



**Federal Bar Association
National Council Meeting**

Annual Meeting 2019

Saturday, September 7, 2019 at 9:30 a.m.

Hilton Tampa Downtown
Tampa, FL



Federal Bar Association

National Council Meeting Agenda

Saturday, September 7, 2019

9:30 am EDT

Bayshore II-IV, Hilton Tampa Downtown

Tampa, FL

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| 1. Call to Order | 9:30 am | Maria Vathis |
| 2. Consent Agenda (Tab A) | 9:35 am | Maria Vathis |
| • Approval of the Minutes (March 23, 2019) | | |
| • ABA Delegate Report | | |
| 3. Report from the President (Tab B) | 9:45 am | Maria Vathis |
| • Annual Update | | |
| • Actions of the Board of Directors | | |
| • Nominations and Elections Committee Report | | |
| • Final Remarks and President's Awards | | |
| 4. Report from the Treasurer (Tab C) | 10:05 am | West Allen |
| • Financial Update as of July 31, 2019 | | |
| 5. Reports | | |
| • Report from the Executive Director | 10:15 am | Stacy King |
| • Report from the President-Elect | 10:35 am | Christian Adams |
| • Report from the Chair of the Government Relations Committee (Tab D) | 10:45 am | Rachel Rose |
| • Report from the President of the Foundation and Election of Directors (Tab E) | 11:00 am | Henry Quillian |
| • Report from the President of the Federal Bar Building Corporation and Election of Directors (Tab F) | 11:15 am | Joyce Kitchens |
| • Report from the Chair of the Membership Committee | 11:30 am | Jonathan Hafen |
| 6. New Business | 11:45 am | Maria Vathis |
| • Resolution Proposed by Aaron Bulloff to Encourage the Board of the Federal Bar Building Corporation to amend the Corporation's Bylaws | | |
| • 2023 Convention Host Chapter | | |
| • Recognition Awards | | |
| • Installation of National Officers | | |
| • 2020 Convention in Charleston, SC | | |
| 7. Adjournment | 12:30 pm | Maria Vathis |



Federal Bar 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:



Federal Bar Association

Governance Summary

National Board of Directors

The national Board of Directors serves as the Federal Bar Association's governing body. The Board oversees the business and financial management of the Association and performs other functions, such as setting policy, that it may consider necessary to accomplish the objectives of the Association. The Board of Directors consists of the President, President-elect, Treasurer, twelve elected directors, up to three *ex officio* (non-voting) members (if not already elected to the board) Chair of the Vice Presidents for the Circuits, Chair of the YLD, and Chair of the Sections and Divisions Council. The immediate past-president may attend board meetings as an *ex officio* member at the invitation of the current president. The Board of Directors generally meets in person four times per year, including one meeting held in conjunction with each of the Annual and Midyear Meetings, and additionally meets by teleconference as required.¹

The Board of Directors' authority is limited only in the following ways:

- (1) Amendments to the Association's Constitution and Bylaws must be considered and reported-on by the Constitution, Bylaws, Rules, and Resolutions Committee, approved by both the Board of Directors and the National Council, and in the case of amendments to the Constitution, approved by the membership;
- (2) Any decision of the Board of Directors may be altered, amended, or reversed by a majority vote of the National Council; and
- (3) The Board of Directors and National Council establish annual dues for members and associates, which dues adjust automatically from time-to-time under the Bylaws.

National Council

The President chairs both the Board of Directors and the National Council. The National Council is currently composed of approximately 345 members. The National Council members are selected by elected position or appointment. A quorum of the National Council is established when twenty-five percent of the members of the National Council in good standing are present. Over the last several years, an average of 35% of the National Council members have attended the National Council meeting. The National Council consists of the following members:

- All members of the Board of Directors
- All Past National Presidents
- All Circuit Vice Presidents
- Chairs of all Divisions, Sections, and Standing Committees
- President of the Federal Bar Building Corporation
- President of the Foundation of the Federal Bar Association
- General Counsel of the Federal Bar Association
- The ABA Delegate
- Every Chapter President or other Chapter officer as designated by the Chapter President
- One other delegate from each Chapter to be selected by the Chapter
- Not more than 20 members to be appointed annually by the President

¹ Also, the current practice is for the Executive Committee, consisting of the President, President-elect and Treasurer, to meet telephonically with the Executive Director and the General Counsel on a monthly basis.

TAB A

Consent Agenda



Federal Bar Association

National Council Meeting Minutes

Saturday, March 23, 2019

2:15 P.M. ET

Ritz-Carlton Pentagon City, Arlington, VA

CALL TO ORDER

President Maria Vathis called the meeting to order at 2:24 p.m. ET with a quorum present. The agenda was adopted as distributed prior to the meeting.

APPROVAL OF THE CONSENT AGENDA

Approval of the minutes (Sept. 15, 2018)

A motion to approve the consent agenda and minutes from the September 15, 2018 meeting was made by Mr. Simeon Baum. The motion was seconded by Ms. Sheri Mecklenburg and passed unanimously.

ABA Delegate Report

A motion to approve the ABA Delegate Report was made by Mr. Alan Goldsmith. The motion was seconded by Ms. Jessica Toplin and passed unanimously.

Federal Bar Building Corporation Report

A motion to approve the Federal Bar Building Corporation Report was made. The motion was properly seconded and passed by unanimous consent. After approval of the report, Mr. Bulloff inquired about the interest and dividend income figure listed in the budget and asked for an explanation of where that figure comes from. FBBC President Joyce Kitchen's approached the podium and explained that the figure in the report, provided by SunTrust, is based on the average rate of return over 5 years. Mr. Bulloff then asked about the FBBC's 6-Million-dollar policy and when it might make a distribution of income over expenses. Ms. Kitchens noted that the FBBC hired a CPA tax attorney based on this type of question a few years ago. The CPA tax attorney said the 6-million-dollar policy was in compliance. After more questioning from Mr. Bulloff, Ms. Kitchens noted that Mr. Bulloff's point was well taken and that he is welcome to attend the next meeting of the FBBC where his questions can be addressed, discussed and voted on. President Vathis concluded by asking if all were in favor of approving the FBBC report. All were in favor with no further questions.

REPORT OF THE PRESIDENT

President Vathis reported on the actions of the Board of Directors since the last meeting of the National Council, which included the following actions:

September 13, 2018 Meeting

- Adopted a resolution that authorizes and empowers the Executive Director, President, and Treasurer to execute agreements, give direction, and receive information to/from SunTrust Bank regarding the investment and custody accounts of the Federal Bar Association
- Adopted a resolution that authorizes and empowers the Executive Director, President, and Treasurer to act, give instructions, access information, use Bank's services, perform transactions, enter into agreements, and delegate authority on behalf the operational account of the Federal Bar Association at SunTrust Bank
- Approved FY2019 committee appointments

