MEMORANDUM

TO: Section and Committee Chairs
    Presidents and Executive Directors of State and Local Bar
    Associations
    House of Delegates
    ABA Senior Managers, Directors and Staff Liaisons

FROM: Alpha M. Brady

SUBJECT: Summary of Action of the November 12-13, 2015,
    Board of Governors Meeting

DATE: November 18, 2015

Attached is the Summary of Action of the November 12-13, 2015, meeting of
the Board of Governors held at the Four Seasons Hotel in Baltimore, Maryland.
This Summary does not constitute official Minutes of the meeting. Minutes of
the meeting will be presented to the Board for approval at the next meeting in
February, 2016.

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

cc: Board of Governors
1. **REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR**

The Board received the reports of the President, President-Elect, Chair of the House of Delegates, Immediate Past President, Secretary, Treasurer and Executive Director. The minutes of the Board’s July 31 and September 22, 2015 meetings were approved. The minutes of the Executive Committee’s meetings on August 21, September 28, and October 19, 2015 were received.

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 July 31, 2015 meeting of the ABA/FJE Board as presented; and b) accepted the ABA/FJE restricted grants and contributions received or awarded through September 30, 2015, and not previously reported, as requested by the Association’s Financial Services Division.

2. **MATTERS FOR DIRECT BOARD ACTION**

2.1 **Reports from Committee Chairs**

The Board received reports regarding the work of the Board Committees from Robert T. Gonzales, Chair of the Operations and Communications Committee; Pamela C. Enslen, Chair of the Program, Evaluation and Planning Committee; and William R. Bay, Chair of the Finance Committee.

2.2 **Discussion Regarding Fiduciary Responsibilities of Board Members**

The Board received a report from Jimmy Goodman, Chair of the Board Governance Committee ("Committee"), and Allen C. Goolsby, member of the Committee, regarding the fiduciary responsibilities of Board members.

2.3 **Status Report Regarding A-E-F-C Pension Plan**

In executive session, the Board received a report from Jarisse J. Sanborn, ABA General Counsel, regarding the A-E-F-C Pension Plan.

2.4 **Status Report Regarding Insurance**

In executive session, the Board received a report from James Dimos, Deputy Executive Director, regarding ABA Insurance and took certain action.

2.5 **Status Report Regarding Commission on Diversity and Inclusion 360**

The Board received a report from President Brown regarding the work of the Commission on Diversity and Inclusion 360.
2.6 Report from Section of Public Utility, Communications and Transportation Law

The Board received a report from Dynda Thomas, Chair of the Section of Public Utility, Communications and Transportation Law, regarding the work of the Section.

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 Discussion Regarding China

The Board discussed China and the process for presidential statements and Rule of Law letters.

WRITTEN INFORMATIONAL REPORTS

2.25 Report from Magna Carta 2015 and London Planning Committees

The Board received a written report from the Magna Carta 2015 and London Planning Committees on the American Bar Association commemoration activities for the 800th Anniversary of Magna Carta in June 2015.

2.26 Report from Standing Committee on Meetings and Travel Regarding 2015 Annual Meeting

The Board received a written report from the Standing Committee on Meetings and Travel regarding the 2015 Annual Meeting review and feedback.

2.27 National Judicial College 2014 Annual Report

The Board received the National Judicial College 2014 Annual Report.

2.28 ABA Journal Report of Proceedings

The Board received a written report regarding the meeting of the Board of Editors of the ABA Journal, held in Santa Fe, New Mexico on September 28-30, 2015.

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 National Conference of the Administrative Law Judiciary to amend its bylaws to allow Executive Committee members to continue serving following their retirement; to allow officers to continue serving in a higher office following their
retirement; and to allow Executive Committee members and officers other than retirees who are no longer serving in the administrative judiciary to complete their current terms.

b. The Board approved the request of the National Conference of Specialized Court Judges to amend its bylaws to allow former judicial officers in a court of specialized or limited jurisdiction to have membership in the National Conference of Specialized Court Judges (“Conference”); to revise the dues delinquency period prior to membership loss to align with the period set by the ABA Board of Governors; and to add a Diversity Policy for the Conference.

c. The Board approved the request of the National Conference of State Trial Judges to amend its bylaws to allow membership in the National Conference of State Trial Judges to any member of the Judicial Division who is a judicial officer of a state court exercising general jurisdiction.

d. The Board approved the request of the Appellate Judges Conference 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.

