

MEMORANDUM

TO: Section and Committee Chairs
Presidents and Executive Directors of State and Local Bar Associations
State and Section Delegates in the House of Delegates
ABA Directors and Department Heads

FROM: Marina B. Jacks

SUBJECT: Summary of Action of the August 2008 Board of Governors Meeting

DATE: August 27, 2008

Attached is the Summary of Action of the August 7-8, 2008, meeting of the Board of Governors held at the Hilton New York in New York, New York. Please note that this Summary does not constitute official Minutes of the meeting. Minutes will be presented for Board approval at its next meeting in October 2008.

If you have any questions with respect to the action taken, please let me know.

Attachment

cc: Board of Governors

**SUMMARY OF ACTION
AMERICAN BAR ASSOCIATION
BOARD OF GOVERNORS**

**Hilton New York
New York, New York
August 7 and 8, 2008**

1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR

The Board of Governors (Board) received the reports of the President, President-elect, Chair of the House of Delegates, Immediate Past President, Secretary, Treasurer and Executive Director. The minutes of the Board's June 7, 2008, meeting in Sun Valley, Idaho, were approved as presented. The minutes of the Executive Committee's June 7, June 25, July 30 and August 6, 2008, meetings were received.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 House Reports

The actions of the Board on Reports with Recommendations to the House of Delegates are reported in the Board's Transmittal Report to the House of Delegates, #177A. Copies of Report #177A are available from the Division for Policy Administration.

2.2 Continuation of Board Entities

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

2.3 Continuation of Special Committees and Commissions

The Board approved its recommendations to the House of Delegates regarding the continuation and discontinuation of special committees and commissions.

2.4 Report of the World Justice Project

William C. Hubbard, Chair of the ABA Commission on the World Justice Project, (Project) presented a report on the World Justice Forum and the Project's accomplishments during the 2007-2008 Association year. The Project, President Neukom's major Presidential Initiative, is a multinational, multidisciplinary initiative designed to strengthen the rule of law that is based on two complementary premises: a) The rule of law is the foundation of communities of opportunity and equity, and b) multidisciplinary collaboration is the most effective way to advance the rule of law. The Project consists of four components: a) Mainstreaming the Rule of Law, b) the Rule of Law Index, c) Rule of Law Scholarship, and d) the World Justice Forum. The Forum, held July 2-5, 2008, in Vienna, Austria, brought together 450 governmental and non-governmental leaders from 83 nations to discuss how the rule of law affects their disciplines and regions and to develop collaborative actions to strengthen the rule of law.

On behalf of the Board, President Neukom thanked Mr. Hubbard and all ABA members and staff who participated in the Project for their outstanding dedication and commitment. He noted that because of this commitment the Project has become the "gold standard" for rule of law initiatives. The President informed the Board that he has requested the continuation of the Project for 2008-2009. (See Exhibit 3.9 below.)

2.5 Request to Approve Revised Jurisdictional Statements of Board Committees

The Board approved revised jurisdictional statements for its Operations and Communications Committee, Program and Planning Committee, and Finance Committee.

2.6 Report on Activities with State and Local Bar Associations

Michelle A. Behnke, Chair of the Standing Committee on Bar Activities and Services, presented a report on the work of the Standing Committee and the ABA Division for Bar Services. The Standing Committee and the Division were created approximately 30 years ago upon recommendation of a task force formed to improve the relationship between the ABA and state and local bar associations. Ms. Behnke discussed current, ongoing initiatives and responsibilities of the Standing Committee and the Division, including a) the annual Bar Leadership Institute (BLI), which focuses on leadership training for incoming officers of state, local, national and special interest bar associations, b) participation in seven regional conferences which promote networking with approximately 350 leaders of state and metropolitan bar associations, c) staff support for the National Conference of Bar Executives, National Conference of Bar Presidents and National Conference of Bar Foundations, d) the publication of *Bar Leader* magazine, the bi-monthly magazine distributed to state and local bar presidents, presidents-elect, and executive directors, and e) the facilitation and coordination of ABA information (e.g., regarding Hurricane Katrina, Pakistan and the rule of law) to constituent bar association leaders.

