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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 2011 Board of
Governors Meeting

DATE: February 22, 2011

Attached is the Summary of Action of the February 10 -11, 2011, meeting of the Board of Governors held at the Atlanta Marriott Marquis in Atlanta, Georgia. This Summary does not constitute official Minutes of the meeting. Minutes will be presented to the Board for approval at the next meeting, in June 2011.

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**

**Atlanta Marriott Marquis
Atlanta, Georgia
February 10-11, 2011**

1. REPORTS OF OFFICERS AND THE EXECUTIVE DIRECTOR

The 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 October 30, 2010, meeting in Miami Beach, Florida, were approved as presented. The minutes of the Executive Committee's meetings of November 15 (e-mail ballot), December 2 (e-mail ballot), and December 20, 2010 (conference call); and January 4 (e-mail ballot), January 7 (conference call), and February 9, 2011, were received.

2. MATTERS FOR DIRECT BOARD ACTION

2.1 House Reports

The Board transmitted House Report 300 to the House of Delegates with the unanimous recommendation that it be approved by the House at the 2011 Midyear Meeting. House Report 300 urges federal, state, territorial, and local governments to require civic education for elementary, middle, and secondary students in the nation's public schools and to provide competitive grant funding for programs to meet this requirement. The Board did not make any other recommendations to the House regarding House Reports submitted for consideration at the 2011 Midyear Meeting.

2.2 Request to Approve ABA Legislative and Governmental Priorities

The Board approved the following ABA Legislative and Governmental Priorities for 2011, as recommended by the Standing Committee on Governmental Affairs and the Governmental Affairs Office:

- Access to Legal Services
- Criminal Justice System Improvements and Protection of Rights
- Eliminating Discrimination and Protecting Civil Liberties
- Health Care Law and Tort Reform
- Immigration
- Independence of the Judiciary
- Independence of the Legal Profession
- Promoting the International Rule of Law

2.3 Request to Ratify Program, Evaluation and Planning Committee Rankings

The Board reviewed and ratified the Program, Evaluation and Planning Committee's ranking of ABA programs, activities and services as presented.

2.4 Presentation From the Task Force on Preservation of the Justice System

Stephen L. Tober, Board Liaison to the Task Force on Preservation of the Justice System, presented a status report on the Task Force's work on behalf of Task Force Co-Chairs David Boies and Theodore B. Olson who were unable to attend the Board meeting. Comprised of prominent lawyers and jurists, the 22-member Task Force was created by President Zack to develop recommendations and strategies to address the under-funding of the judicial system and the courts' ability to provide access to justice for Americans. The first public hearing of the Task Force was held in Atlanta on February 9, 2011 and, according to those in attendance, provided astonishing examples of how the depletion of resources for the courts has impacted the justice system's capacity to function. In spring 2011, the Task Force will conduct a hearing in New Hampshire, where jury trials have been suspended and court employees have been furloughed.

President Zack and Mr. Tober commended Task Force Co-Chairs Boies and Olson for the significant amount of time they have devoted to the work of the Task Force. President Zack also acknowledged former ABA President Dennis Archer, a member of the Task Force, who was in attendance at the Board meeting.

2.5 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) heard a presentation from Alan Kopit, Chair of the Council of the FJE. Established in 1961 as the Fund for Public Education, the ABA/FJE develops and provides financial resources that advance the law-related public service and educational programs of the Association. Mr. Kopit informed the Board that i) the FJE Council is preparing revisions to the FJE strategic plan that was developed three years ago; ii) the increase in the amount of the dues check-off contribution to the ABA/FJE on membership renewal statements from \$15.00 to \$25.00, approved by the Board in February 2010, has generated approximately \$150,000.00 in additional revenue to support the Association's public service and educational endeavors; and iii) in recent years the Board has maintained a one hundred percent FJE contribution rate. On behalf of the FJE Council, he thanked the Board for this excellent accomplishment. Mr. Kopit also introduced ABA/FJE Director Krista D. Kauper and commended Ms. Kauper and her staff for their outstanding work.

In addition, the Board, sitting as the members of the Board of the ABA/FJE, b) approved the minutes of the October 30, 2010, meeting of the ABA/FJE Board as presented and c) accepted the ABA/FJE restricted grants and contributions received or awarded through December 31, 2010, and not previously reported, as requested by the Association's Financial Services Division.

