ABA SECTION OF FAMILY LAW
COUNCIL MEETING AGENDA
August 4, 2018—9:00 am – 11:30 am
InterContinental Chicago, King Arthur Court, 3rd Floor

9:00 am Welcome and Call to Order – Bobbie Batley
   • Moment of Silence in Memory of Allen G. Palmer

9:10 am Minutes from Nashville, TN, May 10, 2018 – Michael Mosberg..................Tab 1

9:15 am Report from the Chair-Elect – Melissa Avery

9:20 am Report from the Vice-Chair – Jon Wolfe

9:25 am House of Delegates Report – Anita Ventrelli & Scott Friedman

9:35 am Financial Officer’s Report – Anne Marie Jackson........................................Tab 2

9:50 am Report from the ABA FLS Board of Governors Liaison – Maryann Foley

10:05 am Update on New Membership Model – Melissa Avery & Michael Mosberg........Tab 3

10:15 am Member Benefit Development Committee Report – Karl Topor....................Tab 4

10:20 am Sponsorship Committee Report – Jennifer Brandt....................................Tab 5

10:25 am Diversity Committee Report – Jon Wolfe

10:30 am Publications Development Board Report – Lynne Ustach & Joe Booth.........Tab 6

10:35 am Family Law Quarterly Update – Bobbie Batley

10:45 am Family Advocate Report – Kathy Hogan

10:50 am Update from ABA CPR/SOC Liaison – Christina Miller.................................Tab 7

10:55 am Update from ABA Commission on Immigration Liaison – Llew Pritchard........Tab 8

11:00 am New Business

NONDISCUSSION AGENDA

Committee Status Reports.........................................................................................Tab 9
Liaison Status Reports.............................................................................................Tab 10
Upcoming FLS CLE Opportunities........................................................................Tab 11
IN ATTENDANCE:


Past Chairs: Phyllis Bossin Linda Elrod, Gregg Herman, Randall Kessler, Maurice Kutner, Debra Lehrmann, Sandra Morgan Little, Greg Ortiz, Ken Raggio, Tim Walker.

ABSENT:
Jennifer Brandt, Kendra Fershee, Lori Frio Walker, Anne Marie Jackson, Allen Palmer

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<tr>
<th>TOPIC</th>
<th>DISCUSSION</th>
<th>ACTION/FOLLOW-UP</th>
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<tr>
<td>Welcome and Call to Order</td>
<td>• Bobbie Batley (&quot;BB&quot;). Thanks to Past Chairs.</td>
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<td>Approval of minutes from Beaver Creek, CO</td>
<td>• Approved with proposed changes. Motion by Candace Peeples, second by Henry DeWoskin.</td>
<td>• Motion approved.</td>
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| Presentation of Jean Crowe Pro Bono Award | • Presented by Sandra Morgan Little with Dan Crowe to Elizabeth Baker.  
• Discussed history of the award and Jean Crowe.  
• 45 years of dedicated pro bono service in Florida.  
• BB notes service project at Jean Crowe Advocacy Center tomorrow. | |
| By-Laws | • Section 9.3 – Absenteeism. | • Going forward will be addressing absences in accordance with the policy. |
| Financial Officer’s | • Anne-Marie Jackson took over for financial officer. Dealing with family emergency | |
| Report from the Chair and Update on Annual In Chicago | • BB reports. Things are going well with the Section. Registration open for Chicago. Encourages members to attend.  
• Things going well with sponsorship.  
• BB extends thanks to Thad Woody and Candi Peeples re: putting together CLE for this meeting and Beaver Creek.  
• Thanks to Staff for all of their incredibly hard work in putting this meeting together. |
| --- | --- |
| Report from the Chair-Elect | • Melissa Avery reports.  
• Nominating Committee report. Met on 12/13/17. Nominees announced.  
• Next Section meeting 10/6/18-10/8/18 at JW Marriott Starpass in Tucson. CLE well underway. Friday night event at Maynard’s – urban street fair theme.  
• Special program to visit border wall in Nogales on the Wednesday before the Section meeting starts. Full day program. Because it requires security clearance sign-up information will be sent out shortly after Nashville. Room for 40 people to go on the trip. Includes 2.5 hours of CLE. Fellows will look to tie a service project into that theme.  
• Budget finished. Budgeted conservatively at a deficit but consistent with past years and acceptable practice. |
| Report from the Vice-Chair | • JWW congratulates BB on a successful Nashville meeting. |
- Austin selected for Fall Meeting.
- Spring meeting location still to be determined.

| House of Delegates Report | Anita Ventrelli and Scott Friedman report.  
| | 3 resolutions at Mid-Year meeting: (1) ART Resolution; (2) Military Pension Resolution (frozen benefit resolution); and (3) Tax Resolution (Mary Vidas and Michelle Piscopo prepared the resolution with assistance from Anita Ventrelli).  
| | Re: Tax Resolution – timing prevented comment from other sections, divisions and forums before submission. Confferred with Dick Lipton (Tax Section Delegate). Advised that as a matter of ABA policy which favors tax simplification they could not support resolution. As a result, the Section pulled the resolution back. Since the Mid-Year Meeting, have put the resolution out to a number of groups for comments. Tax Section met this morning and advised that they may not be able to support but there may be a way for them not to oppose. Tax Section has voted to instruct their delegates not to oppose our resolution provided we work together to add language to resolution that consistency and tax simplification requires a “grandfather clause”.  
| | Mary Vidas adds to report of Anita Ventrelli re: the tax resolution. Advised that IRS is now pushing back on the elimination of alimony from her Washington, DC office. We may end up getting more support than first anticipated assuming ABA backs.  
| | Scott Friedman – two resolutions up for a vote. The question presented – Does the FLS Section support each of the resolutions?  
| | Scott Friedman describes the NICS Resolution (included as TAB 4 of the
Council Book). Motion on the floor to support, not support or vote conscience. Opened for discussion. MA proposes to allow delegates to vote their conscience. Lynne Ustach seconds. Council unanimously approves. Motion carries.

- YLD Resolution – (included as TAB 4 of the Council Book and subsequently emailed to Council members). Discussion ensues. JWW moves to support the YLD resolution. Noelle Tucker seconds the motion. Council unanimously approves. Motion carries.

- Scott Friedman gives special thanks to the ART Committee in connection with the Resolution that passed at Mid-Year and Rich Vaughn and Steve Snyder in particular. Also special thanks to Mary Vidas and Michelle Piscopo in connection with the preparation of the Tax Resolution.

- Scott Friedman thanks Council for contributing towards the gift for Debbie Akers-Parry.

| Report from ABA FLS Board of Governors Liaison | • Maryann Foley reports on OneABA. For most members will result in a decrease in dues and be able to select two sections for free.

• Last year ABA cut budget by $11 Million. For next year need to cut another $6 Million. Remaining cuts will be determined at their June meeting. Will not affect Sections this round. Focused on administrative and standing committees. 44 members out of 111 ABA employees took the early exit package.

• ABA Day. Three items. (1) Funding for legal services corporation. (2) Funding for debt forgiveness for people in public service. (3) Immigration and DOJ announced suspension to pay non-profits to talk to people who were detained in immigration centers in their own language. At this point the program is continuing. |
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<tr>
<th>Military Law Resolution</th>
<th>Brent Tanner – Resolution 115(c). Resolution to return to prior method of dividing military retirements based on individual state divorce law. Congress had implemented “frozen benefit” measure irrespective of state laws. Purpose of the resolution is to revoke NDAA as it pertains to the frozen benefit. Resolution passed.</th>
<th>Committee is now working with Ken Goldsmith and ABA staff and members of Congress to move forward new legislation. Asking members if they know any individuals in Congress to let them know to help lobbying effort.</th>
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<tr>
<td>Member Benefit Development Committee Report</td>
<td>Karl Topor and Lilka Martinez report. Their written report is included in the Council Book at TAB 6. Putting calling member project on hold until understand better what the new membership model will be and how best to focus our efforts going forward. The membership retention guide is being finalized. Lilka Martinez thanks Christina Miller for her help in putting the guide together. BB notes attendance of Karl Topor and Christina Miller at Vancouver and appreciates their work for the Section.</td>
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<td>Sponsorship Committee Report</td>
<td>Brian Karpf reports. NMP work on an uptick. Report included in Council Book at TAB 7. $20,000 ahead in sponsorships as compared to same time last year. 3 table sponsors signed for Fall meeting.</td>
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<td>Strategic Planning Committee Report</td>
<td>Thad Woody reports in Lori Nelson’s absence. Discussed purpose of committee and restructuring of committees. A fluid process. Will evaluate as it goes on. Looking for better synergies amongst committees and the committee structures including committee chairs and vice chairs.</td>
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<td><strong>Diversity Committee Report</strong></td>
<td><strong>Update on ULC Committee on Non-Parental Rights to Child Custody and Visitation</strong></td>
<td><strong>Update from ABA Commission on Domestic and Sexual Violence</strong></td>
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<td>• Jonathan Wolfe reports. Allen Palmer is co-chair and appearing by phone.</td>
<td>• Allen Palmer reports. Several meetings of the committee. Very active. Final draft disseminated to Council.</td>
<td>• Allen Bailey reports. His report is included in the Council Book as TAB 9.</td>
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<td>• Recognizing Section Fellows.</td>
<td>• Judge Lehrmann reports. Act is up for final reading this Summer. Once approved by the ULC it cannot be changed. Three years of drafting which started with the Model Act approved and passed by this Council some time ago. Notes Joe Booth and Noelle Tucker have worked diligently on this report</td>
<td>• Would like co-sponsorship on two resolutions.</td>
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<td>• Program support fund (501(c)(3)) approved by the Officers (special thanks to Thad Woody) and going to the Board of Governors. Will allow the Section to raise funds for charitable endeavors.</td>
<td>• First Resolution. To expand the scope of the prevention of the purchase of firearms to include individuals in dating relationships and to expand the current prohibition for persons convicted of domestic violence to include stalking misdemeanors (included in Council Book at TAB 9).</td>
<td>• Second resolution tabled for the time being so that more information can be obtained.</td>
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<td>• Special recognition to Section Fellows Nika Gohlston and Maritza Rodriguez.</td>
<td>• Allen Bailey moves that Section support the Resolution. Joe Booth seconds. Discussion ensues. Council votes to support the Resolution. Motion carries.</td>
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| **When the Act is presented to Council next Fall, it will no longer be subject to any changes. Therefore, to the extent we have any comments or changes, the time to do so is now.** |
than in report). Profit increased to $49,884 ($10,000 more than budgeted revenues).

- Anticipate 12 published books by August (4 published to date). Looking at another 8-10 books to be published the following fiscal year.
- $1,000 worth of books sold at the Nashville meeting.
- Biggest seller this year is the Pet Custody Manual.

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<th>Family Advocate Report</th>
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<td>Kathleen Hogan reports. Written report included in the Council Book at TAB 11. Re-ordered upcoming issues to provide for an issue to address new tax legislation.</td>
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<td>Technology and client hot tips issues are in the pipeline.</td>
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<th>New Business</th>
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<tr>
<td>Motion by Henry DeWoskin. Andrea Cozza seconds motion. Motion passes. Meeting adjourned.</td>
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PLEASE RETURN COMPLETED SIGN-IN SHEET TO MICHAEL MOSBERG!

Melissa Avery

Allen Bailey

Roberta Batley

Joe Booth

Jennifer Brandt

Lori Colbert

Andrea Cozza

Henry DeWoskin

Virginia Dugan

Kendra Fershee

Maryann Foley

Scott Friedman
Lori Frio Walker  
Absent

Judith Hoechst

Kathleen Hogan

Anne Marie Jackson  
Absent

Brian Karpf

Lilka Martinez

Michael Mosberg

Allen Palmer  
Absent

Candace Peeples

Lyne Ranson

Chaim Steinberger

Stephanie Tabashneck

Robert Terenzio
Section of Family Law Council Meeting
2018 Spring CLE Meeting
Thursday May 10, 2018
Omni Nashville Hotel
1:30 pm – 4:30 pm

Noel Tucker

Lynne Ustach

Anita Ventrelli

Mary Vidas

Jonathan Wolfe

Thad Woody

Jamie Lee Wright
Past Chairs:

Phyllis Bossin

Linda Elrod

Gregg Herman

Randall Kessler

Maurice Kutner

Debra Lehrmann

Sandra Morgan Little

Greg Ortiz

Ken Raggio

Tim Walker
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### ABA Budget Analysis by LOB

**Budget Fiscal Year:** 2019  
**ABA Fund:** B: SECTION FUNDS  
**ABA Resp:** 15130: FAMILY LAW

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ABA Resp: 15130: FAMILY LAW

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</tr>
<tr>
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<td>15130</td>
<td>3060120</td>
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<td>18,850</td>
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<td>(12,500)</td>
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<td>7020026</td>
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<td>(11,200)</td>
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<td>6,575</td>
<td>(6,575)</td>
<td>0</td>
<td>8,500</td>
<td>(8,500)</td>
<td>0</td>
</tr>
</tbody>
</table>

Operating Revenue/Expense Total | 1,094,023 | 1,201,740 | (167,717) | 1,066,158 | 1,139,899 | (73,741) | 1,060,572 | 1,153,255 | (92,683) |

Total Operating and Non-Operating | 1,094,023 | 1,201,740 | (167,717) | 1,066,158 | 1,139,899 | (73,741) | 1,060,572 | 1,153,255 | (92,683) |
9G is $71,421 higher than will actually be expended due to the staff reorganization that was completed after the HR modules were closed for FY19. 73G and 74G are a combined $15,000 higher than will actually be expended due to an inputting error by Publishing on our in-house managing editor’s salary. Since that is in the HR module, the managing editor’s salary will be debited at $15,000 less than is budgeted (according to Bryan Kay, Director of ABA Publishing). Thus, net budget is actually $21,296 in FY19, not $107,717, although this is what is entered due to locked HR modules.

|------------|----------|----------|---------|----------------------|-----------------------|----------------------|-------------------|-----------------------|----------------------|-------------------|-----------------------|----------------------|-------------------|

Tab 2
MEMORANDUM

TO:       Board of Governors
FROM:    Tracy A. Giles, Chair Standing Committee on Membership
         James Dimos, Deputy Executive Director
DATE:  July 25, 2018
RE:   Request for Approval of New Membership Model

This proposed New Membership Model improves the value of ABA membership in line with extensive market research at a tolerable cost and risk to the ABA and its member entities. It is a critical step forward for the Association and moves the ABA on a path to sustained membership growth and increased financial stability.

Everyone agrees that change in the business model is necessary. That change must enhance the value of membership and align it more closely with the market’s willingness to pay. As with all business decisions, the Association must achieve a balance between benefits and costs. This approach, based on data and assessed risk, strikes the appropriate balance and allows the Association to address long-running trends in membership and dues decline and, in the long-term, strengthen its financial viability.

The ABA should move forward with this approach with an important caveat: This is an early and important step, but it is not the last necessary step. The Association needs to continue to research and evolve its offerings to all dues paying members to be responsive to their needs and relevant to their practice.

At the meeting of the Board of Governors on June 22, 2018, the Board approved five dues categories, consistent with the pricing research. The Board approved the dues structure with the specific understanding that the Board must approve the related product “bundle” at the 2018 Annual Meeting, and absent such approval the proposal on dues price points will not be presented to the House of Delegates for its ultimate approval. This memorandum provides the details of that product bundle for consideration by the Board.

Summary of Elements of Proposed New Membership Model

- Allow all ABA members to join Law Practice and GPSolo at no additional charge. Membership in these divisions will be “opt-in” and lawyers will not be auto-enrolled. Content produced by both entities in addition to access to substantial content from the Center for Professional Responsibility will be available to all ABA members as part of the bundle of benefits included with base ABA membership;
- Build value in basic membership by implementing a modern content strategy to improve both member benefits and promote the quality content created by entities through a more...
personalized, curated content experience for all ABA members while minimizing any undesired impact on our sections, divisions, and forums;

- Maintain a robust CLE marketplace, with both free content and CLE for sale by producing entities, with an appropriate annual contribution from CLE-producing entities;
- Increase the value of membership in both the ABA and its entities by strategically limiting access to substantive website content by non-members and providing all members with the chance to sample the quality content produced by the entities;
- Improve the member experience for all members, with an emphasis on law students and young lawyers;
- Focus on the financial health, flexibility, and sustainability of the Association.

Summary of Membership Dues

Since the June 22 approval by the Board of the pricing structure, and in an effort to strengthen the dues model, two modifications have been introduced and are presented here for Board approval.

Members with 20+ Years’ Experience: Avenue’s analysis of the demand curve shows a proposed $25 increase in price from the June 22, 2018 approved $425 to $450 for the 20+ year members will have a minimal negative impact on overall membership growth while providing more resources as we transform our membership value proposition and marketing. Members with 20+ years of experience will still receive a discount in their dues. The Board is asked to approve the pricing model with an increase of $25, from $425 to $450 for Members with 20+ Years’ Experience.

International Lawyers: In the pricing model approved by the Board on June 22, 2018, the dues for the new International Lawyers category was $250. While this price would have been an increase for our current international Associate members, it reflected the increased value of two entity memberships at no additional cost. As the two-entity included is no longer under consideration, the dues for International Lawyer category should be amended to $150. This reflects a modest decrease in current dues. It does not have any impact on membership or dues revenue projections as International Lawyers were not included in the projections. The Board is asked to approve the pricing model with a decrease of $100, from $250 to $150 for International Lawyers.

Thus, Board approval will be requested to present the pricing model to the House of Delegates with a minor modification (to the pricing model approved by the Board on June 22, 2018) that increases the amount of the top membership tier from $425 to $450 and reduces the amount of the International Lawyer membership tier from $250 to $150.

All other elements of the pricing model remain as approved by the Board on June 22, 2018 remain the same.
Entity Memberships

Allowing members to join the Law Practice Division and Solo, Small Firm and General Practice Division (“GPSolo”) for no additional cost will strategically enhance the core value of ABA membership at a cost the ABA can afford. These two groups effectively become member benefits, but actual involvement with and receipt of product and other value from any or all of these groups would be an optional, no-cost choice for ABA members. Members would not be auto-enrolled and no change in the Divisions representation in the House of Delegates will occur as a result.

These entities will not become “fully funded” by general operations, but general operations will provide the equivalent of the amount of dues revenue and CLE net revenue the two groups collect in FY 2019 as support in future years. Many of the benefits of entity membership (e.g., product and event discounts and online content) would thus be made available to all ABA members in exchange for the guarantee of dues and CLE revenue. The two entities will provide the following content:

- **Law Practice as a member benefit**
  - General Revenue replaces dues and budgeted CLE revenue for the Law Practice Division at an estimated cost to general revenue of $370,000 annually;
  - Law Practice shifts all online CLE to become member benefits (including Law Practice’s back catalog). Law Practice commits to produce at least 36 new online CLE programs annually for the CLE Marketplace via ABACLE;
  - While existing Law Practice members will continue receiving print subscriptions as long as they retain ABA membership (unless they choose to convert to digital), all new Division members will receive Division periodicals in a digital format only. New Division members who prefer print will have the option of adding print periodicals at an additional cost. The print version also may be used as a promotional tool by the Law Practice Division and the ABA;
  - Law Practice discounts will be made available to all ABA members (e.g., discounts on Law Practice books and TECHSHOW). Adjustments will be made for this change to be revenue neutral for Law Practice;
  - Law Practice will commit to develop new, members-only content for ABA.

- **GPSolo as a member benefit**
  - General Revenue replaces dues and budgeted CLE revenue for GPSolo at an estimated cost to general revenue of $225,000 annually;
  - GPSolo shifts all online CLE to become member benefits, including back catalog. GPSolo commits to produce at least six new online CLE programs annually for the CLE Marketplace via ABACLE;
  - While existing GPSolo members will continue receiving print subscriptions as long as they retain ABA membership (unless they choose to convert to digital), all new Division members will receive Division periodicals in a digital format only. New Division members who prefer print will have the option of adding print periodicals at an additional cost. The print version also may be used as a promotional tool by GPSolo and the ABA;
• GPSolo discounts will be made available to all ABA members (e.g., discounts on books and conferences). Adjustment will be made for this change to be revenue neutral to GPSolo;
• GPSolo will commit to develop new, members-only content for ABA.

CPR as a Member Resource

While CPR will continue to operate as an ABA dues membership option for an annual $100 fee, and retain the dues revenue generated from this membership structure, it agrees to make a significant amount of content available to all ABA members. In particular:

• CPR will make its entire back catalogue of online CLE available for the free library in the CLE Marketplace;
• CPR commits to produce at least 12 new online CLE programs annually to be available to all ABA members via ABACLE;
• CPR will make ABA Formal Ethics Opinions available to all ABA members for no additional fee;
• CPR commits to develop new content as well as to repurpose some of its existing content for availability to all ABA members;
• General Revenue will replace budgeted CLE revenue (both new content and back catalogue of online CLE) and Formal Ethics Opinions revenue in an amount to be determined in discussions with CPR leadership.

All other membership entities (sections, divisions, forums) remain available at their established dues rates, and the entities retain the ability to adjust those rates in accordance with existing ABA policy.

Content Modernization

When Avenue created the product bundle description for its quantitative (survey) research, it used the following description for access to e-content:

*Practice-specific, member-only content curated and served to you on the completely re-designed ABA website. Choose your areas of interest and see recommendations on free articles, PDFs, whitepapers, and more from across the ABA.*

The focus group research performed by Avenue shaped the description of the e-content portion of the bundle in the subsequent survey. The participants in the focus groups expressed a clear preference for access to substantive, practice-specific content curated for their personal interests. They didn’t want to have to search the website for it, they didn’t want to have to pay extra for it, and they didn’t want legal content of only a general nature.

There is broad agreement that high quality content drives the ABA’s value. Yet there is also a consensus that our current content experience is difficult to navigate, especially for new members who are unfamiliar with the ABA section model, and it is overly reliant on traditional
content forms and outdated technology. The new ABA website will alleviate many of these problems, but others are inextricably tied to our extraordinarily complex structure.

The success of this new membership model relies on providing all ABA members with greater access to substantive, practice-specific content relevant to them. This improves the value of Association membership. At the same time, we know that part of the value of membership in a section, division, or forum is access to a significant amount of specialized content only for the entity’s members. We need to make these interests complement each other rather than compete. Put simply, we need to make enough substantive, practice-specific content available to attract lawyers to join the ABA and retain their membership without diminishing the value proposition of membership in sections, divisions, and forums.

To improve both member value and promote the quality content created by our entities, the proposed new membership model will create a more personalized, curated content experience for ABA members with minimal impact on entities. A new content team will work to develop a “virtual library” of content from a variety of sources to provide the necessary value to more than justify the base cost of membership, while actively promoting the value of entity membership. This will encourage members to view entities as valuable resources where they can obtain greater substantive practice area content (i.e., encourage them to join our sections, divisions, and forums).

Under a curated content strategy, the new content team using the new “virtual library” will work to deliver substantive content to members that directly aligns with their areas of practice as well as the challenges and needs they have at that moment in their career. For example, a first-year IP associate at a large firm would receive an article on claims construction along with one on how to work well with support staff. Solo practitioners may receive a checklist for dealing with environmental cleanup issues at a real estate closing along with assistance to understand how the latest health care reform impacts their own small business. A senior litigation partner could receive a link to a free CLE on effective closing arguments and a podcast on mentoring young lawyers.

While the ABA has produced content on many of these subjects, it is totally unreasonable to expect that the target audience will find it wherever posted. In fact, that is a daunting and frustrating task that is increasingly at odds with the way individuals of all ages interact with digital content in all sectors. It is time for the ABA to work to actively understand our audience, their needs, and where they are consuming their content -- and we need to go there. Now.

