Meeting with Fordham University School of Law Dean Matthew Diller; meeting with law students
- Dinner with local bar leaders and judges
- Breakfast with Mike Pates, director of the ABA Center for Human Rights
- Meeting with NYU Professor of Law Bryan Stevenson, founder and CEO of the Equal Justice Initiative
- Remarks at ABA Center for Human Rights, Eleanor Roosevelt Prize Dinner

September 17  **Board of Governors Conference Call**

September 19-21  **Chicago, IL**
- Participate on Selection Committee for marketing company Finalists
- Meetings with ABA staff leaders
- Remarks at ABA National Law-Related Education Conference, “Free Speech and Free Press in a Democracy”

September 24-26  **Chicago, IL**
- Journal Board of Editors Meeting
- Meetings with ABA staff leaders regarding new centers

September 26  **Orlando, FL**
- Remarks at Custody Litigation Skills Institute, hosted by ABA Commission of Domestic and Sexual Violence

September 27-28  **Chicago, IL**
- Luncheon interview by SOC Chair Michael Bergmann of President Bob Carlson and JPM at Section Officers Conference Fall Leadership Meeting
- Presentation on Centennial of 19th Amendment at SOC

September 28  **Louisville, KY**
- Plenary session remarks at Section of Litigation Fall Leadership Meeting
- Attend Section of Litigation Council Meeting

October 1-2  **New York, NY**
- Attend Access to Justice Movement Roundtable, hosted by Fordham Law School

October 3  **Executive Committee Conference Call**

October 3  **New Orleans, LA**
- Attend New Orleans Bar Association Presidents’ Award Reception
- Attend ClioCon Pre-Conference Reception

October 4  **Coffee with State Bar of Michigan Executive Director Janet Welch**

October 4  **Coffee with Chase Hertel, Deputy Director and Counsel of ABA Center for Innovation, and Jason Morris, ABA Center for Innovation Fellow**

October 4  **Meeting with Center of Innovation NextGen Fellow Irene Mo**
October 5  New Orleans, LA  
Welcome Remarks at Southern Conference of Bar Presidents

October 10-12  Birmingham/Montgomery, AL  
- Civil Rights and Social Justice Section Fall Meeting  
- Tour of National Memorial for Peace and Justice  
- Tour of Legacy Museum with Bryan Stevenson  
- Introduction of U.S. Sen. Doug Jones at CRSJ luncheon

October 13  Amelia Island, FL  
- Leadership presentation at Tort Trial and Insurance Practice Section Leadership Academy

October 25  Chicago, IL  
- American Bar Foundation Board Committee Meetings

October 26  Charleston, SC  
- Attend ABA/YLD and GPSolo “Tradition Meets Innovation” Conference  
- Panel, “Adapting Legal Services to the Changing Legal Landscape”

November 1-2  Salt Lake City, UT  
- Remarks on the Future of Legal Services at Utah State Bar Fall Forum

November 7-9  Chicago, IL  
- Board of Governors Meeting

My upcoming meetings and activities scheduled to date:

November 12  Chicago, IL  
- LSC Forum on Access to Justice at the University of Chicago

November 13  New York, NY  
- New York ABF Fellows Event

November 15  Boston, MA  
- Remarks at Suffolk University Law School "Women in Leadership" Event

November 16-17  Chicago, IL  
- Committee on Scope and Correlation of Work Fall Meeting

Approximate percentage spent in travel budget as of Oct. 5: 6%
MEMORANDUM

TO: Members of the Board of Governors

FROM: William R. Bay, Chair of the House of Delegates

Subject: Report of the Chair of the House of Delegates

Date: October 5, 2018

Since the Annual meeting in Chicago, I have been working on an almost daily basis with our excellent staff and committee leadership on plans for the year. So far, that has been focused primarily on the Rules & Calendar, Technology & Communications and Resolution Impact Committees, but this will expand. The focus has been on how we can best communicate about the House of Delegates, including who we are, what we do and how we do it. A number of projects are underway and should be completed by the Mid-year meeting.

In addition to this work, I have participated in in-person and telephonic meetings as follows:

Sept. 11 House of Delegates Technology & Communications Committee. Participated in planning call for this year’s work.

Sept. 17 Participated in ABA Board of Governors e-meeting.

Sept. 25 Attended ABA Journal Board of Editors in Chicago, IL.

Sept. 26 Attended Missouri Bar Judicial Conference/Annual Meeting in St. Louis, MO

Sept. 27 Attended Section Officers Conference in Chicago, IL. Prepared for and made presentation as part of two panels: (a) Making ABA Policy and (b) Strategic Planning.

Sept. 27-30 Attended Section of Litigation Fall Leadership meeting in Louisville, KY, including plenary meeting and portions of Council meetings and met with Section leadership.

Oct. 3-5 Attended Section of Taxation meeting in Atlanta, GA, made presentation at Council meeting and met with Section leaders.

Oct. 3 Participated in Board of Governors Executive Committee meeting by telephone.
The following are upcoming activities and events which are on my calendar:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>Oct. 10</td>
<td>Fund for Justice &amp; Education Orientation by telephone</td>
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<tr>
<td>Oct. 17</td>
<td>American Bar Foundation Orientation by telephone</td>
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<td>Oct. 25-26</td>
<td>American Bar Foundation meeting (Chicago, IL)</td>
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<td>Oct. 29-30</td>
<td>Fund for Justice &amp; Education Council (Chicago, IL)</td>
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<td>Nov. 7-9</td>
<td>Board of Governors meeting (Chicago, IL)</td>
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<td>Nov. 12</td>
<td>Rules &amp; Calendar webinar</td>
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<td>Nov. 14-16</td>
<td>Section of Litigation Professional Success Summit (Houston, TX)</td>
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<td>Nov. 16-17</td>
<td>Committee on Scope &amp; Correlation of Work meeting (Chicago, IL)</td>
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<tr>
<td>Nov. 29-Dec. 2</td>
<td>Rules &amp; Calendar Meeting (St. Louis, MO)</td>
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TO: Board of Governors  
FROM: Hilarie Bass  
DATE: October 5, 2018  
SUBJECT: Report of the Immediate Past President

My activities since the last report from the Board of Governors Meeting are as follows:

August 18-21  
Newport, RI  
- Annual Meeting of Conference of Chief Justices and Conference of State Court Administrators

August 20  
Call with Bob Carlson and Terry Harrell RE: Working Group to Advance Well-Being in the Legal Profession

August 24  
Meeting with Eugènia Gay, President of the Barcelona Bar Association RE: The future cooperation between the ABA and Barcelona organizations

August 24  
Interview with Florida Bar News RE: Women's Initiative

September 9  
Brunch Meeting with Andrea Sinner and Trish Refo RE: CFLE work

September 13-14  
Colorado Springs, CO  
- Remarks before U.S. Air Force Academy cadets in celebration of Constitution Day

September 14  
New York, NY  
- ABA Center for Human Rights, Eleanor Roosevelt Prize Dinner

September 17  
Board of Governors Conference Call

September 20-21  
Kalispell, MT  
- Remarks at State Bar of Montana Annual Meeting

September 23-27  
Brasilia, Brazil  
- Remarks at II International Congress of Law, Government and Technology
September 28-29  Louisville, KY
   • Remarks at Section of Litigation Fall Leadership Meeting

October 7-10  Rome, Italy
   • Remarks at IBA Annual Conference RE: "Well-Being in the Legal Profession – What Should Bars and Law Societies Be Doing to Promote It?"
   • Meeting with IBA Vice President Horacio Bernardes Neto

October 16-17  Tampa, FL
   • Remarks at Florida Bar Criminal Justice Retreat

October 26-30  Porto, Portugal
   • L5 Meeting, Hosted by Council of Bars and Law Societies of Europe
   • UIA Congress

November 7-9  Chicago, IL
   • Board of Governors Meeting

Approximate percentage spent in travel budget as of Oct. 5: 24%

The following Board nominees were in attendance: William R. Bay, Hon. Frank J. Bailey, David Wright Clark, Andrew J. Demetriou, Charles E. English, Jr., H. Russell Frisby, Jr., Rew R. Goodenow, Sheena R. Hamilton, Susan M. Holden, Judy Perry Martinez, Lynn Fontaine Newsome, Howard T. Wall III and Michele Wong Krause.

Executive Director Jack L. Rives and the following management staff also attended: Martin D. Balogh, Alpha M. Brady, Holly Cook, James Dimos, Amy Eggert, Rochelle Evans, Michael Kreisberg, Janae LeFlore, William K. Phelan, Jarisse J. Sanborn, Carol Stevens and Thomas M. Susman.

Also in attendance for a portion of the meeting were: Tracy A. Giles, Chair, Standing Committee on Membership; Bob Domenz, Chief Executive Officer, Avenue; and Kyle Barrett, Sr. Account Manager, Avenue.

President Bass called the meeting to order and welcomed the members of the Board, Board Nominees and Association staff.

1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR

1.1 The Board received the written report of President Hilarie Bass. She thanked Meetings and Travel Department Director Marty Balogh for his work on the Distinguished Guest Dinner held on August 1, 2018. President Bass highlighted the Board’s accomplishments, including support for the new website and the VIP effort led by ABA Executive Director Jack Rives. At its 2018 Annual Meeting, the Board will discuss the new ABA Membership Model. At its June 2018 meeting in Denver, the Board requested more information regarding the bundling of benefits and the value the new membership models provide.
President Bass updated the Board on her initiatives. The Commission on the Future of Legal Education obtained a $120,000 grant to fund the state specific bar study. President-Elect Robert M. Carlson will support its continued work. The Women’s Initiative will be announcing the results of its study, done in partnership with ALM, at the 2018 Annual Meeting and has raised over $500,000. President Bass remarked that the reputation of the ABA, through the Young Lawyers Division’s work with FEMA, is truly remarkable. The Division addressed every issue raised on the ground and worked closely with FEMA during the latest natural disaster. President Bass visited the Port Isabel detention Center in Texas to determine how to best engage more lawyers to work with ProBAR. Working with FJE and staff of the Commission on Immigration, a web page was created, ABA members were solicited to volunteer (over 160 signed up), and a webinar was held to train volunteers on how to aid separated families. Over $200,000 in donations was collected and $1,500,000 in commitments were made, primarily from non-ABA members and non-lawyers, to support the work on the border. President Bass thanked Commission on Immigration Chair Mary McCarthy and Staff Director Meredith Linsky as well as all staff at ProBAR in Texas.

1.2 The Board received the written report of President-Elect Robert M. Carlson. He thanked President Hilarie Bass for her outstanding leadership and for her friendship and support. He recommended that Board members put the Toolkit on Lawyer Wellness Tips on their phones and share it with their colleagues. With respect to immigration, President-Elect Carlson and President-Elect Nominee Judy Perry Martinez will visit Harlingen, Texas, and assist volunteers on the border, those seeking asylum and particularly children who have been separated from their parents. They will continue working together as ABA leaders to have a continuous stream of volunteers. President-Elect Carlson also expressed that he and President-Elect Nominee Perry Martinez are trying to be more strategic about what they do and grade themselves on how they advance the decisions made by Board. Furthermore, for the future, he encouraged the Board to give considerable thought to any problems they see and suggest a solution. He added that the Board will have a conference call on September 17, 2018 and the November 7-9, 2018, Board meeting will take place via conference call. President-Elect Carlson also stated that he and President-Elect Nominee Perry Martinez will, in all comments they make, include something about the independence of the judiciary.

1.3 Chair of the House of Delegates (“House”) Deborah Enix-Ross referred the Board to her written report of activities. She stated that the House has 50 resolutions to consider at the 2018 Annual meeting, which indicates that ABA members are engaged, involved and understand the value of bringing resolutions to the House. The House expects lively debate on a number of resolutions including the new ABA Membership Model. She thanked the Board for their support. Chair Enix-Ross also stated that she will be the 2019 Chair of ABA Day and looks forward to seeing Board members in Washington, D.C., on April 9-11, 2019.

1.4 The Board received the written report of Immediate Past President Linda A. Klein. She thanked the Board members and staff for the patience, advice and courtesy extended to her. In making decisions, she asked that the Board keep in mind the people they are here to help: the lawyers, the indigent and those who seek protection under the rule of law. She thanked the Board again for the privilege of being the ABA President-Elect, President and Immediate Past President.

1.5a Mary L. Smith, ABA Secretary, presented for approval the minutes of the Board’s June 1 conference call and June 21-22, 2018, meeting in Denver, Colorado.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the minutes of its June 1, 2018 conference call and its June 21-22, 2018, meeting in Denver, Colorado.

1.5b The Board received the minutes of the Executive Committee’s meetings on May 23, June 1 (email ballot), June 20, and July 9, 2018.

1.5c The Secretary presented and the Board received the Report on the Exercise of Blanket Authority that summarized the requests for blanket authority received since the Board’s meeting in June 2018.

1.5d The Secretary presented and the Board received a report that summarized the Technical Comment requests submitted pursuant to the Blanket Authority Procedure through July 10, 2018, of the 2017-2018 Association Year.

1.5e Continuation of Board Entities

The Secretary presented a list of Board entities to be continued and a list of entities that have completed their tasks and should be discontinued.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The following entities created by the Board may be discontinued because they have completed their tasks:


The following entities should be continued, as their assignments are ongoing:

ABA/BNA Editorial Board
ABA Legal Education Opportunity Scholarship Committee
ABA Legal Education Opportunity Scholarship Fundraising Committee
AEFC Pension Plan Administration Committee
Council of the Fund for Justice and Education
Cybersecurity Legal Task Force
Future of Legal Education, Commission on Gatekeeper Regulation and the Profession, Task Force on Sustainability Financial Reporting, Task Force on Lawyer Well-being, Task Force on Task Based Billing Codes, Working Group on Thrift Plan Administration Committee
1.5f  Continuation of Special Committees and Commissions

The Board was provided with a list of special committees and commissions that will be recommended to the House of Delegates for continuation. The Bylaws provide that special committees and commissions terminate upon the adjournment of the first annual meeting after their creation unless they are continued by the House. The list will be included with the Board’s Transmittal Report to the House, Report 177A. Copies of Report 177A are available from the Policy and Planning Division.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the recommendation to the House of Delegates regarding the continuation of special committees and commissions.

1.5g  ABA 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”) a) approved the minutes of the June 22, 2018, meeting of the ABA/FJE Board as presented; and b) accepted the ABA/FJE restricted grants and contributions received or awarded through June 30, 2018, and not previously reported, as requested by the Association’s Financial Services Division.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board accepted the restricted grants and contributions received or awarded to the ABA Fund for Justice and Education and not previously reported.

1.5.h  Request for Adoption of Memorial Resolution for Former Secretary Herbert D. Sledd

The Board passed a memorial resolution recognizing former ABA Secretary Herbert D. Sledd of Lexington, Kentucky, who passed away on June 18, 2018, at the age of 93. Mr. Sledd began serving in the ABA House of Delegates in 1962 representing the Kentucky State Bar Association. He served as the ABA Secretary from 1975 to 1979, and as a former Secretary, had life tenure in the House of Delegates.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

BE IT RESOLVED, THEREFORE, that the Board of Governors of the American Bar Association, meeting on the third day of August 2018 in Chicago, Illinois, recognizes the accomplishments, standards and achievements of Herbert D. Sledd and extends its deepest sympathy to his family.

1.6  The Board received the written report of ABA Treasurer Michelle A. Behnke. Ms. Behnke provided an overview of the FY2018 budget and addressed the proposed FY2019 budget which is on the Board agenda for approval.

Ms. Behnke reported that on a consolidated basis, operating revenue through June 30, 2018, was $168.6 million, which was $4.1 million below budget. Revenue budget variances are primarily due
to unfavorability in General Operations of $3.5 million and Sections of $1.8 million. The main
drivers of the General Operations revenue shortfalls to budget are Dues revenue of $1.1 million,
Gifts, Contributions, and Sponsorship revenue of $1.1 million Meeting Fees of $0.8 million and
Advertising of $0.5 million. Unfavorability in Section revenue is driven by Meeting Fees ($1.4
million) and Gifts, Contributions and Sponsorships ($0.7 million), offset by favorability in Royalties
($0.8 million). Consolidated operating revenue compared to prior year is $5.2 million unfavorable,
composed of variances in General Operations of $3.5 million, Grants of $2.6 million, offset by
Gifts of $1.1 million. The decline in General Operations is intentional because ABA has relied
upon $4.4 million less in investment income in operations (better compliance with the reserve
spending policy of 3.5%). Also, Dues revenue is $1.1 million less than the prior year.

Ms. Behnke gave the Board an overview of the FY2019 General Operations expense budget.
Initially, the ABA had budgeted $89.2 million in revenues and $89.0 million in expenses. Although
revenues are declining by $6.9 million year over year, $7.1 million in expense reductions have
been implemented mainly through the VIP program and the realignment project. The anticipated
modest $200,000 surplus was reduced by increased legal expenses. She reminded the Board
that in FY2017, the Board approved a new formula to allocate General Operations funding among
ABA entities in a more uniform and consistent way. FY2019 is the first year of implementation
and the funding amount to entities is $8.9 million which is the same level of funding as in FY2018.
This funding reflects that the ABA continues to be committed to supporting entities. A total of
10% of budget supports sections, divisions and forums and 9.3% supports other entities. She
added that the FY2019 operating budget is built on 3.5% of investment income.

ABA Chief Financial Officer Bill Phelan advised the Board that the FY2019 operating budget
assumes that investments will earn 3.5%. If investments earn more, the ABA would be about
$3M more profitable. It is a very conservative budget in which the dues budget was decreased
and the assumed legal fees budget was increased.

1.7 The Board received the written report of ABA Executive Director Jack L. Rives. Mr. Rives
commended the Board on its work in developing the FY2019 budget. He thanked Policy and
Planning Division Director Rochelle D. Evans for her service to the ABA. Janae LeFlore will be
the new Director of the Policy and Planning Division. Tom Susman will work part time and Holly
Cook will become the Director of the Governmental Affairs Office. He added that the ABA is doing
background investigations for all persons hired as direct reports to the Executive Director. The
ABA continues to make improvements in the number of emails sent. He added that ABA staff is
committed to serving and meeting the needs of Association members and asked the Board to
share any concerns regarding staff with him.

President Hilarie Bass and the Board thanked Rochelle Evans, Tom Susman and congratulated
Holly Cook.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 Consideration of House Reports

The Board discussed and recommended approval of the following reports:
a. Proposal 11-12: Amends various Sections of the Association’s Constitution and Bylaws affected by the New Membership Model adopted by the Board of Governors.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board voted to transmit Proposal 11-12 to the House of Delegates with the recommendation that it be approved at the 2018 Annual Meeting.

b. Resolution 101: As revised, amends Model Rules 7.1 through 7.5 and their related Comments of the *ABA Model Rules of Professional Conduct* regarding lawyer advertising rules.

Board member Penina K. Lieber, Liaison to the Standing Committee on Ethics and Professional Responsibility, and Lucian T. Pera, Chair of the Coordinating Council for the Center for Professional Responsibility, addressed Resolution 101 regarding lawyer advertising rules. Two years of work is reflected in this Resolution which was sparked by a study done by the ABA and the Association of Professional Responsibility Lawyers. The Proposal is supported by all Center for Professional Responsibility entities and they are not aware of any opposition. Board member Myles V. Lynk, who was unable to attend the meeting in person, requested that the minutes reflect his strong support for the work of the Standing Committee on Ethics and Professional Responsibility and the Center for Professional Responsibility on the proposed revisions to the Model Rules on lawyer advertising and solicitation.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board voted to transmit Resolution 101 to the House of Delegates with the recommendation that it be approved at the 2018 Annual Meeting.

c. Resolution 177: As revised, amends the dues structure for the American Bar Association effective with FY2020 and each year thereafter.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board voted to transmit Resolution 177 to the House of Delegates with the recommendation that it be approved at the 2018 Annual Meeting.

2.2 Consideration Regarding New ABA Membership Model

The Board received a report regarding the new ABA Membership Model from Tracy A. Giles, Chair, Standing Committee on Membership; Jack L. Rives, ABA Executive Director; James Dimos, ABA Deputy Executive Director; Michael Kreisberg, ABA Chief Membership Officer; and Bob Domenz, Chief Executive Officer of Avenue. At the June 2018 meeting, the Board approved the “bundle” of benefits subject to the Board receiving clarification on the details of the bundle at the 2018 Annual Meeting.

*Chair of the House of Delegates Deborah Enix-Ross abstained from voting and will abstain from voting on all motions related to the new Membership Model as it will be considered by the House of Delegates at this meeting.*
In executive session, the Board discussed and took additional action regarding the financial impact of the new ABA Membership Model. It was reported out after executive session that the Board took the following action:

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board approved the “bundle” of benefits to be included in the new ABA Membership Model.

### 2.3 ABA Retirement Funds

The Board, sitting as the members of the ABA Retirement Funds, received a report from Raymond C. Marshall, President, and Scarlett Ungurean, Executive Director, of the ABA Retirement Funds (ABA RF). The ABA RF was established by the Board in 1963 to serve the retirement needs of the legal community. The program provides a stable, comprehensive retirement solution to lawyers in firms of various sizes including sole practitioners. With over 4,100 law firm plans, almost 38,000 participants and combined assets of over $6.3 billion, the program strives to efficiently capitalize on the combined buying power of its participating firms and plans, allowing it to charge competitive fees while at the same time providing excellent fiduciary, investment and administration services that otherwise would be unavailable to smaller organizations. Mr. Marshall presented the nominations to the ABA Retirement Funds.


**UPON MOTION DULY MADE, SECONDED AND CARRIED:**


### 2.4 American Bar Foundation

The Board, sitting as members of the American Bar Foundation (ABF), received a report from ABF Vice President David S. Houghton (President Ellen J. Flannery was unable to attend the meeting) and Ajay K. Mehrotra, Executive Director, regarding the work of the ABF. Mr. Houghton moved approval of the minutes and thanked the Board for the support of the mission of the ABF. He invited the Board to the ABF breakfast on Saturday, August 4, 2018.

*Chair of the House of Delegates Deborah Enix-Ross abstained from voting and will abstain from voting on all motions related to the new Membership Model as it will be considered by the House of Delegates at this meeting.*
Mr. Mehrotra briefly summarized the report presented to the Board. The ABF is an incubator building the pipeline of diverse legal scholars. The Montgomery Summer Research Diversity Fellows welcomes highly talented undergraduate students, many of whom go on to law school.

The Postdoc and Doctoral Fellowship Program is a program for graduate and postgraduate students, all of whom complete their Ph.Ds./book projects. He summarized recent ABF research and programming and explained how ABF activities further the goals of the American Bar Association. He described the ABF’s recent success in receiving multiple awards for its research and programming. He briefly discussed the ABF’s status within the broader research and academic communities.

Mr. Houghton requested the election of the following persons to the ABF Board of Directors: the one-year term of Jennifer Marie Chacon of Irvine, California, expires in 2018. The Board is requesting her re-election to a five-year term; Jimmy Goodman of Oklahoma City, Oklahoma, and Harold D. Pope III of Detroit, Michigan are recommended for re-election to a second five-year term. In addition, there are two unexpired terms to be filled: Ellen J. Flannery of Washington, DC, is resigning with a one-year unexpired term. Judy Perry Martinez of New Orleans, Louisiana, is becoming ex-officio with a three-year unexpired term. The Board of Directors recommends the election of Robert J. Grey, Jr. of Richmond, Virginia, to fill the unexpired one-year term of Ellen J. Flannery; and recommends the election of Sandra J. Chan, of Santa Barbara, California, to fill the three-year unexpired term of Judy Perry Martinez.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board, sitting as members of the American Bar Foundation (ABF), approved the re-election of Jennifer Marie Chacon of Irvine, California, whose one-year term expires in 2018, to a five-year term; approved the re-election of Jimmy Goodman of Oklahoma City, Oklahoma, and Harold D. Pope III of Detroit, Michigan, to second five-year terms; elected Robert J. Grey, Jr. of Richmond, Virginia, to fill the unexpired one-year term of Ellen J. Flannery; elected Sandra J. Chan of Santa Barbara, California, to fill the three-year unexpired term of Judy Perry Martinez.

2.5 Report from Board Governance Committee

In executive session, the Board received a report from Linda L. Randell, Chair of the Board Governance Committee, and noted that the recommendations presented would be considered by the Board at a future meeting.

2.6 Reports from Committee Chairs

The Board received reports regarding the work of the Board Committees from Hon. Ramona G. See, Chair of the Profession, Public Service and Diversity Committee; Andrew J. (Josh) Markus, Chair of the Member Services Committee; and Ilene K. Gotts, Chair of the Finance Committee.

2.7 Consent Calendar

The Board approved the Consent Calendar as presented by the Secretary. Item 5.4 was removed from the Consent Calendar and discussed by the Board. Action on all other items contained on
the Consent Calendar is set forth below in items 3 through 5 relating to the reports of the Board Committees.

2.8 Consideration/Adoption of ABA Strategic Plan

William R. Bay, Chair of the Strategic Planning Working Group, presented the strategic plan to the Board.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board adopted the 2018 Strategic Plan.

2.9 ABA CEELI, Inc.

This item was deferred to the November 2018 meeting. It was noted that the minutes of the November 12, 2017, meeting of ABA CEELI, Inc., would be presented at the November 2018 Board meeting.

2.10 Introduction of New Board Members

The members of the incoming Board class of 2018-2021 were introduced by outgoing Board members of the class of 2015-2018.

WRITTEN INFORMATIONAL REPORTS

The Board received a written report from the Standing Committee on Membership.
MEMBER SERVICES

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Request from Section of Environment, Energy, and Resources to Amend Bylaws

The Section of Environment, Energy, and Resources (SEER) requested approval to amend its bylaw as follows: (1) revise and shorten the descriptions of duties of section officers; (2) expressly adopt the ability of a member of a foreign bar association who is also a SEER member to serve as an officer of the Section; (3) increase the number of Section Council members to 15, (4) clarify the terms of Section Council members so that all Council members serve three-year terms upon appointment; (5) provide additional detail on the submittal of the annual budget to Council for its review; and (6) provide for flexibility in Council meetings, including co-location with Section conferences and other cost-saving options such as providing for teleconference attendance rather than mandatory in-person meetings. Additionally, minor edits have been made to restructure some of the Bylaws headings and subparts and to incorporate by reference the Section’s Strategic Plan. The amendments are subject to approval of the Section membership at the Section’s Annual Business Meeting at the 2018 ABA Annual Meeting.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the Section of Environment, Energy, and Resources to amend its Bylaws with the understanding that: Article 5.9 regarding meeting at the ABA Annual Meeting will be implemented in compliance with the ABA Constitution and Bylaws; and Article 6.1 regarding the annual business meeting of the Section would be withdrawn.

3.2 Request from American Bar Endowment for Exception to ABA Email Policy

The American Bar Endowment (ABE) requested an exception to the email policy in the ABA Policy and Procedures Handbook, which would allow the ABE to promote its plans to the ABE's members via the ABA’s email distribution system from September 1, 2018, to August 31, 2019. The ABE's use of the ABA’s email services will remain subject to the approval of the Member Services Committee and must comply with current ABA policies and procedures on email marketing as determined by the Executive Director. The ABE has no right to use the ABA email address information other than via the ABA’s email distribution system. The ABE will reimburse the ABA for these services.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the American Bar Endowment (ABE) for an exception to the email policy in the ABA Policy and Procedures Handbook, which would allow the ABE to promote its plans to the ABE’s members via the ABA’s email distribution system from September 1, 2018, to August 31, 2019. The ABE’s use of the ABA’s email services will remain subject to the approval of the Member Services Committee and must comply with current ABA policies and procedures on email marketing as determined by the Executive Director. The ABE has no right to use
ABA email address information other than via the ABA’s email distribution system. The ABE will reimburse ABA for these services.

3.3 Request from President-Elect Robert M. Carlson to Create or Continue Special Advisors

President-Elect Robert M. Carlson requested the creation of 12 special advisor positions to 9 entities and the continuation of 63 special advisor positions to 39 entities.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board approved the request from President-Elect Robert M. Carlson to create 12 special advisor positions to 9 entities and the continuation of 63 special advisor positions to 39 entities.

