

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 October 30-31, 2009,
Board of Governors Meeting

DATE: November 9, 2009

Attached is the Summary of Action of the October 30-31, 2009, meeting of the Board of Governors held at the Equinox Resort in Manchester Village, Vermont. This Summary does not constitute official Minutes of the meeting. Minutes will be presented for Board approval at its next meeting in February 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**

**Equinox Resort
Manchester Village, Vermont
October 30-31, 2009**

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 July 31, 2009, meeting in Chicago, Illinois, were approved as presented. The minutes of the Executive Committee's August 27, August 31, September 4 and 5, September 10, September 24, October 15, October 19, and October 29, 2009, meetings were received, with one correction to the September 4 and 5, 2009, minutes noted.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 Report From the Commission on Ethics 20/20

Michael Traynor, Co-Chair of the ABA Commission on Ethics 20/20, presented a status report on the Commission's work. The Commission was created by President Lamm to review the Model Rules of Professional Conduct and the U.S. system of lawyer regulation in response to the challenges that globalization and advances in technology present to clients, lawyers, law firms, and the public. The Commission's work will be guided by three principles: protection of the public; preservation of core professional values; and maintenance of a strong, independent and self-regulated profession. On September 24-25, 2009, the Commission convened its first meeting and began to identify critical issues.

Subject to continued modification, the three overarching areas of the Commission's study are: state/country based regulatory efforts affecting multinational legal practice; the impact of technology on multijurisdictional practice; and the impact of developments in technology on how lawyers and clients relate to each other and how lawyers practice. Phase One of the Commission's work will consist of research and outreach to the profession (within and outside the U.S.), clients and the public and analysis of information regarding critical issues identified in each of the aforementioned major subject areas.

2.2 Presentation and Discussion Regarding Membership

Patricia L. Refo, Chair of the Standing Committee on Membership (SCOM or Standing Committee), summarized for the Board ABA Membership highlights for 2009, including revisions to the Affordable Dues Program, the revitalization of the State Membership Chair program, and the addition of four new ABA member benefit programs. In addition, she advised that in August 2009, the ABA had the highest number of law student members in its history.

Ms. Refo also presented to the Board SCOM's two recommended options for a dues pricing structure. Based on analyses conducted and commissioned by SCOM, the Standing Committee concluded that the Association's current dues structure and value proposition will not permit the ABA to increase market share. The Standing Committee is recommending a dues reduction with a further reduction for solos and lawyers in public service. Although the dues reduction will cause revenue contraction in the short-run, the pricing model indicates that market share and revenue enhancement will occur in the long-run. Ms. Refo emphasized that a pricing reduction alone will not accomplish membership growth; it is only one component of the overall growth strategy. Membership growth will also require an investment in ABA's products and services, marketing infrastructure, delivery system and in communicating the "new and improved ABA." Without these related strategic components, a dues reduction will simply lower overall revenue.

Thereafter, the Board reached consensus regarding one of SCOM's recommended options for a dues reduction, subject to the development of a program for marketing and retention with the understanding that funding will not be appropriated at the present time. It is anticipated that a recommendation regarding a proposed dues pricing structure will be brought to the House of Delegates for consideration at the 2010 Midyear Meeting in Orlando, Florida.

2.3 Presentation Regarding Segment Value Membership Initiative

Laurel G. Bellows and Maury B. Poscover, Co-Chairs of the Task Force on Segment Value Membership Initiative, 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 (SCOM), will coordinate the implementation of the Segment Value Membership Initiative that began in September 2008 to develop ideas for adding value to ABA membership. The Task Force will focus on four segments: law students and global, large and medium-sized firms. In the first five weeks of FY2010, the Task Force and SCOM held three law student outreach events, created a program to teach ABA members and staff how to initiate recruitment conversations, identified five large, global or mid-size firms for personal visits and presentations to enroll their membership in the group billing program, and began development of a program to establish Faculty Advisors on every law campus in the country.