To achieve this objective, the content team will focus not just on developing and identifying high quality content, but will place significant emphasis on where and how the content is delivered. They will pursue an omni-channel strategy that delivers the right content to the right consumer in the right context. This requires a recognition that each platform -- email, website, various social media sites, the press -- have slightly different audiences and norms, and we must segment and optimize our message to each platform to enhance its performance. It also requires the use of data such as entities to which the member belongs, expressed Areas of Interest, the member’s usage patterns, and what other lawyers with similar interests as the member are interested in to identify the types of content that are of interest to our members.
This is not a novel approach to content; indeed, in many industries and organizations, this level of personalization has become the norm. Nor is this a significant departure from our earlier strategy but instead a different approach to the natural curation provided by including entity membership as part of base membership. Updating our approach is a change that could have significant impact on our ability to grow the Association and remain dynamic into the future. Pursuing modern content tactics -- ranging from search engine optimization, data capture and analysis, and social media and marketing automation -- can help us deliver the modern experience our content merits and our audience wants. Simply stated: We must stop expecting lawyers to understand and decipher our Association and instead focus on understanding them. That will enable us to be in a much stronger position to overcome the challenges and opportunities ahead.

In detail, this model proposes to:

- Build value in basic membership by implementing a modern content strategy to improve both member value and promote the quality content created by entities through a more personalized, curated content experience for ABA members that increases the value in Association membership and actively promotes the value of entity membership;
- Develop and promote high quality, original, digital native content of sufficient appeal to all potential members;
- Strategically deploy content among all available channels (website, email, social media) to engage with members and potential members where they currently consume content while also drawing them back to ABA controlled platforms;
- Support the content effort with a new, cross-functional, dedicated content team that includes content strategists, social media experts, and talented creators with modern storytelling skills (e.g., video, podcasting, design). The new team will consist of individuals familiar with both new media and the law as well as having a working knowledge of the ABA. The content team would work to ensure the value of base membership and entity membership are complementary, encouraging members to understand that sections are valuable resources where they can obtain greater substantive practice area content (i.e. encourage them to join entities);
- Invest in talent to produce and curate content, data management tools to better gather and utilize member data, and paid social/digital advertising to improve our ability to personalize, segment, and reach our key audiences;
- The content team will draw from a virtual library of e-content to deliver substantive content to members that is relevant, timely, and fresh;
- The term “e-content” for purposes of the new membership model includes periodical articles, journals, newsletters, scholarly papers, reports, case summaries, outlines/checklists, single presentation podcasts, blogs, daily/breaking legal news, and updates about legal and policy issues. In the case of a magazine, e-newsletter, or journal, each substantive article constitutes a piece of e-content. For these purposes, e-content does not include online CLE, which is discussed below;
- The content team will work with all providers of e-content to educate on the most effective ways for e-content to be presented to today’s audiences;
The content team will generate e-content and use e-content generated by GP Solo, LP, CPR, ABA committees and commissions, ABA Journal, and third-parties (e.g., ABA Insurance administrator USI);

The sections, divisions, and forums not included as part of ABA base dues will provide a substantial amount of high quality and relevant “evergreen” substantive e-content to create the initial virtual library. Evergreen e-content is e-content that does not become dated or will only become irrelevant after a significant change in the law or its practice. This initial batch of e-content must be identified and available for marketing no later than March 1, 2019;

In addition, the sections, divisions, and forums not included as part of ABA base dues will also provide a substantial amount of high quality, current, and relevant substantive e-content annually. This is content posted within the proceeding twelve months. Beginning September 1, 2019, substantive e-content will be identified and made available by the sections, divisions, and forums on an ongoing monthly basis;

The content team may ask a producing entity to provide additional pieces of e-content for the virtual library or discrete marketing campaigns. While the expectation is that the e-content would be provided, if the producing entity prefers not to release that piece of e-content for inclusion in the virtual library or marketing campaign, the matter will be discussed for collegial resolution; the ultimate decision rests with the producing entity. The decision of whether that piece of e-content is included in the virtual library or marketing campaign rests with the producing entity;

Once a piece of e-content is made available for the virtual library, it will remain there unless removed by the content team;

Quality is more important than quantity. Entities are encouraged to contribute as much high quality e-content as the producing entity believes is appropriate, including additional evergreen e-content from entity archives;

E-content will clearly and prominently identify the producing entity;

Contributions to the virtual library are not expected to be provided at the same level by every entity. Some may provide more, and others less. However, all entities are expected to contribute substantial high quality substantive e-content to ensure a robust curation strategy;

The content team will review the substantive e-content provided and may make requests for additional or different e-content. While the expectation is that the e-content would be provided, if the producing entity prefers not to release that piece of e-content for inclusion in the virtual library or marketing campaign, the matter will be discussed for collegial resolution; the ultimate decision rests with the producing entity;

The sections, divisions, and forums understand that the needs for the virtual library may change as strategy is refined and more data on the market needs and content usage is gathered. The content team will discuss these potential changes with the entities to try and reach consensus on any changes in this approach. The senior manager for the content team will report the results of such discussions to the Board for its consideration if necessary;

The senior manager for the content team will report to the Board on the annual contributions made by each of the producing entities;

The content team may ask entities to produce original e-content pieces annually to be developed in coordination with the content team (e.g., a toolkit, form, podcast, video) for
marketing purposes. An entity may suggest an alternative type of e-content (including one it has already produced but not selected for the virtual library). The ultimate decision of whether to provide such content rests with the producing entity;

- Member benefit entities, including Law Student Division, Young Lawyers Division, Law Practice Division, Senior Lawyers Division, GPSolo, the Career Center, as well as CPR, will work closely with the content team to provide a more significant volume of content and ensure baseline coverage for members regardless of career stage, practice area, or setting

- We would request a supplemental allocation of funds for FY19 in order to begin to acquire the necessary technology and hire members of the content team so that the curation strategy will be ready for implementation on May 1, 2019.

**CLE Marketplace**

The new model leverages the ABA’s breadth of substantive expertise and national reach to position the Association as the definitive provider of online CLE. The research clearly indicates that a robust online CLE library in the ABA membership bundle increases willingness to pay across all classes of ABA members. Of the five membership options tested, bundling CLE increased willingness to pay more than any other option for those in practice 10 years or less. If an entity does not currently produce online CLE, it is not required to begin producing it under these guidelines, though the entity may do so if it desires.

To achieve this robust CLE marketplace, the ABA will:

- Build and maintain a user-friendly library of high quality content that emphasizes ease of navigation and registration, consistency in look and feel, streamlined communications, and simplified certificate fulfilling and tracking;
• Rapidly build up the CLE marketplace through back catalog content. With the following proposed minimum entity contributions in the first year, the CLE marketplace would offer more than 650 substantive accredited programs:

<table>
<thead>
<tr>
<th>Lawyer Membership</th>
<th>Initial</th>
<th>Ongoing</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># entities</td>
<td>&gt; 12mo old*</td>
<td>&lt; 12mo old</td>
</tr>
<tr>
<td>MPG 25,000 - 50,000</td>
<td>2</td>
<td>25</td>
<td>6</td>
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<tr>
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<td>4</td>
</tr>
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<td>1</td>
</tr>
<tr>
<td>CPR</td>
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<td>6</td>
<td>2</td>
</tr>
<tr>
<td>LPTG</td>
<td>1</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td>GP Solo</td>
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</tr>
<tr>
<td>ABACLE/Membership</td>
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<td>12</td>
</tr>
<tr>
<td>Other/Special</td>
<td>5</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

Less common acronyms used for the Groups in this chart:
• MPG = Member Practice Group
• LPTG = Law Practice and Technology Group

• ABACLE will pursue capture of live in-person CLE at a high production value (general revenue expense, marketplace programs). We will feature these and other key CLEs as “showcase CLE” (similar to Netflix original programming);
• ABACLE will work collaboratively with the new content group and the producing to identify and select programs that ensure the marketplace features a rich selection of high quality, relevant, and timely CLE that is consistent with the Association’s membership goals. While the expectation is that the CLE would be provided, if the producing entity prefers not to release that piece of e-content for inclusion in the free library, the matter will be discussed for collegial resolution; the ultimate decision rests with the producing entity;
• Programs will be rotated in and out of the free library as determined by ABACLE and the content team;
• Once a program has been selected for the free library, it will remain available for free unless the content team chooses to take it out of the free library. If that occurs, it will be available for purchase and the producing entity will receive the revenues;
• The producing entity will be responsible for all production costs and accreditation fees. The producing entity is also responsible for attendance fees unless the program is selected for use in the free library; in that case, general operations will pay the attendance fees while the program is offered through the free library;
• To maintain a robust selection of new programs, the new member benefit entities (LP, and GPSolo) as well as CPR will provide additional (new) programs and not merely past programs;
• Entities will be free to continue producing additional programs for purposes of non-dues revenue or enhancing entity member value as they see fit;
• The sections, divisions, and forums acknowledge that the needs for the CLE Marketplace and the free library may change once the strategy is refined and gather more data on the market needs and content usage. The content team will discuss these potential changes with the entities to try and reach consensus on any changes in this approach. The senior manager for the content team will report the results of such discussions to the Board for its consideration if necessary;
• The senior manager for ABACLE will report the annual contributions made by the producing entities on an as requested basis;
• To maintain a robust selection of new programs, the new member benefit entities (LP, GP Solo), and CPR will provide additional (new) programs and not merely past programs
• Entities will be free to continue producing additional programs for purposes of non-dues revenue or enhancing entity member value as they see fit;
• ABACLE will pursue technical and user experience improvements (e.g., a CLE tracker) that will benefit all groups.

Paywall Strategy

It is essential that the Association employ a thoughtful paywall strategy that serves its marketing purposes, encourages non-members to join, and preserves the entities’ ability to build value in entity membership. Though the ABA website has featured a paywall for many years, it has not been employed consistently and the requirements for accessing paywalled content often has not been clear to users.

Under the proposed new membership model, the focus for the paywall will be twofold:
• Apply paywall restrictions consistently and strategically to serve the Association’s membership purposes. Content that is intended to market the ABA and its entities may reside outside the paywall still. Substantive content generally should be placed behind the membership paywall or an entity paywall. Entities will retain the ability to determine how their content should be positioned, but they will be provided with better tools and education to help ensure the most effective use of the Association’s paywall strategy;
• To improve the member experience, the paywall must provide a frictionless experience for visitors. Users must be able to ascertain quickly what they need to do to access the content, whether that means joining the ABA or joining a member entity, and receive a clear call to action to join.

The ABA will develop a mechanism (e.g., a metered paywall) as part of the new membership model that provides members with the ability to access a limited number of paywall-protected articles per month (no more than five) to provide some additional substantive value for casual browsers and to better showcase the value of entity membership. Materials for in-person CLE programs uploaded to the website or e-content that the entity charges its own members an additional fee will not be accessible by non-entity members through the metered paywall. A determination on the mechanism will be dependent on the technical and financial hurdles of implementation.
The sections, divisions, and forums understand that the needs for the metered paywall may change as strategy is refined and more data on the market needs and content usage is developed. The Association recognizes the potential for abuse by members as well. The content team will work with the sections, divisions, and forums on the refinement of the strategy and discuss any potential changes with the entities to try to reach consensus on any changes in this approach. The senior manager for the content team will report the results of such discussions to the Board for its consideration if necessary.

A simple, consistent, user-centric approach to the paywall should help the ABA and its entities better position our valuable content as a powerful justification for joining or retaining membership.

Communications & Member Experience

While a key component of its acquisition strategy is content marketing, the Association’s engagement with its members and potential members extends well beyond content and is critical to the success of a new membership model. Avenue’s research shows clearly that ABA members and potential members expect a coherent and personally relevant experience when engaging with brands. The Beta version of our new website, which will be available beginning July 30, will provide a substantially improved experience for all users, and notably so for dues-paying members of the Association.

The ABA must develop a cohesive, modern communications and customer experience strategy, and carefully consider each engagement opportunity with members. This requires rethinking ways to communicate, better leveraging technology, consistent branding, and investing in digital marketing and social media to complement content:

- Provide all members with five or more years of practice curated substantive e-content and online CLE based on their preferences as determined from such data points as entities joined, selected areas of interest, and other user data. The curated content would be delivered to the member in the manner they prefer: a weekly email with curated content, on the member’s myABA page on the website, or through targeted social media;
- Implement a periodic (perhaps starting as a weekly and eventually moving to daily if the research supports it) email for law students and young lawyers in the first four years of practice. This regular email would be crafted to strike an audience-appropriate tone while highlighting key, curated content, including content supplied by any member entities these members may join. This email would replace all other email marketing/communication for this audience, aside from mandatory emails (e.g., billing, registrations) and listservs;
- Continue ongoing work to improve email communications for all ABA members, building on the concepts outlined in the 2016 ABA Email Task Force report and consistent with a more comprehensive, sophisticated and coordinated Association-wide email and content delivery strategy;
- Significantly update our social media strategy to align with the broader content strategy;
- Work collaboratively with all entities that interact with younger audiences to improve messaging and create a more cohesive customer experience;
• Conduct an organization-wide process improvement sprint with an eye towards improving customer experience. In other words: getting away from print-based or print-analog processes (reimbursements, speaker/author releases, applications, etc.). Challenge the entire ABA staff to identify these kinds of opportunities;
• Overhaul and streamline the customer service experience, while seeking efficiencies through technology including chat and social media.

Other Initiatives/Ideas

• The new membership model offers entities an opportunity to significantly expand their membership by tapping into a new pool of engaged, dues-paying members. The entities can work with Membership, the new content team, Chief Marketing Officer, and outside marketing firm (The latter two are yet “to be selected” as of the date of this memo) to ensure optimal entity positioning and promotion in the new model through entity specific strategy development and training.
• The Full Firm program will be continued, with renewed emphasis on identifying ways to make full firm membership more valuable to the firms;
• Content generated by Full Firm, individual members, and third-parties will be promoted as part of the virtual library and CLE Marketplace to ABA members. This program will provide value to those members and it will fill in content gaps.

If we continue to do the same things we have done (status quo), the projections indicate that dues-paying membership will continue to decline at an unacceptable rate. The projected loss of market share under the status quo approach will put at risk the organization’s ability to deliver value at the current levels for members. This proposed new membership model, combined with the necessary allocation of resources, provides the first and most important step to reversing these trends. The entire Association must work together to advance, grow, and fortify the ABA for generations to come.
July 27, 2018

To: Section Council

From: Lilka Martinez, Co-Chair, Member Benefit Development Committee
       Karl W. Topor, Co-Chair, Member Benefit Development Committee

Section membership counts:

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<th>June 30, 2018</th>
<th>June 30, 2017</th>
<th>% increase</th>
</tr>
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<td>+11.7%</td>
</tr>
<tr>
<td>Associates</td>
<td>520</td>
<td>470</td>
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</tr>
<tr>
<td>Students</td>
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<td>4,624</td>
<td>+7.0%</td>
</tr>
<tr>
<td>Total Members</td>
<td>11,681</td>
<td>10,622</td>
<td>+10%</td>
</tr>
</tbody>
</table>

See pages 3 and 4 of this report showing these membership numbers, along with the other SDF’s numbers.

Membership numbers vs. paid membership numbers are on p. 3. Our unpaid memberships total (6,174 – 4,397 =) 1,777 lawyers. Subtract “New Bar Admittees” (159) and “Law Student Transfers to Lawyer Members” (90), both of which are free, from 1,777 and you have 1,528 non-billed attorneys resulting from a new ABA membership campaign.

We also have 520 – 257 = 263 non-billed Associates resulting from the same ABA new membership campaign.

What membership campaign? This past Spring, ABA Membership held a telemarketing campaign that offered free membership in the ABA + one free Section.

We have one year to convert these new members to paying members!

JOINS (Sept. 1, 2017 – June 30, 2018):

Lawyer “joins” through June 30, 2018:
1,726 lawyer members, as compared to 1,350 last year for the same time period.

Of these new members, 51% (872) are Section-Only adds [people who are already members of the ABA who have chosen to join our Section]; 41% (722) are ABA+Section adds [people who have just joined the ABA and also joined our Section]; 3% (45) are law student transfers [members who were law student members and became lawyer members]; and 5% (87) are lawyer members who reinstated their membership after a drop.

Associate “joins” through June 30, 2018:
263 Associates joined the FLS, as compared to 194 last year for the same time period.

Student “joins” through June 30, 2018:
A total of 1,378 Students have joined our Section to date, as compared to 1,602 last year.
**DROPS (Sept. 1, 2017 – June 30, 2018):**

**Lawyer “drops” through June 30, 2018:**
1,766 lawyer members have dropped membership from our Section this year, as compared to 1,682 last year for the same time period.

Of these drops, only 17% (301) were Section-Only drops [people who decided to drop our Section but remain members of the ABA], and 83% (1,465) were ABA+Section drops [people who dropped our Section as a result of their dropping their ABA membership].

**Associate “drops” through June 30, 2018:**
A total of 146 Associates have dropped membership from our Section to date, as compared to 138 last year.

**Student “drops” through June 30, 2018:**
A total of 590 Students have dropped membership from our Section to date, as compared to 351 last year.
<table>
<thead>
<tr>
<th>Class</th>
<th>Total</th>
<th>New Bar Admiss</th>
<th>Law Student Transfer</th>
<th>1-3 years</th>
<th>4-6 years</th>
<th>6+ years</th>
<th>Lawyer Subtotal</th>
<th>Lawyer Discount</th>
<th>General</th>
<th>International</th>
<th>Student Associate</th>
<th>Total Associate</th>
<th>Continuing Student Law School Grad</th>
<th>Continuing Student Law School Subtotal</th>
<th>Premium Law School Grad</th>
<th>Premium Law School Subtotal</th>
<th>Student Subtotal</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2,491</td>
<td>926</td>
<td>9,490</td>
<td>10,265</td>
<td>1,123</td>
<td>350,640</td>
<td>4,478</td>
<td>159,640</td>
<td>4,861</td>
<td>3,657</td>
<td>90</td>
<td>2,918</td>
<td>19,085</td>
<td>6,289</td>
<td>2,575</td>
<td>34,602</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>1,58</td>
<td>147</td>
<td>1,35</td>
<td>1,35</td>
<td>1,37</td>
<td>1,55</td>
<td>1,69</td>
<td>4,34</td>
<td>1,69</td>
<td>4,34</td>
<td>1,55</td>
<td>4,34</td>
<td>1,55</td>
<td>4,34</td>
<td>1,55</td>
<td>4,34</td>
<td></td>
</tr>
</tbody>
</table>

**Fiscal year ABA membership numbers are reported as of August 31; all other monthly membership figures experience fluctuation and should remain proprietary.**

*Data Source: Personify through ‘ABA Membership Advantage’ universe*

**ABA Membership Count: Category Performance**

**Section**

<table>
<thead>
<tr>
<th>Type</th>
<th>Membership Type</th>
<th>Total Count</th>
<th>Bill Count</th>
<th>Paid %</th>
<th>Paid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FL - Family</td>
<td>LAWYER</td>
<td>6,174</td>
<td>4,397</td>
<td>98.09%</td>
<td>$209,761.96</td>
</tr>
<tr>
<td></td>
<td>ASSOCIATE</td>
<td>520</td>
<td>257</td>
<td>95.33%</td>
<td>$12,062.52</td>
</tr>
<tr>
<td></td>
<td>STUDENT</td>
<td>4,987</td>
<td>0</td>
<td>0.00%</td>
<td>$0.00</td>
</tr>
</tbody>
</table>

**Section Total**

| Total | 11,681 | 4,654 | 4,558 | 97.94% | $221,824.48|

Back to Agenda
### Entity Membership Count: Category Performance

<table>
<thead>
<tr>
<th>Entities</th>
<th>Current YTD</th>
<th>Last Year YTD</th>
<th>Change from LY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyer</td>
<td>2,741</td>
<td>2,505</td>
<td>9.4%</td>
</tr>
<tr>
<td>Associate</td>
<td>1,488</td>
<td>1,333</td>
<td>11.6%</td>
</tr>
<tr>
<td>Student</td>
<td>1,020</td>
<td>961</td>
<td>6.1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>5,249</td>
<td>4,898</td>
<td>7.8%</td>
</tr>
</tbody>
</table>

**Entity Membership Count: Summary Performance**

<table>
<thead>
<tr>
<th></th>
<th>FY2018</th>
<th>FY2017</th>
<th>Change from LY</th>
<th>% Change from LY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawyer</td>
<td>216,431</td>
<td>217,212</td>
<td>-0.4%</td>
<td>-14.7%</td>
</tr>
<tr>
<td>Associate</td>
<td>16,681</td>
<td>16,807</td>
<td>-0.7%</td>
<td>-3.0%</td>
</tr>
<tr>
<td>Student</td>
<td>157,578</td>
<td>163,353</td>
<td>-3.5%</td>
<td>-5.7%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>390,690</td>
<td>397,372</td>
<td>-1.7%</td>
<td>-6.7%</td>
</tr>
</tbody>
</table>

* Data Source: Personify through 'ABA Membership Advantage' universe

** Fiscal year ABA membership numbers are reported as of August 31; all other monthly membership figures experience fluctuation and should remain proprietary.
Annual Meeting 2018 – Sponsorship Committee Report

1. MCI, (purchaser of Network Media Partners) has been working to sell meeting sponsorships and publication advertisements in three of the four Family Law Section publications (not for *Family Law Quarterly*).
   a. MCI has successfully closed ads for *e-Newsletter* and *Family Advocate* from Soberlink and LawPay, and for *Family Advocate* from ART Risk; all advertising sales were made as part of corporate sponsorship agreements. Advertising dollars will net $15,086.30 over FY18 and FY19.
   c. Sponsorship dollars projected to be collected for Fall 2018/Tucson will total net $53,996.
2. MCI provides weekly reports on sales efforts and sales, and has monthly conference calls with the FLS to keep us posted on what their efforts are.
3. The ABA FLS contract with MCI terminates on August 31, 2019, with renewal to be given by April 30, 2019.
The Publications Development Board met in Nashville on May 12, 2017. At these meetings, we reviewed sales and pending book projects. Two new books proposals were reviewed and approved.

After our Nashville meeting, two, additional proposals were received and approved by the Board.

For the 2017-2018 fiscal year, the following, twelve titles have published or will publish:

- Cross-Examination for the Family Lawyer
- Money & Divorce: The Essential Roadmap to Mastering Financial Decisions, which was co-published with Flagship.
- Parenting Plans
- 1040 Handbook, Seventh Edition
- How to Build and Manage a Family Law Practice, Second Edition
- Representing Children in Dependency and Family Court Settings
- Handbook for the Child’s Attorney (July)
- ICWA, Third Edition (August)
- Assisted Reproductive Technology, Third Edition (August)
- Executive Compensation (August)
- A Practical Handbook for the Child’s Attorney (August)
- Building a Profitable and Satisfying Collaborative Law Practice (August)

This is a record number of titles to be published in one year. Next year should also be robust as we anticipate nine titles will publish in FY 2018-2019.

Below is a summary of the book program’s financial performance as of May 31, 2018:

<table>
<thead>
<tr>
<th></th>
<th>Revenue</th>
<th>Expense</th>
<th>Net Profit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Actual YTD</td>
<td>$194,200</td>
<td>$128,123</td>
<td>$66,077</td>
</tr>
<tr>
<td>Budget YTD</td>
<td>$194,913</td>
<td>$174,365</td>
<td>$20,548</td>
</tr>
</tbody>
</table>

Our revenues are on target and profits are substantially above the budget projections.

Nashville conference sales were strong at $5,278 with eight-two books being sold.

Booked revenues for June were $23,900, which does not include any revenues from distributors or from the Library Collection sales for How to Build and Manage a Family Law Practice 2nd edition and Representing Children in Dependency and Family Courts. Both books have done well with the email promotions. Year to date revenues through
June were $218,100, which currently will result in a net profit of approximately $98,529. Since the June General Ledger has not been released these numbers may change but are expected be strong.

Since seven, new books will publish in the last quarter, we expect revenues and profits to increase during this fiscal year.

**Marketing**

Email marketing continues to produce healthy sales, although the audience continues to be reduced. Seventeen emails have been generated year to date.

The monthly book promotions in the newsletter have been a new source of sales.

A new book catalog, including this fiscal year’s titles, will be posted on line in July 2018.