3.2 Awards

a. The Board approved the request of the Section of Family Law to rename its ABA Section of Family Law Pro Bono Award to the ABA Section of Family Law Jean Crowe Pro Bono Award.

b. The Board approved the request of the Young Lawyers Division to rebrand and rename The Next Steps Diversity Challenge to EMBRACING Diversity Challenge, with the understanding that funds will be provided by Walmart and the ABA Director of Corporate Sponsorship has reviewed and approved the original agreement with Walmart and subject to review and approval of the official rules by the ABA Office of General Counsel.

c. The Board approved the request of the Standing Committee on Legal Aid and Indigent Defendants to create a Lifetime Achievement Award to recognize individuals who have made significant contributions to the justice system through research, scholarship and reform in the area of indigent defense, with the understanding that no ABA general revenue is requested or required.

d. The Board approved the request of the Forum on Construction Law to continue its Law Student Writing Competition for 2016, 2017, and 2018, with the understanding that any costs associated with the prizes will be derived from Forum non-dues funds.

3.3 Request from Commission on American Jury Project to Change Name

The Board approved the request of the Commission on the American Jury Project to change its name to the Commission on the American Jury.
3.4 Requests to Charge Registration Fees for Programs Presented During the 2016 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 each for up to four CLE programs that will be offered by the Government and Public Sector Lawyers Division for government lawyers.

b. The Board approved the request of the Section of State and Local Government Law to charge $40 for three CLE programs and to co-sponsor these programs with local diversity or minority bar associations or groups, and with local law schools. The programs will be followed by a networking reception.

3.5 Requests Regarding ABA Insurance

The Board met in executive session and approved requests regarding ABA Insurance.

3.6 Request from Center for Human Rights to Establish Annual Fundraising Dinner

The Board approved the request of the Center for Human Rights to establish an annual fundraising dinner, the “Eleanor Roosevelt Human Rights Dinner”, beginning in September 2016. No ABA general revenue is requested or required.

3.7 Request from Standing Committee on Pro Bono and Public Service to Create National Pro Bono Website

The Board approved the request of the Standing Committee on Pro Bono and Public Service to establish a national on-line pro bono virtual legal clinic, with the understanding that all project costs will be funded with outside corporate support, grant funds from foundations, or sponsorships. No ABA general revenue is requested or required.

3.8 Request from Senior Lawyers Division for Free Auto-Enrollment For ABA Dues-Paying Members 62 and Older

This request was withdrawn.

3.9 Request from Section of State and Local Government Law Regarding Dues Ceiling and Dues Increase

The Board approved the request of the Section of State and Local Government Law to increase its dues ceiling from $50 to $75 and to increase its membership dues from $50 to $60, for lawyer members and associate members, to take effect in bar year 2016-17.

3.10 Request from Standing Committee on Membership Regarding ABA Advantage Programs

The Board approved the request of the Standing Committee on Membership to add Adar IT and Deluxe Corporation to the ABA Advantage portfolio.
3.11 Request from Standing Committee on Meetings and Travel Regarding 2016 Annual Meeting Registration Fees

The Board approved the registration fees for the 2016 Annual Meeting, as requested by the Standing Committee on Meetings and Travel. The Board declined to approve the requirement that members of the ABA House of Delegates purchase at a minimum the $195 Networking Pass.