2.4 a. Report and Recommendation From the Accreditation Task Force

The Board accepted the report of the Accreditation Task Force and adopted the nine recommendations contained therein. The Accreditation Task Force was appointed in August 2008 to examine the implications of the role of the Section of Legal Education and Admissions to the Bar as the federally recognized accreditor of law schools and its relationship to the American Bar Association. The mandate of the Task Force included a review of the structure, functioning, staffing and budgeting of the Section in order to carry out its mission as long as this review and any recommendations are consistent with the "separate and Independent" requirements of the United States Department of Education regulations. (The requirements mandate that the Section's accrediting function be "separate and independent" from the American Bar Association.)

b. Council on Section of Legal Education Report on Accreditation Task Force

The Board received written comments from the Section of Legal Education and Admissions to the Bar regarding the report of the Accreditation Task Force.

2.5 Presidential Task Force on Financial Markets Regulatory Reform Request for Adoption of Policy Exempting Lawyers From Regulation Under the Consumer Financial Protection Agency Act (H.R. 3126)

The Board approved the request of the Task Force on Financial Markets Regulatory Reform and adopted as Association policy a recommendation that opposes the provisions in the proposed Consumer Financial Protection Agency Act (H.R.3126, 111th Congress), or in any other similar proposed legislation establishing or expanding the regulatory jurisdiction of any federal financial regulatory agency, which seek to regulate lawyers engaged in the practice of law, except to the extent that lawyers are currently subject to regulation by a federal agency under existing law.

The Board was advised that the sections of Administrative Law; Business Law; Real Property, Trust and Estate Law; Taxation; and Tort, Trial and Insurance Practice; the Standing Committee on Professional Discipline; and the Task Force on Attorney-Client Privilege have expressed support for the recommendation.

2.6 Report Regarding Governmental Affairs

Wm. T. Robinson III, Chair of the Standing Committee on Governmental Affairs, and Thomas M. Susman, Director of the Governmental Affairs Office (GAO), presented a status report regarding the work of the Standing Committee and the GAO. The GAO, under the direction of the Standing Committee on Governmental Affairs, coordinates the Association's advocacy efforts before Congress, the Executive Branch, and other entities regarding those issues on which the Association has adopted policy. The GAO focuses on the ABA's Legislative and Governmental Priorities that are adopted annually by the Board. Beginning in 2009, the Priorities survey will be sent to over 9,000 bar leaders; in the past, the survey was sent to approximately 900 individuals. The GAO works with a 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; with ABA member entities, many of whom have their own "Day on the Hill"; and with numerous organizations that span the ideological spectrum. Developing and maintaining successful relationships with all of these entities is key to the success of the Association's lobbying efforts. An information form/sign up sheet regarding the Grassroots Advocacy program was provided to Board members.

Mr. Robinson thanked the Board for providing increased funding for the Standing Committee. As a result, the Standing Committee will meet four (rather than two) times per year. Mr. Robinson also commended Laurel Bellows for her outstanding work as Chair of the ABA Day in Washington Planning Committee. Due in large part to Ms. Bellows' efforts and the work of the GAO, ABA Day in Washington has expanded beyond advocacy for funding the Legal Services Corporation to encompass a wide range of initiatives.

2.7 Report From the Center for Racial and Ethnic Diversity

I.S. Levy Johnson, Chair of the Center for Racial and Ethnic Diversity, presented an overview of the Center for Racial and Ethnic Diversity, the administrative and programmatic oversight body for the three major ABA entities that focus on racial and ethnic diversity issues, and its three constituent entities: a) the Presidential Advisory Council on Diversity in the Profession, which works to increase diversity among students in the educational pipeline to the legal profession; b) the Commission on Racial and Ethnic Diversity in the Legal Profession, which provides services for racially and ethnically diverse lawyers, judges and others in the profession; and c) the Council on Racial and Ethnic Justice, which addresses issues related to racial and ethnic bias in the justice system. Mr. Johnson advised that the Center requested the Board approve revised jurisdictional statements for the Center and its constituent entities at the October 2009 Board meeting to reflect the current operational structure of the Center and its entities, in response to the recommendation of the Committee on Scope and Correlation and Work. (See also Exhibit 3.8 below.)

