



**Federal Bar Association
National Council Meeting**

Annual Meeting 2014

Saturday, September 6, 2014 at 2:15 p.m.

Omni Providence Hotel
Providence, Rhode Island

- Annual Meeting and Convention, September 10-11, Salt Lake City, UT

11. President's Final Remarks

Hon. Gustavo Gelpi

12. Adjournment

TAB A

Approval of the Minutes

March 28, 2014

**Federal Bar Association
National Council**

Saturday, March 29, 2014

2:30 p.m. EDT

Westin Arlington Gateway

Arlington, Va.

CALL TO ORDER

President Gelpi called the meeting to order at 2:37 EDT with a quorum present. The agenda was adopted as distributed prior to the meeting.

APPROVAL OF THE MINUTES

A motion was made to amend the minutes of the National Council meeting held on September 28, 2014, in San Juan, P.R., and was properly seconded. The amended minutes were approved unanimously by the council.

REPORT OF THE PRESIDENT

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

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

March 28, 2014 Meeting

- Approved Policy 2-8: Investments and Reserves
- Approved the American Civil Trial Bar Roundtable Whitepaper
- Authorized the executive director to establish credit for a corporate credit card with SunTrust Bank
- Accepted the report of the Law Student Division Task Force
- Authorized the executive director to sign checks up to \$10,000 and the deputy executive director to sign checks up to \$5,000. Any checks over \$10,000 would require two signatures (executive director and the deputy executive director) and email approval from a member of the executive committee
- Approved revised Policy 7-1: National Convention Committee
- Approved Policy 9-5: Section and Division Financial Management
- Approved the revised bylaws of the Federal Litigation Section

President Gelpi recognized the judges in attendance, Past Presidents, Board of Directors and first-time attendees to the Midyear Meeting.

President Gelpi listed and thanked the chapters, sections and divisions that contributed as sponsors to the Federal Judges Association Quadrennial Conference that will be held May 4-6, 2014 in Washington, D.C.

Additionally, he reported on his presidential outreach. He traveled to the annual Hawaii Conference in December and helped kickoff the Admiralty Law Section. Additionally, he has spoken at many Criminal Justice Act and Civil Rights Act 50th Anniversary chapter events across the country. He has upcoming trips to Maryland, Chicago, and Alaska planned.

REPORT FROM THE TREASURER

Mark Vincent presented the financial statements as of January 31, 2014. The total assets of the FBA are valued at \$2,500,000. Net assets are up by about \$236,000 compared to last year, and are approximately seven months of operating expenses. Currently FBA's total revenue is at 31 percent of budget and activity expenses are at 17 percent of budget mainly due to timing difference for the conferences and events.

REPORTS

Report from the President-Elect

President-Elect Moreland expressed his enthusiasm for the 2014 Annual Meeting and Convention to be held in September 4-6 in Providence, R.I. He invited Rhode Island Chapter President Scott Kilpatrick to detail the events being planned for the Annual Meeting. Mr. Kilpatrick spoke of the welcome reception that will be held on Thursday, September 4 in downtown Providence. President Gelpi stated there will be a First Circuit swearing-in ceremony during the convention as well.

Report from the Chair of the Nominations and Elections Committee

As Chair of the Nominations and Elections Committee, President Gelpi reported that the following people have been nominated by the Nominations and Elections Committee:

Officers

President-Elect.....Mark K. Vincent
Treasurer.....Hon. Michael J. Newman

Directors

Group 1.....Stephen R. Jackson
Group 2..... Dawn Stern
Group 3.....Katherine Gonzalez Valentin
Group 4..... Kristin M. Kimmelman

Vice Presidents for the Circuits

1st Circuit..... Matthew C. Moschella
2nd Circuit..... Ernest T. Bartol
3rd Circuit..... Bridget Montgomery
4th Circuit..... Christine C. Varnado
5th Circuit..... Barry W. Ashe
6th Circuit..... James W. Satola
7th Circuit..... Sheri H. Mecklenburg
8th Circuit..... TBD
9th Circuit..... Alison S. Bachus
10th Circuit..... Jonathan O. Hafen
11th Circuit..... Richard S. Dellinger
D.C. Circuit..... Elizabeth Pugh

Report from the Chair of the Membership Committee

Jonathan Hafen reported the current total of 16,634 members is an all-time high. Additionally, Mr. Hafen spoke of the Membership Committee's efforts to increase membership engagement. The Committee is encouraging chapters to follow their written membership plans, grow membership by 3 percent each year, and increase collaborative programs by working with Sections and Divisions. Additionally, Mr. Hafen reported that law student associate membership has more than doubled from FY2013 to FY2014. The current total is 1,011 law student associates. He also mentioned that there are opportunities to grow membership by converting more law student associates into regular members, and by increasing the number of public sector members. Currently, only 11 percent of the membership is in the public sector. Finally, Mr. Hafen welcomed the newest chapter from New Hampshire.

Report from President of the Foundation of the Federal Bar Association

Dennis Clark presented the report for the Foundation of the Federal Bar Association due to the absence of President Martha Hardwick Hofmeister. Mr. Clark mentioned that the Foundation manages several restricted funds that fund awards and grants including the Elaine R. "Boots" Fisher Award, and the Ilene and Michael Shaw Public Service Award and the Ilene and Michael Shaw Younger Lawyer Public Service Grant. Twice per year the

Foundation awards Community Outreach Grants to chapters and the next deadline for applications is June 15. All chapters are encouraged to apply and the maximum amount that can be granted is \$5,000. Mr. Clark asked National Council members to consider making a monetary donation to the Foundation of the Federal Bar Association and also donating an item to the Silent Auction. Finally, Mr. Clark mentioned that the dinner for the Fellows of the Federal Bar Association will be held this evening at the Hamilton in Washington, D.C.

Report from the President of the Federal Bar Building Corporation

Robert Mueller provided a history of the Federal Bar Building Corporation and stated the investment fund of the FBBC is valued at approximately \$5 million.

Report from the Chair of the Government Relations Committee

West Allen recognized the members of the Government Relations Committee. Mr. Allen reported that there are currently 94 judicial vacancies with 46 nominations pending. He stated the 2015 Issues Agenda Nomination Form is available online and submissions are due by April 4. Capitol Hill Day will be held on April 24 and it will be the largest delegation ever to participate from the FBA.

Report from the ABA Delegate

Ashley Belleau presented the report of the ABA Delegate. Ms. Belleau and President Gelpi thanked Mr. Alan Harnisch for his service as the former ABA delegate.

Ms. Belleau reported that she reviewed the 19 resolutions proposed by the ABA for their Midyear House of Delegates Meeting. She voted in favor of five resolutions that would be of the most interest to FBA members; revisions to the Paralegal Education Program, adoption of the black letter model principles of the ABA Model Business and Supplier Policies on Labor Trafficking and Child Labor, an urging of the government to address the tension that arises from the interaction of conflicting legal frameworks governing bankruptcy proceedings and asset forfeiture proceedings, reaccreditation and extension of the Criminal Trial Advocacy and Family Law Trial Advocacy programs of the National Board of Trial Advocacy, and an urging of congress to enact the Improving Access to Medicare Coverage Act of 2013. All of the resolutions Ms. Belleau voted for were adopted. She abstained from voting on nine resolutions and the remaining resolutions were withdrawn for various reasons. Ms. Belleau stated the descriptions and results of all resolutions are provided in the read-ahead materials.

Ms. Belleau also reported on her appointment to the American Civil Trial Bar Roundtable. The most recent position taken by the Roundtable concerned the Judicial Vacancy crisis and a press release was distributed regarding the position.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Report from the Women in the Law Conference Planning Committee

Hon. Elizabeth Kronk Warner promoted the upcoming Women in the Law Conference: Power and Progress. She encouraged members of the National Council to attend and to

encourage their colleagues to register. Vice President for the First Circuit Katherine Gonzalez Valentin encouraged chapters to hold similarly themed events.

Vice Presidents for the Ninth Circuit Joe Leventhal and Alison Bachus asked that the Leadership Training reimbursement policy be reviewed.

Hon. Michael Newman expressed his enthusiasm about the upcoming Magistrate Judge themed issue of *The Federal Lawyer*, and he thanked Hon. Michelle Burns for her work on the issue.

Federal Litigation Section Chair Rob Kohn thanked Judge Newman for the work he has done in putting together the upcoming Sixth Circuit Practice Institute.

REPORT FROM THE EXECUTIVE DIRECTOR

Karen Silberman presented an FY2013 year-end review as well as an FY2014 second quarter update. The budget for FY2013 ended with a surplus for the first time in four years. Additionally, the membership total rose to 16,763 with an 87 percent retention rate.

Ms. Silberman reported that 59 goals were accomplished in six operational areas. Highlights included: the hiring of a continuing legal education manager, the development of an overall marketing strategy, distribution of the membership satisfaction survey, and the creation of the Women in the Law Conference.

ANNOUNCEMENTS

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

PRESIDENT'S FINAL REMARKS

President Gelpi encouraged those interested in serving on a committee in FY2015 to contact President-Elect Moreland.

ADJOURNMENT

President Gelpi adjourned the meeting at 5:17 p.m. EDT.

Respectfully submitted,

Karen Silberman
Executive Director

TAB B

Report from the President

**Actions of the Board of Directors
Report from the Nominations and Elections Committee
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
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MARCH 28, 2014 MEETING

- Approved Policy 2-8: Investments and Reserves
- Approved the American Civil Trial Bar Roundtable Whitepaper
- Authorized the executive director to establish credit for a corporate credit card with SunTrust Bank
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- Authorized the executive director to sign checks up to \$10,000 and the deputy executive director to sign checks up to \$5,000. Any checks over \$10,000 would require two signatures (executive director and the deputy executive director) and email approval from a member of the executive committee

- Approved revised Policy 7-1: National Convention Committee
- Approved Policy 9-5: Section and Division Financial Management
- Approved the revised bylaws of the Federal Litigation Section

JUNE 21, 2014 MEETING

- Approved the FY2015 Budget
- Approved revised Policy 1-8: Whistleblower
- Approved revised Policy 2-2: Authority to Sign Checks
- Approved revised Policy 2-3: Reimbursements
- Approved revised Policy 2-7: Credit Card Privileges
- Approved the increase of the Health Law Section dues to \$15
- Approve the distribution of Policy 9-4: Section and Division Policies, Procedures and Guidelines for public comment
- Approved the Maine Chapter Charter
- Approved the Hon. P. Michael Mahoney Western Division for the Northern District of Illinois Chapter Charter
- Approved the FY2015 Issues Agenda
- Approved the change of law student dues: Year one student (1L), \$20 per year or, 3 years for \$50; year two student (2L), \$20 per year or, 2 years for \$30; Year three student (3L), \$20 plus 1 year free for period starting from graduation date; and law student division advisor, \$0.



FY 2015 National Election Results

On Aug. 1, 2014, ballots were counted and verified for FY 2015 national officers. Their terms will begin Oct. 1, 2014. The president-elect and treasurer will serve a one-year term, which expires on Sept. 30, 2015; directors (groups 1–4) will serve three-year terms, which expire Sept. 30, 2017; and vice presidents for the circuits will serve two-year terms, which expire Sept. 30, 2016. Congratulations to these leaders who will serve the association next year!

National Officers

President-elect

Mark K. Vincent

Treasurer

Hon. Michael J. Newman

Board of Directors

Group 1* Director

Richard S. Dellinger

Group 2 Director**

Dawn Stern

Group 3* Director**

Katherine Gonzalez-Valentin

Group 4** Director**

Kristin M. Kimmelman

*One FBA member in good standing and a current or former FBA vice president of a circuit.

**One FBA member in good standing and a current or former chair of an FBA section or division.

***One FBA member in good standing and a current or former FBA chapter president.

****One FBA member in good standing and who has served as an FBA chapter officer, a national FBA YLD officer or board member, or as an FBA chapter leader with YLD responsibilities. In addition, at the time of election, the person must be age 36 or younger.

Vice Presidents for the Circuits

First Circuit

Matthew C. Moschella

Second Circuit

Ernest T. Bartol

Third Circuit

Bridget Montgomery

Fourth Circuit

Christine C. Varnado

Fifth Circuit

Barry W. Ashe

Sixth Circuit

James W. Satola

Seventh Circuit

Sheri H. Mecklenburg

Eighth Circuit

TBD

Ninth Circuit

Alison S. Bachus

Tenth Circuit

Jonathan O. Hafen

Eleventh Circuit

Richard S. Dellinger

D.C. Circuit

Elizabeth Pugh

TAB C

Report from the President-Elect

**FY2015 Budget
Approval of Law Student Associate Dues**

INCOME

	ACTUAL FY 2009	ACTUAL FY 2010	ACTUAL FY 2012	ACTUAL FY 2013	APPROVED FY 2014	APPROVED FY 2015	\$ CHANGE FY14-FY15	% CHANGE FY14-FY15
1. National Dues	1,288,760	1,146,251	\$1,550,997	\$1,708,232	\$1,931,900	\$2,046,306	\$114,406	6%
2. Sustaining Dues	631,495	795,270	\$769,690	\$767,546	\$800,000	\$890,055	\$90,055	11%
DUES INCOME	1,920,255	1,941,521	\$2,320,687	\$2,475,778	\$2,731,900	\$2,936,361	\$204,461	7%
3. FBA National Conferences	495,364	530,728	\$517,606	\$774,835	\$740,000	\$890,000	\$150,000	20%
4. FBA Co-Sponsored Conferences	75,000	66,542	\$50,000	\$50,000	\$50,000	\$50,000	\$0	0%
CONFERENCE INCOME	570,364	597,270	\$567,606	\$824,835	\$790,000	\$940,000	\$150,000	19%
5. The Federal Lawyer	18,735	24,537	\$21,836	\$29,287	\$23,000	\$33,000	\$10,000	43%
6. Royalty Income	44,431	43,398	\$24,083	\$15,740	\$3,000	\$8,000	\$5,000	167%
7. FBA Need an Attorney	-	175	\$10,350	\$8,975	\$8,000	\$9,000	\$1,000	13%
8. Judicial Profiles					\$6,000	\$3,500	-\$2,500	-42%
9. Job Board					\$5,000	\$0	-\$5,000	-100%
10. Webinars					\$54,000	\$60,000	\$6,000	11%
MEMBER SERVICES INCOME	63,166	68,110	\$56,269	\$54,002	\$99,000	\$113,500	\$14,500	15%
11. Admin Fee - Sections & Divisions	-	-	\$42,305	\$45,212	\$47,000	\$53,000	\$6,000	13%
12. Admin Fee - FBBC	9,600	10,200	\$11,400	\$25,650	\$30,000	\$30,000	\$0	0%
13. Admin Fee - FFBA	9,600	10,200	\$11,400	\$12,600	\$13,500	\$13,500	\$0	0%
14. Interest/Investment Income	14,825	4,143	\$427	\$168	\$500	\$500	\$0	0%
15. Miscellaneous Income	22,328	116,887	\$13,242	\$7,858	\$5,000	\$8,000	\$3,000	60%
16. List Sales					\$5,000	\$9,000	\$4,000	80%
OTHER INCOME	56,353	141,430	\$78,774	\$91,488	\$101,000	\$114,000	\$13,000	13%
TOTAL OPERATIONAL INCOME	2,610,138	2,748,331	\$3,023,336	\$3,446,103	\$3,721,900	\$4,103,861	\$381,961	10%
17. Section and Division Dues	106,810	112,390	\$120,944	\$130,850	\$120,000	\$153,000	\$33,000	28%
18. Section and Division Activities	59,718	49,974	\$66,663	\$77,250	\$80,000	\$80,000	\$0	0%
SECTION AND DIVISION INCOME	166,528	162,364	\$187,607	\$208,100	\$200,000	\$233,000	\$33,000	17%
TOTAL INCOME	2,776,666	2,910,695	\$3,210,943	\$3,654,203	\$3,921,900	\$4,336,861	\$414,961	11%

