

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

**Windsor Court
New Orleans, Louisiana
June 2-3, 2006**

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 February 10, 2006, meeting in Chicago, Illinois, were approved with one correction. The minutes of the Executive Committee's March 9, May 3, and May 11, 2006, meetings were received.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 Report of Executive Director Search Committee

In executive session, the Board received a report from the chair of the Executive Director Search Committee and continued the discussion regarding the selection of the new Executive Director.

2.2 Status Report on Hurricanes Katrina and Rita Recovery

Frank X. Neuner, Jr., President of the Louisiana State Bar Association; Joy Lambert Phillips, President of the Mississippi Bar; and Kelly Frels, Immediate Past President of the State Bar of Texas presented to the Board status reports regarding the Hurricanes Katrina and Rita recovery efforts in their respective states. The reports included information on the response of the states' legal communities and assistance from other bar associations across the country.

2.3 Request to Adopt Policy Regarding the Reauthorization of the Voting Rights Act

The Board approved the request of the Standing Committee on Election Law for the adoption of ABA policy that a) reauthorizes the Voting Rights Act of 1965, as amended through 1992 (Act), by urging the extension of Sections 5 (pre-clearance), 203 (minority language assistance), and 6-9 (federal observers) of the Act, for 25 years; and b) restores the proper legal standard for Sections 2 and 5 (pre-clearance), broadens Section 203 in order to protect and assure the voting rights of all citizens, and permits the recovery of expert fees and expenses. Adoption of the policy will permit the Association to participate in the debate in Congress regarding the Act and to provide a strong defense of the Act in any subsequent legal challenges.

2.4 Request to Adopt Policy Regarding Patent Licensing

The Board approved the request of the Section of Intellectual Property Law for the adoption of ABA policy that: a) supports the rule, recently reaffirmed by the Federal

Circuit in *Medimmune, Inc. v. Genentech, Inc.*, 427 F.3d 958 (Fed. Cir. 2005), requiring that a patent licensee commit a material breach of the license agreement (such as refusing to pay royalties) as a condition of bringing an action seeking a declaration of patent invalidity, unenforceability, or non-infringement; and b) supports the filing of an amicus brief on the side of Respondents defending the rule in the Supreme Court, which has granted a petition for review of the Federal Circuit's decision. (*Medimmune, Inc. v. Genentech, Inc.*, No. 05-608).

2.5 ALI-ABA Presentation

Thomas Z. Hayward, Jr., President of ALI-ABA; and Julene Franki, Executive Director of ALI-ABA, presented to the Board the annual report of ALI-ABA activities. Mr. Hayward discussed the revised Memorandum of Understanding between the ALI and the ABA, adopted by the Board in June 2005, which reflects governance changes in the organization. Mr. Hayward and Ms. Franki also discussed generally the eight ALI-ABA strategic priorities established for 2006-2009, as well as the initiatives that have been developed to increase online production and distribution of ALI-ABA products, including Web casting, courseware management, website redesign, and online inventory.

2.6 Presentation on ABA Museum of Law

Thomas Z. Hayward, Jr., President of the ABA Museum of Law, presented to the Board a report on the ABA Museum of Law. Established in 1996 and located in the lower level of the American Bar Association headquarters in Chicago, the Museum is the only one of its kind in the United States. Mr. Hayward discussed with the Board the proposal for the Museum's next permanent exhibition, "Liberty Under Law: The American Journey," which will describe America's journey under the rule of law from the colonial era to the present. Interactive media and features and video productions will be key components of the exhibition.

2.7 Memorial Resolutions

The Board passed resolutions recognizing the accomplishments, standards and achievements of Charles A. (Butch) Powell III of Alabama, a member of the current Board of Governors, who passed away suddenly on March 15, 2006; Joseph E. Stopher of Kentucky, a member of the Board from 1983-1986, who passed away on April 27, 2006; and Sherwin P. Simmons of Florida, a member of the Board from 1990-1993, who passed away on May 24, 2006.

2.8 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 February 10, 2006, meeting of the ABA/FJE Board with one correction; and b) accepted the ABA/FJE restricted grants and contributions received or awarded through May 2, 2006, and not previously reported, as requested by the Association's Grant Development & Administration Office.

2.9 National Judicial College

The Board, sitting as the Members of the National Judicial College (NJC): a) approved the request of the NJC Board of Trustees to amend the NJC bylaws, in pertinent part, to: a) eliminate the position of Dean and create the position of Chief Academic Officer and b) change the Advisory Council to a Board of Visitors.

