

**MARINA B. JACKS**  
Associate Executive Director

AMERICAN BAR ASSOCIATION

**Policy and Governance Group**  
321 North Clark Street  
Chicago, Illinois 60610-4714  
(312) 988-5152  
FAX: (312) 988-5153  
jacksm@staff.abanet.org

**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 June 2009 Board of Governors Meeting

**DATE:** June 19, 2009

Attached is the Summary of Action of the June 12-13, 2009, meeting of the Board of Governors held at the Silverado Resort in Napa Valley, California. This Summary does not constitute official Minutes of the meeting. Minutes will be presented to the Board for approval at the next meeting, in July 2009.

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**

**Silverado Resort  
Napa Valley, California  
June 12-13, 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, Immediate Past President, Secretary, Treasurer and Executive Director. The minutes of the Board's February 13, 2009, meeting in Boston, Massachusetts, were approved as presented. The minutes of the Executive Committee's meetings of March 23, April 15, April 24, May 19, and June 11, 2009, were received.

**2. MATTERS FOR DIRECT BOARD ACTION**

**2.1 Presentation Regarding Section of Legal Education and Admissions to the Bar**

Honorable Ruth V. McGregor, Chief Justice of the Arizona Supreme Court and Immediate Past Chair of the Section of Legal Education and Admissions to the Bar, and Hulett "Bucky" Askew, Consultant on Legal Education, presented to the Board a report on i) the comprehensive review of the Standards for Approval of Law Schools, ii) the status of the Section Council's re-recognition as an official accrediting agency by the United States Department of Education, iii) issues pertaining to the "separate and independent" requirements of the U. S. Department of Education, and iv) the Section's development of a strategic plan. Mr. Askew informed the Board that Chief Justice McGregor will retire from the Arizona Supreme Court this year. She will become the Section's Delegate to the House of Delegates. On behalf of the Board, President Wells thanked Chief Justice McGregor for her outstanding work on behalf of the Section and stated he looked forward to her continued participation in the ABA as a member of the House of Delegates.

**2.2 Presentation Regarding Governmental Affairs**

Thomas M. Susman, Director of the ABA Governmental Affairs Office, presented to the Board an overview of the ABA Governmental Affairs Office (GAO or Office) in Washington, DC, and a status report on some of GAO's recent activities. 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 Office focuses on the ABA's Legislative and Governmental Priorities that are adopted annually by the Board. The GAO works with a Grassroots Action Team, with ABA member entities, and with numerous organizations that span the ideological spectrum.

The GAO staff includes 12 registered lobbyists. During each Congress, the Office testifies on approximately 120 issues and lobbies on over 100 issues. The GAO publishes the daily *Washington Summary* and the monthly *Washington Letter*. An estimated 242 ABA members participated in approximately 300 visits to Capitol Hill during a very successful 2009 ABA Day in Washington. The GAO also provided the Obama transition team and the new Congress with advocacy papers on certain issues. To demonstrate how quickly GAO must respond to certain issues, Mr. Susman described the Office's work in fall 2008, in conjunction with ABA leaders and state bar associations, that ensured the Association was successful in its efforts to persuade the Federal Deposit Insurance Corporation to include IOLTA funds under the Temporary Liquid Guarantee Program. On behalf of the Board, President Wells thanked Mr. Susman and the GAO staff for their excellent work.

2.3 Section of Intellectual Property Law Request for Adoption of Policy Regarding Exclusive Rights in Copyrighted Works

This item was withdrawn.

2.4 Request to Adopt Policy Regarding FTC Red Flags Rule

The Board approved the request of the sections of Administrative Law and Regulatory Practice, Business Law, Criminal Justice, Dispute Resolution, Health Law, Individual Rights and Responsibilities, and Law Practice Management; the General Practice, Solo and Small Firm Division; and the standing committees on Lawyer Referral and Information Service, and Professional Discipline and adopted as Association policy a recommendation that urges the Federal Trade Commission and Congress to clarify that the Commission's Red Flags Rule imposing requirements on creditors relating to identity theft is not applicable to lawyers while they are providing legal services to clients.