2.8 Preliminary Findings of Financial Services Consultant

In executive session, the Board discussed the preliminary findings of Financial Consultant Jack Bell regarding the ABA Financial Services Division. The Board's discussion of the findings addressed structural, communications, reporting and policy issues. No action was taken by the Board in the executive session.

2.9 Status Report Regarding Grants/Indirect Rate

Howard H. Vogel, Chair of the Finance Committee of the Board, presented a status report regarding the issue of grants and indirect rates, which included background information on the matter. USAID, the primary government grantor for the Association, has established a 19.19 percent indirect cost rate, which is very generous. Other (non-USAID) grantors may allocate an indirect cost that is less than 19.19 percent. In such cases, the additional costs are absorbed by the ABA general revenue budget. Pursuant to policy adopted in July 2009, the Executive Committee is monitoring the number of grant requests that have indirect costs below 19.19 percent and, once a thorough analysis is completed, will determine whether the Association should continue to accept grants with less than 19.19 percent indirect cost. The Finance Committee has established a Subcommittee on Grants, chaired by Governor Scott Partridge, to study this issue.

2.10 Report From the Non-Dues Revenue Committee

John Hardin Young, Chair of the Board of Governors Non-Dues Revenue (NDR) Committee, presented a report regarding the NDR Committee's work. In July 2009, the Board approved President-elect Lamm's request to reconstitute the NDR Subcommittee as a Committee, reporting to the Executive Committee, and to increase the membership from six members to eight members. The NDR 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, a) 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,

- b) report to the President, Treasurer and Executive Committee on a monthly basis, and
- c) continue to survey needs to achieve "data-driven" marketing results.

2.11 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 July 31, 2009, meeting of the ABA/FJE Board as presented and b) accepted the ABA/FJE restricted grants and contributions received or awarded through September 30, 2009, and not previously reported, as requested by the Association's Financial Services Division.

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.

2.13 Reports From Board Members Regarding Meetings with Bar Associations

The Board received oral reports from the following Board members regarding the meetings they attended and other activities of various state and local bar associations:

- a) Governor Charles English – meeting with Kentucky Bar Association;
- b) Governor H. Ritchey Hollenbaugh – meetings with the Ohio Metropolitan Bar Associations, a consortium of 17 metropolitan bar associations in the state, and the Columbus Bar Association;
- c) Governor Frederick Finch – meeting with Minnesota State Bar Association; and
- d) Governor Craig Orraj – joint activity with State Bar of New Mexico

2.14 Executive Session

In executive session, the Board discussed matters relating to ABA management.

Additional Item: Report From the Commission on the Impact of the Economic Crisis on the Profession and Legal Needs

Peter E. Halle, a member of the Commission on the Impact of the Economic Crisis on the Profession and Legal Needs, presented a status report regarding the Commission's work on behalf of the Commission's Chair, Allan J. Tannenbaum. Established by the Board at President Lamm's request, the Commission will make recommendations regarding the ways in which the ABA can help members cope with the transforming economy and how the profession can position itself to better withstand future crises. Ideas being explored and developed by the Commission include a) expanding resources available on the ABA's Economic Recovery Resources Portal, b) connecting underutilized lawyers with people in need of legal services, and c) exploring new federal loan repayment or deferral legislation.

Mr. Halle discussed issues relating to student loans. At the present time, approximately 30 percent of student loans are provided by the federal government (which has rather flexible repayment terms) and 70 percent are provided by the private sector. The Commission is working with the Standing Committee on Governmental Affairs and the

Governmental Affairs Office on a program to encourage the provision of more flexibility for repayment of student loans.

2.25- INFORMATIONAL REPORTS

2.26

The Board received written informational reports from the Commission on Sexual Orientation and Gender Identity and the Rule of Law Initiative.

3. OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

a. Judicial Division Lawyers Conference

The Board declined to approve the request of the Judicial Division Lawyers Conference to amend its bylaws to provide that a member of the Lawyers Conference who is an active judge or justice shall not be eligible for the officer positions of either Vice Chair or Secretary. The Board asked that the Lawyers Conference revise and resubmit the request at a future meeting of the Board.

b. Section of Labor and Employment Law

The Board approved the request of the Section of Labor and Employment Law to amend its bylaws, in pertinent part, to i) provide that individuals must be members of the Section in good standing to be eligible to serve as members of the Section Council, officers, and chairs of Section committees and task forces, ii) set forth the manner in which Section Delegates to the House of Delegates may cast their votes, and iii) clarify certain section practices. The proposed amendments were approved by the Section Council and membership on July 31, 2009.

c. Section of State and Local Government Law

The Board approved the request of the Section of State and Local Government Law to amend its bylaws in accordance with recent Section strategic planning initiatives, with the understanding that the language of Bylaw Article III, Section 3.A.(1) will be revised to make the language gender-neutral. The extensive amendments are intended to formalize officer positions and functions and improve Section organization and coordination. The Section Council approved the proposed amendments on August 2, 2009. Approval of the amendments by the Board is subject to approval of the Section membership in February 2010.

3.2 Nominations

a. Appellate Judges Education Institute Board of Directors

The Board elected Hon. Norma L. Shapiro of Pennsylvania to a second three-year term as a member of the Board of Directors of the Appellate Judges Education Institute effective as of the conclusion of the August 2009 ABA Annual Meeting and ending at the conclusion of the 2012 ABA Annual Meeting, as requested by President Lamm.

b. American Correctional Association Commission on Accreditation for Corrections

The Board elected Martin Horn of New York as the ABA representative to the American Correctional Association Commission on Accreditation for Corrections for a three-year term, effective August 2009 through August 2012, as recommended by the Criminal Justice Section.

c. American Intellectual Property Law Education Foundation Board of Trustees

The Board elected George Washington Jordan III of Texas as an ABA representative on the Board of Trustees of the American Intellectual Property Law Education Foundation for a three-year term effective July 2009 through June 30, 2012, as recommended by the Section of Intellectual Property Law.

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

The Board elected James H. Andreasen of Missouri to complete the three-year term of Thomas P. Redick as ABA representative to the Council for Agricultural Science and Technology (CAST), which concludes in fall 2011, as requested by the Section of Environment, Energy, and Resources. Mr. Redick has been elected President-elect of CAST, requiring his resignation as ABA representative.

e. National Construction Dispute Resolution Committee (NCDRC) of the American Arbitration Association (AAA) (Section of Public Contract Law)

The Board elected Hubert J. Bell, Jr. of Georgia as an ABA representative to the National Construction Dispute Resolution Committee (NCDRC) of the American Arbitration Association, for a second three-year term beginning at the conclusion of the NCDRC Annual Meeting in November 2009 and ending at the conclusion of the NCDRC Annual Meeting in November 2012, as recommended by the Section of Public Contract Law.

3.3 President Lamm's Requests

a. Request to Recognize John Crump, Executive Director of the National Bar Association, with a Lifetime Achievement Award

The Board approved President Lamm's request to present a one-time award for lifetime achievement to John Crump, Executive Director of the National Bar Association, in

recognition of Mr. Crump's 31 years of service to the bar, the profession, and Association Goal III – Eliminating Bias and Enhancing Diversity. The cost of the award, which will be presented at the 2010 Midyear Meeting, will be paid from the President's approved 2009-10 general revenue budget.

b. Request to Create Special Advisor Position and Appoint Special Advisor to the Standing Committee on Governmental Affairs

The Board approved President Lamm's request approval to create a special advisor position and appoint a special advisor to the Standing Committee on Governmental Affairs.

