AMERICAN BAR ASSOCIATION
INFORMATIONAL REPORT OF THE BOARD OF GOVERNORS
TO THE HOUSE OF DELEGATES

2020 Annual Meeting
August 4, 2020
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The Board of Governors (Board) is directed by §48.2 of the House Rules of Procedure to report to the House of Delegates on actions taken by the Board. This report sets forth actions taken by the Board since the 2020 Midyear Meeting. During that period, the Board met via conference call on March 11, and by video conference on April 7, April 30 and June 12, 2020. The Board’s Executive Committee met by conference call and/or video conference on February 24, March 20, 26 (email ballot) and 31(email ballot), April 14, May 6 and 13 (email ballot), June 10 and 22 (email ballot), and July 2, 2020.

**ABA Medal**

In executive session, the Board selected William H. Neukom of Seattle, Washington as the recipient of the 2020 ABA Medal.

**Amicus Briefs**

The Executive Committee approved the filing of an amicus curiae brief in Kemp v. Payne in the Supreme Court of the United States, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

February 2020

The Executive Committee approved the filing of an amicus curiae brief in Cover v. Idaho in the Supreme Court of the United States, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

February 2020

The Executive Committee deferred action on the request of the Center for Human Rights to file an amicus curiae brief in prosecutor General v. Postulation Commissions in the Guatemala Constitutionality Court.

May 2020

The Executive Committee approved the filing of an amicus curiae brief in Jones v. Mississippi in the Supreme Court of the United States, subject to approval of the final language by the Standing Committee on Amicus Curiae Briefs and the Office of the General Counsel.

June 2020

**Awards and Contests**

The Executive Committee approved the request of the Governmental Affairs Office to expand the “ABA Justice Award” by authorizing an “ABA Justice Award for Congressional Staff” to recognize congressional staffers whose outstanding efforts help advance the legislative priorities of the ABA.

February 2020
The Board approved the request of the Standing Committee on Armed Forces Law to establish the Law Student Writing Contest of the Standing Committee on Armed Forces Law.

June 2020

The Board approved the requests of the Antitrust Law Section to continue the Consumer Protection Committee Law Student Essay Contest and the Privacy and Information Security Committee Young Lawyer Writing Competition for FY 2021 and to establish the Fall Forum Student Writing Competition for FY 2021.

June 2020

The Board approved the request of the Section of Labor and Employment Law to establish the Judge Bernice B. Donald Diversity, Inclusion and Equity in the Legal Profession Award. The Board approved an exception to the ABA awards policy that precludes naming of an award after a living person to permit the award to be named the Judge Bernice B. Donald.

July 2020

The Board approved the request to expand the Section of Environment, Energy, and Resources Law Student Writing Competition from one to four competitions to one to eight competitions annually.

July 2020

Bylaw Amendments

The Board approved the request of the Young Lawyer Division to amend its bylaws so that all gender binary language (she/her/hers & he/him/his) is changed to gender nonbinary terms (they/them/theirs).

June 2020

The Board approved the request of the Section of Legal Education and Admissions to the Bar to amend its bylaws to authorize its Council to adopt emergency policies and procedures in response to extraordinary circumstances in which compliance with the Standards would create or constitute extreme hardship for multiple law schools, subject to approval by its Council for a term certain and limited to the duration of the extraordinary circumstance.

June 2020

The Board approved the request of the Appellate Judges Conference-Appellate Judges Education Institute to amend the Appellate Judges Education Institute bylaws to include the Immediate Past-Chair of The Appellate Judges Education Institute Board of Directors (Board) as an ex-officio member of the Board.

June 2020

The Board approved the request of the Section of Litigation to amend its bylaws to update language on the processing of Section invoices and to include that language in the Section’s new Finance Charter and to update language on the requirements for in person attendance for the Advisory Committee as well as other in person requirements throughout the bylaws. These amendments are subject to approval by the Section’s Council and the Section’s membership when it meets at the 2020 Annual Meeting.

June 2020
The Board approved the request of the Section of Environment, Energy, and Resources to amend its bylaws to include a new Section mission statement, clarify membership eligibility language to acknowledge that some members do not pay dues, clarify the composition of the Section Nominating Committee, and remove binary gender pronouns.