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) approved the minutes of the February 13, 2009, meeting of the ABA/FJE Board as presented and b) accepted the ABA/FJE restricted grants and contributions received or awarded through May 15, 2009, and not previously reported, as requested by the Association's Grants and Accounting Services office in Washington, DC.

2.6 National Judicial College

a. Nominations

The Board, sitting as the Members of the National Judicial College, elected Marybel Batjer of Las Vegas, Nevada; Thomas V. Girardi of Los Angeles, California; Denette Mouser of Rogers, Arkansas; and Mark G. Tratos of Las Vegas, Nevada; to their second

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June 2009 Board of Governors Meeting  
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three-year terms as NJC representatives to the NJC Board of Trustees. All three-year terms will commence at the conclusion of the June 2009 meeting of the NJC Board and conclude at the end of the NJC Board meeting in 2012. (See also Item 3.2c below.)

b. National Judicial College Presentation

The Board, sitting as the Members of the National Judicial College (NJC), heard a presentation from Honorable William F. Dressel, President of the NJC, regarding current NJC activities and initiatives including i) revisions to the NJC bylaws that will be considered at the June 2009 meeting of the NJC Board of Trustees, ii) the NJC's work with the Criminal Justice Section regarding re-entry issues, and iii) the NJC's development of multidisciplinary training programs (e.g., work with Medicaid courts). Judge Dressel also discussed briefly the impact of the current economic situation on NJC activities. President Wells commended the NJC Board, Judge Dressel, and the NJC staff for their outstanding work.

2.7 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**

**2.28**

The Board received written informational reports from the Commission on Women in the Profession, the ABA Rule of Law Initiative (ROLI), the Commission on Sexual Orientation and Gender Identity, and the Center for Racial and Ethnic Diversity.

**3. OPERATIONS AND COMMUNICATIONS COMMITTEE**

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

a. Forum on the Construction Industry

The Board deferred the request of the Forum on the Construction Industry to amend its bylaws to the July 30-31, 2009, meeting of the Board to permit Forum members to respond to questions and concerns the Operations Committee had regarding some of the proposed bylaw revisions.

b. Section of Intellectual Property Law

The Board approved the request of the Section of Intellectual Property Law to amend its bylaws to i) create a provision for succession for the Section Chair, Chair-elect, Vice-Chair, and Secretary, ii) bring the bylaws into conformity with ABA policy and procedure regarding the submission of requests for Blanket Authority and Technical Comments, and iii) clarify the definition of who is eligible to vote within a Section committee. The proposed amendments were approved by the Section Council on April 4, 2009. Approval of the proposed amendments by the Board is subject to approval by the Section Membership at the Section Business Session at the 2009 ABA Annual Meeting.

c. Section of Litigation

The Board approved the request of the Section of Litigation to amend its bylaws, in pertinent part, to i) create the position of Publications and Content Officer, ii) clarify certain duties of Officers and various transitions regarding Officers and their terms, iii) codify the situations in which the Chair of the Section's Advisory Committee on Nominations has the authority to appoint a replacement member, and iv) make other editorial revisions to maintain consistency and correct minor typographical errors. The Section Council approved the proposed amendments on May 2, 2009. Approval of the proposed amendments by the Board is subject to approval by the Section membership on July 30, 2009.

d. Section of Public Contract Law

The Board approved the request of the Section of Public Contract Law to amend its bylaws to i) provide each Section Officer with specific oversight duties and responsibilities and ii) increase the term of the Budget and Finance Officer from two to three years beginning at the conclusion of the Annual Meeting in 2011. The Section Council approved the proposed amendments on March 7, 2009. Approval of the proposed amendments by the Board is subject to approval by the Section membership at its Annual Business Meeting on August 1, 2009.

e. Section of Public Utility, Communications, and Transportation Law

The Board approved the request of the Section of Public Utility, Communications and Transportation Law to increase its dues ceiling from \$50.00 to \$75.00 and remove the statement in its bylaws which references the amount of dues. The Board also approved the Section's request to increase its dues from \$40.00 to \$60.00 per year, effective September 1, 2010. The Bylaw amendment and dues increase were approved by the Section Council on April 24, 2009. The Board's approval of the proposed bylaw amendment is subject to approval by the Section membership at the Section Business Meeting, which will be held in August 2009.

