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**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 February 4-5, 2010,  
Board of Governors Meeting

**DATE:** February 18, 2010

Attached is the Summary of Action of the February 4-5, 2010, meeting of the Board of Governors held at the Walt Disney World Dolphin Hotel in Orlando, Florida. This Summary does not constitute official Minutes of the meeting. Minutes will be presented for Board approval at its next meeting in June 2010.

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

**CC:** Board of Governors

Attachment

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

**Walt Disney World Dolphin Hotel  
Orlando, Florida  
February 4-5, 2010**

**1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR**

The Board received the reports of the President, President-elect, Chair of the House of Delegates, Secretary, Treasurer and Executive Director. The minutes of the Board's October 31, 2009, meeting in Manchester Village, Vermont, were approved as presented. The minutes of the Executive Committee's December 10, December 23, and December 30, 2009; and January 20, January 28, and February 3, 2010, 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 Report From the Commission on Ethics 20/20**

Jamie S. Gorelick, Co-Chair of the ABA Commission on Ethics 20/20, presented a status report on the Commission's work. The Commission was created at the request of President Lamm to review the Model Rules of Professional Conduct and the U.S. system of lawyer regulation in response to the concerns that technological changes and globalization present to clients, lawyers, law firms, and the public. The Commission's work is guided by three principles: protection of the public; preservation of core professional values; and the maintenance of a strong, independent and self-regulated profession.

In November 2009, the Commission disseminated its Preliminary Issues Outline which identifies ethical and regulatory issues affecting the entire spectrum of the legal profession, i.e., from what has been characterized as "Big Law" to individual, local practices. Subject to continued modification, the three initial subject areas for Commission study are a) issues that arise because U.S. lawyers are regulated by states but work increasingly across state and international borders, b) issues that arise in light of current and future advances in technology that enhance virtual cross-border access, and c) specific ethical issues raised by changing technology. The Commission has engaged in extensive outreach efforts and collaboration with the judiciary; with state, local, and specialty bar associations; and with the public. Seven working groups, each focusing on a particular subject area (e.g., legal process outsourcing, inbound foreign lawyers, and technology) have been created to facilitate the Commission's work. The

Commission's first public hearing was held on February 5, 2010, in Orlando. Future outreach will be conducted at the Bar Leadership Institute, ABA Day in Washington, the National Conference on Professional Responsibility, and other scheduled events.

### 2.3 Status Report Regarding the Executive Director Search

In executive session, the Board received a status report regarding the Executive Director search from William C. Hubbard, Chair of the Executive Director Search Committee.

### 2.4 Presentation Regarding Segment Value Membership Initiative

Laurel G. Bellows, Co-Chair of the Task Force on Segment Value Membership Initiative (SVMI), presented a status report regarding the work of the Task Force. Formed in June 2009, the Task Force, in conjunction with the Standing Committee on Membership, coordinates the implementation of the SVMI that began in September 2008 to develop ideas for adding value to ABA membership. The Task Force is focusing on four segments: law students and global, large and medium-sized firms. Currently, the Task Force has coordinated "ABA Day" at law schools across the country and is working with the Young Lawyers Division on its "Touch 10,000" initiative, a member-to-member outreach program designed to link current ABA young lawyer members, known as "Ambassadors," with new bar admittees. In addition, the Task Force is implementing the "President's Council," which was created at the request of President Lamm to connect leaders in law firms with Association leaders.

### 2.5 Report Regarding Presidential Diversity Commission

Honorable Ellen F. Rosenblum, Chair of the Presidential Initiative-Commission on Diversity, presented a status report on the Commission's activities. Judge Rosenblum's report highlighted the following points: a) the release, at the 2010 Midyear Meeting, of the report "State of Diversity in the Legal Profession: Next Steps," which analyzes the extensive information gathered in 2009-2010 from Immediate Past President Wells' Diversity Summit and related activities. The report provides recommendations for the next steps to advance diversity in the legal profession. The report will be discussed at a program on Friday, February 5 during the 2010 Midyear Meeting; and b) the presentation by the Commission of a series of distance learning CLE programs. Program topics include "Removing Bias from Attorney Evaluations" and "Smart Soloing: Success Strategies for Diverse Lawyers."