2.6 Requests for Adoption of Memorial Resolutions

The Board passed memorial resolutions recognizing the accomplishments, standards and achievements of a) former Board member Bevin B. Bump of Nebraska, who passed away on December 30, 2010, and b) Robert D. Evans, former Associate Executive Director of the ABA Governmental Affairs Office and director of the ABA Washington office, who passed away on January 16, 2011.

3.11 Report and Recommendation From the ABA Washington DC and Chicago Office Space Committee

In executive session, the Board passed the following resolution regarding the office space at 740 15th Street, Washington, DC:

RESOLVED, That the Board of Governors hereby recommends to the Board of Directors of the James O. Broadhead Corporation that the building at 740 15th Street be put on the market.

FURTHER RESOLVED, That prior to any sale and in any event by the June meeting, the two Boards will be provided with the following information: separate financial analysis by ABA CFO and Studley of the choices available (including refinancing, renovations of existing space, releasing of existing space, relocation and sale, proposed planned use of any proceeds of sale); proposals as to options available for relocation; and an assessment of the merits of the options available.

FURTHER RESOLVED, That the Board of Directors of the James O. Broadhead Corporation and the ABA Board of Governors retain the discretion to approve the final sale.

2.7 Communications Presentation and Discussion

At President Zack's request, the Board heard a comprehensive presentation and viewed detailed power points regarding Communications at the American Bar Association. ABA Immediate Past President Carolyn B. Lamm introduced the presentation, and the following individuals spoke: Robert A. Clifford, Chair of the Standing Committee on Strategic Communications; Alicia Torres, Associate Executive Director and Chief Communications Officer; Thomas M. Susman, Director, Governmental Affairs Office; Christopher Gloede, Chief Marketing Officer; Edward Adams, ABA Publisher, and Editor and Publisher, ABA Journal; and Amy Peebles, Director Strategy and Programs. The presentation focused on the following topics: a) Building a Strategic Communications Plan and the Restructuring of the ABA Communications and Media Relations Division (Torres); b) Communicating with Congress, Members and Grassroots Volunteers (Susman); c) ABA Web and Digital Update (Gloede and Peebles); and d) the ABA *Journal*. (Adams).

ABA in the News

The Board viewed a DVD "ABA in the News" as compiled by the ABA Communications and Media Relations Division. Highlights of the 11-minute DVD included a) the ABA's victory in "Red Flags" litigation, b) the Chicago and San Francisco hearings conducted by the Task Force on Hispanic Legal Rights and Responsibilities; c) the ABA's involvement in the 800th anniversary of the Magna Carta, d) the forthcoming "Lawyers Giving Back" section of the *ABA Journal*, e) the new ABA Website, f) discussion of judicial vacancies, and g) a new Department of Labor-American Bar Association program to assist workers with legal complaints related to employment issues.

2.8 Presentation From the Commission on Hispanic Legal Rights and Responsibilities

Cesar L. Alvarez, Chair of the Commission on Hispanic Legal Rights and Responsibilities, presented a status report on the Commission's work. Mr. Alvarez also introduced Commission members Thomas Saenz, President & General Counsel of the Mexican American Legal Defense & Education Fund, and Professor Jenny Rivera of the City University of New York School of Law, who serves as the Commission's Reporter, and Commission Staff Director Aracely Munoz Petrich, who were in attendance. President Zack created the 15-member Commission and its 15-member Advisory Committee to address key issues facing Hispanics throughout the United States such as voting rights, immigration, civil rights, and access to the courts and to assist Latinos in fulfilling their responsibilities to our nation. Mr. Alvarez informed the Board that the Latino population is the fastest growing racial-ethnic population in the United States. It is estimated that by 2050, one in three U.S. residents will be Latina/o. The Commission is conducting regional hearings across the country to help the Commission identify the most significant issues facing the Latino population and develop recommendations for how the ABA can better address the issues facing the Latino community.

2.9 Presentation From the Commission on Civic Education in the Nation's Schools

Paulette Brown and Marna S. Tucker, Co-Chairs of the ABA Commission on Civic Education in the Nation's Schools, presented a status report on the Commission's work. The 15-member Commission was created by President Zack to serve as an advocate for civic education in American schools and to promote the implementation of effective and high quality educational programs. The Commission's current and planned activities include: a) a survey of the civic education activities of bar associations and other law-related organizations, which will be published and serve as the foundation for a clearinghouse of civic education materials; b) Civics and Law Academies, sponsored by state or local bar associations, schools, or other organizations that promote civics and law activities, to engage young people ages 13 -19 in learning about law and society through an eight-hour curriculum; c) the possible establishment of a National Justice Society for students who have completed a Civics and Law Academy. The Commission has also submitted House Report 300 for consideration by the House of Delegates at the 2011 Midyear Meeting. House Report 300 urges federal, state, territorial, and local governments to require civic education for elementary, middle, and secondary students

in the nation's public schools and to provide competitive grant funding for programs to meet this requirement. (See Exhibit 2.1 above.)