In addition, the Board, sitting as the Members of the NJC, elected the following four individuals as NJC representatives to the NJC Board of Trustees, all for three-year terms to begin at the conclusion of the NJC's annual meeting in July 2006 and conclude at the end of the NJC's annual meeting in July 2009: a) Thomas V. Girardi of Los Angeles, California; b) Michael L. Buenger of Jefferson City, Missouri; c) Marybel Batjer of Las Vegas, Nevada; and d) Justice Denette Mouser of Rogers, Arkansas. (See also Item 3.2b below.)

2.10 Final Report and Recommendations of Long Range Planning Committee

At the request of the Long Range Planning Committee, the Board approved the adoption of a revised Strategic Plan, dated June 2006, which focuses on Association goals through funding priorities in the following four areas: a) represent the American legal profession; b) enhance membership services and programs; c) achieve strong financial performance; and d) enhance Board performance. In addition, at the request of the Long Range Planning Committee, the Board approved the creation of a seven-member Long Range Planning Committee, comprised of Board members and non-Board members, which will: a) direct the implementation of the Strategic Plan, working with each of the Board committees in their area of jurisdiction; b) analyze and recommend how the Association should approach planning; and c) advise the Board and ABA leadership regarding updates to the Strategic Plan.

2.11 President-elect Mathis' Request for Revisions to the Operations of the Board of Governors

The Board made the following revisions to the operations of the Board of Governors, as requested by President-elect Karen J. Mathis:

a. Executive Compensation Subcommittee – The Board modified the jurisdictional statement of the Executive Compensation Committee to restructure it as a subcommittee of the Board comprised of a chair and three members of the Board, one from each class, which would report directly to the Board. The Subcommittee will continue to review the performance of the Executive Director and the Consultant on Legal Education and make recommendations to the Board regarding the compensation of each.

b. Long Range Planning and Implementation Subcommittee

See Item 2.10 above.

c. Non-dues Revenue Subcommittee – The Board created a Non-dues Revenue Subcommittee comprised of a chair and three members of the Board, one from each class and a Section Officers Conference representative and the Treasurer to serve *ex officio*. The Subcommittee will make recommendations to the Finance Committee regarding potential non-dues revenue activities.

d. Executive Committee – The Board amended the jurisdictional statement of the Executive Committee so that the Executive Committee will only handle emergency matters and to remove the chair of the Executive Compensation Committee as a member of the Executive Committee.

2.12 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.

3. OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

a. Senior Lawyers Division

The Board approved the request of the Senior Lawyers Division to amend its bylaws to eliminate the Chair of the Commission on Law and Aging as an *ex officio* member of the Division's Council. The Division's Council approved the proposed amendment at its Spring meeting on April 25-26, 2006. Approval of the amendment by the Board is subject to approval by the Division membership during its Annual Business Meeting in August 2006.

b. Section of Taxation

The Board approved the request of the Section of Taxation to amend its bylaws, in pertinent part, to: i) increase the number of regular Section meetings held each year from three to four; ii) require the Fall meeting of the Section to be held in September or October of each year; and iii) permit the members of the Section, as well as a majority of members of the Council, to be present at any meeting of the Section or at any meeting of the Council, respectively, by any means that allows communication. The Section Council approved the proposed amendments on February 2, 2006, and the proposal was approved by the Section membership on May 5, 2006.

c. Museum of Law

The Board approved the request of the Museum of Law Board of Directors to amend its bylaws to provide that a majority of the Board of Directors shall be current or former members of the ABA Board of Governors at the time of their initial election. The proposal was approved by the Museum Board at its meeting on February 10, 2006. The amendment will preserve majority representation on the Museum Board by individuals who have served on the ABA Board, while expanding the number of individuals who may be willing to consider service on the Museum Board.

d. Law Practice Management Section

With the exception of the proposed revision to Bylaw Section 4.02(e) that would add one voting Non-U.S. Lawyer Associate position to the Section Council, and subject to additional technical revisions being made to certain, other Sections of the bylaws, the Board approved the request of the Law Practice Management Section to amend its bylaws, in pertinent part, to: i) provide that meetings and voting by Council members may be conducted by electronic means; ii) add two non-voting positions to the Section Council, to be filled by ABA Associates; and iii) make technical corrections. The proposed amendments were approved by the Section Council on February 11, 2006. Approval by the Board is subject to approval by the Section membership at the Section Annual Meeting.

In declining to approve the proposed revision to Bylaw Section 4.02(e), the Board recommended that the Section bring the proposed revision back to the Board once the Section submits to the House of Delegates at a future ABA Annual Meeting a corresponding proposal to amend the ABA Constitution.

e. Section of Dispute Resolution

The Board approved the request of the Section of Dispute Resolution to amend its bylaws, in pertinent part, to: i) add a procedure for electronic balloting; ii) provide that Section bylaws may be amended at "any meeting" of the Section rather than at "any Annual meeting" of the Section; and iii) eliminate the term limit for the Section's representatives to the House of Delegates. The proposed amendments were approved by the Section Council on April 5, 2006. Approval by the Board is subject to approval by the Section membership at the Section Annual Meeting.