Special flyers were prepared for Rebecca and Philip Stahl for the AFCC conference and for a training that Forest Mosten and Adam Cordova did. Sales were generated from these promotional materials.

A new ABA webstore will be launched prior to the annual meeting.

Our books continue to be highlighted on social media including the ABA publishing platforms on Facebook, Twitter and LinkedIn.

The Publications Development Board is pleased to report a very productive and profitable year.

Respectfully submitted,

Lynne A. Ustach and Joseph Booth
ABA FLS Publications Development Board Co-Chairs
American Bar Association
2018 Section of Family Law Annual Meeting
Liaison Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Liaison To: ________________________________________________
Submitted By: ________________________________________________

1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

   Please think of the Speakers Bureau when planning CLE on ethics for speakers. Offer CLE on the issues of cyber security, EU security requirements and the use of digital assistance in the practice of law. These are on-going areas of ethical issues in the practice of law.

5. Do you wish to be on the Council agenda at the next Council meeting?

   □ Yes
   □ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
American Bar Association  
2018 Section of Family Law Annual Meeting  
Liaison Status Report Form

Deadline Date:  July 20, 2018  
Return via email to:  Samantha.schooley@americanbar.org

Liaison To:  Commission on Immigration  
Submitted by:  Llewelyn G. Pritchard

1. Attach a copy of your most recent Meeting Minutes.  
   Not available

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).
   * Representation of children taken from parents by ICE. Have forwarded information of this issue to Chair Bobbie Batley and Director Cyndie Swan.

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?  
   Work with the Commission on this crisis/situation. Meeting in process of planning with COI and offices of Working Group on Unaccompanied Minors. The Working Group on Unaccompanied Minor Immigrants remains grateful for the generous leadership gift from the Family Law Section at the outset of its work in 2014-15. That funding made it possible to provide invaluable support to the Working Group. I would urge the Family Law Section to provide continued support to the Working Group’s efforts to insure that as many unaccompanied children as possible are able to obtain support in immigration removal proceedings. The need is greater than ever. As we confront a whole host of new issues related to UACs, both policy-driven and financial.

4. Are you aware of current or “up and coming” topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.  
   * Reform of Immigration system.

5. Do you wish to be on the Council agenda at the next Council meeting?  
   Yes  _X__  
   No  _  

   If yes, please submit written agenda items to Samantha Schooley at Samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
American Bar Association  
2018 Section of Family Law Annual Meeting  
Committee Status Report Form  

Deadline Date: July 20, 2018  
Return via email to: samantha.schooley@americanbar.org

Committee Name: Alimony Committee  
Submitted By: Samuel Thomas, Vice Chair  

1. Have you used your committee list serve to communicate with your committee?  
☐ Yes  
☐ No

2. What projects, continuing education seminars or other activities has the committee done since the last meeting?  
N/A

3. What suggested projects, continuing education seminars or other activities need your committee’s action or attention between this meeting and the next meeting – and for the next year?  
N/A

4. How do your “active” committee members keep in contact between meetings and what are suggestions for better contact and communication within your committee?  
ListServ is probably the most common.

5. What are your committee’s long-range plans or suggested plans and activities?  
N/A.

6. How can the Section of Family Law and its leadership assist you and your committee in accomplishing your goals?  
Host more alimony-related CLE’s in the near future.

*More questions on Page 2*
7. Are you aware of current or "up and coming" topics in family law of which the Section should take notice? If so, please state the issue, and offer your suggestions for how the Section should address the issue.

N/A

8. Is there anything you believe should be on the Council agenda regarding your committee's work at the next Council meeting?
   □ Yes
   □ No

If yes, submit requested agenda items in writing or email to Samantha Schooley at samantha.schooley@americanbar.org, by July 20, 2018. The Section Chair may move items not requiring Council action to the Non-Discussion Agenda, pending review.

9. Other suggestions?

If you do not have anything to report, please still fill out this form and return it to staff.
American Bar Association
2018 Section of Family Law Annual Meeting
Committee Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Committee Name: Assisted Reproductive Technologies
Submitted By: Richard Vaughn

1. Have you used your committee list serve to communicate with your committee?
   □ Yes
   □ No

2. What projects, continuing education seminars or other activities has the committee done since the last meeting?
   For this and all other questions below, there is nothing new to report since the time our reports were submitted for the Nashville CLE Conference.

3. What suggested projects, continuing education seminars or other activities need your committee’s action or attention between this meeting and the next meeting – and for the next year?

4. How do your “active” committee members keep in contact between meetings and what are suggestions for better contact and communication within your committee?

5. What are your committee’s long-range plans or suggested plans and activities?

6. How can the Section of Family Law and its leadership assist you and your committee in accomplishing your goals?
7. Are you aware of current or "up and coming" topics in family law of which the Section should take notice? If so, please state the issue, and offer your suggestions for how the Section should address the issue.

8. Is there anything you believe should be on the Council agenda regarding your committee’s work at the next Council meeting?
   □ Yes
   □ No

   If yes, submit requested agenda items in writing or email to Samantha Schooley at samantha.schooley@americanbar.org, by July 20, 2018. The Section Chair may move items not requiring Council action to the Non-Discussion Agenda, pending review.

9. Other suggestions?

   If you do not have anything to report, please still fill out this form and return it to staff.
American Bar Association
2018 Section of Family Law Annual Meeting
Committee Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Committee Name: CLE Committee
Submitted By: Lyne Ranson & Thad Woody

1. Have you used your committee list serve to communicate with your committee?
   □ Yes
   □ No

2. What projects, continuing education seminars or other activities has the committee done since the last meeting?
   The committee has been actively working on refining the details for our Fall 2018 CLE in Tucson and finalizing the program for the Spring 2019 CLE meeting in the Dominican Republic.

3. What suggested projects, continuing education seminars or other activities need your committee’s action or attention between this meeting and the next meeting – and for the next year?
   The committee is concluding programming for Tucson and does not need additional speakers at this time. We have very limited program spots to flesh out for the Dominican Republic. If anyone has a willingness to speak or know of other new and interesting speakers then please let us know by late January 2019 to start planning the next two CLE programs.

4. How do your “active” committee members keep in contact between meetings and what are suggestions for better contact and communication within your committee?
   Our committee communicates primarily by email regarding the planning details of the programs. We have a superb committee and everyone works really well with one other.

5. What are your committee’s long-range plans or suggested plans and activities?
   We continue to enhance our relationship with the Publications Board and Sponsorship Committee to highlight book authors and Section sponsors into the CLE presentations. We continue to have success with webinars and will continue those as well.

6. How can the Section of Family Law and its leadership assist you and your committee in accomplishing your goals?
7. Are you aware of current or "up and coming" topics in family law of which the Section should take notice? If so, please state the issue, and offer your suggestions for how the Section should address the issue.

8. Is there anything you believe should be on the Council agenda regarding your committee’s work at the next Council meeting?
   □ Yes
   □ No

   If yes, submit requested agenda items in writing or email to Samantha Schooley at samantha.schooley@americanbar.org, by July 20, 2018. The Section Chair may move items not requiring Council action to the Non-Discussion Agenda, pending review.

9. Other suggestions?

   If you do not have anything to report, please still fill out this form and return it to staff.
Committee Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Committee Name: ________________________________
Submitted By: ____________________________________

1. Have you used your committee list serve to communicate with your committee?
   □ Yes
   □ No

2. What projects, continuing education seminars or other activities has the committee done since the last meeting?
   CLE on the UPA (2017) and Committee Corner Article

3. What suggested projects, continuing education seminars or other activities need your committee’s action or attention between this meeting and the next meeting – and for the next year?

4. How do your “active” committee members keep in contact between meetings and what are suggestions for better contact and communication within your committee?
   We keep in touch by email, list-serve, and phone.

5. What are your committee’s long-range plans or suggested plans and activities?
   Propose an article
   Generate 2-5 CLE topics
   Produce one CLE annually
   Identify family law leaders active at the state bar and with bar-related legislative efforts

6. How can the Section of Family Law and its leadership assist you and your committee in accomplishing your goals?
7. Are you aware of current or "up and coming" topics in family law of which the Section should take notice? If so, please state the issue, and offer your suggestions for how the Section should address the issue. Uniform Non-parental Rights to Child Custody and Visitation will likely be finalized in the next month or two.

8. Is there anything you believe should be on the Council agenda regarding your committee's work at the next Council meeting?
   □ Yes
   □ No

   If yes, submit requested agenda items in writing or email to Samantha Schooley at samantha.schooley@americanbar.org, by July 20, 2018. The Section Chair may move items not requiring Council action to the Non-Discussion Agenda, pending review.

9. Other suggestions?

   If you do not have anything to report, please still fill out this form and return it to staff.
American Bar Association
2018 Section of Family Law Annual Meeting
Committee Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Committee Name: LPM and Technology
Submitted By: Melanie Reichert

1. Have you used your committee list serve to communicate with your committee?
   □ Yes
   ■ No

2. What projects, continuing education seminars or other activities has the committee done since the last meeting?
   The committee planned and presenting a CLE regarding working with difficult people in family law cases at the Nashville Spring FLS Meeting.

3. What suggested projects, continuing education seminars or other activities need your committee’s action or attention between this meeting and the next meeting – and for the next year?
   The committee has not yet been assigned any additional CLEs to plan for future meetings.

4. How do your “active” committee members keep in contact between meetings and what are suggestions for better contact and communication within your committee?
   Generally via email, which seems to be effective.

5. What are your committee’s long-range plans or suggested plans and activities?

6. How can the Section of Family Law and its leadership assist you and your committee in accomplishing your goals?
7. Are you aware of current or "up and coming" topics in family law of which the Section should take notice? If so, please state the issue, and offer your suggestions for how the Section should address the issue. At our meeting in Nashville, the idea of flat fees for family law services was discussed. We suggested a CLE on the topic. The issue of whether the "billable hour" is something that needs to be extinct (for both attorney work/life balance and client satisfaction) will likely continue to be a hot topic in practice management. With the "me too" movement, practice managers will need to remain vigilant regarding their harassment policies and properly investigating claims.

8. Is there anything you believe should be on the Council agenda regarding your committee's work at the next Council meeting?

☐ Yes
☐ No

If yes, submit requested agenda items in writing or email to Samantha Schooley at samantha.schooley@americanbar.org, by July 20, 2018. The Section Chair may move items not requiring Council action to the Non-Discussion Agenda, pending review.

9. Other suggestions?

If you do not have anything to report, please still fill out this form and return it to staff.
Committee Name: Taxation
Submitted By: Michelle Piscopo & Bart Resnicoff

1. Have you used your committee list serve to communicate with your committee?
   ■ Yes
   ■ No

2. What projects, continuing education seminars or other activities has the committee done since the last meeting?
   We have continued to work on the alimony resolution that will be presented at the mid-year meeting. There is also a CLE planned for the October meeting on the new tax bill. There was one new article posted on our committee page and our committee submitted an article for the July eNewsletter.

3. What suggested projects, continuing education seminars or other activities need your committee’s action or attention between this meeting and the next meeting – and for the next year?
   At the May meeting, we submitted ideas for new CLEs on the aftermath of the tax bill and other ways to settle a case when alimony is not an option.

4. How do your “active” committee members keep in contact between meetings and what are suggestions for better contact and communication within your committee?
   We have used the list serve and sent reminders before the Spring and Fall meetings to encourage members to submit ideas for future programs.

5. What are your committee’s long-range plans or suggested plans and activities?
   To continue to seek articles on relevant tax issues for our webpage.
   To regularly encourage our members to use the list-serve

6. How can the Section of Family Law and its leadership assist you and your committee in accomplishing your goals?
   Nothing at this time.
7. Are you aware of current or "up and coming" topics in family law of which the Section should take notice? If so, please state the issue, and offer your suggestions for how the Section should address the issue.

Not at this time but after the new tax law goes into effect, we expect there will be ideas that should be of interest to our members.

8. Is there anything you believe should be on the Council agenda regarding your committee's work at the next Council meeting?

☐ Yes
☐ No

If yes, submit requested agenda items in writing or email to Samantha Schooley at samantha.schooley@americanbar.org, by July 20, 2018. The Section Chair may move items not requiring Council action to the Non-Discussion Agenda, pending review.

9. Other suggestions?

If you do not have anything to report, please still fill out this form and return it to staff.
Committee Status Report Form

Deadline Date: July 20, 2018

Return via email to: samantha.schooley@americanbar.org

Committee Name: ________________________________________________________________
Submitted By: __________________________________________________ ______________

1. Have you used your committee list serve to communicate with your committee?

☐ Yes
☐ No We will be sending out a reminder notification about the teleconference next week.

2. What projects, continuing education seminars or other activities has the committee done since the last meeting?

We were not assigned any CLE since the last meeting. However, we have compiled CLE ideas from the last conference and are putting those together to provide to the CLE committee as well as generating additional ideas. We are putting on the teleconference with slides about the benefit of the Family Law Section of the ABA.

3. What suggested projects, continuing education seminars or other activities need your committee’s action or attention between this meeting and the next meeting – and for the next year?

The teleconference will be on 7/27. We would have the ability to plan/produce CLE for upcoming conferences to meet any needs of the section.

4. How do your “active” committee members keep in contact between meetings and what are suggestions for better contact and communication within your committee?

Email or listserv. The teleconference should be helpful in generating new interest and participating in the section and committee.

5. What are your committee’s long-range plans or suggested plans and activities?

Increase membership in section with young lawyers coming in and participating. Generate cross interest with Young Lawyers Division of the ABA. Produce CLE programing focused on young lawyers and tips/tools for the young practitioner.

6. How can the Section of Family Law and its leadership assist you and your committee in accomplishing your goals?

n/a at this time.

*More questions on Page 2*
7. Are you aware of current or "up and coming" topics in family law of which the Section should take notice? If so, please state the issue, and offer your suggestions for how the Section should address the issue.

None at this time.

8. Is there anything you believe should be on the Council agenda regarding your committee's work at the next Council meeting?

☐ Yes
☐ No

If yes, submit requested agenda items in writing or email to Samantha Schooley at samantha.schooley@americanbar.org, by July 20, 2018. The Section Chair may move items not requiring Council action to the Non-Discussion Agenda, pending review.

9. Other suggestions?

If you do not have anything to report, please still fill out this form and return it to staff.
American Bar Association
2018 Section of Family Law Annual Meeting
Liaison Status Report Form

Deadline Date: July 20, 2018
Return via email to: Samantha.schooley@americanbar.org

Liaison To: Center for Human Rights
Submitted by: Llewelyn G. Pritchard


2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).
   * Justice Defenders Program
   * Justice Works Program
   * International Criminal Court Project

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?
   Support and participate in Eleanor Roosevelt Human Rights Award, September 14, 2018 to Hillary R. Clinton.

4. Are you aware of current or “up and coming” topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.
   Impactful work of the Justice Defenders Program in conjunction with the US Department of State.

5. Do you wish to be on the Council agenda at the next Council meeting?
   Yes ___
   No  ___

   If yes, please submit written agenda items to Samantha Schooley at Samantha.schooley@americanbar.org by July 20, 2018. Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair.
Annual Meeting

The CHR Board next will meet on Sunday, August 5, at the ABA Annual Meeting in Chicago.

Activities

International Criminal Court Project: Developed and participated in a July 10 panel on the 20th anniversary of the ICC for International Criminal; Ju7stuice Day (July 17).

Justice Works Program: Continue developing the Program’s Comprehensive Anti-violence Response Framework to reduce violence against LGBTQ persons globally.

Justice Defenders Program:

- Eastern Europe: Staff continues to coordinate with partners in Poland on the mass retirement of Supreme Court judges on July 3. Staff helped develop op-ed by President Bass.

- Latin America and the Caribbean: Staff, along with ROLI LAC Staff, met with an advisor from USAID who is working on Paraguay to discuss the rule of law assessments. Staff continue to support human rights defenders in Colombia.

- MENA: Staff continue supporting defenders in Iraq.

- South & SE Asia: Staff is coordinating with ROLI about advising partners in Malaysia on international standards for communications and multimedia laws; exploring the possibility of supporting a community group in Kashmir challenging a culture of impunity for security forces; and is in discussions with Embassy-Dhaka about analyzing the Digital Security Law.
- Sub-Saharan Africa: The Program hosted a roundtable to discuss issues facing human rights defenders in Ethiopia.

- Operational: We have hired a new Program Assistant and a new Staff Attorney for Eastern Europe and Eurasia.

Eleanor Roosevelt Prize: The Center will confer its inaugural Eleanor Roosevelt Prize for Global Human Rights Advancement to former Nuremberg prosecutor Benjamin Ferencz and former Secretary of State Hillary Rodham Clinton on September 14 in New York City. Further details to come soon.
American Bar Association
2018 Section of Family Law Annual Meeting
Liaison Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Liaison To: ________________________________________________
Submit

ted By: ________________________________________________

ABA Center on Children and the Law
Ann M. Haralambie

1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

   Immigration and Child Welfare Project: Center attorneys provide training on the intersection between immigration and child welfare to legal and child welfare professionals, Special Immigrant Juvenile Status (SIJS), and how judges can work with immigrant children in court.

   Youth Engagement Project: This project helps legal professionals engage older youth in foster care in court and promote permanency and positive outcomes.

   Capacity Building Center for Courts (CBCC): The CBCC improves child safety, permanency, and well-being outcomes for families by ensuring courts partner with child welfare agencies to best serve children and families.

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

   The crisis re: children separated from their parents at the the border, especially re: unification when the parents have already been deported, leaving the children behind.

5. Do you wish to be on the Council agenda at the next Council meeting?

   □ Yes
   □ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)

Back to Agenda
American Bar Association
2018 Section of Family Law Annual Meeting
Liaison Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Liaison To: Commission on Youth at Risk

Ann M. Haralambie

Submitted By: ________________________________________________

1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

   [When my computer died, I lost all of my emails, which contained the minutes and current project information]

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

5. Do you wish to be on the Council agenda at the next Council meeting?

   □ Yes
   □ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
Commission on Youth at Risk  
Spring Meeting: Tampa, FL  
April 7, 2018  

Minutes  

Judge Downing called the meeting to order shortly after 10:00am. Present in person were Linda Britton, Judge Downing, Kelly Russo, Tony Musto, Denise Avant, Sue Mangold, Carla Laroche, Judge Gray, Rhonda Hunter, Ann Ratanayake, and Deshaud Brunson. Present on phone were John Ratnaswamy, Jonathan Bing, Quynh Vu Bain, Jay Blitzman, Melissa Little, Vickie Yates Brown, and Evelyn Tomaszewski.  

The minutes from the fall meeting were approved. Tony Jenkins, BOG liaison, was not present and did not send a report.  

ABA Reorganization:  
Linda explained that the BOG decision last August to “realign” the non-section entities in fall, 2017, gave way to a decision to reorganize all ABA entities. The BOG will decide on April 10, 2018, whether to approve a proposed plan to reorganize all of the entities into 10-12 centers. The plan places the Commission into a Center on Public Interest Law, which includes other Commissions (except the Commission on Disability Rights), the death penalty projects, and the Center on Children and the Law. The new Center is intended to improve capacity and offer ABA members new opportunities to learn about public interest law and become involved with the Center. New opportunities could include a law journal, CLE and other events to make the Center entities more visible. The ABA is also making dues/membership changes, which prompted a lot of discussion about how to encourage young lawyers members and public interest lawyer members.  

Director Status: Linda is hopeful that, based on an email exchange with Jack Rives, the staff director position for the Commission will be posted and filled soon. In the meantime, Linda will do as much as possible for the Commission.  

Ongoing Projects:  

1. Debrief from Convening on Legal Needs of Tampa Bay area Homeless Youth. Kelly Russo provided a summary of the convening with HYLN and CYAR on Friday afternoon. Approximately 40 lawyers from legal services organizations and pro bono services joined youth services providers to discuss the legal needs of homeless youth and young adults in the Tampa area. A number of Commission members were also a part of the convening. Kelly and Linda will put together a directory of attendees and a report from the meeting for everyone so that the attendees can remain engaged and efforts to improve the delivery of legal services can continue. Judge Downing stressed that having a boots on the ground event in each city where the Commission meets is a core goal of the Commission. It was noted that three current and former homeless young adults attended the convening.
and Evelyn Tomaszewski raised an important question about how to further engage youth and young adults so that they can be part of the coalition. Judge Blitzman mentioned a youth council as part of the JDAI (Juvenile Detention Alternatives Initiative) project in Boston. Those at the convening raised the issues of how to reach out to youth who are homeless but don’t realize it, or to youth who are victims of sex trafficking but don’t think they are. Sue Mangold mentioned that the Juvenile Law Center has youth advocates from both child welfare and juvenile justice systems; they travel, speak and are paid for their time. Judge Gray suggested the Commission study the characteristics of an effective youth advocacy program with an eye toward developing youth advocates as part of the Commission. Judge Downing noted her interest in a youth program as well, and feels that youth advocates serve an important function for which they should be paid.

Ann Ratnayake asked about Family First legislation and Judge Downing indicated that it would be included in the April newsletter.

2. Gun violence Report

There was no update to the status of the Gun Violence report. Linda described Project Cred, a Chicago-based project of the Emerson Collective that was initiated by former Dept of Education Secretary Arne Duncan. The project seeks to assist former gang members with lifestyle changes, education and employment. Linda suggested the Commission could showcase the project at the Annual Meeting with other initiatives in connection with the gun violence report. Tony Musto asked if we should draft proposed policy about the areas that the Parkland kids are emphasizing. Judge Blitzman suggested the proposed policy take a multi-disciplinary approach. Jonathan Bing talked about the mechanics of doing a resolution around gun violence and schools.

3. Newsletter and website

Linda reported that the new website will take place in June, so she is planning changes for the migration.

The April newsletter will include information about food insecurity and young adults in college. Quynh Bain and her niece have authored an article about this issue and included information about a food bank in central Pennsylvania. Despite the request at the fall meeting for Commission members to survey local food banks, we’ve received no surveys yet. Linda will send out another request. The newsletter will include the newly released report by Wisconsin Hope Lab: Still Hungry and Homeless in College.

The food instability issue resulted in a lot of questions and discussion. How can lawyers be involved? Do we do policy with the Health Law Section? Other options? Develop a report? One suggestion is to draft a model contract to include provide additional food to students? Can educational institutions pool remaining resources?
How does it connect to legal services/extended care? Judge Gray indicated she wants to be involved in this activity. Can bar associations help with this – legal connection can focus on liability issues. Draw a corollary to homelessness and HYLN. Quynh indicated that a 2017 statute exists to exempt food banks from liability. Look at survey for other potential legal issues.

4. Proposed policy resolutions

We need to complete the ban the box policy for both employers and educational institutions. The juvenile sex offender resolution requires an exemption/rehearing. Judge Gray wants to work on completing the JSOR policy.

5. Webinar with CRSJ on school climate and preventing gun violence.

Together with CRSJ, the Commission has sponsored two webinars on public school financing and vouchers. A third webinar is being planned for late April/May on improving school climate to prevent violence. The webinar will include academics who have done substantial research on school climate, a classroom teacher and hopefully a student from Parkland, FL.

6. ABA Annual Meeting, August 3-5, Chicago, IL

Tentative plans for the Annual Meeting were discussed and decided below:

   Friday, August 3: Outreach event TBD; must include luggage drive: check with President Bass and contact Katy Englehart; go through FJE; pictures for newsletter; Ann R has ideas for a registry
   Friday, August 3: CLE options are 1) gun violence report and Project CRED, include school safety and youth; and 2) food insecurity issue, bring in Wisconsin Hope Lab authors and include youth. Quynh knows someone we could bring to Chicago, and is willing to send the survey to a few food banks in Chicago area to get their perspectives as well. Rudy indicated that he has reached to the food bank in South Bend, IN as well.
   Saturday, August 4 (afternoon): Commission meeting. Avoid CJS Juvenile Justice Committee meeting.
   Sunday, August 5: Children’s Breakfast, need speaker (could be programming option that isn’t done on Friday)

The meeting was adjourned at 12:05 pm.