July 2020

The Board approved the request of the Section of Legal Education and Admissions to the Bar to amend its bylaws to change the title of the “Secretary and Communications Officer” to “Secretary and Membership Officer” and to add certain membership recruitment responsibilities to the renamed position.

July 2020

The Board approved the request of the Appellate Judges Conference-Appellate Judges Education Institute to amend its bylaws to clarify Annual Meeting participation, remove binary gender pronouns, alter the composition of the Governing Council and Nominating Committee to include a Diversity and Inclusion Chair, and to provide a mechanism for breaking ties on the Nominating Committee.

July 2020

The Board approved the request of the Section of Litigation to amend its bylaws to extend the term of newly appointed Officers and Council for up to twelve months.

July 2020

Committees, Commissions, Task Forces, and Outside Organizations

By email ballot, the Executive Committee approved the request of President Martinez to create a working group on sections, divisions, and forums.

March 2020

By email ballot, the Executive Committee approved the request of President Martinez to participate with the national affinity bars in a video clip Standing Against Hatred directed towards the Chinese and Asian American communities in light of the COVID-19 pandemic.

March 2020

The Executive Committee approved the request of President Martinez and President-Elect Refo to create a Practice Forward Entity, subject to the addition of language to the organizational memorandum regarding 1) the term of the Working Group, which will sunset at the conclusion of the 2021 Annual Meeting and 2) the reciprocal sharing of information, as appropriate, with state, local, and special focus bar associations.

May 2020

By email ballot, the Executive Committee approved the request to add three additional seats on the Section, Divisions, and Forums Task Force in order to bring further expertise and entity and other relevant experience including board governance experience to the table.

May 2020
The Board approved the request to create a Task Force on Full-Firm Membership (Task Force) to focus on retention and recruitment of law firms in the ABA’s Full-Firm Membership program. The Task Force will have up to seven members, including a chair and vice-chair, and will consist of well-connected and influential lawyers working in current Full Firms and possibly other large firms.

June 2020

The Board approved the request from the Cybersecurity Legal Task Force to amend its jurisdictional statement so there is no limit on the number of ABA entities who may be represented on the Task Force. The Board also approved the request to increase the number of special advisors on the Task Force from two to three.

July 2020

Co-sponsorship Requests

The Profession, Public Service and Diversity Committee approved co-sponsorship requests from the following entities. No additional ABA general revenue is requested or required.

Commission on Women in the Profession to co-sponsor with the Bass Institute for Diversity and Inclusion, Citibank, Georgetown University Law Center, and the Society for Human Resource Management the 2nd Annual Top 100 Managing Partners Conference on Gender Parity in the Law on March 19, 2020. (February 2020)

Approved the request of the Commission on Lawyer Assistance Programs to co-sponsor with the National Task Force on Lawyer Well-Being and the ABA Law Practice Division the Lawyer Well-Being Week on May 4 – 8, 2020. (February 2020)

Commission on Women in the Profession to co-sponsor the Ms. JD 2020 Conference on Women in the Law on March 13, 2020. (February 2020)

Section of Litigation to co-sponsor the 2020 American Arbitration Association Conference: Moving Forward in a New Decade, on June 18, 2020. (February 2020)

Commission on Immigration Children’s Immigration Law Academy to co-sponsor with the Catholic Legal Immigration Network a free webinar on the effects of the Migration Protection Protocols on Unaccompanied Children on March 18, 2020. (February 2020)

Diversity and Inclusion Center to co-sponsor with the National Federation of the Blind and the National Association of Blind Lawyers the Jacobus tenBroek Disability Law Symposium on March 26-27, 2020. (February 2020)

Commission on Homelessness and Poverty to co-sponsor with the Homeless Persons Representation Project, Inc., the Pro Bono resource Center of Maryland, Inc., the University of Baltimore School of Law, and the Maryland State Bar Association Committee on Veterans’ Affairs and Military Law the 13th Annual Veterans’ Legal Assistance Conference and Training on June 5, 2020. (March 2020)

Section of Litigation to co-sponsor with the National Institute for Trial Advocacy the 2020 Legal Advocacy Training Program on March 26-28, 2020. (March 2020)