3.2 Nominations

a. International Bar Association

The Board elected Kenneth B. Reisenfeld of Washington, DC, as the ABA representative to the International Bar Association (IBA), to serve a three-year term to begin at the conclusion of the IBA's Annual Conference, in Chicago, Illinois, in September 2006, and end at the conclusion of the IBA Annual Conference in Fall 2009, as recommended by the Section of International Law.

b. Judicial Division and Board of Governors Representatives on the National Judicial College Board of Trustees

The Board, sitting as the Members of the National Judicial College (NJC): i) approved the recommendation of the Judicial Division and elected Honorable James M. Riehl of Port Orchard, Washington, to a three-year term as a Judicial Division representative on the NJC Board of Trustees; and ii) re-elected Saul A. Wolfe of Livingston, New Jersey, as an ABA representative to the NJC Board appointed by the Board of Governors, for a second three-year term. Both terms begin at the conclusion of the NJC's annual meeting in July 2006 and conclude at the end of the NJC's annual meeting in July 2009. (See also Item 2.9b above.)

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

The Board elected Timothy C. Brightbill of Alexandria, Virginia, to fill the unexpired two-year term of Mark R. Sandstrom as the ABA representative to the Industry Trade Advisory Committee on Services and Financial Industries (ITAC 10), as recommended by the Section of International Law. Mr. Brightbill's term will conclude in February 2008. The Board approved ABA membership in ITAC 10 and the election of an ABA representative to 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.

d. Friends of the CEELI Institute

The Board elected Honorable Thomas Griffith of Washington, DC, and re-elected Norman Thorpe of Birmingham, Michigan, to the Board of Directors of the Friends of the CEELI Institute, each for three-year terms to begin in August 2006 and conclude in August 2009, as recommended by the Special Committee on the Central European and Eurasian Law Initiative (CEELI Special Committee). The CEELI Special Committee will submit a recommendation to fill the third position that expires in 2006 at a future Board meeting.

In addition, the Board elected Mark S. Ellis of London, England, to fill the unexpired three-year term of C. Boyden Gray on the Board of Directors of the Friends of the CEELI Institute, as recommended by the CEELI Special Committee. Mr. Ellis' term will conclude in August 2007.

e. Intellectual Property Constituency (Section of Intellectual Property Law)

The Board elected Mark V. B. Partridge of Chicago, Illinois, to a three-year term as the ABA representative to the Intellectual Property Constituency, to begin in July 2006 and conclude in July 2009, as recommended by the Section of Intellectual Property Law. The Board approved ABA membership in the IPC at its July 2000 meeting.

3.3 Requests to Establish and/or Rename Awards

a. Center for Rule of Law Initiatives (CROLI)

Request to Establish Two Annual Awards:

i) The Board approved the request of the Center for Rule of Law Initiatives for the creation of the annual "ABA International Rule of Law Award" to honor a national leader, most often a head of state, who has taken significant steps to advance the rule of law and implement reforms. The award, made of engraved crystal and valued at less than \$150, will be presented during the Central European and Eurasian Law Initiative (CEELI) Rule of Law Luncheon at the ABA Annual Meeting. In addition, Board approved CROLI's request for a waiver of the policy prohibiting reimbursement of annual meeting expenses to permit CROLI to reimburse the award recipient.

ii) The Board also approved the request of the Center for Rule of Law Initiatives to establish the annual "International Rule of Law Ambassador's Award" to honor a current or former U.S. Ambassador who has demonstrated outstanding leadership and commitment to legal reform. The award, made of engraved crystal and valued at less than \$150, will be presented at the annual meeting of the ABA international rule of law programs (formerly the CEELI Annual Meeting).

In approving the requests to establish the awards, the Board understood that the costs for the two awards will be paid with sponsorship and luncheon ticket revenue or from CROLI's approved budget, and no additional ABA general revenues are requested or required.