November 7, 2018 Meeting

- Approved allocation of funds from the Furniture and Fixtures Reserves for the purchase of office chairs in FY18 and renamed the reserves to Capital Expenditures Reserve
- Approved allocation of funds from the Chapter Assistance reserves for the FY18 Chapter Activity Fund expenses and approved to continue this allocation in future fiscal years until all assets have been released
- Approved allocation of the Future Activity Reserves for Centennial Celebration expenses in FY18 and FY19
- Approved setting the value of the Operational Reserves closer to the value of short-term investments based on the Investment and Reserves Policy
- Approved the following recommendations from the Nominations and Elections Task Force
 - Include statement that the Bylaws outline the committee's composition in all Nominations and Elections (N&E) announcements/materials
 - Amend Application for Office to include question: "What is one significant issue facing the FBA and, as a leader, how would you address the issue?"
 - Include language on application "The FBA welcomes and encourages diverse individuals to apply for leadership positions."
 - Schedule two meetings for the committee to vet candidates
 - Implement Issue 8 recommendations by amending current N&E policies and using new website technology
- Approved the following recommendation from the Appellate Courts Task Force
 - Outreach to Circuit Court Judges
- Approved the following recommendation from the Access to Justice Task Force
 - Expand task force to include Section and Division leaders
 - Expand task force to include ad hoc advisers
 - Compile resources for new website
 - Refer to GRC if Access to Justice should be a topic for Capitol Hill Day advocacy
 - Voted to approve distribution of the sample pro se handbook
- Approved the following recommendations from the Diversity and Inclusion Task Force
 - Continue development and improvement of work with guidance from Judiciary Advisory Panel and Corporate Advisory Panel
 - Develop communications plan for specific items that we can implement now
 - Compile/expand Diversity and Inclusion web page for new site
 - Promote FBA awards among diverse communities
 - Develop a History Project
 - Ensure diversity of presenters at all programs
 - Diversity and Inclusion mentorship programs; support through LSD and YLD
 - Data regarding diversity
 - Personal commitment to active inclusion
 - Implicit bias and diversity training as part of Leadership Training
 - Recruit diverse attorneys for leadership roles

December 14, 2018 Meeting

- Approved the 2018-2019 base salary in the amount set forth in Stacy King's employment agreement paragraph 4.3.2 and to award Executive Director Stacy King the full amount of the "potential bonus" as allowed by her employment contract in the current year, as set forth in paragraph 4.3.1
- Approved the Securities Law Section's request to donate \$25,000 of section funds to the SEC Historical Society

January 22, 2019 (Via Email)

- Approved the Statement on the Partial Government Shutdown and Its Impact on the Federal Courts

January 31, 2019 Meeting

- Approved the 2019 Budget Reforecast
- Approved revisions to Policy 2-3: Reimbursements (increased maximum number of per diem for circuit vice presidents)
- Approved Centennial Celebration Budget
- Approved revised Judiciary Division Bylaws
- Approved the circulation of draft Policy 1-15: Advocacy of Public Policy Positions by FBA Entities to Chapter, Section, and Division leaders for a two-week comment period
- Approved proposed amendments to Bylaws to establish guidelines for proposals for amendments to the Constitution and Bylaws
- Approved supporting the American Civil Trial Bar Roundtable Resolution in Support of Administrative Law Judge Independence

March 20, 2019 Meeting

- Approved the report of the Audit Committee and the September 30, 2018 Year-end Financials
- Appointed Kristen R. Angelos as Vice President for the Tenth Circuit to replace Daniel Lewis
- Approved increasing the ADR Section Dues to \$25
- Approved Policy 1-15: Advocacy of Public Policy Positions by FBA Entities

Report from the Nominations and Elections Committee

President Vathis reported that the following people have been nominated by the Nominations and Elections Committee for FY2020:

Officers

President-Elect..... W. West Allen
 Treasurer..... Anh Le Kremer

Directors

Group 1..... Jeanette M. Bazis
 Group 2..... Hon. Mimi E. Tsankov (personal capacity)
 Group 3..... Christine Companion Varnado
 Group 4..... John (Joey) Bowers

ABA Delegate

..... Ashley L. Belleau

Vice Presidents for the Circuits

1st Circuit..... Oreste R. Ramos
 2nd Circuit Olivera Medenica
 3rd Circuit..... Christian T. Haugsby
 4th Circuit..... Kacy L. Hunt
 5th Circuit..... Paul D. Barkhurst
 6th Circuit..... Donna J. Mikel
 7th Circuit..... Kevin G. Desharnais
 8th Circuit..... David A. Goodwin

9th Circuit..... Darrel J. Gardner
10th Circuit..... Hon. Suzanne Mitchell
11th Circuit..... Oliver Alan Ruiz
D.C. Circuit..... Patricia D. Ryan

The names of these candidates will be listed on the Notice of Election that will be distributed to each member in good standing as of June 15, 2019.

REPORT OF THE TREASURER

Treasurer West Allen presented the treasurer’s report, which included the September 30, 2018 unaudited year-end financials and January 31, 2019 financial update. Mr. Allen opened the floor to questions at the conclusion of his report. Ms. King answered one question that was posed.

REPORT FROM THE FOUNDATION OF THE FBA

Foundation President Henry Quillian reported on the Foundation’s activities and distribution of grants and scholarships. No questions resulted from Mr. Quillian’s report.

REPORT FROM THE EXECUTIVE DIRECTOR

Executive Director Stacy King reported on the FY2019 state of the bar and FY2018 year-end.

REPORT FROM THE PRESIDENT-ELECT

President-elect Christian Adams invited Past National President Bill LaForge to the podium to kick off the \$100 for 100 years campaign. Mr. LaForge noted that he served as first president under the new board structure and he challenged all past president colleagues and board members to contribute \$1,000 towards the campaign. President-Elect Adams concluded the report by noting he also challenged the current FBA board to contribute and hopes for 100% participation.

REPORT FROM THE GOVERNMENT RELATIONS COMMITTEE (GRC)

Chair Rachel Rose reported on the advocacy efforts of the Government Relations Committee and reminded members that the deadline for submissions to the 2019 Issues Agenda is March 29. The GRC has received 7 issues nominations to date. Ms. Rose provided the five objectives for Capitol Hill Day that took place on Thursday March 21, 2019 and noted that this was the largest turn-out ever with over 70 participants. She concluded her report by noting that the GRC recently provided comments on the proposed changes to the Judicial Code of Conduct Rules. No questions resulted from Ms. Rose’s report.

REPORT FROM THE CONSTITUTION, BYLAWS, RULES AND RESOLUTIONS COMMITTEE (CBBR)

Paul Vamvas reported on the CBBR committees progress in Chair Warren Burke’s absence. Mr. Vamvas presented the amendments to Bylaw 14(a) and the committee’s recommendation that the National Council approve the amendments that offer clarification for the process of proposing amendments to the FBA Constitution and Bylaws. Mr. Vamvas noted that the FBA board of directors also expressed its approval for the amendments to Bylaw 14(a). Mr. Baum motioned to approve the amendment. Ms. Berry seconded the motion. Adine Momoh asked for clarification on the amendment’s language, specifically, what is meant by useful reasonable guidelines. Mr. Vamvas reported that useful reasonable guidelines were already posted on the website and were pulled from the language already included in the existing Bylaw. President Vathis called for a voice vote. The motion passed by majority vote.

REPORT FROM THE MEMBERSHIP COMMITTEE

Chair Jonathan Hafen reported on the overall FBA membership totals and initiatives to increase membership through the 20,000 members by 2020 Campaign. Mr. Hafen noted that the committee is challenging all chapters to grow by 10% by 2020. Mr. Hafen reported that President Vathis sent out an invitation to lapsed members to come back and we are working on increasing touches with members whose membership are about to lapse. The new and improved website is underway and once launched it will be easier to join and renew membership. Mr. Hafen reported that the long-term goals of the committee are to support the government lawyers task force, law student task force, diversity and inclusion task force, Chapters and Sections and Divisions membership drives. The goal is to attract new members, retain existing members and enrich our engagement with members. Mr. Hafen then concluded his report by inviting each National Council member to personally bring in 10 members. No questions resulted from Mr. Hafen's report.