### 2.6 Report From the Rule of Law Initiative

Robert J. Grey, Jr., Chair of the ABA Rule of Law Initiative (ROLI) presented a power point titled "Strengthening ABA ROLI and the ABA-ROLI Relationship: The Next 20 Years." The presentation highlighted ROLI's work as one of the leading providers of technical legal assistance in the world and included specific examples of ROLI's early, recent, and current successes in advancing the rule of law internationally. In addition, the presentation outlined the changes in the environment for international rule of law assistance between 1990 (there were few international technical legal assistance providers and U.S.-based association membership structures and procedures sufficed) and 2010 (there are numerous providers worldwide which require internationally-tailored operational program structures and procedures). Mr. Grey also explained some of the

recent challenges that ROLI has experienced in complying with the ABA business model in terms of governance, financial and human resources issues and outlined generally changes that may be necessary to expand ROLI's programming globally.

## 2.7 Status Report From the Commission on the Impact of the Economic Crisis on the Profession and Legal Needs

Allan J. Tannenbaum, Chair of the Commission on the Impact of the Economic Crisis on the Profession and Legal Needs presented a status report on the Commission's work. The current economic crisis has taken an unprecedented toll on the legal profession. In the twelve months ending in November 2009, the legal industry lost approximately 42,000 jobs affecting lawyers in all practice settings. President Lamm requested the creation of the Commission in 2009 to work with Association entities and staff to develop new approaches to help lawyers cope with the transforming economy, assess the impact of the crisis on legal needs, and determine what the ABA can do to improve the delivery of legal services.

The ABA has responded quickly, with practical resources and programs, to address recession-related legal needs. Resources and programs developed include a) the Economic Recovery Resources Portal, b) the ABA Job Board, c) the FJE Project Fellows program, approved by the Board in October 2009, which provides volunteer experience in Fund for Justice and Education public service projects for recent law school graduates who may be unemployed, underemployed, or deferred, d) distance learning programs, e) providing clear information regarding student loan debt options and advocating for flexibility in repayment of law student loans, and e) "toolkits" to assist lawyers who have lost their jobs and are seeking to transition into smaller firms or local practice.

## 2.8 Report Regarding the 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), heard a presentation from Alan Kopit, Chair of the Council of the FJE. The FJE was created in 1961, as the Fund for Public Education, to allow the American Bar Association to solicit and accept tax-exempt gifts and grants in support of law-related public service and educational programs of the Association. Today, the FJE supports nearly 200 ABA programs and services.

Mr. Kopit highlighted recent FJE initiatives including a) the Executive Committee's approval of the FJE Haiti Legal Development Fund to support programmatic initiatives to address law related/justice system issues in Haiti, b) the FJE Council's request, submitted at the February 2010 Board meeting, to increase the amount of the dues check-off contribution to the ABA/FJE on membership renewal statements from \$15.00 to \$25.00 to generate additional revenue. (See Exhibit 5.1 below.), and c) the FJE Project Fellows program. Mr. Kopit also expressed his appreciation to members of the Board and House of Delegates for their contributions to the FJE.

## 2.9 Status Report Regarding the ABA Website

Robert A. Clifford, Chair of the Standing Committee on Strategic Communications, presented a status report regarding the ABA Website. In December 2009, the Standing Committee convened a Website Stakeholders Summit. At the Summit, representatives

of entities that have presence on the ABA Website shared their experiences and comments regarding the site. A key conclusion from the Summit was that there should be one ABA entity with oversight responsibility for the ABA Website. The results of the Summit were summarized by the consulting firm .orgSource in the January 2010 Website Findings and Recommendations Report (Report), which was distributed at the February 5, 2010, Board meeting. In addition, the Board previously received an executive summary of the Report. The Standing Committee is requesting that the Board a) receive the aforementioned Report and b) create a five-member task force, to be appointed by the President, to oversee the Website. On February 4, 2010, the Operations and Communications Committee recommended that the Board approve the Standing Committee's request. (See Exhibit 3.11 below.)

At the February 2010 Board meeting the Standing Committee on Membership is requesting supplemental funding to hire Ogilvy and Mather to assist the ABA in its Membership Growth Initiative in Fiscal Year 2010. (See Exhibit 3.9 below.) Mr. Clifford noted that a major component of the work to be undertaken by Ogilvy and Mather includes website redesign.