2.10 National Judicial College Nominations

The Board, sitting as the Members of the National Judicial College (NJC), a) elected Hon. John M. Vittone of Maryland to the NJC Board of Trustees representing the ABA Board of Governors, and b) elected Hon. Terry W. Ruckriegle of Colorado to a second three-year term on the NJC Board of Trustees, representing the ABA Judicial Division National Conference of State Trial Judges. The terms of Judge Vittone and Judge Ruckriegle will begin at the conclusion of the 2011 NJC Annual Meeting (usually in July) and end at the conclusion of the 2014 NJC Annual meeting.

2.11 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.

2.25- INFORMATIONAL REPORTS

2.29

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 Commission on Ethics 20/20, and the Special Committee on Disaster Response and Preparedness.

3. OPERATIONS AND COMMUNICATIONS COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

3.1 Requests for Bylaw Amendments

a. Forum on the Construction Industry

The Board declined to approve the request of the Forum on the Construction Industry to amend its bylaws to clarify the definitions of Forum Members, Law Student Members and Associates, to include Non-US Lawyer Associates and Student Associates in the Membership of the Forum, and to permit Non US Lawyers to serve on the Forum's Governing Committee since the proposed bylaw amendments conflict with the ABA Bylaws. The Board requested that the Forum resubmit the proposed bylaw amendments to the Board at a future meeting of the Board and also submit to the ABA House of Delegates at a future Annual Meeting a proposal to amend Section 32.1 of the ABA Bylaws to permit Non-US Lawyers to serve on the Forum's Governing Committee.

3.2 Nominations

a. ABA Journal Board of Editors

The Board re-elected Jeffrey M. Allen of California and elected Judy A. Toyer of New York and Vincent I. Polley of Michigan to the Board of Editors of the *ABA Journal*, each to serve three-year terms from the conclusion of the 2011 ABA Annual Meeting through the conclusion of the 2014 ABA Annual Meeting.

b. National Judicial College (NJC) Board of Trustees

i. Board of Governors Representative

See Exhibit 2.10 above.

ii. Judicial Division Representative (from National Conference of State Trial Judges)

See Exhibit 2.10 above.

3.3 Requests to Establish Awards or Amend Existing Awards

Please note that no additional ABA general revenue is requested or required for these awards.

a. Section of Intellectual Property Law (Two Requests)

i. The Board approved the request of the Section of Intellectual Property Law to establish *The Mark T. Banner Award* and also granted the Section an exception to the policy prohibiting reimbursement of ABA Annual Meeting expenses to permit the Section to compensate the award receipt for travel to the Annual Meeting to receive the award. Candidates for the award should have expressed a clear passion and enthusiasm for the practice, profession, and/or substance of Intellectual Property Law. The award is not limited to any specific type of group or individual and there is no requirement a candidate must be an ABA member or lawyer. The actual award will be a plaque, or other object with a maximum value of \$1,000.00.

ii. The Board approved the request of the Section of Intellectual Property Law to co-sponsor with BNA an annual writing contest, *The BNA/ABA Young IP Lawyer Writing Award*, to recognize superior writing concerning a current topic, trend, issue or legal development in the area of U.S. or foreign Intellectual Property Law. The contest is open to lawyers either under the age of 36 or those who have been practicing in the field of IP for less than five years. There is no requirement for ABA membership. BNA will set all standards for the award, select the judges, provide the actual award, and handle all administrative duties. However, BNA has agreed that the majority of the members of the panel making the final selection will be members of the ABA-IPL Section, in accordance with the ABA awards policy.

b. Section of Litigation

The Board approved the request of the Section of Litigation to establish the annual *Ignite the Future Good Works Award* to recognize law students, law school student groups, or those in their first year of practice that promote and pursue pro bono and public service projects. The actual awards will consist of the following: i) First Place: Certificate, \$2500.00 cash award, and \$10,000.00 project grant; ii) Second Place: Certificate and \$1000.00 cash award; and iii) Third Place: Certificate and \$500.00 cash award.