ACTIVITY EXPENSES

	ACTUAL FY 2009	ACTUAL FY 2010	ACTUAL FY 2012	ACTUAL FY 2013	APPROVED FY 2014	PROPOSED FY 2015	\$ CHANGE FY14-FY15	% CHANGE FY14-FY15
19. President & Board of Director's	101,636	140,824	\$145,214	\$130,554	\$120,000	\$155,000	\$35,000	29%
20. National Council	21,202	18,728	\$3,143	\$815	\$5,000	\$5,000	\$0	0%
21. Vice Presidents for Circuits	17,722	19,565	\$26,866	\$25,742	\$28,500	\$33,000	\$4,500	16%
22. Support of NC Appointments	1,709	5,741	\$3,333	\$12,053	\$5,000	\$5,000	\$0	0%
23. Support of Past Presidents	2,949	4,685	\$5,011	\$3,974	\$4,000	\$4,000	\$0	0%
24. Governance Committees & Boards	397	1,639	\$780	\$113	\$1,500	\$1,500	\$0	0%
25. National Elections	8,754	11,528	\$9,777	\$767	\$7,000	\$8,000	\$1,000	14%
26. Government Relations	61,876	64,355	\$72,675	\$65,206	\$73,000	\$72,000	-\$1,000	-1%
27. Chapter Delegate Support	29,825	32,894	\$70,742	\$34,137	\$34,000	\$36,000	\$2,000	6%
28. Chapter Leadership Training	40,145	40,349	\$42,222	\$39,661	\$50,000	\$65,000	\$15,000	30%
29. Chapter Activity Fund	18,900	12,465	\$17,616	\$19,172	\$20,000	\$20,000	\$0	0%
30. Chapter Rebates	305,323	333,764	\$409,768	\$445,471	\$445,000	\$526,000	\$81,000	18%
31. Chapter Services	7,395	11,247	\$11,463	\$13,450	\$12,000	\$12,000	\$0	0%
32. Membership Services	53,945	55,794	\$63,643	\$78,682	\$60,000	\$60,000	\$0	0%
33. Membership Programs	4,261	20,879	\$753	\$4,632	\$15,000	\$12,000	-\$3,000	-20%
34. The Federal Lawyer/Publications	198,830	212,793	\$208,304	\$208,538	\$220,000	\$231,000	\$11,000	5%
35. FBA Conferences	452,539	490,647	\$435,947	\$576,680	\$610,000	\$669,000	\$59,000	10%
36. Membership Marketing					\$35,000	\$12,000	-\$23,000	-66%
37. Meetings Marketing					\$20,000	\$15,000	-\$5,000	-25%
38. Webinar CLE Fees					\$30,000	\$30,000	\$0	0%
ACTIVITY EXPENSES	1,327,408	1,477,897	\$1,527,257	\$1,659,647	\$1,795,000	\$1,971,500	\$176,500	10%
39. Sections and Divisions	110,427	94,923	\$191,837	\$282,931	\$200,000	\$233,000	\$33,000	17%
40. FBA Funded Divisions	22,745	9,157	\$25,690	\$37,182	\$30,000	\$35,000	\$5,000	17%
41. Section Council	3,833	2,878	\$5,149	\$4,705	\$5,000	\$5,000	\$0	0%
42. Section Activity Fund						\$5,000	\$5,000	
SECTION AND DIVISION EXPENSES	137,005	106,958	\$222,676	\$324,818	\$235,000	\$278,000	\$43,000	18%
TOTAL ACTIVITY EXPENSES	1,464,413	1,584,855	\$1,749,933	\$1,984,465	\$2,030,000	\$2,249,500	\$219,500	11%

ADMINISTRATIVE EXPENSES

	ACTUAL FY 2009	ACTUAL FY 2010	ACTUAL FY 2012	ACTUAL FY 2013	APPROVED FY 2014	PROPOSED FY 2015	\$ CHANGE FY14-FY15	% CHANGE FY14-FY15
42. Salaries	886,192	923,607	\$948,238	\$989,897	\$1,150,000	\$1,212,500	\$62,500	5%
43. Payroll Taxes	56,872	63,140	\$64,568	\$72,635	\$75,000	\$91,500	\$16,500	22%
44. Employee Benefits-Insurance	68,169	94,869	\$67,654	\$77,132	\$86,000	\$97,000	\$11,000	13%
45. Employee Benefits-Retirement	52,078	34,236	\$34,450	\$33,819	\$40,000	\$65,000	\$25,000	63%
46. Staff Training	5,945	7,668	\$9,108	\$5,130	\$10,000	\$10,000	\$0	0%
47. Management Travel & Expense	5,751	7,751	\$1,627	\$5,594	\$8,000	\$8,000	\$0	0%
48. Outsourced Services		37,895	\$84,347	\$88,973	\$80,000	\$80,000	\$0	0%
49. Dues & Subscriptions	4,550	2,809	\$4,817	\$4,174	\$5,500	\$5,000	-\$500	-9%
50. Equipment Rental	8,549	15,284	\$10,874	\$19,628	\$16,000	\$16,000	\$0	0%
51. Repairs & Maintenance	7,864	8,562	\$13,522	\$1,206	\$5,000	\$5,000	\$0	0%
52. Rent	60,000	60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$0	0%
53. Insurance	9,690	16,494	\$18,417	\$14,867	\$20,000	\$18,000	-\$2,000	-10%
54. Personal Property Tax	5,312	9,720	\$5,247	\$5,002	\$10,000	\$5,000	-\$5,000	-50%
55. Professional Fees	25,323	27,000	\$17,088	\$21,325	\$26,000	\$25,000	-\$1,000	-4%
56. Office Supplies	12,336	12,979	\$7,896	\$13,908	\$13,000	\$13,000	\$0	0%
57. Computer/IT Supplies & Services	39,520	85,077	\$86,418	\$101,081	\$97,500	\$97,500	\$0	0%
58. Telephone/Internet	15,501	13,858	\$14,551	\$23,792	\$27,000	\$27,000	\$0	0%
59. Postage	2,291	8,327	\$2,643	\$7,886	\$10,000	\$7,500	-\$2,500	-25%
60. Depreciation-Furniture & Fixtures	16,168	15,094	\$14,437	\$7,058	\$16,000	\$7,500	-\$8,500	-53%
61. Depreciation of Computer Equipment	19,214	59,322	\$62,709	\$67,065	\$63,000	\$60,000	-\$3,000	-5%
62. Other Office Expense	17,487	33,288	\$20,357	\$22,857	\$30,000	\$30,000	\$0	0%
ADMINISTRATIVE EXPENSE	1,318,812	1,536,980	\$1,548,968	\$1,643,029	\$1,848,000	\$1,940,500	\$92,500	5%
63. Recovered Overhead/Production Cost	(33,623)	(4,403)	-\$11,051	-\$184	\$0			
64. Miscellaneous Expenses	2,875	10,771	\$944	\$2,320	\$5,000	\$5,000	\$0	0%
RECOVERED EXPENSE	(30,748)	6,368	-\$10,107	\$2,136	\$5,000	\$5,000	\$0	0%
TOTAL ADMINISTRATIVE EXPENSE	1,288,064	1,543,348	\$1,538,861	\$1,645,165	\$1,853,000	\$1,945,500	\$92,500	5%
TOTAL EXPENSES	2,752,477	3,128,203	\$3,288,794	\$3,629,630	\$3,883,000	\$4,195,000	\$312,000	8%
SURPLUS (DEFICIT)	24,189	(217,508)	-\$77,851	\$24,573	\$38,900	\$141,861	\$102,961	265%

A. Current Status of FBA Law Student Membership:

1. Category Description. Any law student actively enrolled in an accredited law school and not admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia is eligible to become a law student associate member of the association.
2. Dues. Currently FBA Law Student Members pay a dues fee of \$35 annually.
3. Associated Revenue. As of Sept. 30, 2013 (the end of FY13) FBA has 1,011 law student associate members with an expected revenue amount of \$35,385 annually.
4. Potential Members. Based on the number of law schools and enrolled law students it appears there is excellent potential for a much larger number of FBA law student associate members. Based on a detailed assessment conducted in January 2014 the current “universe” of potential student members enrolled at accredited law schools is 150,113 for the 2012-13 school year (please see the attached summary). The assessment also clearly indicated that the four states with the largest number of law schools and enrolled students are CA, NY, FL and MA which together account for 12,244 (nearly 10%) students. This should help us determine where to target our efforts in attracting new student members. Our current penetration into this group is currently less than 1.0% (0.65%).
5. Board Response. The dues change recommendation presented to the Board at the January 21, 2014 meeting in Orlando was tabled until the March 2014 Board Meeting since not all interested parties were able to attend. The final version of this proposal will be presented to the FBA Board at their Mid-Year meeting in March 2014.
6. Revisions May 2014. During its monthly conference call on May 8, 2014 the Law Student Division Task Force discussed three additional subjects related to FBA Law Student membership and dues policies contained in this document. This was done at the request of the FBA Board of Directors who asked the Task Force to review and make any additional recommendations regarding these items that are an integral part of the FBA law student membership policies and includes:
 - a. Offering a reduced membership rate to new 2L members of \$30 for two years.
 - b. Extending the membership period for a full year beyond law school graduation to cover bar exam and job search.
 - c. Providing no-cost membership to FBA LSD advisors.

More specifics/details follow in the recommended updates section of this document.

B. Recommended Updates to FBA Law Student Membership including Dues Policy Changes:

1. Advisor and Division Roles. Each new law student division must have a designated advisor from the school whether it is the dean, another professor/instructor, or other interested individual. To ensure a strong and consistent infrastructure it is suggested that, if possible, the designated advisor already have a relationship with an FBA chapter before a student division is created. While the advisor is not required to be an FBA chapter member they should be in close contact with the nearest (or another designated) FBA chapter. Advisors will receive The Federal Lawyer, e-Newsletter and website access. Prior to being a member of any student division or other related entity all students must first be a member of the FBA national organization.

Revisions May 2014. To help ensure adequate participation in the advisory role for the law student divisions it is recommended that potential advisors first, not be required to be lawyers and that second, their membership in FBA is free. The caveats to this recommendation are that 1)

non-lawyers can be FBA members to fill the advisory position, and 2) that the financial impact on the Association not be too high. There are only 200 eligible law schools and a realistic estimate for bringing them onboard in the near future (next 1-2 FY periods) would be small with 20-25 schools participating in total.

2. Dues. Suggested Law Student membership dues are \$20 per year. There is an option for a 3-year membership for \$50 that continues thru the 6-month period following graduation and passing the bar exam. Benefits include a free online subscription to The Federal Lawyer and the FBA eNewsletter. Law student members would also receive member pricing on Conferences and webinars, and access to all other member benefits.

Revisions May 2014. Develop a complete schedule of law student associate dues by adding a reduced membership rate for second year students of \$30. Also, in order to accommodate the transition of third year students it is recommended that the extension period following graduation be extended to 1 year to cover the time needed to take the bar exam and to find a position.

Complete law student dues schedule:

- Law student division advisor, \$0, no dues.
- Year one student (1L), \$20 per year or, 3 years for \$50.
- Year two student (2L), \$20 per year or, 2 years for \$30.
- Year three student (3L), \$20 plus 1 year free for period starting from graduation date.

Note: A comparison list of 16 other bar associations with a student member category is attached. The average weighted student dues rate for the list is \$26.63. (range is \$21.30 to \$31.95 annually).

3. FBA member demographics indicate that current membership is heavily weighted towards members in practice for 11+ years. To help ensure the availability of an adequate pool of future dues paying members, and the health of the organization in general, FBA should review and modify the Law Student member category to make it more competitive and attractive for law student members to participate throughout their education.
4. Automatic Renewal. Consider an “automatic renewal” to regular membership feature that would kick in just before a law student member passed the 1 year window and their law student membership ends. If not an automatic renewal, then send them a reminder (or series of reminders) that their membership is ending and an application with possibly an incentive to continue as a regular member. The current status is that the ability to use automatic renewal is on hold until FBA staff can determine if the current vendor (or another contractor) will be able to make the necessary modifications for this process to work automatically.
5. Other considerations. There should there be a student-centered page on the website. The dedicated law student web page is now located at <http://www.fedbar.org/Leadership/Leadership-Resources/Law-Student-Division-Task-Force-Liaisons.aspx>
6. Other bar associations. A weighted-average dues amount is given in #2 above for comparison with Student Lawyer Dues rates for 16 other bar associations.

TAB D

Report from the Treasurer

Financial Update as of June 30, 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 June 30, 2014 and 2013, and the related statements of activities for the nine 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
July 30, 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
June 30, 2014 and 2013

	2014	2013
Assets		
Current Assets		
Cash and cash equivalents	\$ 181,406	\$ 466,718
Short-term Investments	49,768	1,663,883
Long-term Investments	2,091,165	-
Accounts Receivable	21,971	5,824
Inventory	20,428	33,911
Prepaid expenses	40,379	34,513
Due from related entities	17,727	5,123
	-----	-----
Total Current Assets	2,422,844	2,209,972
	-----	-----
Other Assets		
Furniture and fixtures	187,920	187,241
Computer equipment and software	586,823	563,499
	-----	-----
Total Property and Equipment before Acc Depr	774,743	750,740
Accumulated depreciation	(504,961)	(429,212)
	-----	-----
Net Property and Equipment	269,782	321,528
	-----	-----
Total Assets	\$ 2,692,626	\$ 2,531,500
	=====	=====
Liabilities		
Current Liabilities		
Accounts payable	\$ 88,050	\$ 120,344
Accrued annual leave	30,325	33,254
Deferred membership dues	105,000	117,968
Deferred convention	2,500	-
Due to related entities	-	-
	-----	-----
Total Current Liabilities	225,875	271,566
	-----	-----
Net Assets		
Total Net Assets	2,466,751	2,259,934
	-----	-----
Total Liabilities and Net Assets	\$ 2,692,626	\$ 2,531,500
	=====	=====

See Accompanying Accountant's Compilation Report.

**Federal Bar Association
Statement of Activities
For the Nine Months Ending June 30, 2014**

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Support and Revenue:				
(1) National dues	\$ 1,346,782	\$ 1,314,985	\$ 1,931,900	70%
(2) Sustaining dues	520,865	598,390	800,000	65%
(3) Section/division dues	116,285	105,640	120,000	97%
(4) Conferences	669,298	578,452	740,000	90%
(5) Co-sponsored conferences	-	-	50,000	0%
(6) Sections/divisions activities	42,982	54,346	80,000	54%
(7) Administrative and other revenues (Schedule I)	236,031	121,403	200,000	118%
Total support and revenue	2,932,243	2,773,216	3,921,900	75%
Expenses:				
(8) Activity expenses (Schedule II)	1,240,385	1,344,954	2,030,000	61%
(9) General and overhead expenses (Schedule III)	1,324,161	1,242,809	1,853,000	71%
Total expenses	2,564,546	2,587,763	3,883,000	66%
Change in net assets from operations	367,697	185,453		
Net Assets, beginning of year	2,099,054	2,074,481		
Current Net Assets	<u>\$ 2,466,751</u>	<u>\$ 2,259,934</u>		

See Accompanying Accountant's Compilation Report.