#### 2.10 Presentation From the Hispanic National Bar Association

Roman D. Hernandez, President of the Hispanic National Bar Association, urged the ABA to support comprehensive immigration reform as set forth in House Reports 114A through 114F submitted by the Commission on Immigration for consideration by the House of Delegates at the 2010 Midyear Meeting (See Exhibit 2.1 above.) and as set forth in the February 2, 2010, report "Reforming the Immigration System: Proposals to Promote Independence, Fairness, Efficiency, and Professionalism in the Adjudication of Removal Cases," which was prepared pro bono by the law firm of Arnold & Porter LLP.

#### 2.11 Request to Approve ABA Legislative and Governmental Priorities

Wm. T. Robinson III, Chair of the Standing Committee on Governmental Affairs (SCGA) presented a status report regarding the Standing Committee's work. Mr. Robinson's report highlighted a) the increasingly effective working relationship between ABA volunteers and the staff of the ABA Governmental Affairs Office (GAO), b) the GAO's Grassroots Action Team and Grassroots Advocacy Center, which provide the means to conveniently contact elected officials about issues that directly impact the organized bar, the legal profession, and the administration of justice, and c) the creation by the Board in October 2009 of the SCGA Subcommittee on Medical Malpractice and Health Care Reform. The Subcommittee, which includes members of the SCGA, the Standing Committee on Medical Professional Liability, the Health Law Section, and the Section of Litigation, works to enhance the efforts of the ABA and the GAO to implement policy in the area of medical malpractice in light of health care reform.

The Board next considered the recommendations of the SCGA and the GAO regarding Legislative and Governmental Priorities for 2010 (Priority or Priorities). The SCGA and GAO recommended the retention of nine of the ten current Priorities and also recommended that the Board delete "Tax Simplification" from the Priorities list and replace it with a new Priority called "Response to Economic Crisis: Flexibility in Repayment of Law Student Loans and Related Emergency Programs" in recognition of the severity of the impact of the economic crisis on the legal profession. Charles H.

Egerton, Chair-elect of the Section of Taxation, spoke in favor of retaining "Tax Simplification" as a Priority because a) President Obama and key Congressional leaders have indicated publicly that tax simplification and tax reform will be significant issues on the agendas of the Administration and Congress and b) if the Association replaces tax simplification with another Priority, there will be no organized constituency to speak on behalf of the issue

Thereafter, the Board approved the following ABA Legislative and Governmental Priorities for 2010, as recommended by the SCGA and the GAO:

- Access to Legal Services
- Anti-Terrorism and Preservation of Civil Liberties
- Criminal Justice System Improvements and Protection of Rights
- Health Care Law
- Immigration
- Independence of the Judiciary
- Independence of the Legal Profession
- Legal Remedies to Eliminate Discrimination
- Promoting the International Rule of Law
- Response to Economic Crisis: Flexibility in Repayment of Law Student Loans and Related Emergency Programs

#### 2.12 Status Report Regarding the Washington, DC Office Space

Thomas Z. Hayward, Chair of the Washington, DC Office Space Committee, presented a status report regarding the Washington, DC office space. The Committee was created in October 2009 to review options regarding the ABA's Washington, DC office building. However, the Committee has also been reviewing specific provisions of the lease for the Chicago office. Mr. Hayward emphasized that the Association needs to develop a real estate strategy; the Washington, DC office space should be reviewed in conjunction with the Chicago office space. The specific provisions of the leases covering both spaces must be reviewed in the context of one another.

Thereafter, at President Lamm's request, the Board revised the jurisdictional statement of the Washington, DC Office Space Committee to authorize the Committee to also review options regarding the Association's Chicago office building.

#### 2.13 Report of Non Dues Revenue Committee

John Hardin Young, Chair of the Board of Governors Non-Dues Revenue (NDR) Committee, presented to the Board an overview NDR Committee's work. The NDR Committee reports to the Executive Committee and the Committee's goal is to move the Association from its current 70% Dues Revenue/30% NDR split to 50% Dues Revenue/50% NDR. To achieve this goal, the NDR Committee will, in pertinent part, look at each ABA business and service sector, on a line-by-line basis, with respect to its ability to increase NDR, consistent with the Association's Mission and Objectives.