Taxation Section to co-sponsor with the International Fiscal Association – USA Branch and the International Bar Association Taxes Committee the 20th Annual U.S. and Europe Tax Practice Trends Conference on April 1-3, 2020. (March 2020)

Commission on Disability Rights to co-sponsor with the Coelho Center for Disability Law, Policy and Innovation the Disability Inclusion in the Law School Environment on April 3-4, 2020. (March 2020)

Cybersecurity Legal Task Force to co-sponsor with the University of South Carolina Law School Cybersecurity Task Force the Cybersecurity and Ethics Webinar on April 8, 2020. (March 2020)

Section of Science & Technology Law to co-sponsor with P3 Tech Consulting the Law-Tech Connect Program at the 2020 Commercial UAV Expo Americas on September 15, 2020. (March 2020)

Judicial Division Lawyers Conference to cosponsor with the Sarasota County Bar Association, Federal Bar Association, Indiana Commercial Courts, New Mexico Judicial Conclave, State Bar of New Mexico, State Bar of Georgia and Plexos Group, a series of programs to provide outreach concerning the ABA guidelines on the appointment and use of Special Masters in Federal and State Civil Litigation. (March 2020)

Judicial Division Lawyers Conference to cosponsor with the New York University School of Law and the United States District Court for the Eastern District of New York the NYU Dispute Resolution System Design/EDNY Special Masters Project from March 2020 through April 2021. (March 2020)

Young Lawyers Division Disaster Legal Services Program to co-sponsor with RingCentral the National DLS Hotline. (March 2020)


Young Lawyers Division Disaster Legal Services Program to co-sponsor with Paladin an online pro bono platform, Legal Services Pro Bono Portal. (April 2020)

Judicial Division to co-sponsor with the University of South Carolina Law School a program entitled The Complex and Courageous Campaign for Women’s Suffrage: The Complex and Courageous Campaign for Women’s Suffrage:
Celebrating the 100th Anniversary of the 19th Amendment on October 23, 2020. (April 2020)

Judicial Division to co-sponsor a Post Pandemic Planning Group with National Center for State Courts and the Conference of Chief Justices. (April 2020)

Center for Innovation to co-sponsor with Lagniappe Law, the ABA Tax Section, and the ABA Diversity an Inclusion Center The COVID-19 Economic Impact Payment Navigator Tool. (April 2020)

Section of Litigation Children’s Rights Litigation Committee to co-sponsor in name only with the Alliance for Children’s Rights webinar entitled Advocating for Special Education Needs: Best Practices to Support Children in a Time of Crisis on April 30, 2020. (April 2020)

Commission on Disability Rights to co-sponsor with the Law School Admission Council the People with Disabilities and the Legal Profession informational video. (April 2020)

Commission on Immigration to co-sponsor with the American Immigration Lawyers Association the ABA Free Legal Answers Immigration Portal. (April 2020)

Commission on Homelessness and Poverty to co-sponsor with the National Network for Youth the Legal Issues of Unaccompanied Minors Experiencing Homelessness Project. (May 2020)


Business Law Section Mergers and Acquisitions Committee to co-sponsor with LawMeets and Professor Karl Okamoto a 10week online bootcamp style program to teach lawyering skills to law students form May 29, 2020 through August 7, 2020. (May 2020)

Section of Dispute Resolution to co-sponsor with the National Association of Arbitrators, the American Arbitration Association and the Center for Conflict Prevention, the COVID-19 Pandemic ADR Leadership Protocol. (May 2020)

Section of Dispute Resolution to co-sponsor with the International Council for Online Dispute Resolution and the National Center for Technology and Dispute Resolution, an Online Dispute Resolution Taskforce. (May 2020)

Judicial Division – National Conference of State Judges to co-sponsor with the New York State Office of Court Administration Gender Fairness Committee and the New

Judicial Division to co-sponsor with the University of Arkansas Law School, National American Indian Judges Association, Arizona State University Sandra Day O’Connor School of Law, UCLA School of Law, James E. Rogers College of Law, Northwest Indian Bar Association, K&L Gates, Idaho State Bar and numerous other law schools the Indigenous Law Graduation on May 29, 2020. (May 2020)

