MEMORANDUM

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

FROM:     Alpha M. Brady  

SUBJECT:  Summary of Action of the August 8-9, 2019, Board of Governors Meeting  

DATE:     August 14, 2019  

Attached is the Summary of Action of the August 8-9, 2019, meeting of the Board of Governors. This Summary does not constitute official Minutes of the meeting. Minutes of the meeting will be presented to the Board for approval at its meeting in November 2019.

If you have any questions with respect to the action taken, please do not hesitate to contact me.

cc:  Board of Governors
The Board of Governors (Board) met in executive session on August 8, 2019 and received a report on the ABA's website.

REPORTS OF OFFICERS AND 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 June 7, 2019 meeting were approved. The Minutes of the Executive Committee’s May 16, 2019, June 5, 12, and 28, 2019, July 11, 2019 (email ballot), and July 15, 2019 meetings were received.

The Board received the Report of the Secretary on the Exercise of Blanket Authority and on Technical Comments.

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

The Board made recommendations to the House of Delegates regarding the continuation and discontinuation of special committees and commissions. The recommendations are set forth in the Board's Transmittal Report to the House, Report No. 177A. Copies of Report No. 177A are available from the Policy and Planning Division.

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 7, 2019 meeting; b) accepted the ABA/FJE restricted grants and contributions received or awarded through June 30, 2019, and not previously reported, as requested by the Association’s Financial Services Division.

MATTERS FOR DIRECT BOARD ACTION

2.1 Consideration of House Reports

The Board considered the following Resolutions and recommended that they be approved:

a. Resolution Nos. 10A-B
b. Resolution No. 103B
c. Resolution No. 111
b. Resolution Nos. 113 A-C

2.2 Status Report Regarding Implementation of the New Membership Model

The Board received a report from Tracy A. Giles, Chair, Standing Committee on Membership, Jack L. Rives, ABA Executive Director and Chief Operating Officer, and James Dimos, ABA Deputy Executive Director, regarding the implementation of the New Membership Model.
2.3 **ABA Retirement Funds**

The Board received a report from Renie Yoshida Grohl, President, ABA Retirement Funds, and Scarlett Ungurean, Executive Director, ABA Retirement Funds, regarding the work of the ABA Retirement Funds. The Board, sitting as Members of the ABA Retirement Funds, elected Kim J. Askew, of Dallas, Texas; Janice P. Brown of San Diego, California; Carol D. Gold of Charlottesville, Virginia; and Roberta D. Liebenberg of Philadelphia, Pennsylvania, to serve four-year terms each on the Board of Directors of the ABA Retirement Funds.

2.4 **American Bar Foundation**

The Board, sitting as members of the American Bar Foundation (“ABF”), received a report from David S. Houghton, ABF President, and Ajay K. Mehrotra, Executive Director, regarding the work of the ABF. The Board, sitting as Members of the American Bar Foundation, elected Robert J. Grey, Jr. of Richmond, Virginia; the Honorable Sophia H. Hall of Chicago, Illinois; and Paula E. Boggs of Sammamish, Washington, to serve five-year terms each on the Board of Directors of the American Bar Foundation.

2.5 **ABA CEELI, Inc.**

The Board, sitting as members of the ABA CEELI corporation (CEELI), approved the Minutes of the last meeting of the Members of CEELI held November 9, 2018 and elected Judy Perry Martinez and Patricia Lee Refo and re-elected Mary L. Smith to be Members of the Board of Directors of the Corporation.

2.6 **Video on Anti-Stigma Campaign**

The Board viewed a video produced by the ABA Commission on Lawyer Assistance Programs on the Anti-Stigma Campaign.

2.7 **Report from Standing Committee on Audit**

In executive session, the Board received a report from Allan J. Tanenbaum, Chair, Standing Committee on Audit (Standing Committee), regarding the work of the Standing Committee.

2.8 **Reports from Committee Chairs**

The Board received reports regarding the work of the Board Committees from Darcee S. Siegel, Chair of the Profession, Public Service and Diversity Committee; Scott C. LaBarre, Chair of the Member Services Committee; and Kevin L. Shepherd, Chair of the Finance Committee.

2.9 **Consent Calendar**

The Board adopted the Consent Calendar as set forth in items 3 through 5 of this Summary of Action relating to the reports of the Board Committees.

2.10 **Introduction of New Board Members**

The members of the incoming Board class of 2019-2022 were introduced by the outgoing Board members.
2.11  Report from Board Governance Committee

In executive session, the Board received a report from David S. Houghton, Chair, Board Governance Committee, regarding the Governance Survey.