Mr. Hardin then introduced Timothy Bertschy, Chair of the Standing Committee on Publishing Oversight (SCOPO), and SCOPO Staff Director Bryan Kay, to present the ABA Publishing Growth Strategy. Mr. Bertschy stated that the ABA has the following

advantages in terms of publishing opportunities: a) a substantial amount of intellectual property; b) experienced authors; c) persons seeking information that the ABA has; and d) a strong brand. However, in order to achieve substantial growth in publishing, the ABA must become a digital media publisher and provide subscription sales, content integration and access, with a member focus. Mr. Bertschy also presented a proposed timeline to achieve this goal.

The Board also received the "Report of CLE Stakeholders." The Stakeholders, representatives of the various entities in the Association who have an interest in the delivery of continuing legal education, met at the request of President Lamm and the NDR Committee to consider and evaluate potential options for the delivery of CLE by the ABA.

#### 2.14 Report Regarding the 2009 National Pro Bono Celebration

Board member Mark I. Schickman presented a brief report regarding the activities held during the first annual ABA Pro Bono Celebration Week, October 25-31, 2009. The Board also received the Standing Committee on Pro Bono and Public Service Final Report on the 2009 National Celebration of Pro Bono, which included a copy of an October 30, 2009, letter from President Obama expressing his appreciation to those who participated in the National Pro Bono Celebration.

#### 2.15 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 October 31, 2009, meeting of the ABA/FJE Board as presented and b) accepted the ABA/FJE restricted grants and contributions received or awarded through December 31, 2009, and not previously reported, as requested by the Association's Financial Services Division.

#### 2.16 Request for Adoption of Memorial Resolutions for Former Members of the Board of Governors

The Board passed memorial resolutions recognizing the accomplishments, standards and achievements of former Board members a) David E. Cardwell of Florida, who passed away on November 17, 2009; b) F. Wm. McCalpin of Missouri, who passed away on December 9, 2009; and c) Joseph Gordon of Washington State, who passed away on October 21, 2009.

#### 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 Additional Agenda Items

None for consideration.

## 2.25- INFORMATIONAL REPORTS

### 2.30

The Board received written informational reports from the *ABA Journal*, the ABA representatives to the Union Internationale des Avocats, the Commission on Women in the Profession, the Special Committee on Disaster Response and Preparedness, the Center for Racial and Ethnic Diversity, and the Commission on Sexual Orientation and Gender Identity.

## 3. OPERATIONS AND COMMUNICATIONS COMMITTEE

### A. MATTERS FOR REVIEW BY THE BOARD

#### 3.1 Requests for Bylaw Amendments

##### a. Forum on Franchising

The Board approved the request of the Forum on Franchising to amend its bylaws to increase the number of members at-large on the Forum Governing Committee from nine to twelve. The purpose of the increase is to provide for more diversity on the Governing Committee and to expand the pool of candidates that are able to serve in the future as Forum program chairs. The proposed amendments were approved by the Forum's Governing Committee on October 13, 2009, and by the Forum membership on October 16, 2009.

##### b. Judicial Division Appellate Judges Conference

The Board approved the request of the Judicial Division Appellate Judges Conference (AJC) to amend its bylaws, in pertinent part, to a) provide a policy for adoption of the AJC's budget, b) permit the AJC Chair and Budget Officer, acting jointly, to modify the budget, subject to certain monetary limits, and c) increase the number of members-at-large on the AJC Executive Committee from seven to eight. The proposed amendments were approved by the AJC membership on August 2, 2009.

#### 3.2 Nominations

##### a. ABA Journal Board of Editors

The Board elected Rew R. Goodenow of Nevada, the incoming Chair of the *ABA Journal* Board of Editors, to a third three-year term; and elected John R. Tarpley of Tennessee and Kathleen J. Hopkins of Washington State to three-year terms on the *Journal* Board, all three terms to begin at the conclusion of the 2010 ABA Annual Meeting and end at the conclusion of the 2013 ABA Annual Meeting, as recommended by the *Journal* Board.

