



**Federal Bar Association
National Council Meeting**

Mid-Year Meeting 2014
Saturday, March 29, 2014 at 2:30 p.m.
Westin Arlington Gateway
Arlington, VA

Agenda
Federal Bar Association
National Council Meeting
 Saturday, March 29, 2014 at 2:30 p.m. EDT
 Westin Arlington Gateway
 Arlington, VA

- | | | |
|---|---------|----------------------------|
| 1. Call to Order | | Hon. Gustavo Gelpi |
| 2. Approval of the Minutes (September 28, 2013) | (Tab A) | Hon. Gustavo Gelpi |
| 3. Report from the President | | Hon. Gustavo Gelpi |
| <ul style="list-style-type: none"> • FBA Midyear Update • Actions of the Board of Directors • Presidential Outreach | (Tab B) | |
| 4. Report from the Treasurer | (Tab C) | Mark Vincent |
| <ul style="list-style-type: none"> • Financial Update as of January 31, 2014 | | |
| 5. Reports | | |
| <ul style="list-style-type: none"> • Report from the President-Elect <ul style="list-style-type: none"> ○ 2014 Annual Meeting and Convention | | Matthew Moreland |
| <ul style="list-style-type: none"> • Report from the Chair of the Membership Committee | | Jonathan Hafen |
| <ul style="list-style-type: none"> • Report from the Chair of the Nominations and Elections Committee | (Tab D) | Hon. Gustavo Gelpi |
| <ul style="list-style-type: none"> • Report from the President of the Foundation of the Federal Bar Association | | Martha Hardwick Hofmeister |
| <ul style="list-style-type: none"> • Report from the Chair of the Government Relations Committee | (Tab E) | West Allen |
| <ul style="list-style-type: none"> • Report from the President of the Federal Bar Building Corporation | | Robert Mueller |
| <ul style="list-style-type: none"> • Report from the ABA Delegate | (Tab F) | Ashley Belleau |
| 5. Unfinished Business | | Hon. Gustavo Gelpi |
| 6. New Business | | Hon. Gustavo Gelpi |
| <ul style="list-style-type: none"> Report from Women in the Law Conference Planning Committee | (Tab G) | |
| 7. Report from the Executive Director | | Karen Silberman |
| 8. Announcements | | |

2014

- 39th Annual Indian Law Conference, April 10-11, 2014, Santa Fe, NM
- Chapter, Section & Division Leadership Training Program, April 25-26, 2014, Arlington, VA
- 26th Annual Insurance Tax Seminar, May 29-30, 2014, Washington DC
- Board of Directors Meeting, June 21, 2014. Portland, OR
- Women in the Law Conference, July 11, 2014, Washington DC
- Board of Directors Meeting, September 4, 2014, Providence, RI
- Annual Meeting and Convention, September 4-6, 2014, Providence, RI
- National Council Meeting, September 6, 2014, Providence, RI

9. President's Final Remarks

Hon. Gustavo Gelpi

10. Adjournment

TAB A

Approval of the Minutes

September 28, 2013

**Federal Bar Association
National Council**

Saturday, September 28, 2013

2:00 p.m. EST

Caribe Hilton

San Juan, Puerto Rico

CALL TO ORDER

President DeSousa called the meeting to order at 2:15 EST with a quorum present. The agenda was adopted as distributed prior to the meeting.

APPROVAL OF THE MINUTES

A motion was made to approve the minutes of the National Council meeting held on April 6, 2013, in Arlington, Va. and was properly seconded. The minutes were approved unanimously by the council.

REPORT OF THE PRESIDENT

President DeSousa reported on the actions of the Board of Directors since the last meeting of the National Council:

Actions of the Board of Directors at its May 13, 2013 Meeting

- Adopted a webinar policy allowing National to host webinars for members.
- Revised the list rental policy.
- Adopted the Procedure for Consideration of Proposed Bylaw Amendments Policy.
- Amended the General Counsel Policy to clarify that the FBA President appoints the General Counsel and the General Counsel may serve a parliamentarian
- Approved the Northern District of Ohio in cooperation with the Dayton Chapter to host the 2016 Annual Convention in Cleveland, OH.

Actions of the Board of Directors at its June 22, 2013 Meeting

- Adopted the corporation resolution to authorize the opening of an account with Nationwide Securities LLC to manage the FBA's retirement account.
- Approved the FY2014 budget.
- Asked the Executive Director to explore what the FBA is doing nationally for federal defender and others who are affected by the sequestration and make a report and recommendation to the board.
- Approved the Government Relations Issues Agenda for FY2014.

Actions of the Board of Directors at its August 5, 2013 Meeting

- Approved revising the Kintner Award criteria to distinguish the award as a lifetime achievement award. The new criteria would take effect in 2014.

Actions of the Board of Directors at its September 25, 2013 Meeting

- Approved the record retention policy.

- Approved the creation of Admiralty Law Section.
- Approved the ability of chapters to offer one free membership to a public servant with the dues being split by the chapter and national office.
- Approved the recommendation of new clerk of court membership category.
- Approved the Atlanta Chapter as the host of the 2017 Annual Meeting and Convention.
- Approved the charter for the Missouri Chapter.
- Approved the charter for the North Dakota Chapter.
- Approved the sponsorship of American Civil Bar Roundtable resolution in support of adequate funding for federal state courts.

President DeSousa gave the report of Nominations and Elections Committee. The following individuals were elected to terms beginning Oct. 1, 2013:

Officers

President-Elect..... Matthew B. Moreland
 Treasurer.....Mark K. Vincent

Directors

Group 1..... Raymond J. Dowd
 Group 2..... Simeon H. Baum
 Group 3.....Kevin A. Maxim
 Group 4..... Anh Le Kremer

Vice Presidents for the Circuits

1st Circuit.....Katherine Gonzalez-Valentin
 2nd Circuit.....John G. McCarthy
 3rd Circuit..... TBD
 4th Circuit..... Andrew K. Clark
 5th Circuit..... Marc W. Taubenfeld
 6th Circuit.....Tonya Kennedy Cammon
 7th Circuit..... Maria Z. Vathis
 8th Circuit..... Daniel C. Hedlund
 9th Circuit.....Joseph S. Leventhal
 10th Circuit.....Chris M. Stephens
 11th Circuit..... Brett A. Barfield
 D.C. Circuit..... Steven R. Miller

President DeSousa reported on his outreach efforts and the goals and objectives of the Board of Directors. He emphasized the importance of growing the membership and praised the efforts of the chapters, sections, division, and Vice Presidents for the Circuits in creating substantive benefits for the membership. President DeSousa also thanked the Membership Benefits Task Force for creating a detailed report that examines all aspects of FBA membership. He also praised the work done by Karen Silberman in her first year as executive director.

REPORT FROM THE PRESIDENT-ELECT

Judge Gelpi announced his committee chair appointments. Judge Gelpi presented the FY14 budget as approved by the Board of Directors at is June 22, 2013 meeting.

REPORT FROM THE TREASURER

Mr. Moreland presented the financial statements as of August 31, 2013, which cover approximately 92 percent of the year's budget and reported that the FBA is in a solid financial position.

REPORTS

Report from the President of the Federal Bar Building Corporation

Mr. Berry reported that the FBBC's portfolio is doing well and recognized members of the board.

President DeSousa proceeded over the uncontested election of the two open Director positions on the FBBC Board of Directors by the National Council. Past National Presidents Joyce Kitchens and Alan Harnisch were nominated by the FBBC Nominating Committee prior to the National Council meeting. President DeSousa announced that Ms. Kitchens and Mr. Harnisch were elected to the FBBC Board of Directors.

Report from the Chair of the Membership Committee

Mr. Hafen reported that the membership has grown by 10% over the past two years and has reached an all-time high of 16,540 members. He discussed the successes of the targeted membership plan and the "Back-to-Basics" initiative of best membership practices. He also recognized the 16 chapters that saw growth of at least 10% over the past year. Mr. Hafen also unveiled the next membership committee initiative entitled "Rules of Engagement."

Report from President of the Foundation of the Federal Bar Association

Ms. Hofmeister recognized the Board of Directors of the Foundation of the Federal Bar Association. Ms. Hofmeister reported the Foundation awarded Community Outreach Chapter Grants to the following chapters in the past year: Massachusetts, South Carolina, Middle District of Pennsylvania, and Capitol Hill. Ms. Hofmeister also reported that the bronze busts belonging to the Foundation will be auctioned off in early October by Potomack Auction House. Bidding will be available online.

Report from the Chair of the Constitution, Bylaws, Rules and Resolutions Committee

President DeSousa reported that the committee is working on revising the election procedures and rewriting them in a way that does not need to be amended with changing technology.

Report from the Chair of the Government Relations Committee

Mr. Allen recognized members of the committee and Bruce Moyer. He presented the report of the Government Relations Committee and highlighted judicial vacancies, sequestration, and the work toward maintaining an independent judiciary.

Report from the ABA Delegate

Mr. Harnisch was not in attendance to give the report, but President DeSousa thanked him for his service.

Report from the Law Student Division Task Force

Ms. Kronk Warner reported that there are more than 1,000 law student members, and she recognized the members of the task force. Ms. Kronk Warner reported that a Law Student Division Handbook has been created and is now available to assist chapters in creating local law student divisions.

Report from the Past Presidents' Committee

Ms. Kitchens thanked the Vice Presidents for the Circuits, Membership Committee, and staff for involving the Past Presidents in their activities over the past year.

REPORT FROM THE EXECUTIVE DIRECTOR

Karen Silberman thanked the membership and staff for their work during her first year as executive director. She reported that the 2013 Annual Meeting and Convention is successful in terms of attendance, CLE registrations, and sponsorships. Ms. Silberman reported on the new benefits available to the membership and also on the increased web presence created by the FBA.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Past National President James Bland presented the resolution noting the accomplishments and the passing of Past President Richard J. "Dick" Wieland. The resolution was approved by consensus.

Mr. Hedgepath provided the report from ABA's Council for the Government & Public Sector Lawyers Division.

Mr. Murphy praised the efforts of editorial board and staff on the redesign of *The Federal Lawyer*.

Mr. Dowd reminded all attendees to attend the cocktail reception honoring Judge Robert Bacharach.

Judge Gelpi presented a glass tower to President DeSousa in recognition of his service as president.

PRESIDENT'S FINAL REMARKS

President DeSousa praised the service and efforts of the national staff and the current Board of Directors and previous boards and officers. He distributed awards to the Directors, Committee Chairs and Vice Presidents for the Circuits.