3.4 Request from Standing Committee on Publishing Oversight to Revise the ABA Policy and Procedures Handbook (Greenbook) Chapter 6

The Board deferred action on the request of the Standing Committee on Publishing Oversight to amend certain sections of Chapter 6 of the Policy and Procedures Handbook (aka Greenbook) to provide an opportunity for the ABA Office of General Counsel to review.

3.5 Request from President-Elect Robert M. Carlson to Amend Jurisdictional Statement of the Commission on the Future of Legal Education

President-Elect Robert M. Carlson requested that the Board approve an amendment to the jurisdictional statement of the Commission on the Future of Legal Education to expand the membership from 10 to 12 members.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board approved the request from President-Elect Robert M. Carlson to amend the jurisdictional statement of the Commission on the Future of Legal Education to expand the membership from 10 to 12 members.

**PROFESSION, PUBLIC SERVICE AND DIVERSITY**

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Nominations and Request to Terminate Representative to Outside Organization

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

ABA President-Elect Robert M. Carlson of Butte, Montana, recommends to the Board of Governors that Ilene Knable Gotts of New York, New York, be elected to a three-year term on the A-E-F-C Pension Plan Administration Committee to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting. In addition, Mr. Carlson will recommend to the A-E-F-C Pension Plan Administration Committee that Ilene Knable Gotts be appointed to a one-year term as Chair of the A-E-F-C Pension Plan Administration Committee.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the A-E-F-C Pension Plan Administration Committee to elect Ilene Knable Gotts of New York, New York, to a three-year term on the A-E-F-C Pension Plan Administration Committee to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

b. ABA Journal Board of Editors

ABA Journal Board of Editors (Board of Editors) member Pamela J. Roberts of Columbia, South Carolina, resigned her position in January 2018. The Board of Editors requested the election of Pervin Taleyarkhan to a three-year term to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the ABA Journal Board of Editors to elect Pervin Taleyarkhan to a three-year term to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

c. Board of Elections

The terms of the Honorable Jorge Labarga of Tallahassee, Florida, Chief Justice of the Supreme Court of Florida, the Honorable J. Michelle Childs of Columbia, South Carolina, and Thomas R. Curtin of Morristown, New Jersey, expire at the conclusion of the 2018 Annual Meeting. ABA President-Elect Robert M. Carlson of Butte, Montana, recommends the appointment of the following to serve one-year terms on the ABA Board of Elections, to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2019 Annual Meeting: The Honorable Beth Baker of Helena, Montana, Associate Justice of the Montana Supreme Court, as Chair; Penina K. Lieber of Pittsburgh, Pennsylvania, and Alan Van Etten of Honolulu, Hawaii, to serve as members.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of President-Elect Carlson to elect The Honorable Beth Baker of Helena, Montana, Associate Justice of the Montana Supreme Court, as Chair, Penina K. Lieber of Pittsburgh, Pennsylvania, and Alan Van Etten of Honolulu, Hawaii, as members of the Board of Elections to serve one-year terms to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2019 Annual Meeting.

d. International Bar Association Council

The second three-year term of Carolyn B. Lamm of Washington, DC, as the ABA representative to the International Bar Association ("IBA"), expires at the conclusion of the IBA's Annual Conference in October 2018. The Section of International Law requested the election of ABA President Hilarie Bass as the ABA representative to the International Bar Association for a three-year term to begin October 1, 2018 and expire October 1, 2021.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the International Law Section to elect President Hilarie Bass as the ABA representative to the International Bar Association for a three-year term to begin October 1, 2018, and expire October 1, 2021.

e. National Construction Dispute Resolution Committee

The Section of Public Contact Law requested the re-election of Donald G. Gavin of Vienna, Virginia, to serve as the ABA representative to the American Arbitration Association National Construction Dispute Resolution Committee for a three-year term to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the Section of Public Contract Law to re-elect Donald G. Gavin of Vienna, Virginia, for a three-year term as the ABA representative to the American Arbitration Association National Construction Dispute Resolution Committee to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting, with the understanding that, because the current representative has served in this position since 2012, the Section of Public Contract Law should consider new members to serve in this position in the future.

f. Terminate ABA Representative to America Invents Act Pro Bono Advisory Council

The Section of Intellectual Property Law requested that the Board remove the America Invents Act Pro Bono Advisory Council, which has ceased operations, from the list of ABA Representatives to Other Organizations.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the Section of Intellectual Property Law to remove the America Invents Act Pro Bono Advisory Council, which has ceased operations, from the list of ABA Representatives to Other Organizations.

4.2 Awards

a. At its meeting in February 2018, the Board of Governors (Board) approved continued institutional membership in and co-sponsorship of the American Intellectual Property Law Education Foundation (Foundation) for five years, to 2023, and ongoing contributions of Section of Intellectual Property Law funds to support the Foundation’s two awards on an ongoing annual basis. The Foundation would like to make minor revisions to the qualifications for the Jan Jancin Award. The original language in the approved Board request stated that “the Jan Jancin Award is offered to law students nominated by their schools who have excelled in the study of intellectual property law.” The revised language adds a diversity component and provides more detail on the criteria.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the Section of Intellectual Property Law to revise the qualifications for the Jan Jancin Award.

b. The Section of Antitrust (Section) requested approval to establish the Consumer Protection Law Student Essay Project. The project will run during FY2019, and if it proves successful, the Section may request approval for additional years. This program is in keeping with the Section’s goal of promoting development of antitrust and consumer protection law and practice. The Section’s Council approved funding for this project at its Spring Meeting on April 20, 2018. A budget of $15,000 has been allocated from Section funds to support this project for FY2019. The project will award three students (first, second and third place) prizes in varying amounts, not to exceed $10,000, collectively. The remaining $5,000 will sponsor the winners’ travel to a Section meeting to receive their awards.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the Section of Antitrust Law to establish the Consumer Protection Law Student Essay Project which the Section’s Council approved funding for from section funds at its April 20, 2018 meeting.

c. The Health Law Section (Section) requested approval to create a new award entitled ABA Health Law Section Emerging Young Lawyers in Healthcare that honors Section young lawyer members who exemplify a broad range of achievement, vision, leadership, and legal and community service in health law. It is anticipated that only five recipients will be selected in the first year. The award will be a plaque under $150.00 in value and paid with Section funds.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the Health Law Section to create a new award entitled ABA Health Law Section Emerging Young Lawyers in Healthcare that honors Section young lawyer members who exemplify a broad range of achievement, vision, leadership, and legal and community service in health law.

d. The Section of Environment, Energy, and Resources (Section) requested approval to cosponsor the National Congress of American Indians’ (NCAI) Tribal Climate Action Youth Leadership Project (Project) writing competition and to provide financial support for the 2018, 2019, and 2020 calendar years. In addition to the Section, the Native American Political Leadership Program of George Washington University, a 501(c)(3) nonprofit, is also cosponsoring this writing competition. The Native American Political Leadership Project is a full scholarship program designed to give Native American undergraduate and graduate students the chance to participate in the Semester in Washington Politics program. It is meant to encourage Native youth to consider a career path in environmental law and policy, as well as inspire civic participation in their local tribal governments. It is also intended to engage high school students in current debates about climate change impacts, and to develop an awareness of the limits and extents of tribal sovereignty, and how tribal governments can shape laws to prepare for climate change impacts. The Section will contribute $2,500 annually for speaker travel expenses to an event that signifies the beginning of this project, a panel discussion about tribal government climate action plans at the NCAI Annual Convention. Section funds will be used for co-sponsorship support.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the Section of Environment, Energy, and Resources (Section) to co-sponsor the National Congress of American Indians’ Tribal Climate Action Youth Leadership Project writing competition and for the Section to provide financial support for the 2018, 2019, and 2020 calendar years to be paid from Section funds.

4.3 Request from Working Group to Advance Well-Being in the Legal Profession to Initiate Substance Use Disorder and Mental Health Campaign, Including a Pledge for Legal Employers

The ABA Working Group to Advance Well-Being in the Legal Profession (Working Group) requested approval to begin a substance use disorder and mental health campaign (Campaign) within the legal profession to raise awareness and facilitate a reduction in the incidence of problematic substance use and mental health disorders and approval of a pledge. The primary vehicle for the Campaign is a pledge designed for legal employers. During the first stage of the Campaign, members of the Working Group, CoLAP and the Center for Professional Responsibility would call upon legal employers (including law firms, corporate entities, government agencies and legal aid organizations) to sign a Commitment Form: (1) recognizing that substance use and mental health problems represent a significant challenge for the legal profession and acknowledging that more can and should be done to improve the health and well-being of lawyers; and, (2) pledging to support the campaign and work to adopt and prioritize its seven-point framework for building a better future. Participating legal employers would be featured on the ABA website. The Campaign would generate no additional costs for the ABA.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the ABA Working Group to Advance the Well-Being in the Legal Profession to begin a substance use disorder and mental health campaign within the legal profession to raise awareness and facilitate a reduction in the incidence of problematic substance use and mental health disorders. The Board also approved the use of a pledge as a component of the campaign to be used with participating legal employers.

4.4 Requests from President-Elect Robert M. Carlson to Amend Jurisdictional Statements

a. ABA Rule of Law Initiative

President-Elect Robert M. Carlson requested approval to amend the jurisdictional statement of the Rule of Law Initiative Council. The current jurisdictional statement stipulates that four (4) voting directors shall be the Chairs or their designees of the ABA Section of International Law; ABA Center for Human Rights; CEELI Institute; and ABA Section of Individual Rights and Responsibilities (CRSJ). The directors selected by the four entities shall be recommended to the President-Elect pursuant to the internal nominations and appointments process of each such entity, as modified from time to time. The request is to amend the jurisdictional statement to discontinue the voting director for the CEELI Institute and increase the number of at-large members from 12 to 13.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of President-Elect Robert M. Carlson to amend the jurisdictional statement of the Rule of Law Initiative Council to discontinue the voting director for the CEELI Institute and increase the number of at-large members from 12 to 13.

b. Center for Innovation Governing Council

President-Elect Robert M. Carlson requested approval to amend the jurisdictional statement of the Center for Innovation Governing Council to allow for one additional person to serve, bringing the total number of members to 15. This will allow for the appointment of Michael Deal, Vice President and Associate General Counsel of Amazon, who is willing to serve and will be central to the Governing Council’s fundraising efforts.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of President-Elect Robert M. Carlson to amend the jurisdictional statement of the Center for Innovation Governing Council to allow for one additional person to serve, bringing the total number of members to 15.

4.5 Requests from ABA Rule of Law Initiative

a. Updated List of Approved Countries of Operation, Donors and Thematic Program Areas

The ABA Rule of Law Initiative (ROLI) requested approval to receive a subgrant from Civic Initiatives (CI), a Serbia-based organization established in 1996. CI's mission is to strengthen civil society through education, promoting democracy and support for an active society. ROLI would like to explore the possibility of receiving a subgrant from CI to support civil society in monitoring how effective civil society is at advocating for their positions, and how advocacy strategies could be improved. This subgrant and work would be under the U.S. Agency for International Development (USAID)-funded Serbia Strategic Advocacy Approaches Activity. ROLI is well positioned to support CI in their work because of its research, Evaluation and Learning division's work in developing tools to evaluate how well advocacy strategies work on different rule of law issues in various countries and contexts. ROLI is ineligible to receive direct funding from USAID because the opportunity is open only to local Serbian organizations.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the ABA Rule of Law Initiative to receive a subgrant from Civic Initiatives, a Serbia-based organization established in 1996, to support civil society in monitoring how effective civil society is at advocating for their positions, and how advocacy strategies could be improved.
b. Memoranda of Understanding with Partner Organizations

(i) Ministry of Justice of the Republic of Uzbekistan

ROLI requested approval to enter into a Memorandum of Understanding (MOU) with the Ministry of Justice of the Republic of Uzbekistan. An MOU with the Ministry of Justice would enable ROLI to conduct technical assistance activities envisioned as part of programming in-country, such as facilitating trainings, developing course curricula, and providing technical expertise and support. An MOU would be necessary to formalize a relationship with the Ministry of Justice to ensure fruitful and timely cooperation on legal reform activities and would enable ROLI to operate in-country.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memorandum of Understanding (MOU) with the Ministry of Justice of the Republic of Uzbekistan, subject to review and approval of the MOU by the Office of the General Counsel, and a signed copy filed with the Policy and Planning Division.

(ii) Libya

ROLI’s Libya Office requested approval to enter into a Memorandum of Understanding (MOU) with the Libya Young Lawyers’ Association (YLA) to provide a framework for ongoing support to the YLA via training for their members on international human rights standards. This MOU will support the work of multiple ABA ROLI programs in Libya. The purpose of this MOU is purely to formalize the intent to cooperate moving forward, and the MOU does not commit ABA ROLI financially in any way.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the ABA Rule of Law Initiative to enter into a Memorandum of Understanding (MOU) with the Libya Young Lawyers’ Association, subject to review and approval of the MOU by the Office of the General Counsel, and a signed copy filed with the Policy and Planning Division.

4.6 Requests from ABA Fund for Justice and Education to Create Program Support Funds

a. Migrant Children and Family Initiative

The ABA Fund for Justice and Education (FJE) requested approval to create the Migrant Children and Family Initiative Program Support Fund. In addition, the FJE requested approval to seek outside funding for this work and, if deemed appropriate, the funds will be distributed to outside organizations to advance the objectives of the initiative.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the ABA Fund for Justice and Education to create the Migrant Children and Family Initiative Program Support Fund, to seek
outside funding for this work, and if deemed appropriate, to distribute funds to outside organizations to advance the objectives of the initiative.

b. Standing Committee on Gun Violence

The ABA Fund for Justice and Education (FJE) requested approval to establish a Program Support Fund for the Standing Committee on Gun Violence, and to seek outside funding for this work. This PSF will raise funds needed by the Standing Committee to serve as the focal point for activity within the ABA on issues related to gun violence – education, best practices, policy and prevention.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request of the ABA Fund for Justice and Education to establish a Program Support Fund for the Standing Committee on Gun Violence and to seek outside funding for this work.

4.7 Request for Continuation of the Veterans Legal Services Initiative

The Board is requested to approve the continuation of the Veterans Legal Services Initiative (Initiative) and its Program Support Fund through the next three fiscal years. Funding for the Initiative, including any staffing, if needed, will come from the existing FJE account and no general operations funds are requested.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the request to continue the Veterans Legal Services Initiative (Initiative) and its Program Support Fund through the next three fiscal years. Funding for the Initiative, including any staffing, if needed, will come from the existing FJE account and no general operations funds are requested.

MATTERS FOR INDEPENDENT JURISDICTION

4.15 Requests for Co-sponsorships

The Profession, Public Service and Diversity Committee approved co-sponsorships requested from the following entities. No additional ABA general revenue is requested or required for the co-sponsorships at this time.

a. Section of Antitrust Law:

i. to co-sponsor certain Section “Committee Programs” with specific outside entities in the 2018-2019 Association year.

ii. to co-sponsor with any ABA-accredited law school the Section’s presentation of “Why Antitrust/Why Consumer Protection Law?” program during the 2018-2019 ABA fiscal year.
b. **Section of Science & Technology Law:** to co-sponsor Section committee programs with certain outside entities.

c. **Public Education Division:** to co-sponsor the 2020 Women’s Vote Centennial Initiative by being listed as a coalition partner.

**FINANCE**

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

5.1 **Requests to Make Contributions to Outside Organizations**

a. **Section of Family Law**

The Section of Family Law (Section) requested approval to contribute up to $1,000 to Tucson’s Primavera Foundation, which promotes social and economic justice and provides pathways out of poverty through safe, affordable housing, workforce development, and neighborhood revitalization. The contribution will be made from Section funds as part of the community service component of the Section’s conference.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board approved the request of the Family Law Section (Section) to contribute up to $1,000 to Tucson’s Primavera Foundation, which promotes social and economic justice and provides pathways out of poverty through safe, affordable housing, workforce development, and neighborhood revitalization. The contribution will be made from Section funds as part of the community service component of the Section’s conference.

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

The Section of Environment, Energy, and Resources requested approval to make financial contributions to carbon offset providers from Section funds of up to $5,000 annually for fiscal years 2018-2019, 2019-2020 and 2020-2021.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Board approved the request of the Section of Environment, Energy, and Resources (Section) to make financial contributions to carbon offset providers from Section funds of up to $5,000 annually for fiscal years 2018-2019, 2019-2020 and 2020-2021.

5.2 **Request from ABA Fund for Justice and Education**

Create Endowment to Support the Legal Opportunity Scholarship Fund

The Board did not take action on the request of the ABA Fund for Justice and Education to create an endowment to support the Legal Opportunity Scholarship Fund. This item was withdrawn.
5.3 Request to Approve FY2019 Consolidated Budget

The Finance Committee requested the approval of the Consolidated FY2019 Budget of $203.9 million of revenue and $210.9 million of expense as follows:

- The General Operations Operating Budget as adjusted for an additional $50,000 of expenses which contemplates $89.2 million in revenue and $89.1 in expenses including reserve funding of 3.5% as the Board directed;
- The Section Budgets as presented which contemplates $53.4 million in revenue and $58.4 million in expenses, provided that any subsequent Section changes do not result in an aggregate increase or decrease in the Section’s operating budget of more than 10% of the aggregate Section Budget as approved and provided that each Section has net asset reserves available to fund any budgeted deficit;
- The Grants Budgets as presented which contemplates $58.0 million of revenue and $58.6 million of expenses;
- The Gifts Budgets as presented which contemplates $3.3 million of revenue and $4.9 million of expenses; and
- The Capital Budget as presented of $1.2 million which represents information technology costs.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board approved the Consolidated FY2019 Budget of $203.9 million of revenues and $210.9 million of expenses.

5.4 Reconstitution of A-E-F-C Pension Plan Administration Committee

The Board was requested to amend its action of June 22, 2018, reconstituting the A-E-F-C Pension Plan Administration Committee (Committee) effective at the conclusion of the 2018 Annual Meeting. The June 22, 2018, action reduced the nine-member Committee to five members (ABA Deputy Executive Director, ABA Chief Financial Officer, ABA Treasurer, volunteer member Kathryn Kennedy and one volunteer member appointed by the President-Elect), leaving the Committee with no voting members representing the three other participating employers (American Bar Endowment (ABE), American Bar Foundation (ABF) and National Judicial College (NJC)). Representatives of the ABE, ABF and NJC have respectfully requested that the Board of Governors amend its action of June 22, 2018, to provide each of them with a voting representative on the Committee.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board amended its action of June 22, 2018, to reconstitute the A-E-F-C Pension Plan Administration Committee effective at the conclusion of the 2018 Annual Meeting to include the following:

(1) ABA Treasurer;
(2) ABA Deputy Executive Director (or the functional equivalent);
(3) ABA Senior Associate Executive Director and Chief Financial Officer (or the functional equivalent);
(4) ABA Senior Associate Executive Director and Chief Governance Officer (or the functional equivalent);
(5) one individual nominated by the National Judicial College;
(6) one individual nominated by the American Bar Endowment;
(7) one individual nominated by the American Bar Foundation;
(8) two volunteer members nominated by the ABA President-Elect;

5.5 Request to Approve Policy Regarding General Revenue Funded Committee Meetings

Effective with the FY2019 budget, general operations funding for meetings will be capped at $8,600 annually. The amount is derived from Board of Governors’ expectations that in-person committee meetings should be conducted in conjunction with the Midyear and Annual Meetings. The dollar amount is based on an allocation of $5,700 for the Midyear Meeting and $2,900 for the Annual Meeting. Those calculations provide funding for seven (7) members with $400 airfare for the Midyear Meeting, $100 per diem for two days at each meeting and $1,500 for group functions for each meeting. Staff expenses for meetings will be provided separately. In order to foster a culture of diversity and inclusion, the policy also provides that effective September 1, 2018, the costs of disability accommodation services and tools will be budgeted and recorded centrally so that individual committees will not bear costs for including disabled participants. This policy does not apply to Section committees or programs, nor does it apply to Divisions that must operate within their assigned budgets.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board created a policy regarding general revenue funded committee meetings. This policy does not apply to Section committees or programs, designated general operations funded entities, nor does it apply to Divisions that must operate within their assigned budgets.

5.6 Grant Awards Modification Report (Board Acceptance)

The Financial Services Division requested that the Board review and accept the restricted grants totaling $7,183,929 awarded to the ABA Fund for Justice and Education and not previously reported.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board accepted the restricted grants totaling $7,183,929 awarded to the ABA Fund for Justice and Education and not previously reported.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,

Mary L. Smith
Secretary

Executive Director Jack L. Rives and the following Senior Managers participated: Alpha M. Brady, Amy Eggert, Jarisse Sanborn, James Dimos, and Bill Phelan.

President Carlson called the meeting to order and welcomed the members of the Board and Association staff.

1. **WELCOME FROM PRESIDENT ROBERT M. CARLSON**

President Carlson thanked the Board for participating in the video conference. He noted that the November Board of Governors meeting would be conducted via video conference call and appreciated the Board members’ patience while the challenges are resolved.

2. **ROLL CALL FROM MARY L. SMITH, ABA SECRETARY**

ABA Secretary Mary L. Smith called the roll and confirmed quorum.

3. **PRESENTATION FROM JACK L. RIVES, ABA EXECUTIVE DIRECTOR**

Executive Director Jack L. Rives advised the Board of the recently hired Chief Marketing Officer, Karen Alexander who brings a wealth of experience to the ABA. In addition, the ABA’s new website is scheduled to be live in the near future.

4. **DISCUSSION OF PRESIDENT ROBERT M. CARLSON’S FUTURE PLANS**

President Carlson stated that the purpose of the September 17th video conference call was to discuss the plans for this year and to receive the input of the members of the Board. Procedures for Board meetings this year will incorporate some of the recommendations made by last year’s Board Governance Committee. He encouraged all Board committees to discuss implementing the strategic plan that the Board adopted in August 2018.
5. CONSIDERATION OF THE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS APPEAL

The Standing Committee on Legal Aid and Indigent Defendants (SCLAID) submitted an appeal of the Finance Committee’s response to SCLAID’s June 12, 2018, request for additional FY 2019 member travel reimbursement funding to accommodate a third in-person committee meeting. The third meeting would be the Committee’s standing April meeting in Washington, D.C., which is annually held in conjunction with the Legal Services Corporation’s board meeting and ABA Day. Upon further discussion, and

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Board of Governors declined to approve the appeal by the Standing Committee on Legal Aid and Indigent Defendants for $2,000 for FY 2019 to support member travel reimbursement for a third in-person meeting.

There being no further business to come before the Board, the meeting was adjourned.

Respectfully submitted,

Mary L. Smith
Secretary
The Executive Committee (“Committee”) of the Board of Governors of the American Bar Association met at the Hyatt Regency Hotel in Chicago, Illinois on August 1, 2018, at 2:00 pm CT. President Hilarie Bass presided. Participating in the meeting were Michelle A. Behnke, Michael H. Byowitz, Robert M. Carlson, Deborah Enix-Ross, Ilene K. Gotts, Erica R. Grinde, A. Joshua Markus, Hon. Ramona G. See, Darcee S. Siegel, and Mary L. Smith.

Executive Director Jack L. Rives and the following management staff also participated in the meeting: Alpha M. Brady, Jarisse J. Sanborn, James Dimos, Rochelle Evans, and Janae LeFlore. Also in attendance for a portion of the meeting was Tracy A. Giles, Chair, Standing Committee on Membership.

President Bass welcomed everyone and encouraged everyone to attend the Sexual Harassment Program, Legal Services Corporation Concert, Rod Rosenstein presentation, and General Assembly, at which Bryan Stevenson will be awarded the ABA Medal.


   Executive Director Jack Rives provided the Committee with a status update on the FY 2019 budget appeals.

2. Standing Committee on the American Judicial System

   The Committee discussed the Standing Committee on the American Judicial System’s appeals, which were denied by the Finance Committee. As a compromise, the Finance Committee discussed recommending that the Standing Committee receive up to $50,000 to assist with its administrative costs. This offer was declined by the Committee chair, Hon. Herbert B. Dixon. Staffing for the Committee will be assumed by the Judicial Division.

3. Status Report Regarding the New Membership Model

   The Committee engaged in a discussion of the New Membership Model. President Bass remarked that the proposed bundle under the new membership model has been receiving positive remarks from the sections. Little or no opposition is expected from the Board of Governors or House of Delegates.
4. **Overview of Agendas of Board Committees**

   The Committee discussed the agendas of each of the Board Committees. The Finance Committee will discuss the reconstitution of the A-E-F-C Pension Committee. Based on the discussion held, this item will be removed from the consent calendar for discussion by the full Board.

5. **Additional Agenda Items**

   The Committee discussed the defalcation matter. In addition, Mr. Rives informed the Committee that a new Chief Marketing Officer will be hired shortly.

There being no further business to come before the Executive Committee, the meeting was adjourned.

Respectfully Submitted,

Mary L. Smith
Secretary
The Executive Committee of the Board of Governors of the American Bar Association met by conference call, Friday, September 7, 2018, at 10:00 am CT. President Robert M. Carlson presided. Participating on the conference call were Scott C. LaBarre, Judy Perry Martinez, Kevin L. Shepherd, and Darcee Siegel. Also participating on the conference call were Jack L. Rives, Alpha M. Brady and Annaliese Fleming.

1. Request from the Section of Civil Rights and Social Justice to File an Amicus Curiae Brief in *Timbs v. Indiana* in the Supreme Court of the United States

The Section of Civil Rights and Social Justice requested approval to file an amicus curiae brief in *Timbs v. Indiana* in the Supreme Court of the United States (“Court”). The issue before the Court is whether the Excessive Fines Clause of the Eighth Amendment is incorporated against the States under the Fourteenth Amendment. The proposed amicus curiae brief advocates that the Court, in deciding whether to incorporate the Excessive Fines Clause into the Fourteenth Amendment, consider 1) equal justice without regard to economic status is a fundamental right that is basic to a free society and lies at the core of the profession’s stewardship of the legal system; 2) the Excessive Fines Clause protects the fundamental right to equal justice by ensuring equity in the imposition of fines; and 3) excessive fines undermine equal justice by disproportionately burdening the poor and communities of color, raising equal protection and due process concerns. The position of the brief is supported by the ABA Guidelines on Court Fines and Fees, adopted by the ABA House of Delegates during the 2018 Annual Meeting.

The Standing Committee on Amicus Curiae Briefs (“Standing Committee”) has reviewed the draft amicus curiae brief and recommends its filing subject to review and approval of the final language of the brief by the Standing Committee and the Office of the General Counsel. The members of the Executive Committee requested clarification regarding some of the statements made in the proposed brief as well as made suggestions to strengthen position articulated in the brief. After further discussion and

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Executive Committee approved the filing of an amicus curiae brief in *Timbs v. Indiana* in the Supreme Court of the United States, subject to review and approval of the final language of the brief by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

2. Status Report regarding the Working Group on the 501c3 Entity

In response to a query, President Carlson reported that the Working Group on the 501c3 Entity had been appointed and Armando Gomez is serving as chair. The working group has been requested to provide a report regarding its work by the November 2018 meeting of the Board of Governors. President Carlson stated that he would circulate further information, including the members of the working group, to the Executive Committee.
There being no further business to come before the Executive Committee, the meeting was adjourned.

Respectfully Submitted,

Mary Smith
Secretary
The Executive Committee of the Board of Governors of the American Bar Association met by video conference, Wednesday, October 3, 2018, at 3:00 pm CT. President Robert M. Carlson presided. Participating in the video conference were William R. Bay, Michelle A. Behnke, Scott C. LaBarre, Judy Perry Martinez, Kevin L. Shepherd, Mary L. Smith, and Darcee S. Siegel. Also participating on the conference call were Jack L. Rives, Alpha M. Brady, Jarisse J. Sanborn, Amy Eggert, Annaliese Fleming, Janae E. LeFlore, and Jackie Casey.