UNFINISHED BUSINESS

Lauren Rich, president elect of the Tampa Chapter, invited everyone to attend the Annual Meeting and Convention in Tampa on September 5-7, 2019.

NEW BUSINESS

No new business was raised.

PRESIDENT'S FINAL REMARKS AND ADJOURNMENT

President Vathis thanked everyone in attendance and adjourned the meeting at 4:41 p.m. EDT.

Respectfully submitted,
Stacy King, Executive Director



Federal Bar Association

*ABA House of Delegates Annual Meeting
August 12 -13, 2019
San Francisco*

FBA Delegate Report (8/27/19)

To FBA Board of Directors and National Council:

As the FBA's Delegate to the ABA House of Delegates (HOD), I attended the ABA Annual Meeting in San Francisco on August 12 – 13, 2019. There were approximately 57 Resolutions considered and several resolutions were robustly debated.

Prior to the meeting, these proposed resolutions were shared with the FBA leadership, the GRC and the Sections and Divisions leadership seeking comments. Several comments were received regarding Resolutions 100B (encouraging federal, state, and local governments to take all measures to maximize the ability of all Administrative Adjudicators to render decisions, freely, fairly, and independent of agency interference), 106 (urging employers to implement policies and practices to close the gender pay gap), 116 (urging courts and bar associations to carefully review policies on use and admittance of cellphones), 104 ((concerning the updating of the federal marijuana policy), and 109 (to ensure that children who live in poverty receive in-school service to maintain good health).

For more detailed information regarding the actions taken by the ABA House of Delegates on all Resolutions, see below:

The ABA House of Delegates:

- Approved three access-to-justice related measures. [Resolution 10A](#) encourages online providers of legal documents to adopt the ABA Best Practice Guidelines for Online Legal Document Providers. [Resolution 10B](#) calls for legislation to ensure equal access to justice for Americans living in rural areas by assuring proper broadband access throughout the United States. And [Resolution 116](#) seeks courts and interested stakeholders to review cellphone policies in courthouses to balance security risks with meaningful access to the judicial system, particularly for those who are self-represented or of lower income.
- Adopted [Resolution 10C](#), which urges colleges and universities to protect all members of their communities and all speakers on their campuses and other locations from censorship, intimidation or retaliation based on their opinions or beliefs. The accompanying report notes that “free expression is threatened, particularly on college and university campuses” and that schools should resist pressures seeking to censure a broad range of speech.
- Decided by a 256-165 vote to postpone indefinitely [Resolution 114](#) for further study. The proposal is related to the definition of consent in sexual assault cases. Proponents of the

resolution said this would mitigate some of the gender bias inherent in rape law while opponents said it would represent a “paradigm” shift in sexual assault cases and would potentially be unfair to defendants.

- Adopted two measures related to criminal justice. [Resolution 104](#) urges Congress to enact legislation to resolve the conflict between some state and federal law dealing with marijuana regulation. [Resolution 105](#) supports policies to limit the possession of firearms in courthouses and judicial systems to only those persons necessary to ensure security, including on-duty law personnel.
- Approved two resolutions related to compensation and fairness. [Resolution 106](#) urges employers of lawyers to implement and maintain policies and practices to close the compensation gap between similarly situated male and female lawyers. [Resolution 115B](#) seeks legislation that would provide stronger remedies and protections against pay discrimination based on sex, including gender and gender identity; race and ethnicity; and for employees with disabilities to help overcome persistent barriers that impede the achievement of pay equity.
- Adopted [Resolution 115F](#) that urges federal, state and local governments to refrain from imposing upon medical facilities or healthcare providers requirements that are not medically necessary or that have the purpose or effect of burdening patients’ access to healthcare services.
- Approved [Resolution 120](#) that urges the United States and other countries to take measures in response to the crimes committed against the minority Rohingya by the Burmese-Myanmar military. Proponents of the measure cited reports of widespread violations of human rights that have led to 700,000 Rohingyas fleeing their homeland.

LIST OF ABA RESOLUTIONS

RES. #	SUMMARY	STATUS
10A	Encourages online providers of legal documents to adopt the <i>ABA Best Practice Guidelines for Online Legal Document Providers</i> .	ADOPTED
10B	Urges Congress, state, local, territorial, and tribal legislatures to enact legislation and appropriate adequate funding to ensure equal access to justice for Americans living in rural communities by assuring proper broadband access is provided throughout the United States. (video)	ADOPTED
10C	Urges all private and public universities and colleges to uphold the principles of free expression on university and college campuses to promote freedom of debate and thought, and to protect that freedom when others attempt to restrict it. (video)	ADOPTED AS REVISED
11-1	Amends §1.2 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.”	POSTPONED INDEFINITELY

<u>11-2</u>	Amends §6.2(a)(1) to provide the U.S. Virgin Islands with a State Delegate, who pursuant to the existing language of §9.2 would automatically serve as a member of the Nominating Committee.	<u>FAILED</u>
<u>11-3</u>	Amends §6.4(a) to allow individuals who meet a state's definition of young lawyer to serve as a young lawyer member of the House of Delegates for that state.	<u>ADOPTED</u>
<u>11-4</u>	Amends §6.7(b) to allow the Law Student Division to increase their number of delegates in the House of Delegates from 3 to 6 delegates.	<u>ADOPTED</u>
<u>11-5</u>	Amends §6.8 to include the Electric Cooperative Bar Association (ECBA) as an affiliated organization of the American Bar Association (ABA) and be represented in the ABA House of Delegates accordingly.	<u>WITHDRAWN</u>
<u>11-6</u>	Amends §31.7 to sunset the Standing Committee on Governmental Affairs.	<u>ADOPTED</u>
<u>11-7</u>	Amends §31.7 to sunset the Standing Committee on the American Judicial System.	<u>ADOPTED</u>
<u>11-8</u>	Amends §31.7 to change the number of members from 15 to 12 for the Standing Committee on Public Education and from 12 to 8 for the Advisory Commission to the Standing Committee.	<u>ADOPTED</u>
<u>11-9</u>	Amends §§ 33.1 and 33.2 to change the language in order to normalize the work of the Board of Editors, and the appointed volunteer members to be able to provide their perspectives and guidance regarding the Journal.	<u>ADOPTED</u>
<u>100A</u>	Encourages state, local and territorial jurisdictions that do not presently have a central panel system to establish this proven model of state administrative law adjudications.	<u>ADOPTED</u>
<u>100B</u>	Encourages federal, state, and local governments to take all measures to maximize the ability of all Administrative Adjudicators to render decisions, freely, fairly, and independent of agency interference.	<u>ADOPTED AS REVISED</u>
<u>101</u>	Urges Congress to make the ameliorative provisions of the First Step Act retroactive and urges the President and Attorney General to take action to implement the provisions of the Act.	<u>ADOPTED AS REVISED</u>
<u>102</u>	Urges state, territorial, tribal courts and law schools to explore the feasibility of implementing a "Pro Bono Scholars"-style program in their respective jurisdictions to allow law students, in the final semester of their third year of law school, to obtain a full-time, externship placement providing supervised pro bono	<u>ADOPTED</u>