f. Section of Real Property, Trust and Estate Law

The Board approved the request of the Section of Real Property, Trust and Estate Law to amend its bylaws to i) eliminate the Section's Advisory Board Standing Committee, ii) eliminate the Section's Standing Committee on Technology, and iii) revise and rearrange certain sections of the bylaws for ease of reference. Approval of the proposed amendments by the Board is subject to approval by the Section membership at the Annual Section Business Meeting on August 1, 2009.

g. Senior Lawyers Division

The Board approved the request of the Senior Lawyers Division (SLD) to amend its bylaws to i) provide automatic succession of the Vice Chair to Chair-Elect (provided the Vice Chair was elected by the members and not appointed), ii) clarify transfer of authority in the case of the absence of an officer, iii) provide for the possibility of a nominee becoming unable to serve after being nominated, and iv) make certain technical and conforming amendments. The proposed amendments were approved by the SLD Council during its Midyear Meeting on February 14, 2009. Approval of the proposed amendments by the Board is subject to approval by the Division membership at the Division's Annual Meeting on August 1, 2009.

3.2 Nominations

a. Intellectual Property Constituency

The Board elected Mark V. B. Partridge of Chicago, Illinois, as the ABA's representative to the Intellectual Property Constituency, for a second three-year term to begin at the conclusion of the 2009 ABA Annual Meeting and end at the conclusion of the 2012 ABA Annual Meeting, as recommended by the Section of Intellectual Property Law.

b. International Bar Association

The Board elected Deborah Enix-Ross of New York, New York, as the ABA's representative to the Council of the International Bar Association (IBA), for a three-year term, to begin at the conclusion of the IBA Annual Conference in fall 2009 and end at the conclusion of the IBA Annual Conference in 2012, as recommended by the Section of International Law.

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

The Board of Governors and the Judicial Division will each have vacancies on the National Judicial College's (NJC) Board of Trustees in 2009. The Operations Committee recommends these representatives to the ABA Board. Thereafter, the ABA

Board, sitting as the Members of the NJC, elects the two representatives. (See also Item 2.6a above.)

i. Board of Governors Representative

The Board, sitting as the Members of the National Judicial College (NJC), elected Peter J. Neeson of Philadelphia, Pennsylvania, to a three-year term as a Board of Governors representative on the NJC Board. Mr. Neeson's term will begin at the conclusion of the June 2009 meeting of the NJC Board and conclude at the end of the NJC Board meeting in 2012.

ii. Judicial Division Representative

The Board, sitting as the Members of the National Judicial College (NJC), elected Honorable James M. Riehl of Port Orchard, Washington, to a second three-year term as a Judicial Division representative on the NJC Board from the Division's National Conference of Specialized Court Judges. Judge Riehl's term will begin at the conclusion of the June 2009 meeting of the NJC Board and conclude at the end of the NJC Board meeting in 2012.

3.3. ABA Medal

The Board selected William Gates, Sr. of Washington State as the recipient of the 2009 ABA Medal.

3.4 Requests Regarding Awards

a. Commission on Lawyers Assistance Programs

The Board approved the request of the Commission on Lawyers Assistance Programs (CoLAP) to establish the annual *CoLAP Meritorious Service Award* to recognize individuals who have made significant contributions to the lawyer assistance programs in their jurisdiction. The award will be a plaque with a maximum value of \$75.00 that will be presented at CoLAP's annual conference held in fall. In approving the request, the Board understood that all costs associated with the award will be paid from CoLAP's approved budget, and no additional ABA general revenue is requested or required.

b. Forum on Franchising (Four Awards)

The Board approved the requests of the Forum on Franchising to establish the following four annual awards. In approving the requests, the Board understood that all costs associated with the four awards will be paid from Forum funds, and no ABA general revenue is requested or required.

i) *Recognition for Future Leaders, Recognition for Explorers* (also known as "Newcomers"), and *Recognition for Substantial Written Work Product or Presentation*.