c. ABA Day Planning Committee

The Board approved the following changes to awards given to Members of Congress during ABA Day, as recommended by the ABA Day Planning Committee : i) that the traditional annual award for distinguished support by Members of Congress on ABA priority issues be called the “ABA Justice Award”; and ii) that the ABA Day Planning Committee be authorized to nominate, and the Standing Committee on Governmental Affairs confirm, other Members of Congress for recognition of their exceptional commitment to the ABA’s legislative efforts, whether in the present year or over several past years.

d. Section of International Law

The Board approved the request of the Section of International Law to establish the annual *Outstanding International Corporate Counsel Award* to encourage the involvement of in-house counsel in the Section. The award will recognize members of the Section who are practicing lawyers employed by a company or other entity as an in-house counsel, and have demonstrated a unique or significant contribution to the legal profession and the furtherance of the practice of law in an international context. The actual award will consist of an honorary plaque and a non-financial award (e.g., Section merchandise or promotional items).

e. Standing Committee on Pro Bono and Public Service

The Board approved the request of the Standing Committee on Pro Bono and Public Service, on behalf of its ABA Medical-Legal Partnerships Pro Bono Support Project, to establish the annual *Outstanding Pro Bono Advocacy in Medical-Legal Partnership Award*. The award recognizes medical-legal partnership (MLP) pro bono partners who have enhanced the lives of individuals, families, and communities by developing innovative pro bono projects or improving the delivery of free legal services to patients at hospitals and health centers as part of a medical-legal partnership. Eligible individuals or groups include volunteer lawyers who work with an MLP site, law firms, corporate law departments, bar associations, legal aid pro bono projects, law schools, and medical schools. The actual award will consist of a crystal object with a maximum value of \$250.00.

3.4 President-elect Robinson's Requests

a. Request for Approval of 2011-2012 Meeting Dates and Locations

The Board approved the following dates and locations for meetings of the Board for 2011-2012, as requested by President-elect Wm. T. Robinson III:

October 26-29, 2011
Cincinnati Marriott at River Center
Covington, KY

February 1-3, 2012 (in conjunction with the ABA Midyear Meeting)
Sheraton Hotel
New Orleans, LA

June 7-10, 2012
The Greenbrier
White Sulphur Springs, WV

August 1-3, 2012 (in conjunction with the ABA Annual Meeting)
Hyatt Regency
Chicago, IL

b. Request for Approval to Co-sponsor Court Funding Symposium and to Seek Outside Funding

The Board approved President-elect Robinson's request for the ABA to co-sponsor a symposium on the under funding crisis in state courts throughout the nation with the University of Kentucky College of Law, the Kentucky Law Journal, and the National Center for State Courts, September 23-24, 2011, in Lexington, Kentucky. The law school has requested that the ABA contribute funds toward the cost of presenting the symposium, which will come from the President-elect's initiative budget. In addition, the Board approved Mr. Robinson request to solicit outside funding for the symposium, if necessary. No additional ABA general revenue is requested or required.

3.5 Section of Dispute Resolution Request to Establish ABA Mediation Week

The Board approved the request of the Section of Dispute Resolution to establish ABA Mediation Week during the third week of October to raise awareness about mediation and the benefits of the mediation process among judges, law students, citizens, families, businesses, and government bodies who could be the direct beneficiaries of mediation as parties.

3.6 Standing Committee on Membership and Section Officers Conference Membership Committee Request to Amend 1998 Dues Simplification Policy Regarding Law Student Transfers

The Board approved the request of the Standing Committee on Membership and the Section Officers Conference Membership Committee to amend the dues simplification policy adopted by the Board in 1998 with respect to dues discount programs. The amendment will extend to law student transfers one free Section membership during their first year, whether they are currently, or were previously, enrolled as a member of that Section, while a law student.

3.7 Standing Committee on Membership Requests

a. Request for Modification of Group Institutional Pilot for Government, Legal Services, and Other Not-for Profit Offices

The Board approved the request of the Standing Committee on Membership (SCOM) to modify the Group Institutional Pilot program, developed in 2007 to make available a significantly reduced flat ABA dues rate for government, legal services and other not-for-profit offices, to provide a flat per member dues rate of \$70.00 (the average of the existing rates) for each new office that joins. The Board also approved SCOM's recommendation to convert existing pilot offices to the new rate structure in FY 2012.

b. Recommendation to Continue Installment Billing Program and to Institute Credit Card Billing

The Board approved the request of the Standing Committee on Membership to i) continue the installment billing program, approved as a one - year test by the Executive Committee in March 2010, as a permanent program, and ii) institute an additional payment option of recurring credit card billing. This option would allow members to provide credit card information once, and give the ABA permission to charge the credit card for their dues automatically each year.