SWEARING-IN OF NEW OFFICERS

The following officers and directors were sworn in by Hon. Michelle Burns and Hon. Michael Newman: President-elect, Mr. Moreland, Treasurer, Mr. Vincent; Directors, Mr. Dowd, Mr. Baum, Mr. Maxim, and Ms. Le Kremer. The following Vice Presidents for the Circuits were sworn in: Ms. Gonzalez-Valentin, Mr. McCarthy, Mr. Clark, Mr. Taubenfeld, Ms. Kennedy Cammon, Ms. Vathis, Mr. Hedlund, Mr. Leventhal, Mr. Stevens, Mr. Barfield and Mr. Miller.

ANNOUNCEMENTS

- February 28, 2014, Tax Law Conference, Washington, DC
- March 29, 2014, Midyear Meeting, Arlington, VA
- April 10-11, 2014, Indian Law Conference, Santa Fe, NM
- April 25-26, 2014, Chapter and Section and Division Leadership Training, Arlington, VA
- May 29-30, 2014, Insurance Tax Seminar, Washington, DC
- September 4-6, 2014, Annual Meeting and Convention, Providence, RI

ADJOURNMENT

President DeSousa adjourned the meeting at 4:37 p.m. EDT.

Respectfully submitted,

Karen Silberman
Executive Director

TAB B

Report from the President

**FBA Midyear Update
Actions of the Board of Directors
Presidential Outreach**

ACTIONS OF THE BOARD OF DIRECTORS FY2014

SEPTEMBER 29, 2013 MEETING

- Approved the appointment of Ernest Bartol as Vice President for the Second Circuit
- Approved the appointment of Hon. Caroline Mehalchik as Vice President of the Third Circuit
- Approved Policy 2-7: Credit Card Privileges for National President
- Approved FY2014 committee appointments
- Adopted a resolution that authorizes and empowers the Executive Director and the President to execute agreements, give direction, and receive information to/from SunTrust Bank regarding the assets of the Federal Bar Association

DECEMBER 9, 2013 MEETING

- Approved condensed FY2014 Annual Meeting and Convention schedule

JANUARY 25, 2014 MEETING

- Approved the recommended portfolio as presented by SunTrust and initial investment of \$400,000 in equities (approximately 52%) and the remaining in fixed income (approximately 45%) and cash (approximately 3%) subject to the proposed investment policy
- Approved revised Policy 2-3: Reimbursements
- Approved the Bankruptcy Section's request to increase section membership dues
- Approved the appointment of Elizabeth Pugh as Vice President for the D.C. Circuit
- Approved the bylaws of the North Dakota Chapter
- Approved the charter for the New Hampshire Chapter
- Approved the Election Task Force's recommended amendments to Section 6 of the Bylaws
- Approved revised Policy 1-1: Procedures for National Elections and Nominations and the Application for National Office
- Adopted the recommendation of the Federal Litigation Section to amend the Federal Rules of Civil Procedure

TAB C

Report from the Treasurer

Financial Update as of January 31, 2014

T A T E



TRYON

A Professional Corporation

Certified Public

Accountants

and Consultants

Accountant's Compilation Report

To the Governing Board and Management
Federal Bar Association
Arlington, VA

We have compiled the accompanying statement of financial position of the Federal Bar Association (a nonprofit organization) as of January 31, 2014 and 2013, and the related statements of activities for the four months then ended. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or provide any assurance about whether the financial statements are in accordance with accounting principles generally accepted in the United States of America.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal controls relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the compilation in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. The objective of a compilation is to assist management in presenting financial information in the form of financial statements without undertaking to obtain or provide any assurance that there are no material modifications that should be made to the financial statements.

The supplementary information contained in and following the financial statements is presented for purposes of additional analysis and is not a required part of the basic financial statements. The supplementary information has been compiled from information that is the representation of management. We have not audited or reviewed the supplementary information and, accordingly, do not express an opinion or provide any assurance on such supplementary information.

The accompanying annual budget in the statement of activities for the year ending September 30, 2014 has been compiled from information that is the representation of management. We have not examined the budget and, accordingly, we do not express an opinion or any other form of assurance on it.

Management has elected to omit substantially all of the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America and the budgeted summaries of significant assumptions and accounting policies required under established guidelines for presentation of prospective financial statements. If the omitted disclosures, statement of cash flows, and budgeted summaries were included in the financial statements and budgeted information, they might influence the user's conclusions about the Organization's financial position, change in net assets, cash flows, and budgeted information. Accordingly, these financial statements and budgeted information are not designed for those who are not informed about such matters.

We are not independent with regard to Federal Bar Association.

Washington, DC
February 21, 2014

2021 L STREET, NW

SUITE 400

WASHINGTON, DC

20036

TELEPHONE

202/293-2200

FACSIMILE

202/293-2208

Federal Bar Association
Statement of Financial Position
January 31, 2014 and 2013

	2014	2013
Assets		
Current Assets		
Cash and cash equivalents	\$ 453,078	\$ 201,521
Short-term Investments	1,663,982	1,663,814
Accounts Receivable	26,608	14,931
Inventory	31,302	30,222
Prepaid expenses	77,468	49,885
Due from related entities		2,285
	2,252,438	1,962,658
Total Current Assets	2,252,438	1,962,658
Other Assets		
Furniture and fixtures	187,920	187,241
Computer equipment and software	578,930	563,499
	766,850	750,740
Total Property and Equipment before Acc Depr	766,850	750,740
Accumulated depreciation	(472,248)	(399,097)
	294,602	351,643
Net Property and Equipment	294,602	351,643
	\$ 2,547,040	\$ 2,314,301
Total Assets	\$ 2,547,040	\$ 2,314,301
Liabilities		
Current Liabilities		
Accounts payable	\$ 5,504	\$ 552
Accrued annual leave	35,652	71,628
Deferred membership dues	115,646	91,301
Due to related entities	3,483	
	160,285	163,481
Total Current Liabilities	160,285	163,481
Net Assets		
	2,386,755	2,150,820
Total Net Assets	2,386,755	2,150,820
	\$ 2,547,040	\$ 2,314,301
Total Liabilities and Net Assets	\$ 2,547,040	\$ 2,314,301

See Accompanying Accountant's Compilation Report.

Federal Bar Association
Statement of Activities
For the Four Months Ending January 31, 2014

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Support and Revenue:				
(1) National dues	\$ 646,062	\$ 585,312	\$ 1,931,900	33%
(2) Sustaining dues	259,535	273,785	800,000	32%
(3) Section/division dues	54,605	40,350	120,000	46%
(4) Conferences	122,041	34,715	740,000	16%
(5) Co-sponsored conferences	-	-	50,000	0%
(6) Sections/divisions activities	36,917	40,139	80,000	46%
(7) Administrative and other revenues (Schedule I)	91,133	25,088	200,000	46%
Total support and revenue	1,210,293	999,389	3,921,900	31%
Expenses:				
(8) Activity expenses (Schedule II)	344,203	311,108	2,030,000	17%
(9) General and overhead expenses (Schedule III)	578,389	611,942	1,853,000	31%
Total expenses	922,592	923,050	3,883,000	24%
Change in net assets from operations	287,701	76,339		
Net Assets, beginning of year	2,099,054	2,074,481		
Current Net Assets	<u>\$ 2,386,755</u>	<u>\$ 2,150,820</u>		

See Accompanying Accountant's Compilation Report.

Federal Bar Association
SCHEDULE OF ADMINISTRATIVE AND OTHER REVENUES
Schedule I
For the Four Months Ending January 31, 2014

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Schedule of Revenues				
(7.01) Administrative Fees (FBBC)	\$ 10,100	\$ 2,500	\$ 30,000	34%
(7.02) Administrative Fees (FFBA)	4,250	4,200	13,500	31%
(7.03) Administrative Fees (Sections&Divisions)	48,104	-	47,000	102%
(7.04) Interest/Investment Income	57	57	500	11%
(7.05) FBA Need an Attorney	2,575	450	8,000	32%
(7.06) The Federal Lawyer & Publications	8,064	10,145	23,000	35%
(7.07) Royalty Income	3,701	4,434	3,000	123%
(7.08) Judicial Profiles	-	-	6,000	0%
(7.09) Job Board	-	-	5,000	0%
(7.10) Webinars	11,196	-	54,000	21%
(7.11) List Sales	1,011	2,334	5,000	20%
(7.12) Miscellaneous Income	2,075	968	5,000	42%
<hr/>				
Total Administrative and Other Revenues	\$ 91,133	\$ 25,088	\$ 200,000	46%

See Accompanying Accountant's Compilation Report.

Federal Bar Association
SCHEDULE OF ACTIVITY EXPENSES
Schedule II
For the Four Months Ending January 31, 2014

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Schedule of Activity Expenses				
Activity Expenses				
(8.01) President & BOD	\$ 20,485	\$ 9,067	\$ 120,000	17%
(8.02) National Council	500	-	5,000	10%
(8.03) Circuit Vice Presidents	-	460	28,500	0%
(8.04) NC Appointees	-	-	5,000	0%
(8.05) Past Presidents	-	45	4,000	0%
(8.06) Gov. Committees & Board	-	76	1,500	0%
(8.07) National Elections	-	23	7,000	0%
(8.08) Government Relations	22,000	24,079	73,000	30%
(8.09) Chapter Delegate	1,251	857	34,000	4%
(8.10) Chapter Leadership Training	-	2	50,000	0%
(8.11) Chapter Activity Fund	5,200	(1,000)	20,000	26%
(8.12) Chapter Rebates	114,583	104,765	445,000	26%
(8.13) Chapter Services	1,529	1,333	12,000	13%
(8.14) Membership Services	16,155	21,922	60,000	27%
(8.15) Membership Programs	277	616	15,000	2%
(8.16) The Federal Lawyer & Publications	43,206	60,445	220,000	20%
(8.17) FBA Conferences	20,532	20,644	610,000	3%
(8.18) Membership Marketing	1,234	-	35,000	4%
(8.19) Meetings Marketing	-	-	20,000	0%
(8.20) Webinar CLE Fees	510	-	30,000	2%
Subtotal Activity Expenses	247,462	243,334	1,795,000	14%
(8.21) Section and Divisions	92,833	65,469	200,000	46%
(8.22) FBA Funded Divisions	3,908	2,270	30,000	13%
(8.23) Section Council	-	35	5,000	0%
Subtotal Section & Division Activity Expense	96,741	67,774	235,000	41%
Total Activity Expenses	\$ 344,203	\$ 311,108	\$ 2,030,000	17%