On behalf of the Board, President Neukom expressed his appreciation to Ms. Behnke and to Roseanne T. Lucianek, Director of the Division for Bar Services, for their exceptional work. President-elect Wells noted that this year, for the first time, the Orientation for Board Nominees was held during the BLI and was considered a tremendous success.

2.7 Status Report of the Legal Opportunity Scholarship Fund Fundraising Committee

James R. Silkenat, Chair of the Legal Opportunity Scholarship Fund Fundraising Committee (Fundraising Committee), presented a report on the work of the ABA Legal Opportunity Scholarship Fund (Fund) and the Fundraising Committee. The Fund was created in 1999 at the request of then-President William G. Paul to provide financial assistance to racial and ethnic minority students. Since its creation, the Fund has awarded scholarships to 180 law students. Each recipient receives \$5,000.00 per year for a total of \$15,000.00 in financial assistance. The six-member Fundraising Committee was established in March 2008 to conduct a comprehensive fundraising effort for the

Fund. Copies of the solicitation material developed by the Fundraising Committee were distributed to the Board and will also be distributed to members of the House of Delegates. Several Board members expressed their gratitude to Mr. Silkenat and the Fundraising Committee for their outstanding work.

2.8 Request to Elect Directors of the James O. Broadhead Corporation

The Board re-elected H. Thomas Wells, Jr. and elected Carolyn B. Lamm, Alice Richmond, and the Honorable Bernice B. Donald to the Board of Directors of the James O. Broadhead Corporation, the entity that holds title to the ABA's building in Washington, DC.

2.9 Report Regarding Pro Bono Activities

Mark I. Schickman, Chair of the Standing Committee on Pro Bono and Public Service, presented a report on the current work of the Standing Committee, including a) the development of an annual national pro bono celebration, which would establish a series of events across the country to send a message concerning the value of pro bono work, b) the preliminary results of the 2008 ABA Pro Bono Data Collection survey, and c) the Medical –Legal Partnership Project, which will be supported, in part, by an Enterprise Fund grant. Several Board members commended Mr. Schickman and the staff of the Standing Committee and the Division for Legal Services for their excellent work and noted that the work of the Standing Committee truly exemplifies the best of what lawyers can, and should, do.

2.10 Report Regarding Work of Sections and Divisions

Deborah Enix-Ross, Chair of the Section Officers Conference (SOC), presented a report regarding the work of ABA Sections and Divisions. Ms. Ross is emphasizing communication during her term as SOC Chair. She has held monthly meetings with Executive Director Henry White to discuss issues of mutual concern. As the result of the meetings, SOC participated in the 2008 Orientation for Board Nominees. In addition, an SOC e-newsletter has been launched. Further, the SOC Membership Committee is working with the Standing Committee on Membership and with the Young Lawyers Division on membership initiatives. The SOC-YLD membership initiative will be rolled out during the Fall SOC Meeting, which will be held in Chicago on September 18-19, 2008.

2.11 ALI-ABA Presentation

Thomas Z. Hayward, President of ALI-ABA Continuing Professional Education (ALI-ABA) and Julene Franki, ALI-ABA Executive Director, presented a report on ALI-ABA's current activities, including the ALI-ABA/Association for Continuing Legal Education (ACLEA) summit on critical issues facing continuing legal education providers, law schools, and the legal profession in educating today's legal practitioners. The conference is planned for late 2009, and will bring together CLE professionals, law

practitioners, bar leaders, judges, law professors, and other experts on lawyer professional education to study and respond to these challenges. Mr. Hayward also discussed generally the status of certain ALI-ABA strategic priorities established for 2006-2009. He also noted that during the past year, more than 10,000 lawyers attended ALI-ABA's multi-day courses at various locations throughout the United States.