2.12  Additional Agenda Items

In executive session, the Board discussed and received updates regarding several matters.

WRITTEN INFORMATIONAL REPORTS

2.25  ABA Journal Board of Editors Report of Proceedings

The Board received a written report from the ABA Journal Board of Editors regarding its June 7-8, 2019 Board of Editors meeting held in Seattle, Washington.

2.26  Update Regarding Dates for 2021 Midyear Meeting

The Board received a report from the Standing Committee on Meetings and Travel regarding the dates for the 2021 Midyear Meeting.

3.30  Membership Report

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

MEMBER SERVICES

A.  MATTERS FOR REVIEW BY THE BOARD

3.1  Requests to Amend Bylaws

The Board approved the requests from the Section of Litigation, the Section of Legal Education and Admissions to the Bar, the Section of Family Law, the Section of Real Property, Probate and Trust Law, and the Solo, Small Firm and General Practice Division to amend their bylaws.

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

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, to allow ABE to promote its plans to ABE's members via the ABA's email distribution system from September 1, 2019, to August 31, 2020. 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 Solo, Small Firm and General Practice Division to Establish *FirstJob* Summer Intern Program

The Board approved the request of the Solo, Small Firm and General Practice Division to Establish the *FirstJob* Summer Intern Program, subject to review and approval of the program by the Office of the General Counsel.

3.4 Requests Regarding Memoranda of Understanding

a. Section of Public Contract Law

The Board approved the request of the Section of Public Contract Law (Section) to revise/update the Section’s 2011 Memorandum of Understanding with the National Association of Procurement Officials, subject to review and approval of the revisions/updates to Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

b. Health Law Section

The Board approved the request of the Health Law Section to each enter into Memorandum of Understanding with the Health Information Management Systems Society from September 2019 through September 2022, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

3.5 Request from Section of Civil Rights and Social Justice to Create Basics of Administrative Law Animated Video Project and to Seek Outside Funding

The Board approved the request of the Section of Civil Rights and Social Justice to seek outside funding and to create the “Explaining the Basics of Administrative Law Animated Video Project” subject to approval by the Standing Committee on Publishing Oversight and review by the Office of the General Counsel, Media Relations and Strategic Communications, and the Governmental Affairs Office, and subject to working with the Judicial Division National Conference of Administrative Law Judiciary, the Government and Public Lawyers Sector Division, and the Section of Administrative Law and Regulatory Practice.

3.6 Request Regarding Review and Approval of Reports by ABA Entities

The Board approved the request to establish a uniform review process for reports and other issuances released to the public expressing policy preferences by entities that are not currently subject to the Blanket Authority procedures until the 2020 Midyear Meeting with the understanding that the policy will not be included in the Policy and Procedures Handbook at this time.

3.7 Request to Approve Social Media Policy for ABA Members

The Board approved the Social Media Policy for ABA Members as amended.
3.8  Request for Counselors to Commission on the 19th Amendment

The Board approved the request of President-Elect Judy Perry Martinez to have up to six Counselors to the Commission on the 19th Amendment.

PROFESSION, PUBLIC SERVICE AND DIVERSITY

A.  MATTERS FOR REVIEW BY THE BOARD

4.1  Nominations

a.  National Judicial College Board of Trustees

The Board, sitting as members of the National Judicial College (NJC), elected Darcee S. Siegel, of Bal Harbour, Florida, as the ABA Board of Governors representative on the National Judicial College Board of Trustees, for a three-year term beginning on September 1, 2019 and expiring on August 31, 2022.

b.  Board of Elections

The Board elected Judge Michelle Meier Keller of Covington, Kentucky, as Chair of the Board of Elections; Michele Coleman Mayes of New York, New York, and Dwight L. Smith of Tulsa, Oklahoma, to serve one-year terms on the ABA Board of Elections beginning at the conclusion of the 2019 Annual Meeting.

c.  American Bar Endowment

The Board elected Tommy D. Preston Jr. and re-elected Howard H. Vogel to the American Bar Endowment Board of Directors, for five-year terms each beginning on September 1, 2019 and expiring on August 31, 2024.

4.2  Awards

a.  Criminal Justice Section

The Board approved the request of the Criminal Justice Section to remove all references to an age requirement from its scholarship application for the National Institute on White Collar Crime.

b.  Section of Antitrust Law

The Board approved the request of the Section of Antitrust Law (Section) to change the monetary award amount for an already established award, Antitrust Law Student Writing Competition, from $1,000 to $2,500.