Request to Rename Existing Annual Awards

i) The Board approved the request of the Center for Rule of Law Initiatives to combine the existing Central European and Eurasian Law Initiative (CEELI) Reformer Award, ABA Latin America Law Initiative Council Rule of Law Award, and ABA-Asia Law Initiative Council Rule of Law Award and rename them the "ABA International Rule of Law Reformers Award."

ii) The Board approved the request of the Center for Rule of Law Initiatives to rename the CEELI Volunteer Award the "ABA International Rule of Law Volunteer Award."

b. Law Practice Management Section

The Board approved the request of the Law Practice Management Section to establish the annual "James I. Keane Memorial Award for Excellence in E-Lawyering" to recognize outstanding achievement in delivering legal services through the Internet or other electronic resources. The award will be a plaque or similar token of recognition valued at less than \$500 and will be paid for with Section funds. In approving the

request, the Board understood that no ABA general revenues are requested or required.

c. Coalition for Justice (Request to Ratify May 10, 2006, Action of Operations Committee)

The Board ratified the May 10, 2006, action of the Operations Committee that approved, on an expedited basis, the request of the Coalition for Justice for: i) the creation of the annual "Burnham H. "Hod" Greeley Award" in recognition of outreach efforts designed to enhance public awareness of a fair and impartial judiciary; and ii) a waiver of the policy prohibiting reimbursement of Annual Meeting expenses to permit the Coalition to subsidize the travel costs of the award recipient to the ceremony where the award will be presented. In ratifying the Operations Committee's May 10, 2006, action, the Board understood that: i) each year the award is presented, the funds to pay the expenses will come from the existing approved budget of the Coalition; and ii) no additional ABA general revenue will be requested or required.

d. Section of Public Contract Law

The Board approved the request of the Section of Public Contract Law for the creation of the annual "Public Contract Law Section Fellows' Spirit of Leadership Award" to recognize a Public Contract Law Section member who has demonstrated leadership, professionalism, and a substantial, consistent and long-term record of encouragement and support to others to become and remain active in the Section. In approving the award, the Board understood that: i) the award will be a memento with a value of less than \$500 and will be presented at the Section's Annual meeting; and ii) the cost will be paid from Section funds, and no ABA general revenues are requested or required.

3.4 ABA Medal

The Board selected Jerome J. Shestack of Pennsylvania as the recipient of the 2006 ABA Medal.

3.5 Law Student Division Request for Partial Reimbursement of Annual Meeting Expenses of Members of the Law Student Division Board of Governors

The Board approved the request of the Law Student Division and authorized partial reimbursement of expenses, in the amount of \$36,000, for members of the Law Student Division Board of Governors to attend Division meetings to be held in conjunction with the 2006 ABA Annual Meeting in Honolulu, Hawaii.

3.6 President Greco's Requests

a. Creation of ABA Task Force on Presidential Signing Statements and the Separation of Powers

The Board approved President Michael S. Greco's request for the creation of an ABA Task Force on Presidential Signing Statements and the Separation of Powers, comprised of a maximum of ten members and a maximum of one special advisor, to examine the constitutional and legal issues presented by presidential signing statements attached to enacted and signed legislation and their implications for the constitutional doctrine of separation of powers and interpretation of laws. If appropriate, the Task Force will present a report with recommendations to the House of Delegates at the 2006 ABA Annual Meeting. In approving the request, the Board understood that no additional general revenues are requested or required for the creation of the Task Force.

b. Continue Commission on Civic Education and the Separation of Powers and Carry Over Remaining Funds

The Board approved President Greco requests i) to continue the Commission on Civic Education and the Separation of Powers beyond August 2006 to enable the Commission to complete certain pending projects during the 2006-2007 bar year; and ii) for the Commission to use funds remaining at the conclusion of the 2005-2006 bar year during 2006-2007.

3.7 President-elect Mathis' Requests

a. Request to Amend Jurisdictional Statement of the Center for Human Rights

The Board approved the request of President-elect Mathis to amend the jurisdictional statement of the Center for Human Rights to allow for a maximum of seven Counselors.

b. Request for Special Advisors

The Board approved the request of President-elect Mathis for the creation of special advisor positions to five ABA entities and the continuance of special advisors to 16 ABA entities.

c. Request re: Center for Rule of Law Initiatives

i) Amend Jurisdictional Statement of Center for Rule of Law Initiatives

The Board approved the request of President-elect Mathis to increase the membership of the Center for Rule of Law Initiatives from ten to 16 by increasing the at large positions from six to eight and increasing the number of designated positions from four to eight by adding the Section of International Law, ABA Center for Human Rights, the CEELI Institute, and the Section of Individual Rights and Responsibilities as designated entities in addition to the four regional councils that are presently designated entities.

ii) Amend Jurisdictional Statements for the Four Regional Councils:

The Board amended the jurisdictional statements of the four ABA international regional councils as follows, as requested by President-elect Mathis:

- a) Africa Law Initiative Council (ABA-Africa): The Board decreased the membership of the Africa Law Initiative Council from ten to six by eliminating designated positions. All members will be appointed by the ABA President.
- b) Asia Law Initiative Council (ABA-Asia): The Board decreased the membership of the Asia Law Initiative Council from ten to six by eliminating designated positions. All members will be appointed by the ABA President.
- c) Central European and Eurasian Law Initiative (CEELI): The Board decreased the membership of the Central European and Eurasian Law Initiative from eight to six. There are no designated positions and all members have been appointed by the ABA President.
- d) Latin America Law Initiative Council (LALIC): The Board decreased the membership of the Latin America Law initiative Council from ten to six by eliminating designated positions. All members will be appointed by the ABA President.