2.12 2007 Pulse of the Legal Profession Final Report

Laura L. Metzger, Director of the ABA Market Research Department, presented to the Board a summary of "The Pulse of the Legal Profession, 2007." The objectives of the "Pulse" study are to track emerging issues and changing needs within the legal profession and to develop and position ABA products, programs and services to address evolving needs. The 2007 study surveyed 975 ABA members and concluded that membership retention is most strongly and directly influenced by satisfaction. To enhance retention, the 2007 study concluded that the ABA should increase Section membership, address weakness among "at-risk" segments (i.e., newer lawyers and solos), acknowledge that advocacy may be an impediment to retaining certain members, and continue to identify and promote the benefits of ABA membership to firm decision-makers.

Following Ms. Metzger's presentation, the Board discussed generally the need for ABA members to understand how the ABA adopts policy positions and to understand that the House of Delegates is an extremely diverse 555-member body.

2.13 Report on Membership

Executive Director Henry F. White, Jr. and Mary A. Cavallini, Associate Executive Director, Professional Services, Membership and Market Research Group, discussed generally the idea for the development of an overall ABA membership plan of action with specific milestones that will be used in the future. The plan of action will bring all segments that impact membership together in an effort to be expansive. In part, the plan will target law students and younger lawyers. Mr. White noted that he has met with incoming President-elect Carolyn Lamm and Patricia Refo, the incoming Chair of the Standing Committee on Membership regarding the development of the plan of action and looks forward to reporting specific details to the Operations Committee and the Board at future meetings. In addition, the Board received a handout which provided various membership statistics as of July 31, 2008.

2.14 Report on the Governmental Affairs Office

Thomas M. Susman, the new Director of the ABA Governmental Affairs Office, outlined for the Board ideas and plans for overseeing the ABA's Washington Office. Implementation of Association policies will be accomplished through a) legislative initiatives such as advocacy papers, letters, courtesy calls to members of Congress, b) outreach to federal agencies by providing the agencies with training materials and bringing various agency generals counsel together to discuss issues of mutual concern, c) enhancement of ABA Day through "virtual" participation and appointments on the Hill

for individual Sections, and d) work with state and local bar associations to provide training for bar leaders. In addition, teamwork will be vital and Mr. Susman looks forward to working with all ABA senior staff.

President Neukom congratulated Mr. Susman on his new position and noted that the success of any governmental affairs program is based on relationships. In addition, Laurel Bellows, Chair of 2009 ABA Day, reminded the Board that ABA Day will be held April 21-23, 2009.

2.15 Request to Elect Directors of the Board of Directors of the American Bar Association, an Illinois Not-for-Profit Corporation

In February 2008 the ABA Articles of Incorporation were amended to designate the members of the Board of Governors as members of the American Bar Association, an Illinois Not-for Profit Corporation. The Board of Governors, as members of the American Bar Association, an Illinois Not-for Profit Corporation, elected H. Thomas Wells, Jr., Carolyn B. Lamm, and the Honorable Bernice B. Donald to serve as directors on the Board of Directors of the incorporated Association.

2.16 Report on the Enterprise Fund

Justice Laurie D. Zelon, Chair of the Enterprise Fund Subcommittee of the Program and Planning Committee, reported on the Enterprise Fund. She summarized the process used to review the progress made by Enterprise Fund grantees. The process involves the submission of quarterly reports by grant recipients. Based on the first two quarterly reports submitted by the initial eight Enterprise Fund grantees, all projects are on track (See also Exhibit 4.2 below.)

2.17 Consent Calendar: Report of Board Committee Chairs

The Board adopted the Consent Calendar as presented by the Secretary. Action on all items contained on the Consent Calendar is set forth in items 3 through 5 of this Summary of Action relating to the reports of the Board Committees.

2.18 Fund for Justice and Education

The Board, sitting as the members of the Board of the American Bar Association Fund for Justice and Education (ABA/FJE) a) approved the minutes of the June 7, 2008, meeting of the ABA/FJE Board as presented and b) accepted the ABA/FJE restricted grants and contributions received or awarded through July 11, 2008, and not previously reported, as requested by the Association's Grant Development & Administration Office.