1. **Request to amend the jurisdictional statement of the Commission on Homelessness and Poverty to create a fourth Special Advisor position.**

President Robert M. Carlson requested to amend the jurisdictional statement of the Commission on Homelessness and Poverty to allow Angela Vigil, immediate Past Chair of the Advisory Council on the Legal Rights of Homeless Youth Initiative and Partner and Executive Director of the Pro Bono Practice at Baker and McKenzie LLP, to serve as a fourth Special Advisor. Ms. Vigil’s participation will support the continuation of the project on legal rights of homeless youth for which the Committee assumed responsibility.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Executive Committee approved the request to amend the jurisdictional statement of the Commission on Homelessness and Poverty to add for one year, a special advisor to allow for continuity of the project on legal rights of homeless youth.

2. **Request for Contingent Approval for Filing of Proposed ABA Amicus Brief in In re Humprey (California Supreme Court).**

The Standing Committee on Legal Aid and Indigent Defendants requested approval to file an amicus curiae brief in *In re Humprey* in the California Supreme Court ("Court"). The questions presented by the case are: (1) Did the Court of Appeals err in holding that principles of constitutional due process and equal protection require consideration of a criminal defendant's ability to pay in setting or reviewing the amount of monetary bail?; (2) In setting the amount of monetary bail, may a trial court consider public and victim safety? Must it do so?; and (3) Under what circumstances does the California Constitution permit bail to be denied in noncapital cases?

The proposed brief addresses only the first question presented, and invites the Court to consider the ABA Standards in setting the constitutional floor for the new bail system in California. The brief discusses the following points:

a. The ABA has promulgated the most influential policy and standards regarding money bail in the United States, its Pretrial Release Standards, which include the following provisions:

   - Section 10-1.4(a) requires a presumption that misdemeanor criminal defendants will be released on their own recognizance.
   - Section 10-1.4(e) prohibits jail-or-pay schemes that fail to account for an individual's ability to pay.
• Section 10-5.3(a) reinforces the requirement of accounting for an individual's ability to pay and makes secured money bond a last resort when setting pretrial conditions.

b. The ABA Standards memorialize the constitutional parameters of pretrial detention systems.

c. Money bail does not accomplish the public safety goals as well as supervised release, and harms criminal defendants, further compounding issues related to poverty.

The Standing Committee on Amicus Curiae Briefs (“Standing Committee”) has reviewed the draft brief and recommends approval for filing, subject to approval of the final language by the Standing Committee and the Office of the General Counsel.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Executive Committee approved the filing of an amicus curiae brief in In re Humphrey in the California Supreme Court, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

3. Request to purchase a table for the 30th Anniversary of the ABF Montgomery Summer Diversity Fellowship Dinner

The Commission on Women in the Profession and the Commission on Racial and Ethnic Diversity requested approval to purchase a table at the 30th Anniversary American Bar Foundation Montgomery Summer Diversity Fellowship Dinner. The purchase price of the table is $3000 and will be funded by contributions from each Commission’s respective Program Support funds.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Executive Committee approved the request of the commissions on Women in the Profession and Racial/Ethnic Diversity in the Profession to purchase a table with their program support funds for the American Bar Foundation Montgomery Summer Diversity Fellowship Dinner to be held October 25, 2018.

4. Request to approve the creation of the Frank E. A. Sander Innovation Award in Alternative Dispute Resolution and to create an Endowment Fund

The ABA Center for Innovation and the ABA Section on Dispute Resolution requested approval to create the Frank E.A. Sander Innovation in ADR Award. The Award is intended to recognize individuals furthering Mr. Sander’s vision for the advancement of teaching, scholarship, and practice in the field of alternative dispute resolution. Staff of the two co-sponsoring ABA entities will collaborate with a member of the Sander family to develop the criteria and selection process for the Award, and will be responsible for all planning in conjunction with: publicizing of the Award, soliciting nominations, evaluating nominees’ application materials, selecting the annual award recipient, announcing the prize to the public, and implementing the award reception event.

In addition, the Council of the ABA fund for Justice and Education (the “Council”) requested approval to create the Frank E.A. Sander Innovation in Alternative Dispute Resolution (ADR) Endowment Fund to support the Frank E.A. Sander Innovation in ADR Award (the Award). Beginning in August 2020, investment revenue generated by the Endowment Fund and other temporarily restricted donations, will
support one (1) $5,000 award annually along with the Award’s related costs. The request was presented to the Executive Committee to permit the family to announce the award and endowment during the memorial service for Mr. Sander scheduled for the week of October 8, 2018.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Executive Committee approved the request to create the Frank E.A. Sander Innovation Award in Alternative Dispute Resolution and to create an endowment fund supported by the family of Mr. Sander.

There being no further business to come before the Executive Committee, the meeting was adjourned.

Respectfully Submitted,

Mary L. Smith
Secretary
The Executive Committee of the Board of Governors of the American Bar Association met by video conference, Tuesday, October 23, 2018, at 3:00 pm CT. President Robert M. Carlson presided. Participating in the video conference were William R. Bay, Michelle A. Behnke, Judy Perry Martinez, Kevin L. Shepherd, Mary L. Smith, and Darcee S. Siegel. Also participating on the conference call were Jack L. Rives, Alpha M. Brady, Carri L. Kerber, Annaliese Fleming, and Janae E. LeFiore.

1. Request for Contingent Approval for Filing of Proposed ABA Amicus Brief in Moore v. Texas II in the Supreme Court of the United States.

The Death Penalty Representation Project and the Section on Civil Rights and Social Justice requested approval to file an amicus curiae brief in Moore v. Texas II in the Supreme Court of the United States (“Court”). The questions presented by the case are: (1) Whether the Texas Court of Criminal Appeals’ reliance on lay stereotypes in assessing intellectual disability conflicts with this Court’s unanimous holding in Moore v. Texas, 137 S. Ct. 1039 (2017) that application of the nonclinical Briseno factors violates the Eighth Amendment; and 2) Whether relying on nonclinical factors to reject a claim that a prisoner is intellectually disabled and may not be executed violates the Eighth Amendment by disregarding current medical standards.

The Standing Committee on Amicus Curiae Briefs (“Standing Committee”) has reviewed the draft brief and recommends approval for filing, subject to approval of the final language by the Standing Committee and the Office of the General Counsel. The members of the Executive Committee made suggested edits to the brief. After further discussion and

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Executive Committee approved the filing of an amicus curiae brief in Moore v. Texas II in the U.S. Supreme Court subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel. *

2. Public Service Loan Forgiveness

President Carlson informed the Executive Committee that the working group on Public Service Loan Forgiveness plans to have a report re its work shortly. He will circulate the report to the Executive Committee once he receives it. An updated report should be available by the November 2018 Board Meeting.

There being no further business to come before the Executive Committee, the meeting was adjourned.

Respectfully Submitted,

Mary L. Smith
Secretary

*Chair of the House of Delegates William R. Bay abstained from voting.
EXHIBIT 1.5c

AMERICAN BAR ASSOCIATION

REPORT OF THE SECRETARY
ON THE EXERCISE OF BLANKET AUTHORITY

Since the last report to the Board of Governors at the Annual Meeting in Chicago, Illinois, the Secretary has received a total of fifteen (15) requests for blanket authority. Two (2) requests were regular and thirteen (13) requested expedited procedures. The requests are set forth below in date order of submission.

1) **Expedited**
   
   **Section of Intellectual Property Law – July 9, 2018**
   
   The Section requested expedited blanket authority to submit comments to the United States Patent and Trademark Office on principles of patent subject matter eligibility.
   
   Since no objections were raised, the Section of Intellectual Property Law was authorized to submit the comments.

2) **Expedited**
   
   **Section of Antitrust Law**
   
   **Section of International Law – July 18, 2018**
   
   The Sections requested expedited blanket authority to submit joint comments to the Instituto Nacional de Defensa da la Competencia y de la Proteccion de la Propiedad Intelectual regarding Peru’s draft Legislative Recommendations to Promote Competition in Public Procurement.
   
   Since no objections were raised, the Sections of Antitrust Law and International Law were authorized to submit the comments.

3) **Expedited**
   
   **Section of Antitrust Law**
   
   **Section of International Law – July 25, 2018**
   
   The Sections requested expedited blanket authority to submit joint comments to the United Kingdom’s regarding its Draft Guidance Documents on the Competition Markets and Authority’s Investigation Procedures in Competition Act 1998 Cases.
   
   Since no objections were raised, the Sections of Antitrust Law and International Law were authorized to submit the comments.
4) **Expedited**  
Section of Antitrust Law  
Section of Intellectual Property Law – August 15, 2018

The Sections requested expedited blanket authority to submit comments to the Federal Trade Commission in advance of the its Hearings on Competition and Consumer Protection in the 21st Century, Project Number P181201.

Since no objections were raised, the Sections of Antitrust Law and Intellectual Property Law were authorized to submit the comments.

5) **Expedited**  
Section of Antitrust Law  
Section of International Law – August 16, 2018

The Sections requested expedited blanket authority to submit joint comments to Argentina’s on its Draft Leniency Regulation.

Since no objections were raised, the Sections of Antitrust Law and International Law were authorized to submit the comments.

6) **Expedited**  
Section of Intellectual Property Law – August 30, 2018

The Section requested expedited blanket authority to submit comments to the United States Patent and Trademark Office on the proposed patent fee schedule.

Since no objections were raised, the Section of Intellectual Property Law was authorized to submit the comments.

7) **Expedited**  
Section of Antitrust Law – September 5, 2018

The Section requested expedited blanket authority to submit comments to the Parliament of the Republic of South Africa on its Competition Amendment Bill, 2018.

Since no objections were raised, the Section of Antitrust Law was authorized to submit the comments.
8) **Section of Antitrust Law – September 13, 2018**

The Section requested blanket authority to submit comments to the Malta Competition and Consumer Affairs Authority on its Competition Bill.

Since no objections were raised, the Section of Antitrust Law was authorized to submit the comments.

9) **Section of Intellectual Property Law – September 19, 2018**

The Section requested blanket authority to submit comments to the American Law Institute on Restatement of the Law, Copyright.

Since no objections were raised, the Section of Intellectual Property Law was authorized to submit the comments.

10) **Expedited**
**Section of Intellectual Property Law – September 19, 2018**

The Section requested expedited blanket authority to submit comments to the United State Patent and Trademark Office on its Draft 2018-2022 Strategic Plan.

Since no objections were raised, the Section of Intellectual Property Law was authorized to submit the comments.

11) **Expedited**
**Section of Health Law – September 24, 2018**

The Section requested expedited blanket authority to submit comments to the Department of Health and Human Services regarding proposed rule: Medicare Program; Request for Information Regarding the Physician Self-Referral Law.

Since no objections were raised, the Section of Health Law was authorized to submit the comments.

12) **Expedited**
**Section of Antitrust Law**
**Section of International Law – September 25, 2018**

The Sections requested expedited blanket authority to submit comments to the European Commission’s on its Proposed Guidelines on Cartel Overcharges.

Since no objections were raised, the Sections of Antitrust Law and International Law were authorized to submit the comments.
13) **Expedited**  
**Section of Antitrust Law**  
**Section of International Law – September 26, 2018**

The Sections requested expedited blanket authority to submit joint comments to the European Commission on the Reform of French Merger Law and Ex-Post Control.

Since no objections were raised, the Sections of Antitrust Law and International Law were authorized to submit the comments.

14) **Expedited**  
**Section of Antitrust Law – September 28, 2018**

The Section requested expedited blanket authority to submit comments to Australian Competition and Consumer Commission on its Immunity and Cooperation Policy for Cartel Conduct.

Since no objections were raised, the Section of Antitrust Law was authorized to submit the comments.

15) **Expedited**  
**Section of Antitrust Law**  
**Section of International Law – October 1, 2018**

The Sections requested expedited blanket authority to submit joint comments to the Korea Fair Trade Commission on its Proposed Amendments to the Monopoly Regulation and Fair Trade Law.

Since no objections were raised, the Sections of Antitrust Law and International Law were authorized to submit the comments.

Respectfully submitted,

Mary L. Smith, Secretary

October 2018

The following Board nominees were in attendance: William R. Bay, Hon. Frank J. Bailey, David Wright Clark, Andrew J. Demetriou, Charles E. English, Jr., H. Russell Frisby, Jr., Rew R. Goodenow, Sheena R. Hamilton, Susan M. Holden, Judy Perry Martinez, Lynn Fontaine Newsome, Howard T. Wall III, and Michele Wong Krause.

Executive Director Jack L. Rives and the following management staff also attended: Martin D. Balogh, Alpha M. Brady, Holly Cook, James Dimos, Amy Eggert, Rochelle Evans, Michael Kreisberg, Janae LeFlore, William K. Phelan, Jarisse J. Sanborn, Carol Stevens, and Thomas M. Susman.

President Bass called the meeting to order and welcomed the members of the Board, Board Nominees, and Association staff.

MINUTES OF PREVIOUS MEETING

The ABA Secretary Mary L. Smith, presented the minutes of the June 22, 2018 meeting of the FJE Board.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The minutes of the June 22, 2018, meeting of the FJE Board were approved as presented.
FINAL ACCEPTANCE OF GRANT AWARDS

The Association’s Financial Services office requested that the FJE Board review and note the acceptance of the American Bar Association Fund for Justice and Education (ABA/FJE) restricted grants and contributions received or awarded through June 30, 2018, and not previously reported. These grants and contributions are presented under Exhibit 1.5g (ii) of the August 2018 agenda books of the Board.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The grants and contributions for ABA/FJE, totaling $7,183,929 and received through June 30, 2018, as presented under Exhibit 1.5g (ii) of the August 2018 agenda books of the Board were accepted for the purpose indicated.

There being no further business to come before the FJE Board, the meeting was adjourned.

Respectfully Submitted,

Mary L. Smith,  
Secretary
MEMORANDUM

To: Board of Governors of the American Bar Association
   Fund for Justice and Education

From: William K. Phelan

Subject: New Grant Awards/Modifications Report

Date: October 18, 2018

Financial Services kindly requests that the Board of Governors of the American Bar Association Fund for Justice and Education review and note the acceptance of the restricted grants listed on the attached report. These grants, totaling $38,961,055 and not previously reported to the Board, were awarded through September 30, 2018.

Should you have any questions or need further information, my staff and I are available to assist.

cc: Jack L. Rives
# ABA Fund for Justice and Education

## New Awards / Modifications

**Period:** July 1, 2018 - September 30, 2018

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<th>End date</th>
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<td>U.S. Department of State</td>
<td>Pakistan Strengthening Countering Terrorist Financing Approaches</td>
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<td>Colombia Building Better Justice: Strengthening Judicial Training</td>
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<td>International Legal Assistance Consortium</td>
<td>Tunisia ILAC Capacity Building in Interactive Teaching Methodologies</td>
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<td>Texas Access to Justice Foundation</td>
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<tr>
<td>State Department</td>
<td>Tunisia Combating Gender-Based Violence</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>12/1/2018</td>
<td>5/31/2020</td>
<td>FULL NICRA</td>
<td>$823,354</td>
<td>$79,865</td>
<td>$96,781</td>
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<tr>
<td>State Department</td>
<td>Russia STEP 1 Support Civil Society's Efforts to Combat Corruption and Transnational Crime</td>
<td>$753,370</td>
<td>$753,370</td>
<td>1/1/2019</td>
<td>12/31/2020</td>
<td>FULL NICRA</td>
<td>$595,164</td>
<td>$54,838</td>
<td>$103,368</td>
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New Awards (with a start date after September 30, 2018):

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<th>Grantor</th>
<th>Project Title</th>
<th>Amount</th>
<th>Amount</th>
<th>Start Date</th>
<th>End Date</th>
<th>NICRA Cost Rate</th>
<th>Cost</th>
<th>Overhead Cost</th>
<th>NICRA Cost Domestic</th>
<th>Entity</th>
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</thead>
<tbody>
<tr>
<td>State Department</td>
<td>Tunisia Combating Gender-Based Violence</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>12/1/2018</td>
<td>5/31/2020</td>
<td>FULL NICRA</td>
<td>$823,354</td>
<td>$79,865</td>
<td>$96,781</td>
<td>ROLI - Rule of Law Initiative - Middle East and North Africa</td>
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<tr>
<td>State Department</td>
<td>Russia STEP 1 Support Civil Society's Efforts to Combat Corruption and Transnational Crime</td>
<td>$753,370</td>
<td>$753,370</td>
<td>1/1/2019</td>
<td>12/31/2020</td>
<td>FULL NICRA</td>
<td>$595,164</td>
<td>$54,838</td>
<td>$103,368</td>
<td>ROLI - Rule of Law Initiative - Europe and Eurasia</td>
</tr>
</tbody>
</table>

Notes:
- **FULL NICRA** indicates full NICRA funding.
- **ROLI** indicates funding by the Rule of Law Initiative.
- **Domestic** indicates funding for domestic projects.
- **International** indicates funding for international projects.
### ABA Fund for Justice and Education
### New Awards / Modifications
### Period: July 1, 2018 - September 30, 2018

<table>
<thead>
<tr>
<th>Grantor</th>
<th>Project Title</th>
<th>Amount</th>
<th>Amount</th>
<th>Start Date</th>
<th>End date</th>
<th>NICRA Cost Rate</th>
<th>Cost</th>
<th>Overhead Cost</th>
<th>NICRA Cost</th>
<th>Domestic</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Department</td>
<td>Russia STEP 2 Strategic Training and Education Program</td>
<td>$746,628</td>
<td>$746,628</td>
<td>1/1/2019</td>
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<td>$587,808</td>
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**Subtotal New Awards**

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<th>Obligated</th>
<th>Period</th>
<th>Indirect</th>
<th>Direct</th>
<th>Direct Labor</th>
<th>G &amp; A</th>
<th>ROLI / Entity</th>
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</thead>
<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Grantor</th>
<th>Project Title</th>
<th>Amount</th>
<th>Amount</th>
<th>Start Date</th>
<th>End date</th>
<th>NICRA Cost Rate</th>
<th>Cost</th>
<th>Overhead Cost</th>
<th>NICRA Cost</th>
<th>Domestic</th>
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<tbody>
<tr>
<td>U.S. Department of State</td>
<td>CAR Strengthening the Justice Sector and Combating Impunity</td>
<td>$1,700,000</td>
<td>$1,700,000</td>
<td>7/1/2018</td>
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<td>FULL NICRA</td>
<td>$1,262,377</td>
<td>$201,667</td>
<td>$235,956</td>
<td>ROLI</td>
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</table>

**Total award modification:**

| $1,700,000 |

**Total estimated award:**

| $2,526,607 |

**Total awarded to date:**

| $2,526,607 |

<table>
<thead>
<tr>
<th>Grantor</th>
<th>Project Title</th>
<th>Amount</th>
<th>Amount</th>
<th>Start Date</th>
<th>End date</th>
<th>NICRA Cost Rate</th>
<th>Cost</th>
<th>Overhead Cost</th>
<th>NICRA Cost</th>
<th>Domestic</th>
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</thead>
<tbody>
<tr>
<td>U.S. Department of State</td>
<td>Thailand Combatting Corruption in the Asia-Pacific Region</td>
<td>$300,000</td>
<td>$300,000</td>
<td>9/30/2016</td>
<td>6/30/2020</td>
<td>FULL NICRA</td>
<td>$232,254</td>
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</table>

**Total award modification:**

| $300,000 |

**Total estimated award:**

| $1,200,000 |

**Total awarded to date:**

| $1,200,000 |

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<tr>
<th>Grantor</th>
<th>Project Title</th>
<th>Amount</th>
<th>Amount</th>
<th>Start Date</th>
<th>End date</th>
<th>NICRA Cost Rate</th>
<th>Cost</th>
<th>Overhead Cost</th>
<th>NICRA Cost</th>
<th>Domestic</th>
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<tbody>
<tr>
<td>U.S. Department of State</td>
<td>Peru Justice Sector Support Project</td>
<td>$1,050,000</td>
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<td>8/1/2016</td>
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**Total award modification:**

| $1,050,000 |

**Total estimated award:**

| $3,050,000 |

**Total awarded to date:**

| $3,050,000 |
## New Awards / Modifications

**Period:** July 1, 2018 - September 30, 2018

<table>
<thead>
<tr>
<th>Grantor</th>
<th>Project Title</th>
<th>Amount</th>
<th>Amount</th>
<th>Start Date</th>
<th>End Date</th>
<th>NICRA Cost</th>
<th>Cost</th>
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<tbody>
<tr>
<td>U.S. Department of State</td>
<td>Global Programming Consortium to Advance the Status of Women and Girls</td>
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<td>$4,445,000</td>
<td>10/1/2017</td>
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<td>U.S. Department of State</td>
<td>Strengthening Libyan Justice Sector Capacity to Apply International Human Rights</td>
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<td>U.S. Department of State</td>
<td>Justice Defenders Mobilizing the Legal Community to Enable and Protect Civil Society</td>
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## ABA Fund for Justice and Education

### New Awards / Modifications

**Period:** July 1, 2018 - September 30, 2018

<table>
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<th>Grantor</th>
<th>Project Title</th>
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<th>Amount</th>
<th>Start Date</th>
<th>End Date</th>
<th>NICRA Cost Rate</th>
<th>Cost</th>
<th>Overhead Cost</th>
<th>NICRA Cost</th>
<th>Domestic</th>
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<tr>
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<td>Capacity Building Center for Courts</td>
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<td>U.S. Agency for International Development / IMA World Health</td>
<td>DRC Counter Gender Based Violence Based Violence Activity</td>
<td>$90,188</td>
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# ABA Fund for Justice and Education

**New Awards / Modifications**

**Period:** July 1, 2018 - September 30, 2018

<table>
<thead>
<tr>
<th>Grantor Project Title</th>
<th>Amount</th>
<th>Start Date</th>
<th>End Date</th>
<th>NICRA Cost Rate</th>
<th>Cost</th>
<th>Overhead Cost</th>
<th>NICRA Cost</th>
<th>Domestic</th>
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<td>U.S. Department of Justice / Vera Institute of Justice Vera ProBar LOP Project</td>
<td>$40,368</td>
<td>9/1/2015</td>
<td>9/15/2019</td>
<td>FULL NICRA</td>
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<td>Legal Aid Society</td>
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<td>Legal Aid Society Project</td>
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<td>7/1/2016</td>
<td>6/30/2019</td>
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<td>$37,139</td>
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<td>$120,000</td>
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**Subtotal Modifications** $11,681,279 $11,681,278 **$9,422,572** $1,016,274 $1,242,433

**SUMMARY:**

<table>
<thead>
<tr>
<th></th>
<th>Grand Total Awards July 1 - Sept 30, 2018</th>
<th>Domestic Grants Total</th>
<th>International (ROLI) Total</th>
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<tr>
<td></td>
<td>Budgeted</td>
<td>$38,961,055</td>
<td>Full NICRA</td>
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<td>Obligated</td>
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<td>Partial NICRA</td>
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<td>Period</td>
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<td>NICRA Variance From the Full Rate/Delta for domestic</td>
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<td>Direct Labor</td>
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<td>G &amp; A</td>
<td>NICRA Variance From the Full Rate/Delta for ROLI</td>
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<td>Overhead Cost</td>
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<td>NICRA Cost</td>
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<tr>
<td></td>
<td>Domestic</td>
<td>$15,304</td>
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**Notes:**

* NICRA - Approved indirect cost rate in the Negotiated Indirect Cost Rate Agreement
** Received it after July 1, 2018
Treasurer's Report

Michelle A. Behnke
REPORT OF THE EXECUTIVE DIRECTOR
TO THE
BOARD OF GOVERNORS
(Submitted October 11, 2018)

Introduction

At our 2018 Annual Meeting in Chicago, the Board of Governors and House of Delegates took historically significant steps and overwhelmingly approved a new membership model for our Association. Those actions culminated efforts that began more than two years ago, as the ABA’s staff and volunteer leaders, aided by prominent outside marketing experts, constructed a proposal designed to help us recruit and retain dues-paying members and to reverse assorted negative growth challenges.

The new model features streamlined, sensible dues rates along with enhanced benefits to help members be more successful lawyers. It will include a robust online CLE library, curated content geared to individual’s interests and areas of practice, and greater access to exclusive ABA resources and articles.

The development of the new model involved a tremendous amount of research and discussion. Guided by our new framework, we are now in the midst of the “hard part.” Intense work is underway to enable implementation of the model in Fiscal Year 2020. That effectively means we must be ready by early spring 2019.

On August 7, 2018, right after the House of Delegates adjourned, we set up a core team of 17 staff members to meet weekly and oversee the details that will lead to implementation of the new model. I appointed our Deputy Executive Director, Jim Dimos, to lead the efforts. The primary goal of the group is to have all critical aspects of the model in place so we can launch it on May 1, 2019 (as we begin to send dues statements for FY 2020). The group will then turn to ensuring non-critical features of the model are in place by September 1, 2019.

To make certain the new model is executed in a timely and efficient manner, the implementation group has been organized into four principle workstreams that operate in tandem and close collaboration. The areas are: Membership Operations; Content; Marketing Operations; and Go-To-Market Strategy. More than 20 smaller groups have also been
established. They will work the details on aspects of the new model that have already been determined, such as anniversary billing, finalization of membership rates/benefits/types, and the paywall for the website.

Further assistance will be provided by our member leaders, including those serving with the Standing Committee on Membership and the Section Officers Conference. The team will also rely on outside technology and marketing advisors.

We are also bringing on new staff to provide expertise as we move forward with the new model. Karen Alexander is hard at work as our Chief Marketing Officer (CMO). Karen has exceptional marketing experience. She came to us from the Muscular Dystrophy Association (MDA), where she served as Executive Vice President and Chief Revenue Officer. At the MDA, Karen oversaw all revenue-generating activities for the organization, managed an annual budget of $40 million, and directed a nationwide team of 375 marketing professionals. As our CMO, she will lead efforts to promote the ABA’s programs and services effectively, and to communicate our value with America’s lawyers.

Karen played an important role sorting through the RFP process to choose an outside marketing firm. We’ve just concluded contract negotiations with Finn Partners, and they will perform critical services to help us showcase our new offerings and the enhanced value of membership. The Board will be hearing much more from Finn Partners in upcoming meetings.

We’ve begun interviews for the new position of Director, Center of Member Operations, position. The Director will oversee business and operational aspects of our membership activities. Responsibilities will focus on adding new dues-paying attorney members, increasing renewal rates, and reducing churn.

To improve articulation of our value proposition across our digital communications channels, we recently hired a new Director of Digital Content, Jim Walsh. Jim comes to the ABA from Atlantic 57, The Atlantic magazine’s creative and consulting division, where he served as the Editorial Director. In that capacity, he developed integrated content strategies and organizational growth plans from a journalistic perspective. He previously was News Editor at the Chicago Tribune’s Red Eye publication. In his new position at the ABA, Jim will be responsible for building a content team that will deliver a compelling, personalized digital experience for our members.

Membership

Our preliminary FY 2018 membership numbers contain both positive and negative news for the Association. Our membership stood at 411,490, just 0.2 percent lower than the 412,499 members at the end of FY 2017. Law students continued to be a key part of our membership growth. In FY 2018 law student membership increased to a record 112,201. While this development was encouraging, our lawyer memberships decreased by 4 percent in FY 2018 to 283,825.
Our overall market share is also a cause for concern, and a sign we must enact a new membership model to gain and retain new members. While the overall lawyer population has grown from 1.1 million in FY 2009 to 1.3 million in FY 2018, our market share has dropped from 29.4 percent to 21.2 percent during that same time period.

We clearly must enhance our recruitment and retention efforts and results. In FY 2017, the ABA had 194,448 dues-paying attorney members; at the end of FY 2018 that decreased 4 percent to 186,563. This of course impacts our dues revenue, which declined by 2.3 percent to about $55 million in FY 2017, down from $56.6 million collected the previous year.

As of September 21, Full Firm membership stood at 24,987 members, a decrease of 2.6 percent from the same time last year. In more positive news, FY 2019 Full Firm dues revenue was $3,329,348 as of that date, up 10.2 percent from the same time last year. Overall Group membership is at 68,582 members, down 3.8 percent from the same period in FY 2018. FY 2019 group dues revenue is at $13,720,705, an increase of 3.7 percent from this time last year.