	services and to allow these scholars to take the February Bar examination (if offered) during their final semester of law school. (video)	
103A	Urges Congress to repeal the statutory exclusion of dental care and dentures from Medicare and expressly add coverage of comprehensive dental and oral health services to the Medicare program.	ADOPTED
103B	Urges all lawyers who provide estate planning services to include counseling for advance care planning that comports with eight principles that were developed through the John A. Hartford Foundation funded project.	ADOPTED AS REVISED
104	Urges Congress to enact legislation to resolve the current stalemate between state and federal law over marijuana regulation and to update federal marijuana policy. (video)	ADOPTED
105	Urges state, local, territorial, and tribal governments to enact statutes, rules or regulations and judges to promulgate policies to limit the possession of firearms in courthouses and judicial centers to only those persons necessary to ensure security. (video)	ADOPTED
106	Urges all legal employers to implement and maintain policies and practices to close the compensation gap between similarly situated male and female lawyers. (video)	ADOPTED AS REVISED
107	Urges each state's highest court, and those of each territory and tribe, to study and adopt jurisdictionally appropriate proactive management-based regulatory (PMBR) programs to enhance compliance with applicable rules of professional conduct and supplement existing disciplinary enforcement mechanisms.	ADOPTED
108	Grants reaccreditation to the Child Welfare Law program of the National Association of Counsel for Children, and the Family Trial Law and Criminal Trial Law programs of the National Board of Trial Advocacy.	ADOPTED
109	Seeks to ensure that children who live in poverty, high crime communities, or experience race based trauma, or related stress, receive the in-school service support needed to maintain or restore good health.	WITHDRAWN
110A	Supports legislation creating the establishment of a Copyright Small Claims Program, with authority to adjudicate copyright small claims as a lower-cost, less-time-consuming alternative to federal court litigation of copyright claims.	ADOPTED
110B	Urges federal courts to interpret the clause "where the defendant has committed acts of infringement and has a regular and established place of business," in the special venue statute,	ADOPTED

	28 U.S.C. § 1400(b) when applied to Abbreviated New Drug Application (ANDA) litigation under 35 U.S.C. § 271(e)(2) to mean a district in which the defendant who filed an ANDA application is anticipated to commit acts of infringement.	
<u>110C</u>	Supports the principle that a patentee may recover compensatory damages under 35 U.S.C. § 284 for acts abroad that arise from domestic infringement of a patent pursuant to 35 U.S.C. § 271(f).	<u>ADOPTED</u>
<u>111</u>	Urges the United States Government, state, territorial, and tribal governments to take a leadership role in addressing the issue of climate change and urges Congress to enact and the President to sign appropriate climate change legislation.	<u>ADOPTED</u>
<u>112</u>	Urges courts and lawyers to address the emerging ethical and legal issues related to the usage of artificial intelligence.	<u>ADOPTED AS REVISED</u>
<u>113A</u>	Urges business enterprises to implement, the guidance set forth in the report, “Shared Space Under Pressure: Business Support for Civic Freedoms and Human Rights Defenders: Guidance for Companies,” published jointly by the Business and Human Rights Resource Centre and the International Service for Human Rights in September 2018.	<u>ADOPTED</u>
<u>113B</u>	Urges all governments to prioritize dignity rights in crafting, implementing, and enforcing laws, policies, regulations, and procedures.	<u>ADOPTED</u>
<u>113C</u>	Urges the United States Government to enforce fully and consistently the Arms Export Control Act and the Foreign Assistance Act, particularly the Human rights provisions thereof.	<u>ADOPTED AS REVISED</u>
<u>114</u>	Urges legislatures and courts to define consent in sexual assault cases as the assent of a person who is competent to give consent to engage in a specific act of sexual penetration, oral sex, or sexual contact, to provide that consent is expressed by words or action in the context of all the circumstances, and to reject any requirement that sexual assault victims have a legal burden of verbal or physical resistance. <u>(video)</u>	<u>POSTPONED INDEFINITELY</u>
<u>115A</u>	Urges Congress to ensure that the health care delivered by the Indian Health Service (IHS) is exempt from government shutdowns and federal budget sequestrations on par with the exemptions provided to the Veterans Health Administration.	<u>ADOPTED</u>
<u>115B</u>	Urges Congress, states, and territories to enact legislation that would provide stronger remedies and protections against pay discrimination on the basis of sex (including gender and gender identity), race and ethnicity to help overcome the persistent	<u>ADOPTED AS REVISED</u>

	barriers that continue to impede the achievement of pay equity. (video)	
115C	Supports the constitutionality of the Indian Child Welfare Act (ICWA) in the effort to strengthen tribal jurisdiction over their child welfare system, uphold tribal kinship and set standards specific for American Indians/Alaska Natives child and youth placement.	ADOPTED
115D	Urges the Department of Justice to retain—as a minimum threshold—existing policy protections, as codified at 28 C.F.R. § 50.10 (2016), that limit federal law enforcement in obtaining information from, or records of, members of the news media, and that limit federal law enforcement in questioning, arresting, or indicting members of the news media.	ADOPTED
115E	Urges the United States Congress, and local, state, territorial and tribal governments to enact legislation or regulations that require all law enforcement entities to meet training standards set by the Commission on Police Officer and Standard Training (POST) similar to California’s legislation, AB 2504, Peace Officer Training.	ADOPTED
115F	Urges federal, state, local, territorial, and tribal governments to refrain from imposing upon reproductive healthcare providers requirements that are not medically necessary or have the purpose or effect of burdening women’s access to such services.	ADOPTED AS REVISED
115G	Urges Congress to amend the Equal Credit Opportunity Act to require documentation and collection of the applicant’s race, gender or national origin for non-mortgage credit transactions specifically for vehicle transactions and urges Congress and all state, local, territorial, and tribal legislative bodies and governmental agencies to adopt laws and policies that require an enhanced nondiscrimination compliance system for a vehicle loan.	WITHDRAWN
115H	Urges the United States Government, and Governments around the world to promote the human right to a basic income by increasing the funding, development and implementation of basic income strategies to prevent infringement of this right.	ADOPTED
116	Urges courts, as well as their respective bar associations, to carefully review their policies on use and admittance of cellphones in courthouses, to ensure meaningful access to our judicial system, balancing the security risks posed by cellphone use with the needs of litigants, and in particular, those who are self-represented or of lower income.	ADOPTED
117A	Urges states, counties, tribal and local governments to enact legislation to ensure that any proceeds they receive from the	ADOPTED