3.12 Request from ABA Rule of Law Initiative to Enter Into Cooperating Agreements

The Board approved the request of the ABA Rule of Law Initiative to enter into Cooperating Agreements with the Vietnam Bar Federation; the Council of Bars and Law Societies of Europe; Mali: the Ministry of Justice and Ministry of Internal Security and Civil Protection; West Bank: Moot Court Competition with Six Law Schools; and the China University of Political Science and Law. Approval is subject to review and approval by the ABA Office of General Counsel of the final language of the agreements.

3.13 Requests from the ABA Office of General Counsel Regarding ABA Benefits

The Board approved the request of the ABA Office of General Counsel to amend the Thrift Plan for Employees of the American Bar Association and Affiliates and the A-E-F-C Pension Plan.

3.14 Request Regarding ABA FYLE (previously known as “Blue Box”)

The Board approved the request to expand the original scope of the ABA FYLE project to allow exploration of agreements with other businesses that may be interested in sponsoring this project, subject to review and approval by the ABA Office of General Counsel of the final language of the partnering agreements.

3.16 Request to Create Working Group Regarding the Law Student Division

The Board approved the request to create a Working Group regarding the Law Student Division.

B. MATTERS OF INDEPENDENT JURISDICTION

3.15 Requests for Co-sponsorships

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

a. Young Lawyers Division (two requests):
   i. to co-sponsor with The Gen Why Lawyer Podcast the development of podcasts for the ABA Young Lawyer Toolkit and Fit to Practice.
ii. to co-sponsor with the European Young Bar Association, the Young Bar of Montreal, and the Young Bar of Quebec the *International Oratory Competition* which is held during the Division’s spring meeting, for the years 2016, 2017, and 2018.

d. **Commission on Women in the Profession:** to co-sponsor with the National Conference of Women’s Bar Associations, the Lawyers Club of San Diego, and the California Women Lawyers, the program “Why GOOD Guys (Guys Overcoming Obstacles to Diversity) Are So Important” on February 5, 2015 during the ABA Midyear Meeting in San Diego, California.

e. **ABA Rule of Law Initiative (two requests):**
   
i. to co-sponsor with the American Society of International Law and the Columbia University Global Center a conference of international lawyers in the Middle East region in Amman, Jordan, on December 13-15, 2015.

   ii. to co-sponsor with the American University Washington College of Law, University of Oslo, the American Red Cross, and the American Society of International Law a rule of law-related conference on March 30, 2016 in Washington, DC.

f. **Council for Racial and Ethnic Diversity in the Educational Pipeline:** to continue co-sponsorship with the Law School Admission Council (“LSAC”) the online ABA/LSAC Pipeline Diversity Directory (formerly known as the Diversity Pipeline Resource Guide) and to enhance features of the Directory.

**PROGRAM, EVALUATION AND PLANNING COMMITTEE**

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

4.1 **Request from Section of Antitrust Law to Continue Economics Grant Program**

The Board approved the request of the Section of Antitrust Law to continue the ABA Antitrust Section Economics Grant Program for FY2016, FY2017, and FY2018, with the understanding that no ABA general revenue is requested or required.

4.2 **Request from Commission on the Future of Legal Services for Supplemental Funding**

The Board approved the request of the Commission on the Future of Legal Services for $30,000 in supplemental funding to cover the cost of work to be conducted at a series of small group Project Team meetings of Commission members this year and an additional $5,000 to cover the cost of developing partial mockups of some of the projects recommended by the Project Teams.
4.3 Request from Section of Litigation to Create Benjamin R. Civiletti Endowment

The Board approved the request of the Council of the ABA Fund for Justice and Education to create the Benjamin R. Civiletti Endowment.

4.4 Request from ABA Publishing Regarding Externally Funded Project

The Board approved the request of ABA Publishing to seek outside funding to publish a translation of the book, *Lawyers without Rights*, documenting policies resulting in persecution of Jewish lawyers and judges in Berlin during The Third Reich.

FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Request from Section of Taxation to Contribute Funds to American Tax Policy Institute

The Board approved the request of the Section of Taxation to contribute $50,000, from Section funds not derived from member dues, to the American Tax Policy Institute.