The awards recognize contributions to the Forum, encourage future involvement in the Forum, and assist individuals in identifying pathways to leadership in the Forum. Each year, a maximum of three individuals could be chosen to receive any of the awards. Each of these three awards will consist of a memento having a maximum value of \$200.00 as well as a non-monetary component (e.g., recognition on the Forum listserv or in Forum publications) and will be presented during the Forum annual meeting in October.

ii) *Lewis G. Rudnick Award*. The award recognizes a member of the Forum who has made a substantial contribution to the development of the Forum and to franchise law as a discipline and has conducted him/herself with Mr. Rudnick's high standards of professionalism and collegiality. The award will likely be in the form of a small crystal sculpture with a maximum value of \$300.00 that will be presented during the Forum annual meeting in October.

c. Judicial Division National Conference of Specialized Court Judges

The Board approved the request of the Judicial Division National Conference of Specialized Court Judges (NCSCJ) to present annually the *Recognition of Academic and Judicial Excellence in the Military Judge Course* plaque to the top graduate of the United States Army's Trial Judge Course, held each year at the army Judge Advocate General's school in Charlottesville, VA. Judges from all military branches attend the course for initial judicial training upon appointment to the judiciary of the U.S. armed forces. The plaque, which will have a maximum value of \$100.00, will be presented in connection with the graduation ceremony for the Trial Judge Course. In approving the request, the Board understood that the plaque will be paid for through the donation of an NCSCJ member who has pledged a maximum of \$1,000.00 to cover the costs for a minimum of ten years, and no ABA general revenue is requested or required.

d. Section of Environment, Energy, and Resources (Three Awards)

The Board approved the request of the Section of Environment, Energy, and Resources to establish the following three annual awards for work in the field of environment, energy, or natural resources: i) *Environment, Energy, and Resources Government Attorney of the Year*: recognizes exceptional, sustained career achievement by federal, state, tribal or local government attorneys. ii) *State or Local Bar Environment, Energy, and Resources Program of the Year*: recognizes the best CLE program or public service program of the year. iii) *Law Student Environment, Energy, and Resources Program of the Year*: recognizes the best student-organized educational program or public service project of the year. Each of the awards will likely be in the form of a crystal plaque with an approximate value of \$150.00. The awards will be presented following the Annual Section Business Meeting that is held during the ABA Annual Meeting. In approving the request, the Board understood that all costs associated with the three awards will be paid from Section funds, and no ABA general revenue is requested or required.

e. Standing Committee on Legal Aid and Indigent Defendants

The Board approved the request of the Standing Committee on Legal Aid and Indigent Defendants (SCLAID) to give one-time recognition to two law firms (Morrison & Foerster LLP and Dorsey & Whitney LLP) and four lawyers (three at Morrison and one at Dorsey) to acknowledge the contributions of those firms and lawyers in preparing an amicus curiae brief on behalf of the Association in the Alaska Supreme Court case *Gordnier v. Jonsson*. The recognition plaques will be presented during the 2009 Annual Meeting, either at the annual Access to Justice Reception or the SCLAID business meeting. In approving the request, the Board understood that the cost of each plaque will be less than \$300.00 and will be paid from the 2008-2009 SCLAID budget, and no additional ABA general revenue is requested or required.

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 incurred by members of the Law Student Division Board of Governors for attendance at Division meetings to be held in conjunction with the 2009 ABA Annual Meeting in Chicago, Illinois.