The ABA’s involvement with the recent Supreme Court nomination of Judge Brett Kavanaugh attracted much attention from our members and others across America. The August 31 “well qualified” rating by the Standing Committee on the Federal Judiciary (SCFJ) led to many calls, emails, and social media comments directed at the ABA, and that continued following a September 27 letter from ABA President Bob Carlson along with letters on September 28 and October 5 by SCFJ Chair Paul Moxley. The ABA’s actions also generated substantial interest on social media. For example, between September 27 and 30 alone, on Twitter we received 19,096 “engagements” (which includes likes and retweets), and the ABA’s account gained 4,756 new followers. During that same period on Facebook, we received 1,335 comments and gained 914 new followers.

**Governmental Affairs Office (GAO)**

On September 7, SCFJ Chair Moxley and John R. Tarpley, the SCFJ’s principal evaluator for the Supreme Court nomination of Judge Kavanaugh, testified before the Senate Judiciary Committee. Chair Moxley’s statement highlights the evaluation process and the Standing Committee’s evaluation of Judge Kavanaugh’s professional qualifications.

On September 27, ABA President Carlson sent a letter to the Chairman and Ranking Member of the Senate Judiciary Committee urging the Committee (and, as appropriate, the full Senate) to conduct a confirmation vote on Judge Kavanaugh’s nomination to the Supreme Court only after an appropriate background check into the allegations made by Professor Christine Blasey Ford and others was completed by the Federal Bureau of Investigation.

On September 28, Chair Moxley sent a letter to the Chairman and Ranking Member of the Senate Judiciary Committee stating that the Standing Committee acts independently of the rest of the ABA and its rating is not affected by President Carlson’s September 27 letter.
On October 5, Chair Moxley sent a follow-up letter to the leaders of the Senate Judiciary Committee stating that “new information of a material nature regarding temperament during the September 27 hearing before the Senate Judiciary Committee has prompted a reopening of the Standing Committee’s evaluation…. [The] original report must be read in conjunction with the foregoing. [The] original rating stands.” That action was mooted when the Senate confirmed Judge Kavanaugh to serve on the Supreme Court.

On September 26, U.S. District Court for the District of Columbia Judge Timothy Kelly heard motions for summary judgment and for preliminary injunction in the lawsuit filed by the ABA over the U.S. Department of Education’s (ED) regulations regarding the Public Service Loan Forgiveness (PSLF) program. The judge’s questioning focused on whether ED’s actions amounted to final agency action under the two-pronged Bennett v. Spear test established for the Administrative Procedure Act. The judge recognized that the U.S. Supreme Court has directed consideration of the practical implications of agency actions and consequent hardships on plaintiffs. The government argued that any hardships on plaintiffs were the result of contractor mistakes in preliminary certifications of annual qualification determinations for PSLF eligibility and they did not amount to final agency actions. Chong Park, attorney for the law firm Ropes & Gray handling the case pro bono for the ABA, maintained that ED’s actions bore the hallmarks of final agency action.

On September 4, the Section of Intellectual Property Law filed a brief with the U.S. Supreme Court in the Fourth Estate Public Benefit Corporation v. Wall-Street.com copyright law case, arguing that copyright owners are entitled to seek recourse against infringers in court after sending in their copyright application into the Copyright Office and do not have to wait until the Copyright Office acts upon that application.

On September 8, the American Civil Trial Bar Roundtable met in Washington, D.C. The Roundtable brings together representatives of the most significant law or bar-related organizations and trial practitioners representing diverse viewpoints in the civil trial bar to gain their expert assessment of the state of the civil trial system and make recommendations for improvements. President Carlson gave a report to the group highlighting the ABA’s efforts to train new attorneys. He also introduced a resolution calling for measures to preserve and enhance the independence of administrative law judges. GAO provided a legislative update to the members of the roundtable.

On August 7, the ABA submitted comments to the United States Sentencing Commission regarding its proposed priorities for the amendment cycle ending May 1, 2019. The ABA supports the Commission’s proposals to address mandatory minimum sentences and compassionate release. The Commission approved those priorities in its list of final 2018-2019 priorities on August 23, and the list was published in the August 28 Federal Register.

On August 4, GAO briefed the Council of the ABA Dispute Resolution Section on the status of all significant alternative dispute resolution (ADR) proposals being considered by Congress and various federal agencies, including numerous bills and proposed regulations involving arbitration, mediation, consent decrees, and federal agency ombudsmen. GAO’s
Federal Legislative Update Memorandum covering these ADR proposals and GAO’s updated Summary of the ABA’s ADR Policies are both available on the Section’s website.

Media Relations and Strategic Communications (MR)

After ABA President Carlson sent the letter to leaders of the Senate Judiciary Committee, urging delay to the confirmation vote of Supreme Court nominee Brett Kavanaugh until an FBI investigation into misconduct allegations could be conducted, MR distributed a link to the letter in a September 28 news release. MR has managed more than 200 calls from media outlets inquiring about the letter – from broadcast outlets such as CNN, Fox News, CBS, ABC, NBC, NPR, and others; major dailies including USA Today, Washington Post, New York Times, Guardian, and Chicago Tribune; and specialty news outlets such as the Huffington Post, Jezebel, New York Magazine, Politico, Daily Beast, U.S. News and World Report. As reported by the Associated Press, President Carlson emphasized the need for due process: “Each appointment to our nation’s highest court [as with all others] is simply too important to rush to a vote,” he explained.

As recent studies confirm high rates of substance abuse and mental health issues among U.S. attorneys, the ABA launched a campaign asking law firms to take a pledge to improve the well-being of lawyers, as announced in a MR-issued news release on September 10. Several business and legal publications reported on the new campaign, which is being supported by at least nine major law firms. Coverage of the pledge appeared in the National Law Journal, Law360, Legal Intelligencer, Global Legal Post, Los Angeles Daily Journal, Philadelphia Business Journal, and others. “Many lawyers have struggled with alcohol, other substance-use or mental health disorders, and many more of us have watched friends wrestle with them,” President Carlson said in Above the Law. “This pledge campaign will give these issues the attention they deserve by raising awareness throughout the profession and making help available to lawyers in need.”

When Hurricane Florence threatened extensive damage to the Carolinas, MR worked with the Young Lawyers Division (YLD), the Office of the President, and other ABA entities to develop a September 13 news release that shared the Association’s preparation of legal resources to aid in the aftermath, as reported by North Carolina Lawyers Weekly and other publications.

As soon as FEMA and the YLD’s Disaster Legal Services Program established legal hotlines for storm survivors, MR issued follow-up news releases for North Carolina (September 20) and South Carolina (September 26) with details on accessing legal assistance, generating coverage from South Carolina Lawyers Weekly, Virginia Lawyers Weekly, and ABC-TV, among others. On September 12, MR also distributed a nationwide news release that offered reporters available ABA experts to discuss the legal aspects of damage from Florence.

MR continues to keep a targeted group of reporters abreast of the ABA’s ongoing lawsuit against the U.S. Department of Education over eligibility for the department’s PSLF program. Regular one-on-one outreach has so far generated stories this month in The Washington Post, Slate, Texas Lawyer, and Daily Record, while also laying groundwork on future coverage with outlets such as the New York Times, CNBC, and the National Law Journal.
Three new major MR-led projects designed to proactively strengthen the ABA brand and address top Association priorities continue to move forward. MR is working with the Fund for Justice and Education (FJE) to identify and apply for appropriate grant funding for the projects.

The first is a Profile of the Legal Profession, which will showcase statistics on the legal profession that will include such diverse topics as pro bono work, salaries, diversity, legal education, well-being, and discipline. An internal team has identified and narrowed the topics and data sources and MR is on track to debut the report at the 2019 Annual Meeting in August.

A second project will measure civics knowledge among U.S. residents through a national survey. An MR work group has partnered with the ABA Division for Public Education to develop survey questions. The group is currently working with FJE to identify and apply for grant funding.

A third project seeks to measure access to justice in the United States. Drawn from existing data on factors impeding access to justice, as well as from MR-initiated surveys of ABA members and others, the index will be designed as a tool to identify roadblocks related to accessing the civil and criminal justice. An MR work group has initiated the project’s design and preliminary budget. The group is now working with FJE to secure outside funding through grants and private foundations.

A new study on race and gender issues in the legal profession released on September 6 by the ABA Commission on Women in the Profession and other organizations drew noteworthy media attention. Following distribution of a news release and aggressive pitch efforts, the study, which confirms that widespread gender and racial bias permeate the hiring, promotion, assignments, and compensation in the legal industry, was the subject of articles in both the New York Times and Bloomberg. In coverage from the New York Times, President Carlson said the remedies suggested in the study “will lead the way to better employment practices and greater diversity.”

President Carlson returned to the Rio Grande Valley at the end of August to continue to assess the unmet legal needs of families separated at the US-Mexico border and reaffirm the Association’s commitment to help resolve them. He discussed the trip during several MR-organized media interviews with reporters from national news outlets, such as the Associated Press and Time Magazine, and local media including the Rio Grande Guardian.

**Global Programs**

On September 24, ABA Associate Executive Director for Global Programs Alberto Mora participated in a panel discussion on the subject of “Secrets and Leaks: Whistleblowers, Journalists, and National Security,” which was sponsored by the Free Speech Project at Georgetown University. Among the other panelists was Marty Baron, the editor-in-chief of the Washington Post. The event was covered by CNN and C-SPAN.

On October 1, Mr. Mora was a presenter and discussion leader on the issue of the ethics of federal employment, with a focus on ethical situations that may lead to resignation, at the
2018 International Career Advancement Program sponsored by the Aspen Institute and the University of Colorado in Aspen. The participants in the program were high-achieving, mid-career minority federal government officials, many from the State Department. The program is structured to help increase the numbers of minorities at the highest levels of the federal government.

On September 14, the Center for Human Rights (CHR) held its inaugural Eleanor Roosevelt Prize for Global Human Rights Advancement, honoring former Nuremberg War Crimes prosecutor Benjamin B. Ferencz and former Secretary of State Hillary Rodham Clinton, at Roosevelt House in New York City. Approximately 70 ABA leaders and CHR supporters and staff attended the gathering, which was co-chaired by former CHR Chair Walter White and Tracy Roosevelt, great-granddaughter of Eleanor Roosevelt and a young lawyer at Foley Hoag law firm in Washington, DC. The Center established the Roosevelt Prize to recognize people and organizations having a global impact in advancing the principles set forth in the Universal Declaration of Human Rights, which Eleanor Roosevelt championed.

CHR’s Justice Defenders Program issued a report concerning efforts in Guatemala to end the work of a UN anti-corruption commission. The report called for a continuation of the work of the commission, which protects local judges and prosecutors who have been threatened and bribed to prevent accountability in grand corruption cases. The Justice Defenders Program also sent observers to two trials in Cambodia of lawyers who faced frivolous charges in an effort to prevent them from serving as election commissioners.

In August, CHR received a grant of $1.5 million (over two years) from the Clooney Foundation for Justice to begin implementing the TrialWatch program, which seeks to systematize trial observation practices globally. The grant encompasses one staff attorney and one administrative support position. In addition, between August 1 and September 30, ABA’s Rule of Law Initiative (ROLI) received $26,498,890 in awards and grants for its international outreach efforts.

In September, ROLI’s USAID-funded project Countering Gender-Based Violence partnered with the international non-profit organization Search for Common Ground to prepare trainings for community-based paralegals in the Democratic Republic of Congo to apply alternative dispute-resolution techniques in their work with communities who do not have consistent access to state justice institutions.

In September, ROLI trained police officers in the Central African Republic on investigative skills with a focus on sexual and gender-based (SGBV) crimes and conducted outreach activities to engage men to help combat SGBV. ROLI also trained Central African Bar Association attorneys on supporting investigations of crimes committed during the recent civil conflict. Many cases that are brought to the legal aid clinics require advanced skills, particularly when they are going to be referred to the criminal sessions, and attorneys are required to play a key role in the process. This training focused on supporting the process of prosecuting these crimes.
In Thailand during the week of September 10, ROLI conducted a session at an FBI-organized training at the International Law Enforcement Academy in Bangkok. This session showcased a practical tool developed by ABA ROLI for law enforcement officers to enhance their integrity measures, the “Law Enforcement Integrity Checklist.”

ROLI has been in regular contact with ABA President Carlson about his anticipated travel to Tashkent, Uzbekistan for goodwill meetings with the government and in-country partners, including the state law university, national bar association, and the U.S. Embassy. ROLI has been coordinating his meetings with the Embassy of Uzbekistan in Washington, DC. President Carlson is expected to travel to Tashkent from October 14 to 21. ROLI has also been in contact with the ABA Section on Legal Education and Bar Admissions and ROLI board members who represent U.S. law schools regarding their potential participation in the trip, as the Government of Uzbekistan is eager to conduct Memorandums of Understanding with U.S. law schools to advance legal education reform efforts the country is undertaking.

In late September, ROLI held a CLE workshop in Beirut for Syrian women lawyers on international corporate law, arbitration, and law practice management. The event was organized in partnership with the Arab Women’s Legal Network and hosted women from Syria and Lebanon.

In August, ROLI hosted an event entitled, Youth for Integrity, to teach approximately 100 Sri Lankan students and young professionals about integrity and anti-corruption, and prepare them to participate in a large forum on anti-corruption held by the Youth Services Council, with approximately 300 youth, government officials, and private sector representatives.

On August 1, ROLI met with Justice Leonen to brief him on the status of the eCourt project. Justice Leonen is the newly appointed Chairman of the CCL, which oversees all technology and records driven projects of the Supreme Court of the Philippines, including court automation. ROLI also conducted a three-hour lecture on August 15 for over 100 lawyers on the state of court automation in the Philippines, specifically the eCourt system and Automated Hearings.

In August, ROLI held two cybercrime workshops in Egypt. Led by Egyptian trainers, 70 judges from different judicial entities such as Economic Courts, Appeal Courts and the Cassation Court explored topics such as protection of personal data; terrorism and cyber-crimes; the relationship between cyber-crimes and other crimes such as human trafficking; and cyber-crimes related to capital markets and the stock exchange.

In August, ROLI held two awareness sessions in Jordan on trafficking in persons (TIP) for a total of 40 juvenile officers and shelter staff. It was led by local TIP experts, including the director of Jordan’s shelter for TIP victims and a detective and a nurse from a special TIP investigation unit.
ABA Finances

Preliminary final (but unaudited) FY 2018 financials show our general operations revenue fell $4.9 million below budget, as the decline in dues revenue continues, and aggressive budget targets were not met in non-dues revenue areas. Note that while general operations revenue was down from the prior year, the amount was completely driven by our decreased reliance -- a full $5.8 million -- on our long-term investments to support operations. That of course is a very positive development. Improvements in non-dues revenue over the previous fiscal year helped offset the dues decline.

On the expense side, we continued to make progress to reduce our general operations expense base, as expenses were $5.3 million lower than the previous year. Expenses were $2.3 million unfavorable to budget due to legal fees related to various law school accreditation suits. (A more detailed explanation of the ABA’s financial picture is located in the Treasurer’s report.)

Center for Member Practice Groups

The Senior Lawyers Division won the Outstanding Collaboration Award at the Section Officers Conference’s (SOC) Fall Leadership Meeting in September for its summit on addressing the opioid epidemic held in May 2018. The summit’s report was published and distributed during ABA Annual Meeting in Chicago and can be found here: www.ambar.org/opioid.

The Section of Antitrust Law’s Janet D. Steiger Fellowship Project was the winner of the 2018 Meritorious Service Award at the September SOC Leadership Meeting. The Steiger Fellowship Project provides law students the extraordinary opportunity to work in the consumer protection departments of state and territorial Offices of Attorneys General throughout the United States.

The Section of Intellectual Property Law held its Sixth Annual Trademark Day at the headquarters of the U.S. Patent and Trademark Office (USPTO). U.S. Commissioner for Trademarks Mary Boney Denison, Trademark Trial and Appeal Board Chief Judge Honorable Gerard F. Rogers, and other top USPTO officials were among the presenters. The presentations included an overview of the U.S. Patent and Trademark Office, and discussions on Trademark Trial and Appeal Board practice, ethical issues in trademark practice, random audits, and other best practices in working with the Trademark Office. The program was very successful, with 120 participants attending.

The Law Student Division has been partnering closely with the YLD, Litigation Section, and Legal Career Center on a series of webinars covering topics especially relevant and timely for law students. In August, this collaboration produced a webinar to help students prepare for on campus interviews (OCI). Over 500 students registered for the event. A webinar on September 25 aimed at helping students who were unsuccessful in OCI had about 200 registrants.
At the Annual Meeting in August, the Board of Governors approved the request of the Health Law Section to create a new award entitled, “ABA Health Law Section Emerging Young Lawyers in Healthcare” that honors Health Law Section young lawyer members who exemplify a broad range of achievement, vision, leadership, and legal and community service in health law. The award will be presented at the Section’s Emerging Issues in Healthcare Conference next year.

At the ABA’s Annual Meeting in August, the House of Delegates adopted two Criminal Justice Section sponsored resolutions: 100A and 100B:

- **100A**: Urges bar associations, law schools, and other stakeholders to develop and increase curricular offerings where law students can provide pro bono representation of incarcerated individuals and those reentering society
- **100B**: Urges Louisiana and Oregon to require unanimous juries to determine guilt in felony criminal cases and reject the use of non-unanimous juries where currently allowed in felony cases

The Section of Civil Rights and Social Justice also sponsored three resolutions on issues related to gender, family and sexual orientation that passed the ABA’s House of Delegates at the Annual Meeting:

- **Resolution 104C** supported an interpretation of the Affordable Care Act that would include discrimination on the basis of sexual orientation and gender identity in the definition of sex discrimination
- **Resolution 104D** called on jurisdictions to pass job-guaranteed paid sick days and job-guaranteed family and medical leave laws
- **Resolution 104E** called on jurisdictions to adopt rules preventing and addressing gender-based workplace violence, including sexual harassment, pregnancy discrimination, discrimination on the basis of sexual orientation or gender identity, and discrimination on the basis of domestic violence victimhood. It also asked employers to adopt robust policies against workplace gender violence

On August 4, the Section of Civil Rights and Social Justice’s annual Thurgood Marshall Award Dinner honored former U.S. Attorney General Eric Holder and was keynoted by NAACP Legal Defense and Education Fund Counsel Sherrilyn Ifill, and introduced by Illinois Attorney General Lisa Madigan. The event also included many Association leaders; former ABA Presidents; current and sitting judges; politicians, civil rights heroes; and international dignitaries. The event was attended by over 380 people.

**Center on Public Interest Law**

The Center on Children and the Law won a new grant submitted to the Health Resources and Services Administration within the U.S. Department of Health and Human Services. ZERO TO THREE, an organization dedicated to protecting children, is the primary grantee on this grant, which focuses on improving court processes for child welfare cases that involve infants and toddlers. As a sub-grantee, the Center will provide technical assistance around best practices
for quality legal representation for infants and toddlers, parents, and child welfare agencies and will offer strategies for reducing children’s time in foster care. Our FY 2019 support on the grant will be $50,000.

On September 19, the Center on Children and the Law won a $400,000 three-year grant submitted to the Office of Planning, Research and Evaluation at the U.S. Department of Health and Human Services, Administration for Children and Families. The focus of the grant is: Understanding Judicial Decision-Making and Hearing Quality in Child Welfare. James Bell and Associates (JBA) will be the lead organization, and the Center will be the primary partner working with JBA and take the lead on legal and judicial engagement in the children’s law field.

The Death Penalty Representation Project held its annual Volunteer Recognition & Awards Dinner. The event brought together approximately 100 attorneys and supporters of the Project, including federal public defenders, law professors, and pro bono attorneys from several top law firms. The event is a major fundraiser for the Project, and this year it brought in almost $90,000 from law firm sponsorships and ticket sales.

Over 42,400 client questions have been submitted to ABA Free Legal Answers nationwide, with the number of questions increasing by 18 percent nationwide over the last three months. Currently, 42 states and the U.S. Virgin Islands are committed to participate in the site, with 38 states active in various stages of access by clients, pro bono attorneys and/or state administrators. Over 5,300 pro bono attorneys are registered to respond to civil legal questions on ABA Free Legal Answers.

**Governance and Public Services Group**

The Office of the President has announced that U.S. Supreme Court Justice Elena Kagan of has accepted the ABA’s invitation to serve as honorary chair of the 2018 celebration of Pro Bono Week from October 21 to 27. On Wednesday, October 24, President Carlson will facilitate a question and answer session with Justice Kagan at an event at Georgetown Law Center. Justice Kagan will also attend the reception immediately after the event.

The Commission on Racial and Ethnic Diversity in the Profession is actively planning and seeking sponsorships for its upcoming Spirit of Excellence Awards Luncheon during the 2019 ABA Annual Meeting. The award recognizes, during a 500-seat luncheon, legal trailblazers whose careers have had a significant impact on increasing racial and ethnic diversity in the legal profession. The 2019 recipients are:

- Willie E. Gary, Partner and Founder of Gary, Williams, Parenti, Watson & Gary, P.L.L.C.
- Pamela Jones Harbour, Senior Vice President and Legal Officer, Global Member Compliance and Privacy, Herbalife
- John Lim, Partner at LimNexus LLP
- Honorable Peter M. Reyes, Jr., Minnesota Court of Appeals
The Commission on Sexual Orientation and Gender Identity is organizing and seeking financial assistance for the Stonewall Awards during the 2019 ABA Midyear Meeting. The award recognizes those lawyers, members of the judiciary and legal academia who have contributed to removing barriers on the basis of sexual orientation, gender identity, or gender expression in the legal profession and championed diversity for the LGBT community. The 2019 recipients are:

- Mark D. Agrast, Executive Vice President and Executive Director, American Society of International Law
- Mary Eaton, Partner, Willkie Farr & Gallagher LLP
- Sharon M. McGowan, Chief Strategy Officer and Legal Director, Lambda Legal

The Commission on Lawyer Assistance Programs is collaborated with the ABA Law Student Division to support Law School Mental Health Day on October 10. On and around this day, law schools are encouraged to sponsor educational programs and events that teach and foster breaking the stigma associated with severe depression and anxiety among law students and lawyers. Also on October to the American University Washington College of Law hosted a YouTube Live event featuring Laurie Besden, Executive Director of Pennsylvania Lawyers Concerned for Lawyers.

The Standing Committee on Legal Assistance for Military Personnel co-sponsored a Veterans Legal Career Fair on September 21 in Washington, DC, where ABA Associate Executive Director Holly Cook of the Governmental Affairs Office represented the Association as a panelist to discuss tips for military attorneys seeking civilian employment, along with the presence of an ABA HR representative. The ABA Military Pro Bono Project has worked with Human Resources to hire a grant-funded staff attorney to work as the Military Pro Bono Coordinator to manage the daily efforts of the program.

Conclusion

President Theodore Roosevelt advised, “Keep your eyes on the stars, and your feet on the ground.” That is precisely what the ABA is now doing. Backed by solid market research and data, we are pursuing bold changes through our new membership model that will make the ABA an indispensable, highly valued resource for America’s lawyers.

The road ahead will not be easy. To effect substantial changes for an organization of the ABA’s size and complexity requires a great deal of research, planning, and collaboration. Our staff implementation team has day-to-day detailed responsibilities. Ultimately, we will reach our critical goals only through effective collaboration.

These are exciting times for our Association. The new membership model offers a path for tremendous growth in membership and revenues. By reducing the price points for dues, improving our value proposition, and streamlining the member experience, we can transform the ABA and reestablish our relevance for those lawyers who are unsure or skeptical.
Every attorney in this nation should understand the value and importance of membership in our Association. The ABA will become essential for lawyers as individuals, as well as for the profession.

As always, I encourage you to contact me with any comments, concerns, or questions about any topic, at any time.

Respectfully submitted,

Jack L. Rives
Executive Director
Update Regarding Marketing for New Membership Model

Karen Alexander, ABA Chief Marketing Officer


Executive Director Jack L. Rives and the following management staff also attended: Elizabeth Andersen, Martin D. Balogh, Alpha M. Brady, Holly Cook, Barry Currier, James Dimos, H. Maria Enright, Michael Kreisberg, William K. Phelan, Jarisse J. Sanborn, Carol Stevens, and Thomas M. Susman.

President Klein called the meeting to order and welcomed the members of the Board and Association staff.

The Secretary presented the minutes of the last meeting of the Members and

**UPON MOTION DULY MADE, SECONDED, AND CARRIED:**

The minutes of the November 12, 2016, meeting of the Members of American Bar Association CEELI, Inc., were approved as presented.
The Secretary moved the election of Directors of the Corporation for the coming year and

**UPON MOTION DULY MADE, SECONDED, AND CARRIED:**

The members of the Corporation elected Hilarie Bass and Mary L. Smith and re-elected Linda A. Klein as Members of the Board of Directors of the Corporation, all three Directors to assume the duties and responsibilities fixed by the Bylaws, and to hold such positions until their successors are chosen qualified.

There being no further business, the meeting was adjourned.
RESOLUTION

RESOLVED, that Robert M. Carlson is elected and Hilarie Bass and Mary L. Smith are re-elected to be Members of the Board of Directors of the Corporation, to assume the duties and responsibilities fixed by the Bylaws, and to hold such positions until their successors are chosen and qualified.

Thereafter, the meeting was adjourned.
AMERICAN BAR ASSOCIATION CEELI, INC.
MEETING OF THE BOARD OF DIRECTORS

November 9, 2018

ELECTION OF OFFICERS AND RESOLUTIONS

The Board of Directors of the American Bar Association CEELI, Inc. (“CEELI Inc.”), having met this 9th day of November 2018 has elected the following officers and has made the following Resolutions:

RESOLVED, that the following are hereby elected as officers of the American Bar Association CEELI, Inc., each to serve a one-year term or until a successor is elected:

Robert M. Carlson is elected Chair;
Jack L. Rives is elected President;
Mary L. Smith is elected Secretary;
Jarisse Sanborn is elected Assistant Secretary; and
Vlad Gurin is elected Treasurer.

RESOLVED, that Jack L. Rives is hereby empowered to execute documents on behalf of CEELI Inc.:

(1) to open and register representative and branch offices on behalf of CEELI Inc.;
(2) to conduct the business affairs of CEELI Inc., including submitting documents to entities, both private and governmental, reasonably necessary for the registration, operation and closure of its offices;
(3) to sign contracts reasonably necessary to conduct the business affairs of CEELI Inc.;
(4) to close and liquidate representative and branch offices on behalf of CEELI Inc.; and
(5) to delegate the authority to do each of the enumerated powers above to other individuals through written instruments executed by Jack L. Rives.

Robert M. Carlson
Printed Name of Director ABA CEELI Inc.  Signature of Director

Hilarie Bass
Printed Name of Director ABA CEELI Inc.  Signature of Director

Mary L. Smith
Printed Name of Director ABA CEELI Inc.  Signature of Director
Reports From Committee Chairs

Darcee S. Siegel, Chair
Profession, Public Service and Diversity

Kevin L. Shepherd, Chair
Finance

Scott C. LaBarre, Chair
Member Services
MEMORANDUM

TO: Members of the Board of Governors

FR: Alpha M. Brady

RE: Consent Calendar

DT: October 22, 2018

The Consent Calendar is comprised of the Report of the Committee Chairs of the Board. This Report will be emailed to you after the Board Committee conference calls on Thursday, November 8, 2018. Following the oral reports from each of the Chairs of the Board Committees, the Consent Calendar will be approved without discussion except for those items that have been removed from the Consent Calendar.