Respectfully submitted,
Linda Britton
American Bar Association
2018 Section of Family Law Spring CLE Conference
Liaison Status Report Form

Deadline Date: July 20, 2018
Return via email to: samantha.schooley@americanbar.org

Liaison To: ABA Standing Comm. on Legal Asst. for Military Personnel

Mark E. Sullivan, Sullivan & Tanner, P.A., Raleigh NC

1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

   ABA Pro Bono/Military Project
   Resolution 115C
   Veterans Legal Service Initiative

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

   Move forward with serious, organized and aggressive lobbying to repeal the "Frozen Benefit Rule" (Resolution 115C) in Congress

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

   See #3

5. Do you wish to be on the Council agenda at the next Council meeting?

   ☐ Yes
   ☐ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by April 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)

   [Signature]
   7/27/18

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COMMITTEE MEETING

AMERICAN BAR ASSOCIATION
STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL
NAVY BASE SAN DIEGO, SAN DIEGO, CA

20 March 2018

MINUTES

The Committee business meeting was called to order at 1300. In attendance:

Members:
Steve Lepper, Chair
Libby Jamison
Lesley Marlin (by phone)
Adam Siegler
Dan Sylvester
Greg Ulrich (by phone)
Courtney Weiner (by phone)

Liaisons:
William C. Carpenter, Jr., ABA Board of Governors Liaison (by phone)
Jim Carsten, USN OJAG Code 16, DES
Christopher Dunne, USCG, Chief of Legal Assistance
Erica Harris, USAF, Chief, Community Legal Services
John Meixell, USA, Chief of Legal Assistance Policy
Carole Reynolds, FTC (by phone)
Col Tom Rogers, USAF, AFLOA
Mark Sullivan, ABA Section of Family Law Liaison (by phone)
Monica Trucco, Director, Office of Legal Policy, OUSD P&R

Staff:
Jason Vail, LAMP Staff Counsel
Mary Meixner, ABA Military Pro Bono Project Director (by phone)
Ken Goldsmith, ABA Governmental Affairs (by phone)

Guests:
Michelle Chavez and Elizabeth Sorensen, San Diego County Bar Association

I. Welcome – The Chair welcomed those present on-site and on the phone. Introductions were made.

II. Approval of October 2017 Minutes – The Minutes of the 25 October 2017 meeting at Tinker AFB in Oklahoma City, OK, were approved.
III. **Resolutions and Policy Matters** – The Chair discussed the resolution on pension divisions submitted to and approved by the ABA House at the Annual Meeting. Steve also talks about the YLD resolution submitted to us that addresses legal services for disaster victims. The consensus of the group is that LAMP let YLD know that we don’t oppose the resolution but we will not affirmatively support or cosponsor, as it is outside our jurisdiction.

The discussion then turned to a case brought by MSJDN for a military spouse that was trying to get admitted in GA with a LA license. MSJDN advocates that GA should follow the military spouse admission rule. Question what LAMP can do to support. Commission on Women is preparing an amicus brief. The committee discusses how admissions rules work and how LAMP might support. The consensus is that the Chair will put together a statement in his personal capacity and will get the committee’s input. With agreement, the Chair and members will sign on in their individual capacities.

IV. **ABA Realignment** – The Staff provided a report on realignment activities, OneABA, and the VIP retirement program. He explains how these might impact the financial support for LAMP and the configuration of the Legal Services Division, though there are still a lot of unknowns. More details are expected to follow. Libby asks whether this might impact the free JAG and military spouse membership category; this is also unclear.

Judge Carpenter reports from the Board on OneABA and how it has developed. He expects to hear from the marketing group in April and potentially making a decision on OneABA in June. He also reports on the internal realignment process and that no proposal on this has yet been presented to the Board.

Greg has questions about the role of SCOPE and whether the Midyear needs to be held. Greg also suggests that we look at alternative approaches for doing meetings electronically.

V. **Governmental Affairs** - Ken Goldsmith gives a Governmental Affairs report. He talks more about the MSJDN amicus brief issue, will be attending a philanthropic event around military/veterans fundraising – asking for content. He also provides a report on the state of government and gives an update on various legislative issues related to military and veterans being worked by the ABA and updated on the MOA with the VA and the Law School Consortium becoming a VSO.
VI. Military Pro Bono Project and Veterans Legal Services Commission – Mary Meixner provided an update on program operation and statistics. She also reported on fundraising status. There was a discussion of the proposed fundraising luncheon. The Bidens still sound like a good prospect, discussion of when/how this would be pulled off. The Chair asks the committee to think about who should go on the invitation list – proposes that sponsors pay for tables, then we invite donors to sit at tables. Dan suggests “on the spot” donations that can be acknowledged in real time during the event on a screen. Dan also has suggestion of Gary Sinese Foundation which he’s working with. Libby suggests Commission on Women have a similar event that could be a model. Adam suggests that the earlier we can determine table costs the better. The Chair advises that we look at the rules that would allow potential attendance from service leadership. Dan also suggests that potentially structuring this around a potential award, maybe announcing availability of an award. Maybe recognize award winners for MPBP? Maybe an award for an exceptional JAG named for the Bidens? Ken suggests looking at who might be in town that day (like the Army Ass’n conference, for example – corporate conferences as well) and inviting them. Need to start planning now.

Jason Vail gives a report on the status of the Veterans Legal Services Initiative and, in particular, VetLex and how the program is evolving, including the hiring of Holly Christian, a new staff attorney.

VII. Liaison Reports – The liaisons gave their reports.

Mark Sullivan gives a report from Family Law. Mark offers to assist with putting together webinar CLE trainings. He discusses Resolution 115C and how the pension issue came to be, the issues involved, and how the Resolution was passed and steps going forward. Also discusses other work he’s doing with written resources and presentations.

Michelle Chavez from SDCBA provides a presentation on the programs of the bar to promote assistance particularly in the area of SCRA assistance. Describes how they get attorneys to assist with these matters. This is a model program of assistance. We can assist with promoting these programs.

VIII. Future Meetings – The Chair discusses planning for future CLE and possible advantages of partnering with law schools, law firms, and private institutions that would provide more access to civilian attendees and better facilities support. Discussion of possible locations include NC to partner with the bar there on a fall program and possibly involving NCServes. Mission United might also be a good partner in Florida. The Chair also emphasizes that the CLEs are a good opportunity to build relationships.
between the legal assistance and civilian bar communities. Dan suggests engaging corporate centers as being helpful. Greg emphasizes ensuring accessibility. Considering whether to do a law firm hosted webcast around the country. Maybe one firm hosts, connecting to another firm and all host in-person at various offices. Step one is to see if Holland and Greenberg can connect; then see if we can pull in law school video. Amy Horton-Newell has done something similar with Baker Mckenzie that might be also be helpful. Staff will follow up on this.

The next meeting will be at the ABA Headquarters in Washington, DC. Staff will follow up on possible dates in July.

There being no further business, the meeting was

ADJOURNED.
Liaison To: Senior Lawyer’s Division
Submitted by: Llewelyn G. Pritchard

1. Attach a copy of your most recent Meeting Minutes. See attached

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).
   * Continued work on the Opioid Summit
   * Gaining additional Delegates in the House of Delegates
   * Transitioning to the Largest Division of the Association

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?
   * Present Family Law issues to the Senior Lawyers Division to gain the support of the Division in the Family Law efforts.

4. Are you aware of current or “up and coming” topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.
   * Participate in Division additional work in meeting the scourge of Opioid addiction.

5. Do you wish to be on the Council agenda at the next Council meeting?
   Yes ___
   No  x

If yes, please submit written agenda items to Samantha Schooley at Samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair.)
ABA SENIOR LAWYERS DIVISION
EXECUTIVE COMMITTEE MEETING
Tuesday, March 27, 2018
3:00 PM EDT / 2:00 PM CDT / 1:00 PM MDT / 12:00 PM PDT

1. **Call to Order.** The Executive Committee meeting was held by telephone conference call. Chair John Hardin Young called the meeting to order.

2. **Executive Committee Members in Attendance.** John Hardin Young, Chair; Marvin Dang, Chair-Elect; Al Harvey, Vice Chair; Llewelyn Pritchard, Budget Officer; Carole Lynch Worthington, Secretary; Seth Rosner, Division Delegate; and Ruth Kleinfeld, Division Delegate.

3. **Staff in Attendance.** Emily Roschek, SLD Director, and Josh Poje, Director for the Law Practice & Technology Group.

4. **Approval of Minutes from September Executive Meeting.** Ms. Worthington will email the minutes for the Midyear Council Meeting and December Executive Meeting to the Executive Committee as soon as possible. Executive Committee members are requested to email any additions and corrections and to email approval as soon as practicable.

5. **Opioid Summit Update.** Mr. Dang reported that the Opioid Summit Planning Committee has been meeting regularly (Mr. Young, Mr. Dang, Karren Pope-Onwukwe, Karen Campbell, Link Christin, Dr. Mary Carter, Donna Jackson, Josh Poje, and Emily Roschek). The Summit will take place on Friday, May 4, 2018 at the ABA Chicago Headquarters the day before the Council Meeting. It’s titled “Experienced Lawyers, American Families, and the Opioid Crisis.” There are 25 participants representing entities within the ABA and some from outside. We’ll begin the day with a plenary with speakers then breakout sessions covering three main areas: (1) law and policy, (2) family and policy, and (3) treatment. The end result will be recommendations discussed during a plenary at the end. Dr. Mary Carter with author the final report to be distributed at ABA Annual.

Mr. Young added that our two confirmed speakers are members of the summit’s planning committee:

- Dr. Mary Carter, Associate Professor and Director of Gerontology Programs at Towson University in Maryland
- Link Christin, Executive Director of the Legal Professionals Program at Caron in Pennsylvania.

For the third speaker, we currently have invitations out to Illinois Attorney General Lisa Madigan, Indiana Chief Justice Loretta Rush, and City of Chicago Mayor Rahm Emanuel. We plan to send the survey results to the participants by April 2, and to send briefing materials and proposed recommendations by April 15, 2018. The SLD will file a report with the recommendations for the House of Delegates at the ABA 2018 Annual Meeting in August. Proposed resolutions based upon the report and recommendations will be filed for consideration of the House at the Midyear Meeting in 2019.
6. **Staff Retirement Program.** Mr. Young reported that the VIP (Volunteer Separation Incentive Program) targeted senior staff and it will not affect the SLD now. The SLD has a full staff of three. The ABA will have leaner staff but not the SLD.

7. **Division Marketing Efforts.** Mr. Poje explained that Network Media Partners ("NMP") made its first sale in the current issue of Experience Magazine. It was made by Arthur Green Consulting. The revenue has been received. This is reason to be optimistic. It took NMP a year to begin getting ad sales for the Career Center as well and now they have been consistently getting ad sales on the website for six months. Mr. Poje reinforced that they could continue using help honing a message for SLD, and Mr. Young agreed.

8. **Report on the 2018-19 Budget Meeting.** Mr. Young reported that there was a special budget meeting among SLD leaders and staff and ABA leaders and senior staff to address concerns the SLD had about its budget now that the SLD is funded by general revenue. Attendees included SLD leaders Mr. Young, Mr. Dang, and Mr. Harvey; Ilene Gotts, ABA Section Member-at-Large; Michelle Behnke, ABA Treasurer; Bill Phelan, Senior Associate Executive Director & CFO; Amy Eggert, ABA Chief of Staff; Mr. Poje, LPTG Director; Emily Roschek, SLD and LCC Director. Mr. Young said the SLD’s budget was reviewed. ABA staff recognized the work the Division is accomplishing, that this is the SLD’s first year fully operating under general revenue funding, and that four meetings are planned as is typical for many other Sections, Divisions and Forums. Adding one more meeting would equate to about $26,000 more than the FY 2017-2018 budget, which may be difficult. The Board of Governors Finance Committee will consider the SLD budget. If the proposed budget is not approved by the Finance Committee, the SLD can appeal. Ultimately, the budget will be voted on in the summer meeting. Mr. Young commended Marvin, Emily, Amy and Josh for their advocacy. Hawaii is not much more expensive than Chicago or DC. The Executive Committee will be informed of further developments. Lobbying efforts will continue through Lynne Barr, HOD Liaison. It is hoped that the SLD will have more information by late April.

9. **HOD Resolutions & Filling of Request for Additional Delegates.** Ms. Kleinfeld reported on HOD Resolutions and was pleased to have them circulated. Extended an invitation by Lucian Pera for a webinar on March 28 at 1 pm ET.

Mr. Pritchard inquired whether there would be any motion from the Opioid Summit for the HOD’s approval at the 2018 Annual Meeting. Mr. Young explained that the final report will go to the House in August, but we’ll work with other S/D/F’s to target the next Midyear Meeting for any formal resolutions. Mr. Dang is chairing this. The recommendations from the Summit will need to be made into resolutions appropriate for the House, which hopefully will be a collaborative process with other S/D/F’s. This Summit is a first step.

Mr. Rosner reported on the filing of a Constitutional Amendment to add additional delegates to the House. The meeting with the Standing Committee on Constitution and Bylaws will take place on April 25. Mr. Young added that the memo was written in the form as requested by Mary Smith, ABA Secretary, which is only 3 pages unlike most long resolutions which go to the House. SLD’s justification was the increase in membership. Mr. Young said he talked to Ms. Smith and everything is in order.
10. **Report of Nominating Committee.** Mr. Young is very excited by the new appointments. He read through the new nominees in the attached report. The new Vice Chair will be Michael Van Zandt, who has been doing a wonderful job chairing the Experience Magazine Board. (He hopes that Michael will be able to extend the page limit past 24.)

As few side notes:

- VOE will be changing its structure. Jim Schwartz has been appointed the incoming Chair of VOE and already has ideas he'd like to try implementing this spring.
- SLD’s relationship with ABA Publishing has not been as good as has been hoped. There is reason for optimism for next year with the AARP checklist series in full swing.
- Kerry Peck is working with a book co-branding deal with the Alzheimer’s Association.
- Mr. Young is meeting with Elizabeth Yang and Joe Sullivan (head of Pepper Hamilton’s Pro Bono Center) to discuss efforts to assist displaced people in Philadelphia, Knoxville, DC, and Miami with post-disaster related issues.

11. **Arrangements for the Spring Meeting in Chicago, May 5th Hotel Chicago.** Emily explained there is no need to register for the Opioid Summit or Council Meeting. She has noted everyone who confirmed their participation by email. She reminded everyone to book their flights. The hotel registration link was already circulated for Hotel Chicago at $159/night. We’re all impressed Meetings & Travel was able to get our block at such an affordable rate. The hotel is also across the street from the ABA office where both the Summit and Council Meeting will be held.

- Jack pointed out that we are updating our reimbursement forms to have a check box to donate all or a portion of your reimbursement to the FJE.
- Mr. Pritchard, Mr. Dang and Mr. Young agreed that the Council members who are also going to the Summit will get up to 3 days of per diem reimbursement.

12. **New Business.** None.

13. **Future Executive Committee Meetings.** There will be no meeting between now and May 5 unless the April 25 Constitutional Meeting requires it or if anyone else brings up a reason to meet.

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

Carole Lynch Worthington  
Secretary of the ABA Senior Lawyers Division
American Bar Association  
2018 Section of Family Law Annual Meeting  
Liaison Status Report Form

**Deadline Date: July 20, 2018**

Return via email to: samantha.schooley@americanbar.org

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<th>Liaison To:</th>
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1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

   The committee hosted a teleconference entitled, Shared Parenting Time Legislation - Does Fair Mean Equal?. The committee is also sponsoring a teleconference entitled, Expanding Your Practice Offering & Earnings Through Unbundling with the Law Practice Division and Legal Services Committee. The committee has submitted four newsletters for publication with articles relating to current issues and trends in Family law.

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

   The Section of Family Law can assist by promoting the teleconferences to the Young Family Law Attorneys in the section. The Young Lawyers Committee can work with the YLD in finding young speakers for CLE presentations / articles.

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

   n/a

5. Do you wish to be on the Council agenda at the next Council meeting?

   □ Yes  
   □ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

   None

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

   ABA Family Law section members can become more involved in AFCC, submit proposals for presentations, etc.

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

   The most recent AFCC Conference in DC was titled, "The Role of Trauma-Informed Jurisprudence." This may be a good topic for an ABA CLE presentation.

5. Do you wish to be on the Council agenda at the next Council meeting?

   □ Yes
   □ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
Canadian Bar Association Family Law Section
Grant Gold
Nothing new to report on from Spring
See question #2

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?
   See question #2

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.
   See question #2

5. Do you wish to be on the Council agenda at the next Council meeting?
   Yes
   No

If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
American Bar Association  
2018 Section of Family Law Annual Meeting  
Liaison Status Report Form

Deadline Date: July 20, 2018  
Return via email to: samantha.schooley@americanbar.org

Liaison To: ________________________________________________

Submitted By: ________________________________________________

1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

   For this and all other questions below, there is nothing new to report since the time our reports were submitted for the Nashville CLE Conference. However, meeting minutes from NCOART's meeting 2017 (which were approved in the June 2018 meeting) are attached. Likewise, the NCOART report from June 2018 is also attached.

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

5. Do you wish to be on the Council agenda at the next Council meeting?

   □ Yes
   □ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
NATIONAL COALITION FOR OVERSIGHT OF ASSISTED REPRODUCTIVE TECHNOLOGIES (NCOART)

June 4, 2018
8:00 a.m.-1:30/2:00 p.m.

Hilton Garden Inn
4271 Campbell Avenue, Arlington, VA 22206

(A) Indicates an attachment provided

I. Welcome and Introductions

II. Review of Minutes of June 5, 2017 (A)

III. Reports and Updates

   A. ASRM (A) – Sean Tipton
   B. ASRM Public Affairs (A)-Sean Tipton
   C. SART (A) – Kevin Doody
   D. RESOLVE (A) – Barb Collura
   E. CDC (A) – Sheree Boulet
   F. ABA (A)- Rich Vaughn
   G. FDA (A)-Simone Porter and Ping He
   H. NICHD/NIH (A) Roz King / Ravi Ravindranath
   I. AATB – Roman Hitchev (A)

IV. Old Business

V. New Business

VI. Issue Identification and Action Plan

VII. Miscellaneous

VIII. Future Meeting: June 3, 2018 Hilton Garden Inn
ASRM continues to focus its activities on the 2014 – 2019 Strategic Plan. While there are 7 Strategic Goals for which a great deal of work has been accomplished, this report will primarily focus on ASRM education and research activities.

**Assessment and Update of IT platforms.**
An initial phase of our Strategic Plan focused on an assessment of our communication strategies and an evaluation of our IT platforms. The goal was to be able to communicate better to our members and to be able to move to IT platforms that would support our new educational pedagogies. As of January 2018, all of our IT platforms have been replaced including: (1) the Association Management System (AMS); (2) the Content Management System (CMS); and, (3) the Learning Management System (LMS). In addition, ASRM has added a Communities platform. This is a powerful tool to allow all groups, however large or small, to communicate with each of its members daily. Each community has its own micro-website to store critical documents, house a calendar with important upcoming events, and maintain both an ongoing forum and a blog. This is being used for all groups from our major committees to our smallest Special Interest Groups, the latter who previously met only 45 minutes each year at the annual meeting.

**Education**
An Instructional/ Curriculum Designer was hired to lead our transition to new educational pedagogies.

The first educational changes were initiated in 2014 with a refresh of our annual meeting which was renamed the Scientific Congress & Expo. Changes to the annual meeting included going paperless, adding more interactive sessions, live-streaming the Plenary Lectures, simultaneous translation of the Plenary Lectures into Mandarin Chinese and Spanish, and enhancing the Expo portion of our program adding a Simulation Pavilion, a Networking Pavilion, and a modernized Expo Theater to be used for Industry sponsored product presentations and non-industry selected “Ed” Talks.

Numerous changes have been made to our eLearning platform beginning in 2014, providing all individual eLearning modules free to our membership. Our previous power point- based eLearn modules are being redesigned under the new lexicon of airLearning (air = accessible, interactive and responsive) that has a modern appearance and is made interactive whenever possible. ASRM has introduced micro-videos into our airLearning offerings for both clinicians and patients and initiated an ASRM Grand Rounds. This is webinar-based covering topics from the ABOG Guide to Learning, and, while directed at the Fellows, is open to all members including residents. We have initiated a number of webinar-based presentations developed from our affiliate societies, committees, and professional groups.

Recently, a major focus of our educational activities has been to develop a question-based learning pedagogy. Based on the Q-Stream model, 5 libraries of topic-specific questions (8 – 10 each) have been piloted. The member can choose a specific library of questions and how often questions will be pushed to them. Text messages are sent to them automatically on the schedule chosen. Participants access the questions through a Q-Stream App, are told whether their answers are correct or not and why. Questions answered wrong are resent two additional times and those answered correct are pushed to them one additional time. After the current pilot is completed, more question banks will be developed for deployment of the program hopefully by years end.

Back to Agenda
ASRM has also added the use of simulation for training. A gap was identified in teaching fellows the skill of embryo transfer with 50% of fellows essentially not performing transfers in their training. In addition, it has been long reported that differences in embryo transfer success rates exist among practicing clinicians yet there has not been a mechanism for improving the skills of those practitioners on the left-hand side of the Gaussian curve. ASRM entered a partnership with VirtaMed, one of the leading simulation companies in the world having developed the IUD and hysteroscopy pelvic simulators. A virtual reality embryo transfer simulator was developed for which trainees can perform ultrasound-guided ET simulation under a variety of different uterine/cervical scenarios of varying difficulty.

The embryo transfer simulator has been extremely popular and successful with its continued refinement. A Guide to Learning Embryo Transfer has been developed and is available in iBook, eBook, and interactive pdf formats. In addition, a Certificate Course is now available on line. The Certificate Course has been offered to fellowship programs. The Course includes on-line learning and hands-on activities, the latter performed at regional workshops or through a loaner program. Fellowship programs pay a nominal fee to have the simulator for on-site use over 4 – 6 weeks. The simulators have been deployed for workshops throughout the US and in various parts of the world. In addition to the curriculum, a survey of the Medical Directors of SART programs was published that focused on embryo transfer practice. In addition, a new embryo transfer guideline was developed, published and accepted by the National Guideline Clearing House. Finally, an ASRM standard embryo transfer protocol template was published also in *Fertility and Sterility*. The ASRM Embryo Transfer Simulator also features an IUI training module, with a curriculum planned for residents and nurses.

**Research**

In January 2017, a group of ASRM members who are leading researchers in our field was assembled in Birmingham as the Strategic Research Task Force. Over 1 ½ days, this group met to discuss how ASRM could move research to a much higher level. A summary of that meeting outlined a list of priority areas of research for the Society to move forward, particularly those not funded by NIH, and included the desire to continue to support the training of the next generation of researchers in a variety of modalities as well as midlevel researchers who are between funding. On February 13, 2018, a Strategic Research Steering Committee of 8 researchers met in Chicago to develop a Blueprint to guide ASRM research initiatives into the future at a very high level. That Blueprint contains the foundational concepts for the development of an ASRM Research Institute with plans to expand its role into the future, a detailed prioritized list of areas to fund, concepts for supporting collaborative research initiatives with other organizations including the NIH, the training of the next generation of researchers, and a road map for funding which includes the development of named research endowments as well as a formula for robust support with ASRM funds. This Blueprint was adopted by the Board of Directors last month and will be presented to the membership at the Annual Scientific Congress. It will represent one of the largest initiatives that ASRM has launched.

**Other Activities**

ASRM continues to engage with SART in a pilot project of sharing the SART CORS Registry with lower-middle income countries (LMIC). The registries have been installed for each country with early work in beginning to utilize this resource.

Richard H. Reindollar, MD
CEO, ASRM
CRYOTANK FAILURES

In response to the cryotank failures reported in March, ASRM put out a couple press statements and did numerous interviews. We are reviewing all existing Practice Guidelines and other publications to see where improvements are needed.