Federal Bar Association
SCHEDULE OF ADMINISTRATIVE AND OTHER REVENUES
Schedule I
For the Nine Months Ending June 30, 2014

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Schedule of Revenues				
(7.01) Administrative Fees (FBBC)	\$ 23,100	\$ 15,000	\$ 30,000	77%
(7.02) Administrative Fees (FFBA)	9,450	9,450	13,500	70%
(7.03) Administrative Fees (Sections&Divisions)	48,104	45,212	47,000	102%
(7.04) Interest/Investment Income	77,007	126	500	15,401%
(7.05) FBA Need an Attorney	6,886	4,500	8,000	86%
(7.06) The Federal Lawyer & Publications	18,633	16,658	23,000	81%
(7.07) Royalty Income	4,091	12,363	3,000	136%
(7.08) Judicial Profiles	-	-	6,000	0%
(7.09) Job Board	-	-	5,000	0%
(7.10) Webinars	39,316	13,690	54,000	73%
(7.11) List Sales	2,167	2,737	5,000	43%
(7.12) Miscellaneous Income	7,277	1,667	5,000	146%
<hr style="border-top: 1px dashed black;"/>				
Total Administrative and Other Revenues	\$ 236,031	\$ 121,403	\$ 200,000	118%

Federal Bar Association
SCHEDULE OF ACTIVITY EXPENSES
Schedule II
For the Nine Months Ending June 30, 2014

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Schedule of Activity Expenses				
Activity Expenses				
(8.01) President & BOD	\$ 54,386	\$ 47,214	\$ 120,000	45%
(8.02) National Council	1,907	307	5,000	38%
(8.03) Circuit Vice Presidents	17,677	9,270	28,500	62%
(8.04) NC Appointees	3,701	4,435	5,000	74%
(8.05) Past Presidents	2,323	2,476	4,000	58%
(8.06) Gov. Committees & Board	-	113	1,500	0%
(8.07) National Elections	905	767	7,000	13%
(8.08) Government Relations	49,619	46,337	73,000	68%
(8.09) Chapter Delegate	21,425	19,961	34,000	63%
(8.10) Chapter Leadership Training	65,370	38,904	50,000	131%
(8.11) Chapter Activity Fund	14,250	6,350	20,000	71%
(8.12) Chapter Rebates	327,966	345,432	445,000	74%
(8.13) Chapter Services	5,862	5,387	12,000	49%
(8.14) Membership Services	37,225	58,469	60,000	62%
(8.15) Membership Programs	441	1,489	15,000	3%
(8.16) The Federal Lawyer & Publications	145,262	141,788	220,000	66%
(8.17) FBA Conferences	280,348	418,238	610,000	46%
(8.18) Membership Marketing	3,214	-	35,000	9%
(8.19) Meetings Marketing	-	-	20,000	0%
(8.20) Webinar CLE Fees	2,888	1,499	30,000	10%
Subtotal Activity Expenses	1,034,769	1,148,436	1,795,000	58%
(8.21) Section and Divisions	181,798	172,965	200,000	91%
(8.22) FBA Funded Divisions	23,556	23,506	30,000	79%
(8.23) Section Council	262	47	5,000	5%
Subtotal Section & Division Activity Expense	205,616	196,518	235,000	87%
Total Activity Expenses	\$ 1,240,385	\$ 1,344,954	\$ 2,030,000	61%

Federal Bar Association
SCHEDULE OF ADMINISTRATIVE EXPENSES
Schedule III
For the Nine Months Ending June 30, 2014

	FY 2014 YTD	FY 2013 YTD	FY 2014 Budget	Percent of Budget
Schedule of Administrative Expenses				
Administrative Expenses				
(9.01) Salaries	\$ 808,573	\$ 761,208	\$ 1,150,000	70%
(9.02) Payroll taxes	62,330	57,330	75,000	83%
(9.03) Employee Insurance	51,712	61,887	86,000	60%
(9.04) Employee Retirement	30,924	20,685	40,000	77%
(9.05) Employee Training	2,540	4,526	10,000	25%
(9.06) Management Travel	1,221	4,038	8,000	15%
(9.07) Outsourced Services	71,981	46,367	80,000	90%
(9.08) Dues and subscriptions	3,767	2,809	5,500	68%
(9.09) Leased Equipment	10,709	13,922	16,000	67%
(9.10) Repairs and maintenance	1,513	1,206	5,000	30%
(9.11) Rent	45,000	45,000	60,000	75%
(9.12) Insurance	11,467	11,158	20,000	57%
(9.13) Personal property taxes	-	647	10,000	0%
(9.14) Professional fees	20,233	21,325	26,000	78%
(9.15) Supplies	14,110	8,824	13,000	109%
(9.16) Computer/Internet Services	57,494	76,401	97,500	59%
(9.17) Telephone	16,981	16,963	27,000	63%
(9.18) Postage	494	7,327	10,000	5%
(9.19) Depreciation-Furniture & Fixtures	4,593	5,538	16,000	29%
(9.20) Depreciation-Computer Equipment	52,715	50,144	63,000	84%
(9.21) Other Office Expense	45,606	19,774	30,000	152%
(9.22) Miscellaneous Expense	10,198	5,914	5,000	204%
Subtotal Administrative Expense	1,324,161	1,242,993	1,853,000	71%
(9.23) Recovered Overhead & Production	-	(184)		
Subtotal Recovered Expenses	-	(184)	-	
Total Administrative Expenses	\$ 1,324,161	\$ 1,242,809	\$ 1,853,000	71%

TAB E

**Report from the Constitution, Bylaws, Rules and Resolutions
Committee**

Approval of Amendment to Bylaw Section 6

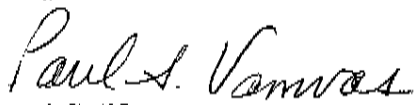
February 25, 2014

Stacy King, CAE
Deputy Executive Director
Federal Bar Association
1220 North Fillmore Street, Suite 444
Arlington, VA 22201

Dear Ms. King,

I am writing as Chair of the Federal Bar Association's Committee on the Constitution, Bylaws, Rules and Resolutions to notify you, the National Council and the Executive Board that the Committee found no reason to disapprove of the proposed amendments to either Bylaw 6 (Election Schedule, Procedure and Requirements) or to Policy No. 1-1: Procedures for National Elections and Nominations which you submitted to the Committee for comment on February 18, 2014. The members of the Committee discussed the proposed changes via email and concluded that none of them seem to violate or contradict any part of the FBA Constitution or Bylaws. I want to thank the members of the Committee for taking the time to deal with this matter.

Respectfully submitted,



Paul S. Vamvas

Chair, Committee on the Constitution, Bylaws, Rules and Resolutions

FBA Bylaws

Section 1. National Headquarters and Staff

Section 2. Membership

Section 3. Expulsion from Membership

Section 4. Dues

Section 5. Non-Payment of Dues

Section 6. Election Schedule, Procedure, and Requirements

Section 7. Meetings

Section 8. Standing Committees

Section 9. Special Committees

Section 10. Divisions

Section 11. Public Positions by Association Entities

Section 12. Assets of Inactive Chapters

Section 13. Fiscal Year

Section 14. Amendments to the Constitution and the Bylaws

Section 15. Robert's Rules of Order

1. National Headquarters and Staff

A. National Headquarters. The Federal Bar Association shall maintain a National Headquarters at a location to be selected by the Board of Directors. The National Headquarters shall be the repository for the books, records, and reports of the Association and its Officers, Board of Directors, National Council, Divisions, Standing Committees, Sections, and Chapters. Such papers shall be open to inspection by any member upon reasonable application to the Association. Additionally, a roster of the members and associates in good standing, together with listings of the membership of the Divisions, Standing Committees, Sections, and Chapters of the Association shall be maintained at the National Headquarters. All communications with the Association shall be addressed to the Federal Bar Association at its National Headquarters.

B. Executive Director.

The Board of Directors shall employ an Executive Director whose title, terms, and conditions of employment shall be specified by the Board of Directors.

The Executive Director shall manage and direct all staff activities of the Association as prescribed by the Board of Directors. The Executive Director shall employ and may terminate the employment of members of the necessary support staff and may fix such employees' compensation within the approved budget and guidelines set by the Board of Directors. The Executive Director shall define the duties of the staff, establish their titles, and supervise their performance, and delegate responsibilities of management as appropriate. The Executive Director shall be responsible for maintaining the books, records, reports and roster of the Association, as noted in Bylaw 1.A.

2. Membership

A. Applications. Application to become a member or an associate of the Association shall be by a form approved by the Membership Committee and shall be accompanied by one year's dues.

B. Approval. The Association's Executive Director shall process applications at the Association's National Headquarters for review and approval. The Executive Director may refer any application for review and approval to the Membership Committee.

C. Honorary Membership.

(1) (1) Federal Judges. A chapter may elect to honorary membership a judge who is eligible for honorary membership under Article IV, Section 2.c., of the Constitution. The Chapter shall notify the Association at the National Headquarters prior to such election. Similarly, the Chapter shall notify the Association if such an honorary member ends service as a judge in active, senior, or retired status. (2) Other. A chapter may propose any other person for receipt of an honorary membership in accordance with Article IV, Section 2b of the Constitution, which proposal shall be submitted in advance to the Association at the National Headquarters for approval. Upon approval, the chapter may extend honorary membership to the person(s) so approved.

D. Secondary Chapter Association. Although each member is assigned to one primary chapter based upon geographic location or request, such assignment does not preclude association, attendance or inclusion in the events or activities of any other chapter (subject to any applicable dues, fees, or other prerequisites imposed by such other chapter(s)).

3. Expulsion from Membership

A. Cause. As provided in Article IV, Section 4, of the Constitution, the Board of Directors may expel any member of the Association for good cause. "Good cause" includes, but is not limited to, knowingly engaging in conduct designed to overthrow the constitutional form of government in the United States by force or violence, or knowingly assisting another in such conduct; disbarment by (or resignation with disciplinary proceedings pending before) any State, Federal court or tribal court of record or knowingly engaging in conduct that is in violation of the Constitution of the Association or these Bylaws.

B. Charge and Response. A charge for expulsion may be brought by any active member of the Association. The charge shall be in writing and signed by the charging party, and shall describe in detail the act or acts in question and why such act or acts justify expulsion. The charge shall be filed with the Association and shall be referred immediately to the Board of Directors. The Association shall give actual notice to the respondent of the charge and of the right to respond to the charge in writing and in person before the Board of Directors. If a member of the Board of Directors brought the charge against the respondent or is the respondent, that person shall not participate in the Board of Directors' consideration or in its vote.

C. Board of Directors Action. At the next meeting of the Board of Directors that allows at least ten days notice to the respondent, the Board shall consider the charge for expulsion. The Board initially shall consider whether the charge sets forth factual assertions that would constitute reasonable grounds for expulsion, and shall determine by a majority vote whether to dismiss the charge or to pursue the charge as provided in this Bylaw. If the Board of Directors pursues the charge, it shall consider the respondent's written response, if any. If the respondent has requested an appearance before the Board, the Board shall grant the respondent a reasonable opportunity to be heard. After fully considering the charge and any response, the Board shall determine by a majority vote whether to expel the respondent or to dismiss the charge. The Association immediately shall notify the respondent of the Board's action and of the respondent's right to appeal any decision to expel.

D. Appeal. If the Board of Directors expels the respondent from the Association, the respondent may appeal that decision to the Association within 60 days from notice thereof by the Association. To appeal, the respondent shall send the Association at the National Headquarters a letter so indicating and may send a written statement for consideration by the Association and a notice of intent to appear before the Association. The appeal will be considered by the National Council at the next regular meeting or at a special meeting called for that purpose. The Association shall give actual notice to the respondent of the time and place of that meeting. The decision of the Board of Directors shall be affirmed unless overruled by a majority of those members of the National Council present and eligible to vote.

4. Dues

A. Amount of Dues. Except honorary members, each member and associate of the Association shall pay annual dues to the Association. Twenty percent (20%) of each regular (i.e., not associate) annual member's dues (not including sustaining dues), rounded upward to the next one-half dollar, shall be rebated to the Chapter that serves the location of the member's mailing address, provided: If, as of the date of adoption of this Bylaw, a different Chapter is receiving a rebate of a member's dues or if a member designates a different Chapter as the member's primary Chapter, such different Chapter shall receive such rebate. Provided further, if a member opts to affiliate with no Chapter, no rebate shall be paid to any Chapter. Annual dues for members and associates of the Association shall be established by the Board of Directors and National Council. The National Council shall consider the dues recommendations of the Board of Directors upon notification as prescribed in Article VII of the Constitution provided that no proposed change in the amount of annual dues shall be considered unless the members of the National Council shall have received at least thirty (30) days advance notice of such proposed change (including amount(s) thereof).

B. Dues Adjustments and Payment. Beginning October 1, 1990, dues for each category of membership, as well as for associates, shall be adjusted by the change in the Consumer Price Index over the previous three years as of the prior January 31st, rounded upward to the next dollar, and will be adjusted similarly every three years thereafter. Beginning October 1, 1996, the Board of Directors may further adjust the amount of such annual dues upward or downward to the nearest whole dollar figure ending in a 0 or a 5, which further adjustment shall not affect the calculation of future adjustments to reflect a change in the Consumer Price Index, as set forth in the first sentence of this Bylaw 4B. In turn, the portion of such dues to be rebated to Chapters shall be adjusted similarly to maintain the percentage level indicated in this Bylaw. Dues payments shall be collected and recorded by the Association at the National Headquarters; Chapter rebates portion of dues will be transmitted to the respective Chapters.

C. Dues Anniversary. Members and associates shall pay a full year's dues upon admission and shall be billed annually thereafter within a month of the anniversary month of admission, with the exception that those who were members prior to September 30, 1975, shall be billed at the beginning of each fiscal year.

D. Waiver of Dues. A member or associate may request, by a written request to the National Headquarters a waiver of dues for compassionate or exceptional reasons for a period not to exceed one year. The National Headquarters will forward the request to the President-elect for decisions. If the President-elect approves the request, the President-elect will notify the Executive Director, who will notify the Treasurer, the requesting member or associate, and that member's or associate's Chapter President of this decision. The member's or associate's Chapter will receive no rebate with respect to dues that have been waived.

E. Chapter, Division, and Section Dues. Each Chapter may collect additional Chapter dues in its discretion, and the Chapter does not need to account for such dues to the National Headquarters. On request of any Chapter, approved by the Executive Director, the Association at the National Headquarters shall collect a Chapter's dues and remit same to the Chapter. Each Division and Section may charge additional Division or Section dues in its discretion; all Division and Section dues shall be collected by the Association at the National Headquarters.

F. Sustaining Dues. Members of the Association may distinguish themselves by becoming Sustaining Members. Rebates for Sustaining Members are only paid on the amount equal to active dues. The sustaining portion of the sustaining dues is not eligible for a rebate. Sustaining Membership dues shall be set as established by this Bylaw.

G. Purpose of Dues. Annual dues shall be used to pay the general expenses of the Association. All additional dues collected through Sustaining Dues memberships shall be used primarily to support publications and educational programs of the Association.

H. Membership Development and Dues Adjustments. Effective October 1, 1995, should a Chapter determine that, as a membership development tool, the waiver or reduction of national dues chargeable within its Chapter for a specific category(ies) of members is justified, that Chapter must submit its proposal to the Board of Directors for approval, for that Chapter only, in writing at least sixty (60) days in advance of the next regularly scheduled Board of Directors meeting. Each proposal must include justification and provide for the Chapter to maintain appropriate membership statistics. The Budget Committee shall analyze each such proposal and present its analysis and conclusions at least thirty (30) days prior to the next scheduled Board of Directors' meeting. The prior approval of the Board of Directors must be obtained before the experiment is implemented as a program. Each Chapter which shall obtain approval of such a program shall reimburse the Association for any additional administrative cost related to implementing the program. Each dues experiment program will be limited in duration to no more than three (3) years. Each Chapter with an approved program will submit a written progress report to the Board of Directors annually, so long as the program remains in effect.

5. Non-Payment of Dues

A. Delinquent Member. If annual dues of a member or an associate have not been received by the National Headquarters within 60 days after dues have expired for the prior year, the Association shall

notify the member or associate that the dues are in arrears and that the member or associate will be suspended from the Association unless the dues are received within 30 days. The Association also shall notify each Chapter with which the member or associate is affiliated and the Vice President for the Circuit in which such member or associate is located of the delinquency.