Federal Bar Association
SCHEDULE OF ADMINISTRATIVE EXPENSES
Schedule III
For the Four Months Ending January 31, 2014

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Schedule of Administrative Expenses				
Administrative Expenses				
(9.01) Salaries	\$ 376,652	\$ 403,983	\$ 1,150,000	33%
(9.02) Payroll taxes	25,834	26,560	75,000	34%
(9.03) Employee Insurance	19,236	26,700	86,000	22%
(9.04) Employee Retirement	13,972	8,866	40,000	35%
(9.05) Employee Training	187	4,038	10,000	2%
(9.06) Management Travel	891	2,261	8,000	11%
(9.07) Outsourced Services	19,386	16,349	80,000	24%
(9.08) Dues and subscriptions	3,567	1,465	5,500	65%
(9.09) Leased Equipment	3,687	4,531	16,000	23%
(9.10) Repairs and maintenance	747	990	5,000	15%
(9.11) Rent	20,000	20,000	60,000	33%
(9.12) Insurance	6,791	3,063	20,000	34%
(9.13) Personal property taxes	-	-	10,000	0%
(9.14) Professional fees	10,000	15,000	26,000	38%
(9.15) Supplies	2,586	4,673	13,000	20%
(9.16) Computer/Internet Services	25,967	34,606	97,500	27%
(9.17) Telephone	6,566	4,677	27,000	24%
(9.18) Postage	242	474	10,000	2%
(9.19) Depreciation-Furniture & Fixtures	2,041	3,015	16,000	13%
(9.20) Depreciation-Computer Equipment	22,554	22,553	63,000	36%
(9.21) Other Office Expense	15,157	5,885	30,000	51%
(9.22) Miscellaneous Expense	2,326	2,437	5,000	47%
Subtotal Administrative Expense	578,389	612,126	1,853,000	31%
(9.23) Recovered Overhead & Production	-	(184)		
Subtotal Recovered Expenses	-	(184)	-	
Total Administrative Expenses	\$ 578,389	\$ 611,942	\$ 1,853,000	31%

TAB D

**Report from the Chair of the Nominations
and Elections Committee**



Federal Bar Association

The premier bar association serving the federal practitioner and the federal judiciary

Pursuant to the FBA Constitution and Bylaws, and in accordance with the notice disseminated earlier this year, the Nominations & Elections Committee has met and considered applications for nomination to FBA national office. The committee has nominated the following members for the offices indicated.

Candidates	
Mark K. Vincent	President-Elect
Hon. Michael J. Newman	Treasurer
Stephen R. Jackson	Director (Group 1-Vice Presidents for the Circuits)
Dawn Stern	Director (Group 2-Chairs for the Sections and Divisions)
Katherine Gonzalez Valentin	Director (Group 3-Chapter Presidents)
Kristin M. Kimmelman	Director (Group 4-Younger Lawyers)
Matthew C. Moschella	Vice President for the First Circuit
Ernest T. Bartol	Vice President for the Second Circuit
Bridget Montgomery	Vice President for the Third Circuit
Christine C. Varnado	Vice President for the Fourth Circuit
Barry W. Ashe	Vice President for the Fifth Circuit
James W. Satola	Vice President for the Sixth Circuit
Sheri H. Mecklenburg	Vice President for the Seventh Circuit
TBD	Vice President for the Eighth Circuit
Alison S. Bachus	Vice President for the Ninth Circuit
Jonathan O. Hafen	Vice President for the Tenth Circuit
Richard S. Dellinger	Vice President for the Eleventh Circuit
Elizabeth Pugh	Vice President for the D.C. Circuit

The names of these candidates will be listed on the ballots that will be distributed to each member in good standing as of June 15, 2014.

Petitions

Members who have not been nominated for office by the Committee, but who wish to be placed on the ballot for national office, may do so by delivering to Hon. Gustavo A. Gelpi, Jr, Chair of the Nominations and Elections Committee, at elections@fedbar.org, a [petition](#), including an [Application](#), specifying the office being sought and bearing the required number of signatures, i.e., fifty (50) signatures for national offices; twenty (20) signatures for vice presidents for the circuits by members within the respective circuit. No member shall be eligible as an endorser of a petition whose dues are not paid for the current fiscal year or who is not otherwise in good standing. Each petition may propose

nominees for one or more offices; however, in no event shall any member be eligible as an endorser of more than one candidate for the same office. Petitions must be received by 5 p.m. EDT on **Friday, April 25, 2014**.

Mailing and Return of Ballots

In accordance with Bylaw 6(D), by **June 15, 2014**, the Committee shall cause a ballot to be mailed or transmitted electronically to each member of the Association in good standing. The ballot shall list the names of all eligible nominees, in an order drawn by lot, under the respective office for which each has been nominated, with a space provided for writing in the name of a candidate for each office; the ballot also shall contain such instructions for its use as the Committee shall prescribe. A member who is restored to good standing after the mailing of the ballots, and who, prior to 5 p.m. EDT on **July 5, 2014**, delivers to the Committee evidence that he or she has been restored to good standing, shall thereupon be entitled to a ballot.

All ballots to be counted must be received by the Committee by 5 p.m. EDT on **August 1, 2014**. The committee shall canvass the vote and promptly report, as elected, the candidate for each office who has received a plurality of the votes cast for the office.

2014 Nominations and Elections Committee

Hon. Gustavo A. Gelpi, *President and Chair*
Matthew B. Moreland, *President-elect*
Robert J. DeSousa, *Immediate Past President*
Tonya K. Cammon, *Circuit Vice President*
Joe Leventhal, *Circuit Vice President*
Geoff Cheshire, *Section Chair*
Ila Deiss, *Division Chair*
Wendy Robinson, *Chapter Representative*
Jason Hill, *Chapter Representative*

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1220 N Fillmore Street, Suite 444, Arlington, VA, 22201

TAB E

Report from the Chair of the Government Relations Committee



February 24, 2014

REPORT

TO: Board of Directors
National Council

FROM: West Allen, Chair, Government Relations Committee
Bruce Moyer, Counsel for Government Relations

SUBJ: Government Relations Issues and Developments

The FBA Government Relations Committee (GRC) serves as the primary advisory and coordinating component for the Association's advocacy and public policy efforts in Washington. The GRC is comprised of 17 members and meets via teleconference monthly.

Since the time of the GRC's last report to the National Council in conjunction with the National Convention in Puerto Rico, much of the uncertainty over federal court funding has been resolved positively by Congress, as described below. That outcome may not have occurred without FBA's advocacy and influence upon the Congress, along with the efforts of the federal judiciary and other constituents of the federal judicial system.

During the past year, FBA at the national and grassroots levels devoted significant attention to the court funding issue. Our efforts to urge Congress to provide the federal courts with funding commensurate with their Constitutional and statutory responsibilities were largely successful. All FBA leaders and members who helped to educate Congress about the importance of federal court funding deserve congratulations and thanks.

Challenges to the federal courts remain, however, through the high numbers of vacancies on the federal bench and the need for additional judgeships in high-

caseload district courts. There are currently 96 vacancies on federal benches across the nation, 39 of which have been designated “judicial emergencies.” The GRC also has devoted attention to several secondary issues as described below.

In addition, the GRC is coordinating a panel discussion on judicial vacancies on Saturday morning, March 29, during the Mid-Year meeting, involving leading officials from the White House Counsel’s Office and the Senate Judiciary Committee. We expect this to be an informative session gauged to assist FBA leaders in better understanding the judicial nominations process and the opportunities for making a difference.

All chapter leaders also are encouraged to participate in FBA Capitol Hill Day on April 24, immediately prior to Leadership Training. Last year nearly two dozen FBA leaders participated in Capitol Hill Day, and we expect even more this year. The Capitol Hill Day registration flyer is attached.

Finally, FBA leaders, members and organizational components are encouraged to nominate issues for inclusion in the update of the FBA Issues Agenda. The deadline for nominations is Friday, April 4. The nomination form is attached. The current Issues Agenda is here: <http://www.fedbar.org/Advocacy/Issues-Agendas.aspx>

Federal Court Funding

The funding picture for the federal courts has improved as a result of Congressional approval in January of an FY 2014 omnibus government funding measure that funds the federal judiciary at its requested level of \$7.042 billion. The FY 2014 measure provides for a 5.1% increase in discretionary funding to the federal courts. The measure generally restores “regular order” to the funding process for government operations this year, removing the threat of a government shutdown. While moderate budget constraints will continue in some respects, court units largely will be spared the financial crisis that existed throughout the federal court system in 2013.

Judicial Vacancies

The vacancy report, as of February 24:

	Vacancies	Nominees Pending
Courts of Appeal	16	10
District Courts	80	49
US Ct of International Trade	<u>0</u>	<u>0</u>
Total	96	59

Thirty-nine of the 96 vacancies have been designated “judicial emergencies” by the Judicial Conference. Of the 59 nominees to the federal bench, more than two dozen judicial nominations await Senate floor action. Most all of these are nominees are holdovers from last year; nominations from last year’s session of the Senate had to be resubmitted and clear committee again in this session. One nominee currently awaiting a floor vote, John Owens, would fill a Ninth Circuit appeals court seat that's been vacant for more than 3,325 days. Another nominee, Beth Freeman, would fill a district court seat in the Northern District of California that's been empty for more than 860 days.

Up-or-down full Senate votes on these nominations (most of which have cleared the Senate Judiciary Committee without controversy) is expected to slowly occur, as Republicans force time-consuming cloture votes and the use of all of the debate time to protest the Democrats’ implementation of the “nuclear option” on judicial and executive branch nominations. Last November, Democrats unilaterally changed the Senate’s filibuster rules so that a simple majority can advance most judicial and executive branch nominees. Prior to the rules change, 60 votes were needed. Republicans have argued that the use of the nuclear option has negatively changed the Senate by limiting the minority party’s rights. Democrats have argued that the rule change was necessary to overcome Republican obstruction of qualified nominees. The FBA has refrained from taking sides in the partisan struggle over these rules, and instead has urged in a non-partisan way that the White House and Congress make the elimination of judicial vacancies a high priority and work to minimize vacancies through prompt action in nominating judicial candidates to the federal bench and assuring prompt consideration and guaranteed up-or-down votes in the Senate.