iii) Create Center for Rule of Law Initiatives Interest Group

Currently each of the four international regional councils (ABA-Africa, ABA-Asia, CEELI, and LALIC) has an advisory group of ten to 25 members. As requested by President-elect Mathis, the Board eliminated the advisory groups to each of the regional councils, effective at the conclusion of the 2005-2006 Association year, and created in place of the advisory groups, a Center for Rule of Law Initiatives Interest Group comprised of current advisory committee members and such other ABA members interested in the work of the Center for Rule of Law Initiatives.

d. Request to Create Presidential Initiatives

As requested by President-elect Mathis, the Board created the following entities in support of the President-elect's Initiatives. In approving the creation of the entities, the Board understood that all funding comes from the Presidential Initiatives budget and no additional ABA general revenue is requested or required.

i) ABA Commission on Youth-at-Risk

The Board created an ABA Commission on Youth-at-Risk, comprised of up to 16 members including an honorary chair (or chairs) and a working chair, to focus on at-risk teens and a number of the legal issues that affect them. The Commission's work will build upon existing ABA policy and programming through a coordinated effort to expand and enhance ABA and lawyer activity in this area. In addition, the Board created a Corporate Counsel Roundtable to the Commission of up to ten members and also created an Advisory Committee to the Commission of up to 30 members.

ii) ABA Commission on Second Season of Service

The Board created an ABA Commission on Second Season of Service, comprised of a maximum of 19 members, including an honorary chair and three co-chairs, one of whom serves as working chair. The Commission will focus on lawyers who are beginning to leave full-time practice to pursue other interests. The Commission will help lawyers, law firms, law schools, the ABA and the court system address the imminent retirement of a significant number of lawyers through projects, web-based applications and development and marketing of appropriate ABA products and services. Further, the Board created a Corporate Counsel and Law Firm Roundtable to the Commission of up to ten members, including a chair, and also created an Advisory Committee to the Commission of up to 25 members.

iii) ABA Task Force on International Rule of Law Symposia

The Board created an ABA Task Force on International Rule of Law Symposia, comprised of up to 27 members, including up to ten honorary co-chairs and two ABA co-chairs. The Task Force will be responsible for planning two international rule of law conferences during the 2006-2007 bar year: 1) a joint ABA and International Bar Association (IBA) symposium scheduled for September 16-17, 2006, in conjunction with the annual IBA meeting and ABA Section Officers Conference meeting in Chicago, Illinois; and 2) a conference that will take place in New York City during Spring 2007, in conjunction with the Section of International Law's ABA Day at the United Nations. It is anticipated that this symposium will produce policy recommendations on rule of law issues to be presented to the ABA House of Delegates in August 2007.

e. Request for Creation of ABA Special Committee on Disaster Response and Preparedness

The Board approved President-elect Mathis' request i) for the creation of an ABA Special Committee on Disaster Response and Preparedness, comprised of up to nine members, including two co-chairs, and ii) for certain ABA entities and affiliated organizations to designate liaisons to the Special Committee. The Special Committee will develop policy recommendations, best practices and action items to ensure that the ABA and the legal profession are positioned to respond, and prepared to withstand, both natural and manmade disasters. In approving the request, the Board understood that a budget request to fund the Special Committee for Fiscal Year 2006-2007 has been submitted and preliminarily approved.

3.8 Request for Approval of 2006-2007 Board of Governors Meeting Dates

The Board approved the following dates and sites for the 2006-2007 meetings of the Board, as requested by President-elect Mathis:

November 9 -11, 2006	The Lodge Rancho Mirage, California
February 7-9, 2007	Hotel Inter-Continental Miami, Florida
April 20–21, 2007 (Program and Planning and Finance Committee meetings regarding Association's budget)	Westin River North Chicago, Illinois
June 14-16, 2007	Westin River North Chicago, Illinois
August 8-10, 2007	San Francisco Marriott San Francisco, California

3.9 Standing Committee on Meetings and Travel Request for Approval to Hold 2012 Midyear Meeting in New Orleans, Louisiana

The Board approved New Orleans, Louisiana, as the site of the February 8-13, 2012, ABA Midyear Meeting, as recommended by the Standing Committee on Meetings and Travel.

3.10 Commission on Homelessness and Poverty request to a) Co-sponsor Homeless Court Roundtable and b) Seek Outside Funding

The Board approved the request of the Commission on Homelessness and Poverty to: a) co-sponsor with the Judicial Council of California Administrative Office of the Courts and the Superior Court for Alameda County a homeless court roundtable program in October 2006 at the Alameda County (California) Convention Center; and b) seek outside funding to offset costs associated with the program.