Section of Environment, Energy and Resources to co-sponsor with the Law Firm Sustainability Network (LSFN) for the SEER Law Firm Sustainability Network (LSFN) Partnership from June 2020 through June 2022. (June 2020)

Section of Dispute Resolution to co-sponsor with JAMS, the International Institute for Conflict Prevention & Resolution (CPR), the American Arbitration Association (AAA), the New York International Arbitration Society and Arbitral Women for the Imperative of Conflict Resolution event on June 30, 2020. (June 2020)

Section of Environment, Energy and Resources to co-sponsor with the State Bar of Texas – Environment and Natural Resources Law Section the Texas Environmental Superconference on August 7-8, 2020. (June 2020)

Commission on Law and Aging and the Real Property, Trust and Estate Law Section to co-sponsor the Fourth National Guardianship Summit on May 13-15, 2021. (June 2020)

Young Lawyers Division Men of Color Project to co-sponsor with the National Bar Association a virtual Men of Color Town Hall in July 2020. (June 2020)

Criminal Justice Section to co-sponsor with the National Bar Association Judicial Council the “Why So Many Innocent People Plead Guilty” webinar on July 23, 2020. (July 2020)

Standing Committee on Election Law to co-sponsor with the National Association of State Election Directors, National Association of Secretaries of State, state and local bar associations, and affinity bar association for the Lawyer as Poll Worker Project from July 2020 through November 2020. The Standing Committee will contribute $4,000 from program support funds towards the project. (July 2020)

Standing Committee on Delivery of Legal Services to co-sponsor with the Consortium for Access to Justice for the 7th Annual Access to Justice Conference: Transforming Legal Incubators and Virtual Law Practice on July 25, 2020. (July 2020)

Section of Environment, Energy and Resources to co-sponsor the Rocky Mountain Mineral Law Foundation’s Natural Resources Law Teachers Institute in 2021 and 2023. (July 2020)

Section of Environment, Energy and Resources to co-sponsor with the Elisabeth Haub School of Law at Pace University the Jeffrey G. Miller National Environmental Law Moot Court Competition in the 2021-2023 association years. (July 2020)

Section of Environment, Energy and Resources to co-sponsor, with outside entities listed on its request, committee programs that may be held in the 2020-2022 association years. (July 2020)
Section of Environment, Energy and Resources to co-sponsor the Water is Life: Inside the Struggle over Access to Water in Indian Country virtual program with the District of Columbia Bar and the Native American Bar Association of DC on September 10, 2020. (July 2020)

Section of International Law to co-sponsor, with outside entities listed on its request, committee programs that may be held in the 2020-2021 association years. (July 2020)

Antitrust Law Section to co-sponsor with ABA-accredited law schools that may be held in the 2020-2022 association years, a series of programs titled Why Antitrust? and/or Why Consumer Protection Law? (July 2020)

Antitrust Law Section to co-sponsor, with the outside entities listed on its request, a webinar series that may be held in the 2020-2022 association years. (July 2020)

Science and Technology Law Section to co-sponsor, with outside entities listed on its request, committee programs that may be held in the 2020-2021 association years. (July 2020)

Center for Diversity and Inclusion to co-sponsor the CEO Action for Diversity and Inclusion Pledge. (July 2020)

Division for Public Education to co-sponsor the On the Docket – Supreme Court Preview with American University Washington College of Law Program on Law & Government and associated law school student groups on October 1, 2020. (July 2020)

By email ballot, the Executive Committee approved the request of President Martinez and President-Elect Refo to approve the ABA’s participation in a three-part Virtual Town Hall Series, co-sponsored with Duane Morris, that will focus on issues impacting Black Lawyers in America

June 2020

Dues

The Board approved the request of the Member Services Committee to amend Section B, Section and Division Dues, of Chapter II, Entity Membership Programs, of the Policy and Procedures Handbook, as amended.

June 2020

Elections, Appointments and Nominations

By email ballot, the Executive Committee approved the request to elect Bob Carlson to serve on the nominating committee for the ABE Board for 2020.

