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

FROM: Marina B. Jacks

SUBJECT: Summary of Action of the November 13-14, 2014, Board of
    Governors Meeting

DATE: November 17, 2014

Attached is the Summary of Action of the November 13-14, 2014, meeting of the
Board of Governors held at Charleston Place Hotel, Charleston, South Carolina.
This Summary does not constitute official Minutes of the meeting. Minutes of the
November 13-14, 2014 meeting will be presented to the Board for approval at the
next meeting in February 2015.

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

cc: Board of Governors
BOARD OF GOVERNORS

SUMMARY OF ACTION

Charleston Place Hotel
Charleston, South Carolina
November 13-14, 2014

1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR

The Board received the reports of the President, President-Elect, Chair of the House of Delegates, Immediate Past President, Secretary, Treasurer and Executive Director. The minutes of the Board’s August 21, 2014 meeting were approved. The minutes of the Executive Committee’s meetings on September 9 and 25 and October 17, 2014 were received.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 Status Report Regarding the A-E-F-C Pension Plan and the 401K Plan

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

2.2 Status Report Regarding Insurance

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

2.3 Report Regarding the Work of the Commission on the Future of Legal Services

The Board received a report from Laura V. Farber, Chair, Program Evaluation and Planning, regarding the work of the Commission on the Future of Legal Services.

2.4 Report from the Rule of Law Initiative

The Board received a report from Stephen N. Zack, Chair, and Elizabeth Andersen, Associate Executive Director, ABA Rule of Law Initiative.

2.5 Report Regarding 2015 ABA Day

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

2.6 Fund for Justice and Education

The Board, sitting as members of the Board of the American Bar Association Fund for Justice and Education (“ABA/FJE”): 1) Approved the minutes of the August 8, 2014 meeting of the ABA/FJE Board as presented; and 2) Accepted the ABA/FJE restricted grants and contributions received or awarded through September 30, 2014, and not previously reported, as requested by the Association’s Financial Services Division.
2.7 Consent Calendar: Report of Board Committee Chairs

The Board adopted the Consent Calendar as presented by the Secretary. Action on all items contained on the Consent Calendar is set forth in items 3 through 5 of this Summary of Action relating to the reports of the Board Committees.

2.8 Membership Report

The Board received a report from Danny Van Horn, Chair, Standing Committee on Membership, and Chris Gloede, ABA Chief Marketing Officer.

2.9 Report Regarding ABA Publishing

The Board received a report from Robert Rupp, Associate Executive Director, ABA Business Services.

2.10 Report Regarding the 2014 Annual Meeting

The Board received a report from Barbara J. Howard, Chair, Standing Committee on Meetings and Travel, and Martin D. Balogh, Associate Executive Director, ABA Meetings and Travel.

2.11 Report from the Tort Trial and Insurance Practice Section

The Board received a report from Michael Drumke, Chair, Tort Trial & Insurance Practice Section.

2.12 Interactive Discussion - “What Can We Do Together to Make the Association Stronger And More Relevant to the American Legal Profession, the Justice System and the Public?”

The Board had a lengthy discussion on what it can do to make the ABA stronger and more relevant to the American legal profession, the justice system and the public.

OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

a. The Board approved the request of the Government and Public Sector Lawyers Division to amend its bylaws to revise the dues delinquency period prior to membership loss to align with the period set by the ABA Board of Governors. The amendment was approved by the Section membership on August 9, 2014.

b. The Board approved the request of the Section of Taxation to amend its bylaws to revise the dues delinquency period prior to membership loss to align with the period
set by the ABA Board of Governors. The Section Council approved the amendment at its 2014 Annual Meeting and the Section membership approved the amendment on September 20 at its 2014 Joint Fall Meeting plenary session.

c. The Board approved the request of the National Conference of Specialized Court Judges to amend Article 7.7 of its bylaws to restructure the Traffic Court Committee. The amendment was approved by the National Conference of Specialized Court Judges Executive Committee and membership on August 8, 2014. The Judicial Division Council approved the amendment at a business meeting held on August 9, 2014.

d. The Board approved the request of the Section of Dispute Resolution to amend its bylaws to enable Associate Members of the Section to seek election as an Officer or Council member and have the right to vote. The Section Council and membership approved this amendment in August 2014. Approval of the request is subject to approval by the House of Delegates of an amendment to Article 30.5.

e. The Board approved the request of the Section of International Law to amend its bylaws to clarify the Section’s policy submissions procedures. The amendments were approved by the Section’s Administration Committee on October 16, 2014 and are subject to approval by the Section’s membership at the Section’s annual business meeting on August 1, 2015.

f. The Board approved the request of the Section of Antitrust Law to amend its bylaws to revise the dues delinquency period prior to membership loss to align with the period set by the ABA Board of Governors and to summarize the Publication Officer’s responsibilities. These amendments were approved by the Section of Antitrust Law Council on August 10, 2014 and were approved by the Section’s membership in August 2014.

g. The Board deferred action in the request of the Section of Real Property, Trust and Estate Law to amend its bylaws.