B. Persons Not in Good Standing. A person whose annual dues have not been received at the National Headquarters within 90 days after dues have expired for the prior year shall be regarded as not in good standing and shall be suspended from the Association. A person who has been suspended from membership for nonpayment of annual dues may be reinstated at any time by payment of the current annual dues.

C. Members of the Armed Forces During Time of War. Notwithstanding the foregoing, all Association members on active duty in the armed forces of the United States during a war, who do not request to the contrary, shall be exempt from the payment of dues while so serving.

6. Election Schedule, Procedure, and Requirements

A. Nominations by Nominations and Elections Committee and Notice of Election. By February 1 of each year, any member who desires to be considered by the Nominations and Elections Committee (Committee) for any elective office shall submit a completed Application form for National Office (Application) (~~inclusive of a photograph of the applicant and resume~~) to the ~~Nominations and Elections~~ Committee. The Committee may also seek out or consider other qualified members of the Association for possible nomination. By February 28 of each year, the ~~Nominations and Elections~~ Committee shall nominate one or more eligible members in good standing for each of the elective offices becoming vacant for the coming term. By April 1, the ~~Nominations and Elections~~ Committee shall cause to be ~~mailed or electronically sent~~ transmitted to each member in good standing ~~— either in The Federal Lawyer or otherwise —~~ notice of the upcoming annual election and of the offices to be filled therein; of the Committee's nominations for those offices; and the manner and time by which nominations of candidates may be made by petition as provided in Article V, Section 3.b., of the Constitution and this Bylaw.

B. Qualifications and Elections of Officers and Directors

1. *Qualifications of Officers.* To be eligible for election as a National Officer, a person must be a member of the Association in good standing and have served as a voting member of the Association's Board of Directors for at least three (3) years.

2. *Qualifications and Election of Directors.* Twelve members of the Board of Directors shall be elected by members of the Association as follows:

1. Three (3) Board positions shall be filled by current or former Circuit Vice Presidents, elected for staggered three-year terms.
2. Three (3) Board positions shall be filled by current or former Chairs of Sections or Divisions, elected for staggered three-year terms.
3. Three (3) Board positions shall be filled by current or former Chapter Presidents, elected for staggered three-year terms.
4. Three (3) Board positions shall be filled by members who, at the time of election, are age 36 or younger and have served as a chapter officer, a national YLD officer or Board member, or as a chapter leader with YLD responsibilities.

A member appointed to serve the remaining period of a term to which another person was elected, at the conclusion of that partial term, may stand for election for a full three-year term. No director shall serve more than two elected three-year terms (which terms must be non-consecutive) on the Board exclusive of any term based upon service as a National Officer.

3. *Qualifications of Vice-Presidents of the Circuits.* To be eligible for election as a Circuit Vice President, a person must have been a member of the FBA in good standing for a minimum of five (5) years and have served or be currently serving as a Chapter President or a Chapter Officer.

C. Nominations Close. Nominating petitions shall be delivered to the ~~Nominations and Elections~~ Committee at National Headquarters by ~~5:00 p.m. on~~ April 25. Any petitions received thereafter shall be returned to the would-be candidate, indicating that the petition was tardy and the date it was delivered to the Committee. Nominating petitions must include a completed Application. ~~In the event that April 25 falls on a Saturday, Sunday, or legal holiday, petitions shall be delivered by 5:00 p.m. on the next regular business day.~~

D. ~~Ballots Mailed or Transmitted Electronically~~ Notice of Election, Ballots and Voting. By June 15, the ~~Nominations and Elections~~ Committee shall cause a ~~ballot to be mailed or transmitted electronically~~ Notice of Election to be sent to each member of the Association in good standing. The ~~ballot notice~~ shall list the names of all ~~eligible nominees~~ nominated candidates and candidates by petition, ~~in an order drawn by lot, in alphabetical order~~ under ~~the respective~~ each elective office for which each has been nominated, with a space provided for writing in the name of a candidate for each office. ~~The ballot notice~~ also shall contain such instructions ~~for its use~~ as necessary for members to cast their votes as prescribed by policy adopted by the Board of Directors ~~the Committee shall prescribe~~. A suspended member who is restored to good standing after the ~~mailing/transmittal~~ of the ~~ballots notice~~ and who, prior to ~~5:00 p.m. on July 5~~ the election's close, delivers to the ~~Nominations and Elections~~ Committee evidence of good standing, shall thereupon be entitled to ~~a ballot vote~~. In an uncontested election, the Association shall only send the Notice of Election electronically to members.

E. ~~Ballots Returned~~. ~~The ballot shall contain the names of all nominated candidates and candidates by petition for each elective office as well as space for a write-in candidate for each elective office. In an uncontested election, the Association shall conduct an election in a manner in which the Executive Director and Committee, subject to the approval of the President, deem to be the most efficient and cost effective. Completed ballots shall be received by the Chair of the Committee or by such person as designed by the Chair no later than June 30. All ballots to be counted shall be delivered to the Nominations and Elections Committee at National Headquarters by 5:00 p.m. on August 1. In the event that August 1 falls on a Saturday, Sunday, or legal holiday, ballots shall be delivered by 5:00 p.m. on the next regular business day. The Committee, with such assistance as the Board of Directors may direct, shall canvas~~ The Committee shall review and certify the tabulated votes and promptly report as elected the candidate for each office who has received a plurality of the votes cast for that office by July 1. If no candidate for a national office receives a plurality of the votes counted; (a) in the case of a tie between two (2) candidates, the election shall be resolved by a coin flip in the presence of the tied candidates or their designees by the National President or the President's designee, which shall resolve the tie. The tosser of the coin shall be designated by the President. The candidate whose last name occurs last alphabetically shall call the coin toss; (b) in the case of a tie among more than two candidates; the election shall be resolved by drawing straws by the tied candidates or their designees from the hand of the National President or the President's designee. The National President or the President's designee shall prepare the straws and the candidate or designee drawing the longest straw shall win the election.

FE. ~~Form of Ballots and Enclosures~~ Voting Procedure. Procedures shall be adopted by the Board of Directors to regulate the handling of voting, including the form of notices and ballots, and to prevent abuses of the voting privilege. ~~but returned ballots shall not be required to be signed or otherwise identified by the method of voting. Ballots shall be accompanied by a concise biographical sketch of each candidate, in a form to be prescribed by the Nominations and Elections Committee. Additionally, ballots may be accompanied, in the discretion of each candidate, by a single standard sheet of paper from each candidate containing information that the candidate believes the voters should know prior to casting their votes; the content, form, and technical specifications of such a sheet of paper shall meet standards prescribed by the Nominations and Elections Committee.~~

GF. Authority of Nominations and Elections Committee. The ~~Nominations and Elections~~ Committee is responsible for monitoring the overall conduct of the annual election and for ensuring compliance with this Bylaw.

G. Time. In the event that any deadline herein specified is a Saturday, Sunday, or legal federal holiday, the next succeeding business day shall substitute for that specific deadline.

7. Meetings

A. Time of Meetings and Procedures. Meetings of the Board of Directors and the National Council required by Article VI, Section 4.a. and Article VII, Section 2.a., of the Constitution shall be held at such time and place as the Board of Directors may direct. No proxies may be voted at meetings of the Board of Directors, National Council, or other meetings of the Association. Meetings of the Board of Directors, National Council, and of the Association shall be governed by the Constitution of the Association, these Bylaws and such rules as the Board of Directors and National Council may prescribe. When not inconsistent with such rules, the latest edition of Robert's Rules of Order shall apply. The President shall appoint a parliamentarian for each meeting of the National Council and the Board of Directors.

B. Notice of Meetings and Agenda. Notice of meetings shall comply with the requirements of the Constitution. An agenda for meetings of the National Council and the Board of Directors shall be included with any notice. Additional agenda items for a meeting of the National Council (except as provided in Bylaw 4A or with respect to amendments to the Constitution or Bylaws, which must be addressed only by satisfying the full notice requirements established by the Constitution) may be added by the President or Board of Directors if supplemental notice is provided by mail or electronic transmission no later than ten (10) days before a properly noticed meeting. Upon motion to suspend the notice requirement to address additional business, a two-thirds majority of those present and voting may raise additional issues at a National Council meeting, except that no motion to suspend the notice requirement shall be entertained with respect to amendments to the Constitution or Bylaws.

C. Telephonic Meetings. Upon the decision of the President and appropriate notice, the Board of Directors may convene via telephone, video-conference or other electronic means.

D. Challenge to Board Action. Any motion to alter, amend, or reverse a decision of the Board of Directors pursuant to Article VI Section 3.C.(2) of the Constitution shall be presented at least forty-five (45) days prior to the National Council meeting.

8. Standing Committees

A. Establishment. Under Article VI, Section 5, of the Constitution, the following Standing Committees, Council, and Boards are established:

(1) Operational Committees and Council.

(a) Audit Committee. The Audit Committee is responsible for securing and reviewing an independent audit. The President shall appoint four (4) Board members and three (3) association members, who will serve for a term of one year. The Board appointees shall not include the President-elect or Treasurer.

(b) Budget and Finance Committee. The Budget and Finance Committee is responsible for developing and monitoring the implementation of the budget of the Association. The President shall appoint the President-elect, Treasurer, and three (3) additional members of the Board who will serve a term of one year. The President shall appoint the President-elect as chair.

(c) Constitution, Bylaws, Rules, and Resolutions Committee. The Constitution, Bylaws, Rules, and Resolutions Committee is responsible for considering and reporting on proposed changes in the Constitution and the Bylaws of the Association prior to presenting such proposals to the Board of Directors and/or the National Council. The Committee is responsible for considering and reporting to the Board of Directors on all resolutions prior to presenting such resolutions to the National Council. It is also responsible for studying and considering, on a continuing basis, means of improving the operations and the rules of the Board of Directors and the National Council prescribed pursuant to Bylaw 7.

(d) Government Relations Committee. The Government Relations Committee is responsible for coordinating and advancing the Association's issues agenda in implementation of policies adopted by the Board of Directors. The Committee shall have at least nine members and the President will appoint a member as chair. The President-elect, the Chair of the Sections and Divisions Council, and the Chair

of the Circuit Vice Presidents shall be members.

(e) Membership Committee. The Membership Committee is responsible for developing and implementing the Association's annual membership recruitment and retention programs.

(f) Nominations and Elections Committee. The Nominations and Elections Committee is responsible for administering the procedures applicable to nomination and election of national officers of the Association during the annual election as prescribed in Article V, Section 3, of the Constitution and Bylaw 6. The Committee shall be composed of the President, who shall chair the Committee; President-elect; immediate past-President; two Vice Presidents for the Circuit designated by the President; a Division chairperson designated by the President-elect; a Section Chairperson designated by the President, and two Chapter representatives designated by the President-elect. If a member of the Nominations and Elections Committee becomes a candidate for an elective office, the person shall be deemed to have resigned from the Committee instant and a substitute member shall be promptly appointed by the person who originally appointed the resigning member. The substitute member shall complete the original term of the resigning member.

(g) Sections and Divisions Council. The Sections and Divisions Council as established by the Board of Directors is responsible to coordinate, assist, and supervise the efforts of Sections and Divisions of the Association. The President shall nominate and, with the approval of the Board of Directors, appoint a Chair of the Sections and Divisions Council, and such Deputy Chairs and members as the President may deem appropriate.

(2) Programmatic Committees and Boards.

(a) Annual Meeting. The Annual Meeting Committee is responsible for planning and administering the annual meetings of the Association and for recommending to the Board of Directors sites and dates for future annual meetings. The Committee shall be composed of the President, President-elect, the Treasurer, and two members of the Board of Directors and chaired by the President-elect unless the President-elect determines a different composition.

(b) Bench/Bar Relations. The Bench/Bar Relations Committee is responsible for facilitating and acting as the liaison between the federal judiciary and the members of the Federal Bar Association and for keeping the President and Board of Directors advised as to issues affecting the bench/bar. The committee shall be composed of six (6) members of the Federal bench and six (6) members of the Association and the Clerk of the Supreme Court. The members are appointed to the committee by the President and shall represent as many different Circuits as possible. The President-Elect shall appoint from the committee members the Deputy Chair, who shall become the Chair the following year.

(c) Editorial Board. The Editorial Board is responsible for developing and publishing The Federal Lawyer. The Committee shall have at least nine members and the President shall appoint a member as chair.

(d) Professional Ethics. The Professional Ethics Committee is to encourage professional and ethical practice in the Federal bar and to serve as a resource for events and CLE activities of the chapters, sections, divisions, and the national organization regarding professional ethics.

B. Committee Composition and Terms of Office. The composition of the following Standing Committees: (1) Constitution, Bylaws, Rules, and Resolutions; (2) Membership; and (3) Professional Ethics, shall consist of no more than nine members, at least six of whom are from different Circuits. The President shall appoint a member as chairperson. Any vacancy shall be filled by appointment by the President for the time remaining in the vacated term. The terms shall be on a three (3) year staggered basis.

9. Special Committees

Any Special Committee or Task Force established by the Board of Directors shall go out of existence one year from the date it is established unless prior thereto the Board of Directors shall extend its existence for another year. The President shall appoint the members and shall appoint the

chairperson.

10. Divisions

There shall exist the following Divisions, each of which shall enact bylaws, subject to the approval of the Board of Directors, which will provide for the Division's general objectives, organization—including a chairperson and other internal leadership progression—and operation.

A. Federal Career Service Division. There shall be a Federal Career Service Division of the Association. All members of the Association who are or have been officers or employees of the United States or of the District of Columbia are eligible to be members.

B. Judiciary Division. There shall be a Judiciary Division of the Association. All past and present members of the Federal, Administrative, Military, State, and tribal judiciaries and their legal staffs are eligible to be members.

C. Senior Lawyers Division. There shall be a Senior Lawyers Division of the Association. All active members of the Association who are age 55 years or older on the date on which each such member's dues is payable are eligible to be members.

D. Younger Lawyers Division. There shall be a Younger Lawyers Division of the Association, comprised of all active members of the Association who are age 36 years or younger on the first day of the fiscal year of the Association or who have engaged in the practice of law for fewer than five years as of the first day of the fiscal year of the Association. In the event that the Immediate Past Chairperson, who serves as an officer of the Division the year following his or her term as Chairperson, is older than 36 years as of the first day of the fiscal year of the Association in the year he/she is to serve as Immediate Past Chairperson, or in the event he/she has been engaged in the practice of law for more than five years as of the first day of the fiscal year of the Association, he/she shall still be an eligible member of the Division for the year he/she is fulfilling his/her term as Immediate Past Chairperson. In the event the Division membership of any Division officer would otherwise cease in accordance with the foregoing, that officer shall remain a member of the Division and in office until the succeeding officers have commenced their terms.

E. Corporate and Association Counsel Division. There shall be a Corporate and Association Counsel Division of the Association. All past or present members of corporate or association counsel's staffs are eligible to be members.

11. Public Positions by Association Entities

A Division, Section or Chapter may not issue a public report or take a public position on an issue unless it adheres to the process set forth in the Constitution. A Standing or Special Committee may not take a public position or issue a public report; however, it may make recommendations or submit positions for consideration to the Board of Directors. No report or position may be inconsistent with any existing position of the Association. The Association shall keep a record of every report or position reported to the Board of Directors.

12. Assets of Inactive Chapters

Upon determination by the Board of Directors that a Chapter has failed to maintain an active membership of at least ten members for a period of one year, that it has withdrawn itself from the Association, or that it has had its charter revoked, the President shall direct the Treasurer to take charge of all assets and property of the Chapter and to hold them in trust for one year for the benefit of any Chapter that may organize or reorganize in that geographic area. If, at the end of one year, the Chapter is not reactivated and no new Chapter is organized, title to all such assets of the Chapter shall vest in the Association.

13. Fiscal Year

The fiscal year of the Association shall run from October 1 through September 30 of the following year.