	current opioid litigation be used for remedying the harm resulting from the opioid epidemic.	
<u>117B</u>	Urges Congress to enact legislation to amend the Ethics in Patient Referrals Act of 1989 (commonly known as the Stark Law) to modernize the law and encourage the adoption of value-based payment arrangements and other coordinated care arrangements that will lower costs to the Medicare program and improve the quality of services to its beneficiaries.	<u>ADOPTED</u>
<u>118</u>	Emphasizes the right of parents and children to family integrity and family unity and the maintenance of family connectedness if a child does need to enter foster care.	<u>ADOPTED</u>
<u>119</u>	Provides that any legislation and related regulations to detect and combat money laundering and terrorist financing must be consistent with the eight fundamental principles outlined in the resolution.	<u>WITHDRAWN</u>
<u>120</u>	Urges the United States and other countries to take measures in response to the crimes committed against the Rohingya by the Burmese military.	<u>ADOPTED AS AMENDED</u>
<u>121A</u>	Recommends that the Executive Office for Immigration Review amend 8 C.F.R. §1003.1(h) and establish, through rulemaking, standards and procedures for the Attorney General certification process. <u>(video)</u>	<u>ADOPTED</u>
<u>121B</u>	Recommends that the Executive Office for Immigration Review create a presumption to extend the filing of an appeal to the Board of Immigration Appeals (BIA) for <i>pro se</i> applicants. <u>(video)</u>	<u>ADOPTED</u>
<u>121C</u>	Recommends that the Executive Office for Immigration Review continue the implementation of an integrated, system-wide electronic filing and case management system nationwide, with adequate funding from Congress. <u>(video)</u>	<u>ADOPTED</u>
<u>121D</u>	Recommends that the Department of Homeland Security (DHS) codify the core requirements of the 2009 Parole Directive into regulation. <u>(video)</u>	<u>ADOPTED</u>
<u>121E</u>	Recommends that the Circuit Court of Appeals establish or expand pro bono programs to provide pro bono representation to <i>pro se</i> appellants to help efficiently resolve immigration cases.	<u>ADOPTED</u>
<u>121F</u>	Recommends that the Executive Office for Immigration Review amend regulations to eliminate the automatic termination of voluntary departure when an applicant petitions for judicial review under 8 C.F.R. §1240.26(i) and also to implement an automatic stay of removal or deportation pending judicial	<u>ADOPTED</u>

	review by the U.S. Circuit Court of Appeals or the pendency of the appeal period. (video)	
122	Grants approval to 3 programs, grants reapproval to 17 paralegal education programs, withdraws the approval of 8 programs at the request of the institutions, and extends the term of approval for 42 paralegal education programs.	ADOPTED
200	Revises the <i>Principles and Guidelines on the Election Process for Officers of the Association</i> .	ADOPTED AS REVISED
400A	Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.	ADOPTED
400B	Recommends that certain Association policies that pertain to public issues that were adopted in 1999 which were previously considered for archiving but retained be archived.	ADOPTED

Respectfully submitted by:



Ashley L. Belleau

Federal Bar Association ABA Delegate

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Raising the Bar to New Heights*

TAB B

Report from the President



Federal Bar Association

President's Message

2019 has been a wonderful time for the FBA. This year, our organization held its inaugural Leadership Summit, in which we combined Leadership Training and Capitol Hill Day with our Mid-Year Meeting. We received positive feedback from our members about the combined programming, and we had a record number of attendees at this year's Capitol Hill Day. Thank you to Bruce Moyer, Rachel Rose, and the GRC for their hard work with the issues agenda. During the morning of Capitol Hill Day, the Executive Committee and Executive Director had the pleasure of meeting with Jim Duff at the Administrative Office of the Courts. We had a productive meeting in which we shared the FBA's initiatives and offered our continued help and support to the federal courts. The next day, we held a reception at the U.S. Supreme Court to recognize the first place winners in the middle school and high school categories for our Third Annual Essay Contest. This year's topic was cyberbullying and the First Amendment. We were deeply honored that Justice Neil Gorsuch spoke at the ceremony and presented plaques to our first place winners. Thank you to Sheri Mecklenburg for chairing the national essay contest and the Community Outreach Committee. During Leadership Summit, we also held a Town Hall Meeting to kick off a series of strategic planning sessions for the FBA so that we can focus on our strengths and address any concerns from our membership.

In mid-April, I had the honor of attending the Indian Law Conference in Albuquerque, New Mexico. This was my first time attending the Indian Law Conference as well as my first trip to Albuquerque. I was truly touched by the warmth and cohesiveness of the group at the conference, and I enjoyed learning about the group's rich history. I am also grateful that I had the opportunity to chat with past president Lawrence Baca, Michael McBride III, and the entire board of the Indian Law Section and thank the board members for inviting me to a lovely pre-conference dinner. This very well-attended conference offered unique CLE topics, and there were numerous vendors selling beautiful, handmade jewelry and gifts. I encourage FBA members to attend in the future. It was a special and memorable experience.



View from the Indian Law Conference - Albuquerque, New Mexico

On May 1, 2019, I had the honor of being the Keynote Speaker in my hometown of Chicago at the U.S. District Court for the Northern District of Illinois' Twentieth Annual Excellence in Pro Bono and Public Interest Awards ceremony. I spoke about why pro bono work is so important. The first reason is obvious, which is that there are simply so many people in need. Those who require the protection of the judicial system to advocate for them or to protect their civil rights are traditionally more vulnerable and less affluent. Pro bono work reaches those in need and affords them with the tools to be empowered and to seek justice. The second reason is that pro bono work leads to greater happiness. As Winston Churchill said, "We make a living by what we get, but we make a life by what we give." Devoting time and effort to pro bono and public interest work boosts one's happiness, health, and sense of well-being. One team of sociologists tracked 2000 people over a five-year period and found that Americans who described themselves as "very happy" gave back to the community at least 5.8 hours per month.

I also discussed the positive impact that pro bono work has on health and wellness, which is of particular concern for the legal profession. Statistics show that lawyers experience high levels of stress, depression and anxiety. Lawyers often suffer from stress-related illnesses, and lawyers frequently deal with incivility. In contrast, pro bono work has positive emotional benefits. Research consistently shows that regularly practicing acts of kindness and helping others leads to greater happiness, which will ease depression, reduce stress, and reduce the likelihood of incivility. This in turn will lead to longevity and to an improvement in the quality of life. Pro bono work also provides attorneys with the opportunity to feel re-energized and re-committed to the law.

The third benefit to pro bono work is that it helps to ensure the public's confidence in the legal profession. Attorneys are fortunate to be part of a profession that provides opportunities to

give back to the community and to help others. Pro bono and public interest work showcases the best thing about the legal profession – which is that we have the privilege and ability to help others when they need it most. In addition, the spirit of giving to others is contagious – the more that we give, the more that we encourage others to do the same. Finally, the fourth benefit to pro bono work is that it is good training. Being assigned to a pro bono matter provides attorneys with the opportunity to broaden and enhance their legal skills. The pro bono matter will likely provide the attorney with the opportunity to learn about a different area of the law and to handle a case outside of his or her usual practice area. It can provide a young attorney with the opportunity to take a more active role in the case and to build confidence. It may also expose the attorney to a different type of client.

For all of the reasons set forth above, attorneys should try to make the time for pro bono work. In the words of female athlete Sherry Anderson, “volunteers don’t get paid, not because they’re worthless, but because they’re *priceless*.” The *Chicago Daily Law Bulletin* featured the ceremony on the front page of its May 2, 2019 issue.

Chicago's federal trial court honors pro bono lawyers

By [Sarah Mansur](mailto:smansur@lawbulletinmedia.com) smansur@lawbulletinmedia.com



Federal Bar Association President Maria Z. Vathis, of counsel at Bryan Cave Leighton Paisner LLP, gave the keynote address Wednesday at the U.S. District Court for the Northern District of Illinois' 20th annual Awards for Excellence in Pro Bono and Public Interest Service Ceremony. The event honors pro bono advocates at the federal level. — Sarah Mansur

Posted May 2, 2019 12:02 PM

The next week, I attended the Twelfth Annual Southern Utah Federal Bar Symposium in St. George, Utah and was honored to make the opening remarks at the conference. For those that have never visited St. George, it is breathtakingly beautiful. The first evening of the conference, there was a welcome reception at Tuachan Center for the Arts where we were entertained by professional actors and singers. The evening ended with a fascinating CLE ethics course on “Rough Justice at Guantanamo Bay: Lesson Learned?” by Jess Bravin. The conference took place

the next day, and the topics were interesting, engaging and practical. The amount of participation from federal judges as speakers at the conference was impressive. That evening, we had a reception and dinner with this incredible view:



The next morning, and in the spirit of health and wellness, I participated in “Zen in Zion”, which was a yoga class and breakfast with views of the red-rock mountains at Tuachan Center for the Arts. Thank you to board member Jonathan Hafen, his daughter, Sarah Hafen, and Tenth Circuit Vice President Kris Angelos for their kind hospitality. The high quality of the conference is directly tied to Jonathan’s high energy, vision and hard work. As usual, he did a stellar job.