Additional Issues

Patent Litigation Reform. Both chambers of Congress appear committed to passing legislation that cracks down on frivolous patent infringement lawsuits by making changes to the civil litigation system. The lawsuits are being brought by patent “trolls,” or entities that obtain patents for the express purpose of filing infringement lawsuits against companies and consumers. The House of Representatives late last year passed a patent reform measure (The Innovation Act, H.R. 3309) by a wide margin, and the Senate is expected to take up its own version soon. The White House supports elements of both the House-passed plan and the pending Senate bills, making patent litigation overhaul one of the few areas of possible bipartisan compromise in Congress in 2014. The GRC is wrapping-up its review of the pending legislative proposals and preparing to share its views with FBA’s leadership.

Immigration Reform. This area will be more difficult. The Senate last year passed a comprehensive immigration bill (S. 744) that would do many things, foremost set in motion a process to grant citizenship to undocumented immigrants.

The Senate bill would provide additional resources to the backlogged 59 immigration courts in the Justice Department, which hear deportation and other appeals. The courts are falling behind due to the record pace of deportations initiated by the government. The Senate-passed bill and a similar bill introduced by House Democrats would authorize 225 more immigration judges over three years, as well as additional staff -- one law clerk per judge, rather than the current three-to-one judge-clerk ratio. Whether Congress goes further and reorganizes the immigration court system remains uncertain. The FBA supports the establishment of an Article I immigration court through the consolidation of the Justice Department's immigration courts. The court system would work in ways similar to the bankruptcy courts.

Criminal Sentence Reform. Growing concerns over the rising costs of federal prisons and the fairness of mandatory minimum sentences have prompted bipartisan proposals to change federal sentencing laws over drug-related crimes. The Senate Judiciary Committee in January approved legislation (The Smarter Sentencing Act, S. 1410) that would reduce mandatory sentence penalties and give federal judges greater discretion at sentencing to depart below mandatory minimums. The changes are aimed at reducing the size of the overcrowded federal prison population (now at 220,000 inmates) by both reducing the number of people entering the prison system and sentence length (so-called "front-end" measures). Another bipartisan measure aims at releasing inmates at an earlier point, including through to community corrections programs ("back-end measures.") The FBA Issues Agenda supports "efforts to advance fairness and consistency in federal sentencing, while preserving judicial independence and discretion to deal with the particular circumstances of individual cases."

Issues Agenda

As set forth above, FBA leaders, members and organizational components are invited to nominate issues for inclusion in the next annual update of the FBA Issues Agenda. The deadline for nominations is Friday, April 4. The Issues Agenda nomination form is attached. The current Issues Agenda is here: <http://www.fedbar.org/Advocacy/Issues-Agendas.aspx>

Outreach

Judicial Vacancies Panel at Mid-Year. The GRC is coordinating a panel discussion on judicial vacancies on Saturday morning, March 29, during the FBA Mid-Year meeting. The panel will involve leading officials from the White House Counsel's Office and the Senate Judiciary Committee. We expect this to be an informative session gauged to assist FBA leaders in better understanding the judicial nominations process and the opportunities for involvement.

Capitol Hill Day. All chapter leaders also are encouraged to participate in FBA Capitol Hill Day on Thursday, April 24, immediately prior to Leadership Training. During meetings on Capitol Hill with lawmakers and staff, FBA participants will urge Congressional attention to judicial vacancies and judgeships. Last year nearly two dozen FBA leaders participated in Capitol Hill Day, and we expect even more this year. The Capitol Hill Day registration flyer is attached.

Presentations to Chapters. On October 9, 2013, Government Relations Counsel Bruce Moyer presented a government relations update to the South Florida Chapter in Miami, Florida at its monthly luncheon program. On November 25, 2013, Mr. Moyer also presented an update to the executive committee and judges of the FBA Dayton, Ohio Chapter. Government Relations Committee Chair West Allen on January 24, 2014 presented a government relations update to the monthly luncheon meeting of the Middle District of Florida Chapter in Orlando, Florida.

GRC Webinar. A free webinar on the funding perils faced by the federal courts also was posted on the FBA website in November 2013. It helped to educate FBA members on the funding situation and how they could participate in FBA's advocacy efforts.



Federal Bar Association

Issues Agenda Nomination

Please complete the form by entering requested information in the gray text fields. The text fields will expand to accommodate multiline text. Please send completed nomination forms to the FBA Government Relations Committee by e-mail grc@fedbar.org or fax 571-481-9090. The deadline for all agenda nominations is Friday, April 4, 2014.

NOMINATOR INFORMATION

Name

Indicate whether nominating on behalf of Self Chapter Section/Division

Email

Telephone

NOMINATED ISSUE

1. State the issue:

2. Provide a description of the nominated issue, referencing its origins and background. Identify what recommended position FBA should take (for, against, or neutral), if pertinent.

3. To your knowledge, has the issue been the subject of Congressional legislative proposals, past or and/or present? If so, provide pertinent information.

4. Describe the arguments for and, if known, against the issue. If known, describe the positions of any other organizations on the issue.

5. How is the issue relevant to FBA and its membership?

Please attach any additional information that will be helpful in the consideration of the nomination.

Signature

Date



Federal Bar Association

CAPITOL HILL DAY

Thursday, April 24, 2014

Plan to participate in this important event as FBA leaders from across the country meet with House and Senate offices to discuss important FBA legislative issues that impact the administration of justice and the federal courts. FBA Capitol Hill Day is becoming more popular each year. Don't miss out!

During meetings on Capitol Hill, FBA participants will advocate for: adequate funding for the federal courts, filling judicial vacancies promptly, and sufficient judgeships to render justice.

Participants in FBA Capitol Hill Day are responsible for scheduling their meetings with their Senate and House offices in advance of the event. Feedback on these meetings will be distilled during the Group Debriefing at the end of the day.

Between meetings, participants will have the opportunity to visit the Senate and House galleries, as well as the Capitol Visitors Center.

Participants in Capitol Hill Day are responsible for their travel and lodging in connection with this event.

PROGRAM

9:00 a.m.

Legislative Advocacy Training
Learn the issues and how to be effective on the Hill

10:30 a.m.

Participant Meetings with Senate and House Offices Begin and Continue into the Afternoon

Lunch

On Your Own

4:00 p.m.

Group Debriefing on Hill Meetings

REGISTRANT INFORMATION

Name _____ Title _____

Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail Address _____

Return form to the FBA office, 1220 North Fillmore Street, Arlington VA 22201 or (571) 481-9090 (fax) or email ksilberman@fedbar.org.

TAB F

Report from the ABA Delegate



Federal Bar Association

*ABA Midyear House of Delegates Meeting
February 10, 2014
Chicago*

FBA Delegate Report

As the FBA's delegate to the ABA House of Delegates, I attended the ABA Midyear Meeting in Chicago and offer the following Summary Report:

HOUSE OF DELEGATES RESOLUTIONS

The House of Delegates adopted a number of resolutions in support of the ABA Mission, including:

- Urged Congress to enact the Improving Access to Medicare Coverage Act of 2013;
- Urged Governments to adequately fund Judicial System Security;
- Urged Governments that juveniles receive effective appellate representation;
- Urged Governments to promote the human right to adequate food and nutrition;
- Adopted the black letter model principles of the ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor;
- Urged the adoption of trauma-informed approaches to dealing with youth in the justice system;
- Urged Government to prohibit youth from transitioning from foster care to Homelessness; and
- Established an ABA dues increase effective fiscal year 2014-2015.

The addendum to this report summarizes each proposed resolution and indicates the position taken by the FBA.

For complete information on action of the ABA House at the Midyear Meeting, go to:
http://www.americanbar.org/content/dam/aba/administrative/house_of_delegates/2014_hod_mid_year_meeting_daily_journal.authcheckdam.pdf

Respectfully submitted by:

Ashley L. Belleau
Federal Bar Association ABA Delegate



Addendum to FBA Delegate Report

SUMMARY OF RESOLUTIONS

REPORT # SUBJECT

10A

**BAR ASSOCIATION OF SAN FRANCISCO
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES
COMMISSION ON SEXUAL AND DOMESTIC VIOLENCE
COMMISSION ON WOMEN IN THE PROFESSION**

Urges Congress to enact legislation that creates and adequately funds alternative avenues of redress for victims of unwanted sexual contact in the military.

EXECUTIVE SUMMARY

1. Summary of Resolution

The resolution seeks to provide reasonable access to justice to military service men and women who are victims of unwanted sexual contact. It urges the ABA to support legislation which creates that alternative avenue of redress for victims of unwanted sexual contact in the military by (1) authorizing military investigation organizations to receive complaints of and obtain remedies for unwanted sexual contact outside of chain of command (2) ensuring an alternate path within the military but outside of chain of command to raise claims of unwanted sexual contact, and (3) prohibiting retaliation against or coercion of those who make or participate in the investigation of such a charge.

2. Summary of the Issue that the Resolution Addresses

A recent Pentagon report shows sexual assault in the military to be a growing problem victimizing lower ranking service men and women. According to the Pentagon report, the number of unwanted sexual contacts grew from 19,000 in 2010 to 26,000 in 2012. Over 80% of those assaults go un reported because of fear of indifference and retaliation from the "chain of command" officers to whom these charges must be raised. There is no appropriate and effective alternative reporting mechanism available to these victims.

3. Please explain How the Proposed Policy Will Address the Issue

This recommendation supports the establishment of a separate path within the military by which claims of unwanted sexual contact may be raised without risk of retaliation, and empowers military intelligence organizations to assist in the investigation and prosecution of those claims outside of "the chain of command". It also provides added safeguards against retaliation against or coercion of complaining victims and witnesses.

4. Summary of Minority Views

Opposition within the ABA is unknown. Opponents of this proposal would argue that (1) the authority of the chain of command is central to military combat readiness, and this proposal would undercut that authority and (2) this problem will be adequately addressed by new military rules and regulations, without removing authority from the chain of command.

FBA position: (___ vote in favor or ___ vote against or ___ abstain)

Action: *Withdrawn*

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Veterans Law Section, the Federal Litigation Section and/or the Criminal Law Section may have comments on this proposed resolution.]

100 NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

Approves the Uniform Powers of Appointment Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested herein.

EXECUTIVE SUMMARY

I. Summary of the Resolution

That the American Bar Association approves the Uniform Powers of Appointment Act promulgated by the National Conference of Commissioners on Uniform State Laws in July 2013 as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.

2. Summary of the Issue that the Resolution Addresses

The Uniform Powers of Appointment Act provides a core device in modern estate planning practice. Powers of appointment are routinely included in trusts for tax reasons and to add flexibility to property arrangements.

3. Please Explain How the Proposed Policy Position will address the issue

Approval of the Uniform Powers of Appointment Act by the American Bar Association House of Delegates would demonstrate to states that the Act is an appropriate approach for addressing the issues described above.

