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 February 13-14, 2020, Board of Governors Meeting

DATE: February 17, 2020

Attached is the Summary of Action of the February 13-14, 2020, 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 June 2020.

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

cc: Board of Governors
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 November 15, 2019 video conference were approved. The Minutes of the Executive Committee’s November 13 and 25, 2019 and January 8, 2020 meetings were received.

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

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 November 15, 2019 meeting; b) accepted the ABA/FJE restricted grants and contributions received or awarded through December 31, 2019, and not previously reported, as requested by the Association’s Financial Services Division.

James J. Sandman received a Presidential Citation for his extraordinary leadership benefiting the system of justice, considerable contributions to the access to justice, notable pro bono advocacy, and long-term contributions to the American Bar Association.

MATTERS FOR DIRECT BOARD ACTION

2.1 Consideration of House Reports

The Board considered the following Resolution and recommended that it be approved:

a. Resolution No. 10A: urges federal, state, local, territorial, and Tribal governments to acknowledge and prioritize responding to the Missing and Murdered Indigenous Women (MMIW) crisis, and urges Congress to pass legislation that (1) prioritizes national data collection and tribal access to that data, (2) develops inter-jurisdictional protocols, and (3) provides a holistic response.

2.2 The Board received an overview of the ABA’s Crisis Management Process from Lynn Fontaine Newsome, ABA Board of Governors member, Carol Stevens, Associate Executive Director, ABA Media Relations and Strategic Communications, and Jacqueline Salmon, Sections Program Manager, ABA Media Relations and Strategic Communications.

2.3 The Board received an update on Non-Dues Revenue from Lynne B. Barr, Chair, Member Services, and Joseph Brownlee, Director, ABA Center for Member Operations.

2.4 The Board received an update on Law and National Security from Cynthia R. Ryan, Chair, Standing Committee on Law and National Security, Suzanne Spaulding, Member, Standing Committee on Law and National Security, and Holly McMahon, Director, Standing Committee on Law and National Security.

2.5 The Board was introduced to the new ABA Chief Marketing Officer, Ken Zinn, who presented his early observations.
2.6 The Board received an update on the ABA’s Information Technology Department from Vid Byanna, ABA IT Consultant.

2.7 The Board received an overview of new Annual Meeting format from James Holmes, Board Liaison, Standing Committee on Meetings and Travel, and Martin D. Balogh, Associate Executive Director, ABA Meetings and Travel Department.

2.8 The Board received an overview of the ABA Rule of Law Initiative from Hilarie Bass, Chair, Rule of Law Initiative, and Alberto Mora, Associate Executive Director, ABA Global Programs, Rule of Law Initiative.

2.9 The Board did not receive reports from the Board Committee chairs.

2.10 The Board adopted the Consent Calendar as set forth in items 3 through 5 (except 4.21) of this Summary of Action relating to the reports of the Board Committees.

2.11 The Board received an update on Governmental Affairs/Legislative Issues from H. Russell Frisby, Jr., ABA Board of Governors member, and Holly Cook, Associate Executive Director, Governmental Affairs Office.

2.12 In executive session, the Board received an update on ABA Insurance and discussed additional matters.

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 January 3-5, 2020 Board of Editors meeting held in Pasadena, California.

3.30 Membership Report

The Board received the February 2020 Membership Report from the Standing Committee on Membership.

MEMBER SERVICES

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests to Amend Bylaws

a. Appellate Judges Conference of the Judicial Division

The Board approved the request of the Appellate Judges Conference (Conference) of the Judicial Division to amend its bylaws to replace the Duke University School of Law representatives with representatives of The National Judicial College (NJC), subject to the execution of a Memorandum of Understanding between the Appellate Judges Education Institute and the NJC, and subject to non-substantive edits to the bylaws

b. Antitrust Law Section

The Board approved the request to amend its bylaws to add a Technology Officer position, and delete the technology responsibilities from the Secretary and Communications Officer position,
which will now fall under the new Technology Officer position, with the understanding that the Technology Officer will oversee implementation of the ABA’s Social Media Policy.

c. **Section of State and Local Government Law**

The Board approved the request to amend its bylaws to: include “tribal and regional” language; provide a dues ceiling from $50 to $60; define council membership and council elections; stipulate that if a member of the Council fails to attend two successive meetings of the Council either in person or by telephone, without excuse, the place held by such member shall be automatically vacated; create a Membership Officer; codify the procedure of written ballots; and other amendments.