3.8 Requests to Enter Into Memoranda of Understanding with Outside Organizations

a. Section of International Law (Two Requests)

i. GJI: The Board approved the request of the Section of International Law to enter into a memorandum of understanding (MOU) with the Global Justice Initiative (GJI) to provide experts with mediation and international family abduction experience, subject to review and approval of the MOU by the Office of the General Counsel. Founded in 2007, GJI is a Washington, D.C.-based 501(c)(3) not-for-profit organization dedicated to promoting access to justice, and the protection and empowerment of underserved, vulnerable and marginalized populations.

ii. Thomson Reuters Foundation: The Board approved the request of the Section of International Law to enter into a memorandum of understanding (MOU) with the Thomson Reuters Foundation, the charitable entity of Thomson Reuters, a leading

provider of news and information, to further the Section's International Models Project on Women's Rights (IMPOWR) Task Force. The Board's approval is subject to review and approval of the MOU by the Office of the General Counsel.

b. Section of Public Contract Law

The Board approved the request of the Section of Public Contract Law to enter into a memorandum of understanding (MOU) with the National Association of State Procurement Officials (NASPO). The MOU has been reviewed and approved by the Office of the General Counsel. One of the benefits provided to the Section pursuant to the MOU is a \$12,000.00 annual contribution from NASPO to support the Section's Annual State and Local Procurement Symposium.

3.9 Request to Approve Revisions to Business Conduct Standards

The Board amended the October 31, 2009, Business Conduct Standards to exclude service items (e.g., mementos, plaques) awarded to Members for service to the ABA from the definition of "Gifts," which are capped at \$200.00.

3.10 Requests for Dues Increase

a. Forum on Communications Law

The Board approved the request of the Forum on Communications Law to increase regular and associate dues from \$45.00 to \$55.00, effective September 1, 2011. The proposed increase was approved by the Forum's Governing Committee on November 11, 2010. The Board most recently approved a dues increase for the Forum in 2003.

b. Health Law Section Request to Increase Joint Dues with Government and Public Sector Lawyers Division

The Board approved the request of the Health Law Section to increase its joint dues amount with the Government and Public Sector Division from \$55.00 to \$60.00, with the Section and Division each receiving \$30.00, effective with the 2011-2012 ABA Year. The increase was approved by the Section Council on January 18, 2011. The Division has been notified of the increase and is in agreement.

c. Section of Legal Education and Admissions to the Bar

The Board approved the request of the Section of Legal Education and Admissions to the Bar to establish a dues ceiling of \$75.00, and to increase the current Section dues from \$40.00 to \$50.00, effective with the 2011-2012 ABA Year. The proposed ceiling and dues increase were approved by the Section Council in August 2010. The Board most recently approved a dues increase for the Section in 2007.

3.11 Report and Recommendation From the ABA Washington, DC and Chicago Office Space Committee

See Exhibit 3.11 above.

3.12 Standing Committee on Meetings and Travel Request for Approval of Registration Fees for 2011 Annual Meeting

The Board approved the recommendation of the Standing Committee on Meetings and Travel for no registration fee increase for the 2011 Annual Meeting.

The Board also approved the Standing Committee on Meetings and Travel recommendation for the following Canadian registration fees for the 2011 Annual Meeting:

<u>CATEGORY</u>	<u>CANADIAN FEE</u>
Canadian Lawyer – Early bird (by 5/31/11)	\$150 cdn
Canadian Lawyer - (after 5/31/11)	\$250 cdn

3.13 Section of Environment, Energy, and Resources Request to Co-sponsor and Make Contributions From Section Funds to Outside Organizations or to Programs

a. ABA Diversity Fellowship in Environmental Law Stipends

The Board approved the request of the Section of Environment, Energy, and Resources to co-sponsor and make financial contributions from Section funds to the Oregon Bar Association, the Environmental Law Section of the California Bar Association, the Environmental Law Institute, the Environmental and Land Use Law Section of the Florida Bar, the Environmental Law Section of the New York State Bar Association, the Committee on Environmental Law of the New York City Bar Association, the Environment, Energy and Natural Resources Law Section of the North Carolina Bar Association, and Roger Williams University School of Law for the Diversity Fellowships in Environmental Law fellowship stipends. The ABA Diversity Fellowship in Environmental Law, a 501(c) 3 approved project, is designed to encourage disadvantaged or traditionally underrepresented law students to study and pursue careers in environmental law.