May 2020

The Board elected Pamela Bresnahan of Washington, D.C., as the ABA representative and re-elected Leslie A. Hayashi of Honolulu, Hawaii, as the Board of Governors representative and Christopher T. Whitten of Phoenix, Arizona, as the Judicial Division
representative to the National Judicial College Board of Trustees for three-year terms each beginning in June 2020 and expiring in June 2023.

June 2020

The Board elected Arlena Barnes of Portland, Oregon, and Donald Slesnick of Coral Gables, Florida, to the ABA Journal Board of Editors for three-year terms each beginning in August 2020 and expiring in August 2023. The Board approved the request for a waiver to allow the election of Judge Herbert Dixon, Washington, D.C., for a one-year term beginning in August 2020 and expiring in August 2021. A waiver was requested because per the ABA Constitution and Bylaws, members are only permitted to be elected to two three-year terms. Judge Dixon did not complete the last year of his second term due to his election to the ABA Board of Governors.

June 2020

The Board re-elected Karen J. Mathis, Denver, Colorado, as the ABA representative to the International Legal Assistance Consortium for a three-year term beginning August 2020 and expiring in August 2023.

June 2020

The Board re-elected Peter Bennett of Portland, Maine and Sandra S. Yamate of Chicago, Illinois, and elected the Honorable Stephen Benjamin of Columbia, South Carolina and A. Clifford Edwards of Billings, Montana, as the National Judicial College representatives to the National Judicial College Board of Trustees for three-year terms each beginning in August 2020 and expiring in August 2023.

July 2020

The Board elected Allen C. Goolsby of Richmond, Virginia, as the ABA representative and re-elected Howard Vogel of Knoxville, Tennessee, as the American Bar Endowment representative, to the A-E-F-C Pension Plan Administrative Committee for three-year terms each beginning in August 2020 and expiring in August 2023.

July 2020

The Board elected the Honorable Bernice B. Donald of Memphis, Tennessee, and the Honorable Ann A. Scott Timmer of Phoenix, Arizona as the ABA representatives to the Appellate Judges Education Institute for a three-year term beginning August 2020 and expiring in August 2023 and a two-year term beginning August 2020 and expiring August 2023, respectively.

July 2020

The Board elected Alan Kopit of Cleveland, Ohio as Chair to the Standing Committee on Audit for a one-year term beginning in August 2020 and expiring in August 2021. The Board elected Koji Fukumura of Honolulu, Hawaii as the ABA Board of Governors representative and John Levitske of Chicago, Illinois as the ABA member-at-large representative, to the Standing Committee on Audit for three-year terms each beginning in August 2020 and expiring August 2023.

July 2020

The Board elected the Honorable Robert M. Brutinel of Scottdale, Arizona as Chair to the Board of Elections for a one-year term beginning August 2020 and expiring in August 2021.
The Board elected John C. McMeekin II of Philadelphia, Pennsylvania as the Tort Trial and Insurance Practice Section representative and Louis F. Burke of New York, New York as the Section of Litigation representative, to the Union Internationale des Avocats for three-year terms each beginning August 2020 and expiring in August 2023.

July 2020

Email

The Board approved the request of the Board of Directors of the American Bar Endowment (ABE) for an extension of the previously approved exception to the email policy set out in the ABA Policy and Procedures Handbook, which effectively expires August 31, 2020. The extension, granted with the same conditions as the previous extensions, would run from September 1, 2020 to August 31, 2021.

July 2020

Financial Matters

The Executive Committee approved the request to extend the ABA’s existing revolving credit facility by an additional $10 million dollars for a total of $20 million dollars.

March 2020

The Board approved the request of the Forum on Construction Law (Forum) to donate $10,000 from the Forum’s spending reserve to the ACE Mentor Program for the 2020-21 Bar year.

June 2020

The Board approved the request of the Family Law Section (Section) to contribute up to $500 from the Section’s Program Support Fund to the Jewish Family Service’s Emergency Response Fund.

June 2020

The Board approved the request to ratify and confirm amendments to the Thrift Plan for Employees of the American Bar Association and Affiliates (Plan) in response to the Coronavirus Aid, Relief, and Economic Security Act, which enables 401(k) Plan sponsors to temporarily ease rules on plan withdrawals and loans through December 31, 2020 for participants adversely affected by COVID-19.