STATES

The worst bill of 2018 comes from Arizona. The Governor just signed into law a bill which states that in any embryo disposition dispute, the court is required to rule in favor of the party who desires to bring the embryos to birth, regardless of the other party’s wishes, and in disregard of any previous agreement. ASRM lobbied extensively against the bill. However, we were unable to get much support from other medical or reproductive rights organizations, and the bill passed rather easily. This new law, requiring as it does judges to order forced procreation, is blatantly unconstitutional, and we hope to work with other groups to mount a challenge. In fact it has been busy in state legislatures all around the country. Many many bills get introduced we must do our best to sort through them and assess which ones to get involved in. We are again seeing “personhood” style measures in several states, perhaps South Carolina being the most dangerous right now. There are bills designed to restrict abortion which we have to analyze for their potential to impact ART procedures. For example, a bill in MO which would prohibit abortion for sex selection or based on diagnosis of a genetic condition. This bill refers to applying to “pregnancy in the womb” but also talks about ‘all forms of life at any stage of development.” As you might suspect, scientific accuracy is generally not a high priority for the drafters of these bills so we are left to try to sort it out.
RESOLVE and ASRM are working closely with Ferring as they put significant resources into securing insurance mandates for medically indicated fertility preservation. We saw success in Rhode Island and Connecticut last year, Maryland passed a bill into law this year, Illinois has passed one through the legislature and we are awaiting a decision from the Governor. New York is in the late stages of a process seeking meaningful mandate, and early stages of exploring changing in their restrictive surrogacy statutes. There were also efforts in KY, HI, AZ, IL, VT, DE, CA and NJ with varying prospects for success. Finally, we do see some bills around gestational carriers, same sex parenting, or determining parental status that we have to deal with us as well. Some of these are designed to impede these family building options, others are well intentioned but lack some attention to detail which can then create problems.

FEDERAL FUNDING

After running on a series of temporary extensions, the federal government finally has an operating budget for fiscal year 2018. The $1.3 trillion spending measure includes:

- A provision extending in vitro fertilization services for qualified wounded veterans for another two years. This extension has been one of ASRM’s highest advocacy priorities. The extension includes a modification lifting what was a three-year limit on the coverage of cryopreservation of embryos.
- $37.1 billion in funding for the National Institutes of Health, a $3 billion increase over the FY2017 enacted level.
- $8.0 billion in funding for the Centers for Disease Control and Prevention, a $806 million increase over the FY2017 enacted level.
- $1.1 billion in funding for Health Resources and Services Administration, which is $222 million more than the FY 2017 enacted level.
- $334 million for the Agency for Healthcare Research and Quality research activities, a $10 million increase over the FY2017 enacted level.
- $286 million for Title X Family Planning, equal to the FY2017 enacted level.
- A provision prohibiting the FDA from reviewing or approving a drug or biological “in which a human embryo is intentionally created or modified to include a heritable genetic modification.”

Notably, the law does not include new policy riders included in the earlier House version of the measure which would have blocked funding for: Planned Parenthood clinics, Title X Family Planning programs and embryonic or fetal tissue research. Further, it did not contain provisions from the Conscience Rights Act, to prohibit federal, state and local governments that receive federal financial assistance for health-related activities from penalizing or discriminating against a health care provider based on the provider’s refusal to be involved in, or provide coverage of certain health services.

As the threats to federal funding for reproductive related tissues emerged, ASRM joined in an informal coalition of other scientific groups, research institutions and some industry groups in fighting them. We opted to pursue a fairly quiet, behind the scenes strategy which included hiring a dedicated lobbying firm that had strong contacts with Republican appropriators. This proved to be a wise strategy as we were able to convey the message there were a number of stakeholders who would object to these kinds of restrictions.

Congressional committees have already begun consideration of bills which will fund the government for fiscal year 2019, which begins on October 1. ASRM is lobbying to support the continued need for funding of vital research important to the field of reproductive medicine.

“CONSCIENCE BASED OBJECTIONS”

In March, ASRM submitted comments to Department of Health and Human Services Secretary Alex Azar in response to a 216-page proposed rule aimed at protecting conscience-based objections of individuals and entities that are opposed to participating in certain activities based on religious belief or moral convictions. The proposed rule was issued in late January by
the agency’s Office for Civil Rights days after the creation of a new Conscience and Religious Freedom Division within HHS.

The protections outlined in the proposed rule generally apply to federally funded programs, but some would broadly apply to any entity that receives a grant or contract for biomedical research under any program administered by HHS and any entity that carries out any part of any health service program or research activity funded in whole or in part under a program administered by HHS.

ASRM’S comments reflect the serious concern that the conscience-based “rights” of health care providers (both individuals and entities) have been reinterpreted and expanded at the expense of patient rights, and that patients will be denied access to information necessary to understand all their treatment options, and to referrals for care to which they’re entitled. ASRM believes that medical professionals have an ethical obligation to provide patients with complete and objective information about their health and the diagnostic and treatment options available to them, and to ensure that they have access to any legal healthcare and treatment options they choose to pursue.

ENDOMETRIOSIS ADVOCACY

ASRM joined with several groups to promote awareness of endometriosis and promote stronger federal involvement in research activities. Most recently we led a joint letter to Congressional appropriators on the topic.

ADVOCACY ACADEMY/RESOLVE ADVOCACY DAY

In May ASRM joined forces with RESOLVE for a very successful Advocacy Academy/Day. More details will be available at the meeting.
SART Report to NCOART

SART Mobile

SART is nearing the release of the patient phone app “SART Mobile”. This application has several features including:

Find a clinic
Pregnancy wheel
Predict my success
News feed
Secure clinic / patient portal allowing optional “chat” feature, simple appointment scheduling, trigger shot reminders etc

Additionally, for the first time patients will be able to directly interact with the SART CORS registry. This will facilitate prospective cycle reporting and obtaining pregnancy outcome / delivery information.

International SART CORS registry (joint ASRM / SART initiative)

Invited presentation at AMMR last summer (Mexican Fertility Society)
Invited presentations at IFFS this year in Kampala, Uganda
Implementation underway in Uganda and Nigeria
Interest from Egypt fertility society president
Interest from India (ISAR) president
Interest from China (Chinese Hospital Association)

Proposal to facilitate international registry initiative being constructed (SART CORS as a utility)

Collaboration with industry:

Data use agreement in effect between Blue Cross / Blue Shield – Blue Distinction Program

Advertising

The Society for Assisted Reproductive Technology (SART) has created and refined a unique advertising guidelines for its member clinics in order to preserve truth in advertising in the ART field and promote public awareness and confidence in its services. Membership in SART is voluntary but adherence to its advertising policy is a requirement for membership. This is a unique prerequisite for membership in any medical organization in the U.S. and is administered by the SART Advertising Committee (AC). The AC routinely reviews websites of member clinics (usually once every 3 years) and directly interacts with clinics if violations are found. Violations include unsubstantiated or exaggerated statements; statements denigrating other SART programs; and inaccurate success statistics incongruent with those annually reported to SART. Complaints from member clinics about other clinics are also promptly addressed.

The SART AC has developed steps to address advertising violations. Every effort is made by the committee, composed of reproductive specialists from across the U.S., to communicate deficiencies to the medical directors of such clinics directly. The majority of directors respond and correct violations promptly. If, however, significant violations are not addressed within 30 days, a “Red Flag” statement is
placed on that clinic’s SART website success statistics indicating to the public that the clinic is in violation of SART advertising policy. Lack of response for 90 days results in removal of such clinic’s data form the SART website. Lack of response in 180 days may result in expulsion from SART. It is a testament to the high value that clinics place in their voluntary membership in SART that most of them correct violations promptly without the need for harsh punitive steps by SART.

SART has recently created a web portal through which communications to and from clinics can be streamlined and prompt. The system of letters that dominated the interactions of the SART AC with clinics has essentially been phased out, increasing efficiency and reducing workload for clinics and SART alike.

Quality Assurance

The Society for Assisted Reproductive Technology (SART) Quality Assurance Committee is tasked with carrying out multiple quality assurance initiatives in order to maintain high performance standards for the care of infertile patients undergoing assisted reproductive technology (ART) procedures in the United States. While reporting ART outcomes is mandated by the 1992 Fertility Clinic Success Rate and Certification Act, SART has proactively taken steps to ensure compliance with current ART guidelines and have included outcome parameters to the oversight process since 2011. It is the SART quality assurance (QA) committee that has the responsibility to monitor SART member clinics through this QA initiative.

For each reporting year, SART publishes QA parameters and distributes these to member clinics. These criteria are those that are to be evaluated in the reporting year in which they are published. SART QA performance measures are intended not only to identify areas where quality can be improved, but also to provide a mechanism for clinics needing improvement to do so. In recent years, the focus has been on improving pregnancy rates and reducing multi-fetal gestation.

In addition to pursuing SART-specific initiatives, the QA Committee has collaborated with the Center for Disease Control and Prevention (CDC) to pursue initiatives of common interest to both organizations including educational site visits aimed at lowering the multi-fetal gestation rate. This initiative demonstrated that cooperation between the SART QA committee, SART member clinics and the CDC led to a reduction in the multifetal gestation rate in the United States.

In summary, the aim of the SART QA committee and the SART QA initiatives are to improve reproductive outcomes for those requiring ART in the US. Moreover, the QA Committee is committed to assisting those member clinics that may need assistance to improve outcomes.

Validation

The SART Validation process was altered in the past 3 years to attempt to maximize the accuracy of the submitted data and to ensure that programs are all following the same rules. This is a critical role for the committee since the accuracy of the data is paramount to our mission for presenting IVF cycle success data to the public and for using our database for research endeavors.

Approximately 10 SART IVF programs are chosen for validation annually (after a review of de-identified data) based on criteria selected by the committee in order to identify potential gaps in the clinic’s prospective reporting, cycle submission, or outcome reporting. These criteria have included low
compliance with the prospective reporting requirement (which may result in a failure to capture all IVF cycle starts), excessive cycle deletions, and excessive use or misuse of the fertility preservation classification for cycles. These improper activities result in inflated clinic success rates by eliminating or severely reducing the number of cancelled or failed cycles. Validation visits confirm these systematic reporting errors and the program is then required to remediate their data for that reporting year. The data is removed from the public website until the remediation is complete and a revalidation confirms the elimination of the systematic reporting errors.
Advocacy Day
RESOLVE, together with ASRM, held its annual Advocacy Day on Wednesday, May 23, 2018. ASRM held its Advocacy Academy on May 22. Again, we had approximately 225 Advocates from 30 states and DC visit with their Members of Congress to ask for support of the following: The Women Veterans and Families Health Services Act (S 700 and HR 1681); the Adoption Tax Credit Refundability Act (S 937 and HR 2476); PCOS Awareness Month Resolution; and NICHD Funding. We had a brand-new bill to advocate for as well that is sponsored by Sen. Booker and Rep. DeLauro that calls for insurance coverage for fertility preservation and infertility treatments, including federal plans such as Tricare, VA, and FEHBP. RESOLVE and ASRM worked closely with the bill sponsors to draft the bill. Corporate sponsors for Advocacy Day included Ferring, IntegraMed, Merck, and Shady Grove Fertility.

Federal legislation
RESOLVE continues to be an active member of the Executive Committee of the Adoption Tax Credit Working Group, a group of over 150 adoption organizations from across the country who are working to improve the Adoption Tax Credit. Our biggest accomplishment was saving the ATC which was slated to be eliminated in the first drafts of the Tax Reform bill. Through concerted advocacy, the ATC was not eliminated and remains in the tax code. This was a huge victory for our community.

RESOLVE’s CEO was a panelist at a Congressional Briefing on Women’s Gynecological Health, held May 8, 2018 during Women’s Health Week.

State Legislation
Please visit https://resolve.org/get-involved/advocate-for-access/current-legislation/state-bills/2018-state-advocacy-efforts/ to review the most current list of state bills RESOLVE is tracking or recently tracked.
Since January, RESOLVE has been tracking an unprecedented 59 bills in 28 states, with the following breakdown by issue:

Gestational Carrier Surrogacy: HI, MA, MN, NE, NJ, NY, RI, UT, VT, WA
Insurance Mandates (Fertility Preservation and/or Infertility): AZ, CA, DE, HI, IL, KY, LA, MD, MS, MO, NE, NY, OK, PA, SC, VT, UT
Other: MD, NY, TN

We continue to have a lobbyist in MN and NY to help advance legislation that we support in both states. (Note: for comparison, we tracked 29 bills in 2016 and 47 bills in 2017.)

RESOLVE hosted Advocacy Days in St. Paul, MN and Albany, NY again this year to motivate grassroots advocates in both states and educate lawmakers about our issues.

Maryland passed a fertility preservation insurance bill that was signed into law May 8, and DE and IL are very close to passing FP bills. RESOLVE, along with a coalition of organizations that includes ASRM, Alliance for Fertility Preservation, EMD Serono and Ferring, has been working extremely hard on our IVF and Fertility Preservation insurance bill in New York State. We have had extensive media attention, a very successful Advocacy Day, one-on-one meetings with key lawmakers, and lots of twists and turns due to the politics in Albany. The legislative session ends June 20 and we expect our bill to go right down to the wire. A key development happened in January when Gov. Cuomo announced his agenda for Women and Girls and Insurance coverage for IVF and fertility preservation are key parts of his Agenda.

The Coalition to Protect Parenthood After Cancer (CPPAC) continues to grow however most of the energy has been behind the state legislation listed above.

Arizona passed a groundbreaking law stating that contracts signed by couples doing IVF are meaningless if there is a dispute later concerning what to do with their frozen embryos. RESOLVE is preparing patient education materials for people doing IVF in Arizona on how this new law will impact their family building process.

**Access to Care**

RESOLVE and ASRM worked with a consultant to interview five insurance companies regarding IVF coverage. We had planned on a face-to-face meeting, but that idea was abandoned when insurers were unwilling to discuss their products and coverage with potential competitors in the room. The consultant gave us his report in November 2017. The bottom line message is that insurers are not hearing enough about the need for IVF coverage from their customers – i.e. employers – to make this a priority for them. They welcome a closer collaboration with ASRM and RESOLVE, but currently we need to motivate employees to speak up to their employers, and then have employers dialogue with their insurers.

This leads to an update on our Coverage at Work Initiative, sponsored by ARC Fertility and EMD Serono. RESOLVE gave an oral abstract at the ASRM annual meeting in October on the results of a survey of employees regarding their attitudes toward their employer if they had IVF
coverage or not. RESOLVE turned the results into an Infographic which is available on its website for employees to use in their advocacy with their employer.

RESOLVE will host 8 Walks of Hope between September 2017 and June 2018 in the following locations: Washington, DC, New York City, Denver, CO, Sacramento, CA, Boston, MA, Chicago, IL, Dallas, and Houston, TX. We had approximately 500 people at the Dallas Walk and 700 people at the Houston Walk during April 2018. These two Walks tend to be our largest Walks. In 2017-2018, RESOLVE launched a new online tool for people to use to host their own Do-It-Yourself (DIY) Walk or fundraiser for RESOLVE. We have had a number of DIY Walks in the spring 2018, with one in New Jersey raising $35,000 for RESOLVE!

**National Infertility Awareness Week®:** On April 22-28, 2018, RESOLVE hosted the 29th annual NIAW with the theme “#FlipTheScript”. It was a fantastic week of awareness building with events occurring across the country and a great deal happening on social media. RESOLVE’s NIAW website, [www.infertilityawareness.org](http://www.infertilityawareness.org), was the hub for all things NIAW. RESOLVE and Progyny rang the closing bell on the NASDAQ exchange during NIAW. RESOLVE and its mission was broadcast on all the financial networks and by NASDAQ. It was a thrilling experience! Once again RESOLVE participated in a Twitterchat with ASRM, NICHD, CDC and the Office of Women’s Health at HHS.

**Peer-Led Support Groups:** RESOLVE currently has 297 support groups in 47 states plus DC. RESOLVE has over 800 professionals listed in our online Professional Services Directory, one of the most frequented pages on resolve.org.

RESOLVE launched a brand-new website in September 2017. The new site has a completely updated navigation and showcases RESOLVE as a charitable/mission-driven organization.
Centers for Disease Control and Prevention, Women’s Health and Fertility Branch
Update to the National Coalition for Oversight of Assisted Reproductive Technology
June 4, 2018

National Assisted Reproductive Technology Surveillance System (NASS)
Since 1995, CDC’s Division of Reproductive Health has worked in collaboration with the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technology (SART), and other partners on national surveillance of assisted reproductive technology (ART) use and outcomes. The National ART Surveillance System (NASS) collects data on all ART cycles performed in the United States, as mandated by the Fertility Clinic Success Rate and Certification Act (FCSRCA) of 1992.

- ART Data Collection Modification. CDC continues to improve NASS data collection (www.cdc.gov/ART/NASS) in consultation with partner organizations and other stakeholders. NASS 2.0, initiated in reporting year 2016, included the ability to link all cycles for the same patient and a requirement for prospective reporting, as well as new data elements and variable definitions. CDC now has OMB approval to collect additional information on oocyte donors and to link retrievals and transfers for the same patient if they did not occur in the same clinic. We anticipate that the collection of these new variables will be implemented for ART cycles initiated on or after January 1, 2019.

- ART Data Validation. As in previous years, 34 clinics have been selected for 2016 data validation. Validation visits will be completed by June 2018 and discrepancy rates will be reported in the annual ART Report.

- Annual ART Reports. CDC publishes the ART Fertility Clinic Success Rates Report and the ART National Summary Report to provide consumers with data on U.S. ART clinics. Published data may assist potential ART users with making informed decisions about ART providers and treatments. The reports include national and clinic-specific success rates, such as pregnancy, live-birth, and multiple birth rates per ART cycle and per ART transfer. CDC has revised the clinic tables for reporting year 2017 and will publish information about these changes in a forthcoming Federal Register Notice. The new clinic tables will include cumulative success rates for all patients and new patients and stratifies success rates for transfers using donor eggs or embryos into four mutually exclusive categories: fresh eggs, frozen eggs, frozen embryos, and donated embryos.

- CDC also publishes the ART Surveillance Summary, which includes data on the number of ART cycles and outcomes by state, as well as the state-specific contribution of ART to all births, multiple births, and preterm births. All ART reports are available as PDF documents on the CDC website. Figures from the ART National Summary Report are also available as PowerPoint slides, and data from the ART Fertility Clinic Success Rates Report are available as Excel and interactive clinic tables.


- **ART Open Data Application.** ART open data is an interactive application using data from the National ART Surveillance System to 1) increase the availability and usability of ART surveillance data to enable consumers to interact directly with the reported data and to make informed choices based on current data, 2) allow consumers to search for clinics within a certain locale and interactively assess each clinic’s success rates as compared to that of the national data, and 3) emphasize the measures that promote healthy singletons as the optimal outcome of ART utilization. The application includes filters to present success rates in a more customized consumer-oriented manner. This application aligns with federal mandate for open government data. The application was launched in summer of 2016 and is displayed with the most current data available: [https://www.cdc.gov/ART/ARTdata](https://www.cdc.gov/ART/ARTdata).

- **Quality Assurance Project.** In an effort to reduce ART-related multiple births, CDC is continuing collaboration with SART on a Quality Assurance and Education Project, which involves education of medical directors and personnel of clinics with the highest number and percent of twin or triplet and higher order multiple births and clinics with the highest average number of embryos transferred. This project evolved from conducting in-person visits to communicating by phone to mailing letters. The effectiveness of the first and second years of the project has been evaluated and found to be encouraging; project evaluation will continue as ART outcome data become available.

- **Research Activities.** Scientists from CDC and partner organizations are working on research projects using NASS and other datasets for publication in peer-reviewed journals. The latest publications (since last NCOART meeting) on infertility and ART by CDC authors include:


**The States Monitoring of Assisted Reproductive Technology (SMART) Collaborative**

In 2001, CDC began a collaborative project with the Massachusetts Department of Public Health to explore the possibility of linking ART data with birth certificate and death certificate records. In 2008, this project was expanded to include Florida and Michigan; Connecticut joined the SMART collaborative in 2013. Investigators from CDC, State Health Departments, and academic institutions in Florida, Michigan, and Massachusetts formed the SMART Collaborative to evaluate maternal and infant outcomes of ART. Assessing certain adverse outcomes is feasible after linking ART and vital records (i.e., linked birth / death files, fetal death files), health-care administrative databases, and other disease registries (e.g., hospital discharge, cancer, birth defects).

**Linking National ART Surveillance System (NASS) and National Vital Statistics System (NVSS) to assess maternal and child health outcomes of ART**

CDC’s Division of Reproductive Health and National Center for Health Statistics are collaborating to link two national datasets: NASS and NVSS. Data will be linked using probabilistic linkage methodology developed earlier by SMART Collaborative. To date, the 2014 birth cohort has been linked; linkage of the 2015 is currently under way. To protect confidentiality, data will be linked at CDC’s Research Data Center (RDC).
I. COORDINATION OF MEDICAL/LEGAL SERVICES IN ART AND THIRD PARTY REPRODUCTION

A. ART is a process that has unique elements that span numerous professions. A successful ART program for all participants is the result of the coordinated efforts of medical, legal, and psychological professionals, among others. It is critical that each of these professions facilitate the appropriate and timely involvement of the other related professions.

B. The American Bar Association ART Committee (which is housed under the umbrella of the Family Law Section (“FLS”) of the ABA) believes that express communication between the medical and legal professions about the timely and appropriate interface between them benefits the patient community. The ABA ART Committee supports open discussion about the reasonable and appropriate interface between the medical and legal ART professionals for the benefit of all ART participants.

C. The ABA ART Committee would welcome the opportunity to join with the ASRM Legal Professionals Group to present a workshop at an upcoming ASRM annual meeting to facilitate education about and discussion of this issue.

II. ABA’S EDUCATION AND POLICY-MAKING ROLE FOR ART ATTORNEYS

A. The American Bar Association ART Committee held its semi-annual Committee meetings at the October 2017 and May 2018 CLE conferences. The committee discussed at the meeting that one of the principal goals of the committee was to create a single, unified presence in ART law where attorneys of all experience levels could assemble for the purpose of education, mentoring, referrals, and policy-making. We’ve also committed to expanding our subcommittee work to address a number of increasingly complex issues in ART that call out for leadership and guidance (addressed below).

B. The over 400,000 member ABA clearly has a long history of credibility as the voice of attorneys in virtually all areas of practice. The committee believes that this should be the case for the ART bar, as well. There has recently been no single group or organization where ART attorneys could effectively participate as one, unified entity. There are smaller, regional groups of ART attorneys, and limited-membership groups. Likewise, there is a small but important legal professionals group within the ASRM to serve ASRM’s needs. There is, however, no single, active, all-inclusive legal group that generates substantial participation from all areas of the ART bar, specifically including international ART practitioners. The ABA ART committee provides the focused, all-inclusive presence in the ART legal field for comprehensive legal education and legislative policy-making with a global scope, all with the backing of the world’s largest legal organization, the American Bar Association. As such, we are regularly asked to weigh in on policy matters by the US and state governments, legislators and administrative and other and related entities (e.g., CDC, Health Departments, State Departments) as well as The Hague, The UN, and
international family law organizations (such as the I.A.M.L.) and international bar associations in countries where ART and ART-legal issues are emerging and developing. Because of the growing dependence upon the ABA ART Committee from these other organizations and governments, we are continually working to increase and expand our membership within the US as well as increasing our number of international associate members so as to be of most use in our multi-disciplinary field of ART. Currently we have 406 members spanning the entire country and most regions of the world and we now have three ART attorneys in Family Law Section Council (i.e., board of directors).

III. CURRENT POLICY INITIATIVES

A. Cross-Border ART Issues. The ABA House of Delegates recently approved the ART Committee’s proposed policy papers on two very significant cross-border ART issues.