b. Brownfields 2011 Conference

The Board approved the request of the Section of Environment, Energy, and Resources to co-sponsor and make a financial contribution from Section funds for the Brownfields 2011 Conference, April 3-5, 2011 in Philadelphia. The National Brownfields Conference is the largest, most comprehensive conference in the nation focused on environmental revitalization and economic redevelopment. The Brownfields 2011 Conference is sponsored by several non-profit organizations and federal agencies with a stakeholder interest in brownfields redevelopment. The two main sponsors of the 2011 Conference

are the U.S. Environmental Protection Agency and the International City/County Management Association.

3.14 Recommendation Regarding ABA Website Advertising

The Board adopted a policy setting rules governing website advertising with the following major elements, as recommended by the Website Oversight Task Force: a) that advertisements may appear on all web pages (provided that entities will have an opportunity to seek an exception to this policy, for good cause shown); and b) that website advertising revenues shall be allocated to ABA General Revenue, in recognition that General Revenue funded the development of the new website and shall be the predominant source of funding for ongoing web development and maintenance.

3.15 Request for Approval of New Continuing Legal Education Pricing Model for 2011 Annual Meeting

The Board approved a) an increase in the price of the all-access CLE badge for the Annual Meeting from \$275.00 to \$350.00, and an increase in the price of the individual CLE ticket from \$75.00 to \$90.00, with both increases applicable to the 2011 Annual Meeting in Toronto only; and b) a \$125,000.00 challenge grant fund to encourage and support entity delivery of CLE programming at the 2011 Annual Meeting in Toronto. The price of individual CLE tickets for judges, government lawyers, as well as solos, will be \$35.00 per ticket.

3.16 Recommendation Regarding Unexamined Bias Training for ABA Leaders

The Board implemented the previous Board action approving unexamined bias training for ABA Board leaders by retaining Professor Jerry Kang of UCLA to conduct unexamined bias training for the Board at the June 2011 Board meeting, which will permit the training to include Board Nominees and create a precedent for including implicit bias training at all future Board orientation programs. In addition, the Board approved the appointment of a small working group of Board members to work with the Section of Litigation to develop a more substantial training program for ABA leaders in general and possibly coordinate the unexamined bias training with the work of the Board Responsibility and Orientation Committee.

3.17 Request to Ratify December 2010 Actions of Operations and Communications Committee Regarding Requests to Charge Fees for Programs Presented at 2011 Midyear Meeting

The Board ratified the December 17, 2010, actions of the Operations and Communications Committee that approved, on an expedited basis, the following requests to charge fees for programs to be presented at the 2011 Midyear Meeting: a) the request of the Section of Dispute Resolution to charge maximum registration fees of \$50.00 each for two CLE programs on arbitration, as well as to charge a \$175.00 registration fee for a half-day training program on mediation; and b) the request of the Commission on Women in the Profession to charge a maximum registration fee of \$35.00 for a CLE program "Women and Power: Getting Ambitious About Ambition."

B. MATTERS OF INDEPENDENT JURISDICTION

3.19 Requests for Co-Sponsorships

With one condition, set forth at 3.19c iii below, the Operations and Communications Committee approved co-sponsorship requests from the following entities. No additional ABA general revenue is requested or required for the co-sponsorships.