4. Summary of Minority Views

None known.

FBA position: (___ vote in favor or ___ vote against or x abstain)

Action: *Adopted by Consent*

[A. Belleau's comment: this proposed resolution appears to be strictly state oriented. The FBA's State and Local Government Law may have comments on this proposed resolution.]

101

STANDING COMMITTEE ON PARALEGALS

Grants approval and reapproval to several paralegal education programs, withdraws the approval of one program at the request of the institution, and extends the term of approval to several paralegal education programs.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Standing Committee on Paralegals resolve (s) that the House of Delegates grants approval to two programs, grants reapproval to seventeen programs, withdraws the approval of one program, and extends the term of approval of sixty programs.

2. Summary of the issue which the Resolution Addresses

The programs recommended for approval and reapproval in the enclosed report meet the Guidelines for the Approval of Paralegal Education Programs.

3. An explanation of how the proposed policy position Will Address the Issue

The programs recommended for approval and reapproval in this report have followed the procedures required by the Association and are in compliance with the Guidelines for the Approval of Paralegal Education Programs.

4. A summary of any minority views or opposition which have been identified

No other positions on this resolution have been taken by other Association entities, affiliated organizations or other interested groups.

FBA position: (x vote in favor or vote against or abstain)

Action: Adopted by Consent

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision.]

102A

SECTION OF BUSINESS LAW

Urges governmental bodies to engage in actions designed to reduce unnecessary tension, expense and litigation, and to foster inter-court, inter and intra-agency, and inter-party cooperation and coordination in cases where parallel actions or proceedings arise under both (i) bankruptcy or insolvency law and (ii) asset forfeiture or analogous regulatory enforcement law.

EXECUTIVE SUMMARY

1. Summary of the Resolution

That the American Bar Association urges executive, judicial and legislative governmental bodies at the federal, state, and territorial levels to engage in actions designed to reduce unnecessary tension, expense and litigation and to foster inter-court, inter and intra-agency, and inter-party cooperation and coordination in cases where parallel actions or proceedings arise under both (i) bankruptcy or insolvency law and (ii) asset forfeiture or analogous regulatory enforcement law.

2. Summary of the Issue that the Resolution Addresses

The issue this Resolution addresses is the tension that arises from the interaction of conflicting legal frameworks governing bankruptcy proceedings and asset forfeiture proceedings.

3. An Explanation of How the Proposed Policy Position Will Address the Issue

This Resolution addresses this tension by encouraging the essential entities to engage in education and the development of protocols, rules and processes to resolve these tensions. This Resolution does not, itself, recommend particular substantive reconciliation of these tensions.

4. Summary of Any Minority or Opposing Views that Have Been Identified
No minority views or opposition to this Resolution have been identified.

FBA position: (vote in favor or vote against or abstain)

Action: Adopted

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Bankruptcy Law Section and the Federal Litigation Section may have comments on this proposed resolution.]

102B

**SECTION OF BUSINESS LAW
TASK FORCE ON HUMAN TRAFFICKING
DELAWARE STATE BAR ASSOCIATION**

SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES

CRIMINAL JUSTICE SECTION

SECTION ON ENVIRONMENT, ENERGY AND RESOURCES

SECTION OF PUBLIC CONTRACT LAW

COMMISSION ON YOUTH AT RISK

Adopts the black letter *ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor*, dated February 2014, and urges businesses to adopt and implement their own business and supplier policies on labor trafficking and child labor that are consistent with the ABA Model.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The *ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor* include eight black letter Principles, with an "Introduction," a "Model Glossary," "Commentary and Guidance" in connection with each of the Principles, and endnotes. The *Policies* are intended to assist businesses in identifying and addressing issues on labor trafficking and child labor in their operations.

The four black letter Principles contained in the *Model Business Policy* portion of the

Policies are: (1) the business will prohibit labor trafficking and child labor in its operations; (2) the business will conduct a risk assessment of the risk of labor trafficking and child labor and continually monitor implementation of this *Policy*; (3) the business should: (i) train relevant employees, (ii) engage in continuous improvement, and (iii) maintain effective communications mechanisms with its suppliers, and; (4) the business will devise a remediation policy and plan that addresses remediation for labor trafficking or child labor in its operations.

The four black letter Principles contained in the *Model Supplier Policy* portion of the *Policies* are: (1) the supplier will prohibit labor trafficking and child labor in its operations; (2) the supplier will conduct a risk assessment of the risk of labor trafficking and child labor and continually monitor implementation of this *Policy*; (3) the supplier should: (i) train relevant employees, (ii) engage in continuous improvement, and (iii) maintain effective communications mechanisms with its suppliers; and (4) the supplier will devise a remediation policy and plan that addresses remediation for labor trafficking or child labor in its operations.

The first Resolved clause in the proposed Resolution reflects the American Bar Association's adoption, as a matter of ABA policy, of the "black letter *ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor*, dated February 2014," which consists of only the Principles and applicable portions of the Model Glossary that define terms used in the Principles. The second Resolved clause in the proposed Resolution urges businesses to adopt and implement their own business and supplier policies on labor trafficking and child labor that are consistent with the black letter *Policies* to assist them in identifying and addressing issues of labor trafficking and child labor in their operations.

2. Summary of the Issue that the Resolution addresses

There currently are no standard business conduct codes that have been widely adopted by businesses formed under the laws of the United States for combating human labor trafficking, child labor, and trafficking-related activities. At the same time, businesses are expected to operate in an environment of increased societal knowledge and concern regarding human labor trafficking and child labor. And an increasing number of international, federal, and state laws are affecting businesses in addressing those concerns.

FBA position: (vote in favor or vote against or abstain)

Action: Adopted as revised

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Labor & Employment Law, the Federal Litigation Section and/or Criminal Law Section may have comments on this proposed resolution.]

103A

CRIMINAL JUSTICE SECTION SECTION OF STATE AND LOCAL GOVERNMENT LAW

Urges governments to ensure that juveniles are provided effective appellate representation and have access to appeals consistent with state statutes and/or state constitutional provisions.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution will develop policies to ensure that juveniles are provided adequate and effective appellate representation and have appropriate access to appeals consistent with state statutes and/or state constitutional provisions.

2. Summary of the Issue that the Resolution Addresses

Despite its importance, appeals are rare in juvenile delinquency cases. As a result there is a lack of guidance for courts and practitioners about the contours of the law as applied to

juveniles. Additionally, the rights of children suffer as a result.

3. Please Explain How the Proposed Policy Position will address the issue

This resolution will urge providing training for judges and attorneys in juvenile court to recognize that in the representation of the juvenile, the control and direction of the case is the same as in the representation of a criminal defendant. It will further urge providing adequate resources to defense counsel so that juveniles have access to effective representation by an attorney on appeal, including the appointment of appellate counsel for juveniles qualifying for public defender services. It will further urge providing timely appellate review, expedited when necessary, so that review can be completed, whenever practicable, within the timeframe that the juvenile is completing the court-ordered disposition, particularly in cases where youth are confined. Finally the resolution will urge collecting data on the rate of juvenile delinquency appeals to allow for identification of institutional barriers toward appellate representation and possible internal geographical disparities in state juvenile appellate practice.

4. Summary of Minority Views

None are known.

FBA position: (___ vote in favor or ___ vote against or x abstain)

Action: Adopted

[A. Belleau's comment: proposed resolution appears to be strictly state oriented. The FBA's Federal Litigation Section and State and Local Government Law may have comments on this proposed resolution.]

103B

**CRIMINAL JUSTICE SECTION
DEATH PENALTY REPRESENTATION PROJECT
SECTION OF STATE AND LOCAL GOVERNMENT LAW**

Urges state governments to apply generally applicable administrative procedure acts' notice-and-comment rule-making provisions to regulations governing correctional facilities and officers.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges state governments to apply a generally applicable administrative procedure act's notice-and-comment rule-making provisions to regulations governing correctional facilities and officers, with any exceptions grounded in genuine safety or similar concerns. This measure will increase government transparency and accountability and provide an important mechanism for input on issues that can affect community safety, public health, and local economies.

2. Summary of the Issue that the Resolution Addresses

The absence of opportunity for public input and oversight in so many U.S. jurisdictions is troubling. In a nation with more than two million incarcerated people, corrections regulations affect the lives not only of incarcerated people, but also of families and communities.

3. Please Explain How the Proposed Policy Position will address the issue

This measure will increase government transparency and accountability and provide an important mechanism for input on issues that can affect community safety, public health, and local economies.

4. Summary of Minority Views

None are known.

FBA position: (vote in favor or vote against or abstain)

Action: Adopted

[A. Belleau's comment: this proposed resolution appears to be strictly state oriented. The FBA's State and Local Government Law Section, Civil Rights Law Section and Criminal Law Section may have comments on this proposed resolution.]

104

STANDING COMMITTEE ON SPECIALIZATION

Reaccredits the Criminal Trial Advocacy and Family Law Trial Advocacy programs of the National Board of Trial Advocacy as designated specialty certification programs for lawyers for an additional five-year term, and extends the period of accreditation of the Child Welfare Law program of the National Association of Counsel for Children until August 2014.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The recommendation requests that the American Bar Association grant reaccreditation to the Criminal Trial Advocacy and Family Law Trial Advocacy programs of the National Board of Trial Advocacy, a division of the National Board of Legal Specialty Certification; and that the American Bar Association extend the period of accreditation of the Child Welfare Law program of the National Association of Counsel for Children until the 2014 Annual Meeting in August, 2014.

2. Summary of the Issue that the Resolution Addresses

To respond to a need to regulate certifying organizations, the House of Delegates adopted standards for accreditation of specialty certification programs for lawyers, and delegated to the Standing Committee the task of evaluating organizations that apply to the ABA for accreditation and reaccreditation. This Resolution acquits the Standing Committee's obligation to periodically review programs that the House of Delegates has accredited and recommend their further reaccreditation or revocation of accreditation.

3. Please Explain How the Proposed Policy Position will address the issue

The recommendation addresses the issue by implementing previous House resolutions calling on the ABA to evaluate specialty certification organizations that apply for accreditation and reaccreditation.

4. Summary of Minority Views

The Standing Committee on Specialization approved the proposed recommendation unanimously. No opposition has been identified.

FBA position: (vote in favor or vote against or abstain)

Action: Adopted by consent

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Federal Litigation Section and/or the Criminal Law Section may have comments on this proposed resolution.]