14. Amendments to the Constitution and the Bylaws

A. Proposal and Study of Amendments. All proposals or petitions to amend (including repeal) provisions of the Constitution under Article XIX thereof, or these Bylaws under Bylaw 14C., except for annual dues changes proposed by the Board of Directors, shall be directed or referred to the Constitution, Bylaws, Rules, and Resolutions Committee for its recommendations. All such proposals or petitions shall reach the Committee at least ninety (90) days before the proposed amendments are to be considered for adoption at a National Council meeting or an annual meeting of the membership, as appropriate. The Constitution, Bylaws, Rules, and Resolutions Committee shall consider all such proposed amendments and shall report on them to the members of the Board of Directors sufficiently in advance of the meeting of the National Council at which any proposed change is to be considered to allow the Board of Directors to consider and express its approval or disapproval of the proposed change; and to the National Council or membership, as appropriate, on or before the dates on which notice must be provided of the next meeting of the National Council or annual meeting of the membership at which such proposed amendments may be acted upon. The Committee shall include in its report the recommendation of the Board of Directors and its recommendations as to whether the proposed amendment conflicts with provisions of the Constitution and other Bylaws, and if so, in what form or with what related changes to the Constitution or these Bylaws as may be necessary and appropriate. The provisions of this Bylaw shall not be suspended.

B. Constitution.

(1) Report of Constitution, Bylaws, Rules, and Resolutions Committee. The Constitution, Bylaws, Rules, and Resolutions Committee shall prepare a report on the proposal. The report shall include the text of the proposal, the text of any part to be repealed or amended, and a summary of the arguments for and against adoption of the proposal. A copy of this report shall be mailed or transmitted electronically with the ballot to each member of the Association in good standing.

(2) Ballots. Returned ballots may not be required to be signed or otherwise identified by the members voting. The envelopes in which the ballots are returned shall be identified to enable the Association to identify them as ballots. The Constitution, Bylaws, Rules, and Resolutions Committee shall be responsible for overseeing the opening and counting the ballots and for reporting the vote.

C. Bylaws. Subject to satisfying the notice and quorum requirements of the Constitution and these Bylaws, the National Council may adopt, amend, or repeal any Bylaw at a regular or special meeting of the National Council upon two-thirds vote of those present and voting.

15. Robert's Rules of Order

Wherever the Constitution of the Association or these Bylaws omit or fail to address any substantive or procedural matter that is addressed in the most current version of Robert's Rules of Order, the most current version of Robert's Rules of Order shall govern as to that matter.

Base Document Published September 28, 1991

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TAB F

Report from the Chair of the Government Relations Committee



FEDERAL BAR ASSOCIATION
GOVERNMENT RELATIONS COMMITTEE

August 1, 2014

TO: Board of Directors
Federal Bar Association

FROM: Government Relations Committee
W. West Allen, Chair; and Bruce Moyer, Counsel

SUBJ: Review of Legislative and Legal Policy Issues

As Congress departs Washington and begins its five-week “district work period” recess, we take this opportunity to provide an assessment of the foremost legislative and policy issues affecting the federal court system, as well as an update on the work of the Government Relations Committee.

The year began with the recognition that two familiar legislative and policy issues – budget resources for the courts and judicial vacancies – would dominate attention in the year ahead. That has been realized.

Budget Resources for the Federal Courts

First, sustained budget pressures, compounded by a polarized Congress, have resulted in another budget stalemate for the federal courts, with “flat funding” the likely outlook for FY 2015. Despite optimism in the spring that the Ryan-Murray budget agreement of 2013 would provide the framework for a return to “regular order” and Congressional passage of the twelve regular government funding bills, that scenario has been scuttled. The Senate’s failure to pass a single funding bill, due to internal partisan squabbling over funding levels, has triggered the necessity for both chambers to approve a stopgap funding bill in September.

The spending measure, called a Continuing Resolution (CR), is expected to continue funding for all government components, including the courts, at FY 2014 funding levels for the foreseeable future, at least past the November elections. Flat funding for the courts will necessitate the absorption of new, additional costs within current resources. While this outcome

is better than the 5 percent cut that the courts suffered in FY 2013 due to sequestration, it still will require the continuation of relatively strict budget controls and cost containment by court units over the next year. The shape of funding for FY 2016 remains uncertain, depending upon the complexion of the new Congress, but overall, relatively little new, additional funding is expected.

Judicial Vacancies

Over the past seven months we have witnessed a dramatic decline in the number of judicial vacancies, especially in the district courts. Since January, judicial vacancies in the Article III courts have fallen by roughly forty percent. As of August 1, the following vacancies existed:

	Vacancies	Nominees Pending
Courts of Appeal	8	1
District Courts	48	22
US Ct of International Trade	<u>0</u>	<u>0</u>
Total	53	23

The Senate rules change made last November, requiring only bare-majority approval for confirmation of executive and most judicial nominees (instead of 60 votes) has had an impact, but so has the Senate Democrats’ desire to secure as many nominations as possible before the November elections, with the possibility of losing majority control of the Senate. The numbers of judicial vacancies and nominees pending have both considerably declined.

Second-Tier Issues

Several additional legal policy issues, some engaging the interest of FBA sections and divisions, will see these developments over the past several months:

Veterans Reform – In the most notable example of bipartisanship during the current Congressional session, House and Senate negotiators in late July agreed on a package of reforms to speed-up and increase the accessibility of health care for veterans. The reforms also included steps to permit the VA Administrator to more easily fire career senior-level officials. The shape of that removal process and its minimal assurance of due process for civil servants caused the Veterans and Military Law Section to send a cautionary letter of concern to Congressional leaders on June 24.

Patent Reform – Efforts in the Senate to pass legislation that curbed abusive patent infringement lawsuits collapsed in May, as Senate Judiciary Committee Chairman Patrick J. Leahy terminated sensitive negotiations over the legislation and pulled the bill from further consideration by the Committee. Leahy faulted continuing disputes between tech firms and pharmaceutical firms that have taken opposite sides in the debate over reform and blocked a bill from going forward.

The House in December easily passed its own measure, H.R. 3309, which would discourage frivolous litigation by taking steps such as requiring plaintiffs to provide more information about

the nature of their infringement claims; limiting the discovery process in cases until after judges interpret terms in the patent at issue; and ordering the losing party to pay the winning party's legal costs in most cases. That would be a significant change from current law, in which attorney's fees are only awarded to the winners in "exceptional" cases. The House legislation also bypassed the Rules Enabling Act and established rules for patent cases superceding the Federal Civil Rules of Procedure. The speed of House approval of its measure heightened the stakes for action in the Senate, leading in part to the standoff between opposing interests.

The collapse of the Senate's efforts also may have been caused, in part, by recent decisions from the U.S. Supreme Court that afford district courts greater flexibility and responsibility in safeguarding parties from abusive patent litigation practices. The Court in a pair of recent cases, *Octane Fitness v. Icon Health and Fitness* and *Highmark Inc. v. Allcare Health Management System* held that district courts have full discretion, on a case-by-case basis, to decide whether attorneys' fees are appropriate in "exceptional" cases considering "the totality of the circumstances," and obligating the Federal Circuit to respect the discretion of the district courts. The Supreme Court held in *Nautilus, Inc. v. Biosig Instruments* that lower courts may determine a patent to be invalid for indefiniteness if its claims do not inform "with reasonable certainty" the scope of the invention. The Court further held in *Alice v. CLS Bank Int'l.* that a patent is ineligible for protection if an abstract idea is merely combined with a generic computer implementation in an effort to transform the abstract idea into a patent-eligible invention. Both cases suggest that courts may be more critical of ambiguous patents.

Immigration Reform – Deep partisan divisions have prevented agreement in the House on comprehensive reform, after the Senate in June passed a comprehensive bill that grants citizenship to undocumented immigrants. House Republicans dismissed the sweeping Senate bill and promised to move their own incremental measures, but have not been able to accomplish that, including a supplemental funding bill addressing the humanitarian crisis on the border. Meanwhile, the Federal Bar Association, in coordination with its Immigration Section, continued to advocate the establishment of an Article I immigration court within a comprehensive immigration reform measure. The FBA Issues Agenda adopted last year established FBA support for the transfer of responsibilities for the adjudication of immigration claims from the Executive Office of Immigration Review within the Department of Justice to a specialized Article I court, as established by Congress, for the adjudication of claims under the Immigration and Naturalization Act.

Criminal Sentence Reform – Growing concerns over the rising costs of federal prisons and the fairness of mandatory minimum sentences prompted bipartisan proposals to emerge in the House and the Senate to revise federal sentencing laws, particularly for nonviolent drug offenders. The Senate Judiciary Committee approved the Smarter Sentencing Act, S. 1410, which would reduce mandatory sentence penalties (by authorizing federal judges greater discretion at sentencing to depart below mandatory minimums in certain cases) and revisions that would permit offenders to serve less time in prison. However, Senate leaders refrained from bringing the bill to the floor, largely out of fear that promoters of the legislation would be branded in an election year by detractors as "soft on crime." The FBA Issues Agenda, as affirmed by the Board of Directors, provides that "[T]he Federal Bar Association 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

The Board of Directors at its meeting in Portland, Oregon in late June approved the 2014-2015 Issues Agenda, as recommended by the Government Relations Committee. Seven issue nominations were received by the GRC and discussed during its meetings in April, May and June. The GRC recommended action on five of the nominations and will require additional time for the continued consideration of the two remaining issues.

Outreach and Communications

Active engagement support by FBA chapters and sections on legislative and policy issues remains indispensable to FBA's overall support of the federal courts and judicial independence. In addition, the GRC continued to assist in the promotion of positive relationships between the FBA and the federal judiciary.

GRC Training at Mid-Year Meeting. The GRC sponsored a well-received panel discussion on judicial vacancies during the Mid-Year Meeting in Washington on Saturday morning, March 29. The session involved key officials from the Senate and the Brookings Institution. Deputy White House Counsel Chris Kang delivered the luncheon keynote address.

FBA Capitol Hill Day. On April 24, 35 chapter and circuit leaders fanned across Capitol Hill to educate Senate and House offices on the urgent need for Congress to provide adequate funding for the courts, to take prompt action in filling judicial vacancies and to establish additional judgeships in high-caseload judicial districts. FBA representatives met with Congressional offices from 18 states and Puerto Rico. The FBA delegation marked the greatest number of FBA leaders to participate in the annual FBA advocacy event.

Meetings with Judiciary Leaders. FBA Executive Director Karen Silberman and Government Relations Counsel Bruce Moyer met with Judge John Bates, Director of the Administrative Office of the U.S. Courts, and Scott Harris, Clerk, Supreme Court of the United States, in separate meetings on May 29 to share information on current FBA initiatives.

GAO Inquiry into Impact of Sequestration and Judiciary Cost Containment. Government Relations Counsel Bruce Moyer met with a Government Accountability Office review team in late July to identify the key affects of sequestration upon the operations of the federal courts and subsequent cost containment efforts.

TAB G
Report from the ABA Delegate



Federal Bar Association

*ABA Annual House of Delegates Meeting
August 11 -12, 2014
Boston*

FBA Delegate Preliminary Report (8/1/2014)

As the FBA's delegate to the ABA House of Delegates, I plan to attend the ABA Annual Meeting in Boston. The following is a Summary Report of some of the Resolutions that are currently set to be considered:

- [10A](#) from the Virgin Islands Bar Association urging Congress to amend 28 U.S.C. §44(c) so that all states and territories within the jurisdiction of the federal courts of appeal may be represented on its bench;
- [11-12](#) amending the Association's Bylaws to eliminate the requirement that to become a member of a forum requires membership in at least one section;
- [103A](#) from the Section of Legal Education and Admissions to the Bar seeking concurrence by the House in making amendments to the ABA Standards for Approval of Law Schools;
- [105A](#) from the Tort Trial and Insurance Practice Section opposing the suspension or delay of the fundamental right to a civil jury trial, even in the face of difficult fiscal circumstances;
- [105C](#) from the Tort Trial and Insurance Practice Section regarding judicial disqualification;
- [107](#) from the Standing Committee on Legal Aid and Indigent Defendants opposing changes in current educational debt loan forgiveness programs for public service lawyers;
- [108](#) from the Legal Access Job Corps Task Force regarding the creation and advancement of initiatives that marshal the resources of newly-admitted lawyers to meet the unmet legal needs of underserved populations in sustainable ways;
- [109](#) from the Cybersecurity Legal Task Force urging private and public sector organizations to develop, implement, and maintain an enterprise security program in accordance with internationally accepted standards and frameworks;
- [110A](#) from the Criminal Justice Section encouraging jurisdictions where capital punishment is permitted to adopt a statute or rule providing an appropriate judicial

procedure whereby successors of an executed individual may bring and litigate a claim that the individual executed was in fact innocent of the capital offense;

- [112A](#) from the Commission on Domestic and Sexual Violence adopting the Model Workplace Policy on Employer Responses to Domestic Violence, Sexual Violence, Dating Violence and Stalking;
- [112B](#) from the Commission on Domestic and Sexual Violence condemning forced marriage as a fundamental human rights violation and form of family violence and of violence against women; and
- [114B](#) from the Section of International Law recognizing the rights of individuals who are lesbian, gay, bisexual or transgender (“LGBT”) as basic human rights and condemning laws, regulations, rules and practices that discriminate against them on the basis of their LGBT status.

The addendum to this preliminary report summarizes each proposed resolution.

Respectfully submitted by:



Ashley L. Belleau

Federal Bar Association ABA Delegate

FBA Delegate Preliminary Report

(8/1/2014)

SUMMARY OF RESOLUTIONS

AMERICAN BAR ASSOCIATION
HOUSE OF DELEGATES
2014 ANNUAL MEETING
BOSTON, MASSACHUSETTS
August 11-12, 2014

REPORT # SUBJECT

[10A](#)

THE VIRGIN ISLANDS BAR ASSOCIATION SECTION OF STATE AND LOCAL GOVERNMENT LAW

Urges Congress to amend 28 U.S.C. § 44(c) to insert the phrase “and territory” after the phrase “each state”, so that all states and territories within the jurisdiction of the federal courts of appeal may be represented on its bench.

EXECUTIVE SUMMARY

I. Summary of the Resolution

The purpose of this resolution is to amend existing federal law, 28 U.S.C. § 44(c), to insert the phrase "and territory" after the phrase "each state," to ensure that all states and territories within the jurisdiction of the federal courts of appeal are represented on its bench. The resolution also urges, in the interim, that the President nominate, and the Senate confirm, a member of the Virgin Islands Bar to the current vacancy on the United States Court of Appeals for the Third Circuit for which a nominee has not been named, and a member of the Guam or Northern Marianas Island Bars to a future vacancy on the United States Court of Appeals for the Ninth Circuit.

2. Summary of the Issue that the Resolution Addresses

All federal district courts, including those based in United States territories, are assigned to one of the 12 regional federal courts of appeals. Under federal law, it is required that there "be at least one circuit judge in regular active service appointed from the residents of each state in that circuit." However, no such provision requires that there be one circuit judge in active service appointed from the territories that are assigned to that circuit. As a result, since their establishment, only two judges hailing from the territories have ever been appointed to a federal court of appeals.

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

The resolution will address this issue by amending existing law to require that there "be at least one circuit judge in regular active service appointed from the residents of each state *and territory* in that circuit." Until such legislation is passed, the resolution urges the President to nominate, and the Senate to confirm, a Virgin Islands attorney or judge to the current vacancy on the Third Circuit, and a Guam or Northern Marianas Islands attorney or judge to the next vacancy on the Ninth Circuit.

4. Summary of Minority Views

No minority views were expressed when the Virgin Islands Bar Association considered this issue.

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

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

11-1 **CONSTITUTIONAL AMENDMENT**

Amends §1.2 of the Association's Constitution to include the following language as one of the purposes of the Association: "to defend the right to life of all innocent human beings, including all those conceived but not yet born."

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

[A. Belleau's comment: proposed resolution is a constitutional amendment to the ABA governing document. Accordingly, it may not appropriate to vote on such an issue. However, it does affect the FBA members who are also members of the ABA and indirectly could be viewed to fall within the FBA's mission, purpose and vision.]