Should you wish to remove an item from the Consent Calendar, please notify me by email no later than 9:30 a.m. on Friday, November 9, 2018.
MEMORANDUM

TO: Board of Governors

FROM: Janae Leflore

SUBJECT: Requests for Bylaws Amendments

DATE: October 22, 2018

a. **Young Lawyers Division (YLD):** requests approval to amend its bylaws to allow Puerto Rico representation on the YLD Council by placing Puerto Rico in a district with Mississippi. Since this amendment pairs Puerto Rico with an existing district, no new position has been added to the Council, and the YLD budget will not be affected. This bylaw amendment was approved by the YLD Assembly at the 2018 ABA Annual Meeting in Chicago.

b. **Section of Labor and Employment Law (Section):** requests approval to amend its bylaws to revise the number of union, employee, and union and employee/"hybrid" members that will comprise the twelve members representing unions and employees on the Section’s Council. The Section’s budget will not be affected since this amendment is just a revision to the composition and adds no new Council members. This amendment was approved by the Section’s Council at the August 3, 2018 ABA Annual Meeting and by the Section members at the August 4, 2018 Section Business Meeting.

Exhibit 3.1 a-b
TO: ABA Board of Governors

FROM: Roy Alan Cohen, TIPS Chair

DATE: October 5, 2018

RE: Extension Approval for Memorandum of Understanding with the Union Internationale des Avocats

The ABA Tort Trial and Insurance Practice Section respectfully requests approval of an extension of a Memorandum of Understanding between the American Bar Association Tort Trial and Insurance Practice Section and the Union Internationale des Avocats (UIA). Under the auspices of this Memorandum, TIPS intends to continue efforts to coordinate activities with the UIA to increase member awareness and promote professional cooperation. These activities include meeting attendance and participation, program development at meetings and exchange of publications.

The UIA is the world’s only multilingual, multicultural bar association with a global reach. Membership is open to practicing lawyers who want to experience the legal profession across national boundaries in a multicultural environment in which no one country or culture dominates. Its members include more than 200 bar associations, organizations or federations representing nearly two million lawyers as well as several thousand individual members from more than 150 countries.

TIPS began the process of establishing a formal relationship with the UIA in 2010. TIPS and the UIA entered into a Memorandum of Understanding (MOU) that year and the MOU was extended in 2012 and again in 2015. The current MOU between TIPS and the UIA expired in August 31, 2018. TIPS is requesting approval from the ABA Board of Governors to continue this beneficial relationship through an extension of the MOU through 2021. TIPS is excited about continuing its work with the UIA and hopes to develop new ways for our respective members to take advantage of the TIPS-UIA relationship. Toward that end, TIPS proposed some enhancements to the current MOU, and our UIA counterparts have communicated their agreement.

Attached is the Memorandum which outlines specific areas of cooperation for your consideration. The MOU has been approved by ABA General Counsel and has three signatures: Chief of Staff, Amy Eggert, Holly Polglase, TIPS Chair at the time of the signing, and Pedro Pais de Almeida, UIA President. We will be happy to answer any questions you may have.

Thank you for your consideration.
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into by and between the Union Internationale des Avocats (International Association of Lawyers) ("UIA") and the American Bar Association ("ABA") Tort Trial and Insurance Practice Section ("TIPS"). This MOU shall be effective as of September 1, 2018.

RECITALS

WHEREAS, the UIA, is a global legal association devoted to international law and through a wide range of meetings, seminars, law courses and advocacy, promotes professional cooperation and friendship among legal professionals, and the fundamental principles of justice and the legal profession around the world.

WHEREAS, TIPS is a Section of the ABA bringing together plaintiffs, defense, corporate and in-house counsel in their domestic and international practices to address issues confronting the legal profession and through a wide range of meetings, seminars, law courses, public service projects, and advocacy, promotes professional cooperation and friendship among legal professionals throughout the U.S. and Canada, as well as the advancement of the civil justice system and diversity in the profession.

WHEREAS, the UIA and TIPS desire to coordinate their efforts and activities and explore ways to further cooperate and assist each other’s goals.

WHEREAS, the UIA and TIPS entered into its first MOU on January 1, 2010, which was extended twice by mutual agreement, and both entities wish to continue their working relationship pursuant to this updated MOU.

AGREEMENT

Now, therefore, in consideration of the foregoing, the UIA and TIPS agree as follows:

I. Staff and Professional Liaisons
   A. In order to assure good communication between TIPS and the UIA, TIPS and the UIA appoint their respective Staff Liaisons as follows:

   **TIPS:**
   Theresa Livingston  
   Email: theresa.livingston@americanbar.org  
   Phone: 312.988.6155

   **UIA:**
   Marie-Pierre Richard  
   Email: mprihard@iiianet.org  
   Phone: +33 1 44 88 55 63

   Marie-Pierre Lienard  
   Email: mpienard@iiianet.org  
   Phone: +33 1 44 88 55 61
In order to foster enhanced working interactions between the Staff Liaisons, the UIA and TIPS shall use best efforts to bring their respective Staff Liaisons to the UIA Annual Congress and the TIPS Section Conference or the ABA Annual Meeting, respectively, on an alternating year basis.

B. TIPS and the UIA will also appoint at least one professional liaison to the other organization who shall be a member in good standing of the appointing organization.

The professional liaisons of each organization shall be charged with the responsibility of maintaining open and regular lines of communication between the organizations and reporting regularly at appropriate times to the appointing organization’s leadership on matters relevant to both organizations (the “Professional Liaisons”). The Professional Liaisons will be identified by notice in writing to the other organization’s Staff Liaisons.

II. Website Promotion

Each party agrees to publicize the relationship, including the logo of the organization and a link to the other’s website.

III. Cross-Promotion of Certain Meetings

A. The UIA will provide promotional support for the TIPS Section Conference every Spring and at least one additional TIPS meeting or seminar. The UIA membership shall be provided notice of said meetings via the UIA’s Quarterly Gazette, Juriste International, on the UIA’s website, and through the UIA’s social media outlets including, but not limited to, Twitter and LinkedIn. UIA members will be able to avail themselves of the same registration rates as TIPS members whether or not they are members of TIPS.

B. TIPS will provide promotional support for the UIA’s Annual Congress and at least one additional UIA meeting or seminar. TIPS membership shall be provided notice of said meetings via the TIPS e-newsletter, The Brief, Tort Source, on the TIPS website, and through the TIPS social media outlets including, but not limited to, Twitter and LinkedIn. TIPS members will be able to avail themselves of the same registration rates as UIA members whether or not they are members of the UIA.

C. TIPS and the UIA may discuss the feasibility and desirability from each party’s perspective of sponsoring, planning, and holding a joint stand-alone program or conference, on a mutually acceptable topic, prior to the expiration of this MOU. TIPS and the UIA would share the financial risk and reward from such program on a to-be-determined basis.
IV. Programs at Seasonal Meetings/Annual Congress

A. Should the UIA wish to present a program and/or speak at any of the TIPS meetings, it will begin to work with the TIPS's Professional Liaison or the TIPS International Law Committee Chair, or the relevant committee(s) and the TIPS Staff Liaison at least six (6) months before the meeting. The UIA shall be listed as a co-sponsor of such program in program materials and related publicity.

B. Should TIPS wish to present a program and/or speak at the UIA's Annual Congress or at a UIA seminar, it will begin to work with the UIA's relevant commissions and the UIA Staff and Professional Liaisons at least six (6) months before the Congress or seminar. TIPS shall be listed as a co-sponsor of such program in the program materials and related publicity.

V. Leaders' Attendance

A. The UIA will provide three (3) complimentary registrations to its Annual Congress, including three (3) tickets/passes to the principal reception or dinner, to the TIPS Chair, the TIPS Professional Liaison to the UIA and the Chair of the TIPS International Committee (or their respective designees). The TIPS Chair (or his/her designee) and the TIPS Professional Liaison to the UIA or his/her designee will be invited to attend a portion of the UIA’s Executive Committee meeting at the Annual Congress to be recognized and, where appropriate, to present brief remarks to such body.

B. TIPS will provide three (3) complimentary registrations to either its Section Conference (Spring) or its Annual Meeting (Summer), at the UIA’s election, including three (3) tickets/passes to all TIPS receptions and dinners during the chosen Conference (Spring or Annual), to the UIA President, the UIA Professional Liaison to TIPS and the President of the UIA Tort Law Commission (or their respective designees). The UIA President (or his/her designee) will be invited to attend a portion of the TIPS Council meeting at the Section Conference to be recognized and, where appropriate, to present brief remarks to such body.

C. Unless waived by the organization holding the event, Officers of the UIA and persons who are members of UIA’s Governing Board and/or Executive Committee are not eligible to receive one of the complimentary registrations to the UIA Congress; and Officers of TIPS and persons who are members of TIPS’ General Committee Board and/or Council are not eligible to receive one of the complimentary registrations to the TIPS Section Conference or Annual Meeting.

D. The leadership teams of each of the UIA and TIPS will meet at least once per year to discuss issues of common interest. Such meeting will take place at the TIPS Section Conference and/or the UIA’s Annual Congress on a rotation basis.
VI. Publications

A. The UIA will mail the UIA's Quarterly Gazette and the Juriste International to TIPS Officers, TIPS Staff, the TIPS Professional Liaison to the UIA and the Chair of the TIPS International Committee. The UIA will also email other electronic publications to said persons including the UIA electronic newsletter.

B. TIPS will mail The Brief and Tort Source to the UIA's Executive Committee, the UIA Staff, the UIA Professional Liaison to TIPS and the President of the UIA Tort Law Commission. TIPS will also email TIPS e-newsletter and the TIPS International Committee newsletters to said individuals.

C. The UIA and TIPS will work to identify opportunities for its respective members to publish items in each other publications, subject to space availability and each publication's editorial standards.

D. The UIA and TIPS Staff Liaisons, respectively, will provide each other at least once yearly with a complete list and contact information of the entity's officers and staff who are expected to be included in the publication distribution list described in this section.

VII. Cross-Promotion of Membership and Distribution of Membership Materials

A. Once per year, the UIA will distribute, as the Staff Liaison sees fit, to all its members, TIPS's standard membership brochure and related information. Such membership package will be provided by the Section and will include a statement from an appropriate UIA leader encouraging UIA members to consider membership in TIPS.

B. Once per year, TIPS will distribute, as the Staff Liaison sees fit, to its members eligible to join the UIA, the UIA's standard membership package. Such membership package will be provided by the UIA and will include a statement from an appropriate TIPS leader encouraging TIPS members to consider membership in the UIA.

VIII. Exhibition Space

The UIA and TIPS shall provide the other, respectively, with free exhibition space at the UIA Annual Congress and either the TIPS Section Conference or Annual Meeting, at the UIA's election.

IX. Marks Usage

TIPS and the UIA will use the other's marks, logos, and related items in a manner consistent with the owner's usage protocols.
X. **Term**

The term of this MOU will begin on September 1, 2018 and will expire automatically on August 31, 2021, unless extended by mutual agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the date first written above.

**AMERICAN BAR ASSOCIATION**

By: [Signature]

Date: 8/28/18

**UNION INTERNATIONALE DES AVOCATS**

By: [Signature]

Date: August 24, 2018

**AMERICAN BAR ASSOCIATION**

By: [Signature]

**SECTON**

By: [Signature]

Date: 8/2/18
To: Board of Governors

From: Palmer Gene Vance II, Section of Litigation Chair

Subject: Request for Approval to Extend Memorandum of Understanding with Union Internationale des Avocats (UIA)

Date: October 3, 2018

The Section of Litigation requests approval to extend its memorandum of understanding with the Union Internationale des Avocats (UIA).

The Section of Litigation first entered into an MOU with the UIA in September 2012 for a three-year term ending in September 2015. It was renewed for a second term ending in September 2018.

The attached three-year MOU was approved by the Section of Litigation Council at its August 3, 2018, Council Meeting. The Section will also submit the MOU to the ABA’s Office of General Counsel for its review and approval.

Thank you in advance for your consideration of this item. If you have any questions, please feel free to contact Section Director Cecilia Kukenis at cecilia.kukenis@americanbar.org.

Attachment (1)
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into by and between the Union Internationale des Avocats ("UIA") and the American Bar Association, Section of Litigation ("SOL").

RECITALS

WHEREAS, the UIA is a global legal association devoted to international law and through a wide range of meetings, seminars, law courses and advocacy, promotes the Rule of Law, professional cooperation and friendship among legal professionals around the world; and,

WHEREAS, SOL has articulated that through litigation related projects and actions, it will continue to promote the rule of law internationally with and through international bar associations; and;

WHEREAS, the UIA and SOL each desire to coordinate their efforts and activities and explore ways to cooperate and assist in furtherance of their respective goals.

NOW, THEREFORE, in consideration of the foregoing, the UIA and SOL agree as follows:

I. Staff and Professional Liaisons

SOL and the UIA shall appoint Staff Liaisons as follows:

SOL Staff Liaisons:

Cecilia Kukenis
Email: Cecilia.kukenis@americanbar.org
Phone: 312-988-5592

UIA Staff Liaisons:

Marie-Pierre Richard
Email: mprichard@uianet.org
Phone: +33 1 44 88 55 63
SOL and the UIA shall each appoint one or more Professional Liaisons to the other organization who are members in good standing of the appointing organization. The Professional Liaisons of each organization shall be charged with the responsibility of maintaining open and regular lines of communication between the organizations and reporting regularly at appropriate times to the appointing organization's leadership on matters relevant to both organizations. The Professional Liaisons will be identified by notice in writing to the other organization's Staff Liaisons.

II. Website Promotion

SOL through its committee structure and UIA shall post links on their respective websites to the home page of the other’s website.

III. Cross-Promotion of Certain Meetings

A. The UIA shall provide non-financial co-sponsorship support for SOL's Annual Conference (“SAC”) and one or more SOL sponsored seminars to be determined. The UIA membership shall be provided notice of those meetings through the UIA's *Quarterly Gazette*, *Juriste International* and on the UIA's website. UIA members will be able to avail themselves of the same registration rates as SOL members.

B. SOL shall provide non-financial co-sponsorship support for the UIA's Annual Congress and the UIA Winter Seminar as SOL has done in the past 12 years. SOL membership shall be provided notice of those meetings through the SOL committee e-electronic newsletters. The seminar shall appear on the SOL calendar. SOL members will be able to avail themselves of the same registration rates as UIA members.

IV. Programs at UIA Annual Congress, SOL SAC and Seminars

A. Should the UIA wish to participate in a program and/or speak at a SOL meeting, UIA representatives shall begin to work with SOL's relevant committee(s) and the SOL Staff and Professional Liaisons at least nine months before the meeting. The UIA shall be listed on the meeting program as a co-sponsor of such panel or program in program materials and related publicity.

B. Should SOL wish to participate in a program and/or speak at the UIA's Annual Congress or at a UIA seminar, SOL will begin to work with the UIA's relevant commissions and the UIA Staff and Professional Liaisons at least nine months before the Congress or seminar. SOL shall be listed on the meeting program as a co-sponsor of such panel or program in the program materials and related publicity.
V. Leaders' Attendance

A. The UIA will provide two (2) complimentary registrations to its Annual Congress and two (2) tickets/passes to the principal reception at its Annual Congress to the SOL Chair (or his/her designee) and SOL Professional Liaison to the UIA. The SOL Chair (or his/her designee) and the SOL Professional Liaison to the UIA will be invited to attend a portion of the UIA’s executive committee meetings at the Annual Congress. Unless waived by the organization holding the event, Officers of the UIA and persons who are also members of UIA's Governing Board and/or Executive Committee are not eligible to receive one of the complimentary registrations to the UIA Congress.

B. SOL will provide two (2) complimentary registrations to its SAC and two (2) tickets/passes to all non-ticketed SAC activities to the UIA President (or his/her designee) and the UIA Professional Liaison to SOL. The UIA President (or his/her designee) and the UIA Professional Liaison will be invited to attend the SOL Council meeting at the SAC. Unless waived by the organization holding the event, Officers of SOL and persons who are also members of SOL Executive Committee or Council are not eligible to receive one of the complimentary registrations to the SOL Section Annual Conference or Annual Meeting.

C. The leadership teams of the UIA and SOL shall meet at least once per year to discuss issues of common interest. The meeting will take place during the SOL SAC or the UIA's Annual Congress on a rotational basis.

VI. Publications

A. The UIA shall mail the UIA’s Quarterly Gazette and the Juriste International to SOL Officers and council members and SOL staff and Professional Liaisons to the UIA. The UIA shall also email other electronic publications to those leaders designated by the Professional Liaisons.

B. SOL shall email pertinent electronic publications to the UIA's Executive Committee members, the UIA's staff and Professional Liaisons.

VII. Term

The term of this MOU will begin when executed by both SOL and UIA and will expire automatically on the third anniversary of the MOU unless extended by mutual agreement of UIA and SOL.
IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective as of the date first written above.

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<th>AMERICAN BAR ASSOCIATION</th>
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<td>Amy Eggert</td>
<td>Pedro Pais de Almeida</td>
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<td>Chief of Staff</td>
<td>President</td>
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TO: Board of Governors  
FROM: Hon. Susan Burke, Chair  
Government and Public Sector Lawyers Division  
DATE: September 18, 2018  
RE: Request to charge a registration fee for programs to be presented at the 2019 ABA Midyear Meeting in Las Vegas  

The Government and Public Sector Lawyers Division respectfully requests approval to charge a modest registration fee of no more than $50.00 each for up to four CLE programs that will be offered by the Division for government lawyers. CLE topics examined may include: ethics, litigation strategy/skills, FOIA and/or technology. The Division is making this request in order to recoup the costs of presenting the programs while maintaining a very reasonable registration fee for government lawyers.

Thank you for your consideration of this request.

cc: Myles Lynk, Board of Governors Liaison to GPSLD
MINUTES

AMERICAN BAR ASSOCIATION
MEMBER SERVICES COMMITTEE

The Hyatt Regency Chicago
Chicago, IL
August 2, 2018

The Member Services Committee (“Committee”) if the Board of Governors (“Board”) of the American Bar Association met at the Hyatt Regency Chicago on August 2, 2018. Chair Andrew J. (Josh) Markus presided.

The following members of the Committee were in attendance: Michael H. Byowitz, Hon. William C. Carpenter, Scott C. LaBarre, Lynne B. Barr, Orlando Lucero, Lorielle S. Masters, John L. McDonnell, Jr., G. Meredith Parnell, C. Edward Rawl, Jr., Darcee S. Siegel, Mary L. Smith and Alan Van Etten. The following Board nominees were in attendance: Andrew Demetriou, H. Russell Frisby, Rew R. Goodenow, Susan M. Holden, and Lynn Fontaine Newsome.

Senior Associate Executive Director Alpha M. Brady and ABA General Counsel Jarisse Sanborn were present for the meeting. In addition, John Isbister, Chair, Standing Committee on Publishing Oversight, Deputy General Counsel James Dimos, Carol Stevens, Associate Executive Director, Media Relations and Strategic Communications, Alberto Mora, Associate Executive Director, Global Programs, Donna Gollmer, Director, ABA Publishing, Bryan Kay, Director, Editorial and Licensing, Jess Moyer, Director, Information Systems, Michael Kreisberg, Chief Membership Officer, Paula Cleave, Director, Membership, Bob Domenz and Kyle Barret of Avenue also attended a portion of the meeting.

INTRODUCTORY REMARKS FROM COMMITTEE CHAIR

Chair Markus welcomed the members of the Committee and staff.

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Request to Amend Bylaws

The Section of Environment, Energy, and Resources (SEER) requested approval to amend its bylaw as follows: (1) revise and shorten the descriptions of duties of section officers; (2) expressly adopt the ability of a member of a foreign bar association who is also a SEER member to serve as an officer of the Section; (3) increase the number of Section Council members to 15, (4) clarify the terms of Section Council members so that all Council members serve three-year terms upon appointment; (5) provide additional detail on the submittal of the annual budget to Council for its review; and (6) provide for
flexibility in Council meetings, including co-location with Section conferences and other cost-saving options such as providing for teleconference attendance rather than mandatory in-person meetings. Additionally, minor edits have been made to restructure some of the Bylaws headings and subparts and to incorporate by reference the Section’s Strategic Plan. The amendments are subject to approval of the Section membership at the Section’s Annual Business Meeting at the 2018 ABA Annual Meeting.

The Committee discussed the request, noting that several sections have significantly reduced their presence at the Annual Meeting. The current interpretation of Article 30.7 of the ABA Constitution and Bylaws (A section shall meet immediately before or during the annual meeting, as provided by the Board of Governors.) is that the section must meet during and in the same location as the Annual Meeting.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Member Services Committee recommended approval of the request of the Section of Environment, Energy and Resources with the understanding that: Article 5.9 regarding meeting at the ABA Annual Meeting will be implemented in compliance with the ABA Constitution and Bylaws; and Article 6.1 regarding the annual business meeting of the Section is withdrawn.

3.2 Request from American Bar Endowment for Exception to ABA Email Policy

The Board of Directors of the American Bar Endowment (ABE) requested an exception to the email policy set out in the ABA Policy and Procedures Handbook, which would allow ABE to promote their plans to ABE’s members using the ABA’s email address lists from September 1, 2018 to August 31, 2019.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Member Services Committee recommended that the ABA Board of Governors grant the ABE an exception to the email policy in the ABA Policy and Procedures Handbook, which would allow ABE to promote its plans to ABE’s members via the ABA’s email distribution system from September 1, 2018 to August 31, 2019. ABE’s use of the ABA’s email services will remain subject to approval of the Member Services Committee and must comply with current ABA policies and procedures on email marketing as determined by the Executive Director. ABE has no right to use ABA email address information other than via the ABA’s email distribution system. ABE will reimburse ABA for these services.
3.3 Request from President-Elect Robert M. Carlson to Create or Continue Special Advisors

President-Elect Robert M. Carlson requested approval to create special advisors to the following entities:

Armed Forces Law (One additional)
Client Protection (1)
Disaster Response and Preparedness (One additional)
International Trade in Legal Services (1)
Law and Aging (1)
Lawyers’ Professional Liability (One additional)
Membership (3)
Professionalism (1)
Rule of Law Initiative (Two additional)

In addition, Mr. Carlson requested approval to continue special advisors to the following entities:

Africa Law Initiative Council (1)
American Judicial System (1)
American Jury (1)
Amicus Curiae Briefs (1)
Armed Forces Law (1)
Asia Law Initiative Council (2)
Bar Activities and Services (1)
Central European and Eurasian Law Initiative Council (1)
Cybersecurity (2)
Death Penalty Due Process Review Project (2)
Death Penalty Representation Project (1)
Delivery of Legal Services (1)
Disaster Response and Preparedness (1)
Domestic and Sexual Violence (2)
Election Law (2)
Govemmental Affairs (1)
Group and Prepaid Services (1)
Gun Violence (2)
Hispanic Legal Rights and Responsibilities (1)
Homelessness and Poverty (3)
Center for Human Rights (1)
Commission on Immigration (1)
Center for Innovation (3)
Latin America Law Initiative Council (2)
Law Library of Congress (3)
Law and National Security (1)
Lawyers’ Professional Liability (1)
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Member Services Committee recommended approval of the request from President-Elect Robert M. Carlson to create 12 special advisors for 9 entities and continued 63 special advisors for 39 entities.

3.4 Request from Standing Committee on Publishing Oversight to Revise the ABA Policy and Procedures Handbook (Greenbook) Chapter 6

The Standing Committee on Publishing Oversight (SCOPO) requested approval to amend certain sections of Chapter 6 of the Policy and Procedures Handbook (aka Greenbook).

In January 2017, ABA President Linda A. Klein created the Board of Governors (Board) Communications Task Force (Task Force) to review the Association’s editorial policies and practices for Association entity publications. The Task Force reported back to the Board at its June 2017 meeting with several recommendations, including that publishing entities be required to develop an editorial policy and that the Standing Committee on Publishing Oversight review Chapter 6 of the Greenbook. Mr. Isbister outlined the proposed recommendations, the majority of which are non-substantive. However, he noted that the Office of the General Counsel had not had an opportunity to review the proposed recommendations. The Standing Committee on Publishing Oversight is happy to work with the Office of the General Counsel and proposes to defer consideration of the recommendations until the next scheduled meeting of the Board in November 2018.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Member Services Committee recommended deferral of consideration of the proposed recommendations from the Standing Committee on Publishing Oversight to Chapter 6 of the ABA Policy and Procedures Handbook to provide an opportunity for the ABA Office of General Counsel to review, with the understanding the recommendations will be considered by the Board at its November 2018 meeting.
3.5  Request to Amend the Jurisdictional Statement of the Commission on the Future of Legal Education

President-Elect Robert M. Carlson requested approval to amend the jurisdictional statement of the Commission on the Future of Legal Education (Commission) to expand the membership from 10 to 12 members. The Commission is tasked with helping to build the legal profession of the future by articulating how best to align the education and licensure of legal professionals with accelerating technology advances and the ever-changing practice of law. The objective is to formally supplement the strong existing Commission with additional perspectives from younger lawyers. The Commission would work within the planned budget should this expansion be approved.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Member Services Committee recommended approval of the request of President-Elect Carlson to expand the membership of the Commission on the Future of Legal Education from 10 to 12 members.

B. MATTERS FOR COMMITTEE CONSIDERATION ONLY

3.20  Approval of June 21, 2018 Minutes

It was noted that the minutes of the June 21, 2018 meeting of the Member Services Committee should be corrected to show that Lorelie S. Masters was not in attendance at the meeting.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Member Services Committee approved the minutes of its June 21, 2018 meeting as amended to delete reference to Lorelie S. Masters being in attendance.

3.30  Membership Report

Tracy Giles, Chair, Standing Committee on Membership, James Dimos, Deputy Director, Michael Kreisberg, Chief Membership Officer, Bob Domenz and Kyle Barret of Avenue provided the Committee with an update regarding the proposed new membership model. The Committee received information regarding the proposed bundle of products and services to be considered by the Board. In addition, the Committee was informed that the Center for Professional Responsibility (“CPR”) will provide content for the practicing lawyer, but membership in CPR will not be part of the proposed bundle of products. The model has been created to attract younger lawyers, addressing concerns such as continuing legal education programming and how products and services are packaged.
and marketed to this segment of the profession. Flexibility regarding implementation of the model will be essential to its success. The ABA must be ready and willing to make adjustments to the program based on the metrics received. Adoption of the new membership model is the first step in creating a sustainable and growth oriented organization.

Final Thoughts

Chair Markus thanked the members of the Committee for their work during the year and presented them with a token of appreciation. The Committee, in turn, presented Chair Markus with a gift of thanks and appreciation.

There being no further business to come before the Committee, the meeting was adjourned.

Respectfully Submitted,

Andrew J. (Josh) Markus
Chair
Date: October 2, 2018  
To: Profession, Public Service, and Diversity Committee of the Board of Governors  
From: Harrie Samaras, Chair of the Section of Dispute Resolution  
Re: Notification of Dues Increase

The Section of Dispute Resolution Council has voted to increase Section lawyer member dues from $55 to $60 and associate member shall not change. The Section will continue to have free membership for law students. The effective date of the dues increase will be FY2019.

This increase is within the dues ceiling contained in Section 2.2 of the Section Bylaws which states that dues shall not exceed $60. This $60 "ceiling" was included in the Section Bylaws that were originally adopted by the Board of Governors in April 1993 and has not been changed. The Dispute Resolution Section dues were most recently increased from $45 to $55 in 2012, effective in FY 2012-2013.

Sincerely,

Harrie Samaras  
Chair, Section of Dispute Resolution
Discussion of Crisis Communications Plan
Membership Report

(see 2.1)
MEMORANDUM

To: ABA Board of Governors

CC: Lorelie S. Masters, Board of Governors Liaison to the ABA Standing Committee on Paralegals

From: Christopher Jennison, Chair, Standing Committee on Paralegals
Thomas E. McClure, Chair, Approval Commission

Re: Reimbursement of Approval Commission Volunteers

Date: October 4, 2018

The Standing Committee on Paralegals requests a waiver to the $100 per day limit on reimbursement of reasonable travel and lodging expenses for Approval Commission members to attend twice yearly meetings at the ABA Headquarters in Chicago, IL. The anticipated costs of fully reimbursing travel and lodging expenses for Approval Commission members would increase current meeting expenses by about $3,000 per year. For FY2018 and for the foreseeable future the Standing Committee on Paralegals Approval Commission does not receive any ABA general revenue and is completely funded by approval fees.