3.2. Nominations

a. National Construction Dispute Resolution Committee of the American Arbitration Association

The Board elected Lawrence Prosen as the ABA’s representative to the National Construction Dispute Resolution Committee of the American Arbitration Association for a three-year term commencing at the conclusion of the 2014 Annual Meeting with the understanding that the Section of Litigation will confirm to Operations and Communications that sufficient notice has been circulated to the Section’s membership.
b. **Union Internationale Des Avocats**

The Board re-elected Ellen Yost, Louis F. Burke, and Randy J. Ailment as the ABA’s representative to the Union Internationale Des Avocats for three-year terms each effective November 1, 2014 and concluding November 1, 2017.

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

The Board deferred action on this item.

d. **Consortium for Citizens with Disabilities**

The Board re-elected Amettia S. Wright as the ABA’s representative to the Consortium for Citizens with Disabilities for a three-year term commencing at the conclusion of the 2014 Annual Meeting and concluding at the conclusion of the 2017 Annual Meeting.

### 3.3 Awards

a. **Health Law Section**

The Board approved the request of the Health Law Section to create the ABA Health Law Section Champion of Diversity and Inclusion Award to honor a Section member who has made exceptional efforts to promote Diversity and Inclusion within the Section and/or the profession.

b. **Section of Real Property, Trust and Estate Law**

The Board approved the request of the Section of Real Property, Trust and Estate Law to create an award to recognize outstanding achievement, scholarship and volunteer leadership in the fields of real property and/or trust and estate law with the understanding that no ABA general revenue is requested or required and that the Section will forward to the Operations and Communications Committee the name of the award.

c. **Standing Committee on Lawyers Professional Liability**

The Board approved the request of the Standing Committee on Lawyers Professional Liability to rename its “Bert W. Levit Essay Contest” as the “Bert W. Levit and Edward C. Mendrycki Essay Contest.”

d. **Sections of International Law and Individual Rights and Responsibilities and Center for Human Rights**

The Board approved the request of the Sections of International Law and Individual Rights and Responsibilities and Center for Human Rights to create an American Bar Association International Human Rights Award and recommends that the Sections and the Center confer with the Standing Committee on Meetings and Travel regarding the site for the award.
e. Section of Environment, Energy, and Resources

The Board approved the request of the Section of Environment, Energy, and Resources to sponsor an annual Section of Environment, Energy, and Resources Law Student Writing Competition.

3.4 Requests to Charge Registration Fee For Programs Presented During the 2015 Midyear Meeting

a. The Board approved the request of the Government and Public Sector Lawyers Division to charge a registration fee of no more than $50.00 each for up to four CLE programs for government lawyers to be offered by the Division.

b. The Board approved the request of the Standing Committee on Legal Aid and Indigent Defendants to charge $100 for its day-long, CLE-accredited Summit on Indigent Defense Improvement.

c. The Board approved the request of the Section of State and Local Government Law to charge $40 total for three CLE programs during the Midyear Meeting: 1) Hot Topics in Diversity Law; 2) Religious Land Use and Institutionalized Persons Act; and 3) Is Student Debt the New Mortgage Foreclosure?

3.5 Request to Approve the Overview of Role of Members of ABA Board of Governors

The Board adopted the Overview of the Role of a Member of the Board of Governors of the American Bar Association as amended.

3.6 Request from Section of International Law to Enter Into a Memorandum of Understanding with Open Government

The Board approved the request of the Section of International Law to enter into a Memorandum of Understanding with the U.S. Department of State through its work with the Open Government Partnership (“OGP”) to provide pro bono assistance as requested from OGP member governments, subject to review and approval of the Memorandum of Understanding by the ABA General Counsel’s Office.