SECTION OF INTERNATIONAL LAW

Supports modernization and simplification of the requirements and procedures related to verification of signatures in cross-border contexts.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution calls for the American Bar Association to support modernization and simplification of the requirements and procedures related to verification of signatures in crossborder contexts, for example, by modifying uniform and model laws to take advantage of cloud based and other technological progress and by increasing reciprocal recognition among jurisdictions.

2. Summary of the Issue that the Resolution Addresses

The existing requirements and procedures are based on treaties concluded in 1961 and 1963, as well as statutory frameworks, that do not take fully into account modern developments in best practices, particularly the use of electronic communications. For practical reasons associated with timelines for implementation and the priorities of state actors, treaty revision is unlikely to be the preferred path forward. Yet, the regulation of signature verification and notarial practice touches on territorial sovereignty, and reciprocal recognition of modernized and simplified procedures will be a key element of successful and appropriate reform. A key aspect of this resolution is to assure cross-border recognition, while avoiding placing those involved in the verification process in jeopardy of infringing foreign territorial sovereignty.

3. Please Explain How the Proposed Policy Position will address the issue

The proposed policy reflects the American Bar Association's support for simplification and modernization of the procedures related to verification of signatures in cross-border contexts. With the passage of the policy, the ABA can engage with relevant stakeholders to address the areas in which technology has outmoded existing signature verification practices. The report accompanying the resolution provides several possible solutions that ABA members and leaders can explore with stakeholders in the United States and elsewhere based upon the House of Delegates' support of the need to modernize the process in line with 21st century business practices.

For example, within the United States, in order to achieve modernization and simplification of the procedures for cost-effective and timely verification and authentication of signatures, further revision of the Revised Uniform Law on Notarial Acts of the Uniform Law Commission, which is promulgated for consideration by state legislatures, appears desirable. In such further revision, the existing requirement of personal appearance of the individual whose signature is to be permissible, provided that certain conditions, including reliability of the electronic means to be used in conjunction with accomplishment of the notarial act and reciprocity in the recognition of the permissibility of use of such electronic means between the jurisdictions where the notarial officer and the individual applying the notarization are respectively present.

4. Summary of Minority Views

No minority views were recorded during the final discussion of the Recommendation and Report.

FBA position: (___ vote in favor or ___ vote against or ___ abstain)

Action: *Withdrawn*

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's International Law Section may have comments on this proposed resolution.]

STANDING COMMITTEE ON JUDICIAL INDEPENDENCE

Encourages governments to adequately fund judicial system security protocols and urges courts to create and review judicial system security protocols so that they may effectively communicate their needs to policymakers and appropriators.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution encourages state, local, and territorial governments to adequately fund judicial system security protocols. It also urges courts to create and review judicial system security protocols so that they may effectively communicate their needs to policymakers and appropriators. Finally, the Resolution encourages the further development of resources to educate participants in the justice system to identify potential security threats and to be effective first responders during and after an incident of violence.

2. Summary of the Issue that the Resolution Addresses

Violence in or near court buildings is a grave concern to the profession because it threatens the efficient administration of justice and negatively affects the public perception of the justice system. There have been at least 406 court targeted acts of violence since 2005, including shootings, arson attacks, knifings, assaults, murder-for-hire, bomb plots, and other acts of violence. Even one incident is intolerable because these acts of violence are abominable assaults upon the independence of judiciaries and the rule of law.

3. Please Explain How the Proposed Policy Position will address the issue

Judicial system security is vital to the rule of law. The challenges of operating courts that are transparent and open to the public and that are also safe for all parties involved are ever changing and require unremitting effort. In order to respond to these challenges, it is important for courts to engage in comprehensive reviews of their security needs, create and regularly review judicial system security protocols that fulfill those needs, and strategically seek funding to implement those protocols. It is also essential that legislative bodies and governmental agencies provide adequate funding for the development and implementation of appropriate judicial system security protocols. By encouraging the development and funding of appropriate judicial system security protocols and the education of those who participate in the judicial system regarding how to respond to security threats, this Resolution sets forth a multifaceted approach, which will enhance court security and promote fair and impartial courts. The Report also provides courts and state and local bar association with references to valuable resources that can assist them as they seek to implement the Resolution and improve judicial system security.

4. Summary of Minority Views

None known.

FBA position: (___ vote in favor or ___ vote against or x abstain)

Action: Adopted

[A. Belleau's comment: proposed resolution appears to be strictly state oriented. However, the proposed resolution appears to mirror the FBA's position on judicial independence, adequate funding of the federal courts, and security protocol. The FBA's GRC and State and Local Government Law Section may have comments on this proposed resolution.]

**COMMISSION ON HOMELESSNESS AND POVERTY
SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES**

Urges governments to promote the human right to adequate food and nutrition for all through increased funding, development and implementation of strategies to prevent infringement of that right.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution calls upon local, state, tribal, territorial and federal government to promote the human right to adequate food and nutrition for all through policies to increase funding, and development and implementation of strategies to prevent infringement of that right. The resolution also urges the United States government to make the realization of a human right to adequate food a principal objective of U.S. domestic and foreign policy.

In August 1986, the ABA House of Delegates approved a resolution recognizing a fundamental right to food (focusing on U.S. foreign policy). This resolution reaffirmed prior action by the ABA House of Delegates in 1980 whereby the ABA declared that "the existence of hunger and malnutrition is avoidable in light of the economic and physical resources of the United States, and the continued existence of hunger and malnutrition is therefore inexcusable, humanly unconscionable, economically and socially shortsighted and unwise." Adoption of this policy would build on the ABA's 33 year history of advocacy in the human rights arena.

2. Summary of the Issue that the Resolution Addresses

Despite the nation's commitment to human rights ideals, its practices have often fallen short. Food insecurity in the United States remains at record levels for the 5th year in a row, with 17.6 million households having difficulty feeding their families, and 7 million of these families suffering from "very low food security" that forced them to go hungry in 2012. A shocking 14.5 percent of all U.S. households-amounting to 49 million people-suffered food insecurity in 2012, with poor households, households with children headed by single women or single men, and African American and Hispanic households hardest hit. These findings, based on survey data from the Census Bureau, come as members of Congress are pushing for a \$40 billion slash to the federal Supplemental Nutrition Assistance Program (SNAP), the largest program in the domestic hunger safety net.

3. Please Explain How the Proposed Policy Position will address the issue

This resolution calls on the U.S. government at all levels to more fully implement the right to adequate food and nutrition as a legal commitment. Asserting food security as a human right will create a common goal and a clear framework to:

- a. Help government agencies set priorities to implement the right to adequate food and nutrition;
- b. Provide support for advocacy groups;
- c. Create pressure to end policies which fail to guarantee human rights; and
- d. Allow us to focus on how to solve the problem rather than worrying about whether the U.S. government has a duty to solve the problem.

4. Summary of Minority Views

None to date.

FBA position: (vote in favor or vote against or abstain)

Action: Adopted

[A. Belleau's comment: proposed resolution does not appear to fall directly within the FBA's mission, purpose and vision. The FBA's State and Local Government Law Section and/or Civil Rights Section may have comments on this proposed resolution.]

108A

SECTION OF INTELLECTUAL PROPERTY LAW

Opposes the proposed "Innovation Act" of the 113th Congress (H.R. 3309) or other similar legislation that would circumvent the judicial rulemaking process set forth in the Federal Rules Enabling Act (28 U.S.C. §§ 2071 – 2077).

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution reaffirms Association support for adherence to the judicial rulemaking process called for in the Rules Enabling Act, and expresses opposition to several provisions in proposed legislation under consideration in Congress that would circumvent that process by direct enactment of rules or by mandating specific rule changes to be made by the Judicial Conference.

2. Summary of the Issue that the Resolution Addresses

Proposed legislation currently under consideration in Congress calls for circumvention of the established rulemaking process in several instances by direct congressional enactment of rules or by legislatively mandating specific rule changes to be made by the Judicial Conference.

3. Please Explain How the Proposed Policy Position will Address the Issue

The policy expresses ABA opposition to circumvention of the established rulemaking process as called for in proposed legislation that is designed to address concerns regarding abusive litigation practices by certain plaintiffs in patent infringement actions. The policy supports addressing these concerns by the development of rules of judicial procedure and case management under the processes established by the Rules Enabling Act, and identifies specific litigation practices identified with patent litigation that should be addressed.

4. Summary of Minority Views

None known at this time.

FBA position: (___ vote in favor or ___ vote against or ___ abstain)

Action: Withdrawn

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Intellectual Property Law Section may have comments on this proposed resolution.]

108B

SECTION OF INTELLECTUAL PROPERTY LAW

Opposes a mandatory award of attorney fees to the prevailing party in a civil action arising under the patent laws of the United States and supports the discretionary authority of federal district courts to award attorney

fees to the prevailing party in a patent case in circumstances that are less restrictive than those currently required by judicial precedent.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution opposes a mandatory award of attorney fees to the prevailing party in patent cases, and supports expanding the discretionary authority of federal district courts to award attorney fees to the prevailing party in patent cases.

2. Summary of the Issue that the Resolution Addresses

Proposed legislation currently under consideration in Congress calls for a mandatory award of attorney fees to the prevailing party in a patent case. The U.S. Supreme Court has granted certiorari in a case that addresses the discretionary authority of district courts to award attorney fees to the prevailing party in patent cases under a statute that authorizes such an award "in exceptional cases."

3. Please Explain How the Proposed Policy Position will Address the Issue

The Resolution opposes the provisions of H.R. 3309, 113th Congress that call for a mandatory award of attorney fees to the prevailing party in patent cases. It supports the discretionary authority of federal district courts to award attorney fees to the prevailing party in a patent case in circumstances that are less restrictive than those currently required by judicial precedent.

4. Summary of Minority Views

None known at this time.

FBA position: (___ vote in favor or ___ vote against or ___ abstain)

Action: Withdrawn

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Intellectual Property Law Section may have comments on this proposed resolution.]

108C

SECTION OF INTELLECTUAL PROPERTY LAW

Supports amendment of patent law to reduce the estoppel effect of an adverse ruling to a challenge to a patent in a Patent Office administrative proceeding and opposes changing the standard for construing claims in two types of Patent Office administrative proceedings.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution expresses ABA policy in support of an amendment to patent law to reduce the estoppel effect of an adverse ruling to a challenge to a patent in a Patent Office administrative proceeding; support for amending bankruptcy law to provide protection for licenses to intellectual property; opposition to changing the standard for construing claims in two Patent Office administrative proceedings; and opposition to expanding the subject matter eligible for review and the term of a temporary program for administrative challenges to certain "business method" patents.