The Hague Conference began an inquiry in 2010 into whether there ought to be an international convention regulating surrogacy across borders. The ART Committee opposed international regulation governing surrogacy per se and felt that the appropriate focus of an international convention should be on the conflict of law and comity issues that arise in international surrogacy – i.e., cross-border recognition of foreign parentage judgments. This opinion was adopted by the ABA and ratified in February 2016 as a point of direction to the US Department of State (which represents the US at Hague Conference meetings).

ii. Modernizing the Treatment of U.S. Citizenship Acquisition for Children Born Abroad via Assisted Reproductive Technology.

1. When a child is born abroad to a US citizen, citizenship has for decades been determined solely by the egg and the sperm, not by the citizenship of the birth mother or the intended parents. So where an American citizen or citizens build their family through assisted reproduction and a child is born abroad, gaps exist in the US Department of State’s interpretation of naturalization statutes which create barriers for these US citizen intended parents to transmit US citizenship to their children. The ABA ART Committee and the ABA Commission on Immigration prepared a position paper on this issue which was approved and ratified by the ABA House of Delegates in February 2017. As a result, the ABA policy encourages the U.S. Department of State to expand the definition of child for purposes of citizenship acquisition under the INA to include those children born to intended parents, even if those legally recognized parents do not have a biological (genetic or gestational) relationship to the child. This expanded definition should be accompanied by guidelines that ensure the intended parental relationship is valid and that it is demonstrated prior to acquisition of citizenship. This resolution also encourages the State Dept. to provide additional, uniform guidance to
U.S. citizen parents whose children are conceived with ART and born abroad.

B. ABA Model Act Governing Assisted Reproductive Technology Agencies

i. The ABA ART Committee prepared a Model Act Governing ART Agencies which was approved and ratified by the ABA House of Delegates in February 2016. Estimates are that there are somewhere around 200 agencies in the US, not including 3rd party facilitators based in the US and abroad. We currently are developing a task force committee to discuss and investigate where we may be able to get this enacted so that agencies are licensed and regulated.

C. Updating the ABA Model Act Governing Assisted Reproductive Technology

i. The ABA Model Act Governing Assisted Reproductive Technology was passed by the ABA in 2008 after many years of work, debate and lobbying. Some of the language that passed was based on theories and compromises dating back many years that do not reflect current medical, legal and psychological practices, policies and procedures. The ABA ART Committee, therefore, is working on updating the language of the Model Act to address issues where there is or has been a lack of consensus with other organizations (including ASRM). ASRM, through Eleanor Nicoll, ASRM’s Public Affairs Manager, has been actively participating in this ongoing project and has been providing necessary and valuable input at meetings of our Committee’s working group to update the Model Act.

ii. There are a number of updates, but first and foremost, the advancement of marital rights for same-sex couples dictates that the Model Act be amended to remove gender- and sexual-orientation-based references in order to insure equal treatment of those children born through assisted reproduction to same-sex couples.

iii. Second, although the 2008 Model Act sections dealing with parentage were intended, as much as possible, to be consistent with and to track the corresponding provisions of the Uniform Parentage Act of 2000, as amended in 2002, and it contained a mechanism for regulating surrogacy,
   1. only 11 states have adopted the 2002 UPA to date,
   2. only two of those adopted the Article 8 provisions governing surrogacy,
   3. five of them enacted the UPA but created alternative regulatory schemes for surrogacy, and
   4. Several other states (IL, NV, NH, and DC) have enacted surrogacy legislation, which borrowed only minimally from the 2002 UPA and the 2008 Model Act.

iv. This suggests that the substance of both the UPA and Model Act are not necessarily a preferred method of regulating surrogacy arrangements and that those provisions should be updated to make them more consistent with current surrogacy practice.
v. With this background in mind, new defined terms have been added to the current Proposed Model Act and definitions updated throughout to allow for gender-neutral terminology. These updates leave behind the outdated notion that families are only created by two, heterosexual parents, and render the Act equally applicable to children of all individuals building families through ART.

vi. MOST SIGNIFICANT - The original Model Act addressed only gestational surrogacy and we’ve updated the parental establishment provisions for gestational surrogacy while also adding provisions for traditional surrogacy (which has been re-termed “genetic surrogacy” as a replacement for “traditional” surrogacy which is more commonly used but also more vague).

vii. The judicial pre-approval process for gestational surrogacy has been abandoned, and an administrative model based on the existing Illinois Gestational Surrogacy Act, 750 ILCS 47, has been substituted.

viii. Proposed new language substitutes “genetic surrogate” (a surrogate who contributes her own eggs in a surrogacy arrangement) for the more commonly used but vague term “traditional surrogate.” The amendments also contain language specifically addressing genetic (traditional) surrogacy, which include the previous judicial pre-approval process supplemented by requiring a final, post-birth order confirming parentage assuming all parties are still in agreement. If agreement between the parties is lacking, or compliance with the Act is lacking, parentage will be determined in accordance with existing parentage presumptions and procedures. Further, the amendments provide intended parents a right to reimbursement and/or damages if a surrogate breaches the agreement.

ix. We also include a new article addressing full faith and credit – stating: “An establishment of parentage pursuant to Section 705 or 706 of this Act shall be given full faith and credit in another State if the establishment was in a signed Record and otherwise complies with the law of the other State.”

x. The 2017 Model Act seeks to bring current parentage law up to speed with social, legal, and medical advancements, and the 2017 amendments are a necessary step in the right direction in preparing for the future of parentage law.

xi. The ABA ART Committee has finalized its proposed revisions to the ABA Model Act Governing ART, and conducted several working group meetings for other interested Sections of the ABA for their input. This is slated for a vote in August 2018 for approval by the ABA House of Delegates. If passed, this updated Model Act Governing ART will become the new official policy of the ABA on ART, replacing the 2008 Model Act.

IV. CONTINUING LEGAL EDUCATION CONFERENCES
Continuing legal education (“CLE”) is a high-priority for the ABA ART Committee, especially in a field of law dominated by new and emerging issues, new and emerging legislative attempts (both positive and negative legislation), and constantly evolving policies and procedures with regard to, among other things, informed consents, third party assisted reproduction contracts and establishment and protection of parental rights for intended parents. Of all the CLE tracks at the ABA Family Law CLE conferences, the ART Committee continues to be afforded larger blocks of CLE hours. This separate and distinct continuing legal education track is targeted specifically at attorneys practicing assisted reproductive technology law, and we attract attorneys from all over the U.S. and across the globe as both speakers and attendees.

A. **Beaver Creek, CO; October 2017.** The ABA Family Law Section held its fall family law and ART conference in Beaver Creek, CO in October 2017. The ART CLE programs were focused on:

   i. Donor Sibling Registry; Embryo Disposition in the event of death, divorce, relationship dissolution; Insurance for ART and the Affordable Care Act; ART Law in the Western States: CO, KS, MT, NV, UT; Dynamics of Surrogacy Matches; Alternative Dispute Resolution in ART

B. **Nashville, TN; May 2018.** The ABA Family Law Section held its spring conference in Nashville, TN in May 2018. We had more ART programming than at any previous ABA conference. The ART CLE programs focused on:

   i. Working with Translators and Interpreters; International Cross-Border Parentage; European court rulings in surrogacy cases (UK, France, Italy, Germany, Switzerland); Differences between International and Domestic Surrogacy Cases; ART Laws/Issues Returning to: Russia, China, Japan, Hong Kong, Thailand, Nepal, Singapore, Korea, Indonesia; Unique and Difficult Cases (ART M&M Rounds); ART Laws/Issues Returning to: Peru, Brazil, Argentina, Columbia, Uruguay and Paraguay; CDC ART Surveillance Study on Gestational Surrogacy & SART Data Collection on IVF Clinics; Uniform Parentage Act of 2017 / Model Act of 2018; Standards of practice re: HIV in ART Cases.

C. **Upcoming and Ongoing ART CLE**

   1. Tucson, AZ; October 2018. Bad Birth Outcomes, Bad Surrogate Behaviors, Breaches of Contract; Second Parent Adoptions/Step Parent Adoptions in Surrogacy Cases; ART: A Labor of Love (first in a series of advocacy CLE courses); Tri-parenting and ART in the future; ART Attorneys as ATTORNEY and TEACHER to complimentary service providers (agencies, hospitals, vital records offices); Divorce, death, and Relationship Status Changes in Surrogate Relationships;
      a. 

      ii. Dominican Republic, May 1-4, 2019 – syllabus TBD.

      iii. Austin, TX; September 25-28, 2019 – syllabus TBD
iv. **Webinars** –
   1. **June 2017 - International (Canada, UK, Australia);**
   2. **January 2018 – Multiple Surrogate Cycles;**
   3. **June 2018- Posthumous Retrieval, Conception, and Parental & Estate Planning in relation thereto.**

v. The ABA ART Committee continually strives to maintain the highest quality of CLE programs so as to create a permanent, flexible, and frequent education platform for ART attorneys across the country within the Family Law Section of the ABA and for ART attorneys across the globe who counsel their clients coming to the U.S. to engage in their family formation via ART.

vi. It is the goal of the ABA ART Committee to include presenters from many of the participants of NCOART (i.e. - ASRM, SART, FDA, CDC, AATB, etc.) to assist the ABA ART committee in the training and education of ART attorneys so that our CLE conferences may continually address multiple issues across each of the legal, medical, psychological, and government arenas.

vii. **Webinars** –
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    2. **January 2018 – Multiple Surrogate Cycles;**
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V. Publications – ART Committee members increasingly are publishing in scholarly journals, publishing books on domestic and international law, and publishing art law practice guides to meet the increasing demand for literature addressing the growing number of complex issues in ART.

VI. **Future Plans & Projects of the ABA ART Committee**

   A. **Leadership Succession Plan**

   B. **Considering the issues that are evolving in ART-related litigation and/or areas of growing concern for ART attorneys and the ART participants that could be clarified with legislation or policy statements, the ABA ART Committee has developed or is developing a variety of sub-committees:**

   i. International Policy Development / Int’l Relations
   ii. Model Act Governing ART Agencies – getting it enacted somewhere
   iii. Embryo Disposition Guidelines (for clinics, participants, practitioners);
   iv. Model Posthumous Conception Act;
   v. Liaison Committee to collaborate with NAPHSIS - National Association for Public Health Statistics and Information Systems - as they look at creating a Model / Best Practices Guidelines for Vital Records;
   vi. Model Fertility Preservation Act;
vii. Legislative Subcommittee – tracking, teaching, advocacy (and we’d welcome the opportunity to liaise with RESOLVE on this) – many recent examples of positive surrogacy and parentage legislation as well as negative/restrictive personhood initiatives among others;

viii. Judicial Training Resource Guide

ix. Insurance Subcommittee – tracking changes, teaching, advocacy

C. We also welcome any input from the members of NCOART on issues they feel may benefit from further study by the ABA ART Committee.

Updates on Surrogacy Legislation – see Nashville meeting notes

Projects
I. **Donor Screening Recommendations to Reduce the Risk of Transmission of Zika Virus (ZIKV) by HCT/Ps: Guidance for Industry (March 2016, updated May 2018)**

This guidance updates information in the March 2016 guidance by:

1. providing findings from more recent epidemiological studies including impact on public health;
2. reporting new data that informs the potential for transmission of ZIKV;
3. discussing the current status of availability of ZIKV tests;
4. updating sexual contact risk factors;
5. updating when an area is considered to have an increased risk for ZIKV transmission; and,
6. providing additional scientific references.

The recommendations are as follows:

<table>
<thead>
<tr>
<th>Recommendations for Living Donors of HCT/Ps (updated May 2018) in effect</th>
<th>Recommendations for Living Donors of HCT/Ps (March 2016) no longer in effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living donors of HCT/Ps should be considered ineligible if they have any of the following risk factors:</td>
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</tr>
<tr>
<td>1. Medical diagnosis of ZIKV infection in the past 6 months.</td>
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</tr>
<tr>
<td>2. Residence in, or travel to, an area with an increased risk for ZIKV transmission within the past 6 months.</td>
<td>2. Residence in, or travel to, an area with active ZIKV transmission within the past 6 months.</td>
</tr>
<tr>
<td>3. Sex within the past 6 months with a person who has either of the risk factors listed in items 1 or 2, above.</td>
<td>3. Sex within the past 6 months with a male who is known to have either of the risk factors listed in items 1 or 2, above.</td>
</tr>
<tr>
<td>Additionally, donors of umbilical cord blood, placenta, or other gestational tissues should be considered ineligible if the birth mother who seeks to donate gestational tissues has any of the following risk factors:</td>
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</tbody>
</table>
### Recommendations for Non-Heart-Beating (Cadaveric) Donors of HCT/Ps (updated May 2018)

The following non-heart-beating (cadaveric) donors should be considered ineligible:

1. Persons with a medical diagnosis of ZIKV infection in the past 6 months.

### Recommendations for Non-Heart-Beating (Cadaveric) Donors of HCT/Ps (March 2016)

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1. Persons with a medical diagnosis of ZIKV infection in the past 6 months.

### IMPLEMENTATION

FDA recommends that you implement the recommendations in this guidance as soon as feasible, but not later than 4 weeks after the guidance issue date.

A link to the updated Zika virus guidance can be found at:

II. FDA-approved Zika test

On October 5, 2017, FDA-approved the Roche Cobas Zika test, which is a qualitative nucleic acid test for the detection of Zika virus RNA. The test is intended for use in individual donors, including donors of whole blood and blood components. It is also used to screen organ and tissue donors when donor samples are obtained while the donor’s heart is still beating.

FDA has not provided any recommendations for testing donors of HCT/Ps for evidence of ZIKV, and the FDA’s May 2018 Guidance for Industry: Donor Screening Recommendations to Reduce the Risk of Transmission of Zika by Human Cells, Tissues, and Cellular and Tissue-Based Products has not made any changes with regard to testing. Therefore, living donors of HCT/Ps must continue to be determined ineligible if any of the ZIKV risk factors are identified during screening as outlined earlier.

ZIKV is known to persist in certain cells and tissues longer than in blood plasma, so a nonreactive blood plasma NAT does not assure that recovered cells and tissues are not infected with ZIKV. Therefore, if an establishment chooses to perform ZIKV testing of an HCT/P donor, the establishment must consider the results of the test when making the donor eligibility determination. In other words, a donor with a reactive or positive test result is considered ineligible. However, any negative or nonreactive test results obtained would not override any risk factor(s) identified in the March 2016 or updated May 2018 HCT/P ZIKV guidance. For example, if within the past 6 months an oocyte donor has lived in or traveled to an area with increased risk for ZIKV transmission as reflected on CDC’s website for Blood & Tissue Safety (https://www.cdc.gov/zika/areasatrisk.html) that donor is ineligible regardless of any ZIKV testing performed.

III. Steps to use when screening living donors of HCT/Ps:

- Obtain all relevant travel information from the HCT/P donor that covers the risk time period for that type of living donor.


- To evaluate travel in U.S. states, the “Areas of increased risk for Zika Virus transmission through blood or tissue donation in U.S. states” is listed first and continues to be defined at the county level within a state. For the purpose of screening HCT/P donors for risk of ZIKV transmission, do not use other CDC webpages or maps for evaluating ZIKV travel risk in U.S. states.

- To evaluate travel outside of U.S. states, go to “Areas with risk of Zika outside of U.S. states.” Use the link to a world map and reference the table of “Areas with Interrupted Transmission.” Residence in or travel to a country or territory identified on the world map page is considered a risk factor for ZIKV for HCT/P donors. The table of “Areas with Interrupted Transmission” should be used, when applicable.

- The CDC webpage for Blood & Tissue Safety should be monitored frequently for any updates.
1. NIH News

Appropriation: The 2018 appropriation for NIH is $37,311,349,000. The appropriation for NICHD is $1,452,006,000.

In April 2018, NIH launched the HEAL (Helping to End Addiction Long-term) Initiative, an aggressive, trans-agency effort to speed scientific solutions to stem the national opioid public health crisis: https://www.nih.gov/heal-initiative.

All of Us is open for enrollment: https://allofus.nih.gov/.

The ECHO program continues: https://www.nih.gov/echo.

2. NICHD Updates

Dr. Diana Bianchi, NICHD's Director, spoke at the House Appropriations Subcommittee FY2019 Budget Hearing along with Drs. Collins, Fauci (NIAID), Sharpless, (NCI) and Volkow (NIDA). She was asked questions about the trans-NIH proposed project on research in Down syndrome, the Task Force on Research Specific to Pregnant Women and Lactating Women, and maternal mortality. NICHD's Congressional Justification for FY 19 has also been posted.

NICHD is engaging in a strategic planning process. All NIH strategic plans are posted at https://report.nih.gov/strategicplans/.

Emphasis on Inclusion: Drs. Diana Bianchi and Catherine Spong, NICHD's Director and Deputy Director, recently published an analysis of current clinical research studies that documented the vast exclusion of underrepresented populations. https://jamanetwork.com/journals/jama/fullarticle/2667821

Supporting Young Researchers: Moving forward, NICHD's plan is to rebalance its training portfolio by shifting some of its funding from K12 awards to individual K awards. As noted earlier, we will maintain our investment in training awards at 5 to 6 percent of our extramural budget. We still recognize the importance of institutional career development programs and will continue to offer these awards. https://jamanetwork.com/journals/jamapediatrics/fullarticle/2668293

Staff Transitions: Catherine Spong will leave in June to begin a position at the University of Texas-Southwestern in Dallas as Chief of Maternal-Fetal Medicine and Vice-Chair of the Department of Obstetrics and Gynecology.

3. NICHD Workshops/Meetings Related to Fertility and Infertility

- Annual Oncofertility Consortium Conference, November 14-16, 2017 Chicago, IL
- Pre-Meeting (Society for Study of Reproduction): Ovarian Workshop on Ovarian Aging: Underlying Mechanisms and the Role of Environmental Factors, July 9-10, 2018
4. Funding Opportunity Announcements:

- **PAR-16-114**: Spermatogenic Stem Cell Culture Systems to Preserve and Restore Reproductive Capacity in Males (R01) Expiration date: June 6, 2018
- **RFA-HD-19-017**: National Centers for Translational Research in Reproduction and Infertility (P50 Clinical Trial Optional) Expiration Date: June 30, 2018
- **PA-16-088**: Oocyte Mitochondrial Function in Relation to Fertility, Aging, and Mitochondrial Diseases (R01) Expiration date: May 8, 2019
- **PA-18-033**: Characterization of the Adolescent Reproductive Transition (R01) Expiration Date: September 8, 2019
- **PA-17-091**: Fertility Status as a Marker for Overall Health (R01) Expiration Date: May 08, 2020

5. Science Advances

- **Major depression, antidepressant use, and male and female fertility. Evans-Hoeker et al.,**
  Fertility and Sterility 2018 May 17; 109 (5); 879-887.

  The objective of the study was to determine if maternal major depression (MD), antidepressant use, or paternal MD are associated with pregnancy outcomes after non-IVF fertility treatments. Participants of the study were in two randomized trials. The primary outcome of the study was live birth. Secondary outcomes were pregnancy establishment and first-trimester miscarriage. Among women not using an antidepressant, the presence of currently active MD was not associated with poorer fertility outcomes (live birth, miscarriage), but rather was associated with a slightly increased likelihood of pregnancy. Maternal antidepressant use (n = 90) was associated with increased risk of miscarriage, and male partners with currently active MD were less likely to achieve conception.


  The neuropeptide kisspeptin stimulates luteinizing hormone (LH) secretion in healthy adults but not in adults with idiopathic hypogonadotropic hypogonadism. The investigators hypothesized that, in children presenting with delayed or stalled puberty, kisspeptin would elicit LH secretion in those children found on detailed nighttime neuroendocrine profiling to have evidence of emerging reproductive endocrine function. Responses to kisspeptin and GnRH were also measured in 5 healthy men. Of the 15 children with delayed/stalled puberty, 6 exhibited at least one spontaneous LH pulse overnight. Seven subjects had no response to kisspeptin, and one subject exhibited an intermediate response. In the children who responded to kisspeptin, the responses had features comparable to those of adult men. Further follow-up will determine whether responses to kisspeptin predict future pubertal entry for children with delayed puberty.

Hyperandrogenemia is a well-established component of PCOS and is observed in adolescent girls, indicating a potential pubertal onset of disease symptoms. Obesity is often associated with hyperandrogenemia and it is hypothesized that metabolic dysfunction exacerbates PCOS symptoms. Rhesus macaques (Macaca mulatta) were fed either a normal balanced diet (n = 20) or a Western Style Diet (WSD, n = 20). Additionally, implants containing cholesterol (n = 20) or T (n = 20) were implanted subcutaneously to elevate serum T approximately 5-fold. After 3 years of treatment, hormone levels, ovarian structure, and uterine endometrial size was evaluated. Approximately 90% of menstrual cycles appeared ovulatory. Ovarian size at menses tended to be greater in the WSD groups and antral follicles ≥1 mm were more numerous in the T+WSD group.

- **Obesity-exposed oocytes accumulate and transmit damaged mitochondria due to an inability to activate mitophagy.** Boudoures et al., *Dev Biol.* 2017 Jun 01;426 (1):126-138.

Mitochondria are the most prominent organelle in the oocyte. Somatic cells maintain a healthy population of mitochondria by degrading damaged mitochondria via mitophagy, a specialized autophagy pathway. However, mitophagy may not be active in the oocyte, leaving a vast number of mitochondria inherited by the offspring vulnerable to damage. The authors triggered mitophagy pathway in oocytes but the mitochondrial number remained unchanged indicating that the non-functional mitochondrial population was not removed. They further demonstrate that blastocysts generated from HF/HS oocytes have decreased mitochondrial membrane potential. These data suggest that the mechanisms governing oocyte mitophagy are fundamentally distinct from those governing somatic cell mitophagy and that the absence of mitophagy in the setting of HF/HS exposure contributes to the oocyte-to-blastocyst transmission of dysfunctional mitochondria.

- **Fertility Treatment Is Associated with Stay in the Neonatal Intensive Care Unit and Respiratory Support in Late Preterm Infants.** Wang et al., *Journal of Pediatrics* 2017 Aug 1;187: 309-312.

Late preterm births (34-36 weeks of gestation) account for 7% of all deliveries and more than two-thirds of all preterm births in the United States. Compared with term infants, late preterm infants are at increased risk for short-term morbidities, including respiratory distress, hypoglycemia, infection and hyperbilirubinemia. The authors report that late preterm singletons conceived with fertility treatment have increased risk for admission to the NICU and respiratory support compared with spontaneously conceived infants. Fertility treatment may be a risk factor to consider in managing late preterm infants.

6. New Grants


AATB Update for NCOART Meeting, June 4, 2018

From the AATB’s Reproductive Council:

1. Sperm Banking
   a) Zika testing: Lack of validating testing to optimally identify Zika infected sperm donors. The travel questions are neither sensitive nor specific. The AATB Repro Council is working with the CDC liaisons at the Standards Committee who are interested in providing help to address this need, but it’s a long road between the bench science and an FDA approved algorithm. In the meantime, certain banks are promoting the use of a non-validated test. Up to 10% of donors at any given time are being deferred due to travel issues.
   b) Donor and offspring privacy issues: In addition to the issues presented in recent years by social media, DNA and genealogy websites are facilitating identification of donors, often unwillingly, in an unprecedented manner. Additionally, many donor-conceived offspring are learning of their donor conception by partaking in these DNA/ancestry services. CCB has taken steps to ensure that all sperm donors are ID disclosure only (not anonymous any more) when entering the program, ensuring they receive extensive psychological counseling and obtaining good informed consent. It’s nonetheless an issue that we expect to see grow, and some industry recognition, support and education would be beneficial for all parties involved.
   c) Donor traceability - a requirement in certain countries, not in the US. Pertains to the previous issue outlined above.

2. Egg banking
   a) Zika, regulatory challenges as outlined above, with the exception that we suspect that eggs collected through transvaginal aspiration do not have the capacity to transmit ZIKV. We are not aware of any studies being performed to test this hypothesis.
   b) Genealogy and traceability issues as above. Notably, egg donation (on its current scale) hasn’t been around for quite as long as sperm donation, but we expect that the issues relating to privacy will catch up fast. The fragmented nature of the industry presents a different challenge, as many donors come through IVF centers, and are more inclined to repeat donation at different centers, thus traceability may be more challenging as a result.
c) Elective and Donor Egg Freezing: How is storage occurring for frozen eggs as to not jeopardize integrity? Tissue processing methods also vary. What is the basis for the efficacy claims made by clinics offering autologous egg freezing? How do patients vet their clinics prior to investing thousands of dollars and trust future fertility? These are some open question items.