11-2 **CONSTITUTIONAL AMENDMENT**

Amends §10.3 of the Association's Constitution, and §32.1(d) of the Bylaws to change the name of the "Forum Committee on the Construction Industry" to the "Forum on Construction Law."

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

[A. Belleau's comment: proposed resolution is a constitutional amendment to the ABA governing document. Accordingly, it may not appropriate to vote on such an issue. However, it does affect the FBA members who are also members of the ABA and indirectly could be viewed to fall within the FBA's mission, purpose and vision.]

11-3 **CONSTITUTIONAL AMENDMENT**

Amends §10.3 and §13.1(c) of the Constitution, and Article 32 of the Bylaws to change all references from "forum committee(s)" to "forum(s)" and to amend the names of each of the six ABA Forums by deleting the word "Committee" therefrom.

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

[A. Belleau's comment: proposed resolution is a constitutional amendment to the ABA governing document. Accordingly, it may not appropriate to vote on such an issue. However, it does affect the FBA members who are also members of the ABA and indirectly could be viewed to fall within the FBA's mission, purpose and vision.]

11-4 **CONSTITUTIONAL AMENDMENT**

Amends §3.1 and §3.3 of the Constitution to include individuals in good standing of a tribal court of any federally recognized tribe as members of the Association.

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

[A. Belleau's comment: proposed resolution is a constitutional amendment to the ABA governing document. Accordingly, it may not appropriate to vote on such an issue. However, it does affect the FBA members who are also members of the ABA who are in good standing in their tribal court and indirectly could be viewed to fall within the FBA's mission, purpose and vision and particularly by those members in the FBA Indian Law Section.]

11-5 CONSTITUTIONAL AMENDMENT

Amends Article 3 and §6.6 of the Constitution, and Article 21 and §30.5 of the Bylaws to create a new lawyer member category for international lawyers.

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

[A. Belleau's comment: proposed resolution is a constitutional amendment to the ABA governing document. Accordingly, it may not appropriate to vote on such an issue. However, it does affect the FBA members who are also members of the ABA and indirectly could be viewed to fall within the FBA's mission, purpose and vision and particularly by those members in the FBA International Law Section.]

11-6 AMENDMENT TO THE BYLAWS

Amends §21.6 of the Bylaws to eliminate paragraph (b), thus removing the Disability Waiver Program.

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

[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.]

11-7 AMENDMENT TO THE BYLAWS

Amends §30.5 of the Association's Bylaws, to allow non-U.S. lawyer associates to serve on the Council and in the leadership of the Section of Antitrust Law in accordance with their respective bylaws.

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

[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. and indirectly could be viewed to fall within the FBA's mission, purpose and vision and particularly by those members in the FBA Antitrust & Trade Regulation Section and the International Law Section]

11-8 AMENDMENT TO THE BYLAWS

Amends §30.5 of the Association's Bylaws, to allow non-U.S. lawyer associates to serve on the Council and in the leadership of the Section of

Environment, Energy and Resources in accordance with their respective bylaws.

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

[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 and indirectly could be viewed to fall within the FBA's mission, purpose and vision and particularly by those members in the FBA Environment, Energy & Natural Resources Section and the International Law Section.]

11-9

AMENDMENT TO THE BYLAWS

Amends §30.5 of the Association's Bylaws, to allow non-U.S. lawyer associates to serve on the Council and in the leadership of the Section of Labor and Employment Law in accordance with their respective bylaws.

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

[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 and indirectly could be viewed to fall within the FBA's mission, purpose and vision and particularly by those members in the FBA Labor & Employment Section and the International Law Section.]

11-10

AMENDMENT TO BYLAWS

Amends §31.7 of the Association's Bylaws to eliminate the Standing Committee on Federal Judicial Improvements and the Standing Committee on Judicial Independence and create one entity, the Standing Committee on the American Judicial System.

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

[A. Belleau's comment: proposed procedural 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.]

11-11

AMENDMENT TO THE BYLAWS

Amends §31.7 of the Association's Bylaws to reconstitute the Special Committee on Disaster Response and Preparedness to the Standing Committee on Disaster Response and Preparedness.

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

[A. Belleau's comment: proposed procedural 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.]

11-12

AMENDMENT TO BYLAWS

Amends §32.1(c) of the Association’s Bylaws to eliminate the requirement that to become a member of a forum requires membership in at least one section.

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

[A. Belleau’s comment: proposed procedural 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.]

11-13

HOUSEKEEPING AMENDMENT

Amends §2.1 and §6.3 of the Association’s Constitution to define “accredited” and to clarify that the person elected as State Delegate must be accredited to the state for which elected.

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

[A. Belleau’s comment: proposed procedural 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.]

11-14

HOUSEKEEPING AMENDMENT

Amends §4.1 of the Association’s Constitution to require that notice of the annual meeting shall be given to members of the Association 60 days in advance as opposed to six months.

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

[A. Belleau’s comment: proposed procedural 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.]

11-15

HOUSEKEEPING AMENDMENT

Amends the Association’s Constitution and Bylaws as follows: (a) §10.1(b) to authorize the Board of Governors to consider any requests regarding bylaw amendments of sections and divisions; (b) §30.6 to authorize the Board of Governors to consider any requests of sections and divisions to modify their dues structures; and (c) §30.7 to clarify that the Board of Governors no longer considers and approves the times and locations of meetings of sections and divisions.

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

[A. Belleau’s comment: proposed procedural 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.]

100

**COMMISSION ON DISABILITY RIGHTS
SECTION OF INTELLECTUAL PROPERTY LAW
SECTION OF INTERNATIONAL LAW**

Supports prompt ratification by the United States and other nations, of the *Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print-Disabled*.

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

[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 and indirectly could be viewed to fall within the FBA’s mission, purpose and vision and particularly by those members in the FBA Intellectual Property Section and the International Law Section.]

101A

STANDING COMMITTEE ON SPECIALIZATION

Amends Section 4.06(C) (Certification Requirements) of the *Standards for Accreditation of Specialty Certification Programs for Lawyers* to respond to a need to regulate certifying organizations.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The recommendation requests that the American Bar Association amend ~4.06(C) of the existing Standards for Accreditation of Specialty Certification Programs for Lawyers.

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 the existing Standards and insure their effectiveness.

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

The recommendation addresses the issue by diminishing the effect of a known impediment to the creation of new specialty certification programs, while simultaneously preserving the rigor and effectiveness of the existing Standards.

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)

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

101B

STANDING COMMITTEE ON SPECIALIZATION

Grants reaccreditation to six legal specialist certification programs administered by four organizations, and extends the period of accreditation of one program, the Civil Trial Advocacy program of the National Board of Trial Advocacy, until the 2015 Midyear Meeting.

EXECUTIVE SUMMARY

I. Summary of the Resolution

The Resolution will grant reaccreditation to six legal specialist certification programs administered by four organizations, and extend the period of accreditation of one program, the Civil Trial Advocacy program of the National Board of Trial Advocacy, until the 2015 Midyear Meeting in February, 2015.

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 AHA 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)

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

102

STANDING COMMITTEE ON PARALEGALS

Grants approval and reapproval to several paralegal education programs, withdraws the approval of four programs at the request of the institutions, 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 four programs, and extends the term of approval of seventy-three 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: (___ vote in favor or ___ vote against or ___ abstain)

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

103A

SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated August 2014 to the *ABA Standards for Approval of Law Schools*.

EXECUTIVE SUMMARY

1. Summary of the Resolution

Following a comprehensive review of the *ABA Standards for Approval of Law Schools*, the Council of the Section of Legal Education and Admissions to the Bar approved a complete set of revisions to the Standards.

In summary, the revisions achieved the following:

- Modified Standards to be more objective rather than subjective
- Highlighted reporting requirements
- Incorporated student learning outcomes into the Standards
- Clarified/strengthened curricular requirements
- Acknowledged the three competencies from the MacCrate Report - knowledge, skills and values
- Modified existing rules to provide greater clarity regarding requirements of Standards
- Provided increased guidance in Standards
- Streamlined the sabbatical review process
- Implemented directions of the Council to review three special committee reports
- Responded to changes and requirements in Department of Education regulations
- Addressed changes in legal education
- Provided schools with increased flexibility
- Increased consumer information
- Improved structure of Standards
- Moved Interpretations into Standards where substance of the Interpretation belonged in the Standards
- Moved Standards that provided guidance into Interpretations
- Eliminated Standards and Interpretations that are unenforceable, unnecessary, unclear, or repetitive

2. Summary of the Issue that the Resolution Addresses

In August 2008, the Council of the Section of Legal Education and Admissions to the Bar directed its Standards Review Committee to conduct a comprehensive review of the American Bar Association's *Standards and Rules of Procedure for Approval of Law Schools*. The Committee was charged with reviewing the recommendations of the 2007 report of the Accreditation Task Force as well as the recommendations of the 2008 reports of the special committees on Transparency, Security of Position, and Outcome Measures. During the comprehensive review, the Standards Review Committee has engaged in a number of outreach efforts, held open meetings, and held hearings preliminary to the usual Notice and Comment hearing process.

The Committee was charged with reviewing the recommendations of the 2007 report of the Accreditation Task Force as well as the recommendations of the 2008 reports of the special committees on Transparency, Security of Position, and Outcome Measures.

These reports encouraged the Committee to include in its review the following:

- Consider whether the Standards and Interpretations are appropriately focused to accomplish the goals of accreditation as required by the U. S. Department of Education and whether they avoid unnecessarily micromanaging individual schools.
- Review the Standards to ensure that they are consistent with a conception of the Standards as a set of minimum requirements designed, developed, and implemented for the purpose of advancing the basic goal of providing a sound program of legal education.
- Re-examine the current Standards and reframe them to reduce their reliance on input measures and instead adopt a greater and more overt reliance on outcome measures.
- Consider increased transparency regarding availability of documents, self-studies and strategic plans, and expanding consumer information.
- Consider whether the alternative set of Standards and Interpretation regarding academic freedom, faculty governance, and the ability to attract and retain competent faculty developed by the Special Committee on Security of Position would better serve the interests underlying the existing Standards.

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

The revised Standards present a comprehensive, updated set of regulations governing ABA-approved law schools.

4. Summary of Minority Views

During the Notice and Comment period the Council received a number of comments opposing proposed alternatives to current Standard 405 (Professional Environment). A majority of the Council expressed dissatisfaction with current Standard 405. However, neither of the alternative proposals that the Council had circulated for Notice and Comment were acceptable to a majority of the Council. Both of those proposals were loudly criticized by law school faculty during the comment period. Because no proposal for change garnered a majority of the Council, current Standard 405 was not amended.

Another issue that generated a significant number of comments was a possible change to Interpretation 301-6 on bar passage. No proposed change to the current rule was ever circulated for Notice and Comment. The Interpretation has been moved to become Standard 316 but there has been no change in the current rule on bar passage.

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

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

103B

SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR

Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar to supplant the 2013 *ABA Rules of Procedure for Approval of Law Schools*.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The *ABA Rules of Procedure for Approval of Law Schools* cover all of the procedures required for the accreditation function of the Council of the Section of Legal Education and Admissions to the Bar.

The Rules move from jurisdictional authority through the gathering and acting on information including sanctions, to Rules covering meetings and hearings, to Rules affecting applications and Rules governing appeals, with final chapters on third party complaints, confidentiality and transparency and the authority of the Council to amend the Standards and Rules of Procedure.

Four goals framed the examination of the Rules of Procedure. They were to:

- 1) reorganize the Rules by clearly defined subject matter;
- 2) modify the language in the Rules to reflect current implementation;
- 3) clarify terminology and language where ambiguous; and
- 4) make changes to the Rules, where appropriate, that are commensurate with revisions to the Standards.

2. Summary of the Issue that the Resolution Addresses

In August 2008, the Council of the Section of Legal Education and Admissions to the Bar directed its Standards Review Committee (Committee) to conduct a comprehensive review of the *ABA Standards and Rules of Procedure for Approval of Law Schools*. The resolution addresses the need for a review and update of the *Rules*.

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

The revised Rules present a comprehensive, updated set of procedures governing the accreditation function of the Council of the Section of Legal Education and Admissions to the Bar.

4. Summary of Minority Views

No minority views were expressed.

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

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

104A

YOUNG LAWYERS DIVISION

Encourages law schools to create veterans law clinics to ensure that all veterans who cannot afford legal services can access them.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The purpose of this Resolution is to ensure that veterans, especially those who are unemployed or are otherwise below a certain income level, have appropriate and unfettered access to legal services by creating veterans law clinics at all law schools. If a particular school is unable, due to financial or personnel constraints, to create a veterans law clinic, then the school would instead be urged to offer similar services by means of

an existing clinic. Such services would range from assistance with filing / appealing disability claims with the Veterans Administration to assistance with other types of civil legal assistance issues. Given the over three million post 9111 veterans scattered across all fifty states, the need exists for the creation of such institutes and / or clinics which, when attached to a host law school, would have the resources to make a positive impact not only in the lives of our veterans, but would also provide a valuable hands-on legal experience to students.

2. Summary of the Issue that the Resolution Addresses

This Resolution attempts to address the lack of readily available no-cost civil legal services to the over three million veterans of the U.S. Armed Forces who are unable to access traditional legal services due primarily to cost and availability. Though various pro bono initiatives do exist at the local, regional and national level (i.e. ABA Legal Assistance Project) these efforts, though commendable, do not address the over-arching systemic issue itself. Given the over 200 law schools currently in operation throughout the United States, encouraging all such schools to stand-up veterans law clinics or to utilize existing clinics in order to assist this generally underrepresented subset of the population would ensure that a much larger percentage of all veterans could obtain readily available no-cost legal services for their civil legal needs.

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

See answer in question 2 above.

4. Summary of Minority Views None.

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

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

104B

YOUNG LAWYERS DIVISION

STANDING COMMITTEE ON PRO BONO AND PUBLIC SERVICE

Urges the appropriate governing bodies of states and territories to enact rules permitting non-locally-licensed in-house counsel already authorized to engage in the practice of law to engage in pro bono legal services in their communities.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution will enable the ABA to facilitate and urge the appropriate governing bodies of American states and territories to enact rules permitting non-locally-licensed inhouse counsel already authorized to engage in the practice of law to engage in pro bono legal services in their communities. It offers that such engagement in pro bono legal services be under the supervision of others who are locally-licensed to foster teamwork and to provide guidance and advice regarding local custom and law, although the intent of this Resolution is not to propose a specific Model Rule or a specific approach to developing a Model Rule. Rather, the intent is to encourage jurisdictions to consider expanding pro bono legal services within their borders.

2. Summary of the Issue that the Resolution Addresses

This Resolution attempts to address the tremendous need for pro bono legal services across the country. Through the adoption of the ABA Model Rules of Professional Conduct, nearly every state, the Virgin Islands, and the District of Columbia have demonstrated an understanding of the importance of delivering pro bono legal services and have accepted the responsibility of urging attorneys within their boundaries to deliver these services. While commendable, however, studies show that this collective civil legal aid effort is meeting only about 20% of the legal needs of low-income people. Allowing multijurisdictional in-house counsel to serve these legal needs will help improve the access to justice for those in low- and moderate-income households. This Resolution ultimately serves as a critical step toward the ultimate goal of facilitating the provision of pro bono legal services by all attorneys, regardless of the nature of one's practice.

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

See Answer to Question 2.

4. Summary of Minority Views

Concern has been expressed as to opening the practice of law in a jurisdiction to those not-locally-licensed. The enclosed report addresses this concern.

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

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

105A

TORT TRIAL AND INSURANCE PRACTICE SECTION COMMISSION ON THE AMERICAN JURY PROJECT

Opposes the suspension or delay of the fundamental right to a civil jury trial, even in the face of difficult fiscal circumstances.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution opposes the suspension or delay of the fundamental right to a civil jury trial, even when difficult fiscal circumstances forces courts to cut services.