c. Request to Create Presidential Diversity Commission Working Group

The Board approved President Lamm's request to create a Working Group of the Presidential Diversity Commission, comprised of up to ten practicing lawyers or diversity professionals who will work with three law professors to prepare the report and recommendations on the "State of Diversity in the Legal Profession: Next Steps."

d. Request for the American Bar Association to Sign a Joint Letter to the United States Senate Regarding the Addition of Advance Care Planning Consultation to the Health Care Reform Bill

The Board approved President Lamm's request for the American Bar Association to sign a letter to the United States Senate, with several other organizations, advocating the addition of advance care planning consultation to the Senate's version of the health care reform bill.

3.4 Standing Committee on Membership Report and Recommendation Regarding Dues Pricing

See Exhibit 2.2 above.

3.5 Request to Amend Articles of Incorporation of the ABA Museum of Law

The Board amended the Articles of Incorporation of the ABA Museum of Law to designate R. Thomas Howell, Jr., the current General Counsel of the American Bar Association, as successor registered agent of the Museum of Law.

3.6 Standing Committee on Meetings and Travel Requests

a. Registration Fees for 2010 Annual Meeting

The Board approved the registration fee schedule for the 2010 Annual Meeting, which contains one fee increase and two fee decreases: i) the member early-bird registration fee will increase from \$175 to \$195; ii) the member standard registration fee will decrease from \$320 to \$295; and iii) the speaker registration fee will decrease from \$175 to \$150.

b. Annual Meeting Three-year Rotation for 2016-2025

The Board approved Chicago as the site of the site of the August 2-7, 2018, August 5-10, 2021, and August 1-6, 2024, Annual Meetings; and San Francisco as the site of the August 4-9, 2016, Annual Meeting. A recommendation for the 2019 and 2022 Annual Meetings will be presented at the June 2010 Board Meeting.

c. 2018 Midyear Meeting

The Board approved Vancouver as the site of the January 31-February 6, 2018, Midyear Meeting.

3.7 Request to Amend the Thrift Plan for the Employees of the American Bar Association and Affiliates

The Board amended the Thrift Plan for Employees of the American Bar Association and Affiliates (Plan) to comply with the Pension Protection Act (PPA) and the Heroes Earnings Assistance and Relief Tax Act (HEART Act). Amendments required by the PPA must be adopted and executed by December 31, 2009, the end of the Plan year. Amendments required by the Heart Act must be adopted by December 31, 2010.

3.8 Request to Amend Jurisdictional Statements

The Board approved revisions to the jurisdictional statements of the a) Center for Racial and Ethnic Diversity and its constituent entities b) the Commission on Racial and Ethnic Diversity in the Profession, c) the Council on Racial and Ethnic Justice, and d) the Presidential Advisory Council on Diversity in the Profession, to reflect the current operational structure of the Center and its constituent entities, in response to the recommendation of the Committee on Scope and Correlation and Work.

3.9 Strategic Planning Committee Request to Change Name

The Board changed the name of the Strategic Planning Committee to the Strategic Planning and Action Committee (SPAAC) to better reflect the Committee's focus on developing an action oriented ABA Strategic Plan that will be monitored and updated annually and that will have specific goals for implementation. (See also Exhibit 5.1 below.)

3.10 Section of Environment, Energy, and Resources Request to Co-sponsor and Contribute Section Funds to Five 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 five programs. No ABA general revenue is requested or required for the programs.

- a. Fifteenth Annual Tulane Law School Summit on Environmental Law and Policy (April 9-11, 2010, New Orleans, LA): The Section will contribute a maximum of \$1,000.00 and may assist in promoting the program and identifying speakers.