3. All reproductive tissue:

a) Cryostorage: All Fertility Tissue banks are not the same – how to standardize tissue bank approaches. Case examples include the cryogenic storage tank failures or mix ups in donor gametes. There are 0 IVF centers AATB accredited and ReproTech is the only Long-Term Storage. IVF centers storing tissue should consider themselves reproductive tissue banks, however they are not accessing standards such as AATB.

b) Growing globalism of reproductive care: Issues relating to the movement of tissue across borders – sperm, eggs and embryos.

c) Donor registry: There has been no movement on a sperm donor registry, and not tremendous interest from egg banks despite benefits. MDs are concerned with HIPAA / privacy and see these issues at odds with the registry requirements.
The minutes of the June 6, 2016 meeting were accepted as presented.

**Reports and Updates:**

**ASRM:**

**Software**  
ASRM updated several of its software platforms including their Association Management Software, Content Management Software, and are in the process of obtaining a new Learning Management Software. They also added a communities platform where members can come together from certain groups and discuss topics and issues that are important to their mission.

**Continuous Professional Development (Education)**  
Education is the heart of what ASRM does for its members. ASRM is still working on their strategic plan goals and is overhauling their eLearning activities to newer educational pedagogies including continually adding micro-videos to their current library. ASRM has been successful in refreshing their annual meeting and has seen many more collaborative educational presentations as a result. In addition, the livestreaming of the plenary sessions and simultaneous translations of them into Mandarin Chinese and Spanish was very well received. The Simulation Pavilion has allowed nurses and other providers to try out IUIs and US guidance for ET, allow other clinicians to try out embryo transfer, and have a third area for 30-minute simulation training sessions for embryo transfer and IUI. After several training sessions including a hands-on workshop held at ESRE and the results from their in-depth survey of their members by the ASRM Practice Committee ASRM is currently upgrading their simulators and is in the process of creating an embryo transfer curriculum. They also released new practice guidelines in April regarding the number of embryos to transfer.

**Impacting Care**  
ASRM initiated an Access to Care Special Interest Group at the annual Congress. ASRM has established a committee to include individuals from practices around the country that have foundations that provide monetary help or discounted/free IVF cycles to those who cannot afford treatment to put together a best practices document designed to help others start similar foundations.

**Global Outreach**  
Work with the WHO continues in their capacity as an NGO. ASRM and SART are working together to bring the SART CORS Registry to Uganda and Nigeria.
ASRM Public Affairs Office:

FEDERAL ISSUES

VA IVF
Last summer, Congress passed an appropriations bill that included provisions clearing the way for the Veteran’s Administration to provide IVF services to wounded veterans. On January 19 (the last day of the Obama administration) they published the final rule implementing this policy. Since then we have been doing our best to work with VA and their contractors to get this service up and running. Essentially at this point individual IVF providers need to enter into agreements with the VA contractor in their area. There have been several complicating factors, clinics who are part of larger systems may find they face a different set of constraints than freestanding clinics, and communications between IVF providers and the VA contractors have proven challenging. We are trying to assist with the latter, the former appears to be a big lift. At this point we are focused on getting enough IVF facilities to contract with the VA carriers so the benefit is used in a meaningful way, while politically we are advocating for this program to be made permanent.

ACA/AHCA
ASRM has not taken a position on the AHCA. The fate of lifetime caps and the treatment of preexisting conditions will be the key factors to watch for our community.

Trump Budget
President Trump’s proposed budget slashes critical health programs and proposes alarming cuts to several agencies which play an important role for the field of reproductive medicine. Of concern, the budget proposal:

- Requests $69.0 billion for the Department of Health and Human Services, a $15.1 billion (18%) decrease from the 2017 annualized level;
- Reduces the National Institutes of Health’s (NIH) spending relative to the 2017 level by $5.8 billion to a total of $25.9 billion and includes a major reorganization of NIH’s Institutes and Centers;
- Eliminates the Agency for Healthcare Research and Quality;
- Reduces spending for the Centers for Disease Control and Prevention by $1.2 billion to $6.4 billion
- Increases Food and Drug Administration (FDA) medical product user fees to over $2 billion, about $1 billion over the 2017 annualized CR level;
- Prohibits FDA’s use of funds involving the genetic modification of a human embryo.
- Prohibits Planned Parenthood from participating in any program funded through Congress’s annual Labor-HHS appropriations process, which marks the first time an individual health care provider has been singled out for defunding;
- Retains the Hyde Amendment which prevents Medicaid and Medicare recipients from using their health insurance to access safe and legal abortion care (except in limited circumstances);
- Eliminates funding of international family planning programs;
- Maintains a prohibition on the federal funding of embryo research.

On the plus side, the budget proposal:

- Maintains the Department of Veterans Affairs ability to provide IVF services to wounded veterans;
• Creates a new Federal Emergency Response Fund to rapidly respond to public health outbreaks, such as the Zika virus. 
  President Trump also issued a sequestration order requiring that direct spending budgetary resources for fiscal year 2018 in each non-exempt budget account be reduced by an equivalent amount to balance the budget.

STATES

DC and Nevada enact positive changes in surrogacy laws
Passed in December and effective as of April, the District of Columbia has a new surrogacy law, replacing its 20-year-old law which prohibited and criminalized compensated surrogacy. The new law sets out certain requirements for surrogacy participants, including a prior legal agreement, separate counsel for the agreement phase, medical and mental health evaluations and approvals of the surrogate (but not the intended parents), and a joint mental health meeting for all participants. The law allows both gestational and traditional (genetic) surrogacy, however the latter does not permit a pre-birth order to issue but only a parentage order at least 48 hours after birth and with a right to withdraw consent prior to that time, although the impact of such a withdrawal is not completely clear. The law does not require an intended parent be legally married or have a genetic connection to the resulting child. D.C. jurisdiction to issue a parentage order over a surrogacy arrangement is applicable if the intended parents are legal residents or have “actually resided” in the District for the year preceding the filing, or the child is born in the District.

Nevada too saw some changes to its surrogacy statutes. The changes in the law become effective July 1, 2017.

In short, the bill gender neutralized the current voluntary acknowledgment of paternity to include "parentage" to cover ART born children. This change will simplify Nevada’s birth certificate process for ART and 3rd party cases.

In addition, the provides that Petitioners to an adoption do not have to reside in the State of Nevada to adopt in the State of Nevada. Now, all children in Nevada can be adopted in Nevada no matter where the Petitioners reside so long as Nevada they meet any of these criteria:
* The Child is anticipated to be born in Nevada;
* The Child was born in Nevada;
* The Intended Parents reside in Nevada;
* The Intended Parents resided in Nevada when the contract was executed;
* The Gestational Carrier resides in Nevada;
* The Contract was executed in Nevada; or
* The medical procedures were performed in Nevada.

New Jersey expands infertility mandate
New Jersey Governor Chris Christie signed into law legislation (A1447/S1398) improving the existing insurance requirements regarding infertility coverage and expanding who is eligible to receive coverage.

The new statute updates the definition of infertility to “a disease or condition that results in the abnormal function of the reproductive system, as determined pursuant to American Society for Reproductive Medicine practice guidelines or by a physician who is Board Certified or Board Eligible in Reproductive Endocrinology and Infertility or in Obstetrics and Gynecology; or that the patient has met one of the following conditions:
  1. a male is unable to impregnate a female;
2. a female with a male partner and under 35 years of age is unable to conceive after 12 months of unprotected sexual intercourse;
3. a female with a male partner and 35 years of age and over is unable to conceive after six months of unprotected sexual intercourse;
4. a female without a male partner and under 35 years of age who is unable to conceive after 12 failed attempts of intrauterine insemination under medical supervision;
5. a female without a male partner and over 35 years of age who is unable to conceive after six failed attempts of intrauterine insemination under medical supervision;
6. partners are unable to conceive as a result of involuntary medical sterility;
7. a person is unable to carry a pregnancy to live birth; or
8. a previous determination of infertility pursuant to the law.

These important changes mean not only that the new law comports with the medical definition of infertility, but that women with same sex partners and women without partners can now qualify for infertility coverage.

Texas embryo donation
Texas appears to be on the verge of passing a bill to promote embryo donation. As of this writing the bill has passed both chambers and is expected to be signed into law. The bill establishes a state-funded program to promote the use of donated embryos for family building. After some changes (mostly not using the word “adoption” we agreed not to oppose the bill.

ASRM ADVOCACY ACADEMY
Last month we held our 2nd Advocacy Academy followed by partnering with RESOLVE on their Advocacy Day. This allowed for a half day training on topics on things like an in depth dive into personhood and working in coalitions for those who wanted a chance to maximize their training time, while still having a full day of visits to Congressional offices.

SART:

SART Validation Efforts – 2016 and 2017

Medical registries are valuable assets with tremendous potential to improve the delivery of healthcare. Registries are useful for clinical, quality assurance, scientific and policy purposes. The broad definition of patient registry includes datasets of varying quality. The value of a registry is directly dependent on data quality. Because of this fact, data quality assurance programs are essential. These programs need to be implemented locally (at participating clinics) as well as centrally. One of the keys to good quality data for an ART registry with “public success reports” is on-site validation visits with inspection of medical and laboratory records. CDC and SART initially planned and conducted these visits together. Between 2004 and 2013 SART conducted these visits in conjunction with CDC’s registry vendor Westat. This contractual relationship between CDC and SART was terminated in 2013. That year, the SART Executive Council approved internal funding to continue validation visits.

Because of the availability of mandated public clinic specific success reports, many patients choose clinics by inferring program quality from these reports. Unfortunately, it is difficult or impossible to infer program quality except in unusual cases of low success rates or high multiple pregnancy rates. It has
been known for many years that some clinics had adopted clinical strategies in poor prognosis patients that led to inflated success reports. One strategy employed was the intended cryopreservation of all embryos in poor prognosis patients for the purpose of embryo accumulation over multiple stimulation cycles, pre-implantation genetic screening (PGS) or both. These clinics had a large discrepancy between the number of ART cycles performed and the number of cycles that were contained within the success report. All births are contained in the success reports – thus these clinics had success rates that were inflated relative to other clinics that did not pursue this type of strategy. It has been documented that the clinics that engaged in this strategy had increases in cycle number far outpacing the national rate. In October 2012, SART came up with a plan to “recapture” these “hidden” cycles. This plan was discussed with the CDC and SART began implementation in 2014. It became apparent that some clinics were likely misclassifying cycles with continued inflation of success rates. Careful review of a spreadsheet of anonymized clinics also demonstrated that some clinics had outlier “high” success rates in conjunction with no prospective reporting of cycles.

SART developed a formal standard operating procedure for Data Quality Remediation in 2016 to correct clinic reports with significant errors found after the finalization deadline.

SART conducted validation visits in late 2016 based on application of “validation trigger” criteria. 10 clinics were selected and 9 on-site visits were performed. Systematic reporting errors were found in nearly all clinics visited that were felt to result in significant inflation of the success reports. Clinics were informed of the findings and allowed the opportunity to correct their reports. Success rates were removed from the SART website until the data was corrected and a repeat validation inspection confirmed the accuracy of the corrections.

It should not be assumed that the standard operating procedures now in place would prevent a clinic from reporting in such a way that would inflate success rates. We can only validate what has been reported. It would be possible to not report cycles in patients that are predicted to have a poor prognosis. SART will launch a mobile patient app in the next few months that will make it more difficult for a clinic to apply this type of non-reporting strategy.

**SART Registry**

During the past year, the SART Registry committee’s activity has focused on educating members and the public about the new Clinic Specific Report (CSR), educating center directors on cycle reporting requirements and errors, and enhancing the data collection fields in SART CORS.

**Clinic Specific Report**

Educational efforts to showcase features of the new CSR have included several presentations at regional and national meetings. A short video entitled Understanding the SART Clinic Report was produced by ASRM and is available to the public on the SART web site.

We continue to solicit feedback from users and continuous review of this feedback has led to improvements in the CSR such as:

- Revisions of hover text to improve clarity of definitions
- Reporting the number of fertility preservation cycles that had egg thaws or embryo thaws within one year of the egg retrieval.
Addition of an option to print a PDF of the CSR with or without the application of filters.

Changes anticipated for 2018:

- When filters are selected, the selected filters will be displayed on the result page.
- Outcomes of all frozen embryo thaw cycles will be displayed as live birth per thaw procedure. The outcomes of cycles involving thawed embryos generated from donor eggs or donated embryos are currently displayed as live birth rate per recipient start. Outcomes of cycles using thawed embryos from autologous oocytes are currently reported as live birth per thaw procedure.

Accurate Cycle Reporting Campaign:

The changes in the CSR were implemented to capture the outcome of all cycles initiated for patients intending to use their eggs/embryos to attempt to achieve pregnancy within one year of the egg retrieval. Cycles initiated for patients who did not intend to use their eggs/embryos for at least one year should be classified as Fertility Preservation cycles. After the preliminary 2014 CSR was released it was apparent that some cycles were misclassified as fertility preservation cycles. Recognizing a need to educate centers about the importance of proper cycle classification and prospective cycle reported, SART initiated an educational campaign with report cards that were delivered to center directors. The report cards included the center’s rates and national rates for each cycle reporting quality measure:

<table>
<thead>
<tr>
<th>Reporting Year: 2014</th>
<th>Your Clinic</th>
<th>Mean</th>
<th>Median</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Cycles Prospectively Reported</td>
<td>xx %</td>
<td>44.4%</td>
<td>52.1%</td>
<td>0 – 100%</td>
</tr>
<tr>
<td>% Autologous Cycles Classified as Fertility Preservation Cycles with Embryo Banking</td>
<td>xx%</td>
<td>2.4%</td>
<td>0.7%</td>
<td>0 – 33%</td>
</tr>
<tr>
<td>% of Cycles Submitted as Fertility Preservation Cycles with embryo banking but embryo transfer occurred &lt;12 months of egg retrieval</td>
<td>xx%</td>
<td>16.1%</td>
<td>0%</td>
<td>0 – 100%</td>
</tr>
<tr>
<td>% of Deleted Cycles</td>
<td>xx%</td>
<td>5.1%</td>
<td>3.6%</td>
<td>0 – 90.6%</td>
</tr>
</tbody>
</table>

These performance measures will soon be available to members via the Quality Assurance portal in SART CORS. Additionally, the prospective reporting rate will be provided to the public when the 2016
preliminary report is released next year. We anticipate that our educational efforts will improve the accuracy of cycle classification and reduce the percentage of cycles that are not prospectively reported.

SART CORS update  
The data collection fields in SART CORS have been expanded to comply with the CDC’s reporting requirements and to capture several newer aspects of the assisted reproductive care. The new version of SART CORS is scheduled to be released by early June. The registry committee is planning on hosting a webinar to review proper cycle and data submission.

Resolve:  

Advocacy Day  
RESOLVE held its annual Advocacy Day on Thursday, May 18, 2017. This year we partnered with ASRM and they held their Advocacy Academy on May 17. We had close to 225 Advocates from 30 states and DC visit 166 scheduled meetings with their Members of Congress to ask for support of the following: the Women Veterans and Families Health Services Act (S 700 and HR 1681), and the Adoption Tax Credit Refundability Act (S 937 and HR 2476). We also asked members to oppose Personhood bills – two bills in the House (HR 586 and 681) and one in the Senate (S 231). Corporate sponsors for Advocacy Day included ARC Fertility, EMD Serono, Ferring, IntegraMed, Merck, and Shady Grove Fertility. Due to the partnership with ASRM, many of the ASRM leadership attended as well as many professionals. We were honored to have ASRM President-Elect Dr. Christos Coutifaris address the advocates.

We had a fantastic Keynote speaker in Rep. Tim Walz (D-MN) who is an IVF dad, as he shared his thanks to RESOLVE and our advocates for our work in allowing him to access care and have his family. It was very moving. Rep. Walz is the highest ranking Democrat on the House Veterans Affairs Committee.

During Advocacy Day RESOLVE launched an update to its Fertility Scorecard, sponsored by EMD Serono, which gives a grade of A through F to each state for its fertility friendliness. Major media picked up the release and ran stories.

Ongoing work with Federal legislation  
RESOLVE continues to be an active member of the Executive Committee of the Adoption Tax Credit Working Group, a group of over 150 adoption organizations from across the country who are working to improve the Adoption Tax Credit.

In January RESOLVE retained a lobbying firm that is helping to identify areas that we can focus on to expand access to care that Congress has a direct say in expanding. We are exploring legislation to include IVF coverage in the TRICARE benefits package.
**State Legislation**

Please visit [http://resolve.org/get-involved/state-legislation.html](http://resolve.org/get-involved/state-legislation.html) to review the most current list of state bills RESOLVE is tracking or recently tracked.

Since January 2017 RESOLVE has been tracking and either fighting or supporting 47 bills in the following states: AR, CA, CT, DC, HI, IL, IN, IA, KS, KY, MD, MN, MS, MO, MT, NJ, NY, NC, OR, PA, RI, SC, TN, TX and WA. RESOLVE assisted with testimony at hearings or provided letters to key committees in AR, CT, DC, HI, KY, MD, MN, MS, MT, NJ, NY, OR, and TN. We continue to have a lobbyist in MN and NY to help advance legislation that we support in both states. (Note: for comparison, we tracked 29 bills in 2016 and 47 bills in 2017.)

RESOLVE hosted Advocacy Days in St. Paul, MN and Albany, NY again this year to motivate grassroots advocates in both states and educate lawmakers about our issues.

We saw several fertility preservation insurance mandate bills this year including bills in CA, CT, HI, KY, MD, and NY.

And we are so proud to report we had some victories! DC passed a new law that went into effect April 7, 2017 that legalizes compensated gestational surrogacy; NJ passed a law updating its IVF insurance mandate that will bring access to IVF to 400,000 more residents of New Jersey; and it appears that CT may have passed the first fertility preservation bill in the country. Also the NY bill to add IVF to the insurance mandate has passed a key committee in the Assembly, and a bill to legalize gestational surrogacy in NY passed a key committee in the Senate. It feels weird – but good – to have some wins for once!

Our new coalition to support fertility preservation insurance is finding its footing with a new website and more supporters: the Coalition to Protect Parenthood After Cancer (CPPAC).

RESOLVE is part of a new group of organizations that are working together to fight state bills that are focused on restricting the LGBTQ community from becoming adoptive parents. Five bills were introduced this year, an alarming trend. The group issued a statement which can be found here: [http://www.nacac.org/Child-Welfare-Leaders-Position-Statement-LGBTQ-Equality.pdf](http://www.nacac.org/Child-Welfare-Leaders-Position-Statement-LGBTQ-Equality.pdf)

**Access to Care**

RESOLVE continues to work with ASRM on outreach to insurance companies regarding IVF coverage. A hoped for face-to-face meeting has now changed to one-on-one conversations with insurers as they were unwilling to discuss their products and coverage with potential competitors in the room.

In 2016 RESOLVE launched its Coverage at Work Initiative, sponsored by ARC Fertility and EMD Serono. This includes a toolkit that employees can give to their employers and advocate for insurance coverage for IVF. So far employers have added coverage impacting 77,000 people.
RESOLVE will host 9 Walks of Hope between September 2016 and June 2017 in the following locations: Washington, DC, New York City, Denver, CO, Sacramento, CA, Boston, MA, Chicago, IL, San Diego, CA, Dallas, and Houston, TX.

**National Infertility Awareness Week®:** On April 23-29, 2017 RESOLVE hosted the 28th annual NIAW with the theme “#ListenUp”. We were thrilled to partner with USA Today as our official media partner, and a front page (above the fold) story on April 24 about infertility. And yes, they mentioned RESOLVE 3 times on the front page! USA Today followed 3 couples on their family building journey and showcased them in the print paper, on their website, and through video clips. The stories garnered tremendous exposure and the team at USA Today was thrilled with the coverage and partnership.

RESOLVE launched the first-ever stand-alone website for NIAW: [www.infertilityawareness.org](http://www.infertilityawareness.org). We are excited about this new website as it will serve as a hub for awareness all year long. It’s a beautiful, easy to navigate site where we can easily showcase everything related to NIAW.

Overall the theme was fantastic as events were held across the country. Once again RESOLVE participated in a Twitterchat with ASRM, NICHD, CDC and the Office of Women’s Health at HHS.

**Peer-Led Support Groups:** RESOLVE currently has 250 support groups in 47 states plus DC. RESOLVE has over 800 professionals listed in our online Professional Services Directory, one of the most frequented pages on resolve.org.
CDC: National Assisted Reproductive Technology Surveillance System (NASS)

Since 1995, CDC’s Division of Reproductive Health has worked in collaboration with the American Society for Reproductive Medicine (ASRM), the Society for Assisted Reproductive Technology (SART), and other partners on national surveillance of assisted reproductive technology (ART) use and outcomes. The National ART Surveillance System (NASS) collects data on all ART cycles performed in the United States, as mandated by the Fertility Clinic Success Rate and Certification Act (FCSRCA) of 1992.

- **ART Data Collection Modification.** To catch up with rapidly changing ART practice, CDC consulted with partner organizations and other stakeholders to implement major improvements to NASS (www.cdc.gov/ART/NASS). NASS 2.0 includes ability to link all cycles for the same patient, requirement for prospective reporting, addition of new data elements (e.g., more details on male factor infertility, paternal age, etc.), revised definitions (e.g., diminished ovarian reserve, OHSS, etc.). NASS 2.0 has been implemented starting with reporting year 2016. In 2016 and 2017, CDC continued to improve data collection system, clarifying and modifying definitions, i.e. gestational carrier, minimal stimulation protocol, cigarette smoking. In addition, CDC is in the process of obtaining approval from OMB for collecting additional information on oocyte donors and ability to link retrievals and transfers for the same patient if they did not occur in the same clinic. Upon approval, the revised data collection will be implemented for ART cycles initiated on or after January 1, 2018.

- **ART Data Validation.** As in previous years, 35 clinics have been selected for 2015 data validation. Validation visits will be completed by June 2017 and discrepancy rates will be reported in the annual ART Report.

- **Annual ART Reports.** CDC publishes the ART Fertility Clinic Success Rates Report and the ART National Summary Report to provide consumers with data on U.S. ART clinics. Published data may assist potential ART users with making informed decisions about ART providers and treatments. The reports include national and clinic-specific success rates, such as pregnancy, live-birth, and multiple birth rates per ART cycle and per ART transfer. In addition, CDC publishes the ART Surveillance Summary which includes data on the number of ART cycles and outcomes by state, as well as the state-specific contribution of ART to all births, multiple births, and preterm births. All ART reports are available as PDF documents on the CDC website. Figures from the ART National Summary Report are also available as PowerPoint slides, and data from the ART Fertility Clinic Success Rates Report also are available as Excel and interactive clinic tables.


**ART Open Data Application.** ART open data is an interactive application using data from the National ART Surveillance System to 1) increase the availability and usability of ART surveillance data to enable consumers to interact directly with the reported data and to make informed choices based on current data, 2) allow consumers to search for clinics within a certain locale and interactively assess each clinic’s success rates as compared to that of the national data, and 3) emphasize the measures that promote healthy singletons as the optimal outcome of ART utilization. The application includes filters to present success rates in a more customized consumer-oriented manner. This application aligns with federal mandate for open government data. The application was launched in summer of 2016 and is displayed with the most current data available: [https://www.cdc.gov/ART/ARTdata](https://www.cdc.gov/ART/ARTdata).

**Quality Assurance Project.** In an effort to reduce ART-related multiple births, CDC is continuing collaboration with SART on a Quality Assurance and Education Project, which involves education of medical directors and personnel of clinics with the highest number and percent of twin or triplet and higher order multiple births and clinics with the highest average number of embryos transferred. This project evolved from conducting in-person visits to communicating by phone to mailing letters. The effectiveness of the first and second years of the project has been evaluated and found to be encouraging; project evaluation will continue as ART outcome data become available.