2.21 National Judicial College

The Board, sitting as the Members of the National Judicial College (NJC), heard a presentation from Saul A. Wolfe, Chair-elect of the NJC, and NJC President, the Honorable William F. Dressel. Mr. Wolfe expressed his appreciation to the Members of

the NJC for their continued support of the NJC's activities and their election of dedicated and experienced individuals to serve on the NJC Board of Trustees. Mr. Dressel discussed briefly some of the NJC's current activities and initiatives, including a) the attendance of Liberian judges at a July 2008 NJC judicial writing course at the NJC campus in Reno, Nevada, made possible through a grant from Humanity United to NJC, b) a new series of short courses designed to permit jurists from states experiencing budget constraints to continue their judicial education, and c) the development of two publications to assist courts with case management issues.

2.25- INFORMATIONAL REPORTS

2.31

The Board received written informational reports from the Commission on Mental and Physical Disability Law, the Commission on Sexual Orientation and Gender Identity, the Commission on Women in the Profession, the Center for Racial and Ethnic Diversity, the Web Store Project Team, the Section of Legal Education and Admissions to the Bar, and the *ABA Journal*.

3. OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

Section of Environment, Energy, and Resources

The Board approved the request of the Section of Environment, Energy, and Resources to amend its bylaws to revise its mission statement, clarify eligibility for selection as a member of the Section Council, clarify the responsibilities of Section Officers, provide for electronic communications and formats, and make various edits to update the bylaws text. Approval by the Board is subject to approval by the Section membership at the Section's Annual Business Meeting on August 10, 2008.

3.2 Nominations

a. A-E-F-C Pension Plan Administration Committee

The Board elected Bernard T. King of Syracuse, New York, as an ABA representative on the A-E-F-C Pension Plan Administration Committee, for a three year term to expire at the conclusion of the 2011 ABA Annual Meeting, as recommended by the ABA Chief Financial Officer.

b. Council for Agricultural Science and Technology (CAST)
(Section of Environment, Energy, and Resources)

The Board approved the request of the Section of Environment, Energy, and Resources for i) ABA institutional membership on the Council for Agricultural Science and Technology (CAST); ii) the election of Thomas P. Redick of Clayton, Missouri, as an ABA representative to the Board of Directors of CAST, for a three-year term, from fall 2008 to fall 2011; and iii) authority to pay CAST dues annually from Section funds for membership years 2008-2009, 2009-2010, and 2010-2011.

CAST is a 501(c) (3) organization comprised of 38 scientific societies and many individual, student, company, non-profit, and associate society members. CAST's Board of Directors consists of 38 representatives of the scientific societies and individual members representing over 170,000 member scientists, and an eight-member Executive Committee. CAST publishes task force reports, commentary papers and issue papers written by scientists from many disciplines.

c. Board of Elections

The Board elected i) Hon. Glenn Murdoch of the Supreme Court of Alabama, as Chair of the Board of the Elections; and ii) re-elected Louise Michaux Gonzales of Baltimore, Maryland, and Jack B. Middleton of Manchester, New Hampshire, as members of the Board of Elections, all for one-year terms, effective at the conclusion of the 2008 ABA Annual Meeting.

d. Permanent Editorial Board of the Uniform Commercial Code
(Section of Business Law)

The Board elected Teresa W. Harmon of Chicago, Illinois, as an ABA Liaison-Advisor to the Permanent Editorial Board of the Uniform Commercial Code, for a three-year term to expire at the conclusion of the 2011 ABA Annual Meeting, as recommended by the Section of Business Law.

e. UIA International Association of Lawyers

The Board elected i) Randy Ailment of Seattle, Washington, (nominated by the Tort, Trial and Insurance Practice Section); ii) Louis F. Burke of New York, New York, (nominated for re-election by the Section of Litigation; iii) Jacqueline R. Scott of Washington, DC, (nominated by the Section of Labor and Employment Law); and iv) Ellen G. Yost of New York, New York (nominated by the Section of International Law), as ABA delegates to the UIA International Association of Lawyers (UIA) (f/k/a Union Internationale des Avocats), all for three-year terms to commence on November 4, 2008, the conclusion of the 2008 UIA Congress.