##### b. Industry Trade Advisory Committee on Services and Financial Industries (ITAC 10) (Section of International Law)

The Board elected Timothy C. Brightbill of Virginia to a second two-year term as the ABA representative to the Industry Trade Advisory Committee on Services and Financial



Industries (ITAC 10), effective February 2010 through February 2012, as recommended by the Section of International Law. The Board approved ABA representation in ITAC 10 in October 2005. The ITACs serve as private industry trade advisors to the U.S. government and assist U.S. trade negotiators in developing U.S. policies and strategies for the promotion of U.S. interests in bilateral, regional and multilateral trade negotiations.

c. National College of District Attorneys Board of Regents (NCDA) (Criminal Justice Section)

The Board elected Anne J. Swern of New York as an ABA representative to the National College of District Attorneys (NCDA) Board of Regents for a three-year term, effective as of December 31, 2009, through December 31, 2012, as recommended by the Criminal Justice Section. The ABA has two regents on the NCDA Board, which has provided post-law school training for local prosecutors throughout the country for over thirty years. The ABA is an NCDA sponsoring organization.

d. National Commission on Correctional Health Care (NCCHC) (Criminal Justice Section)

The Board elected Patricia Blair of Texas to a second three-year term as the ABA representative to the National Commission on Correctional Health Care (NCCHC), effective May 1, 2010, through May 1, 2013. The mission of the NCCHC is to improve the quality of health care in jails, prisons and juvenile confinement facilities. NCCHC publishes *Standards for Health Services* pertaining to the general areas of care and treatment, health records, administration, personnel and medical-legal issues. In addition, NCCHC publishes position statements and clinical guidelines to assist correctional health care practitioners in the medical, ethical, administrative and legal aspects of their work.

3.3 President Lamm's Request to Continue Commission on Ethics 20/20 Through Fiscal Year 2011-2012

The Board approved the continuation of the Commission on Ethics 20/20 through Fiscal Year 2011-2012 to permit the Commission to complete a comprehensive review of the ABA Model Rules of Professional Conduct and the U.S. system of lawyer regulation in the context of advances in technology and global legal practice developments.

3.4 President-elect Zack's Requests for the Creation of Two Presidential Initiatives and to Seek Outside Funding for Both Initiatives

The Board approved President-elect Zack's request to create the following two commissions to carry out his presidential initiatives and for approval to seek outside funding for the initiatives:

- a. Commission on Hispanic Legal Rights: The Commission shall be comprised of 15 members including a chair. The Commission will also have a 15-member advisory committee, a reporter, and honorary chairs. It shall address key issues facing Hispanics throughout the United States such as voting rights, immigration, civil rights, and access to the courts. Regional hearings will be held to inform development of ABA policy

resolutions and a comprehensive report, which will provide recommendations for Congressional and Administration policy makers, will be developed.

b. Commission on Civic Education in the Nation's Schools: The Commission shall be comprised of 20 members including a chair. The Commission will also have a 15-member advisory committee, and honorary chairs. The Commission shall focus on activities to improve civic education in the United States, including a three-day civic education academy for young adults, ages 13-19, over President's Day weekend in 2011.

3.5 Standing Committee on Environmental Law Request to Co-sponsor International Conference and Seek Outside Funding

This item was withdrawn.

3.6 Section of Environment, Energy, and Resources Request to Permit the Section Chair-elect to Serve as an *Ex Officio* Member of the Governing Body of the Canadian Bar Association National Environmental, Energy and Resources Law Section

The Board approved the request of the Section of Environment, Energy, and Resources to have the Section Chair-elect serve as an *ex officio* member of the Canadian Bar Association National Environmental, Energy and Resources Law Section (NEERLS) governing body, known as the NEERLS Executive.

3.7 Section of Dispute Resolution Request to Establish Annual Award for Scholarly Work

The Board approved the request of the Section of Dispute Resolution to establish the annual "Award for Outstanding Scholarly Work," to be presented to one or more individuals, lawyers, law students and professionals allied to the dispute resolution and/or legal fields who have prepared a scholarly publication regarding dispute resolution or have developed a collective body of recognized scholarly work in the field over a period of at least 25 years. The actual award will be a plaque valued at approximately \$150.00 and will be paid for with Section funds.