The role of the Approval Commission is to foster high-quality paralegal education, which is carried out through the review of self-evaluation reports and on-site inspections of programs seeking ABA approval or reapproval. The Commission confirms that the program is operating in compliance with the ABA Guidelines for the Approval of Paralegal Education Programs and formulates recommendations to the Standing Committee on paralegal education program approval. The Commission is comprised of thirteen members, six representatives of the ABA, a general public member and seven representatives of law-related organizations. The six ABA representatives and the general public member are currently reimbursed by the ABA for travel to two ABA Approval Commissions meetings per year according to the ABA policy on reimbursement of $100 per day for lodging and meals. The current reimbursement period is for the two days of the meeting and one travel day. The Approval Commission meetings are essential to carrying out the core functions of the ABA Approval Process.

The members of the Approval Commission are predominantly paralegal educators and are employed by community and state colleges and universities. In many situations the Commission members’ employers do not reimburse them for costs associated with traveling to Approval Commission meetings, leaving
them to pay out-of-pocket to attend meetings. Commission members are asked to commit a substantial amount of time away from work participating in site visits and meetings and not being able to fully reimburse members hinders the ability to attract qualified, committed members willing to serve on the Commission.

We believe that similar rationale that was used to support exempting the ABA Legal Education Accreditation Committee from the $100 per day reimbursement limit can be applied to the ABA Standing Committee on Paralegals Approval Commission. The work that the Approval Commission does, by reviewing and discussing program reports to ensure adherence to the Guidelines for paralegal programs, is akin to accreditation work done by the Accreditation Committee for ABA accredited law schools.

Our request for waiver of the $100 per day reimbursement limit applies only to Approval Commission members and not for Standing Committee members who would continue to be reimbursed according to the ABA reimbursement policy. Approval of this request would result in a minimal increase in meeting expenses, which are fully covered by approval fees, but would clearly demonstrate appreciation of the dedicated work done by Approval Commissioners and would ensure that participation on the Commission would not be limited due to travel expenses.

We thank you for your time considering our request.
To: Operations and Communications Committee of the Board of Governors of the American Bar Association

From: Victor M. Marquez, Chair

Date: October 5, 2018

Subject: Request for Approval to Create the ABA SOGI LGBT Public Interest Scholarship Program within the Commission on Sexual Orientation and Gender Identity

The ABA Commission on Sexual Orientation and Gender Identity ("SOGI Commission") respectfully submits and requests that the Board of Governors approve the creation of the ABA SOGI LGBT Public Interest Scholarship Program. This is a new program for which SOGI seeks Board approval. The Scholarship will provide financial support to recent law students and/or law school graduates who are either LGBTQ or who will be working in the LGBTQ space doing public interest work which may include, but not be limited to working for Community Base Organizations ("CBO’s"); Non-Governmental Organizations ("NGO’s"); policy work in a governmental and/or non-governmental setting; doing academic research, teaching or the like; or any other type of program that helps to promote and protect the Rule of Law and the civil and human rights of LGBTQ persons.

The SOGI Commission further requests approval to raise outside funds for the scholarship and to establish a dedicated line of business within its existing program support fund to separately track the scholarship funds.

Background

For those young adults that identify as lesbian, gay, transgender, or bisexual, the challenges can be intense. The Pew Research Center found that LGBTQ students have a lower rate of graduation from college. As a result of this, LGBTQ students are historically underrepresented in postgraduate populations. This by extension applies to the number of LGBTQ individuals applying to and attending law school.
Once a student decides on a school, there can often be financial restraints that require some assistance. Many organizations have been created to assist with this by offering LGBTQ scholarships to help fund these students’ educations and/or to assist them in securing a public interest job to work in the LGBTQ space.

Along the same lines, many students who graduate from law school find that preparing for the Bar exam can be a daunting process and it becomes more difficult when they may not have the financial resources to pay for the Bar prep courses, for life essentials, and for the Bar exam. However, the American Bar Association currently has no set form of assistance or scholarship specifically with the aim of aiding LGBTQ law students and/or recent law graduates. This scholarship program will offer a way to provide funds for LGBTQ students to attend school, graduate from law school and go on to become members of the Bar.

Moreover, this Scholarship program will provide a pipeline of future ABA members as SOGI will develop and implement a program to do outreach to the ABA accredited law schools to promote the scholarships, highlight the work of SOGI and the ABA as a whole. Young people today react well when they see substantive programs that speak to them and the work of SOGI should serve as a motivator for law students to become involved with and remain involved with the ABA.

ABA SOGI LGBTQ Public Interest Scholarship Program

The ABA SOGI LGBTQ Public Interest Scholarship Program, which will be referred to in outreach materials as the “ABA SOGI SCHOLARSHIP PROGRAM,” will be used to provide scholarships that would reimburse fees and expenses for LGBTQ Law Students who are in or entering law school, as well as for recent LGBTQ law school graduates who have secured employment in the LGBTQ legal space advancing and protecting the rights of LGBTQ persons and many be in need of additional funds to supplement the cost of living while studying for the bar exam or to supplement a program at a non for profit organization who may only have stipends to work on programs of importance to the LGBTQ population.

The scholarships would be awarded periodically at the discretion of the SOGI Commission through the establishment of a SOGI Scholarship Standing Committee (“Scholarship Committee”) which shall be comprised of at least two Commissioners and other ABA members designated by the Chair of SOGI. The SOGI Scholarship Standing Committee will make recommendations on the scholarship awards to the full Commission for approval. A Scholarship Application process and criteria for awarding the scholarships will be developed by the Scholarship Committee and presented to the full Commission for adoption and approval. Attached as Exhibit “A” is a DRAFT copy of the criteria for the scholarship application. This criteria has already been carefully vetted by a group of LGBTQ Attorneys under the direct supervision of SOGI’s Chair, Victor M. Marquez.
The Commission will award the scholarships to both LGBTQ and non-LGBTQ individuals who exhibit promise in and have demonstrated a commitment to the advancement of civil and human rights in the LGBTQ communities and/or who have secured employment in the LGBTQ legal sphere. The scholarship will be awarded to individuals who are pursuing a legal career and who plan to work to protect and promote the rights of LGBTQ persons and their families. Applicants must be accepted at or currently enrolled in an accredited law school in pursuit of a juris doctor or be recent law school graduates of an accredited law school. Recent law school graduates who apply must have graduated from an accredited law school and be preparing to take the Bar exam and demonstrate both that they have a job at a public interest organization and that supplemental financial support is needed.

Scholarships may be awarded at such times and in such amounts as available funds permit and at the absolute discretion of the SOGI Commission. The scholarship award amount will be $5,000 per award and per individual selected.

Revenue Source for ABA SOGI LGBTQ Public Interest Scholarship Program

The SOGI Commission’s Program Support Fund (PSF) within the ABA Fund for Justice and Education was created and approved by the Board of Governors in February 2011. The purpose of the PSF is to support the public service activities of the SOGI Commission.

Over the years, the Commission’s Program Support Fund has received tens of thousands of dollars in contributions, and has been used to fund various research activities, program and speaker expenses, cost for the Stonewall Award, and other Commission endeavors. Once approved, the Commission will seek charitable contributions from individuals and organizations for the ABA SOGI LGBTQ Public Interest Scholarship Program through its already existing Program Support Fund.¹ In addition, unrestricted contributions made to the Commission’s Program Support Fund may be allocated by the Section to the ABA LGBT Law Student Scholarship. Along these lines, it is anticipated that the SOGI Scholarship Program will be a vehicle for fundraising. All funds raised will be collected through the FJE.

Victor M. Marquez Esq.
Chair, Commission on Sexual Orientation and Gender Identity

¹ ABA Fund for Justice and Education Director, Jackie Casey, has reviewed this proposal and has advised that the use of the Program Support Fund for this purpose complies with applicable guidelines.
OVERVIEW

The Hispanic National Bar Association (HNBA), established in 1972, is a nonprofit, nonpartisan, national membership organization that represents the interests of Hispanic legal professionals in the United States and its territories, and is also committed to advocacy on issues of importance to the 58 million people of Hispanic heritage living in the U.S.

The mission of the HNBA LGBT Division is to Advocate for and monitor legal issues affecting the Hispanic LGBT community; to Educate the HNBA and others on legal issues facing the Hispanic LGBT community; and to Promote the expertise, advancement, and empowerment of Hispanic LGBT legal professionals.

LGBT DIVISION SCHOLARSHIP PROGRAM

During its 10th Year Anniversary, the HNBA LGBT Division is pleased to announce the inauguration of its scholarship program aimed at assisting law students or recent law graduates who are or will become members of the HNBA, and who will be working in advocacy, policy, and/or direct legal services in the LGBTQ space.

The LGBT Division Scholarship Program will provide a first, second or third year law student, or recent law graduate, financial assistance to enable the student or recent law graduate to work in the public interest arena for the Summer of 2018 for law students, or in the case of a law graduate for the summer and/or fall of 2018.
One or more scholarships of up to $5000 each will be awarded annually, beginning in 2018, subject to the availability of funds and the recommendation of the Division’s Scholarship Committee. The objective is to award the first scholarship(s) in time for the recipient(s) to utilize the funds during Summer 2018 or in the case of a law graduate for the summer and/or fall of 2018.

**LGBT DIVISION ANNUAL LATINX LEGAL PROFESSIONALS SUMMIT**

Each year, as part of the HNBA midyear or annual meeting, the LGBT Division hosts a Summit to (i) discuss issues of concern within the Latinx LGBT legal professional community and broader community; and (ii) develop advocacy strategies to address them. It is the goal of the LGBT Division Scholarship Program that scholarship recipients will be able to participate in the Summit and contribute substantively by sharing the work in which they were engaged during the summer and/or fall, respectively.

**CRITERIA**

To be eligible, the applicant must (i) be either a first, second or third year law student in good standing in an ABA accredited law school, or a recent law graduate (having received the degree within 12 months of the application date); (ii) have secured an internship or placement for Summer 2018 (which can extend beyond the Summer) or the fall of 2018 (for a recent law graduate) with a public interest organization engaged in legal or policy work with a direct impact on Latinx LGBTQ individuals. Applicants will be evaluated on the strength of their complete application and supporting materials, academic record, and demonstrated commitment to improve the legal and social standing of the Hispanic community, including Latinx LGBTQ individuals. Every effort will be made to award two scholarships and to reflect diversity in the award recipients. Persons with disabilities are encouraged to apply.
APPLICATION PROCESS AND TIMELINE

The completed application below and supporting materials must be sent via e-mail as a single .pdf document to: Gabriel Zorogastua at gzorogastua@polsinelli.com with copy to Javier Vargas at jvargas@courts.state.ny.us and Marjorie Soto at marjoriesoto87@gmail.com, no later than May 15, 2018, at 5:00pm Eastern Standard Time.

PART I

**General Information:**

Name _______________________________________________________
Address ______________________________________________________
City, State, ZIP Code ___________________________________________
Name of Law School _____________________________________________
Year of Graduation _______ Telephone _____________________________
E-mail Address: _________________________________________________

**Public Interest entity at which you plan to work:**

Name of Entity: _________________________________________________
Address: ______________________________________________________
City, State, ZIP Code _____________________________________________
Telephone: _____________________________________________________
Name of Supervisor: _____________________________________________

PART II

1) Resume: Include a copy of your resume.
2) Transcript: Include a copy of your most recent law school transcript (does not have to be certified);
3) Statement: Include a statement of no more than 1000 words that describes your anticipated Summer (or fall) Internship/Public Interest Job, your qualifications for it, and your interest in doing legal or policy work that impacts the Latinx LGBT community.
4) Proof of Internship or Comparable Public Interest Job Offer: Provide evidence that you have been awarded the Internship/Public Interest Job Offer.
5) References: You may provide up to two references, which are optional.

Certification: I hereby certify that all statements in this application and all supporting materials are true and correct.

Signature: ___________________________ Date: ____________________
TO: Darcee S. Siegel, Chair, Profession, Public Service and Diversity Committee of the Board of Governors

FROM: Robert T. Gonzales, Chair

RE: Request to Participate on Diversity Task Force

DATE: October 5, 2018

The American Bar Association Commission on Disability Rights (ABA-CDR) requests approval to participate on a task force (2018-19)—organized and managed by Diversity Lab—that examines the feasibility of broadening the scope of a law firm diversity pilot program, which measures diversity in leadership, to include lawyers with disabilities. Currently, 65 law firms are participating in a one-year (July 2018 to July 2019) pilot—Mansfield Rule 2.0—which measures whether law firms have affirmatively considered at least 30 percent women, LGBTQ+, and minority lawyers for leadership and governance roles, equity partner promotions, and senior lateral positions. Firms that can demonstrate that 30 percent of the applicant pool for these positions is diverse are “Mansfield Certified.” Mansfield Rule 3.0 would include lawyers with disabilities in addition to women, LGBTQ+, and minority lawyers.

Diversity Lab is an incubator for innovative ideas and solutions that boost diversity and inclusion in law. Experimental ideas are created through Diversity Lab’s hackathons and piloted in collaboration with more than 50 top law firms and legal departments across the country. Through publicly available reports, the Lab shares the results of its ground-breaking research and pilot initiatives. The Lab leverages data, behavioral science, design thinking, and technology to further develop and test the ideas, measure the results, and share the lessons learned. A team of 12 operates the Lab.

Participation in the task force significantly advances the ABA’s Goal III—Eliminate bias and enhance diversity in the legal profession—particularly as it relates to individuals with disabilities.
MEMORANDUM

TO: ABA Board of Governors

FROM: Janae LeFlore

SUBJECT: Requests from ABA Rule of Law Initiative

DATE: October 22, 2018

a. Memoranda of Understanding with Partner Organizations: requests approval to enter into Memoranda of Understanding (MOUs) with legal and civil society institutions and organizations in the ABA Rule of Law Initiative (ROLI’s) countries of operation, subject to review and approval by the ABA Office of General Counsel and a signed copy on file with the Policy and Planning Division. These MOUs are non-binding expressions of intent to collaborate between the ABA and partner organizations and are critical to successful implementation of ROLI’s grant commitments. The partner organizations are: (1) European Law Foundation; (2) Direction Générale de la Sureté Nationale; and (3) Présidence du Ministère Public.

b. Registration of Liberia Office: requests approval to register a ROLI Branch Office in Liberia. ROLI previously maintained a registered office in Liberia until 2012. ROLI intends to again register in Liberia and requires a current resolution to support its application. Between 2006 and 2012, ROLI implemented a number of programs through its Liberia office, including those funded by the United States Agency for International Development and the Open Society Institute. With new support from the US Department of State, ROLI anticipates conducting programming through 2020.
TO: Board of Governors

FROM: Ruthe Ashley, Chair, Standing Committee on Public Education

RE: Request to Seek Outside Funding for 19th Amendment Centennial Commemoration Activities

DATE: October 9, 2018

Approval of the Board is respectfully requested to seek outside funding for ABA activities related to the commemoration of the centennial anniversary of the passage of the 19th Amendment, guaranteeing and protecting women’s constitutional right to vote. This historic centennial offers an unparalleled opportunity to commemorate a milestone of democracy and to explore its relevance to the issues of equal rights today. The passage and ultimate ratification resulted in the largest expansion of democracy in the history of our nation, if not the world. During the Annual Meeting in August, the Board approved a related request that the ABA be included as a coalition partner with the 2020 Women’s Vote Centennial Initiative. That request, and thus the approval, noted that the ABA’s engagement with the 2020 Women’s Vote Centennial Initiative would require no financial investment or guarantee by the ABA.

The ABA’s 19th amendment commemoration activities are being developed and implemented by the Division for Public Education in conjunction with the Commission on Women in the Profession, Standing Committee on Election Law, and numerous other entities, including interested sections and divisions. The Division for Public Education will also collaborate with state, local and specialty bars through the Division for Bar Services and the National Conference of Bar Presidents and National Association of Bar Executives, which already are at the table.

A request to seek outside funding is being made at this time because the Women’s Suffrage Centennial Commission, established by Congress, recently announced that they have a budget of $3 million to develop educational and celebratory events, and award grants to organizations throughout the country to aid in educational and celebratory efforts. The Division for Public Education has begun to develop concepts for programs on the centennial that dovetail with its traditional activities. They would like to submit a funding proposal to the Women’s Suffrage Centennial Commission to support a proposed public town hall meeting at a prominent university, and development of a toolkit that state, local and specialty bars could use to replicate the town hall at public libraries, schools and universities, and other appropriate venues. Board approval is requested to seek outside funding from other sources as well, as opportunities arise. All fundraising will be conducted in coordination with the Fund for Justice and Education.

Thank you for your consideration of this request.
October 2, 2018

MEMORANDUM

To: ABA Board of Governors

From: Bernice Leber, Chair, ABA Representatives and Observers to the United Nations Committee

Re: Request for Board Action on Committee Mission Statement

The ABA Representatives and Observers to the United Nations Committee requests approval by the Board of Governors of the attached proposed mission statement for the Committee.

The Committee wishes to add focus to its strategic priorities through the mission statement and in keeping with the ABA House of Delegates’ approved, stated policies. The Committee aims to foster communication and coordination between the United Nations and ABA entities and members; promote within the United Nations ABA Goal IV to advance the Rule of Law abroad, defend our profession, liberty, human rights, and access to justice; and enhance globally the reputation of the ABA as a trusted partner of the United Nations where the ABA House of Delegates has approved policy.

The Committee with the adoption of the mission statement will place emphasis on communicating these goals to ABA members and entities and use the mission statement to focus and refine the Committee’s strategic priorities and plan of action.

If you have questions, please let me know.
UN Representatives and Observers’ Committee Mission Statement

The mission of the ABA Representatives and Observers to the United Nations Committee is to:

Promote and support the ABA, an accredited NGO with the United Nations, by advancing ABA policy;

Foster communication and coordination between the United Nations and ABA entities and members;

Promote within the United Nations ABA Goal IV to advance the Rule of Law abroad and to defend our profession, liberty, human rights and access to justice;

Enhance globally the reputation of the ABA as a trusted partner of the United Nations and advocate of the Rule of Law, access to justice and defender of human rights.
MEMORANDUM

TO: ABA Board of Governors

FROM: Janae LeFlore

SUBJECT: Requests to Create Program Support Funds

DATE: October 22, 2018

a. **Standing Committee on Election Law:** requests approval to create a program support fund to allow the Standing Committee on Election Law (Standing Committee) to receive charitable contributions from individuals, law firms, corporations, foundations, civic organizations, law schools, and others. Approval of the Program Support Fund will allow the Standing Committee to raise funds for its continued sustainability. The Fund for Justice and Education (FJE) has reviewed the application and the FJE has secured approval from the ABA General Counsel's Office that the activities that will be funded from the program support fund are eligible for charitable support.

b. **Division for Bar Services:** requests approval to create a Program Support Fund for the Division for Bar Services to receive charitable contributions from individuals, law firms, corporations, foundations, civic organizations, law schools, and others. Approval of the Program Support Fund will allow the Division for Bar Services to raise funds for its continued sustainability. The Fund for Justice and Education (FJE) has reviewed the application and the FJE has secured approval from the ABA General Counsel’s Office that the activities that will be funded from the program support fund are eligible for charitable support.
MEMORANDUM

TO: ABA Board of Governors

FROM: Janae LeFlore

SUBJECT: Requests for Co-Sponsorship

DATE: October 22, 2018

The following requests for co-sponsorships have been made. The Guidelines for Co-sponsorship of Programs/Activities with Other Organizations are attached. (Please note: No ABA general revenue is requested or required for these co-sponsorship requests.)

a. **Section of Environment, Energy, and Resources:**

to co-sponsor, with specific non-ABA entities, non-CLE Section programs that may be held in the 2018-2019 and 2019-2020 association years. These programs will serve as a valuable tool for recruitment and retention in the ABA and the Section of Environment, Energy, and Resources. These smaller programs are typically held at the organizers’ offices, such as government agencies, or in some other locations that are expedient, convenient, and capable of hosting an event. Typically, these programs are organized from beginning to end in approximately 3 to 12 weeks. Notification and cross promotion of these programs will take place electronically and may be featured on the Section’s webpage.

b. **Section of Science & Technology Law:**

to co-sponsor the Task Force on Climate-Related Financial Disclosures (TCFD), which develops voluntary, consistent climate-related financial risk disclosures for use by companies in providing information to investors, lenders, insurers, and other stakeholders. Many of these companies are ABA members, or are serviced by counsel who are ABA members.
The work and recommendations of the Task Force will help companies understand what financial markets want from disclosure in order to measure and respond to climate change risks, and encourage firms to align their disclosures with investors’ needs.

c. **Section of Intellectual Property Law:**

   i. to co-sponsor the 12th Annual USPTO *Design Day 2019* (tentatively scheduled for Tuesday, April 16, 2019), an annual conference for design patent practitioners and design examiners. The day-long event will be held in the Madison Auditorium at USPTO Headquarters in Alexandria, Virginia. The program is an opportunity for managers, design examiners and the design patent bar to exchange ideas and to educate each other on important topics affecting design patent practice. The day will involve the United States Patent and Trademark Office management and examiners, design patent practitioners and industrial designers from across the country. The financial responsibility for the co-sponsorship is an estimated $3,000. Section funds have been budgeted and will be used for the payment. The Section Council approved this on October 3, 2018.

   ii. to co-sponsor World IP Day, an annual event promoted by the World Intellectual Property Organization of the United Nations, and celebrated in numerous locations around the world to foster discussion of the role of intellectual property laws in encouraging innovation and creativity. The event will be held at the Rayburn House Office Building (tentatively) in Washington, DC on April 26, 2019. The financial responsibility for the co-sponsorship is yet to be determined, but will be an amount no greater than $5,000. Section funds have been budgeted and will be used for the payment. The Section Council approved this on October 3, 2018.

d. **Section of Litigation:**

   i. to co-sponsor (through dissemination) a Duke University School of Law Survey to gain additional insights on the Federal Civil Rules Amendments that took effect in 2015. This survey would be distributed to the section’s members in January or February 2019. The Section of Litigation and Duke Law have a previous collaboration on this topic by presenting a 17-City Roadshow Project...
together in 2015. The Roadshow Project was a series of three-hour programs for judges and lawyers, with lectures and panel discussions that explored various aspects of the Civil Rules amendments.

ii. to co-sponsor the National Judicial College’s symposium for judges and journalists titled, “‘So-Called Judges’ and the ‘Enemy of the People’: Judges, Journalists, and the Prospects for Democracy in a Time of Presidential Scorn” to be held at the National Press Club on December 13, 2018. The program will focus on the lessons of the book How Democracies Die by Harvard researchers Steven Levitsky and Daniel Ziblatt and parallels to current events. The Section will make a $1,500 contribution to the Symposium.
The Profession, Public Service and Diversity Committee (“Committee”) of the Board of Governors of the American Bar Association met at the Hyatt Regency Chicago, on Thursday, August 2, 2018. Chair Hon. Ramona G. See called the meeting to order at 9:00 a.m. CT. The following Committee members were in attendance: Mark. H. Alcott, Tom Bolt, David L. Brown, J. Timothy Eaton, Deborah Enix-Ross, David S. Houghton, Hon. Eileen A. Kato, Bernard T. King, Penina K. Lieber and Hon. Leslie Miller.

Staff in attendance were Rochelle E. Evans, Janae LeFlore, Nancy Andrade and Laura Macias. Also in attendance for a portion of the meeting was President-Elect Robert M. Carlson.

Welcome

Chair See welcomed the Committee and Board of Governors Nominees Hon. Frank J. Bailey, Michele Wong Krause, Matthew W. Wallace and Steven Wermiel. The Committee engaged in a discussion regarding improving communications to members regarding ABA activities.

a) Matters for Review by the Board

4.1 Nominations

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

ABA President-Elect Robert M. Carlson of Butte, Montana, recommended to the Board of Governors that Ilene Knable Gotts of New York, New York, be elected to a three-year term on the A-E-F-C Pension Plan Administration Committee to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting. In addition, he will recommend to the A-E-F-C Pension Plan Administration Committee that Ilene Knable Gotts be appointed to a one-year term as Chair of the A-E-F-C Pension Plan Administration Committee.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of President-Elect Robert M. Carlson of Butte, Montana, that Ilene Knable Gotts of New York, New York, be elected to a three-year term on the A-E-F-C Pension Plan Administration Committee to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.*

*Committee Member Bernard T. King abstained.
b. **ABA Journal Board of Editors**

ABA Journal Board of Editors ("Board of Editors") member Pamela J. Roberts of Columbia, South Carolina, resigned her position in January 2018. The Board of Editors requested the election of Pervin Taleyarkhan to a three-year term to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Profession, Public Service and Diversity Committee recommended approval of the request of the ABA Journal Board of Editors to elect Pervin Taleyarkhan to a three-year term on the ABA Journal Board of Editors to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

c. **Board of Elections**

The terms of the Honorable Jorge Labarga of Tallahassee, Florida, Chief Justice of the Supreme Court of Florida; the Honorable J. Michelle Childs of Columbia, South Carolina, and Thomas R. Curtin of Morristown, New Jersey, expire at the conclusion of the 2018 Annual Meeting. ABA President-Elect Robert M. Carlson of Butte, Montana, recommended the appointment of the following individuals to serve one-year terms on the ABA Board of Elections to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2019 Annual Meeting: The Honorable Beth Baker of Helena, Montana, Associate Justice of the Montana Supreme Court, as Chair; Penina K. Lieber of Pittsburgh, Pennsylvania, and Allen Van Etten of Honolulu, Hawaii, to serve as members.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Profession, Public Service and Diversity Committee recommended approval of the request of ABA President-Elect Robert M. Carlson to appoint the following individuals to serve one-year terms on the ABA Board of Elections to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2019 Annual Meeting: The Honorable Beth Baker of Helena, Montana, Associate Justice of the Montana Supreme Court, as Chair; Penina K. Lieber of Pittsburgh, Pennsylvania, and Allen Van Etten of Honolulu, Hawaii, to serve as members.

d. **International Bar Association Council**

The second three-year term of Carolyn B. Lamm of Washington, DC, as the ABA representative to the International Bar Association ("IBA"), expires at the conclusion of the IBA's Annual Conference in October 2018. The Section of International Law requested the election of ABA President Hilarie Bass as the ABA representative to the International Bar Association for a three year term to begin October 1, 2018, and expire October 1, 2021.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the Section of International Law to elect ABA President Hilarie Bass as the ABA representative to the International Bar Association for a three year term to begin October 1, 2018, and expire October 1, 2021.

e. National Construction Dispute Resolution Committee

The Section of Public Contact Law requested the re-election of Donald G. Gavin of Vienna, Virginia, to serve as the ABA representative to the American Arbitration Association National Construction Dispute Resolution Committee for a three-year term to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the Section of Public Contact Law to re-elect Donald G. Gavin of Vienna, Virginia, to serve as the ABA representative to the American Arbitration Association National Construction Dispute Resolution Committee for a three-year term to begin at the conclusion of the 2018 Annual Meeting and expire at the conclusion of the 2021 Annual Meeting.

f. Terminate ABA Representative to America Invents Act Pro Bono Council

The Section of Intellectual Property Law recommended that the Board of Governors remove the America Invents Act Pro Bono Advisory Council from the list of ABA Representatives to Other Organizations. The Advisory Council has ceased operations.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the Section of Intellectual Property Law to remove the America Invents Act Pro Bono Advisory Council from the list of ABA Representatives to Other Organizations.