3.6 Standing Committee on Membership Requests for Member Benefit Programs

a. Premiere Global Services

The Board approved the request of the Standing Committee on Membership to develop an audio, video and Web conferencing program with Premiere Global Services that provides a deep discount for ABA members. The Association will receive a five percent royalty on all revenue received from ABA members as a result of the Member Advantage Program. In addition, Premiere Global Crossing will contribute \$20,000.00 annually to the ABA Member Advantage Program.

b. Technology Benefit Program

The Board approved the request of the Standing Committee on Membership to develop a technology member benefit and education program, which will offer opportunities for technology innovation at a discounted price to the large number of ABA members who work without IT support or training. In addition, the program will assist members who do not qualify for bulk licenses and do not benefit from negotiated pricing for technology. Staff from the ABA Member Benefits Department and the Legal Technology Resource Center (LTRC) will share responsibilities for vetting the companies that will participate in the program and will also split equally the revenue related to the proposed program. The legal technology benefit website page will be housed on the LTRC website and

linked to the ABA Member Advantage website page. Vendors will be encouraged to provide no obligation trials and instructional materials to communicate product value. The Association will receive a modest revenue stream from the program.

### 3.7 President-elect Lamm's Requests

#### a. Request for the Creation of Four Entities to Carry Out 2009-2010 Presidential Initiatives

The Board approved the request of President-elect Carolyn B. Lamm to create the following four entities to carry out her 2009-2010 Presidential Initiatives. (NOTE: Each of these initiatives will be funded through the Presidential Initiatives budget. No additional ABA general revenue is requested or required. If it is subsequently determined that outside funding is needed, a request will be submitted to the Board.)

- i) Task Force on Segment Value Membership Initiative: comprised of up to 16 members, including two co-chairs, to coordinate the implementation of the Segment Value Membership Initiative that began in September 2008. The Task Force will work closely with the Standing Committee on Membership.
- ii) Commission on Ethics 20/20: comprised of a maximum of 12 members including a chair, to perform a thorough review of lawyer ethical rules and the system of lawyer regulation in light of the technological advances and globalization that has changed the way law is practiced since the Ethics 2000 Commission performed the last comprehensive review of the Model Rules of Professional Conduct, beginning in 1997.
- iii) Commission on Diversity: comprised of a maximum of 12 members including a chair, to implement a program from President Wells' June 2009 Diversity Summit and work with the ABA Center for Racial and Ethnic Diversity and the ABA Commission on Women to help lawyers of color and women lawyers advance their careers. The Commission will help lawyers of color and women lawyers overcome the obstacles that prevent them from obtaining leadership positions in the profession.
- iv) Commission on the Impact of the Economic Crisis on the Profession: comprised of up to 12 members including a chair, to explore the impact of the economic crisis on the legal profession. 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. The Commission will carry forward the work outlined in President Wells' June 27, 2009, Summit on the same subject.

b. Request for Special Advisors

The Board approved President-elect Lamm requests to i) create a special advisor position or add a special advisor position and ii) appoint a special advisor to the Africa Law Initiative Council, Asia Law Initiative Council, Death Penalty Moratorium Implementation Project, Standing Committee on Election Law, Center for Human Rights (2 advisors), Commission on Homelessness and Poverty (2 advisors), Standing Committee on Judicial Independence, Standing Committee on Law and National Security, Standing Committee on the Law Library of Congress, and ABA Rule of Law Initiative. In addition, the Board approved President-elect Lamm's request to continue the special advisors to 17 ABA entities

c. Request to Revise Jurisdictional Statement of the Task Force on International Trade in Legal Services

The Board approved President-elect Lamm's request to revise the jurisdictional statement of the Task Force on International Trade in Legal Services to increase the membership of the Task Force from eight members to 12 members. The additional seats would be designated for the president of the National Conference of Bar Presidents, for a liaison to the Commission on Ethics 20/20, and for two bar association presidents.

3.8 Council on Racial and Ethnic Justice Request to Co-sponsor and Solicit Outside Funding for Juvenile Justice Program at Annual Meeting

The Board approved the request of the Council on Racial and Ethnic Justice to a) co-sponsor its 2009 Annual Meeting CLE program, "The Juvenile Justice System, African American and Latino Youth, Drug and Mental Illness Resources and Policies: What Reforms are Needed to Eliminate Disparities and Discrimination and to Achieve True Equity and Fairness in Our Justice System?" with the Cook County Bar Association; the Access to Racial and Cultural Health Institute; the Department of Psychiatry and Behavioral Sciences, Feinberg School of Medicine, Northwestern University; and the National Council of La Raza, and possibly other ABA entities, July 30, 2009, in Chicago, Illinois; and b) seek outside funding to cover the costs of the program, from the entities listed in the request.