3.7 Request from Council for Racial and Ethnic Diversity in the Educational Pipeline to Co-sponsor and Contribute Funds to the Native American Attorney Research Initiative

The Board approved the request of the ABA Council for Racial and Ethnic Diversity in the Educational Pipeline to partner with the National Native American Bar Association on its Native American Attorney Research Initiative and to seek charitable contributions from individuals, law firms, corporations, and foundations for the final stages of research and dissemination of the findings.
3.8 Request from Section of Environment, Energy, and Resources To Co-sponsor and Contribute Funds

The Board approved the request of the Section of Environment, Energy, and Resources (“Section”) to co-sponsor and make financial contributions from Section funds to six programs.

3.9 Request from Commission on Hispanic Legal Rights and Responsibilities to Amend Its Jurisdictional Statement

The Board approved the request of the ABA Commission on Hispanic Legal Rights and Responsibilities to revise its jurisdictional statement to better articulate the responsibilities of the Commission.

3.10 Request to Revise Interactive Online Communication Policy

The Board approved the request to amend the ABA Policy on Interactive Online Communication to reference the use of social media and authorized the Executive Director to develop guidelines and procedures for the use of social media.

3.11 Requests to Develop Partnerships

a. (i)-(iii) Special Committee on Bioethics and the Law

The Board approved the request of the Special Committee on Bioethics and the Law to launch partnerships with the Health Law Institute at Hamline University School of Law, Beazley Institute for Health Law and Policy, Loyola University Chicago School of Law, and the Neiswanger Institute for Bioethics, Stritch School of Medicine, Loyola University Chicago for a series of programming and other activities, including publications, beginning in FY2014-2015 and continuing for a period of three years through 2017. The approval is with the understanding that requests for co-sponsorship of programs will be submitted to the Board's Operations and Communications Committee or the Standing Committee on Continuing Legal Education, as appropriate.

b. Standing Committee on Election Law

The Board approved the request of the Standing Committee on Election Law to launch a partnership with the Election Law Program of William & Mary Law School for a series of programming and other activities, including publications, beginning in FY2014-2015 and continuing for a period of three years through 2017. The approval is with the understanding that requests for co-sponsorship of programs will be submitted to the Board's Operations and Communications Committee or the Standing committee on Continuing Legal Education, as appropriate.
3.12 Request from ABA Rule of Law Initiative to Approve Policy Adopting the IASC Six Core Principles

The Board adopted as ABA policy the Inter-Agency Standing Committee Six Core Principles Relating to Sexual Exploitation and Abuse applicable for entities engaged in international humanitarian missions.

3.13 Requests from Standing Committee on Meetings and Travel
   a. 2015 Annual Meeting Registration Fees

The Board approved the registration fees for the 2015 Annual Meeting, as requested by the Standing Committee on Meetings and Travel (“SCMT”) but grants SCMT flexibility regarding bundling and unbundling of the registration fees.

   b. Date and Location of 2026 Annual Meeting

The Board approved August 6-11, 2026, as the date and Toronto, Canada, as the site of the 2026 Annual Meeting, as requested by the Standing Committee on Meetings and Travel.

3.14 Request to Create ABALawConnect

The Board approved the creation of ABALawConnect, a service providing clients online connections to ABA member lawyers and documents to assist clients in handling legal matters and authorized the Executive Director to implement the project.

3.15 Request to Continue ABA Magna Carta Prize and Co-sponsor with National History Day

The Board approved the request of the Magna Carta 2015 Committee to co-sponsor the ABA/Magna Carta Award with The National History Day organization.

3.17 Request Regarding Transfer of the Council on Legal Opportunity

The Board approved the request to transfer the assets and operations of the Council on Legal Opportunity (“CLEO”) from the ABA to CLEO Inc., which would operate the programs of CLEO, and to authorize the President, the Chief Financial Officer, and Executive Director, as well as any of their authorized designees, to execute the Transfer Agreement and other documents necessary to effectuate the transfer. The goal is to complete the transfer by December 31, 2014.

3.18 Request to Change Name

The Board approved the request to change the name of the Board Procedures and Operations Committee to the Board Governance Committee.
B. MATTERS OF INDEPENDENT JURISDICTION

3.16 Requests for Co-sponsorships

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

a. President William C. Hubbard (2 requests):
   i. to co-sponsor with InCA Productions on “The Justice Project”, a major multi-platform project centered on a dynamic website and public television series, promoting public understanding of the law and constitutional rights.

b. Judicial Division: to co-sponsor with Northwestern University Law School and its Journal of Criminal Law and Criminology a symposium to explore improvements to forensic science in the criminal justice system on April 10, 2015 in Chicago, Illinois.