2. Summary of the Issue that the Resolution Addresses

The funding crisis faced by the judiciary at both the state and federal levels has encouraged courts to adopt a variety of cost-saving measures, including decisions to close one day a week, furlough employees, and even place a moratorium on civil jury trials. It is this last action, the suspension of civil jury trials, that has broad constitutional implications that some jurisdictions have failed to acknowledge.

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

By approving the resolution, the ABA will be able to support members opposing policy decisions to suspend civil jury trials and, in appropriate cases, file amicus briefs to oppose those suspensions.

4. Summary of Minority Views

The co-sponsors are not aware of any minority views or opposition.

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

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

105B

TORT TRIAL AND INSURANCE PRACTICE SECTION COMMISSION ON THE AMERICAN JURY PROJECT JUDICIAL DIVISION

Endorses the 2014 American Civil Trial Bar Roundtable's, *A White Paper on Increasing the Professionalism of American Lawyers*, and urges lawyers and legal organizations to implement its recommendations.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution calls for the American Bar Association to endorse the 2014 White Paper produced by the American Civil Trial Bar Roundtable, which describes strategies and initiatives to enhance professionalism in order to support the rule of law, the civil justice system, and core values of the profession, including honesty, integrity, civility, and service.

2. Summary of the Issue that the Resolution Addresses

Many observers believe that professionalism is in decline. That decline is marked by tactics that demonstrate lack of respect for adversaries, incivility and even dishonesty. The White Paper highlights some of the efforts throughout the nation that attempts to reverse this trend.

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

Through endorsement, the American Bar Association will aid in dissemination of descriptions of programs and other efforts designed to enhance professionalism within the legal profession.

4. Summary of Minority Views

The co-sponsors are not aware of any minority views or opposition.

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

[A. Belleau's comment: proposed resolution appears to fall within the FBA's mission, purpose and vision and the FBA has already endorsed this ACTBR White Paper.]

105C

**TORT TRIAL AND INSURANCE PRACTICE SECTION
JUDICIAL DIVISION**

Urges states and territories to adopt clearly articulated, transparent and timely procedures to ensure that judges disqualify or recuse themselves in instances where conflict or bias or other grounds exist to warrant recusal in order to assure fair and impartial judicial proceedings.

EXECUTIVE SUMMARY

I. Summary of the Resolution

This resolution calls for states and territories to adopt transparent and timely procedures to ensure that judges disqualify or recuse themselves that take into account the fact that certain campaign expenditures and contributions, including independent expenditures, made during judicial elections raise concerns about possible effects on judicial impartiality and independence. It further urges the adoption of a mechanism for the timely review of denials to disqualify or recuse that is independent of the subject judge.

2. Summary of the Issue that the Resolution Addresses

The resolution recognizes that grounds for recusal or disqualification could exist when certain large campaign expenditures and contributions, including independent expenditures, are made during judicial elections, because those expenditures or contributions may raise concerns about judicial impartiality and independence. Too often, decisions about recusal are made solely by the judge who is the subject of the motion to recuse, without any articulation of the basis for denial of such a motion or any form of independent review. The resolution urges states and territories to adopt procedures that will enable litigants to make timely motions, receive timely determinations of those motions, and prompt independent review of the denial of any motion.

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

By articulating the principles that must be in place to assure fair and impartial justice in light of the potential for bias that reasonable people may view as a result of outsized campaign contributions or expenditures and urging states and territories to provide guidance and training to judges in deciding such motions, the proposed policy advances previous ABA resolutions on the Issue.

4. Summary of Minority Views

The co-sponsors are not aware of any minority views or opposition.

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

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

106

**LAW PRACTICE DIVISION
STANDING COMMITTEE ON CONTINUING LEGAL EDUCATION
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES
STANDING COMMITTEE ON LAWYERS PROFESSIONAL LIABILITY
STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE**

SECTION OF STATE AND LOCAL GOVERNMENT LAW

Urges state and territorial continuing legal education accrediting agencies to approve for mandatory continuing legal education, law practice skills program and training, including the use of technology, law practice management and client relations and to not restrict the maximum number of credit hours that can be earned for such programs.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges all state and territorial continuing legal education accrediting agencies to approve for mandatory continuing legal education law practice skills programs and training, including the use of technology, law practice management and client relations and to not restrict the maximum number of credit hours that can be earned for such programs. It encourages law practice skills CLE providers to partner with law schools, bar associations, and law student and young lawyer organizations to provide law practice skills training and education.

This Resolution further encourages the Standing Committee on Continuing Legal Education to consider amendments to the **ABA** Model Rule for Continuing Legal Education to effectuate the purposes of this Resolution including provisions for distance learning through technology and such other issues as deemed appropriate by the Committee.

2. Summary of the Issue that the Resolution Addresses

The issue this Resolution addresses is lack of acceptance of law practice skills programs, courses, education and training by continuing legal education accrediting agencies for MCLE credit for attorneys and the need for law practice skills programs, courses and training for all practicing attorneys, specifically law students and young lawyers. This Resolution further addresses this concern by encouraging the Standing Committee on Continuing Legal Education to recommend amendments to the ABA Model Rule on Continuing Legal Education to effectuate the purposes thereof, including provisions for distance learning through technology, and such other issues as deemed appropriate by the Committee

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

This Resolution urges state and territorial continuing legal education accrediting agencies to approve law practice skills programs, courses, education and training mandatory CLE credit and to not restrict the maximum amount of allowed credits for law practice skills programs, courses, education and training. This Resolution also calls upon law practice skills CLE providers to partner with various organizations to provide such training and education to law students and young lawyers and encourages the Standing Committee on Continuing Legal Education to consider amendments to the ABA Model Rule on Continuing Legal Education to effectuate the purposes of the Resolution.

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)

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

107

STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES COMMISSION ON INTEREST ON LAWYERS' TRUST ACCOUNTS COMMISSION ON HISPANIC LEGAL RIGHTS & RESPONSIBILITIES COMMISSION ON HOMELESSNESS AND POVERTY

Opposes changes in current educational debt loan forgiveness programs for public service lawyers and urges Congress and the Administration to support and continue public service student loan repayment and forgiveness programs.

EXECUTIVE SUMMARY

1. Summary of the Resolution

Opposes changes in current educational debt loan forgiveness programs for public service lawyers; urges Congress and the Administration to support and continue public service student loan repayment and forgiveness programs, urges Congress and the Administration not to create, in student loan repayment programs, greater burdens for married couples than for similarly situated couples who are cohabitating; encourages law schools to promote responsible borrowing and responsible repayment of student loans and to make legal education affordable for all law students.

2. Summary of the Issue that the Resolution Addresses

The current federal Administration budget request proposes changes to the public service loan forgiveness program, and there have also been proposals by others for even more draconian changes to such programs. These programs enable thousands of lawyers to enter and most importantly remain in public service careers. The proposed changes would drastically reduce the capacity for lawyers who are not independently wealthy to remain in public service careers.

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

The policy proposal will oppose any changes in the current programs, and articulates clear guidelines for the essential elements of effective public service loan forgiveness programs.

4. Summary of Minority Views

No minority views within the Association are known.

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

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

108

**LEGAL ACCESS JOB CORPS TASK FORCE
STANDING COMMITTEE ON THE DELIVERY OF LEGAL SERVICES
STANDING COMMITTEE ON LEGAL AID & INDIGENT DEFENDANTS
THE STANDING COMMITTEE ON PROFESSIONALISM
THE COMMISSION ON IMMIGRATION
THE COMMISSION ON HOMELESSNESS & POVERTY
COMMISSION ON INTEREST ON LAWYERS' TRUST ACCOUNTS
NATIONAL NATIVE AMERICAN BAR ASSOCIATION
LAW PRACTICE DIVISION
SECTION OF STATE AND LOCAL GOVERNMENT LAW
NATIONAL ASSOCIATION OF BAR EXECUTIVES**

Urges all bar associations and foundations, courts, law schools, legal aid organizations and law firms to create and advance initiatives that marshal the resources of newly-admitted lawyers to meet the unmet legal needs of underserved populations in sustainable ways.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution proposes that the American Bar Association urge national, state, local and territorial bar associations and foundations; courts; law schools; legal aid organizations; and law firms to create and advance initiatives that marshal the resources of newly-admitted lawyers to meet the unmet legal needs of underserved populations in sustainable ways.

2. Summary of the Issue the Resolution

An alarming number of poor, disenfranchised and moderate-incomes individuals have unmet legal needs; only three out of ten low income people and four out of ten moderate income people turned to the legal system when confronted with a legal need; more than 40 percent of low income people and over a quarter of moderate income people did nothing to address their legal problems. At the same time, a substantial number of newly-admitted lawyers are not being assimilated into the infrastructure of the legal profession and in recent years a high percentage of newly-admitted lawyers are not stepping into long-term, full-time positions

requiring a law degree after graduation.

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

This resolution would better position the ABA to recognize and advance the extent to which these problems exist and to foster the development of initiatives that contribute to the solutions.

4. Summary of Minority Views

No minority views have arisen at the time of filing.

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

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

109

CYBERSECURITY LEGAL TASK FORCE SECTION OF SCIENCE AND TECHNOLOGY LAW

Urges all private and public sector organizations to develop, implement, and maintain an enterprise security program (ESP) in accordance with internationally accepted standards and frameworks.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution calls for all private and public sector organizations to address the security of their digital assets through the development, implementation, and maintenance of an organization-wide security program that includes (1) regular assessments of the threats and risks to their data, applications, networks, and operating platforms, including those associated with operational control systems, and (2) implementation of appropriate security controls to address the identified threats, vulnerabilities, and risks. All activities comprising a security plan should be undertaken in accordance with accepted security frameworks and standards, and they should be consistent with the types of data and systems to be protected and the nature and scope of the organization, its compliance requirements, and system architecture.

The Resolution also urges these organizations to develop and test a response plan for possible cyber attacks, and engage in information sharing partnerships or cooperative relationships, where appropriate, to address the problem of cyber attacks by sharing information about cyber threats.

2. Summary of the Issue that the Resolution Addresses

This Resolution addresses security issues that are critical to the national and economic security of the U.S. The threat environment today is highly sophisticated, and massive data breaches are occurring with alarming frequency. The consequences of a cyber incident or data breach can have a disturbing impact on the victim, whether a business, organization, government entity, or an individual. It is clear that all organizations-whether private or public-must take immediate action to strengthen their security posture.

The only effective defense is a fully-implemented security program with security controls based on operational criteria and magnitude of harm and risk categorization. In many cases, data breaches or other types of cyber incidents could have been prevented or detected early and the risks of the incident mitigated if the organization or entity had undertaken proper security planning and implemented appropriate security safeguards.

2. Please Explain How the Proposed Policy Position Will Address the Issue

Through this Resolution, the ABA stresses the importance of security plans for all private and public sector organizations as a matter of sound governance and risk management and as an imperative that is linked directly to our nation's economic and national security. Cybersecurity has moved beyond the realm of technical personnel; the maintenance of a security plan, including the components stressed in this Resolution, is a responsibility that all senior executives should embrace.

4. Summary of Minority Views

No minority views have come to our attention.

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

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

110A

CRIMINAL JUSTICE SECTION

Encourages each federal, state and territorial jurisdiction where capital punishment is permitted to adopt a statute or rule providing an appropriate judicial procedure whereby successors of an executed individual may bring and litigate a claim that the individual executed was in fact innocent of the capital offense.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges federal, state, and territorial jurisdictions that authorize the execution of individuals convicted of committing capital offenses to provide statutory or other legal means by which the successors of executed individuals may establish that those individuals were wrongfully executed. The Resolution further urges that these jurisdictions provide compensation for the successors of those who have been legally determined to have been wrongfully executed. Recovery under such statutes should compensate for both the wrongful incarceration leading up to the wrongful execution and for the act of wrongful execution itself.

2. Summary of the Issue that the Resolution Addresses

Although the ABA and various jurisdictions have recognized the concern of wrongful conviction and incarceration, there has not been similar recognition of the parallel, and even more egregious, matter of wrongful execution. To date, there have been no legal determinations that any individual has been wrongfully convicted and executed in the United States. But this is not necessarily because no wrongful executions have occurred. In fact, approximately 8% of the 1,324 exonerations since 1989 were of individuals sentenced to death, suggesting that it is certainly possible for an individual to be sentenced to death despite the more rigorous procedural protections provided for defendants in capital cases. Additionally, there are several cases in which death row defendants died in prison of natural causes but were later exonerated. Moreover, there are several cases in which the guilt of an executed individual has been seriously questioned.

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

This Resolution would create the means by which the successors of executed individuals may establish that those individuals were wrongfully executed. The Resolution would further provide compensation for the successors of those who have been legally determined to have been wrongfully executed.

4. Summary of Minority Views

None are known.

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

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

110B

CRIMINAL JUSTICE SECTION

Adopts the black letter of the *ABA Criminal Justice Standards on The Prosecution Function and The Defense Function* dated August 2014, to supplant the Third Edition of the (1993) *ABA Criminal Justice Standards on The Prosecution Function and The Defense Function*.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Criminal Justice Section recommends that the ABA adopt the black letter standards, dated August 2014, to chapter three "The Prosecution Function" and chapter 4, "The Defense Function" of the *American Bar Association Standard~ for Criminal Justice*.

2. Summary of the Issue that the Resolution Addresses

Since these chapters were last amended, there have been dramatic developments in the area of legal ethics. Thousands of new judicial decisions have been handed down. Hundreds of new books and articles touching upon the ethics of our

profession have been published. Indeed, the proper role and function of defense counsel has been a particularly topical focus of discussion, debate and controversy in recent years.

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

The Fourth Edition of the Standards substantively revises all of the Standards in the previous edition. In addition, this edition proposes 21 new Prosecution Function Standards including standards handling incriminating evidence, plea agreements and improper bias. This edition also proposes 21 new Defense Function Standards including standards on handling incriminating evidence, plea agreements and improper bias. The Criminal Justice Section urges prompt consideration of the proposed Standards by the House due to the ABA's continuing obligation to see to it that the *ABA Standards for Criminal Justice* reflect current developments in the law.

4. Summary of Minority Views

None are known.

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

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

111

COMMISSION ON IMMIGRATION COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY

Adopts amendments to the 2012 *ABA Civil Immigration Detention Standards*, to encourage Congress and the Department of Homeland Security and Immigration and Customs Enforcement to use segregation for immigration detention only as a last resort for a limited time period and in compliance with other limitations.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution amends the ABA Civil Immigration Detention Standards to: 1) limit the use of segregation, and particularly solitary confinement, except as a last resort where no other alternative is available; 2) restrict segregation to the shortest time necessary; 3) urge DHS/ICE to refrain from contracting with facilities whose only means of segregation is solitary confinement; 4) require that a resident not be placed in separation based only on age, gender identity, sexual orientation, mental health status or condition, pregnancy, or disability; 5) limit the duration of administrative and disciplinary segregation to 15 days; and 6) require and make publicly available an annual report to Congress containing each incidence of use, reasons for, and duration of segregation in all immigration detention facilities and whether a timely assessment by ICE as to its suitability was made.

2. Summary of the Issue that the Resolution Addresses

Segregation, including solitary confinement, is currently used in the immigration detention context without adequate limitations and transparency. The U.S. Supreme Court has held that the purpose of civil detention is not punitive. The ABA condemns the use of solitary confinement except in extraordinary circumstances. The ABA urges DHS and ICE to (a) strictly limit the use of segregation in immigration detention; (b) use segregation only as a last resort in exceptional circumstances when no other alternatives are available; and (c) where segregation is used, restrict such confinement to the shortest time necessary to ensure the safety of the detained population or others, the protection of property, or the security, or good order of the facility.⁴⁸

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

The proposed policy would enable the ABA to encourage Congress and DHS/ICE to use segregation for immigration detention only as a last resort for a limited time period and in compliance with other limitations. It is consistent with international expectations for the management of civil detainees.

