ADOPTED


PROPOSAL: Amends Article 33.1 and Article 33.2 of the Association’s Bylaws to change the jurisdictional statements.

Amends §§ 33.1 and 33.2.

Article 33. Publications

§33.1 American Bar Association Journal. (a) The American Bar Association Journal shall be published by Board of Editors consisting of the President, the President-Elect, the Chair of the House of Delegates, and the Treasurer, who are members ex-officio, and nine Association members elected by the Board of Governors as vacancies occur.

(b) The Board of Editors shall elect one of its members as Chair. The Chair shall act as liaison with the Board of Governors and, on the invitation of the President, shall report to it and attend its meetings.

(c) Members of the Board elected by the Board of Governors serve for three-year terms and are ineligible to serve more than two terms. However, a member who is serving as Chair when his or her second term expires is eligible to serve a third term.

(Legislative Draft – additions underlined; deletions struck through)

§33.1 American Bar Association Journal. (a) The American Bar Association Journal shall have be published by Board of Editors responsible for non-financial operations and the editorial integrity of the Journal. The Board of Editors consists consisting of the President, the President-Elect, the Chair of the House of Delegates, and the Treasurer, who are members ex-officio, and nine Association members elected nominated by the Board of Governors Editors and elected by the Board of Governors as vacancies occur.

(b) The Board of Editors shall elect one of its members as Chair. The Chair shall act as liaison with the Board of Governors and, on the invitation of the President, shall report to it and attend its meetings.

(c) Members of the Board elected by the Board of Governors serve for three-year terms and are ineligible to serve more than two terms. However, a member who is serving elected as Chair when his or her second term is expiring expires is eligible to serve a third term.
§33.2 Authority of Board of Editors. The Board of Editors shall manage the Journal and its financial affairs. It may employ an editor and such other employees as it considers necessary. It may create an advisory board. The proceedings of the Board of Editors shall be reported to the Board of Governors which, by a majority vote of its entire membership, may disapprove, change, or rescind any action or appointment of the Board of Editors.

(Legislative Draft – additions underlined; deletions struck through)

§33.2 Authority of Board of Editors. The Board of Editors shall manage the Journal and its financial affairs. It may employ an editor and such other employees as it considers necessary. It may create an advisory board. The proceedings of the Board of Editors shall be reported to the Board of Governors which, by a majority vote of its entire membership, may disapprove, change, or rescind any action or appointment of the Board of Editors.

The Board of Editors may provide recommendations to the Board of Governors on budget matters and revenue opportunities involving the Journal. An Editor-in-Chief/Publisher shall be employed by the Association and selected with consultation and advice from the Board of Editors. The Editor-in-Chief/Publisher shall be responsible for managing the operation, editorial content and editorial integrity of the Journal. The proceedings of the Board of Editors shall be reported to the Board of Governors which, by a majority vote of its entire membership, may disapprove, change, or rescind any action or appointment of the Board of Editors.
REPORT

The current version of Article 33 of the Constitution and Bylaws has been substantially unchanged since the early 1920s, just after the ABA Journal was created. The language of sections 33.1 and 33.2 refers to actions that have been and are performed by management and thus, the language does not conform with actual practice. The proposed amendment to Article 33 will normalize the work of the Board of Editors, and the appointed volunteer members will be able to provide their perspectives and guidance regarding the Journal. Nothing in the proposed amendments will change the current practice of journalistic independence. The amendment will enable the Board of Editors to function in the manner that other appointed volunteer leaders function, and to permit the professional staff to handle the day-to-day management responsibilities.

Respectfully submitted,

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