c. Standing Committee on the Delivery of Legal Services: to co-sponsor with the California Western School of Law, the Touro College of Law, and the University of Missouri at Kansas City Law School a conference entitled “Enhancing Social Justice through the Development of Incubators and Residency Programs” on February 27-28, 2015 in San Diego, California.


e. Section of International Law: to co-sponsor with the American Branch of the International Law Association the International Law Weekend in the years 2016, 2017 and 2018. The dates of the 2016, 2017 and 2018 International Law Weekends are yet to be determined.

f. Section of Individual Rights and Responsibilities: to co-sponsor with the University of Pennsylvania School of Law a one-day conference and subsequent law journal publication on the constitutional issues surrounding Information Privacy in the Digital Age on January 23, 2015 in Philadelphia, Pennsylvania.
g. **Section of Science and Technology:** to co-sponsor with certain outside entities Section "Committee Programs", also referred to as “Brown Bags” in the 2014-2015 Association Year.

h. **Young Lawyers Division:** to co-sponsor with the Young Lawyers Division national affiliates a luncheon and panel discussion called the “Firsts: A Conversation with Trailblazers of the Bar” at the 2015 ABA Midyear Meeting.

i. **Section of Environment, Energy, and Resources:** to co-sponsor with specific non-ABA entities non-CLE Section programs that may be held in the 2014-2015 and 2015-2016 association years.

j. **Commission on Women in the Profession (4 requests):**

   i. to co-sponsor with the Women’s Bar Association of the District of Columbia a program “True Grit and a Growth Mindset” being held in the first or second quarter of 2015.

   ii. to co-sponsor with the National Conference of Women's Bar Associations “Men Joining Women for Change: Harnessing the Power of Inclusivity” on February 6, 2015 during the ABA Midyear Meeting in Houston, Texas.

   iii. to co-sponsor the Ms. JD 2015 Annual Conference on March 6, 2015 in San Francisco, California.

   iv. to co-sponsor with Ms. JD a Grit Project Law Student Program Toolkit and any associated programs based on the Toolkit, such as live events and webinars.

k. **Judicial Division Lawyers Conference:** to co-sponsor with the law firm of Strasburger & Price, LLP, a reception on February 6, 2015 at the Strasburger & Price, LLP, office in Houston, Texas, with an estimated 40-50 attendees.

l. **Judicial Division Standing Committee on Diversity in the Judiciary:** to co-sponsor with the Texas Southern University Thurgood Marshall School of Law a reception on February 4, 2015 in Houston, Texas, with an estimated 60-80 in attendance.

m. **Solo, Small Firm and General Practice Division:** to co-sponsor with the National Center for State Courts a Magna Carta Video Competition. The contest will be conducted from October 2014 through January 2015, with videos judged and the winning team announced on March 1, 2015. The prize for the winning team and its teacher or coach is a trip to Washington D.C. the week of ABA Day.
PROGRAM, EVALUATION AND PLANNING COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Requests from ABA Rule of Law Initiative

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

The Board approved an updated list of Approved Countries, Donors and Thematic Program Areas, as requested by the ABA Rule of Law Initiative.

b. Raise Outside Funds Online for Armenian Legal Education and the Democratic Republic of Congo

The Board approved the request of ABA Rule of Law Initiative (“ROLI”) to raise outside funds online for the Armenian Legal Education and the Democratic Republic of Congo Women’s Legal Education Scholarship Fund, projects of ROLI.

4.2 Request from Section of Taxation to Create Tax Assistance Public Service Endowment Fund

The Board approved the request of the Council of the ABA Fund for Justice and Education to create the Tax Assistance Public Service Endowment Fund in honor of the Section of Taxation’s 75th Anniversary.

4.3 ABA Enterprise Fund – Annual Funding

The Board reaffirmed its support for the funding of the ABA Enterprise Fund at $350,000 for FY 2016.

FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Requests from Forum on Construction Law to Make Donations

a. Ace Mentor Program of America

The Board approved the request of the Forum on Construction Law to contribute $50,000 to the ACE Mentor Program of America in Fiscal Year 2014-2015.

b. Changers Ethiopia

The Board approved the request of the Forum to contribute approximately $5,000.00 raised from Forum members Changers Ethiopia, a Kat Cole Foundation, Food Bank.
5.2 Request to Amend Policy Regarding Spouse Travel Reimbursement to Address Tax Implications

The Board approved the request to amend the policy regarding spouse travel reimbursement to permit the reimbursement for income tax payable generated by income based on spouse reimbursement.