- b. Howard University's 2010 State and Environmental Justice in America Conference: The Section will contribute a maximum of \$2,500.00 and may assist in promoting the program and identifying speakers.
 - c. 2010 National Association of Environmental Law Societies Annual Conference (March 4-7, 2010, Loyola University School of Law, New Orleans, LA): The Section will contribute a maximum of \$2,500.00 and may assist in promoting the program and Identifying speakers.
 - d. Fourteenth Annual International Environmental Moot Court Competition (March 11-14, 2010, Stetson University College of Law, Gulfport, FL): The Section will contribute a maximum of \$2,000.00 and participate in a career panel discussion.
 - e. The University of Alabama School of Law's 2009-10 Environmental Moot Court Team's (known as the "Karen La Moreaux Bryan Environmental Law Moot Court Team) Participation in the Pace Environmental Moot Court Competition: The Section will contribute \$500.00 to help defray the team's transportation costs to the Pace Moot Court Competition.
- 3.11 Section of International Law Request for the American Bar Association to Participate in Congress' Global Legal Information Network (GLIN) as an Associate Member

The Board approved the request of the Section of International Law for the American Bar Association to become an associate member of the Library of Congress' Global Legal Information Network (GLIN), pursuant to a Memorandum of Understanding (MOU) that will reflect the relationship. GLIN is a cooperative not-for-profit federation of government agencies that contribute national legal information (e.g., official texts of law regulations, judicial decisions and other legal sources) to a public database. All ABA entities will have the ability to contribute to, and access the full contents of, the GLIN database. Approval of the request is subject to review and approval of the MOU by the ABA General Counsel's Office. No ABA general revenue funds are requested or required.

3.12 Section of Dispute Resolution Request to Charge Registration Fees for Programs at 2010 Midyear Meeting

The Board approved the request of the Section of Dispute Resolution to charge a registration fee, not to exceed \$75.00 per program, to cover the costs of presenting a maximum of four CLE programs at the 2010 Midyear Meeting in Orlando, Florida.

3.13 Young Lawyers Division Request to Establish an "ABA Law Day You Tube Contest" to be Co-sponsored with ABA Entities and Outside Entities

The Board approved the request of the Young Lawyers Division (YLD) to establish an annual "ABA YLD Law Day/You Tube Contest/Award" and to co-sponsor the award with certain ABA entities and outside organizations. The contest will permit middle or high school-aged students to create a video that captures their understanding and vision of the year's Law Day theme in three minutes or less. The award will be in the form of a plaque with a maximum value of \$500.00 and will be presented to the winner in connection with the ABA Law Day Celebration in Washington, DC. In addition, YLD will

pay the transportation expenses of the three award finalists to attend the ABA Law Day celebration. No additional ABA general revenue is requested or required.

3.14 Request to Revise Business Conduct Standards

The Board approved revisions to the December 1, 2007, Business Conduct Standards (BCS). In pertinent part, the revisions a) accommodate the new Ethics Officer structure approved by the Board in August 2009, b) clarify the parties to whom ethics violations can be reported, c) add procedures for handling investigations involving an Employee and a Member, d) provide that ABA employees may engage in outside employment that does not conflict with their ABA work, e) clarify that complimentary travel in connection with ABA authorized meeting site visits or inspections are not considered gifts under the BCS, and f) clarify that staff must abide by the Competitive Bid Policy.

3.15p. Council on Racial and Ethnic Justice Request to Co-sponsor and Seek Outside Funding for Three Town Hall Meetings Entitled "Stop Teen Violence: Time to Deliver"

The Board approved the request of the Council on Racial and Ethnic Justice to co-sponsor with entities listed in the request, and seek outside funding in the amount of \$15,000.00-\$20,000.00 for, three Town Hall meetings entitled "Stop Teen Violence: Time to Deliver" in Chicago, Illinois, in November 2009; in Detroit, Michigan, tentatively in spring 2010; and in San Francisco, California, in August 2010, during the ABA Annual Meeting.

3.16 Standing Committee on Governmental Affairs Request to Create Subcommittee on Medical Malpractice and Health Care Reform

The Board approved the request of the Standing Committee on Governmental Affairs (SCGA) for the creation of a Subcommittee on Medical Malpractice and Health Care Reform to include members of the SCGA, the Standing Committee on Medical Professional Liability, the Health Law Section, and the Section of Litigation.