June 2020

The Board approved the request of the ABA Financial Services Division to update the ABA Policy and Procedures Handbook, Chapter 8, Finances, and Chapter 2, Expense Reimbursements sections to eliminate verbiage that is no longer relevant and to clarify and better align policy and procedures with actual practice, as amended.

June 2020
The Board approved the request of the Standing Committee on Audit to retain Grant Thornton to perform the FY 2020 audit of the ABA Consolidated Financial Statements and Single Audit Plan.  

June 2020

The Board approved the revised FY 2020 Internal Audit Plan and the FY 2021 Internal Audit Plan.  

June 2020

The Board approved the appeal to the FY2021 Budget from the Standing Committee on the Federal Judiciary.  

June 2020

The Board approved the Consolidated FY 2021 Budget.  

July 2020

The Board approved the request to contribute up to $1,000 to the Children’s Law Center (Center) from the Section’s Program Support Fund.  

July 2020

**International Matters**

The Board approved the request of the Rule of Law Initiative to register as an independent NGO in Nairobi, Kenya.  

June 2020

The Board approved the request of the Rule of Law Initiative to renew registration of the ABA in Uganda.  

June 2020

The Board approved the request of the Rule of Law Initiative to establish an independent entity in Maldives.  

July 2020

**Meetings and Meeting Matters**

The Executive Committee voted to transition the June 2020 Board of Governors Orientation and Full Board meeting from an in-person meeting to a virtual meeting.  

April 2020

The Board approved the request to modify the Delegate-at-Large campaigning procedures for the 2020 ABA Annual Meeting due to the fact that the meeting will be conducted in a virtual format. In lieu of providing mailing labels to candidates, the ABA will distribute Campaign Statements from each candidate for Delegate-at-Large to all 2020 Annual Meeting lawyer registrants as of a defined date.
The Board approved the request to host the 2024 ABA Midyear Meeting in Louisville, Kentucky on January 31 – February 4, 2024. Louisville will be a new city for the ABA Midyear Meeting and will be the first city in the Eastern Time Zone since the 2017 Midyear Meeting in Miami, Florida.

Memoranda of Understanding/Agreements

The Board approved the request of the Center for Human Rights to enter into a Memorandum of Understanding with the United Kingdom Bar of Human Rights Committee, subject to review and approval of the Memorandum of Understanding by the Office of the General Counsel, and a signed copy filed with the Division for Policy and Planning.

The Board approved the request of the Rule of Law Initiative and the ABA Governmental Affairs Office to renew the Democracy, Rights, and Governance Initiative Memorandum of Understanding, subject to review and approval of the Memorandum of Understanding by the ABA Office of General Counsel and a signed copy filed with the Policy and Planning Division.

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

- Bosnia and Herzegovina: University of Banja Luka
- Columbia: Universidad de Rosario; University of Bucaramanga
- Myanmar: Anti-Corruption Commission of Myanmar
- Panama: Latin University of Panama; National University of Panama; ISAE University; Catholic University Santa Maria La Antigua; Metropolitan University of Education, Science and Technology; American University Panama; Interamerican University of Panama; University of the Isthmus; Columbus University Panama; Autonomous University of Chiriqui; Oteima University; International University
- Philippines: Integrated Bar of the Philippines; Commission on Human Rights
- Peru: The Judiciary of Peru, Represented by the President of the Supreme Court of Peru; The Office of the Attorney General of Peru; The Ministry of Justice and Human Rights
- United States: Lincoln Memorial University Duncan School of Law
The Board approved the request of the Rule of Law Initiative to enter into Memoranda of Understanding, subject to review and approval by the ABA Office of General Counsel and signed copies filed with the Policy and Planning Division, with the following organizations:


July 2020

The Board approved the request from the Health Law Section to enter into Memorandum of Understanding (MOU) with the Chicago Medical Society, subject to review by the Office of General Counsel.

July 2020

Memorial Resolutions

The Board adopted a memorial resolution for former ABA Treasurer John Krsul of Detroit Michigan.

July 2020

February 2020

Programmatic Matters

The Executive Committee approved the request to create a fund to address Racial and Ethnic Justice issues, with the name of the fund (to be determined at a later date) to include ethnicity in the title.

July 2020