**Patient Education.** In collaboration with SART, CDC published and distributed patient education handouts, “Having Healthy Babies, One at a Time” to all ART clinics to promote the use of elective single embryo transfer (eSET) in ART patients with good prognosis to reduce twin rates. These handouts are now available also in Spanish and Chinese and can be downloaded from CDC’s ART website: [www.cdc.gov/ART](http://www.cdc.gov/ART).

**Research Activities.** Scientists from CDC and partner organizations are working on research projects using NASS and other datasets for publication in peer-reviewed journals. The latest publications (since last NCOART meeting) on infertility and ART by CDC authors include:


The States Monitoring of Assisted Reproductive Technology (SMART) Collaborative

In 2001, CDC began a collaborative project with the Massachusetts Department of Public Health to explore the possibility of linking ART data with birth certificate and death certificate records. In 2008, this project was expanded to include Florida and Michigan; Connecticut joined the SMART collaborative in 2013. Investigators from CDC, State Health Departments, and academic institutions in Florida, Michigan, and Massachusetts formed the SMART Collaborative to evaluate maternal and infant outcomes of ART. Assessing certain adverse outcomes is feasible after linking ART and vital records (i.e., linked birth / death files, fetal death files), health-care administrative databases, and other disease registries (e.g., hospital discharge, cancer, birth defects).

Linking National ART Surveillance System (NASS) and National Vital Statistics System (NVSS) to assess maternal and child health outcomes of ART

CDC’s Division of Reproductive Health and National Center for Health Statistics are collaborating to link two national datasets: NASS and NVSS. Data will be linked using probabilistic linkage methodology developed earlier by SMART Collaborative. During the first year, 2014 births will be linked. To protect confidentiality, data will be linked at CDC’s Research Data Center (RDC).

Path2Parenthood:

Highlights since the last meeting:
35 outreach events:
o Gay Women’s Gatherings
o Family For All
o Pride Festivals
o Wedding Expos
A well-curated blog, featuring our Program Director and guest bloggers http://www.path2parenthood.org/blog
o Wide-ranging, meaningful topics, with one – two new blogs per week,
including:
▪ No Jews Allowed
▪ An Egg and a Sperm Walk Into a Lab
▪ Why I Marched - Quotes from our Community

www.path2parenthood.org/blog/podcast-why-you-should-break-up-with-yourgynecologist

Working with EMD Serono to produce “As One For Patients,” which follows the story of a couple struggling with infertility.

Partnered with Family Equality Council to provide LGBTQ family creation content and outreach.

Created a coalition of physicians, researchers, and activists to advance awareness about coal waste toxicity and its effects on fertility, maternal and fetal health, and infant health.

Hosted a Google Hangout a few days after the election to answer legal questions about how to protect LGBTQ couples and families in the current environment.

Creating an Onco-Fertility handbook to add to our current library: http://
www.path2parenthood.org/library

Three Illuminations Galas: Los Angeles (April 2017 - honored GloZell Green and Dr. David Adamson); Chicago (9 September 2017 aboard the ship Odyssey); New York City (9 November 2017 at Liberty Warehouse in Brooklyn)

ABA:

I. COORDINATION OF MEDICAL/LEGAL SERVICES IN A.R.T. AND THIRD PARTY REPRODUCTION
A. A.R.T. is a process that has unique elements that span numerous professions. A successful A.R.T. program for all participants is the result of the coordinated efforts of medical, legal, and psychological professionals, among others. It is critical that each of these professions facilitate the appropriate and timely involvement of the other related professions.

B. The American Bar Association A.R.T. Committee (which is housed under the umbrella of the Family Law Section (“FLS”) of the ABA) believes that express communication between the medical and legal professions about the timely and appropriate interface between them benefits the patient community. The ABA ART Committee supports open discussion about the reasonable and appropriate interface between the medical and legal A.R.T. professionals for the benefit of all A.R.T. participants.

C. The ABA ART Committee would welcome the opportunity to join with the ASRM Legal Professionals Group to present a workshop at an upcoming ASRM annual meeting to facilitate education about and discussion of this issue.

II. ABA’S EDUCATION AND POLICY-MAKING ROLE FOR A.R.T. ATTORNEYS
A. The American Bar Association A.R.T. Committee held its semi-annual Committee meetings at the October 2016 and May 2017 CLE conferences. The committee discussed at the meeting that one of the
principle goals of the committee was to create a single, unified presence in A.R.T. law where attorneys of all experience levels could assemble for the purpose of education, mentoring, referrals, and policy-making.

B. The over 400,000 member ABA clearly has a long history of credibility as the voice of attorneys in virtually all areas of practice. The committee believes that this should be the case for the A.R.T. bar, as well. There has recently been no single group or organization where A.R.T. attorneys could effectively participate as one, unified entity. There are smaller, regional groups of A.R.T. attorneys, and limited-membership groups. Likewise, there is a small but important legal professionals group within the ASRM to serve ASRM’s needs. There is, however, no single, active, all-inclusive legal group that generates substantial participation from all areas of the A.R.T. bar, specifically including international A.R.T. practitioners. The ABA A.R.T. committee provides the focused, all-inclusive presence in the A.R.T. legal field for comprehensive legal education and legislative policy-making with a global scope, all with the backing of the world’s largest legal organization, the American Bar Association. As such, we are regularly asked to weigh in on policy matters by the US and state governments, legislators and administrative and other related entities (e.g., CDC, Health Departments, State Departments) as well as The Hague, The UN, and international family law organizations (such as the I.A.M.L.) and international bar associations in countries where ART and ART-legal issues are emerging and developing. Because of the growing dependence upon the ABA ART Committee from these other organizations and governments, we are continually working to increase and expand our membership within the US as well as increasing our number of international associate members so as to be of most use in our multi-disciplinary field of A.R.T.

III. CURRENT POLICY INITIATIVES
A. Cross-Border A.R.T. Issues. The ABA House of Delegates recently approved the ART Committee’s proposed policy papers on two very significant cross border ART issues.

The Hague Conference began an inquiry in 2010 into whether there ought to be an international convention regulating surrogacy per se and felt that the appropriate focus of an international convention should be on the conflict of law and comity issues that arise in international surrogacy – i.e., cross-border recognition of foreign parentage judgments. This opinion was adopted by the ABA and ratified in February 2016 as a point of direction to the US Department of State (which represents the US at Hague Conference meetings).

ii. Modernizing the Treatment of U.S. Citizenship Acquisition for Children Born Abroad via Assisted Reproductive Technology.
1. When a child is born abroad to a US citizen, citizenship has for decades been determined solely by the egg and the sperm, not by the citizenship of the birth mother or the intended parents. So where an American citizen or citizens build their family through assisted reproduction and a child is born abroad, gaps exist in the US Department of State’s interpretation of naturalization statutes which create barriers for these US citizen intended parents to transmit US citizenship to their children. The ABA ART Committee and the ABA Commission on Immigration prepared a position paper on this issue which was approved and ratified by the ABA House of Delegates in February 2017. As a result, the ABA policy encourages the U.S. Department of State to expand the definition of child for purposes of citizenship acquisition under the INA to include those children born to intended parents, even if those legally recognized parents do not have a biological (genetic or gestational) relationship to the child. This expanded definition should be accompanied by guidelines that ensure the intended parental relationship is valid and that it is demonstrated prior to acquisition of citizenship. This resolution also encourages the State Dept. to
provide additional, uniform guidance to U.S. citizen parents whose children are conceived with ART and born abroad.

B. ABA Model Act Governing Assisted Reproductive Technology Agencies
   i. The ABA ART Committee prepared a Model Act Governing ART Agencies which was approved and ratified by the ABA House of Delegates in February 2016.

C. Updating the ABA Model Act Governing Assisted Reproductive Technology
   i. The ABA Model Act Governing Assisted Reproductive Technology was passed by the ABA in 2008 after many years of work, debate and lobbying. Some of the language that passed was based on theories and compromises dating back many years that do not reflect current medical, legal and psychological practices, policies and procedures. The ABA A.R.T. Committee, therefore, is working on updating the language of the Model Act to address issues where there is or has been a lack of consensus with other organizations (including ASRM). ASRM, through Eleanor Nicoll, ASRM’s Public Affairs Manager, has been actively participating in this ongoing project and has been providing necessary and valuable input at meetings of our Committee’s working group to update the Model Act. Our work in this regard is still in progress.
   ii. The ABA A.R.T. Committee has finalized its proposed revisions to the ABA Model Act Governing A.R.T. and will be conducting working group meetings for other interested Sections of the ABA this summer for their input. Input regarding the desirability and content of any such modifications and/or additions will certainly be solicited from all of the stakeholders in the A.R.T. field, specifically including any of NCOART desiring to comment. Any revisions to the proposed updated Model Act Governing ART will be finalized by September 2017 for approval by the Family Law Section of the ABA in October and then ABA House of Delegates Approval in February 2018.

IV. CONTINUING LEGAL EDUCATION CONFERENCES
Continuing legal education (“CLE”) is a high-priority for the ABA A.R.T. Committee, especially in a field of law dominated by new and emerging issues, new and emerging legislative attempts (both positive and negative legislation), and constantly evolving policies and procedures with regard to, among other things, informed consents, third party assisted reproduction contracts and establishment and protection of parental rights for intended parents. Of all the CLE tracks at the ABA Family Law CLE conferences, the A.R.T. Committee continues to be afforded larger blocks of CLE hours. This separate and distinct continuing legal education track is targeted specifically at attorneys practicing assisted reproductive technology law, and we attract attorneys from all over the U.S. and across the globe as both speakers and attendees.

A. Quebec City, Quebec (Canada); October 2016. The ABA Family Law Section held its fall conference in Quebec City in October 2016. The A.R.T. CLE programs were focused on:
   i. The ASRM 2015 Guidelines; Medical Decision Making During Surrogate Pregnancy; Best Practices for Surrogacy and Donor Escrow Management; Relationship Changes during a Surrogacy (for the IPs or Surrogate); Hot Topics in Egg, Sperm and Embryo Donation; ART in “The Commonwealth” Countries.

B. Savannah, GA; May 2017. The ABA Family Law Section held its spring conference in Savannah, GA in May 2017. The A.R.T. CLE programs focused on:
   i. Infectious and Communicable Diseases in ART; ART Law in the Southern States (AL, MS, AR, FL, KY, TN, SC, NC, GA); Vital Records / Birth Certificate issues in ART; Legislative and Case Law Updates; Transgender Parenting Issues in ART and Family Law in general.

C. Upcoming and Ongoing A.R.T. CLE
   i. Beaver Creek, CO; October 2017.
      1. Quebec City: Among other topics,
         a. Donor Sibling Registry
b. Embryo Disposition in the event of death, divorce, relationship dissolution

c. Insurance for ART and the Affordable Care Act

d. ART Law in the Western States: CO, KS, MT, NV, UT

e. Dynamics of Surrogacy Matches

f. Alternative Dispute Resolution in ART

ii. Nashville, May 9-12, 2018 – syllabus has yet to be finalized but it appears it will focus on International issues, including South America, Asia, the basics of International ART cases, and a presentation by CDC representatives on their gestational surrogacy study.

iii. The ABA A.R.T. Committee continually strives to maintain the highest quality of CLE programs so as to create a permanent, flexible, and frequent education platform for A.R.T. attorneys across the country within the Family Law Section of the ABA and for A.R.T. attorneys across the globe who counsel their clients coming to the U.S. to engage in their family formation via A.R.T.

iv. It is the goal of the ABA A.R.T. Committee to include presenters from many of the participants of NCOART (i.e. - ASRM, SART, FDA, CDC, AATB, etc.) to assist the ABA A.R.T. committee in the training and education of A.R.T. attorneys so that our CLE conferences may continually address multiple issues across each of the legal, medical, psychological, and government arenas.

V. FUTURE PROJECTS OF THE ABA ART COMMITTEE

A. Considering the issues that are evolving in ART-related litigation and/or areas of growing concern for ART attorneys and the ART participants that could be clarified with legislation or policy statements, the ABA ART Committee is considering establishing sub-committees to look into developing, among other things: Embryo Disposition Guidelines (for clinics, participants, practitioners); a Model Posthumous Conception Act; updates to the Model State Vital Statistics Act to address ART issues.

B. We also welcome any input from NCOART on issues they feel may benefit from further study by the ABA ART Committee.

NICHD:

1. NIH Leadership (http://www.cnbc.com/2017/03/30/francis-collins-as-far-as-im-able-to-see-im.nih-director.html)
"I've been here since January, and that seems to be working out," Collins said in an interview with CNBC. "Obviously, nobody who works for the government is assured that this is a permanent position, but I'm assuming right now that as far as I'm able to see I'm the NIH director."

2. NICHD Leadership (https://www.nichd.nih.gov/about/profiles/leadership/Pages/director.aspx)
Diana W. Bianchi, M.D., was named NICHD Director on August 25, 2016. Dr. Bianchi received her B.A. magna cum laude from the University of Pennsylvania and her M.D. from Stanford University School of Medicine. She completed her residency training in Pediatrics at the Children’s Hospital, Boston and her postdoctoral fellowship training in Medical Genetics and Neonatal-Perinatal Medicine, both at Harvard. She is board-certified in all three specialties and is a practicing medical geneticist with special expertise in reproductive genetics. Dr. Bianchi’s translational research focuses on two broad themes: prenatal genomics with the goal of advancing noninvasive prenatal DNA screening and diagnosis, and investigating the fetal transcriptome to develop new therapies for genetic disorders that can be given prenatally.

3. NICHD Infertility and Fertility Research Goals (https://www.nichd.nih.gov/health/topics/infertility/researchinfo/Pages/goals.aspx)
Addressing issues related to infertility in both men and women is a central part of the NICHD mission. The Institute conducts and supports research on various aspects of infertility, including:

- Causes of infertility
- Therapies for treating infertility
- Demographics of infertility and its treatments
- Economic impact of infertility and its treatments
- Conditions and disorders that cause, contribute to, or are associated with infertility
- Fertility as a sign of overall health

4. **Fertility and Infertility Branch: High Program Priority Areas**
   ([https://www.nichd.nih.gov/about/org/der/branches/fi/Pages/overview.aspx](https://www.nichd.nih.gov/about/org/der/branches/fi/Pages/overview.aspx))
   - Early Pregnancy Loss
   - Epigenomic and Reproduction
   - Fertility Status as a Marker of Health
   - Genetic Basis of Idiopathic Infertility
   - Metabolism, Nutrition, and Reproduction
   - Reproductive Transitions
   - Technology and Models for Infertility and Fertility Preservation

4. **NICHD Workshops/Meetings Related to Fertility and Infertility**
   - Annual Oncofertility Consortium Conference, November 14-16, 2017. Chicago, IL

5. **Funding Opportunity Announcements:**
   - [PAR-16-114](https://www.nichd.nih.gov/funding/opportunities/PAR-16-114): Spermatogenic Stem Cell Culture Systems to Preserve and Restore Reproductive Capacity in Males (R01); Expiration date: June 6, 2018
   - [PAR-16-366](https://www.nichd.nih.gov/funding/opportunities/PAR-16-366): Dual Purpose with Dual Benefit: Research in Biomedicine and Agriculture using Agriculturally-Important Domestic Animal Species (R01); Expiration Date: September 28, 2018
   - [PA-16-087](https://www.nichd.nih.gov/funding/opportunities/PA-16-087): Oocyte Mitochondrial Function in Relation to Fertility, Aging, and Mitochondrial Diseases (R21) Expiration date: May 2019; also [PA-16-088](https://www.nichd.nih.gov/funding/opportunities/PA-16-088) (R01)
   - [PA-16-314](https://www.nichd.nih.gov/funding/opportunities/PA-16-314): Characterization of the Adolescent Reproductive Transition (R01) Expiration Date: September 2019; also [PA-16-315](https://www.nichd.nih.gov/funding/opportunities/PA-16-315) (R21) and [PA-16-316](https://www.nichd.nih.gov/funding/opportunities/PA-16-316) (R03)
   - [PA-16-444](https://www.nichd.nih.gov/funding/opportunities/PA-16-444): Trophoblast Differentiation and Function (R21) Expiration date: January 2020; also [PA-16-445](https://www.nichd.nih.gov/funding/opportunities/PA-16-445) (R01)
   - [PA-17-091](https://www.nichd.nih.gov/funding/opportunities/PA-17-091): Fertility Status as a Marker for Overall Health (R01) Expiration Date: May 2020; also [PA-17-092](https://www.nichd.nih.gov/funding/opportunities/PA-17-092) (R21)

6. **Science Advances**
   - *A Bioprosthetic Ovary created Using 3D Printed Microporous Scaffolds Restores Ovarian Function in Sterilized mice.* Laronda et al., *Nature Communications*, 2017 May 17; [https://www.nature.com/articles/ncomms15261](https://www.nature.com/articles/ncomms15261)
Ovaries are essential to the female reproductive system. The basic unit of the ovary is the follicle, each of which contains a single egg surrounded by the cells that make the hormone estrogen and progesterone. The ovary breaks down under hormonal control and allows the oocyte to move from inside to the outside, and it moves into fallopian tube, where it is fertilized. The investigators first created a 3D printed structure, a scaffold made of hydrogels on which to embed follicles. The scaffold consisted of pores in which follicles were embedded. These structures were transplanted into mice whose ovaries had been removed. The follicles matured and ovulated. Following mating, the mice gave birth to at least two pups each.


  Sperm must become 'hyperactive' in order to swim through the female reproductive tract and fertilize the egg. Hyperactivity results when calcium molecules enter the flagella. Scientists did not know whether the hormone progesterone interacts directly with a sperm protein, CatSper, to trigger the calcium influx, or if progesterone acts on some other molecule which, in turn, acts on CatSper. By using chemicals that inhibit specific enzymes, Dr. Lishko and colleagues showed that progesterone does not act on CatSper directly but binds to an enzyme called ABHD2, which is found in the sperm cell's outer membrane. ABHD2 removes a molecule called 2AG and the removal of 2AG activates CatSper. These findings may lead to new options for male contraception as well as treatments for infertility resulting from problems with sperm mobility. ([PMID: 26989199](PMID:26989199))


  Antidepressant use is very common among reproductive age women. Researchers followed more than 950 women ages 30 to 44 years as they tried to become pregnant, about 10% of whom were taking antidepressants. Women who took antidepressants in a given menstrual cycle had a lower chance of conceiving during that cycle than women who did not, even if those women had a history of depression. ([PMID: 26827878](PMID:26827878))

- **Older Ovaries and Low-quality Eggs.** Briley et al., *Reproduction*. 2016 Sep;152(3):245-60

  As women age, they produce fewer eggs, and those eggs are of lower quality. In this study, scientists examined the age-related changes that occur in the ovarian stroma, the tissue layer of the ovary where eggs develop. Although eggs from reproductively young mice (equivalent to women in their early 20s) and old mice (equivalent to women 38-45 years old) appear similar, the environment in which they are growing is very different. The ovaries from reproductively old mice were fibrotic and inflamed. Thus, the decreased egg quality seen in older women might be due to extensive scarring and inflammation in their ovaries. ([PMID: 27491879](PMID:27491879))


  The objective of this study was to determine if fertility treatment is associated with increased risk of severe maternal morbidity (SMM). In multivariate analysis of 6,543 deliveries in which 246 were IVF conceptions and 109 were non-IVF fertility treatment (NIFT) conceptions, both IVF and NIFT were associated with increased risk for SMM compared with spontaneous conceptions. In a subset analysis of singletons only, the association between IVF or NIFT fertility treatments and SMM was not statistically significant. ([PMID:27063600](PMID:27063600))

The objective of the study was to determine whether fresh embryo transfers are at a higher risk of abnormal implantation compared with frozen embryo transfers while accounting for the embryo stage at transfer. Of 509,938 cycles analyzed, 31.8% resulted in abnormal implantation. Compared with a fresh blastocyst transfer, a fresh non-blastocyst transfer had a 22% greater risk of abnormal implantation, a frozen blastocyst transfer a 36% increase, and a frozen non-blastocyst transfer a 57% increase. For individual outcomes, fresh embryo transfers had a lower risk of biochemical pregnancy and pregnancy loss but a higher risk for ectopic/heterotopic pregnancy. Elective embryo cryopreservation may not be the optimal strategy to adopt for all cycles. [PMID: 2843367]

**FDA:**

1. Use of Nucleic Acid Tests to Reduce the Risk of Transmission of West Nile Virus from Living Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products (HCT/Ps)
2. Revised Recommendations for Determining Eligibility of Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products Who Have Received Human-Derived Clotting Factor Concentrates
3. Use of Nucleic Acid Tests to Reduce the Risk of Transmission of Hepatitis B Virus from Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products
4. Revisions to Exceptions Applicable to Certain Human Cells, Tissues, and Cellular and Tissue-Based Products
1. Attach a copy of your most recent Meeting Minutes.

2. Please tell Council three (3) projects/activities your group is currently working on (or planning to work on in the upcoming year).

   The ULC, the ABA and the AAML created the Joint Editorial Board (“JEB”) in 1999 for the purpose of establishing and monitoring uniform acts relating to family law. Consistent with the Family Law Section's mission statement, the JEB's defined purposes are (1) promote education about uniform family law acts to state legislatures and to the public at large; (2) coordinate with the member organizations; (3) consider legislative suggestions made by state legislatures and bar associations; (4) review decisions on existing uniform laws; (5) recommend to the ULC amendments to uniform acts or possible new uniform acts; and (6) monitor trends and developments in family law. The ULC originally was established in 1892, and it has studied, drafted and advanced numerous uniform laws that subsequently were adopted throughout the United States.

3. How can the Section of Family Law and its leadership assist you and your group in accomplishing your goals?

   One of the Section's missions is to be the leading voice of family law in the United States. The ULC is a powerful tool to effectuate that portion of our mission. Leadership should help identify family law topics that merit uniform legal responses throughout the U.S., and highlight problems with existing uniform laws that can be addressed through the ABA's important relationship with the ULC. The JEB reviews extensive written materials, meets in person all day once per year, and occasionally holds meetings by phone. A representative from the U.S. Department of State attends JEB meetings, as some topics of discussion carry international implications and may implicate existing or proposed treaties.

4. Are you aware of current or "up and coming" topics in family law which the Section should take notice of? If so, please state the issue, and offer your suggestions.

   The JEB is currently working on several studies and drafting projects, which we will describe in further detail in our next report. Topics under active study include possible uniform laws relating to cohabiting adults, third party visitation, forced marriage, and underage marriage. Recent uniform acts and model acts have addressed topics such as premarital agreements, arbitration, and custody in military cases. The JEB continues to discuss the UCCJEA, UIFSA, and the ULC's other major acts, as well as practical issues relating to implementation of family law legislation and court rules.

5. Do you wish to be on the Council agenda at the next Council meeting?

   ☐ Yes
   ☐ No

   If yes, please submit written agenda items to Samantha Schooley at samantha.schooley@americanbar.org by July 20, 2018. (Items not requiring Council action may be moved to the Non-Discussion Agenda, pending review by the Section Chair)
Upcoming FLS CLE Opportunities

Webinars:

September TBD
UCCJEA and Relocation: Jurisdictional Problems

October TBD
Ethical Responsibilities for Client Files: Facing Piles of Files with Smiles

CLE Conferences:

October 3-6, 2018
Family Law 2018 Fall CLE Conference (Tucson, AZ)

January 25-26, 2019
ABA 2019 Midyear Meeting (Las Vegas, NV)

May 1-4, 2019
Family Law 2019 Spring CLE Conference (La Romana, Dominican Republic)

August 8-10, 2019
ABA 2019 Annual Meeting (San Francisco, CA)

September 25-28, 2019
Family Law 2019 Fall CLE Conference (Austin, TX)

April 29-May 2, 2020
Family Law 2020 Spring CLE Conference (San Diego, CA)