3.3. Requests for Awards

a. Commission on Domestic Violence

The Board approved the request of the Commission on Domestic Violence to establish "The (annual) Sharon L. Corbitt Award," in memory of Ms. Corbitt, who was an active member of the ABA for 25 years and served as a member of the Commission from 2002-2005. The award recognizes individual lawyers or judges who demonstrate exemplary service to victims of domestic violence, sexual assault, or stalking. Nominees do not have to be members of the ABA. All expenses incurred in connection with the award will be paid with outside funds. The award, which will be presented during the ABA Annual Meeting, will consist of a plaque or similar object as well as travel expenses to attend the award ceremony.

b. Presidential Advisory Council on Diversity in the Profession

The Board approved the request of the Presidential Advisory Council on Diversity in the Profession (ACD) to establish the annual "Ruby Bridges Award" to recognize an individual or an organization that has demonstrated excellence in expanding diversity in the educational pipeline to the legal profession. Ruby Bridges was the first African-American child to attend an all-white school in the South and her image was made famous in Norman Rockwell's painting "The Problem We All Live With." The ACD anticipates presenting the award at a reception during the ABA Midyear Meeting. The award will consist of a framed Norman Rockwell print as well as a certificate. The ACD will cover all costs associated with the award, including travel expenses of the award recipient, from its annual approved budget.

c. Section of Litigation

The Board approved the request of the Section of Litigation to establish the annual "Section of Litigation Diversity Leadership Award" to honor individual lawyers, judges, law firms, law schools, corporate legal departments or any other individual or entity within the field of litigation that has made a significant contribution to increasing diversity in the legal profession. Qualified nominees do not have to be members of the Section or the ABA. The award, which will be presented at the Section Annual Conference, will be a plaque or similar recognition item. Only Section funds will be used to pay for the award.

In accordance with the agreement between the Section and Navigant Consulting, Inc. the award will be sponsored by Navigant Consulting, Inc., one of the Section's two primary corporate sponsors, in 2009 and 2010. During these two years, the award will be presented as "The Section of Litigation Diversity Leadership Award, sponsored by Navigant Consulting, Inc." If Navigant Consulting, Inc. chooses not to renew its sponsorship of the Section and/or the award after 2010, the Section will continue to grant the award on the same basis and a different corporate sponsor may be named.

3.4 President-elect Wells' Requests for Creation of Two Planning Committees

a. ABA Diversity Summit Planning Committee

The Board approved the request of President-elect H. Thomas Wells, Jr. for the creation of an ABA Diversity Summit Planning Committee, comprised of a maximum of ten members including a chair. The Planning Committee will continue the work of the Diversity Summit held in 2008, with the goal of bringing together approximately 100-150 ABA and state and local bar leaders to develop a joint plan of action for increasing diversity in the legal profession.

b. Fair and Impartial Courts National Summit Planning Committee

The Board approved the request of President-elect H. Thomas Wells, Jr. for the creation of a Fair and Impartial Courts National Summit Planning Committee, comprised of 12 members including two co-chairs and an honorary chair. The National Summit will take place during the 2008-2009 bar year and will build on recent ABA conferences on judicial independence. The National Summit will focus on state courts and the organized bar's role in promoting fair and impartial courts.

3.5 President-elect Wells' Request for Special Advisor

The Board approved President-elect Wells' request to continue a special advisor position to the Standing Committee on Membership.

3.6 Section of Intellectual Property Law Request to Continue Institutional Membership in and Co-sponsorship of American Intellectual Property Law Education Foundation (Foundation) and to Make Ongoing Financial Contributions to Support Two Foundation Awards for Five Years

The Board approved the request of the Section of Intellectual Property Law to a) continue its institutional membership in and co-sponsorship of the American Intellectual Property Law Education Foundation (Foundation) and b) make ongoing contributions to support the Foundation's Sydney B. Williams Intellectual Property Law Scholarships and Jan Jancin Award for five years, from 2009-2013. The Board approved the Section's institutional membership in the Foundation in 2002. The Foundation is an organization formed by the American Intellectual Property Law Association and the Section to grant scholarships to encourage racial and ethnic minority law students to study the field of intellectual property law and select it as a field of practice, and also to recognize excellence in the study of intellectual property law.