4. Summary of Minority Views

No minority views have been expressed.

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

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

112A

COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

Adopts the *Model Workplace Policy on Employer Responses to Domestic Violence, Sexual Violence, Dating Violence and Stalking* ("Model Policy") and encourages all employers, public and private, including governments, law schools and the legal profession, to enact formal policies on the workplace responses to domestic violence, dating violence, sexual violence, and/or stalking violence that address prevention, provide assistance to employees who experience violence, and which hold employees who perpetrate violence accountable.

EXECUTIVE SUMMARY

1. SUMMARY OF THE RESOLUTION.

The Resolution encourages all employers, public and private, including governments, law schools and the legal profession, to enact formal policies on the workplace impacts of domestic violence, dating violence, sexual violence, and/or stalking violence, that address prevention, provide assistance to employees who experience violence, and which hold employees who perpetrate violence accountable. The Resolution also presents a model policy from which employers may develop their own workplace protocols and procedures.

2. SUMMARY OF THE ISSUE THAT THE RESOLUTION ADDRESSES.

Domestic violence, dating violence, sexual violence, and/or stalking violence have profound effects on workplaces, and in particular, for employees who are victims of these crimes. The vast majority of workplaces do not have policies or protocols in place to support employee victims in the workplace and to hold employee offenders accountable.

3. PLEASE EXPLAIN HOW THE PROPOSED POLICY POSITION WILL ADDRESS THE ISSUE.

The proposed policy position will encourage all employers, public and private, including governments, law schools and the legal profession, to promulgate workplace policies that address the workplace consequences of domestic dating, sexual and/or stalking violence and presents a model policy from which employers may develop their own workplace protocols and procedures.

4. SUMMARY OF ANY MINORITY VIEWS.

None to date.

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

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

112B

COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE

Condemns forced marriage as a fundamental human rights violation and form of family violence and of violence against women and urges governments to amend existing laws or enact new laws to prevent, protect and support individuals threatened by forced marriages.

EXECUTIVE SUMMARY

1. SUMMARY OF THE RESOLUTION.

The Resolution condemns forced marriage as a fundamental human rights violation and form of family violence and violence against women, and urges federal, state, territorial, local, and tribal governments to amend existing laws, or to enact new laws, to prevent forced marriages and protect and support individuals threatened by forced marriage. The Resolution further urges governments to collaborate with legal, social services and advocacy organizations with expertise in forced marriage to develop these victim-centered legal remedies, and to promote training for judges, prosecutors, law enforcement, child protection authorities, victim-witness advocates, and attorneys.

2. SUMMARY OF THE ISSUE THAT THE RESOLUTION ADDRESSES.

A number of Western countries are beginning to realize that forced marriage is not only a global problem, but also a domestic problem with transnational dimensions. The United States lags far behind its Western counterparts, despite an increasing number of research reports and media accounts that document that forced marriage is a serious problem in the United States. Domestic violence, sexual violence, and emotional violence often follow in the wake of a forced marriage. Victims' feelings of despair and betrayal can also manifest in severe depression, stress-related illnesses, declining work and academic performance and excessive absences, alcohol and substance abuse, and self-harm, including attempted suicide and suicide. State-level legal responses to forced marriage are limited, and while existing laws can be tools to prevent forced marriages or protect victims in some cases, they are not widely used or may offer inadequate protections. More engagement by the government and legal community is overdue and critically needed.

3. PLEASE EXPLAIN HOW THE PROPOSED POLICY POSITION WILL ADDRESS THE ISSUE.

The proposed policy position urges federal, state, territorial, local, and tribal governments to amend existing laws, or to enact new laws, to prevent forced marriages and protect and support individuals threatened by forced marriage. The Resolution further urges governments to collaborate with legal, social services and advocacy organizations with expertise in forced marriage to develop these victim-centered legal remedies, and to promote training for judges, prosecutors, law enforcement, child protection authorities, victim-witness advocates, and attorneys.

4. SUMMARY OF ANY MINORITY

None to date.

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

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

113A

STANDING COMMITTEE ON ELECTION LAW SECTION OF STATE AND LOCAL GOVERNMENT LAW

Urges states, localities and territories to develop written contingency plans detailing what should be done to preserve the election process in the event of an emergency.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution urges states, localities, and territories to develop written contingency plans detailing what should be done to preserve the election process in the event of an emergency. The resolution also urges federal, state, and local officials to enact measures to ensure that voters assisting in recovery efforts are able to vote by absentee ballot or otherwise.

2. Summary of the Issue that the Resolution Addresses

In every election, federal, state, or municipal, general or primary, voters must make their way to the polls or receive and send ballots by mail to vote for the candidates of their choosing.

Unfortunately, unforeseen disasters can make voting not just difficult, but impossible. These disasters come in all shapes and sizes—from snowstorms to hurricanes to even terrorist attacks—and can cause significant disruption, including power outages, gasoline shortages, flooding, or other widespread destruction. Disasters often force those affected to seek refuge in communities far from home, while bringing emergency responders such as police and firefighters, utility and construction workers, and insurance adjusters to the affected area and away from their home jurisdictions. Because those impacted by these events and those assisting in recovery are rarely focused on voting until it may be too late, the onus falls on election officials to ensure that unforeseen emergencies do not threaten the right to vote of those they serve and those who assist their communities with recovery. This resolution and report focus on the impact of unforeseen disasters on elections and offers recommendations to assist communities responding to emergency situations.

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

This resolution calls on the federal, state, local, and territorial governments, as those responsible for administering elections, develop disaster contingency plans for elections for residents in locations affected by emergencies, as well as for first responders whose ability to vote in person is affected as well.

4. Summary of Minority Views

None to date.

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

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

113B

**STANDING COMMITTEE ON ELECTION LAW
COMMISSION DISABILITY RIGHTS
SECTION OF STATE AND LOCAL GOVERNMENT LAW**

Urges governments to use all appropriate means to improve enforcement of voting rights for persons with disabilities, including by monitoring elections, and urges election officials to ensure that election personnel and volunteers receive accessibility training.

EXECUTIVE SUMMARY

1. Summary of the Resolution

This resolution urges that the electoral process and voting methods are accessible to persons with disabilities and that polling places are free of physical, technological, and administrative barriers. The resolution also urges governments to improve enforcement of voting rights for persons with disabilities and further urges election officials to ensure that election personnel and volunteers receive accessibility training and that persons with disabilities are actively encouraged to serve as election officials and volunteers.

2. Summary of the Issue that the Resolution Addresses

The right to vote is a cornerstone of democracy and is among our most fundamental rights as citizens. Approximately one in seven (35 to 46 million) Americans who are of voting age have accessibility needs. As the population ages, the number of voters with disabilities is expected to grow substantially. In 2002, Congress enacted the Help America Vote Act (HA V A). HA VA requires voting systems to be accessible to individuals with disabilities, including those who are blind and have visual impairments. Additionally, under HA V A states and units of local governments that receive payments to assure access for persons with disabilities must make access to polling places in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. Persons with disabilities must also be provided with information about polling place accessibility. Despite the improvements HA V A has made to the accessibility of the electoral process for persons with disabilities, significant barriers remain. The resolution addresses the necessary improvements, in the development of new technology and enforcement of existing laws, which will enhance accessibility.

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

This resolution will enhance accessibility to the fundamental right to vote by urging that the electoral process, voting methods, and polling places are free of physical, technological, and administrative barriers; as well as urging the enforcement of voting rights for persons with disabilities and also urging accessibility training for poll workers and that persons with disabilities are actively encouraged to serve as election officials and volunteers.

4. Summary of Minority Views

None to date.

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

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

114A

**SECTION OF INTERNATIONAL LAW
SECTION OF SCIENCE AND TECHNOLOGY LAW**

Supports modernization and simplification of the requirements, procedures, laws and regulations to verification of signatures in cross-border contexts in order to increase reciprocal recognition among jurisdictions.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The Resolution calls for the ABA to support modernization and simplification of the requirements, procedures, laws and regulations related to verification of signatures in cross border contexts, in order to increase reciprocal recognition among jurisdictions, and taking into account relevant levels of service, new technologies and associated costs, as well as the need for appropriate privacy, data security and fraud prevention.

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 may 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 ABA'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 American Bar Association's 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.

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)

[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.]

114B

SECTION OF INTERNATIONAL LAW SECTION OF INDIVIDUAL RIGHTS AND RESPONSIBILITIES COMMISSION ON SEXUAL ORIENTATION AND GENDER IDENTITY

Recognizes the rights of individuals who are lesbian, gay, bisexual or transgender ("LGBT") as basic human rights and condemns laws, regulations, rules and practices that discriminate against them on the basis of their LGBT status.

EXECUTIVE SUMMARY

1. Summary of the Resolution

The proposed Resolution is to put the American Bar Association on record as recognizing the rights of LGBT people as basic human rights and opposing laws, regulations, customs, and practices that discriminate against them, because of their sexual orientation and urging an end to them. It would also put the Association on record as supporting the right of LGBT people to live securely, safely, without fear, and able to exercise the rights, privileges, and immunities of any other citizen without regard to their sexual orientation. It urges peer associations of lawyers and individual colleagues at the Bar to help LGBT people vindicate their rights through legal redress and support those of their colleagues at the Bar that do so. It also urges the US Government to take steps through diplomatic channels to support such rights.

2. Summary of the Issue that the Resolution Addresses

This proposed Resolution addresses the issue of the violation of the human rights of LGBT people in many countries around the world where their sexual orientation has been criminalized and punished, thereby turning an entire class of people into criminals just for being who and what they are. The criminalization of homosexuality and advocacy and defense of rights of LGBT people is now a criminal offense in 76 countries around the world (carrying the death penalty in some cases). The enactment of such laws has led to an upsurge in violence against LGBT people.⁹²

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

The proposed Resolution would put the ABA on record as opposing such treatment of LGBT people and as recognizing the right of LGBT people to live in security, safety, and peace openly and freely as a basic human right entitled to the same kind of protection as is afforded the rights set forth in the Universal Declaration of Human Rights in countries that promote the rule of law. Oppressed people, along with those who represent them and fight for their rights, still look to the United States as a beacon of human rights and the rule of law. The adoption of this Resolution by the ABA House of Delegates would send a strong message to LGBT people around the world who suffer from such discrimination and live in fear for their lives just because of who they are, that this Association has not forgotten them. It would also send a strong message to our colleagues at the Bar who represent such people and try to obtain protection for their rights that they are not alone, defense and advocacy of the rights of an oppressed minority.

4. Summary of Minority Views

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

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

115

COMMISSION ON LAW AND AGING

Urges Congress to reallocate payroll tax revenues between the Old-Age and Survivors Insurance Trust Fund (OASI) and the Disability Insurance Trust Fund (DI) as needed to prevent depletion of the reserves of either Trust Fund.

EXECUTIVE SUMMARY

1. Summary of the Resolution

Urges Congress to reallocate payroll taxes between the Old Age and Survivors Insurance Fund and the Disability Insurance Trust fund to assure solvency.

2. Summary of the Issue that the Resolution Addresses

Without Congressional action, income and the disability trust fund will be insufficient to pay current benefits sometime in 2016. Congress has reallocated revenues between the trust funds II times in the past, reallocation is the most likely method to assure solvency.

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

This proposal urges Congress to undertake reallocation of existing revenues to assure payment of current benefits. Other ABA policies address other, less likely options to assure solvency of the trust funds.

4. Summary of Minority Views

Currently none.

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

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

177B

BOARD OF GOVERNORS

Amends the ABA's Articles of Incorporation to align the membership qualifications of the American Bar Association with those set forth in its Constitution and Bylaws.

EXECUTIVE SUMMARY

1. Summary of the Resolution

Amends the Articles of Incorporation of the American Bar Association to align the membership qualifications of the American Bar Association with those set forth in its Constitution and Bylaws.

2. Summary of the Issue that the Resolution Addresses

The previous amendment to the Articles of Incorporation inadvertently limited the American Bar Association's membership to members of the Board of Governors.

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

The resolution will correct the limitation and align the Articles of Incorporation without the American Bar Association's membership qualifications as set forth in the Constitution and Bylaws.

4. Summary of Minority Views

None

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

[A. Belleau's comment: proposed procedural 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.]

300*

CENTER FOR HUMAN RIGHTS

Urges Congress to enact legislation to prevent and punish crimes against humanity and urges the United States government to take an active role in the negotiation and adoption of a new global convention for the prevention and punishment of crimes against humanity.

* This resolution with Report was received after the May 6 filing deadline. Pursuant to §45.5 of the House Rules of Procedure, this late report will be considered by the House of Delegates if the Committee on Rules and Calendar recommends a waiver of the time requirement and that recommendation is approved by a two-thirds vote of the delegates voting.

SUMMARY

1. Summary of the Resolution

RESOLVED, That the American Bar Association urges Congress to enact legislation to prevent and punish crimes against humanity.

FURTHER RESOLVED, That the American Bar Association urges the United States government to take an active role in the negotiation and adoption of a new global convention for the prevention and punishment of crimes against humanity.

2. Summary of the Issue that the Resolution Addresses

Due to the absence of domestic law on the topic, the U.S. can serve as a safe haven for perpetrators of Crimes Against Humanity (CAH), which encompasses a widespread and systematic attack on a civilian population with knowledge of the attack, and includes enumerated offenses of murder, extermination, torture, enslavement, rape and other sexual offenses, apartheid, persecution, and others. While individuals can be prosecuted in the U.S. for genocide and war crimes, they cannot be prosecuted for the commission of CAH *per se*, which is the most common atrocity crime. The lack of a comprehensive convention on CAH undermines the enforcement and cooperation of states in this regard, thus allowing impunity to continue. The lack of domestic law on this topic undermines U.S. leadership on the rule of law internationally and the enforcement of CAH domestically. Likewise, the lack of an international treaty creates large gaps in the international community's ability to prevent and punish the commission of CAH.

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

By urging the creation of domestic and international convention law on the subject, the law will 'catch up' to the proliferation of CAH and help create a better system of enforcement, domestically and internationally. Domestically, this policy (if heeded) will give jurisdiction to U.S. prosecutors to charge and try alleged perpetrators of CAH, if found in the U.S., for these offenses, rather than rely on some other, lesser charge such as immigration fraud). At the international level, a CAH treaty would, for example, obligate all ratifying states to pass domestic legislation as well as set down rules for cooperation, extradition, and mutual legal assistance in the investigation and prosecution of such crimes.

4. Summary of Minority Views

No minority views are known at this time.

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

[A. Belleau's comment: proposed procedural 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.]

400A

RESOLUTION WITH REPORT ON ARCHIVING

Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.

EXECUTIVE SUMMARY

1. Summary of the resolution

This resolution archives Association Policies that are 10 years old or older. 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 recommendation 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)

[A. Belleau's comment: proposed procedural 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.]

400B

RESOLUTION WITH REPORT ON ARCHIVING (CLEAN-UP)

Recommends that certain Association policies that pertain to public issues that were adopted through 1994 be archived.

EXECUTIVE SUMMARY

1. Summary of the resolution

This resolution archives Association Policies dated through 1994. 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)

[A. Belleau's comment: proposed procedural 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.]



**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.



Policy No. 1-9: National Council Standing Rules

Approved By: Board of Directors

Date Approved: September 7, 2011

Date Effective: September 7, 2011

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.

- One Delegate to the ABA House of Delegates, who is elected by the members of the Association, shall be reimbursed for airfare for two ABA Meetings annually. The Delegate will also be reimbursed for airfare for annual and midyear meetings. Members are encouraged to represent the FBA on other association boards and committees but no reimbursement will be available.
- Reimbursement for Section and Division Chairs is governed by Policy 9-5: Section and Division Financial Management.

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 Executive Committee 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 6/21/2014; 1/25/2014; 4/5/2013; 2/1/2002; 6/24/2001