### 3.2 Requests to Increase Dues

a. **Health Law Section**

The Board approved the request of the Health Law Section to increase its annual lawyer and associate member dues from $50 to $65 for the 2020-2021 bar year.

b. **Tax Section**

The Board approved the request of the Tax Section to increase the dues for its regular members and associates from $75 to $105, to become effective September 1, 2020.

c. **Tort Trial and Insurance Practice Section**

The Board was notified that the Tort Trial and Insurance Practice Section will increase its membership dues from $50 to $65 beginning in the 2021 bar year. In June 2002, the Board previously approved a dues ceiling of up to $75 for the Section.

### 3.3 Request to Approve 2020-2021 Board of Governors Meetings

In addition to the already scheduled Board Meetings in conjunction with the 2021 Midyear Meeting (February 17-19, Chicago, IL) and the 2021 Annual Meeting (August 4-6, Toronto, Canada), the Board approved the following dates and locations for stand-alone meetings of the Board for 2020-2021:

- **November 12-13, 2020**
  Teleconference
  The Executive Committee will meet in person in Chicago.

- **June 1-4, 2021**
  Omni Scottsdale Resort at Montelucia
  Scottsdale, Arizona

### 3.4 Request Regarding Review and Approval of Reports by ABA Entities

The Board approved the request to make the *Policy on Review and Approval of Reports by ABA Entities* (policy) a permanent policy.
3.5 Request Regarding Application of Meeting Selection Site Policy to Sections, Divisions, and Forums (Member Services Committee Discussion only – no action required)

The Member Services Committee discussed the policy; however, no action was taken.

3.6 Request from Standing Committee on Membership to Amend Member Benefit Policy

The Board approved the request of the Standing Committee on Membership (SCOM) to amend the Member Benefit Policy (policy) to clarify certain points of the document related to the program approval process, the types of information required for program consideration, and the program’s staff oversight, subject to non-substantive edits to the policy. Additionally, the Board approved a new internal program approval structure.

PROFESSION, PUBLIC SERVICE AND DIVERSITY

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Nomination for American Intellectual Property Law Education Foundation

The Board elected Lisa A. Dunner as an ABA representative on the Board of Trustees of the American Intellectual Property Law Education Foundation for a three-year term commencing on July 1, 2020 and concluding on June 30, 2023.

4.2 Requests to Enter Into Memoranda of Understanding (MOU)

a. ABA Center for Human Rights

The Board approved the request from the ABA Center for Human Rights (Center) to enter into an MOU with the Ministry of Interior of the Republic of Colombia, 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.

b. Standing Committee on Legal Assistance for Military Personnel

The Board approved the request of the Standing Committee on Legal Assistance for Military Personnel to renew an MOU, previously approved by the Board on June 9, 2017, with Jones Day for the VetLex Project, 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.

4.3 Request from Standing Committee on Paralegals to Modify Approval Commission Composition and to Reimburse Members

The Board approved the request from the Standing Committee on Paralegals to amend the Approval Commission composition and to reimburse members, with the understanding that no ABA general revenue is requested or required.
4.4 Requests from ABA Rule of Law Initiative

a. Enter into Memoranda of Understanding

The Board approved the request of the ABA Rule of Law Initiative (ROLI) to enter into Memoranda of Understanding, subject to review and approval by the ABA Office of General Counsel and signed copies filed with the Policy and Planning Division, with the following organizations:

- Vietnam: Vietnam Bar Federation
- Vietnam: Vietnam Lawyers Association
- Maldives: Maldives Bar Council
- Maldives: Public Interest Law Centre
- Maldives: Maldives Prosecutors Office
- Maldives: Maldives Anti-Corruption Commission
- Thailand: Royal Thai Police
- Thailand: International Law Enforcement Academy, Bangkok
- Thailand: National Anti-Corruption Commission
- Thailand: Rangsit University
- Thailand: UNODC Regional Office for Southeast Asia and the Pacific
- Armenia: Academy of Justice of the Republic of Armenia
- Bosnia and Herzegovina: University of Sarajevo Law Faculty
- Ukraine: Legal Aid Coordinating Center of the Ministry of Justice

b. Update List of Approved Countries of Operation, Donors and Thematic Program Areas:

The Board approved the request from ROLI to include all EU Member States among the approved countries of operation; specifically to expand the number of approved EU Member States ROLI can operate in from 11 to 28 by including Austria, Cyprus, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Malta, Netherlands, Portugal, Slovenia, Spain, Sweden and the United Kingdom.

c. Register Branch Office in Germany:

The Board approved the request of ROLI to include Germany among the approved countries of operation and register an ABA office in Germany.

MATTERS OF INDEPENDENT JURISDICTION

4.15 Requests for Co-sponsorship

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. Solo, Small Firm and General Practice Division (Division):

(i) to co-sponsor the Division’s Peace Officer Worker’s Compensation Program with the Wounded Blue.

(ii) to co-sponsor the Division’s 2020 Spring Meeting with the Puerto Rico Bar Association on April 29 – May 5, 2020 in San Juan, Puerto Rico.
c. Commission on Immigration (Commission): to co-sponsor a free, three-day “Advocacy in Immigration Matters” training program through the Commission Children’s Immigration Law Academy with the National Institute for Trial Advocacy on August 5-8, 2020, in Houston, Texas.

e. Section of Taxation: to co-sponsor with the Institute for Professionals in Taxation the 2020 ABA/IPT Advanced Tax Seminars at the Royal Sonesta Hotel in New Orleans, LA on March 16-20, 2020.

f. Standing Committee on Legal Aid and Indigent Defendants: to co-sponsor with Voices for Civil Justice, the National Legal Aid & Defender Association, and the Legal Services Corporation, the National Center for State Court’s new Justice for All website.

g. Section of Environment, Energy and Resources (Section):

i. to co-sponsor and make financial contributions from Section funds to the Anti-Cruelty Society for up to $1,300 for a public service project with the Anti-Cruelty Society on April 22, 2020 in Chicago, Illinois. The Section may also use up to an additional $300 on supplies related to the public service project.

ii. to co-sponsor with the Coalition for Green Capital and the American Green Bank Consortium a briefing and networking session in Washington, DC on March 10, 2020, for law students, young lawyers, and other attorneys in the energy and environmental law field.

4.15b. Science & Technology Law Section: The Board deferred the request to co-sponsor the 2020 Commercial UAV Expo Americas from September 15-20, 2020 in Las Vegas, Nevada in order to seek further information on the cosponsoring organization, Diversified Communications, Inc.

4.15d. Health Law Section (Section): to collaborate with the Chicago Medical Society to develop the “See, Hear and Speak Up” program to help combat gun violence in schools through a preventative, non-partisan approach, and approval to seek outside funding for the project, subject to the providing of additional information regarding outside funding resources the Section will secure to support the program. The Section requested approval to solicit the American Medical Association’s participation in and co-sponsorship of the program.

4.21 Status of Program Support Funds

The Board declined to approve the request from ABA HIV/AIDS Impact Project to allow further deficit spending for the 2020 HIV Law & Practice Conference, if necessary, or absorb the deficit permanently as a public service contribution.

FINANCE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Standing Committee on Audit Report - Acceptance and Approval of Audited Financial Statements

The Board received the consolidated financial statements, details of consolidation and other information for the years ended August 31, 2018 and 2019 and the Single Audit for the year ended August 31, 2019.