Zen in Zion

On May 20, 2019, I had the privilege of appearing before the U.S. Supreme Court to move for the admission of twenty-nine members of our organization to the Court. We had representatives from sixteen states and Puerto Rico. After the swearing in ceremony, our group had the tremendous privilege to visit with Justice Ruth Bader Ginsburg. Thank you to Joey Bowers, Glen McMurry and the YLD for organizing this special, memorable event for our organization.



On May 23, 2019, I answered rapid fire questions from fashion designer Misha Kaura, a contributing author for *Thrive Global*, about the FBA and other topics. The article is available on [www.thriveglobal.com](https://thriveglobal.com/stories/style-and-substance-a-conversation-with-maria-z-vathis/): <https://thriveglobal.com/stories/style-and-substance-a-conversation-with-maria-z-vathis/>. We also did a podcast about the FBA that was released in July 2019.

On May 30, 2019, I returned to the U.S. Supreme Court with our Executive Director for the Capitol Hill Chapter Luncheon. I had the incredible honor of being seated at a table next to Justice Neil Gorsuch during lunch along with Capitol Hill Chapter members. After lunch, Justice Gorsuch shared inspiring words with the group and answered questions from attendees. Justice Gorsuch spoke at our Annual Essay Contest Awards Ceremony for the last two years, and he commended our organization for our essay contest and for promoting civics education. Thank you to Ethan Torrey for the invitation, for his thoughtful introduction of Justice Gorsuch, and for organizing a superb luncheon.



U.S. Supreme Court

In mid-June, the national board traveled to Chicago for a board meeting. The board also devoted an entire day to strategic planning for the future of the FBA. After our strategic planning session, the board attended the Cubs game at Wrigley Field.

In late July, I had the pleasure of attending the Ninth Circuit Judicial Conference with other national FBA leaders in Spokane, Washington. We held an FBA business meeting during the conference and were pleased to have potential new members from the State of Washington join us for the meeting.



Downtown Spokane, Washington



*FBA Business Meeting,
Ninth Circuit Judicial Conference*

I was also interviewed by Law360 to discuss the FBA's civics initiatives and national essay contest. The article can be accessed at this link: <https://www.law360.com/access-to-justice/articles/1182030/the-federal-bar-association-s-vathis-on-why-civics-matter>.

The Senior Lawyers Division has launched a series of webinars on health and wellness, and I expect to participate in one of the webinars during August 2019. Thank you to the Senior Lawyers Division for focusing on the importance of health and wellness and for creating an innovative programming.

This report is due before my visit to the Alaska Chapter in early August 2019, but I look forward to sharing photos from Anchorage at the Annual Meeting.

The Special Committee on Women in the Law is working on various initiatives. Women's Equality Day is on August 26, 2019 to commemorate the ratification of the Nineteenth Amendment to the Constitution granting women the right to vote. In honor of Women's Equality Day, the Special Committee shared words of advice for women in the law on the FBA's social media during August 2019. In addition, in honor of the 100th year anniversary of the ratification of the Nineteenth Amendment, the Special Committee is in the process of selecting a topic for the essay contest relating to the right to vote and is looking into the possibility of holding a conference devoted to women in the law. Thank you to the Special Committee on Women in the Law for their input and hard work. As another way to commemorate women in the law, I reached out to two divisions (who shall remain nameless for now) for their support with honoring female judges with special receptions and thank them for adding the issue to their agendas.

Thank you for the honor and opportunity to lead such a wonderful organization! More to come.

Maia Z. Vattus



Federal Bar Association

ACTIONS OF THE BOARD OF DIRECTORS FY2019

September 13, 2018 Meeting

- Adopted a resolution that authorizes and empowers the Executive Director, President, and Treasurer to execute agreements, give direction, and receive information to/from SunTrust Bank regarding the investment and custody accounts of the Federal Bar Association
- Adopted a resolution that authorizes and empowers the Executive Director, President, and Treasurer to act, give instructions, access information, use Bank's services, perform transactions, enter into agreements, and delegate authority on behalf the operational account of the Federal Bar Association at SunTrust Bank
- Approved FY2019 committee appointments

November 7, 2018 Meeting

- Approved allocation of funds from the Furniture and Fixtures Reserves for the purchase of office chairs in FY18 and renamed the reserves to Capital Expenditures Reserve
- Approved allocation of funds from the Chapter Assistance reserves for the FY18 Chapter Activity Fund expenses and approved to continue this allocation in future fiscal years until all assets have been released
- Approved allocation of the Future Activity Reserves for Centennial Celebration expenses in FY18 and FY19
- Approved setting the value of the Operational Reserves closer to the value of short-term investments based on the Investment and Reserves Policy
- Approved the following recommendations from the Nominations and Elections Task Force
 - Include statement that the Bylaws outline the committee's composition in all Nominations and Elections (N&E) announcements/materials
 - Amend Application for Office to include question: What is one significant issue facing the FBA and, as a leader, how would you address the issue?"
 - Include language on application "The FBA welcomes and encourages diverse individuals to apply for leadership positions."
 - Schedule two meetings for the committee to vet candidates
 - Implement Issue 8 recommendations by amending current N&E policies and using new website technology
- Approved the following recommendation from the Appellate Courts Task Force
 - Outreach to Circuit Court Judges
- Approved the following recommendation from the Access to Justice Task Force

- Expand task force to include Section and Division leaders
- Expand task force to include ad hoc advisers
- Compile resources for new website
- Refer to GRC if Access to Justice should be a topic for Capitol Hill Day advocacy
- Voted to approve distribution of the sample pro se handbook
- Approved the following recommendations from the Diversity and Inclusion Task Force
 - Continue development and improvement of work with guidance from Judiciary Advisory Panel and Corporate Advisory Panel
 - Develop communications plan for specific items that we can implement now
 - Compile/expand Diversity and Inclusion web page for new site
 - Promote FBA awards among diverse communities
 - Develop a History Project
 - Ensure diversity of presenters at all programs
 - Diversity and Inclusion mentorship programs; support through LSD and YLD
 - Data regarding diversity
 - Personal commitment to active inclusion
 - Implicit bias and diversity training as part of Leadership Training
 - Recruit diverse attorneys for leadership roles

December 14, 2018 Meeting

- Approved the 2018-2019 base salary in the amount set forth in Stacy King's employment agreement paragraph 4.3.2 and to award Executive Director Stacy King the full amount of the "potential bonus" as allowed by her employment contract in the current year, as set forth in paragraph 4.3.1
- Approved the Securities Law Section's request to donate \$25,000 of section funds to the SEC Historical Society

January 22, 2019 (Via Email)

- Approved the Statement on the Partial Government Shutdown and Its Impact on the Federal Courts