3.7 Section of Environment, Energy, and Resources Requests to Co-Sponsor and make Financial Contributions to Six Environmental Law Programs

The Board approved the request of the Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds for the following six environmental law programs: a) 2009 Rocky Mountain Mineral Law Foundation's

Natural Resources Law Teachers Institute; b) 2009, 2010, and 2011 Pace Law School Environmental Moot Court Competitions; c) 2009 Tulane Law School Environmental Law Conference; d) 2009 Howard University School of Law's State of Environmental Justice; e) 2009 University of Oregon Law School's Public Interest Environmental Law Conference (PIELC) / National Association of Environmental Law Societies; and f) 2009, 2010, and 2011 National Association of Environmental Law Societies' Annual Conferences.

3.8 Consideration of Section of International Law's Request for Renewal of Technical Commenting Authority Expiring in August 2008 and Requests to Serve as Reviewing Entities for These Technical Comments

a. Section of International Law Request for Renewal of Technical Commenting Authority Expiring in August 2008

The Board approved, as submitted, the request of the Section of International Law to renew its technical commenting authority under the Association's Blanket Authority Procedure, effective August 2008 through August 2011.

b. Requests to Serve as Reviewing Entities for Section of International Law's Technical Comments

The Board approved, as submitted, the requests of the sections of Antitrust Law, Business Law and Intellectual Property Law to serve as reviewing entities for some or all of the Section of International Law's technical comments, effective August 2008 through August 2011.

3.9 President Neukom's Request for Continuation of the World Justice Project

The Board approved President Neukom's request to continue the Commission on the World Justice Project for the 2008-2009 Association year to permit the Commission to complete its ongoing activities including planning for the next World Justice Forum and continuing work on the Rule of Law Index. No general revenue funding is requested.

3.10 Standing Committee on Environmental Law Request to Convene and Raise Funds for a Conference in Vancouver, British Columbia, Canada, and Inaugurate a Memorial Lecture

The Board approved the request of the Standing Committee on Environmental Law to a) hold a business meeting and its next international conference in Vancouver, British Columbia Canada, during the summer or fall of 2009; b) solicit outside funding for the conference; and c) establish the John J. O'Leary Memorial Lecture, to be held at all future committee-sponsored international conferences, beginning in 2009.

3.11 Requests Regarding Fellowships

a. Section of Litigation

The board approved the request of the Section of Litigation to co-sponsor a two-year "Civil Right to Counsel Fellowship" jointly with the Public Justice Center located in Baltimore, Maryland, to support the work of the National Coalition for the Right to Civil Counsel. The Fellow will be an employee of the Public Justice Center. The Section has agreed to fund the Fellow's salary for two years, from Section funds, and has agreed to pay the Fellow's relocation expenses to Baltimore in order to make the Fellowship viable for applicants located outside of the Baltimore area.

b. Section of State and Local Government Law

The Board approved the request of the Section of State and Local Government Law to establish a "Young Lawyer Fellowship Program" for young lawyers who have practiced in the state and local government law area for at least one year and are younger than 36 years of age or have been admitted to the bar less than ten years. There will be one Fellow per year. Upon selection, a Fellow must attend the Section's Spring and Fall Council Meetings, join and contribute to the work of a substantive Section committee, work on a tangible project for the Section during the bar year, and report to the Section Council on the Fellowship experience. All expenses in connection with the Fellowship will be paid from Section funds.

3.12 Standing Committee on Membership Request for Member Benefit Program with Whirlpool

The Board approved the request of the Standing Committee on Membership to establish a member benefit program with Whirlpool, which would offer ABA members discounts of 15% to 40% on home appliances. Member purchases would generate a 1% royalty payment to the Association. In addition, Whirlpool would pay \$20,000.00 in marketing fees for the program.