B. MATTERS OF INDEPENDENT JURISDICTION

3.15 Requests for Co-Sponsorships

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

- a. Section of Family Law: Symposium with the University of Baltimore School of Law Center for Families, Children and the Courts in order to further the Section's Families Matter project. Tentative dates for the symposium are June 24-26, 2010.
- b. Sections of International Law and Dispute Resolution: One-day conference on international mediation with the International Chamber of Commerce, February 11, 2010, in Paris, France.

- c. Section of Litigation (2 Requests):
 - i) Winter seminar on international litigation with the Union Internationale des Avocats, February 27-March 6, 2010, in Park City, Utah.
 - ii) Fifth Annual National Ethics Trial Competition with the University of the Pacific McGeorge School of Law, March 18-20, 2010, in Sacramento, California.
- d. Judicial Division (JD) (3 Requests):
 - i) JD: Three American Association for the Advancement of Science (AAAS) Judicial Seminars to be held in 2010 regarding "Emerging Issues in Neuroscience." Co-sponsors include the National Center for State Courts, the National Judicial College, and the Federal Judicial Center.
 - ii) JD (on behalf of its Standing Committee on Minorities in the Judiciary): Request to solicit co-sponsors for a program entitled "Obtaining and Retaining a Diverse Judiciary," February 3, 2010, in Orlando, Florida. Co-sponsors to be solicited are listed in the request.
 - iii) JD Lawyers Conference: Request to solicit co-sponsors for a program entitled "The Perceptions of Justice: A Town Hall Dialogue on Color, Ethnicity and the Courts" to be held during the 2010 ABA Annual Meeting in San Francisco (exact date and location to be determined). Co-sponsors to be solicited are listed in the request.
- e. Young Lawyers Division (2 Requests)
 - i) Request to solicit outside entities (listed in the request) to co-sponsor the YLD Elder Law Public Service Project for 2010-2011.
 - ii) Request to solicit the Minority Corporate Counsel Association, the Association of Corporate Counsel, and the Association of Legal Administrators to co-sponsor a one and one-half day YLD New Partner and In-House Counsel Symposium in 2010 on the East Coast.
- f. Presidential Advisory Council on Diversity in the Profession: Request to approve Florida A & M University College of Law (FAMU) as a co-sponsor of the Council's Judicial Clerkship Oral Arguments, February 5, 2010, at FAMU.
- g. Section of Environment, Energy, and Resources (2 Requests)
 - i) Request to partner with additional tree planting organizations (listed in the request) to facilitate the Section's Public Service Project, which was approved by the Operations Committee in March 2009.
 - ii) Request to continue to work with the U.S. Environmental Protection Agency (EPA) for three years (March 2010 – March 2013) on outreach in the form of the "ABA-EPA Law Office Climate Challenge." The Operations Committee initially approved this outreach program in 2007 for a three-year period, concluding in 2010.
- h. Center for Professional Responsibility: Request to co-sponsor, with the Stanford Center on the Legal Profession, the International Legal Ethics Conference IV,

entitled "Legal Ethics in Times of Turbulence," at the Stanford Law School in Palo Alto, California, July 15-17, 2010.