January 31, 2019 Meeting

- Approved the 2019 Budget Reforecast
- Approved revisions to Policy 2-3: Reimbursements (increased maximum number of per diem for circuit vice presidents)
- Approved Centennial Celebration Budget
- Approved revised Judiciary Division Bylaws
- Approved the circulation of draft Policy 1-15: Advocacy of Public Policy Positions by FBA Entities to Chapter, Section, and Division leaders for a two-week comment period
- Approved proposed amendments to Bylaws to establish guidelines for proposals for amendments to the Constitution and Bylaws
- Approved supporting the American Civil Trial Bar Roundtable Resolution in Support of Administrative Law Judge Independence

March 20, 2019 Meeting

- Approved the report of the Audit Committee and the September 30, 2018 Year-end Financials
- Appointed Kristen R. Angelos as Vice President for the Tenth Circuit to replace Daniel Lewis
- Approved increasing the ADR Section Dues to \$25
- Approved Policy 1-15: Advocacy of Public Policy Positions by FBA Entities

May 2, 2019 (Via Email)

- Approved Policy 1-16: Judiciary Ex Officio Board Director

June 21, 2019

- Approved Policy 2-8: Reserves
- Approved Policy 2-9: Investments and Special Purpose Funds
- Adopted the Investment Policy Statement
- Approved the FY2020 Issues Agenda
- Approved the amended Transportation and Transportation Security Law Section Bylaws
- Approved the amended Veterans and Military Law Section Bylaws
- Approved the amended Younger Lawyers Division Bylaws
- Approved the rounding to 0 or 5 of the automatic dues adjustment based on the CPI increase of the last three years for the following dues categories (see Bylaw 4b):

Member Type	Dues
Member Private Sector 0-5 years	\$ 115
Member Private Sector 06-10 years	\$ 180
Member Private Sector 11 years or more	\$ 225
Member Public Sector 0-5 years	\$ 90
Member Public Sector 06-10 years	\$ 155
Member Public Sector 11 years or more	\$ 185
Retired Member	\$ 115
Sustaining Member Private Sector 0-5 years	\$ 180
Sustaining Member Private Sector 06-10 years	\$ 250
Sustaining Member Private Sector 11 years or more	\$ 300
Sustaining Member Public Sector 0-5 years	\$ 160
Sustaining Member Public Sector 06-10 years	\$ 225
Sustaining Member Public Sector 11 years or more	\$ 260
Sustaining Retired Member	\$ 180
Sustaining Honorary Member	\$ 65
Sustaining Congressional Honorary Member	\$ 65
Foreign Associate	\$ 225



Federal Bar Association

FY2020 National Election Results

On July 2, 2019, ballots were counted and verified for the FBA FY2020 national officers. Their terms will begin Oct. 1, 2019. The president-elect and treasurer will serve a one-year term, which expires on Sept. 30, 2020; directors (groups 1–4) will serve three-year terms, which expire Sept. 30, 2022; and vice presidents for the circuits and the ABA delegate will serve two-year terms, which expire Sept. 30, 2021. Incumbent President-elect **Christian K. Adams** will automatically succeed me as President on October 1, 2019. Congratulations to these leaders who will serve the association next year!

National Officers

W. West Allen – President-elect

Anh Le Kremer – Treasurer

Board of Directors

Jeanette M. Bazis – Director (Group 1 – Circuit Vice Presidents)

Hon. Mimi E. Tsankov (personal capacity) – Director (Group 2 – Sections and Divisions Chairs)

Christine Companion Varnado – Director (Group 3 – Professional Chapter Presidents)

John (Joey) Bowers – Director (Group 4 – Younger Lawyers)

ABA DELEGATE

Ashley L. Belleau – ABA Delegate

Vice Presidents for the Circuits

Oreste R. Ramos – Vice President for the First Circuit

Olivera Medenica – Vice President for the Second Circuit

Christian T. Haugsby – Vice President for the Third Circuit

Kacy L. Hunt – Vice President for the Fourth Circuit

Paul D. Barkhurst – Vice President for the Fifth Circuit

Donna J. Mikel – Vice President for the Sixth Circuit

Kevin G. Desharnais – Vice President for the Seventh Circuit

David A. Goodwin – Vice President for the Eighth Circuit

Darrel J. Gardner – Vice President for the Ninth Circuit

Hon. Suzanne Mitchell – Vice President for the Tenth Circuit

Oliver Alan Ruiz – Vice President for the Eleventh Circuit

Patricia D. Ryan – Vice President for the D.C. Circuit

Please join me in congratulating our newest FBA leaders!

Regards,

Maria Z. Vathis

FBA President and Nominations and Elections Committee Chair

TAB C

Report from the Treasurer

Federal Bar Association
Statement of Financial Position
As of July 31, 2019

	July 31, 2019	July 31, 2018
Assets		
Current Assets		
Cash and cash equivalents	\$ 103,324	\$ 626,578
Investments	2,341,750	2,586,501
Accounts Receivable	227,935	92,466
Due to/Due from Affiliates	12,939	3,520
Inventory	16,063	17,947
Prepaid expenses	102,616	22,684
Total Current Assets	2,804,627	3,349,696
Other Assets		
Furniture and fixtures	198,607	198,607
Computer equipment and software	754,023	577,392
Total Property and Equipment before Acc Depr	952,630	775,999
Accumulated Depreciation	(738,652)	(685,340)
Net Property and Equipment	213,978	90,659
Total Assets	\$ 3,018,605	\$ 3,440,355
Liabilities & Net Assets		
Liabilities		
Current Liabilities		
Accounts Payable	\$ 104,374	\$ 195,716
Accrued annual leave	30,032	27,265
Equipment Lease Liability	21,486	32,940
Deferred Revenue	89,279	100,418
Other	55,407	120,660
Total Current Liabilities	300,578	476,999
Total Liabilities	300,578	476,999
Net Assets		
Without Donor Restriction		
Unrestricted Net Assets	1,539,823	1,679,965
Board Designated		
Chapter Assistance	25,454	36,204
Sections & Divisions	740,039	813,721
BOD Desig Operational Reserve	350,000	350,000
Capital Expenditures Reserve	51,061	63,466
Future Activity Reserve	11,650	20,000
Total Board Designated	1,178,204	1,283,391
Total Without Donor Restriction	2,718,027	2,963,356
Total Net Assets	2,718,027	2,963,356
Total Liabilities & Net Assets	\$ 3,018,605	\$ 3,440,355

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association
Statement of Activities
For the Ten Months Ended July 31, 2019**