3.13 Approval of Revised Operations and Communications Committee Jurisdictional Statement

See Exhibit 2.5 above.

B. MATTERS OF INDEPENDENT JURISDICTION

3.15 Requests for Co-Sponsorships

a. Judicial Division Bench-Bar Bankruptcy Council

The Operations and Communications Committee approved the request of the Judicial Division, on behalf of its Bench Bar Bankruptcy Council, to continue its Bankruptcy Curriculum Project with the National Conference of Bankruptcy Judges for an

additional 12 months, ending in October 2009. The Operations and Communications Committee approved the original request to co-sponsor the Bankruptcy Curriculum Project in June 2007.

b. Judicial Division National Conference of the Administrative Law Judiciary

The Operations and Communications Committee approved the request of the Judicial Division National Conference of the Administrative Law Judiciary (NCALJ) to co-sponsor the 25th Annual Central Panel Directors Conference on September 10-13, 2008, in Anchorage, Alaska, with the Central Panel Directors, National Association of Administrative Law Judges, and the Alaska Office of Administrative Hearings.

c. Judicial Division National Conference of State Trial Judges

The Operations and Communications Committee approved the request of the Judicial Division National Conference of State Trial Judges (NCSTJ) to co-sponsor the NCSTJ 50th Anniversary DVD with the South Carolina Educational Television Commission.

d. Section of Administrative Law and Regulatory Practice (*Two Requests*)

i. Judicial Training for Election Day Disputes

The Operations and Communications Committee approved the request of the Section of Administrative Law and Regulatory Practice to co-sponsor a project on Judicial Training for Election Day Disputes, to be undertaken with the William & Mary School of Law, the National Center for State Courts, and possibly the ABA Judicial Division, Standing Committee on Election Law, and Section of State and Local Government Law.

ii. Brown Bag Seminar: 2008 Farm Bill

The Operations and Communications Committee approved the request of the Section of Administrative Law and Regulatory Practice to co-sponsor a brown bag seminar and teleconference, "Looking Back, Looking Forward: Emerging Issues in the Commodity and Conservation Titles of the 2008 Farm Bill," with the National Agricultural Law Center on September 10, 2008, at the ABA Offices in Washington, DC.

e. Section of Environment, Energy, and Resources

The Operations and Communications Committee approved the request of the Section of Environment, Energy, and Resources to participate in the U.S. Environmental Protection Agency (EPA) Community Action for Renewed Environment (CARE) program by providing pro-bono legal assistance to EPA CARE recipients for the 2008-2009, 2009-2010, and 2010-2011 bar years. The EPA CARE program gives grants to community organizations to address local environmental issues. In approving the request, the Operations Committee understood that the Section and the EPA will work with ABA General Counsel to ensure that appropriate liability waivers are initiated to protect the ABA from any damages resulting from the legal advice given.

f. Commission on Domestic Violence

The Operations and Communications Committee approved the request of the Commission on Domestic Violence to annually publish the winning article of the ABA's "Annual Law Student Writing Competition on Domestic Violence in the Law", which was approved by the Board in 2005, in the Washington College of Law's *American University Journal of Gender, Social Policy & the Law*.

3.16 Meetings Outside the United States

The Operations and Communications Committee took the following actions and/or received the following notifications of meetings being held outside the United States:

a. Judicial Division (Request for Approval)

The Operations and Communications Committee approved the request of the Judicial Division to hold its 2009 Spring Planning Meeting at the Westin Resort and Spa in Los Cabos, Mexico, May 6-9, 2009.

b. Forum on Franchising (Notification)

The Operations and Communications Committee was notified that the Forum on Franchising plans to hold its Annual Meeting and Conference at the Westin Harbour Castle in Toronto, Ontario, Canada, October 12-17, 2009.

c. Section of Business Law (Notification)

The Operations and Communications Committee was notified that the Section of Business Law plans to co-sponsor CLE programs on mergers and acquisitions with the Inter-Pacific Bar Association and the International Financial Law Review in Hong Kong, China, in 2009, 2010, and 2011.

d. Standing Committee on Meetings and Travel (Request for Approval)

The Operations and Communications Committee approved the request of the Standing Committee on Meetings and Travel to hold its fall 2008 meeting at the Fairmont Royal York Hotel in Toronto, Ontario, Canada, October 24-26, 2008.

e. Section of Litigation

The Operations and Communications Committee was notified that the Section of Litigation plans to hold a training conference at the Millennium Knightsbridge Hotel in London, England, October 12-18, 2008, in connection with the second phase of the Section's Darfur Advocacy Training Project.