3.26 Recommendation of the Operations and Communications Committee Subcommittee on Meetings Outside the United States Regarding the ABA Policy on Meetings Held Outside the United States

The Board approved the recommendation of the Operations and Communications Committee's Subcommittee on Meetings Outside the United States that the Association's current policy on *Meetings Held Outside the United States*, adopted in June 1982 and most recently amended in February 1990, be rescinded.

**B. MATTERS OF INDEPENDENT JURISDICTION**

3.15 Requests for Co-Sponsorships

a. Commission on Sexual Orientation and Gender Identity

The Operations and Communications Committee approved the request of the Commission on Sexual Orientation and Gender Identity (SOGI) to co-sponsor the "Allies for Justice" Reception with the National LGBT Bar Association (LGBT Bar) (formerly National Lesbian and Gay Law Association), an ABA affiliated organization, and the ABA Section of Individual Rights and Responsibilities, July 31, 2009, in Chicago, IL. In approving the request, the Operations Committee understood that the LGBT Bar is responsible for all costs associated with the event, and no additional ABA general revenue is requested or required.

b. Criminal Justice Section

The Operations and Communications Committee approved the request of the Criminal Justice Section to co-sponsor the program "Supportive Housing and Criminal Justice: A National Forum & Dialogue" with the Corporation for Supportive Housing, Council of State Governments, National GAINS Center, and other entities listed in the request, November 5, 2009, in Washington, DC. In approving the request, the Operations Committee understood that the Section is not responsible for any costs associated with the program, and no ABA general revenue is requested or required.

c. Forum on the Entertainment and Sports Industries

The Operations and Communications Committee approved the request of the Forum on the Entertainment and Sports Industries to co-sponsor, with the GRAMMY Foundation, The GRAMMY Foundation Legal Writing Contest and an annual luncheon to honor the winners in 2010, 2011, and 2012. In approving the request, the Operations Committee understood that i) the GRAMMY Foundation will incur all expenses associated with scholarships and all expenses necessary for the contest winners to attend GRAMMY week events, ii) Forum funds will be used to pay the expenses of Forum leadership to attend the luncheon, and iii) no ABA general revenue is requested or required.

d. Law Student Division

The Operations and Communications Committee approved the request of the Law Student Division to continue to co-sponsor the Arbitration Competition with the National Arbitration Forum (FORUM). The FORUM wishes to continue the co-sponsorship for 2009-2010 and to provide a portion of the funding. The Division anticipates that the FORUM funding plus registration fees will generate a breakeven program. In approving the request, the Operations Committee understood that i) expenses for the 2009-2010

competition will be paid from the Division's approved 2009-2010 budget, and ii) no additional ABA general revenue is requested or required.

e. Section of Dispute Resolution

The Operations and Communications Committee approved the request of the Section of Dispute Resolution to co-sponsor a two-day training program for ADR professionals with the *Making and Saving Deals Trainers Academy (M & SD)*, a for-profit training and research project based in Rome and Amsterdam, October 20-21, 2009, in Rome Italy. In approving the request, the Operations Committee understood that i) ABA members will be entitled to a discounted program registration fee, ii) the Section will incur no costs in connection with the program, and iii) no ABA general revenue is requested or required.

f. Commission on Women in the Profession

The Operations and Communications Committee approved the request of the Commission on Women in the Profession to co-sponsor with the National Conference of Women's Bar Associations, the Chicago Bar Association Alliance for Women (and other potential co-sponsors listed in the request) a petition addressed to the editors of the publication *Chambers USA: America's Leading Lawyers for Business* that encourages Chambers to review its research methods and its methods of data collection to ensure that qualified women attorneys are recognized within the publication. In approving the request, the Operations Committee understood that i) neither the ABA nor the Commission will be responsible for any expenses associated with this activity, and ii) no ABA general revenue is requested or required