3.8 Standing Committee on Membership Dues Pricing Proposal

The Board a) recommended that the House of Delegates approve the portions of Recommendation 177B (the Standing Committee on Membership Dues Pricing Proposals) which: i) regard lawyers employed by any federal, state, local, territorial or tribal government, lawyers employed by nonprofit legal services programs, judges and solo practitioners and ii) increase from 15% to 30% the percentage of members, including non-lawyer members, eligible to participate in dues pilots; b) supported the remainder of the proposal in principle, but postponed formal consideration of the remainder of the proposal until August 2010, when more information will be available; and c) commended the Standing Committee on Membership for its fine work in developing and presenting the proposals.

3.9 Standing Committee on Membership Request for Supplemental Funding to Hire Marketing Agency in Fiscal Year 2010

The Board approved the request of the Standing Committee on Membership for \$1,000,000.00 in supplemental funding to hire Ogilvy and Mather to assist the ABA in its Membership Growth Initiative in Fiscal Year 2010. The scope of work to be undertaken includes brand planning, website redesign, data infrastructure, e-mail contact rules/infrastructure, products and services, communications strategy and calendar, and digital strategy. Funding requests for website redesign implementation and technology purchases will be made separately.

3.10 Standing Committee on Membership Recommendation Regarding New Dues Pilot Program for JAGS

The Board approved the recommendation of the Standing Committee on Membership that a JAG Institutional Pilot, applicable to each of the military services, be conducted in Fiscal Year 2011. Pertinent provisions of the JAG Institutional Pilot program include a) a flat ABA dues rate of \$70.00 per member, b) all lawyers in each military service must participate (An 'opt-out' provision is available and participants in the "JAG Waiver for First Five Years Pilot" may remain in that program.), c) in order for a military service to obtain the dues discount, fifty percent of attorneys from that military service must join as new ABA members, d) one individual is designated as the "Group Administrator" for each of the military services, and e) lawyers who currently have their dues waived under the "JAG Waiver for First Five Years Pilot" or combat zone special dues program will not be included in the JAG Institutional Pilot.

3.11 Presentation and Request Regarding the ABA Website

As requested by the Standing Committee on Strategic Communications, the Board a) received the January 2010 Website Findings and Recommendations Report and b) created a five-member task force, to be appointed by the President. The task force will i) work with the relevant ABA entities and staff to develop website guidelines for consideration and approval by the Board, ii) work with the relevant ABA entities, staff and consultants to implement the identified improvements and upgrades, iii) coordinate with the Standing Committee on Technology and Information Systems, the Standing Committee on Strategic Communications and other appropriate entities, and iv) provide periodic status reports to the Operations and Communications Committee of the Board of Governors.

**B. MATTERS OF INDEPENDENT JURISDICTION**

3.15 Requests for Co-Sponsorships

The Operations and Communications Committee approved co-sponsorship requests from the following entities. No additional ABA general revenue is requested or required for these co-sponsorships.

- a. Judicial Division Lawyers Conference: Request to solicit Washington, DC area bar associations listed in the request to co-sponsor the program titled "The Perceptions of Justice," April 20, 2010, in Washington, DC.

- b. Judicial Division National Conference of Specialized Court Judges: Request to co-sponsor with entities listed in the request the "Problem Solving Courts Public Policy and Social Justice Conference," tentatively scheduled for April 10, 2010, at the University of Arizona College of Law for an audience of 30-40 students.
- c. Section of Antitrust Law (Three Requests)
- i. Consumer Videos: Request to collaborate with several organizations (profit and non-profit) listed in the request to develop a series of consumer videos for high school students in major school systems in large cities.
  - ii. Women's Networking Event: Request to co-sponsor a women's networking event with the Chicago office of the McGuire Woods law firm in late May or June 2010.
  - iii. Competition Law Sessions at Inter-Pacific Bar Association (IPBA) 2010 Annual Conference: Request to co-sponsor competition law sessions with the IPBA during the 2010 IPBA Annual Conference, May 2-5, 2010, in Singapore.
- d. Section of Real Property, Trust and Estate Law: Request to participate in the International Bar Association 15<sup>th</sup> Annual Wealth Transfer Practices Conference, March 1-2, 2010, in London, England.
- e. Young Lawyers Division (YLD): Request to solicit additional entities listed in the request to co-sponsor the YLD Elder Law Public Service Project for 2010-2011, which was originally approved for co-sponsorship in October 2009, and to clarify that one of the co-sponsors approved in October 2009 is the Young Lawyers Section of the Chicago Bar Association, not the Chicago Bar Association.
- f. Center for Racial and Ethnic Diversity: Request to co-sponsor a Forum for Bar Association Diversity Staff Directors with The State Bar of California and other state, local and specialty bar associations listed in the request in April 2010 at The State Bar of California in San Francisco, California.
- g. Commission on Lawyer Assistance Programs: Request to co-sponsor the Hispanic National Bar Association Corporate Counsel Conference and participate in a conference program titled "Rising from the Toxic Ashes: Corporate Counsel and Substance Abuse," April 4-6, 2010, in San Diego, California.