4.2 Awards

a. Section of Intellectual Property Law

At its meeting in February 2018, the Board of Governors (“Board”) approved continued institutional membership in and co-sponsorship of the American Intellectual Property Law Education Foundation (“Foundation”) in 2018 for five years, to 2023, and ongoing contributions of Section of Intellectual Property Law funds to support the Foundation’s two awards on an ongoing annual basis. The Foundation would like to make minor revisions to the qualifications for the Jan Jancin Award winner. The original language in the approved Board request stated that “the Jan Jancin Award is offered to law students nominated by their schools who have excelled
in the study of intellectual property law”. The revised language adds a diversity component and provides more detail to the criteria.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Profession, Public Service and Diversity Committee recommended approval of the request of the Section of Intellectual Property Law to revise the qualifications for the Jan Jancin Award to add a diversity component and provide more detail to the criteria.

b. Section of Antitrust Law

The Section of Antitrust Law requested approval to establish the Consumer Protection Law Student Essay Project. The project will run during FY2019, and if it proves successful, the Section may request approval for additional years. This program is in keeping with the Section’s goal of promoting development of antitrust and consumer protection law and practice. The Section’s Council approved funding for this project at its Spring Meeting on April 20, 2018. A budget of $15,000 has been allocated from Section funds to support this project for FY2019. The project will award three students (first, second and third place) prizes in varying amounts; not to exceed $10,000, collectively. The remaining $5,000 will sponsor the winners’ travel to a Section meeting to receive their awards.

**UPON MOTION DULY MADE, SECONDED AND CARRIED:**

The Profession, Public Service and Diversity Committee recommended approval of the request of the Section of Antitrust Law to establish the Consumer Protection Law Student Essay Project. The Section’s Council approved funding for this project at its Spring Meeting on April 20, 2018. A budget of $15,000 has been allocated from Section funds to support this project for FY2019. The project will award three students (first, second and third place) prizes in varying amounts; not to exceed $10,000, collectively. The remaining $5,000 will sponsor the winners’ travel to a Section meeting to receive their awards.

c. Health Law Section

The Health Law Section requested approval to create a new award entitled ABA Health Law Section Emerging Young Lawyers in Healthcare that honors ABA Health Law Section (“HLS”) young lawyer members who exemplify a broad range of achievement, vision, leadership, and legal and community service in health law. It is anticipated that only five recipients will be selected in the first year. The award will be a plaque under $150.00 in value and paid with Section funds.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the Health Law Section to create a new award entitled ABA Health Law Section Emerging Young Lawyers in Healthcare that honors ABA Health Law Section (“HLS”) young lawyer members who exemplify a broad range of achievement, vision, leadership, and legal and community service in health law. It is anticipated that only five recipients will be selected in the first year. The award will be a plaque under $150.00 in value and paid with Section funds.

d. Section of Environment, Energy, and Resources

The Section of Environment, Energy, and Resources requested approval to co-sponsor the National Congress of American Indians’ (NCAI) Tribal Climate Action Youth Leadership Project (Project) writing competition and to provide financial support for the 2018, 2019, and 2020 calendar years. In addition to the Section of Environment, Energy, and Resources, the Native American Political Leadership Program of George Washington University, a 501(c)(3) nonprofit, is also co-sponsoring this writing competition. The Native American Political Leadership Project is a full scholarship program designed to give Native American undergraduate and graduate students the chance to participate in the Semester in Washington Politics program. It is meant to encourage Native youth to consider a career path in environmental law and policy, as well as inspire civic participation in their local tribal governments. It is also intended to engage high school students in current debates about climate change impacts, and to develop an awareness of the limits and extents of tribal sovereignty, and how tribal governments can shape laws to prepare for climate change impacts. The Section will contribute $2,500 annually or speaker travel expenses to an event that signifies the beginning of this project, a panel discussion about tribal government climate action plans at the NCAI Annual Convention. Section funds will be used for co-sponsorship support.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the Section of Environment, Energy, and Resources to co-sponsor the National Congress of American Indians’ (NCAI) Tribal Climate Action Youth Leadership Project (Project) writing competition and to provide financial support for the 2018, 2019, and 2020 calendar years. In addition to the Section of Environment, Energy, and Resources, the Native American Political Leadership Program of George Washington University, a 501(c)(3) nonprofit is also co-sponsoring this writing competition. The Section will contribute $2,500 annually or speaker travel expenses to an event that signifies the beginning of this project, a panel discussion about tribal government climate action plans at the NCAI Annual Convention. Section funds will be used for co-sponsorship support.
4.3 Request from Working Group to Advance Well-Being in the Legal Profession to Initiate Substance Abuse and Mental Health Campaign

The ABA Working Group to Advance Well-Being in the Legal Profession (“Working Group”) requested that the Board of Governors approve a substance use disorder and mental health campaign (the “Campaign”) within the legal profession to raise awareness and facilitate a reduction in the incidence of problematic substance use and mental health disorders and approval of a pledge. The primary vehicle for the Campaign is a pledge designed for legal employers (including law firms, corporate entities, government agencies and legal aid organizations). Participating legal employers would be featured on the ABA website. The Campaign would generate no additional costs for the ABA.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the ABA Working Group to Advance Well-Being in the Legal Profession (“Working Group”) that the Board of Governors approve a substance use disorder and mental health campaign (the “Campaign”) within the legal profession to raise awareness and facilitate a reduction in the incidence of problematic substance use and mental health disorders and approval of a pledge. The primary vehicle for the Campaign is a pledge designed for legal employers (including law firms, corporate entities, government agencies and legal aid organizations). Participating legal employers would be featured on the ABA website. The Campaign would generate no additional costs for the ABA.

4.4 Request from President-Elect Robert M. Carlson to Amend Jurisdictional Statements

a. ABA Rule of Law Initiative

President-Elect Carlson requested an amendment to the jurisdictional statement of the Rule of Law Initiative Council. The current jurisdictional statement stipulates that four (4) voting directors shall be the Chairs or their designees of the ABA Section of International Law; ABA Center for Human Rights; CEELI Institute; and ABA Section of Individual Rights and Responsibilities (CRSJ). The directors selected by the four entities shall be recommended to the President-elect pursuant to the internal nominations and appointments process of each such entity, as modified from time to time. The Board of Governors is requested to amend the jurisdictional statement to discontinue the voting director slot for the CEELI Institute and to increase the number of at-large member slots from 12 to 13.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of President-Elect Carlson to amend the jurisdictional statement of the Rule of Law Initiative Council to discontinue the voting director slot for the CEELI Institute and to increase the number of at-large member slots from 12 to 13.

b. Center for Innovation

President-Elect Carlson requested an amendment to the jurisdictional statement of the Center for Innovation Governing Council to allow for one additional person to serve, bringing the total number of members to 15. This will allow the appointment of
Michael Deal, Vice President and Associate General Counsel of Amazon who is willing to serve and will be central to the Governing Council's fundraising efforts.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of President-Elect Carlson to amend the jurisdictional statement of the Center for Innovation Governing Council to allow for one additional person to serve, bringing the total number of members to 15.

4.5 Request from ABA Rule of Law Initiative

a. Updated List of Approved Countries of Operation, Donors and Thematic Program Areas

The ABA Rule of Law Initiative (ROLI) requested approval to receive a subgrant from Civic Initiatives (CI), a Serbia-based organization established in 1996. CI's mission is to strengthen civil society through education, promoting democracy and support for an active society. ROLI would like to explore the possibility of receiving a subgrant from CI to support civil society in monitoring how effective civil society is at advocating for their positions, and how advocacy strategies could be improved. This subgrant and work would be under the U.S. Agency for International Development (USAID) -funded Serbia Strategic Advocacy Approaches Activity. ROLI is well-positioned to support CI in their work because of its research, Evaluation and Learning division's work in developing tools to evaluate how well advocacy strategies work on different rule of law issues in various countries and contexts. ROLI is ineligible to receive direct funding from USAID because the opportunity is open only to local Serbian organizations.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the ABA Rule of Law Initiative (ROLI) to receive a subgrant from Civic Initiatives (CI), a Serbia-based organization established in 1996, to support civil society in monitoring how effective civil society is at advocating for their positions, and how advocacy strategies could be improved.

b. Memoranda of Understanding with Partner Organizations

(i) Ministry of Justice of the Republic of Uzbekistan

ROLI requested approval to enter into a Memorandum of Understanding (MOU) with the Ministry of Justice of the Republic of Uzbekistan. An MOU with the Ministry of Justice would enable ROLI to conduct technical assistance activities envisioned as part of programming in-country, such as facilitating trainings, developing course curricula, and providing technical expertise and support. An MOU with the Ministry of Justice would enable ROLI to ensure fruitful and timely cooperation on legal reform activities and would enable ROLI to operate in-country.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the ABA Rule of Law Initiative (ROLI) to enter into a Memorandum of Understanding (MOU) with the Ministry of Justice of the Republic of Uzbekistan, subject to review and approval of the MOU by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

(ii) Libya

ROLI’s Libya Office requested approval to enter into a Memorandum of Understanding (MOU) with the Libya Young Lawyers’ Association (YLA) to provide a framework for ongoing support to the YLA via training for their members on international human rights standards. This MOU will support the work of multiple ABA ROLI programs in Libya. The purpose of this MOU is purely to formalize the intent to cooperate moving forward, and the MOU does not commit ABA ROLI financially in any way.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the ABA Rule of Law Initiative (ROLI) to enter into a Memorandum of Understanding (MOU) with the Libya Young Lawyers' Association, subject to review and approval of the MOU by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

4.6 Requests from Fund for Justice and Education to Create Program Support Funds

a. Migrant Children and Family Initiative

The Fund for Justice and Education (FJE) requested approval to create the Migrant Children and Family Initiative Program Support Fund. In addition, the FJE requested approval to seek outside funding for this work and, if deemed appropriate, the funds will be distributed to outside organizations to advance the objectives of the initiative.

UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the requests of the Fund for Justice and Education (FJE) to 1) create the Migrant Children and Family Initiative Program Support Fund, and 2) seek outside funding for this work and, if deemed appropriate, distribute the funds to outside organizations to advance the objectives of the initiative.

b. Standing Committee on Gun Violence

The Fund for Justice and Education (FJE) requested approval to establish a Program Support Fund for the Standing Committee on Gun Violence, and to seek outside funding for this work.
UPON MOTION DULY MADE, SECONDED AND CARRIED:

The Profession, Public Service and Diversity Committee recommended approval of the request of the Fund for Justice and Education (FJE) to establish a Program Support Fund for the Standing Committee on Gun Violence, and to seek outside funding for this work.

4.7 Request for Continuation of the Veterans Legal Services Initiative

The Board is requested to approve the continuation of the Veterans Legal Services (“Initiative”) and its Program Support Fund through the next three fiscal years. Funding for the Initiative, including any staffing, if needed, will come from the existing FJE account and no general operations funds are requested.

Mr. Rives reminded the Committee that staff was reorganized in April of this year and centers were created as part of the reorganization. As an additional Center for Military and Legal Affairs will be created to continue the work of the Initiative, there is no need to extend the life of the Initiative. He also informed the Committee that funds will continue to be raised for this initiative in a fair manner. The Committee expressed concerns regarding ambiguity with the initial request, and agreed that there was no need to create anything new.

After the presentation by Mr. Rives, this item was withdrawn. The Profession, Public Service and Diversity Committee supported the August 2, 2018, memorandum from ABA Executive Director Jack L. Rives, with the understanding that this is a staff function. Ms. Klein informed the Committee that $700,000 for veterans has been raised to date.*

MATTERS OF INDEPENDENT JURISDICTION

4.15 Requests for Co-sponsorships

The Profession, Public Service and Diversity 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. Section of Antitrust Law:

i. to co-sponsor certain Section “Committee Programs” with specific outside entities in the 2018-2019 Association year. In September 2002, the Operations and Communications Committee granted approval for Section “Committee Telephonic Programs” formerly called “Brown Bag” programs co-sponsored with certain outside entities through August 31, 2003, with the understanding that the Section would need to request renewal of the approval for each subsequent Association year. Committee Telephonic Programs are a popular program tool used by Section committees to inform Section members and the public of timely antitrust issues.

*Committee member Deborah Enix-Ross abstained.
Due to the nature of the topics (i.e. recent court cases, new government regulations), these programs are usually held without a lot of advance notice.

ii. to co-sponsor with any ABA-accredited law school the Section’s presentation of “Why Antitrust/Why Consumer Protection Law?” program during the 2018-2019 ABA fiscal year. The principal objective of the “Why Antitrust/Why Consumer Protection Law?” program is to incorporate substantive antitrust and consumer protection programming into the Membership and Diversity Committee’s outreach efforts. These one-hour long programs are held at law schools and consist of a panel of Section members who describe antitrust and consumer protection practice to the attendees.

b. Section of Science & Technology Law: to co-sponsor Section Committee Programs with certain outside entities. These Committee Programs are a popular and efficient tool used by the Section’s committees to educate and inform Section members and the public of current and emerging science, technology and law issues. Due to the nature of the topics (i.e. new government regulations, new technological advances and associated laws, recent court cases, etc.), these programs are developed quickly and should be presented in a timely manner. Programs are generally organized from start to finish in a 4-6-week period. Most programs are held via teleconference/webinar, but some will be offered in a dual format and provide a live and teleconference/webinar option. These dual format programs will generally be held at law firms, but might also be held at corporate law departments, government agencies or law schools.

c. Public Education Division: to co-sponsor the 2020 Women’s Vote Centennial Initiative by being listed as a coalition partner. The year 2020 marks the 100th anniversary of the passage of the 19th Amendment, guaranteeing and protecting women’s constitutional right to vote. This historic centennial offers an unparalleled opportunity to commemorate a milestone of democracy and to explore its relevance to the issues of equal rights today. The 2020 Women’s Vote Centennial Initiative (https://www.2020centennial.org/), a collaborative of institutions, organizations, and scholars from across the United States, will ensure that this anniversary is commemorated and celebrated throughout the United States.

4.20 Approval of the Minutes

The Profession, Public Service and Diversity Committee approved the minutes of the June 11, 2018 Conference Call and June 21, 2018, meeting.

4.21 ABA Enterprise Fund Projects – FY2018 Third Quarter Reports

Penina K. Lieber, Committee member responsible for the oversight of active Enterprise Fund Projects, reported on the three active projects. Two projects (Homeless Youth Legal Network and Expanding Access to Legal Services through the Creation and Dissemination of Legal Checkups) are on track and Expanding Access to Legal Services through the
Advancement of Court-Annexed Online Dispute Resolution requested an eight-month, no-cost extension to complete its deliverables.

A fourth project, Improving Bar Association Board Governance Through the Creation and Distribution of Board Training Modules submitted its final report.

Following discussion of the FY2018 Third Quarter Reports, the Committee approved the request of the Expanding Access to Legal Services Through the Advancement of Court-Annexed Online Dispute Resolution Enterprise Fund Project for an eight-month, no-cost extension from April 2018 to December 2018, to complete its deliverables.

4.22 Report from Committee on Scope and Correlation of Work

Scope and Correlation of Work (“Scope”) Committee Chair Thomas M. Fitzpatrick gave a report to the Committee. Mr. Fitzpatrick stated that the role of SCOPE was shifting to more of a “performance auditor” approach. He also expressed that he had grave concerns about the ABA’s financial situation and the de-funding of Standing Committees created by the House.

There being no further business to come before the Committee, the meeting was adjourned.

Respectfully submitted,

Honorable Ramona G. See, Chair
MEMORANDUM

To: Board of Governors of the American Bar Association
   Fund for Justice and Education

From: William K. Phelan

Subject: New Grant Awards/Modifications Report

Date: October 18, 2018

Financial Services kindly requests that the Board of Governors of the American Bar Association Fund for Justice and Education review and note the acceptance of the restricted grants listed on the attached report. These grants, totaling $38,961,055 and not previously reported to the Board, were awarded through September 30, 2018.

Should you have any questions or need further information, my staff and I are available to assist.

cc: Jack L. Rives
## Expanding Access to Legal Services Through the Creation and Dissemination of Legal Checkups

**Project Name & Description**

Project proposes the development, distribution and preliminary evaluation of legal checkups that will help people determine when they have a problem that has a legal solution and provide the resources to address these situations.

**Collaborating Entities**

Standing Committee on Legal Aid and Indigent Defendants
Standing Committee on Bar Activities and Services
Standing Committee on the Delivery of Legal Services
Standing Committee for Group Delivery of Legal Services
Commission on Homelessness & Poverty
Section of Science & Technology Law

**Staff Contacts**

Briana Billingslea, Director
Ramon Robinson, Director
Cheryl Zalenski, Director
Caryn Cross Hawk, Director
Jason Vail, Staff Counsel
Amy Horton-Newell, Director
Kimberly Kociak, Director
Pamela Robinson, Director
Jackie Casey, Director
Roni Rose, Director
Tori Jo Wible, Director

**Timeline**

- September 2016 to August 2018 (24 months)
- First seven month no-cost extension from August 2017 to March 2018 was approved at the June 2017 Board meeting.
- Second five-month no-cost extension from March 2018 to August 2018 was approved at the August 2018 Board meeting.

**Award Amount**

$71,771

**Budget Remaining**

$18,285

**Deliverables**

Legal Checkups. After a full analysis of existing status of diagnostic tools, sponsors will select topics to be addressed by the legal checkups to be developed. Once specific topics are identified, the project will recruit lawyers with expertise in these areas, creating small working groups. The working groups will be responsible to the development of questions to be incorporated into the checkups. Unlike most legal checkups, those that will be developed through this project will use branching logic to enable users to efficiently cover a wide range of issues. If a checkup users answers "yes" to a question, the tool will take that user to the appropriate set of follow-up questions. If the user answers "no", the tool will seamlessly go to a different set of questions.

The project stakeholders created enormous impediments to achieving the project goals and deliverables and by the time that issue was resolved, the time frame for completing the work had to be extended. Then, the ABA didn’t allocate the funds again, so nothing was accomplished.

The Project was partially successful in that 2 legal checkups were created out of the 5 that were originally contemplated. Those were for family law in the state of Maryland, located at https://aba.neotologic.com/am/mdflc and housing law in the state of Illinois, located at https://lawhelp.interactive.org/interview/GenerateInterview/6374/engine.

However, the completion time for both of those projects far exceeded the time frame in which contractors were retained to work on the project. As such, though scripts were written for all of the checkups, the final 3 were not completed and neither of the checkups that were completed included an evaluation tool to evaluate their overall effectiveness.

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## Expanding Access to Legal Services Through the Advancement of Court-Annealed Online Dispute Resolution (ODR)

**Project Name & Description**

Project will develop recommendations for specifications for the design and implementation of the ODR platform to be delivered to the New York State Office of Court Administration to create the automated substantive and procedural components of the technological tools necessary to develop and sustain a court-annealed ODR system. A court-annealed ODR system will help relieve the overcrowded court system and facilitate judicial efficiency, as well as preserve the Constitutional and traditional role of the courts in dispute resolution, at a time when ODR systems are being increasingly privatized. By so doing, the Enterprise Fund award and the deliverables will preserve the independence of the judiciary and the legal profession, while affording an alternative ethical and efficient path to access to justice for all, and particularly for the underserved.

**Collaborating Entities**

Section of Dispute Resolution
Judicial Division
Young Lawyers Division
ABA Fund for Justice and Education
Section of Science & Technology Law

**Staff Contacts**

Linda Seeley, Director
Tori Jo Wible, Director
Robin Rose, Director
Jackie Casey, Director
Caryn Cross Hawk, Director

**Timeline**

- Sept 2015 to Dec 2016 (28 months)
- First five-month no-cost extension from November 2017 to April 2018 was approved at the August 2017 Board meeting.
- Second eight-month no-cost extension from April 2018 to December 2018 was approved at the August 2018 meeting.

**Award Amount**

$63,800

**Budget Remaining**

$45,133

**Deliverables**

Checklists to guide judicial administrators, managers, and judges in developing and incorporating an ODR system into their existing court system.

Case resolution process would include:
1. The identification of the distinct stages of the process (including the critical elements).
2. Decision trees for stages of the process; and
3. Possible technology applications for each stage (e.g., video-conferencing and chat rooms). Case resolution process would be forwarded to software developers for implementation.

Ancillary promotional materials and a video will be included in a toolkit developed for court administrators, judiciary and bar associations interested in replicating these efforts.

The project stakeholders created enormous impediments to achieving the project goals and deliverables and by the time that issue was resolved, the time frame for completing the work had to be extended. Then, the ABA didn’t allocate the funds again, so nothing was accomplished.

The Project was partially successful in that 2 legal checkups were created out of the 5 that were originally contemplated. Those were for family law in the state of Maryland, located at https://aba.neotologic.com/am/mdflc and housing law in the state of Illinois, located at https://lawhelp.interactive.org/interview/GenerateInterview/6374/engine.

However, the completion time for both of those projects far exceeded the time frame in which contractors were retained to work on the project. As such, though scripts were written for all of the checkups, the final 3 were not completed and neither of the checkups that were completed included an evaluation tool to evaluate their overall effectiveness.

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<th>Project Name &amp; Description</th>
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<th>Timeline</th>
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<td>Homeless Youth Legal Network</td>
<td>Commission on Homelessness and Poverty</td>
<td>Amy E. Horton-Newell, Director</td>
<td>Sept 2016 to August 2018 (24 months)</td>
<td>$125,000</td>
<td>$112,060</td>
<td>$12,940</td>
<td>1) Coordination &amp; implementation of legal and employment clinics for homeless and transitioning youth at 5 pilot sites as well as through technical assistance to other communities; 2) Evaluate number andodemographic information of youth utilizing pilot sites, as well as their outcomes and level of satisfaction with services; 3) Develop and sustain a Network of law and policy experts through the compilation of a directory and creation of a listserv and quarterly conference calls; 4) Staff a national legal services hotline for homeless youth and their providers that is equipped to triage and direct callers to the appropriate legal services provider in their community through the Network; 5) Develop resources to promote best practices and model principles; 6) Provide technical assistance to lawyers and advocates; 7) Conduct trainings and webinars for lawyers and advocates on policy issues as well as substantive legal issues; 8) Provide a sustainability plan that relies on outside fund raising for ongoing support.</td>
<td>The Commission has requested an extension to file the final report because it is still finalizing the data from the pilots conducted. The final report will be submitted upon completion of this process.</td>
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<tr>
<td></td>
<td>Commission on Youth at Risk</td>
<td>Linda Britton, Director</td>
<td>First six month no-cost extension from February 2018 to August 2018 was approved at the June 2017 Board meeting.</td>
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<td></td>
<td>Standing Committee on Pro Bono and Public Service</td>
<td>Cheryl Zalenski, Director</td>
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<td></td>
<td>ABA Fund for Justice and Education</td>
<td>Jackie Casey, Director</td>
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03.30.14180.4700034
American Bar Association
Enterprise Fund Award

FY2017-2018 Fourth Quarter Progress Report
August 30, 2018

Project Name: Expanding Access to Legal Services through the Advancement of Court-Annexed Online Dispute Resolution

Collaborating Entities: Judicial Division; Section of Dispute Resolution; Young Lawyers Division; ABA Fund for Justice and Education; Section of Science & Technology Law and Commission on the Future of Legal Services

Funding: $63,800

Project Description: Project will develop recommendations for specifications for the design and implementation of that ODR platform to be delivered to the New York State Office of Court Administration to create the interwoven substantive and procedural components of the technological tools necessary to develop and sustain a court-annexed ODR system. A court-annexed ODR system will help relieve the overburdened court system and facilitate judicial efficiency, as well as preserve the Constitutional and traditional role of the courts in dispute resolution, at a time when ODR systems are being increasingly privatized. By so doing, the Enterprise Fund award and the deliverables will preserve the independence of the judiciary and the legal profession, while affording an alternative ethical and efficient path to access to justice for all, and particularly for the underserved.

Project Deliverables: Checklists that will provide a guide for judicial administrators, managers, and judges in the development and incorporation of an ODR system into their existing court system.

Case resolution process - ABA will work in cooperation with the New York ADR Office and Permanent Commission on Access to Justice. Elements of the case resolution process would include: (1) the identification of the distinct stages of the process (including the critical elements), (2) decision-trees for stages of the process; and (3) possible technology applications for each stage (e.g., video-conferencing and chat rooms). It is anticipated that the case resolution process would be forwarded to software developers for implementation.

Ancillary promotional materials and a video will be included in a toolkit developed for court administrators, judiciary and bar associations interested in replicating these efforts.

As part of the Enterprise Fund (E-Fund) award guidelines, E-Fund award recipients must submit quarterly progress and financial reports throughout the term of the E-Fund Project and a final report at its conclusion. To assist in this effort, the Enterprise Fund Subcommittee of the Profession, Public Service and Diversity Committee of the Board of Governors has the following questions on your work to date. Please also attach a copy of the most recent financial report to your response:

1. Describe your fourth quarter progress toward achievement of your deliverables, including the amount spent to-date and how you are meeting the goals of the award within the award period. We were unable to complete any of the objectives or goals because the ABA did not budget funds for this project.

2. How does your project affect lawyers in general? It won’t.
3. What is each collaborating entity's role in this project? The Judicial Division ceased participating except to the extent of holding the funds in their account.

4. Do you propose any changes in the Project Timeline at this stage? If so, please describe the changes for the Subcommittee's consideration. No this is finished.

5. Are there any impediments to achieving the Project's deliverables? Yes, the project stakeholders created enormous impediments to achieving the project goals and deliverables and by the time that issue was resolved, the time frame for completing the work had to be extended. Then, the ABA didn't allocate the funds again, so nothing was accomplished.

Please note that at the end of the award period, December 30, 2018, as part of your final report, the E-Fund Subcommittee will also ask for any plans for post award follow-up or program continuation and for 2-3 examples/stories that illustrate how this project impacted a specific person or group.

Date: 10/17/2018
Contact Person: Linda Warren Seely
Telephone: 202-662-1685
Email: linda.seely@americanbar.org
American Bar Association
Enterprise Fund Award

FINAL REPORT
August 30, 2018

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Expanding Access to Legal Services through the Creation and Dissemination of Legal Checkups</th>
</tr>
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<tbody>
<tr>
<td>Collaborating Entities:</td>
<td>Standing Committee on the Delivery of Legal Services; Standing Committee for Group and Prepaid Legal Services; Standing Committee on Legal Aid and Indigent Defendants; Solo, Small Firm and General Practice Division; Commission on the Future of Legal Services; Commission on Homelessness &amp; Poverty; Standing Committee on Bar Activities and Services and Standing Committee on Pro Bono &amp; Public Service</td>
</tr>
<tr>
<td>Funding:</td>
<td>$68,000</td>
</tr>
<tr>
<td>Project Description:</td>
<td>Project proposes the development, distribution and preliminary evaluation of legal checkups that will help people determine when they have a problem that has a legal solution and provide the resources to address those solutions. Applying research conducted by the American Bar Foundation, the project will expand access to those who legal futurist Richard Susskind refers to as the “latent legal market.” Project will survey the current status of legal checkups and identify/gather small groups/panels of practitioners with expertise in the most common areas of legal need, i.e., domestic relations, estate planning, consumer and/or financial matters and housing. Groups may also address specific populations, such as veterans and the homeless. The expert panels will work with technologists from a communications platform, such as the A2J authoring tool, to develop a series of questions, using branching technology, designed for consumers to answer in order to create the online checkups.</td>
</tr>
<tr>
<td>Project Deliverables:</td>
<td>Legal Checkups. After a fuller analysis of the existing status of diagnostic tools, sponsors will select topics to be addressed by the legal checkups to be developed. Once specific topics are identified, the project will recruit lawyers with expertise in these areas, creating small working groups. The working groups will be responsible to the development of questions to be incorporated into the checkups. Unlike most current checkups, those that will be developed through this project will use branching logic to enable users to efficiently cover a wide range of issues. If a checkup user answers &quot;yes&quot; to a question, the tool will take that user to the appropriate set of follow-up questions. If the user answers &quot;no&quot;, the tool will seamlessly go to a different set of questions.</td>
</tr>
</tbody>
</table>

As part of the Enterprise Fund (E-Fund) award guidelines, E-Fund award recipients must submit quarterly progress and financial reports throughout the term of the E-Fund Project and a final report at its conclusion. Since your Project has been completed (June 2018), the Enterprise Fund Subcommittee of the Profession, Public Service and Diversity Committee of the Board of Governors has the following questions on your work. Please also attach a copy of the most recent financial report to your response:

1. Describe the extent to which the project accomplished its goals and objectives. As part of this analysis, please identify the group or groups impacted by the project and describe who will
benefit from the completion of the project. Please also describe the measures used to evaluate the success of the project (i.e. production of publications, hosting a conference, conducting a pilot program).