2. Summary of the Issue that the Resolution Addresses

H.R. 3309, 113th Congress, a bill designed primarily to address issues raised by abusive litigation practices in patent suits, includes proposed changes to patent law regarding

issues unrelated to the principle issues addressed in the bill. This Resolution is directed to four of those issues, which are identified in paragraph 1, above. The principle issues addressed in H.R. 3309 are the subject of two other proposed resolutions for the consideration of the House of Delegates at 2014 Midyear Meeting.

3. Please Explain How the Proposed Policy Position will Address the Issue

The policies proposed in the Resolution would express the Association's recommendations on four separate patent law amendments in bills pending in Congress. Those amendments are identified in paragraph 1. The policy would support the enactment of two of those amendments, and oppose enactment of the other two.

4. Summary of Minority Views

None known at this time.

FBA position: (___ vote in favor or ___ vote against or ___ abstain)

Action: *Withdrawn*

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Intellectual Property Law Section may have comments on this proposed resolution.]

109A

**COMMISSION ON YOUTH AT RISK
COMMISSION ON HOMELESSNESS AND POVERTY**

Urges governments to enact and implement legislation and policies which prohibit youth from transitioning from foster care to a status of homelessness, or where a former foster youth will lack a permanent connection to a supportive adult.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The use of APPLA as a permanency goal should be abandoned altogether. In order to achieve greater permanency for foster youth and avoid youth homelessness among this highly vulnerable population, laws, policies, and child welfare practices should focus on providing youth with age-appropriate housing options and helping youth develop and maintain permanent connections with adults who can offer them support and guidance as they transition into adulthood.

2. Summary of the Issue that the Resolution Addresses

The federal intent to limit the use of APPLA is often not reflected in state child welfare practices. APPLA is commonly used for older youth because finding permanent families for them can be more challenging than for younger children. However, the plans for youth with an APPLA goal is too often simply to keep them in the care of the state or county until they are old enough to leave it. Unfortunately, the nature of the child welfare system too often denies these youth the opportunity to develop significant and permanent connections with responsible adults who can provide support on an ongoing basis after the youth leaves the foster care system

3. Please Explain How the Proposed Policy Position will address the issue

By encouraging a shift in the approach of judges, lawyers and youth advocates to "Safe and Secure Housing Permanent Significant Adult Connections," financial incentives to states to improve older foster youth outcomes, increasing accountability to ensure foster care and dependency cases are not closed without certainty a youth has housing, and

providing new support for housing assistance to young adults who have turned 18 while in foster care and have aged out of care thereafter.

4. Summary of Minority Views

N/A

FBA position: (___ vote in favor or ___ vote against or x abstain)

Action: Adopted

[A. Belleau's comment: proposed resolution does not appear to fall directly within the FBA's mission, purpose and vision. The FBA's Civil Rights Section and/or State and Local Government Law Section may have comments on this proposed resolution.]

109B

COMMISSION ON YOUTH AT RISK

Urges lawyers, law schools and bar associations to adopt trauma-informed, evidence-based approaches and practices on behalf of justice system-involved children and youth who have been exposed to violence, including victims of child abuse and neglect or other crimes and those subject to delinquency or status offense proceedings.

EXECUTIVE SUMMARY

1. Summary of the Resolution

It is critical for the legal system and legal representation to reflect an understanding of the impact of trauma on the well-being of children and young people. Judges and lawyers should be provided with training and linked to service providers whose practices are trauma-informed.

2. Summary of the Issue that the Resolution Addresses

Children and youth in the United States suffer from the effects of trauma at significantly higher rates than have previously been recognized. One out of every four children in the United States has experienced a traumatic event by age four and many children experience multiple traumas by age nine. The National Survey of Children's Exposure to Violence, conducted in 2008, focused on the entire spectrum of children's exposure to violence, crime, and abuse. The survey found that 49% of surveyed children had been exposed to two or more types of violence in the previous year. The survey also found that 39% of surveyed children had been the victims of violence more than once in the previous year and that 11 % had been the victims of five or more different types of violence.

Children and youth in the child welfare and juvenile justice systems experience trauma and its consequences at disproportionately higher rates than their non-system-involved peers. A national study in 2010 found that almost 12% of alleged child abuse and neglect victims had increased symptoms of post-traumatic stress disorder ("PTSD"). A 2006 study found that children and youth who have experienced maltreatment suffer from PTSD at a higher rate than war veterans. Additionally, 80% of youth who age out of the child welfare system have received a psychiatric diagnosis.

3. Please Explain How the Proposed Policy Position will address the issue

By creating a foundation for acknowledgement that experiencing trauma can result in negative effects, often manifested as behavioral problems, that may persist long after the initial traumatic incident; encouraging a trauma-informed approach that helps children and youth overcome their problems by addressing the underlying effects of trauma that inform their behaviors and worldviews; using evidence-based practices to anticipate the effects of trauma on children and youth and to implement treatment methods designed to mitigate those effects; recognizing the value of cross-systems collaboration to identify and resolve the problems associated with trauma; and by creating a framework for a community of support in the legal and

judicial workplace to address secondary trauma.
4. Summary of Minority Views
None known at this time.

FBA position: (___ vote in favor or ___ vote against or x abstain)

Action: Adopted as revised

[A. Belleau's comment: proposed resolution does not appear to fall directly within the FBA's mission, purpose and vision. The FBA's Civil Rights Section, Criminal Law Section and/or State and Local Government Law Section may have comments on this proposed resolution.]

110

**SENIOR LAWYERS DIVISION
COMMISSION ON LAW AND AGING
SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW**

Urges Congress to enact the Improving Access to Medicare Coverage Act of 2013 (H.R. 1179) (S. 569), or similar legislation, that deems an individual receiving outpatient observation care services in a hospital to be an inpatient with respect to satisfying the three-day inpatient hospital stay requirement for Medicare coverage of a post-hospitalization stay in a skilled nursing facility.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution calls for support of the Improving Access to Medicare Coverage Act of 2013 - (HR 1179) (S 569), or similar legislation. This legislation would amend the Medicare Act's definition of "post-hospital extended care services" to clarify that time spent in the hospital in "observation status" counts toward the three-day prior hospital stay prerequisite for Medicare Skilled Nursing Facility coverage. This will help thousands of older and disabled people who spend days in the hospital, but who are not categorized by the hospital as inpatients for at least three days of their stay, and who therefore don't meet the three-day prior hospital care prerequisite.

2. Summary of the Issue the Resolution Addresses

Coverage under Medicare of Skilled Nursing Services after a hospitalization requires that the hospitalization lasted a minimum of three days. Currently, when a patient in the hospital is deemed on "observation status" rather than in "in-patient status," the time is not counted towards the three days, even though from the patient's perspective, the patient is in a hospital bed and receiving the same services as an in-patient. Because of various incentives and penalties faced by hospitals for incorrectly classifying a patient or for readmissions within 30 days, the use of the observation status has soared. The financial consequences to patients can be devastating and unexpected.

3. Please Explain How the Proposed Policy Position will address the issue

The legislation supported by this resolution remedies a key component of this problem by counting observation status days as in-patient days for the purposes of meeting the three-day prerequisite for Medicare coverage of Skilled Nursing Services after discharge from a hospital. This will help thousands of older and disabled people who spend days in the hospital, but who are not the hospital as in in-patient, and who

therefore don't meet the three-day prior hospital care prerequisite.

4. Summary of Minority Views

None to date.

FBA position: (vote in favor or vote against or abstain)

Action: Adopted

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision. The FBA's Senior Lawyers Divisions and/or GRC may have comments on this proposed resolution.]

177C

BOARD OF GOVERNORS

Recommends that membership dues be increased effective with Fiscal Year 2014-2015 and further recommends that in [each of the fiscal years 2016, 2017 and 2018,] the dues levels of each of the categories affected shall be increased by an amount equal to the Cost of Living Increase, as the Board of Governors in its discretion may determine annually, subject to approval by the House.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The resolution provides for (a) an approximately 13% dues increase across, with some exceptions, existing individual lawyer dues categories for FY2015 and (b) an annual cost-of living-adjustment ("COLA") increase in dues rates limited by the federal Consumer Price Index for FY2016, FY20 17, and FY20 18, which the Board of Governors would be authorized by the House of Delegates to annually lower or eliminate altogether.

2. Summary of the Issue that the Resolution Addresses

The resolution would increase Association revenues and provide one element of needed stability and sustainability of the Association's General Operations finances.

3. Please Explain How the Proposed Policy Position will address the issue

The resolution provides for a rate increase for most members of the Association.

4. Summary of Minority Views

The Board is aware of concerns expressed about the effect of a dues increase on membership, but is not aware of any formal expression of minority views by any Association group.

FBA position: (vote in favor or vote against or abstain)

Action: Adopted

[A. Belleau's comment: proposed resolution does not appear to fall directly within the FBA's mission, purpose and vision. However, it does affect the FBA members who are also members of the ABA.]

RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues that were adopted through 1990 be archived.

EXECUTIVE SUMMARY

1. Summary of the resolution

This resolution archives Association Policies dated through 1990. A policy that is archived is not rescinded. It is retained for historical purposes, but cannot be expressed as a current position of the ABA.

2. Summary of the issue which the resolution addresses

The archiving project, mandated by the House of Delegates in 1996, will improve the usefulness of the catalogued Association positions on issues of public policy. Many of the Association's positions were adopted decades ago and are no longer relevant or effective.

3. An explanation of how the proposed policy will address the issue

The archiving project will allow the Association to pursue primary objectives by focusing on current matters. It will prevent an outdated ABA policy from being cited in an attempt to refute Association witnesses testifying on more recent policy positions.

4. A summary of any minority views or opposition which have been identified

None at this time.

FBA position: (___ vote in favor or ___ vote against or x abstain)

Action: Adopted as revised by consent

[A. Belleau's comment: proposed resolution does not appear to fall directly within the FBA's mission, purpose and vision. However, it does affect the FBA members who are also members of the ABA.]

TAB G

Report from the Women in the Law Conference

Planning Committee

WOMEN IN THE LAW



POWER AND PROGRESS



JULY 11, 2014 / WASHINGTON, D.C.

FEDERAL BAR ASSOCIATION

2014 WOMEN IN THE LAW CONFERENCE • JULY 11, 2014

The Federal Bar Association is the premiere U.S. bar association for federal court practitioners. This inaugural conference will address the topic of women in the law broadly from both a historical perspective and how the law impacts women.