The Board approved the request of the Section to continue the Consumer Protection Law Student Essay Project through FY2020.

The Board approved the request of the Section to establish the Privacy and Information Security Committee Young Lawyer Writing Competition through FY2020.
c. Section of Family Law

The Board approved the request of the Section of Family Law to create a one-time contest titled "Texas Hold 'Em" tournament to be held on September 27, 2019, subject to review and approval by the Office of the General Counsel.

d. Section of Business Law

The Board approved the request of the Business Law Section to create the 20/20 Partners Recognition Award to recognize young lawyers specializing in the field of business bankruptcy.

4.3 Request from ABA Rule of Law Initiative to Enter Into Memoranda of Understanding

The Board approved the request of ABA Rule of Law Initiative to enter into Memoranda of Understanding with the following legal and civil society institutions and organizations: Arab Prosecutor’s Association, Hanoi Procuratorate University in Vietnam, Ministry of Social Affairs – Tunisia, People’s Police Academy in Vietnam, University of Kalemie in DRC, University of Lubumbashi in DRC, Development Strategy Center in Uzbekistan, and the Philippine Judicial Academy, subject to review and approval of the Memoranda of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

4.4 Request to Amend Award Guidelines

The Board approved the request to amend the Award Guidelines to require awards selection committees to thoroughly vet all candidates prior to a final decision being taken or announced.

4.5 Request from Standing Committee on Governmental Affairs and Standing Committee on Legal Aid and Indigent Defendants Regarding Fiscal Year Funding for Legal Services Corporation

The Board approved the request of the ABA Standing Committee on Governmental Affairs and the Standing Committee on Legal Aid and Indigent Defendants (SCLAID) to authorize the Director, Governmental Affairs Office, to coordinate with SCLAID every year in February or March to determine a fiscal year funding request for the Legal Services Corporation to be used in annual advocacy efforts on behalf of the Association.

4.6 Request from Commission on Racial and Ethnic Diversity in the Profession to Enter into a Memorandum of Understanding with Interlaw Diversity Forum

The Board approved the request of the Commission on Racial and Ethnic Diversity in the Profession to enter into a Memorandum of Understanding with Interlaw Diversity Forum, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

4.7 Request from ABA Fund for Justice and Education to Create ABA Giving Day

The Board approved the request of the ABA Fund for Justice and Education to launch an official ABA Giving Day set to occur on May 1, coinciding with Law Day, with the understanding that the ABA Fund for Justice and Education will provide a status report on its implementation plan at the November 2019 Board of Governors Meeting.
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. Antitrust Law Section:

(i) to co-sponsor with outside entities, Section “Committee Telephonic Programs” formerly called “Brown Bag” programs, that may be held in the 2019-2020 association years and to co-sponsor with ABA accredited law schools, a one-hour program titled “Why Antitrust/Why Consumer Protection Law?”, to be held at law schools and include a panel of Section members, taking place during the 2019-2020 association years, with the suggestion that the Section open the “Committee Telephonic Programs” to all ABA members.

(ii) to co-sponsor with ABA accredited law schools, a one-hour program titled “Why Antitrust/Why Consumer Protection Law?”, to be held at law schools and include a panel of Section members, taking place during the 2019-2020 association years.

b. Section of Science & Technology Law: to co-sponsor with outside entities listed on its request, Section “Committee Programs”, also referred to as “Brown Bags” to be held via teleconference/webinar during the 2019-2020 association years, with the suggestion that the Section of Science & Technology Law open the “Brown Bags” to all ABA members.

c. Office of the President to co-sponsor with Berkeley School of Law, a program focused on the “Special 19th Amendment,” to be presented in Spring of 2020.

4.16 Presidential Citations

The Presidential Citation Subcommittee of the Profession, Public Service and Diversity Committee approved the request of President Robert M. Carlson to award Presidential Citations to the following: Steven R. Binder of San Diego, California, Tracy A. Giles of Roanoke, Virginia, George T. “Buck” Lewis of Memphis, Tennessee, and Andrew Van Singel of Wayland, Michigan. to recognize exceptional accomplishments and significant long-term contributions to the American Bar Association.

FINANCE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Recommendation for Adoption of FY2020 Budget

The Board approved the Consolidated FY2020 Budget of $212.9 million of revenue and $219.7 million of expense.