- a. Section of Business Law: to partner with JA Worldwide (Junior Achievement) on its youth financial literacy program. The Standing Committee on Public Education has considered the proposed relationship and has no comments on or objections to the proposal.
- b. Health Law Section: to partner with the Cancer Legal Research Center (CLRC) (and other entities listed in the request) to present CLRC's Cancer Rights Conferences for a three-year period, beginning in 2011.
- c. Section of Antitrust Law (Three Requests)
 - i. to co-sponsor a "why antitrust and why consumer protection" membership Diversity Outreach program with the Lawyers Collaborative for Diversity (LCD) and possibly the Connecticut Bar Association (who has also been asked to cosponsor) in mid to late May 2011.
 - ii. to co-sponsor the program *Next Generation of Antitrust Scholarship* with the Association of American Law Schools Antitrust Section and New York University School of Law, January 20, 2012, at New York University Law School, in New York.
 - iii. to co-sponsor a committee program with Mlex, to be held in February 2011. Mlex is an independent privately-owned for-profit company, established in London and Brussels in 2005, that provides exclusive regulatory intelligence, analysis and commentary to finance, investment and legal professionals. (Approved subject to review of Mlex by the Office of the General Counsel.)
- d. Standing Committee on Membership and Standing Committee on Public Education: to co-sponsor, with The American Film Company, programming in connection with the film "The Conspirator," to take place after the 2011 Midyear Meeting.
- e. Commission on Women in the Profession (Two Requests)
 - i. to co-sponsor with entities listed in the request "Stand Up! Stand Out!"- Ms. JD's 4th Annual Conference on Women in the Law, March 31 – April 2 at Southwestern Law School in Los Angeles, California.
 - ii. to co-sponsor with the Law Society of Upper Canada, the Canadian Bar Association Women Lawyer's Forum and the National Conference of Women's Bar Associations a Reception on Friday, August 5th at the 2011 ABA Annual Meeting in Toronto.

- f. Section of State and Local Government Law (includes free membership offer):
to i) co-sponsor the Section's Spring Meeting with the Urban Land Institute, (Seattle chapter of 7,000 members) and the Oregon American Planning Association, May 12-15, 2011, in Portland, Oregon, ii) approve the Section mailing an offer of free Section membership to the ABA members who attend the Section's CLE session, "Hot Topics in Diversity Law," and iii) promote a free Section membership for meeting attendees before and during the Section's 2011 Spring Meeting. The offer will be valid for 30 days following the Meeting. ABA Membership and Marketing has confirmed that this promotion is acceptable.
- g. Young Lawyers Division (YLD) (Two Requests)
i. to solicit co-sponsors for the YLD's Veterans-focused public service project to take place during the 2011-2012 ABA Year. The project itself was proposed and discussed in the 2011 Annual Plan previously submitted by the YLD.
ii. to invite YLD's International Affiliate young lawyer organizations to be name only co-sponsors of the YLD 2011 International Oratory Competition to be held in conjunction with the YLD's Spring Conference in May 2011 in Las Vegas, Nevada. The Competition was described in the 2011 Annual Plan previously submitted by the YLD to the Board of Governors.
- h. Criminal Justice Section: to co-sponsor with ABA Membership and Marketing, and the University of Miami School of Law the program, "Can Good People Be Good Prosecutors? – A Discussion of the Role of Prosecutors in the Criminal Justice System," April 14, 2011, at the law school.
- i. Administrative Law and Regulatory Practice: to co-sponsor with the University of Virginia Law School a law student careers program, and a lunch and reception, to be held in conjunction with the Section's Annual Spring Conference, Friday April 8, 2011 on the campus of the University of Virginia in Charlottesville, Virginia.

3.24 Discussion Regarding ABA Jobs Board (Informational Item)

The Operations and Communications Committee requested that staff provide the Committee with a strategic action plan regarding the ABA Jobs Board and career services to be offered by the ABA by May 1, 2011. The Chair of the Operations Committee will designate members of the Board, including a liaison from the Operations Committee, to work with staff regarding improvements in the ABA Jobs Board and the provision of career services.

4. PROGRAM, EVALUATION AND PLANNING COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

4.1 President Zack's Request to Seek Outside Funding for Task Force on Preservation of the Justice System

The Board approved President Zack's request to seek outside funding for the Task Force on the Preservation of the Justice System to cover the cost of hearings, forums and an economic impact study.

4.2 Requests for Approval of Program Support Funds

a. Commission on Mental and Physical Disability Law

The Board approved the request of the Commission on Mental and Physical Disability Law to establish a program support fund to support the Commission's public service and education programs involving disability rights and disability law activities, including the *Mental & Physical Disability Law Reporter*.

b. Commission on Sexual Orientation and Gender Identity

The Board approved the request of the Commission on Sexual Orientation and Gender Identity to establish a program support fund to support the Commission's public service and education programs, which may include judicial training modules related to LGBT legal issues, focus groups and outreach efforts on the experiences of LGBT lawyers, and developing publications and other resource and educational materials.

c. Council for Racial and Ethnic Diversity in the Educational Pipeline

The Board approved the request of the Council for Racial and Ethnic Diversity in the Educational Pipeline to establish a program support fund to support the Council's public service activities, which may include expanding pipeline diversity programming by model pilot programs, promoting the replication of model pipeline programs, recognizing excellence in pipeline diversity programming through awards and other recognitions, and continuing to support existing pipeline diversity programming.

d. Law Student Division

The Board approved the request of the Law Student Division to establish a program support fund to support the Division's new or existing public service initiatives and law-related education projects, including the Division's Competitions Program, Work-A-Day Program, Mental Health Initiative, Volunteer Income Tax Assistance Program, and Grant Program.