3.16 Meetings Outside the United States

The Operations and Communications Committee received the following notifications regarding meetings outside the United States:

a. Forum on Franchising

The Forum on Franchising plans to hold its Annual Meeting October 14-16, 2009, at The Westin Harbour Castle Hotel in Toronto, Ontario, Canada.

b. Section of International Law (Three Notifications)

- i. Moscow – September 21, 2009 (Program on Russian Business Disputes) (The Section will submit a separate request to co-sponsor this program with local bar associations.)
- ii. Australia and New Zealand - January 2010 (ILEX Trip)
- iii. Paris -- November 2-6, 2010 (Section Fall Meeting) (The Section will submit to the Standing Committee on Continuing Legal Education a separate

request to co-sponsor CLE programs that are being offered in connection with this meeting.)

c. Section of Labor and Employment Law

The Section's International Labor and Employment Law Committee plans to hold its Midyear Meeting May 9-13, 2010, in Istanbul, Turkey.

d. Law Practice Management Section

The Law Practice Management Section plans to hold its 2009 Fall Meeting October 14-17, 2009, in St. Maarten, N.A.

e. Tort Trial and Insurance Practice Section

The Tort Trial and Insurance Practice Section plans to hold the CLE program "Legal Challenges to Chinese Companies Doing Business in the United States" at Tsinghua University School of Law in Beijing, China, September 10, 2009. (The Section will submit to the Standing Committee on Continuing Legal Education a separate request to co-sponsor the CLE program with Tsinghua University.)

**PROGRAM, EVALUATION AND PLANNING COMMITTEE**

**ARKFELD**

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

4.1 Recommendation for FY2010 Enterprise Fund Proposal

The Board approved the following three new Enterprise Fund programs for the FY2010 Enterprise Fund:

*Helping Ensure That Immigration Detainees Know Their Rights*

*Juvenile Mistakes: How Long To Pay The Price?* with the recommendation that the Council on Racial and Ethnic Justice be added as a project collaborator.

*Laying the Path: Proposal to Create National Standards for Language Access to State Courts*, with the recommendation that the Council on Racial and Ethnic Justice be added as a project collaborator.

**B. MATTERS OF INDEPENDENT JURISDICTION**

None for consideration.

**FINANCE COMMITTEE**

**NELSON**

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

5.1 Section of Taxation Request to Contribute Funds to American Tax Policy Institute

The Board approved the request of the Section of Taxation for an exception to the ABA policy regarding contributions to other organizations to permit the Section to contribute Section Funds, not derived from member dues, to the American Tax Policy Institute (Institute). The Institute is a 501(c)(3) organization formed in 1990 by the American College of Tax Counsel to promote and facilitate scholarly research, analysis, and discussion of tax policy issues. The Board has approved Section contributions to the Institute each year since 2001.

5.2 Request to Engage Ernst & Young to Conduct Audits of American Bar Association Financials for Year Ending August 31, 2009

The Board approved the engagement of Ernst & Young to conduct the Audit of the American Bar Association Financials for the year ending August 31, 2009.

5.3 Preliminary Approval of FY2010 General Revenue Budget

The Board preliminarily approved \$105,000,000 as the expenditure level for the FY2010 general revenue budget, with the understanding that the Executive Director will bring back to the Board at the Annual Meeting a balanced budget including the recommendations made by the Finance Committee in June.

5.4 Standing Committee on Bar Activities and Services Request to Make Donation to the Emergency Nurses Association Foundation

The Board approved the request of the Standing Committee on Bar Activities and Services to make a donation to the Emergency Nurses Association in honor of the services provided by a speaker at the 2009 Bar Leadership Institute (BLI) held in Chicago, Illinois, March 12-14, 2009. The funds for the donation will come from the Standing Committee's 2009 budget for the BLI, which includes an allocation to cover the speaker's fees.

5.5 Request to Amend Investment Policy

The Board amended the policy regarding long term investments to modify the division of the investments from 70% equity and 30% fixed income to 65% equity and 35% fixed income. The 5% up or down range would remain the same.

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**B. MATTERS OF INDEPENDENT JURISDICTION**

None for consideration.