3.11 Standing Committee on Membership Requests

a. Request for Proposed Member Benefit Telecommunications Program with Sprint Nextel Corp.

The Board approved the request of the Standing Committee on Membership for a member benefit program with Sprint Nextel Corp. The program offers three areas of discount for members: i) wireless service, ii) wireline services, and iii) information

security. Each of these areas offers separate discounts. The program's royalty proposal is in two parts, wireless royalties and wireline-security royalties. Wireless royalties will be two percent of net income generated by corporate active units and one percent of net income generated by individual active units. Wireline and security royalties will be a flat \$50,000 once \$1,000,000/year is generated through member spending on the services, and an additional \$50,000 if net income in the categories exceeds \$2,000,000/year.

b. Request for Continuation of Dues Relief for Hurricane Victims

Due to ongoing difficulties in the Gulf region, the Board approved the recommendation of the Standing Committee on Membership to extend dues relief for hurricane-impacted lawyers for the 2006-2007 Association year. In October 2005, the Board approved the request of the Standing Committee on Membership to exclude from the Association's February 2006 Drop-for Nonpayment-of Dues any ABA members who had a billing address in the areas affected by Hurricane Katrina and Hurricane Rita.

c. Pricing Strategy Advisory Group (PSAG) Request to Conduct Flat Rate Firm Group Billing and Institutional Membership Dues Category Pilot Programs

The Board approved the request of the Pricing Strategy Advisory Group to conduct two dues pilots, which are designed for the ABA group billing program: i) Flat Rate Group Firm Billing: a two-year pilot designed to increase firm participation within and beyond the current 2000+ firms and to leverage the retention rate of 92%+ of lawyers in Group Billing; and ii) Institutional Membership Dues Category: a three-year pilot designed to provide (low) flat rate pricing for government offices, legal services organizations and other not-for-profit organizations.

3.12 Request of the Center for Rule of Law Initiatives and Section of International Law for Approval of ABA Membership in the International Group for Anti-Corruption Coordination (IGAC)

The Board approved the request of the Center for Rule of Law Initiatives and the Section of International Law for ABA membership in the International Group for Anti-Corruption Coordination (IGAC), an informal body dedicated to strengthening coordination and collaboration in international anti-corruption technical assistance. Although the IGAC is not an official UN body, IGAC was convened by the United Nations Office on Drugs and Crime for the purpose of information sharing and provides a platform for the exchange of views, experiences and best practices on anti-corruption activities, including support for the implementation of the UN Convention Against Corruption.

B. MATTERS OF INDEPENDENT JURISDICTION
(Committee action and notifications to the Committee are reported to the Board.)

3.15 Requests for Co-Sponsorships

a. Commission on the American Jury Project

The Operations and Communications Committee approved the request of the Commission on the American Jury Project to co-sponsor with the Southern Methodist University Dedman School of Law (SMU) and Vinson & Elkins LLP a National Symposium on the American Jury System, to be held October 26-27, 2006, at the Southern Methodist University Dedman School of Law (SMU). The primary purpose of the proposed program is to continue the discussion of the ABA Principles for Juries and Jury Trials that were approved by the ABA House of Delegates in February 2005 and published in August 2005. In approving the request, the Operations Committee understood that: i) Funds for the Symposium have been included in the Commission's approved budget for Fiscal Year 2005-2006 and in the Commission's budget submitted for Fiscal Year 2006-2007; ii) SMU has agreed to contribute \$10,000 towards the program; iii) a request to seek corporate support of \$10,000 from Vinson & Elkins has been sent to the ABA Director of Corporate Sponsorship for approval; and iv) no additional ABA general revenue will be requested or required for the project.

b. Commission on Immigration (Two Requests)

i) Ruby Slippers Project: The Operations and Communications Committee approved the request of the Commission on Immigration to co-sponsor the "Ruby Slippers Project" with Boston College's Center for Human Rights and International Justice, the Lynch School of Education, and Human Rights Watch. The Project will address the effects of deportation and also examine the prevalence and circumstances of wrongful deportations from the U.S. In approving the request, the Operations Committee understood that: a) The ABA's primarily role in co-sponsoring the Project will be to solicit information from advocates about instances of wrongful deportations; b) if the Commission participates in the development of a publication by the Project, the Commission will seek appropriate approvals from the Board and the Standing Committee on Publishing Oversight to authorize the Project to recognize the ABA as a contributing researcher, author, or editor of the publication; and c) no ABA general revenues are requested or required for the Project.