4.3 Annual Plan Requests for Approval to Seek Outside Funding

As part of the Annual Planning Process, the Board approved sixteen requests from various ABA entities to seek outside funding, as recommended by the Program, Evaluation and Planning Committee following review by the Office of the Fund for Justice and Education and the Office of the General Counsel.

4.4 Request for No-Cost Extension of ABA Enterprise Fund Project

The Board approved the Program, Evaluation and Planning Committee's recommendation for a no-cost extension, until April 2011, of *The Aiding Substance Abusing Youth and Their Families* project of the ABA Enterprise Fund.

B. MATTERS OF INDEPENDENT JURISDICTION

None for consideration.

5. FINANCE COMMITTEE

A. MATTERS FOR REVIEW BY THE BOARD

5.1 Acceptance and Approval of FY2010 Annual Audited Consolidated Financial Statements

The Board approved and accepted the American Bar Association consolidated financial statements, details of consolidation and other information for the years ended August 31, 2009 and 2010, with the reports of independent auditors in the form presented to the Finance Committee bearing draft date 1/27/2011.

The Board also approved and accepted the Single Audit Report for the American Bar Association for the year ended August 31, 2009, with the reports of independent auditors in the form presented to the Finance Committee bearing draft date 1/27/2011.

Management Letter and Response

The Board received the draft communication of Ernst & Young LLP dated February 12, 2011, regarding deficiencies in internal controls and management's responses in the form presented to the Finance Committee.

5.2 Approve High Level General Revenue Budget for FY2012

The Board approved the recommendation of the Finance Committee that the Deputy Executive Director and Chief Financial Officer present a general revenue budget for FY2012 to the Finance Committee in the amount of \$98.7 million.

5.3 Pension Subcommittee Recommendation Regarding American Bar Endowment and American Bar Foundation Requests

The Board a) approved the request of the American Bar Endowment (ABE) to amend the A-E-F-C Pension Plan (Plan) to permit the 16 employees of the ABE to continue to receive the 2%/1% (pre 2010 Amendment) benefit accrual, provided all legal and financial issues relating to this proposal, including but not limited to Internal Revenue Code discrimination testing, are resolved to the satisfaction of the ABA's Executive Director and General Counsel; and b) authorized the ABA Officers and Senior Staff to prepare and execute such Plan amendments, agreements, notices and documents as are necessary or convenient to carrying out this resolution.

In addition, the Board approved the request of the American Bar Foundation (ABF) that a) ABF employees currently participating in the A-E-F-C Pension Plan be transferred to the TIAA CREF Plan and b) the ABF maintain a seat on the A-E-F-C Pension Plan Administration Committee after the ABF ceases participation in the Plan.

5.4 Center for Human Rights Request to Contribute Funds to Outside Organization

The Board approved the request of the Center for Human Rights to donate funds from its gift and endowment programming fund to the U.S. Holocaust Memorial Museum to assist the Museum in covering the costs of the November 2011 conference "International Action to Prevent Mass Atrocities," which was held in Paris, France.

5.5 A-E-F-C Pension Plan Administration Committee Request to Formalize its Authority to Manage the Investment of Assets of the A-E-F-C Pension Plan

The Board confirmed that the members of the A-E-F-C Pension Plan Administration Committee who have heretofore acted as the members of the Administration Committee and the Investment Committee pursuant to the provisions of the Trust Agreement entered into between the Association and The Northern Trust Company (Trustee) dated November 18, 1998 (Trust Agreement), have acted in those capacities with the authority of the Board of Governors.

In addition, the Board authorized the execution of a certification by the Secretary of the Association and the transmittal of the certificate to the Trustee, thereby formalizing the role of the Committee as the Investment Committee under the Trust Agreement.

B. MATTERS OF INDEPENDENT JURISDICTION

None for consideration.