- i. Standing Committee on Professionalism: Request to co-sponsor with The American Inns of Court and the South Carolina Supreme Court Commission on the Profession, the University of South Carolina School of Law's Nelson, Mullins, Riley & Scarborough Center on Professionalism conference entitled, "Mentoring 2: Towards Best Practices: What Works and What Doesn't," April 9 and 10, 2010, at the U.S. Department of Justice National Advocacy Center on the campus of the University of South Carolina in Columbia, South Carolina.
- j. Standing Committee on Legal Aid and Indigent Defendants: Request to solicit outside entities (listed in the request) to co-sponsor a national symposium regarding representation of the indigent, May 20-21, 2010, at the Tennessee College of Law in Knoxville, Tennessee.
- k. Standing Committee on Substance Abuse: Request to co-sponsor a study of re-entry courts with the National Association of Drug Court Professionals.
- l. Section of Dispute Resolution: Request to develop with Resolution Systems Institute, a non-profit organization based in Chicago, Illinois, a set of standardized forms for evaluating mediations in court settings.
- m. Center for Children and the Law: Request to collaborate with two non-profit organizations, Child Trends and The Finance Project, as a "Lead Network Partner" and "Contributing Organization" for a newly created national initiative, "The Fostering Connections Resource Center." The title of the initiative refers to a 2008 federal child welfare law related to abused, neglected, and abandoned children in the nation's foster care system.
- n. Section of Individual Rights and Responsibilities: Request to co-sponsor a film screening and panel discussion on the documentary "Out in the Silence" with the law firm Orrick Herrington & Sutcliffe and the National LGBT Bar Association, November 19, 2009, at the Orrick Herrington offices in Washington, DC, as part of the law firm's "Diversity and Inclusion Celebration." The ABA Commission on Sexual Orientation and Gender Identity will also be invited to co-sponsor the event.
- o. President Lamm, Commission on Women, and Presidential Diversity Commission: Request for the American Bar Association to become a "National Ally" of *Vision 20/20: An American Conversation About Women in Leadership*, a project created by Drexel University College of Medicine's Institute for Women's Health and Leadership in partnership with the National Constitution Center to initiate a decade of education and action to promote gender equality.

4. PROGRAM, EVALUATION AND PLANNING COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

4.1 Request to Create the FJE Project Fellows Program

The Board approved the request of the Commission on Impact of the Economic Crisis on the Profession and Legal Needs, working with the Fund for Justice and Education, to create the FJE Project Fellows, a volunteer program that will identify 100 recent law school graduates to work on the FJE-supported public service programs of the ABA. Individuals who apply to the program will be required to have graduated from an ABA-accredited law school after January 1, 2009. No ABA general revenue funds are requested or required for the program.

4.2 Section of International Law Request to Create Program Support Fund

The Board approved the request of the Section of International Law to create a Program Support Fund to support the Section's rule of law, technical legal assistance, and international law-related educational and public service activities.

B. MATTERS OF INDEPENDENT JURISDICTION

ABA Enterprise Fund Requests for No-Cost Extensions

The Program, Evaluation and Planning Committee **approved** requests for no-cost extensions from the following three Enterprise Fund programs to permit the programs to complete their work: Building Community Trust: Improving Cross-Cultural Communication in the Criminal Justice System and Mediation in Criminal Matters (lead entity Criminal Justice Section); and Emeritus Attorney Pro Bono Indigent Guardianship Project (lead entity: Commission on Law and Aging) for not more than three months.

5. FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Strategic Planning Committee Request for Funding

The Board approved the request of the Strategic Planning Committee for funding in FY 2009-2010, in the amount of \$150,000.00. One-hundred thousand dollars will be used to retain a consultant who has developed a Landmine Analysis for the development of a useable and action-based ABA Strategic Plan, and \$50,000.00 will fund the Committee's work. (See also Exhibit 3.9 above.)

5.2 A-E-F-C Pension Plan Administration Committee Recommendation Regarding the Funding Allocation Between the ABA and National Judicial College

The Board a) concurred with the allocation method adopted by AON, the A-E-F-C Pension Plan's (Plan) actuary, to allocate the funding contributions among the A-E-F-C

entities (American Bar Association, American Bar Endowment, American Bar Foundation, and National Judicial College) and b) then adopted the following resolution, as recommended by the A-E-F-C Pension Plan Administration Committee:

RESOLVED: that the National Judicial College is directed to contribute to the Plan in the amount of \$215,474, which amount shall be in the form of a reimbursement to the Association, the Association having previously paid the full amount of the 2008 contributions. No contribution shall be due from either the American Bar Foundation or American Bar Endowment.

B. MATTERS OF INDEPENDENT JURISDICTION

None for consideration.