#### **4. PROGRAM, EVALUATION AND PLANNING COMMITTEE**

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

##### **4.1 Review and Action Regarding Program, Evaluation and Planning Prioritization**

The Board approved the transmittal to the Finance Committee of the Program, Evaluation and Planning Committee's priority ranking of ABA programs, activities and services for the Finance Committee's use in developing the Fiscal Year 2010-2011 budget.

#### 4.2 Approval of Requests to Seek Outside Funds

The Board approved requests from the following entities to seek outside funds for specific projects:

- Children and the Law, Center on (3 projects)
- Coalition for Justice (1 project)
- Council on Legal Education Opportunity (CLEO) (1 project)
- Criminal Justice Section (11 projects)
- Dispute Resolution, Section of (1 project)
- Environment, Energy, and Resources, Section of (1 project)
- Judicial Division (2 projects)
- Legal Assistance for Military Personnel, Standing Committee (1 project)
- Substance Abuse, Standing Committee on (1 project)
- Youth at Risk, Commission on (1 project)

#### 4.3 Approval of No-Cost Extensions on ABA Enterprise Fund Programs

The Board approved requests from the following three Enterprise Fund Projects for no-cost extensions: a) Aiding Substance Abusing Youth and Their Families until August 2010; b) Building Community Trust: Improving Cross-Cultural Communication in the Criminal Justice System until April 2010; and c) Judicial Disqualification project until August 2010.

### **B. MATTERS OF INDEPENDENT JURISDICTION**

None for consideration.

### **5. FINANCE COMMITTEE**

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

##### 5.1 Council of the Fund for Justice and Education Request to Increase Dues Check-Off Contribution

The Board approved the request of the Council of the ABA Fund for Justice and Education (the ABA/FJE) to increase the amount of the dues check-off contribution to the ABA/FJE on membership renewal statements from \$15.00 to \$25.00 to generate additional revenue to support the Association's public service and educational endeavors. The increase will take effect with renewal statements sent in May 2010.

##### 5.2 Pension Subcommittee Recommendation Regarding Legal Consultant/ ABA HR Program Manager

The Board approved the hiring of the law firm Morgan Lewis & Bockius LLP to provide legal options to the Pension Subcommittee of the Finance Committee on a pro bono basis.

5.3 Standing Committee on Audit Report

a. Acceptance and Approval of Annual Audited Consolidated Financial Statements

The Board accepted and approved the Annual Audited Consolidated Financial Statements of the American Bar Association for the year ended August 31, 2009.

b. August 31, 2009, Management Letter and Responses

The Board received the management letter and responses to internal control issues identified in the audit of the financial statements of the American Bar Association for the year ended August 31, 2009.

5.4 Request to Select Investment Advisor for Long Term Investments

The Board approved the hiring of Deutsche Bank/Alex Brown to replace Ennis, Knupp + Associates (EKA) as the ABA's investment advisor when the EKA contract expires in April 2010.

5.5 ADDITIONAL ITEM: Request to Approve Transfer of Funds From Technology Capital Budget

The Board approved the transfer of \$1,636,072.00 from the Technology capital budget to the Publishing budget to implement the ABA Publishing Growth Strategy. (See Exhibit 2.13 above.)

**B. MATTERS OF INDEPENDENT JURISDICTION**

None for consideration.