ii) Study by Akin Gump Strauss Hauer and Feld LLP: The Operations and Communications Committee approved the request of the Commission on Immigration to co-sponsor the development of a study by the law firm Akin Gump Strauss Hauer and Feld LLP that will examine the role of the various administrative agencies with jurisdiction over immigration matters in the making of immigration policy. In approving the request, the Operations Committee understood that: a) The ABA will set the goals and parameters of the study, provide general oversight and guidance, and help identify research methods; b) Akin Gump will be responsible for conducting and documenting the research, and producing a draft of the study to be reviewed and edited

by the Commission; c) if the study is published, the Commission will seek the necessary authorizations for release from the Board and the Standing Committee on Publishing Oversight, and retain complete control over the work; d) Akin Gump's work on the study will be provided to the Commission on a pro bono basis, and the firm will be fully responsible for any expenses associated with conducting the study; and e) no ABA general revenues are requested or required for the project

c. Commission on Racial and Ethnic Diversity in the Profession (*Two Requests*)

i) The program "Renaissance of Idealism: Running for Office": The Operations and Communications Committee approved the request of the Commission on Racial and Ethnic Diversity in the Profession to co-sponsor the program "Renaissance of Idealism: Running for Office" with the Charles Hamilton Houston Institute for Race and Justice at the Harvard Law School. The program is tentatively planned for Fall 2006 and may be repeated as appropriate at future dates yet to be determined. In approving the request, the Operations Committee understood that: a) The Commission will plan and organize the program, and have responsibility for agenda development, securing speakers, meeting planning, and marketing; b) with the exception of minimal staff travel expenses that are already included in the Commission's Fiscal Year 2006-2007 budget, no ABA general revenue is requested or required for the program; and c) the Commission will charge a registration fee for attendees and seek sponsorships to offset the program's costs.

ii) Oral History Projects: The Operations and Communications Committee approved the request of the Commission on Racial and Ethnic Diversity in the Profession to co-sponsor: a) an oral history program with American Law Institute-American Bar Association (ALI-ABA), which will begin in June 2006 and be repeated as appropriate at future dates yet to be determined; and b) one specific oral history videotape project, that of William T. Coleman, Jr., with the ALI in June 2006. The histories will be created in a variety of formats, including full length video productions, video-and audio-taped interviews, or transcribed interviews. In approving the request, the Operations Committee understood that: a) The Commission will plan and organize the project, including developing agendas and topics, scheduling, and identifying and securing interviewers and the interview subjects; b) if any of the oral histories become available as products to be sold, the ABA will retain all relevant copyrights and control over the product; c) all necessary approvals from the Standing Committee on Publishing Oversight and the Standing Committee on Continuing Legal Education will be obtained, as appropriate; and d) with the exception of minimal staff travel expenses that are already included in the Commission's Fiscal Year 2006-2007 budget, no ABA general revenue is requested or required for the programs.

d. Section of Antitrust Law

The Operations and Communications Committee approved the request of the Section of Antitrust Law to solicit various state attorneys general offices to partner with the Section to administer the Janet D. Steiger Fellowship Project in Fiscal Years 2006-2007, 2007-2008, and 2008-2009. The Steiger Project is an initiative that will provide 15

law students (1L's and 2L's) who have an interest in public service and consumer protection the opportunity to work in the offices of state attorneys general throughout the country (exact locations to be determined) for a minimum of eight weeks during the summer. In approving the request, the Operations Committee understood that:

a) The Section will assume full financial responsibility for the project; b) at its Spring Meeting in March 2006, the Section Council approved a budget of \$225,000 in Section funds to support the project for the summers of 2007, 2008 and 2009; c) each selected state attorneys general office will receive \$5,000; and d) no ABA general revenue is requested or required for the project.

e. Section of Individual Rights and Responsibilities

The Operations and Communications Committee approved the request of the Section of Individual Rights and Responsibilities to co-sponsor the Lawyers' Committee for Civil Rights Under Law's voting rights project, the "*Election Protection Program*," which is designed to encourage voter participation and protect citizens' right to vote. The Program is a non-partisan, nationwide effort developed by the Lawyers' Committee to recruit volunteer lawyers and students to staff a voter protection hotline, serve as mobile field attorneys to support Election Protection's non-legal volunteer program, operate Legal Command Centers to handle major election issues throughout the country, and engage in an ongoing dialogue with state and local election officials to prevent and manage election administration issues. In approving the request, the Operations Committee understood that: a) The Section will work with the Lawyers' Committee in the planning and implementation of the project by identifying volunteer lawyers and law students to carry out the project, developing and updating voter education materials, planning CLE/training programs for volunteers, and assisting in publicizing project activities; b) the Lawyers' Committee and its network of law firms will be responsible for any costs associated with the project; and c) no Section funds or ABA general revenue funds are requested or required for the project.