CONFERENCE AGENDA

- 8:30–8:45 a.m. Opening Remarks**
Hon. Gustavo A. Gelpí, *U.S. District Judge, District of Puerto Rico, and President, Federal Bar Association*
- 8:45–9:30 a.m. Morning Keynote**
Speaker to be determined
- 9:45–11:00 a.m. History of Women in the Law**
Sheila Birnbaum, *Partner, Quinn Emanuel Urquhart & Sullivan LLP*
Stacy Leeds, *Dean, Arkansas Law School*
- 11:15–12:30 p.m. Development of Domestic Law as it Affects Women**
Lt. Gen. Flora Darpino, *Judge Advocate General's Corps., U.S. Army*
Catharine A. MacKinnon, *Elizabeth A. Long Professor of Law, University of Michigan Law School*
Hon. Loretta A. Preska, *Chief U.S. District Judge, Southern District of New York*
- 12:30–1:45 p.m. Lunch Keynote**
Hon. Beverly McLachlin, *Chief Justice, Supreme Court of Canada*
- 2:00–3:45 p.m. Breaking Barriers: The Glass Ceiling in the Legal Profession**
Hon. Aida Delgado-Colon, *Chief U.S. District Judge, District of Puerto Rico*
Camille Nelson, *Dean, Suffolk Law School*
Michele Roberts, *Partner, Skadden, Arps, Slate, Meagher & Flom LLP*
- 4:00–4:45 p.m. Ethics Presentation**
Nancy Rapoport, *Gordon Silver Professor of Law, University of Nevada–Las Vegas William S. Boyd School of Law*
- 5:00–5:15 p.m. Closing Remarks**
-



CLE CREDIT

This seminar is pending approval for 6.5 hours of CLE credit, including 1 hour of ethics credit. Accreditation has been requested from every state with mandatory CLE requirements. Certificates of attendance will be provided to each attendee. Attendees are responsible for obtaining CLE credits from their respective states. Credit availability and requirements vary from state to state; please contact David Sharbaugh at dsharbaugh@fedbar.org or (571) 481-9104 with any questions.

2014 WOMEN IN THE LAW CONFERENCE • JULY 11, 2014

REGISTRANT INFORMATION

Name _____ Title _____

Firm/Agency _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____ E-mail Address _____

Indicate above if you have any special needs requiring assistance/services, including dietary.

Do you require CLE credit? In which state(s)? _____

Early Bird Rate (Before June 13, 2014)

\$425 FBA Member \$600 Non-Member \$250 Government/Academic \$150 Student

Regular Rate (After June 13, 2014)

\$525 FBA Member \$700 Non-Member \$250 Government/Academic \$150 Student

METHOD OF PAYMENT

Check made payable to Federal Bar Association is enclosed. Credit card: Visa American Express MasterCard

Account Number _____ Exp. Date _____ Billing Zip Code _____

Signature _____

If you have any questions, please contact David Sharbaugh at dsharbaugh@fedbar.org.

Please fax or mail this form to Meetings Manager, Federal Bar Association

1220 N. Fillmore Street, Suite 444 • Arlington, VA 22201 • (571) 481-9100 • Fax (571) 481-9090 • www.fedbar.org

PHOTOGRAPHY RELEASE: Registrants, instructors, exhibitors, and guests attending FBA meetings agree they may be photographed during the event. Photographs are the sole property of the FBA, which reserves the right to use attendees' names and likenesses in promotional materials without providing monetary compensation. E-MAIL COMMUNICATION POLICY: By registering for this event, you agree to receive e-mail communication from the Federal Bar Association concerning event details, Continuing Legal Education certification, programming changes, and upcoming events.



**National Council Credentials
and Standing Rules**

The Constitution of the Federal Bar Association

Article VII - National Council

Section 1. *Composition.* The National Council shall consist of the elective officers; all members of the Board of Directors; all Past National Presidents who are in good standing; Chairpersons of all Divisions, Sections, and Standing Committees; the President of the Federal Bar Building Corporation; the President of the Foundation of the Federal Bar Association; the General Counsel of the Federal Bar Association; either the President of each Chapter or other Chapter officer as designated in writing by the Chapter President to the Board of Directors; one other delegate from each Chapter to be selected by the Chapter; and not more than 20 members to be appointed annually by the President within 30 days after the latter assumes duties of that office. Appointive members shall be subject to removal by the President with the prior approval of the Board of Directors. A vacancy due to death, resignation, or removal of an appointive member may be filled by appointment by the President. The President's appointments shall have prior approval of the Board of Directors.

Section 2. *Meetings.*

a. The National Council shall meet at the Annual and Midyear Meetings of the Association each year as provided for in the Bylaws of the Association. The Board of Directors may combine the National Council meeting with the Annual Meeting of the Association. Notice, as set forth in the Bylaws of the Association, shall be mailed or transmitted electronically to all National Council members at least 30 days prior to the date of each regular meeting.

b. The National Council may meet specially at other times at the call of the President, with the consent of the Board of Directors, at such time and place and for such purposes as the President may consider necessary; provided, that no business shall be transacted at any special meeting of the National Council unless notice, as set forth in the Bylaws of the Association, of the time, place, and purpose of such meeting has been mailed or transmitted electronically by the Association to each National Council member in good standing at least 30 days prior to such meeting.

Section 3. *Quorum and Procedure.* Twenty-five percent of the members of the National Council in good standing shall constitute a quorum for the transaction of business. Action by the National Council shall be as provided in this Constitution and the Bylaws of the Association.



Federal Bar Association

Policy Title: National Council Standing Rules

Policy No.: 1-9

Date Approved: 9/7/2011

Date Issued: 9/7/2011

Date Effective: 9/7/2011

***Approved By:** Board of Directors

Title:

Policy:

The Federal Bar Association's Constitution and Bylaws govern assemblies of the National Council. Where these documents are silent, the current edition of *Robert's Rules of Order Newly Revised* applies, per the Bylaws. Pursuant to Robert's Rules of Order and the National Council's past practices, please note the following

1. The chair must recognize a speaker before that speaker's comments are before the body.
2. Except as permitted by Robert's Rules, speakers are not to be interrupted. Person wishing to speak should remain seated until a speaker concludes. Rising from a chair first does not give priority unless the chair instructs persons wishing to speak to approach the microphones. Priority is given to those who have not spoken.
3. Approach the microphone to be recognized. A speaker must state name and position prior to making comments.
4. Prior to making a motion, a speaker should 1. Be recognized and state his or her name and position; 2. Approach the microphone; 3. State name and position; and 4. Hand the written motion to the Chair. A determination will be made as to whether the motion is in order based on the content of such motion before debate shall begin.
5. Any speaker who has spoken on a motion may not speak a second time until all others are heard.
6. Microphones will be marked "pro" and "con". Movants shall speak from the pro microphone, opponents from the con microphone.
7. Prior to a motion being before the body or debated, the Chair shall 1. State the name of the motion; 2. State the name of the movant and the movant's position; 3. State the name of the second and the second's position; and 4. Read the motion.
8. Debate shall be limited to two minutes per speaker. No member may speak in debate more than two times on the same day to the same question.

9. No member may speak a second time on the same question if another who has not spoken requests the floor.
10. A timekeeper shall signal when allotted time has expired. At that time, the speaker must cease speaking.
11. Comments should be addressed to the Chair. Other speakers should be referred to by title or more formal address rather than first name, such as “the prior speaker from New York”.

Purpose:

To insure an efficient, productive, and orderly meeting of the National Council.

Change Notice:



Policy No. 2-3: Reimbursement Policy

Approved By: Board of Directors

Date Approved: September 24, 1986

Date Effective: October 1, 1986

Policy:

All requests for reimbursement must be submitted within 30 days from the last day of the event for which the expense was incurred. Amounts sought for reimbursement must be within the limits established by this Policy 2-3 or otherwise approved by the President or Executive Director. All requests should be on the attached Reimbursement Request Form and must be accompanied by receipts and/or an explanation of the nature of the expense. When a receipt is not available, a written explanation of the expense shall be submitted.

Reimbursement shall be as follows unless otherwise provided by the President or the Executive Director:

- The President of the Association shall be reimbursed for all reasonable out-of-pocket expenses associated with his/her duties as President. Reimbursement shall not exceed the amount designated in the Association's approved budget.
- Board of Directors shall be reimbursed for up to 3 days per diem plus airfare and up to \$75 for ground transportation for board meetings. If the board meeting is held in conjunction with the annual meeting, Board of Directors shall be reimbursed for up to 5 days per diem (based on actual attendance). Directors-elect shall be reimbursed for up to 5 days per diem plus airfare and up to \$75 for ground transportation (based on actual attendance) for the board meeting held in conjunction with the annual meeting.
- Vice Presidents for the Circuits shall be reimbursed for up to 2 days per diem plus airfare and up to \$75 for ground transportation for annual and midyear meetings. Vice Presidents for the Circuits-elect shall be reimbursed for up to 2 days per diem plus airfare and up to \$75 for ground transportation for annual meetings.
- Chapters are permitted two seats on the National Council: the Chapter President or his/her designee and a Chapter Delegate. Chapter Delegates must be identified by the chapter at least 30 days in advance of the annual and midyear meetings. Each chapter shall be entitled to have one attendee reimbursed for airfare or two attendees each reimbursed for half the cost of airfare. For those chapters in existence for three or fewer years, the Executive Director may grant an exception and reimburse airfare for two attendees.
- Past National Presidents, National Committee Chairs, and National Council Appointed members shall be reimbursed for airfare for annual and midyear meetings.

- Reimbursement for Section and Division Chairs is governed by the Bylaws of each Section and Division.

For the purpose of this policy, current reimbursement rates are

- Airfare: coach rate, subject to 21-day, advanced purchase with Saturday night stay. If airfare is purchased less than 21 days in advance of the meeting, the reimbursement will be capped at \$500.
- Rail: up to the maximum of equivalent airfare
- Car Travel: \$.55/mile (in lieu of air/rail up to the maximum of equivalent airfare)
- Lodging, meals and incidentals: \$150 per diem (actual, up to the maximum per day)
- Ground transportation: up to the maximum of \$75

In all instances, receipts must be attached for any expense more than \$25 for reimbursement requests.

Exceptions may be approved by the Executive Director of the Federal Bar Association. If a request is denied, the individual may submit an appeal in writing to the Treasurer within 30 days of the denial.

Purpose:

To establish the time limits and devise conditions under which requests for reimbursement of expenses incurred by individuals in pursuit of their official function for the Federal Bar Association will be reimbursed.

Change Notice:

Amended 1/25/14; 4/5/2013; 2/1/2002; 6/24/2001