The Project was partially successful in that 2 legal checkups were created out of the 5 that were originally contemplated. Those were for family law in the state of Maryland, located at https://aba.neotalogic.com/a/mdflc and housing law in the state of Illinois, located at https://lawhelpinteractive.org/Interview/GenerateInterview/6374/engine. However, the completion time for both of those projects far exceeded the time frame in which contractors were retained to work on the project. As such, though scripts were written for all of the checkups, the final 3 were not completed and neither of the checkups that were completed included an evaluation tool to evaluate their overall effectiveness.

2. Describe the impact on the project of the collaboration among ABA entities. In other words, please outline whether the collaboration was productive and the effect the collaboration had on the outcome of the project.

Though this began as a highly collaborative effort, the bulk of the work effort, to the best of my knowledge and belief, was carried by one staff person and two members. While there appeared to be a great deal of collaboration early on, I believe that there may have been a breakdown in collaboration due to (1) the number of checkups being created at once; (2) the number of vendors being used; (3) the extended time frame and complexity of the Project; and (4) the exit of the primary staff person, and other associated staff members, through the VIP Program. While I am resolute in believing that a successful collaboration of these entities is possible, the departure of those essential to its success led to the project’s ultimate demise.

3. Describe the specific plans for continuing the project, if any. Briefly outline whether the project is to continue on an ongoing basis or whether there is a specific timeline for continuing the project. Please identify any improvements and/or modifications to be made to the project. Please outline the plans for funding the project going forward.

As many of the original collaborators are no longer associated with the project or, in some instances, have left the ABA, there are no plans for continuing this project. However, various entities are interested in taking the lessons learned in order to create checkups that lead to lawyer referral and/or access to justice solutions.

4. Please provide 2-3 examples/stories that illustrate how this project impacted a specific person or group.

Unfortunately, there are no examples to share at this time.

Date: October 23, 2018
Contact Person: Briana Billingslea
Telephone: (312) 988-5298
Email: Briana.billingslea@americanbar.org
American Bar Association
Enterprise Fund Award
Final Report
September 30, 2018

Project Name: Expanding Access to Legal Services through the Creation and Dissemination of Legal Checkups

Collaborating Entities: Standing Committee on the Delivery of Legal Services; Standing Committee for Group and Prepaid Legal Services; Standing Committee on Legal Aid and Indigent Defendants; Solo, Small Firm and General Practice Division; Commission on the Future of Legal Services; Commission on Homelessness & Poverty; Standing Committee on Bar Activities and Services and Standing Committee on Pro Bono & Public Service

Funding: $68,000

BACKGROUND AND RESULTS OF THE ENTERPRISE FUND AWARD

In 2016, the Standing Committee on the Delivery of Legal Services, in conjunction with the Standing Committee for Group and Prepaid Legal Services, the Standing Committee on Legal Aid and Indigent Defendants, the Solo, Small Firm and General Practice Division, the Commission on the Future of Legal Services, the Commission on Homelessness & Poverty, the Standing Committee on Bar Activities and Services, and the Standing Committee on Pro Bono & Public Service applied for an ABA Enterprise Fund Grant in order to create online tools that will enable people to recognize when their problems have legal solutions and become aware of the resources, both public and private, that are available to them to effectively employ legal measures to resolve those problems. Initially, outcome measurements included the creation of at least six checkup tools with anticipated dissemination through at least 20 separate sites. This project was proposed in response to research by the American Bar Foundation, demonstrating that a high proportion of people with a problem failed to recognize that their problems had legal solutions and therefore failed to turn to the legal system to address those problems.

Though the application was submitted by 9 separate ABA entities, primary staffing was the responsibility of the Standing Committee on Delivery of Legal Services, and the
scripts of the legal checkups were to be written by five working groups of experts, with each working group consisting of 4 experts. The subjects of each legal checkup were yet to be determined; however, a timeline of 12 months was set for creation and dissemination.

Based upon the application and the joint efforts of the entities involved, the Board of Governors awarded a grant of $68,000 to provide funding for the project. Based upon circumstances delineated below, the Project was unable to complete creation of all six legal checkups. Nevertheless, the group was able to produce two legal checkups: one for housing law in the state of Illinois and one for family law in the state of Maryland.

FIRST STEPS

Upon receipt of the award and establishment of a steering committee, the Project’s first tasks were to identify the subject matters to be addressed, the states on which the laws would be based, and individuals who would comprise the working groups and serve as “subject matter experts.” In order to do so, a leadership team of Will Hornsby, Lisa Colpoys, and Richard Granat used online resources to determine the subject matters that were most commonly researched by those seeking legal information. Upon the recommendation of that team, the Project’s Steering Committee ratified the team’s recommendations to create checkups for family law, housing law, employment law, and consumer law under the laws of both Illinois and Maryland. However, when it was determined that resources were insufficient to develop checkups for each subject in both states, it was decided that the Project would create, at most, checkups on family law in Illinois and Maryland, housing law and employment law in Illinois, and consumer law in Maryland.

The Project application called for each subject matter to have a working group of four experts. But, early on it was decided that it would be more efficient and provide cost-savings if each subject had only one subject matter expert. Therefore, the Steering Committee identified subject matter experts for each of the state checkup topics, and each of them contracted with the ABA as independent contractors. These subject matter experts were then responsible for creating the script for each legal checkup. The Project had anticipated that the subject matter experts would work below the fair-market value of their time, and set their contracted compensation at a flat fee of $1,000 for an estimated savings of $16,000.00.

SUBJECT MATTER EXPERTS

In order to provide the content for the legal checkups, the Project retained five subject matter experts or team of experts: Eleanor Endzel, Peter Holland, Patricia Wrona, the Women’s Law Center of Maryland, and Cheryl Lawrence.

Eleanor Endzel. Under ABA Contract #12553, Ms. Endzel, a lawyer licensed in the State of Illinois, entered into an independent contractor agreement to provide the content for the Illinois Family Law legal checkup for a flat payment of $1,000.00. The contract was entered into January 23, 2017 and ran through March 31, 2017

Peter A. Holland. Under ABA Contract #12665, Mr. Holland, a lawyer licensed in the State of Maryland, entered into an independent contractor agreement to provide the content for the
Maryland Consumer Law legal checkup for a flat payment of $1,000.00. The contract was entered into February 8, 2017 and ran through March 31, 2017

**Patricia A. Wrona.** Under ABA Contract #12663, Ms. Wrona, a lawyer licensed in the State of Illinois, entered into an independent contractor agreement to provide the content for the Illinois Employment Law legal checkup for a flat payment of $1,000.00. The contract was entered into February 8, 2017 and ran through March 31, 2017.

The Women’s Law Center of Maryland. Under ABA Contract #13394, the WLCM entered into an independent contractor agreement to provide the content for the Maryland Family Law legal checkup for a flat payment of $1,000.00. The contract was entered into May 31, 2017 and ran through June 30, 2017.

**Cheryl L. Lawrence.** Under ABA Contract #13590, Ms. Lawrence, a lawyer licensed in the State of Illinois, entered into an independent contractor agreement to provide the content for the Illinois Housing Law legal checkup for a flat payment of $1,000.00. The contract was entered into July 12, 2017 and ran through July 15, 2017.

**TECHNOLOGY VENDORS**

The Project then developed criteria for the selection of the technology vendors, which was endorsed by the Steering Committee. The questions explored by the Project were

1. the software provided a user-friendly interface;
2. the platform was mobile friendly;
3. the system has branching logic on the back end;
4. there is an ability to weight factors and override results based on specific situations;
5. the system is easily updated;
6. the administrator has access to usage statistics;
7. users can export the results of the check up to themselves or their lawyer; and
8. the check-up has to be hosted by the vendor.

Based on its interviews, the leadership team asked the Steering Committee to give thought to developing different checkups using these three vendors in order to allow the Project to get a sense of the strengths and weaknesses of each platform from the users’ perspectives, determine the value of the flexibility of the software and make recommendations for further development of checkups on a broader basis. As a result, the Project subsequently contracted with Neota Logic, CALI, and Curo Legal.

- **Neota Logic.** On August 24, 2017, Micheal Mills, co-founder of Neota Logic, entered into a contract with the American Bar Association (the “ABA”) on behalf of his company for the sum of $20,000.00. Half of the contract price was due upon execution and half of the contract price was due upon completion of (2) legal checkups - one for family law in Illinois and one for family law in Maryland. As of the date of this report, only the legal checkup for family law in
Maryland has been completed; however, Neota Logic has been paid in full. Unfortunately, the time of placement has been so short that no data has been collected to date.

- **CuroLegal.** On August 17, 2017, Chad Burton, CEO of CuroLegal, entered into a contract with the ABA on behalf of his company for the sum of $20,000.00. Half of the contract price was due upon execution and half of the contract price was due upon completion of (2) legal checkups – one for Maryland Consumer Law and one for Illinois Employment Law. As of the date of this report, neither checkup has been completed; however, CuroLegal has been paid in full.

- **CALI.** On August 23, 2017, John Mayer, Executive Director of CALI, entered into a contract with the ABA on behalf of his company for the sum of $5,000.00. Half of the contract price was due upon execution and half of the contract price was due upon completion of the Illinois Housing Law legal checkup. As of the date of this report, the required work has been completed, and CALI has been paid in full; however, no data has been collected to date.

**CHALLENGES**

Challenges in planning, staffing and oversight contributed substantially to the delivery of deliverables, and the ultimate challenge proved to be that the scope of the project was too large for the resources committed to complete the work within the time frame allowed. The leadership team that carried out the majority of the work simply did not have the bandwidth to provide adequate oversight of deliverables or to monitor contractual obligations. And, while each of these individuals dedicated a substantial amount of time to the Project, the total time commitment required was not adequately forecast. Further, due to the length of the project, the technology vendors became non-responsive to staff inquiries and some members of the Project were unable to meet the time requirements. Once the primary staff member left the project in June 2018 due to the expiration of his independent contractor status, a great deal of time was lost in attempting to gather information to determine the status of the Project and how to drive it forward.

Additionally, as all of the subject matter experts contracted at a rate significantly lower than market value, their deliverables were not monitored with enough oversight to ensure that the Project stayed on target. And, based on the extended time in which the scripts for the legal checkups were ultimately finished, the webhosting contracts with the vendors expired far in advance of implementation, with the end result being that both the subject matter experts and the vendors were paid in full, even though the end product was not delivered.

**LESSONS LEARNED**

**Scope.** Given that this Project was initially determined to be a three-month trial, the initial scope of the project – at least 6 legal checkups – was too large for the few resources that were allocated to do the actual work. Should this be promoted any further, the focus should be on one checkup platform covering one subject matter with room for growth into other areas of law. This was the equivalent of 5 major projects occurring simultaneously.
Project Staffing and Management. A project of this magnitude is not easily completed by volunteers, and a steering committee to approve the decisions of those completing the work was insufficient. A project of this size and scope has to have dedicated resources that are available to make sure the project is completed on time, even if volunteers are unable to complete their duties.

Subject Matter Script Development. In retrospect, we made a series of miscalculations in forecasting the timeline, as well as in the structure and compensation of the experts. Given the overall time that was required by the experts as they were asked to not only draft checkup scripts, but also to work with the technology vendors to input and test that information, either we needed to increase compensation or utilize the working group of subject matter experts as originally anticipated in the application. In one or two instances, the experts left their positions and provided only the most modest level of service. In other instances, the experts had time constraints that delayed input considerably.

Oversight. Above all else, oversight for this project was key, and there simply wasn’t enough. Better care needs to be taken to ensure that the terms of the contracts are being complied with and that we are receiving the benefit of the bargain. This was not done. Contracts were allowed to expire with no extension, and both technology vendors and subject matter experts were paid in full, even though they did not deliver. And, all of this was done even though there were safeguards in place to prevent this from happening. Should a similar project go forward again, there needs to be someone appointed to oversee the contractual obligations to ensure that money is not wasted unnecessarily.

This project was designed and implemented to shed light on whether legal checkups have the capacity to assist people in understanding when their problems have legal solutions and to assist them in identifying resources for assistance. To that end, the Project was able to launch two checkups of the six that were originally anticipated. And, though the Project has not yet determined the impact of the checkups on possible users, the experiences involved in their development is insightful for the development of future diagnostic tools.

Respectfully submitted,

Charles F. Garcia

ABA Contact: Briana N. Billingslea
Telephone: (312) 988-5298
Email: Briana.Billingslea@americanbar.org
MEMORANDUM

TO: Board of Governors Profession, Public Service and Diversity Committee

FROM: Janae LeFlore

SUBJECT: Informational Report on Action Taken Since August 2018 Meeting

DATE: October 22, 2018

Since the August 2018 meeting, the Profession, Public Service and Diversity Committee considered the following requests that required action prior to the November 2018 Committee meeting. (Unless otherwise indicated, no additional general revenue is requested or required for the requests.):

a. Approved the request from the Section of Environment, Energy, and Resources (SEER) to co-Sponsor and make a financial contribution from section funds to a public service project, “The Water Conservation Garden” during its 26th Fall Conference on October 17, 2018 in the San Diego area.

b. Approved the request from the Center on Children and the Law to be listed as a co-creator of a resource for juvenile defenders on trauma-informed legal advocacy, entitled Trauma-Informed Legal Advocacy: A Resource for Juvenile Defense Attorneys.

c. Approved the request from the Young Lawyers Division to co-sponsor the International Association of Young Lawyers (AIJA) Symposium on Entrepreneurship and Innovation, to be held November 8 – 10, 2018, in San Diego, California, at the Westin San Diego Gaslight Quarter.

d. Approved the request from the Standing Committee on Legal Aid and Indigent Defendants to co-sponsor a briefing/public education event on Public Defense Fees in the Juvenile Justice system in Washington, DC in October 2018.
e. Approved the request from the Criminal Justice section to co-sponsor a webinar with the Judges’ and Psychiatrists’ Leadership Initiative (JPLI), an initiative developed by the Council of State Governments Justice Center and the American Psychiatric Association Foundation. The program is designed to increase cultural competency of judges and trial lawyers around issues of mental illness and substance abuse.

f. Approved the request from the Commission on Women in the Profession to co-sponsor Ms. JD’s LaddHer Up retreat at the Silverado Resort & Spa in Napa, California on October 18-19, 2018. The Committee also approved the Commission on Women in the Profession’s request to co-sponsor a presentation of its Grit Project and a panel discussion about the career paths of women leaders in the field of law, to be held at the New York City Bar Association in New York, New York on October 25, 2018.

g. Approved the request from the Standing Committee on the American Judicial System to co-sponsor Contemporary Threats to Judicial Independence and Freedom of the Press, a course for judges presented by the National Judicial College, which will be held at the National Press Club and JW Marriott in Washington, D.C. on December 10-13, 2018.

h. Approved the request from the Standing Committee on Legal Assistance to Military Personnel to list the American Bar Association as a co-sponsor of the Veterans Legal Career Fair (VLCF) on September 21, 2018, in Washington DC.

i. Approved the request from the Section of Dispute Resolution to co-sponsor China Arbitration Week and the China Arbitration Summit in September 2018 in Beijing, China. The Committee also approved the Section of Dispute Resolution’s request to co-sponsor the China Mediation Summit 2018 to be held September 11-13, 2018 in Changsha, China, organized by the China Council on the Promotion of International Trade (CCPIT) Mediation Center.
Request for Approval of FY2019 Budget - Section 10% Variance
Pension Loan Update
The Finance Committee (“Committee”) of the Board of Governors of the American Bar Association met at the Hyatt Regency Chicago, on Thursday, August 2, 2018. Chair Ilene Knable Gotts called the meeting to order at 9:00 a.m. (CDT). Committee members present for all or a portion of the meeting were ABA Treasurer Michelle A. Behnke, Paula A. Boggs, Maryann E. Foley, Allen C. Goolsby, Benjamin E. Griffith, Erica R. Grinde, W. Anthony Jenkins, Linda A. Klein, Frank H. Langrock, Randall D. Noel, E. Fitzgerald Parnell III, Linda L. Randell and Kevin L. Shepherd. Committee member Myles V. Lynk participated via conference call. Also present for all or a portion of the meeting were ABA President Hilarie Bass; ABA President-Elect Robert M. Carlson; ABA President-Elect Nominee Judy Perry Martinez; Subcommittee on Investments members Jennifer Dauer, Susan Holden, Sandra McCandless and John L. McDonnell; Board Nominees David W. Clark, Charles E. English, Jr., Sheena R. Hamilton and Howard T. Wall III; Chair, Standing Committee on Audit Allan J. Tanenbaum; and Chair, Section Officers Conference Michael Bergmann.

ABA Staff present for all or a portion of the meeting were Executive Director and Chief Operating Officer Jack L. Rives; Senior Associate Director and Chief Financial Officer William K. Phelan; Associate Executive Director and General Counsel Jarisse Sanborn; Associate Executive Director and Chief Governance Officer Alpha M. Brady; Associate Executive Director DC Operations Holly O’Grady Cook; Associate Executive Director Governmental Affairs Office Thomas M. Susman; Director, Financial Operations Beverly Pendowski; Financial Services Division staff Christina Gazos, Jeff Pando, Dana Hill and Evan Teitelbaum; Chief of Staff Amy Eggert; Assistant Director Policy and Planning Division Laura Macias; Editor and Publisher ABA Journal Molly McDonough; Director, Office of the Fund for Justice and Education Jackie Casey. Also present for all or a portion of the meeting were Executive Director, American Bar Endowment Joanne Martin; and Executive Director, American Bar Foundation Ajay K. Mehrotra.

Welcome

Chair Ilene Knable Gotts welcomed the Committee and reminded them that the Committee had many important items on the agenda including the FY2019 ABA Budget which the Committee will present to the Board for approval.
Matters for Review by the Board

5.1 Requests to Make Contributions to Outside Organizations

a. Section of Family Law

The Finance Committee considered the request from the Section of Family Law for approval to contribute up to $1,000 to Tucson’s Primavera Foundation, which promotes social and economic justice and provides “pathways out of poverty through safe, affordable housing, workforce development, and neighborhood revitalization.” The contribution will be made from Section funds as part of the community service component of the Section’s conference.

RECOMMENDATION:

The Finance Committee recommends the Board of Governors approve the request of the Section of Family Law.

b. Section of Environment, Energy, and Resources

The Finance Committee considered the request from the Section of Environment, Energy, and Resources to make financial contributions to carbon offset providers from Section funds of up to $5,000 annually for fiscal years 2018-2019, 2019-2020 and 2020-2021.

RECOMMENDATION:

The Finance Committee recommends the Board of Governors approve the request of the Section of Environment, Energy, and Resources.

5.2 Requests from the Fund for Justice and Education

a. Create an Endowment to Support the Legal Opportunity Scholarship Fund

The request from the Fund for Justice and Education to create an endowment to support the Legal Opportunity Scholarship Fund was withdrawn.

b. Create Program Support Fund for Standing Committee on Gun Violence

The Finance Committee considered the request from the Standing Committee on Gun Violence to (1) create a Program Support Fund (PSF) for the Standing Committee on Gun Violence and (2) seek outside funding. This PSF will raise funds needed by the Standing Committee to serve as the focal point for activity within the ABA on issues related to gun violence – education, best practice, policy and prevention.
RECOMMENDATION:

The Finance Committee recommends the Board of Governors approve the request of the Standing Committee on Gun Violence.

5.3 Request to Approve FY2019 Consolidated Budget

The Finance Committee approved the Consolidated FY2019 Budget of $203.9 million of revenue and $210.9 million of expense as follows:

- The General Operations Operating Budget as adjusted for an additional $50,000 of expenses which contemplates $89.2 million in revenue and $89.1 in expenses including reserve funding of 3.5% as the Board directed;
- The Section Budgets as presented which contemplates $53.4 million in revenue and $58.4 million in expenses, provided that any subsequent Section changes do not result in an aggregate increase or decrease in the Section’s operating budget of more than 10% of the aggregate Section Budget as approved and provided that each Section has net asset reserves available to fund any budgeted deficit;
- The Grants Budgets as presented which contemplates $58.0 million in revenue and $58.6 million of expenses;
- The Gifts Budgets as presented which contemplates $3.3 million of revenue and $4.9 million of expenses; and
- The Capital Budget as presented of $1.2 million which represents information technology costs.

RECOMMENDATION:

The Finance Committee recommends the Board of Governors approve the FY2019 Budget.

5.4 Reconstitution of the A-E-F-C Pension Plan Administration Committee

The Finance Committee considered the request to the Board to amend its action of June 22, 2018, reconstituting the AE-F-C Pension Plan Administration Committee (Committee) effective at the conclusion of the 2018 Annual Meeting. The June 22, 2018, action reduced the nine-member Committee to five members (ABA Deputy Executive Director, ABA Chief Financial Officer, ABA Treasurer, volunteer member Kathryn Kennedy and one volunteer member appointed by the President-Elect), leaving the Committee with no voting members representing the three other participating employers (American Bar Endowment (ABE), American Bar Foundation (ABF) and National Judicial College (NJC). Representatives of the ABE, ABF and NJC have respectfully requested that the Board of Governors amend its action of June 22, 2018, to provide each of them with a voting representative on the Committee.
The request proposes the composition of the Committee to be as follows:

1. ABA Treasurer;
2. ABA Deputy Executive Director (or the functional equivalent);
3. ABA Senior Associate Executive Director and Chief Financial Officer (or the functional equivalent);
4. ABA Senior Associate Executive Director and Chief Governance Officer (or the functional equivalent);
5. one individual nominated by the National Judicial College;
6. one individual nominated by the American Bar Endowment;
7. one individual nominated by the American Bar Foundation;
8. -(9) two volunteer members nominated by the ABA President-Elect;

RECOMMENDATION:

The Finance Committee recommends the Board of Governors approve the request to reconstitute the A-E-F-C Pension Plan Administration Committee effective at the conclusion of the 2018 Annual Meeting.

5.5 Request to Approve Policy Regarding General Revenue Funded Committee Meetings

The Finance Committee discussed its recommendation to the Board for approval of the Policy Regarding General Revenue Funded Committee Meetings. Effective with the FY2019 budget, general operations funding for meetings will be capped at $8,600 annually. The amount is derived from Board of Governors’ expectations that in-person committee meetings should be conducted in conjunction with the Midyear and Annual Meetings. The dollar amount is based on an allocation of $5,700 for the Midyear Meeting and $2,900 for the Annual Meeting. Those calculations provide funding for seven (7) members with $400 airfare for the Midyear Meeting, $100 per diem for two days at each meeting and $1,500 for group functions for each meeting. Staff expenses for meetings will be provided separately. In order to foster a culture of diversity and inclusion, the policy also provides that effective September 1, 2018, the costs of disability accommodation services and tools will be budgeted and recorded centrally so that individual committees will not bear costs for including disabled participants. This policy does not apply to Section committees or programs, nor does it apply to Divisions that must operate within their assigned budgets.

RECOMMENDATION:

The Finance Committee recommends the Board of Governors approve the Policy Regarding General Revenue Funded Committee Meetings, as follows:

- This policy does not apply to Section committees or programs. Nor does it apply to Divisions that must operate within their assigned budgets;
- Effective FY2019, funding will be capped at $8,600 annually for seven (7) members: Midyear ($5,700) and Annual ($2,900);
• Committees are encouraged to employ phone and web-based tools to accomplish goals;
• If financial support above $8,600 is deemed necessary, a waiver request may be submitted as part of the Annual Planning process, or to the Executive Committee of the Board of Governors if the Annual Planning process has ended; and
• Certain entities by the nature of their work must meet at times other than Midyear and Annual Meetings (i.e. House of Delegates Committee on Rules and Calendar, Commission on Immigration, Standing Committee on the Federal Judiciary and the Standing Committee on Bar Activities and Services)
• Costs for disability accommodations services and tools will be budgeted and recorded centrally so that individual committees will not need to seek a waiver for such accommodations.

5.6 Grant Awards Modification Report

The Finance Committee discussed its request to the Board that it review and accept the restricted grants totaling $7,183,929 awarded to the Fund for Justice and Education and not previously reported.

RECOMMENDATION:

The Finance Committee recommends the Board of Governors accept the Grant Awards Modification Report.

5.20 Minutes of the Previous Meeting

The minutes of the previous meeting held on Thursday, June 21, 2018, were approved as presented.

In addition, the Finance Committee received the following informational reports and took no action:

Treasurer’s Report
Subcommittee on Investments Update
3rd Quarter FYTD Variance Reports

Other Business

a. Standing Committee on the American Judicial System

In executive session, the Finance Committee discussed the Standing Committee on the American Judicial System.
b. Standing Committee on Audit Amended Jurisdictional Statement

Allan J. Tanenbaum, Chair of the Standing Committee on Audit, informed the Finance Committee that a new director of internal audit was hired and would start in late August. He requested that the Finance Committee approve the Standing Committee on Audit’s revised charter contingent on the House of Delegates approving the revised Bylaw Amendment at its August 6, 2018, meeting.

RECOMMENDATION:

The Finance Committee recommends approval of the revised charter of the Standing Committee on Audit.

In closing, Chair Gotts thanked the Committee and added that her years on the Board are something she will remember the rest of her life and cherish.

There being no further business to come before the Committee, the meeting was adjourned.

Respectfully submitted,

Ilene Knable Gotts, Chair
The Fund for Justice and Education Finance Committee met on Thursday, August 2, 2018 at the Hyatt Regency Chicago. Chair Ilene Knable Gotts presided. Committee members present for all or a portion of the meeting were ABA Treasurer Michelle A. Behnke, Paula A. Boggs, Maryann E. Foley, Allen C. Goolsby, Benjamin E. Griffith, Erica R. Grinde, W. Anthony Jenkins, Linda A. Klein, Frank H. Langrock, Randall D. Noel, E. Fitzgerald Parnell III, Linda L. Randell and Kevin L. Shepherd. Committee member Myles V. Lynk participated via conference call. Also present for all or a portion of the meeting were ABA President Hilarie Bass; ABA President-Elect Robert M. Carlson; ABA President-Elect Nominee Judy Perry Martinez; Subcommittee on Investments members Jennifer Dauer, Susan Holden, Sandra McCandless and John L. McDonnell; Board Nominees David W. Clark, Charles E. English, Jr., Sheena R. Hamilton and Howard T. Wall III; Chair, Standing Committee on Audit Allan J. Tanenbaum; and Chair, Section Officers Conference Michael Bergmann.

ABA Staff present for all or a portion of the meeting were Executive Director and Chief Operating Officer Jack L. Rives; Senior Associate Director and Chief Financial Officer William K. Phelan; Associate Executive Director and General Counsel Jarisse Sanborn; Associate Executive Director and Chief Governance Officer Alpha M. Brady; Associate Executive Director DC Operations Holly O’Grady Cook; Associate Executive Director Governmental Affairs Office Thomas M. Susman; Director, Financial Operations Beverly Pendowski; Financial Services Division staff Christina Gazos, Jeff Pando, Dana Hill and Evan Teitelbaum; Chief of Staff Amy Eggert; Assistant Director Policy and Planning Division Laura Macias; Editor and Publisher ABA Journal Molly McDonough; Director, Office of the Fund for Justice and Education Jackie Casey. Also present for all or a portion of the meeting were Executive Director, American Bar Endowment Joanne Martin; and Executive Director, American Bar Foundation Ajay K. Mehrotra.

I. Minutes of the Previous Meeting

The minutes of the previous meeting held on Thursday, June 21, 2018 were approved as presented.
II. **Acceptance of Grants and Awards to the Fund for Justice and Education**

The Committee reviewed the list of grants and awards proposed to support the projects of the ABA which are supported by outside funds.

**RECOMMENDATION:**

The Finance Committee of the Board of Governors of the ABA Fund for Justice and Education recommends that the Board of Governors accept the grants and awards totaling $7,183,929 which had been received since June 30, 2018.

There being no further business to come before the Committee, the meeting was adjourned.

Respectfully submitted,

Ilene Knable Gotts, Chair