3.16 Meetings Held Outside the United States

a. Section of Business Law

The Operations and Communications Committee was notified that the Section of Business Law plans to co-sponsor with the International Association of Gaming Attorneys the Annual International Gaming Law Conference, a CLE program, in Barcelona, Spain, on October 23-27, 2006. In the notification, the Section states it has submitted a request for approval of co-sponsorship of the CLE program to the Standing Committee on Continuing Legal Education.

b. Section of Dispute Resolution

The Operations and Communications Committee was notified that the Section of Dispute Resolution plans to hold its Fifth Annual Advanced Mediation and Advocacy Training in Toronto, Canada, on October 19-20, 2006, and also plans to hold its Fall Council meeting concurrently with the training on October 20, 2006.

4. **PROGRAM AND PLANNING COMMITTEE**

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

4.1 **Preliminary Approval of Annual Budget for Fiscal Year 2006-2007
Requests for Reconsideration**

a. **Standing Committee on Gavel Awards**

The Board preliminarily approved additional funding for the Standing Committee on Gavel Awards.

b. **Standing Committee on Legal Aid and Indigent Defendants**

The Board preliminarily approved the request of the Standing Committee on Legal Aid and Indigent Defendants (SCLAID) to reduce the allocation for SCLAID's "Standards for Civil Legal Services Programs" and reallocate the monies to SCLAID's Loan Repayment Assistance Program (LRAP) support project.

c. **Steering Committee on the Unmet Legal Needs of Children**

The Board preliminarily declined to approve the request of the Steering Committee on the Unmet Legal Needs of Children to reconsider the preliminary budget decision to de-fund the Steering Committee.

d. **Commission on Lawyer Assistance Programs**

The Board preliminarily approved the request of the Commission on Lawyer Assistance Programs to fund the Commission's Judicial Assistance Initiative and Diversity Initiative.

4.2 **President-elect Mathis' Request to Seek Outside Funding for Three Presidential Initiatives**

The Board approved the request of President-elect Mathis to seek outside funding for the a) Second Season of Service, b) Youth-at-Risk and c) International Rule of Law Symposia Presidential Initiatives

4.3 **Commission on Racial and Ethnic Diversity in the Profession Request to Establish Program Support Fund**

The Commission on Racial and Ethnic Diversity in the Profession requested the creation of a Commission Program Support Fund, to be maintained within the ABA Fund for

Justice and Education, for the deposit and disbursement of outside funding raised specifically to support the diversity initiatives and activities of the Commission.

This item was withdrawn.

4.4 Section of Labor and Employment Law Request to Expand Definition of its Program Support Fund to Establish Scholarship Fund in Memory of Charles A. (Butch) Powell III

The Board approved the request of the Section of Labor and Employment Law to expand the definition of its program support fund, which is maintained within the ABA Fund for Justice and Education, to establish a scholarship fund in memory of Board of Governors member and former Section Chair Charles A. (Butch) Powell III who passed away on March 15, 2006.

4.5 Section of Science and Technology Law Request to Seek Outside Funding for Two-Year Pilot Project on Homeland Security and Preparedness

The Board approved the request of the Section of Science and Technology Law to seek grant funding to support a two-year pilot project on homeland security and preparedness issues for the legal profession.

4.6 Standing Committee on Federal Judiciary Request for Emergency Supplemental Funding

The Board approved the request of the Standing Committee on Federal Judiciary for emergency supplemental funding in the amount of \$25,000 to ensure the Standing Committee has sufficient funding to cover all additional expenses expected to be incurred through the end of Fiscal Year 2005-2006, as the result of the very large number of unanticipated new nominations.

B. MATTERS OF INDEPENDENT JURISDICTION
(Committee action and notifications to the Committee are reported to the Board.)

None for consideration.

5. FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Fiscal Year 2006-2007 Budget

a. Fiscal Year 2006-2007 Merit Increase/Incentive Compensation Pool Recommendation

The Board preliminarily approved a 3.5% merit increase pool and also preliminarily approved a \$400,000 incentive compensation pool for Fiscal Year 2006-2007, as requested by the Executive Director.

b. Preliminary Approval of FY 2006-2007 Budgets

i) General Revenue Operating Budget

The Board preliminarily approved the Fiscal Year 2006-2007 general revenue operating budget.

ii) Capital Budget

The Board preliminarily approved the Fiscal Year 2006-2007 Capital Budget.

iii) James O. Broadhead Budget

The Board preliminarily approved the Fiscal Year 2006-2007 James O. Broadhead budget.

B. MATTERS OF INDEPENDENT JURISDICTION

(Committee action and notifications to the Committee are reported to the Board.)

None for consideration.