3.17 Section of Antitrust Law Request for Approval of Brown Bag Programs Co-sponsored with Certain Outside Entities in 2008-2009

The Operations and Communications Committee approved the request of the Section of Antitrust Law to co-sponsor Brown Bag programs with 87 outside entities (listed in the request) in 2008-2009.

4. **PROGRAM AND PLANNING COMMITTEE**

A. **MATTERS FOR REVIEW BY THE BOARD**

4.1 Commission on Sexual Orientation and Gender Identity Request for Outside Funding

The Board approved the request of the Commission on Sexual Orientation and Gender Identity to solicit outside funding to conduct qualitative research at the national level concerning the experiences of lesbian, gay, bisexual, and transgender (LGBT) lawyers within the profession. The research will be conducted in two phases. Phase 1 is being conducted at the end of FY 2007-2008, will involve two live focus groups and one telefocus group. Phase 2 of the research will be conducted in 2008-2009.

4.2 Enterprise Fund

The Board approved the addition of \$250,000.00 to the FY 2009 Budget to support the Enterprise Fund, with the understanding that the Program and Planning Committee reserves the right to revisit the funding level in October 2008 when all budget changes and new requests are completed.

4.3 Senior Lawyers Division Request for Creation of Program Support Fund

The Board approved the request of the Senior Lawyers Division to establish a program support fund to manage an existing project, "Oral Histories of Women Trailblazers in the Law" (Project), which was created by the Commission on Women in 2004. A Memorandum of Understanding, which transfers primary responsibility for the Project from the Commission on Women to the Senior Lawyers Division, has been signed by the Commission and the Division and approved by the ABA General Counsel.

5. **FINANCE COMMITTEE**

A. **MATTERS FOR REVIEW BY THE BOARD**

5.1 **Section of Litigation Request to Contribute Funds to Outside Organization**

The Board approved the request of the Section of Litigation to make a \$15,000.00 contribution from Section funds to the National Institute for Trial Advocacy (NITA) for 2008-2009. The Section has previously contributed Section funds to NITA.

5.2 **Approval of FY 2009 Budget**

a. **Budget Appeals and New Funding Requests**

The Board approved budget appeals under \$25,000.00 in the amount of \$228,122.00, approved budget appeals greater than \$25,000.00 in the amount of \$317,400.00 and approved new funding requests in the amount \$750,114.00.

b. **General Revenue Operating Budget**

The Board approved the FY 2009 total ABA Budget of \$205,783,980.00, which includes a total General Operating Budget of \$114,005,975.00, preliminary Section Operating Budget of \$55,992,885.00, James O. Broadhead Budget in the amount of \$4,447,300.00, and estimated Grants and Gifts in the amount of \$34,276,419.00, less inter company eliminations (i.e., rent revenue/expense for Washington, DC office space), of \$2,938,600.00.

c. **Capital Budget**

The Board approved the FY 2009 Capital Budget in the amount of \$2,054,270.00.

5.3 **Request to Approve Internal Audit Plan for FY 2009**

The Board approved the Internal Audit Plan for FY 2009 for business areas, information systems, and administrative activities.

5.4 **A-E-F-C Pension Plan Contribution**

The Board approved an A-E-F-C Pension Plan Contribution for the Pension Year 2007 in the amount of \$5,320,000.00.

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ADDITIONAL ITEM: APPOINTMENT OF ACCREDITATION TASK FORCE

President Neukom informed the Board that he has appointed a task force to review the process used by the Association to accredit law schools. Former ABA President Talbot (Sandy) D'Alemberte will chair the Task Force.