	Year To Date 07/31/2019	Prior Year To Date 07/31/2018	Year Ending 09/30/2019 Budget	% of Budget
Support and Revenue				
National Dues	\$ 1,467,291	\$ 1,488,973	\$ 2,175,000	67 %
Sustaining Dues	447,739	511,070	705,000	64 %
Section/Division Dues	141,812	152,615	215,000	66 %
Conferences	1,180,740	1,049,600	1,300,000	91 %
Co-sponsored Conferences	50,000	50,000	50,000	100 %
Section/Division Activities	71,320	53,744	65,000	110 %
Administrative and other revenues (Schedule I)	384,692	295,923	381,288	101 %
In-Kind Contribution Revenue	292,557	325,063	390,075	75 %
Total Support and Revenue	<u>4,036,151</u>	<u>3,926,988</u>	<u>5,281,363</u>	<u>76 %</u>
Expenses				
(8) Activity Expenses (Schedule II)	2,226,267	2,151,439	2,895,788	77 %
(9) General and overhead expenses (Schedule III)	1,868,432	1,849,011	2,385,575	78 %
Total Expenses	<u>4,094,699</u>	<u>4,000,450</u>	<u>5,281,363</u>	<u>78 %</u>
Change in Net Assets before Other Income (Expenses)	<u>(58,548)</u>	<u>(73,462)</u>	<u>0</u>	<u>0 %</u>
Other Income (Expense)				
Unrealized Gain/(Loss) on Investments	34,482	36,647		
Realized Gain/ (Loss) on Investments	(229)	19,205		
Total Other Income (Expense)	<u>34,253</u>	<u>55,852</u>		
Total Change in Net Assets	<u>(24,295)</u>	<u>(17,610)</u>		
Net Assets, Beginning of Period	<u>2,742,322</u>	<u>2,980,966</u>		
Net Assets, End of Period	<u>\$ 2,718,027</u>	<u>\$ 2,963,356</u>		

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

Federal Bar Association
SCHEDULE OF ADMINISTRATIVE AND OTHER REVENUES
 Schedule I
 For the Ten Months Ended July 31, 2019

	Year To Date 07/31/2019 <u>Actual</u>	Prior Year To Date 07/31/2018 <u>Actual</u>	Year Ending 09/30/2019 <u>Budget</u>	<u>% of Budget</u>
Administrative and other revenues (Schedule I)				
Administrative Fees (FBBC)	\$ 23,333	\$ 16,333	\$ 28,000	83 %
Administrative Fees (FFBA)	45,834	24,417	55,000	83 %
Administrative Fees (Sections & Divisions)	83,788	85,912	83,788	100 %
Interest/Investment Income	60,525	47,914	0	0 %
FBA Need an Attorney	2,675	11,520	15,000	18 %
The Federal Lawyer & Publications	9,283	17,802	15,000	62 %
Royalty Income	412	2,100	3,000	14 %
Job Board	3,329	3,303	5,000	67 %
Webinars	141,634	78,867	165,000	86 %
List Sales	5,269	1,512	1,500	351 %
Miscellaneous Income	8,610	6,243	10,000	86 %
Total Administrative and other revenues	\$ 384,692	\$ 295,923	\$ 381,288	101 %

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

Federal Bar Association
SCHEDULE OF ACTIVITY EXPENSES
Schedule II
For the Ten Months Ended July 31, 2019

	Year To Date 07/31/2019	Prior Year To Date 07/31/2018	Year Ending 09/30/2019 Budget	% of Budget
(8) Activity Expenses (Schedule II)				
Administrative Expenses				
President & BOD	\$ 172,625	\$ 129,696	\$ 225,000	77 %
National Council	11,632	1,912	20,000	58 %
Circuit Vice Presidents	12,469	10,531	50,000	25 %
NC Appointees	3,494	2,657	7,500	47 %
Past Presidents	2,864	4,626	8,000	36 %
Gov. Committees & Board	557	546	1,000	56 %
National Elections	787	3,784	12,000	7 %
Government Relations	102,882	80,484	112,500	91 %
Chapter Delegate	22,583	7,779	42,888	53 %
Chapter Leadership Training	28,928	75,016	104,000	28 %
Chapter Activity Fund	12,050	6,750	20,000	60 %
Chapter Rebates	309,188	361,732	518,400	60 %
Chapter Services	3,596	8,578	12,500	29 %
Membership Services	60,699	60,628	90,000	67 %
Membership Programs	67	7,914	12,500	1 %
The Federal Lawyer & Publications	182,839	199,811	190,000	96 %
FBA Conferences	1,033,597	870,712	1,082,000	96 %
Membership Marketing	13,305	5,478	12,500	106 %
Meetings Marketing	4,827	7,095	12,500	39 %
Webinar CLE Fees	6,091	9,805	15,000	41 %
Subtotal Administrative Expenses	1,985,080	1,855,534	2,548,288	78 %
Section & Division				
Section and Divisions	201,544	261,123	280,000	72 %
FBA Funded Divisions	35,531	33,537	57,500	62 %
Section Council	3,612	1,244	5,000	72 %
Section Activity Fund	500	0	5,000	10 %
Total Section & Division	241,187	295,904	347,500	69 %
(8) Activity Expenses (Schedule II)	\$ 2,226,267	\$ 2,151,439	\$ 2,895,788	77 %

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

Federal Bar Association
SCHEDULE OF ADMINISTRATIVE EXPENSES
 Schedule III
 For the Ten Months Ended July 31, 2019

	Year To Date 07/31/2019	Prior Year To Date 07/31/2018	Year Ending 09/30/2019 Budget	% of Budget
(9) General and overhead expenses (Schedule III)				
Salaries	\$ 831,804	\$ 805,843	\$ 1,060,000	78 %
Payroll taxes	69,456	68,176	85,000	82 %
Employee Insurance	62,107	65,776	95,000	65 %
Employee Retirement	30,206	29,653	36,500	83 %
Employee Training	4,987	8,002	12,750	39 %
Dues and subscriptions	3,494	3,473	5,000	70 %
Rent	342,556	375,062	450,075	76 %
Insurance	12,817	12,184	19,000	67 %
Leased Equipment	13,986	11,828	20,000	70 %
Repairs and maintenance	615	614	1,000	61 %
Computer/Internet Services	89,527	95,520	100,000	90 %
Depreciation-Furniture & Fixtures	1,034	3,108	1,250	83 %
Depreciation-Computer Equipment	43,453	44,005	85,000	51 %
Personal property taxes	3,702	5,732	5,000	74 %
Professional fees	19,111	19,265	18,000	106 %
Other Office Expense	37,934	50,636	60,000	63 %
Management Travel	6,885	5,656	10,000	69 %
Telephone	22,063	20,436	25,000	88 %
Supplies	4,696	9,812	7,500	63 %
Postage	1,903	784	2,500	76 %
Outsourced Services	256,503	210,878	275,000	93 %
Miscellaneous Expense	9,592	2,569	12,000	80 %
(9) General and overhead expenses (Schedule III)	<u>\$ 1,868,432</u>	<u>\$ 1,849,011</u>	<u>\$ 2,385,575</u>	<u>78 %</u>

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

TAB D

Report from the Chair of the
Government Relations Committee



Federal Bar Association

August 6, 2019

TO: FBA National Council

FROM: Government Relations Committee
Rachel Rose, Chair; and Bruce Moyer, Counsel

SUBJ: Update on Legislative and Public Policy Developments

GRC Accomplishments and Activities

Modernization of the Congressional Charter of the FBA Foundation. Legislation has been introduced in the House of Representatives to modernize the charter of the Foundation of the Federal Bar Association as granted by Congress in 1954. The “Foundation of the Federal Bar Association Charter Amendments Act of 2019” (HR 1663), sponsored by Rep. Steve Chabot (R-OH) and Jamie Raskin (D-MD), would provide technical changes to the charter to permit the Foundation to enjoy the same governance and management flexibility that other Congressionally-chartered organizations possess. A similar bill passed the House in 2018, but stalled in the Senate.

FBA Capitol Hill Day. Seventy-four Federal Bar Association leaders fanned out across Capitol Hill on March 21, 2019 to educate House and Senate lawmakers about the importance of the federal courts and their needs. This year’s annual FBA advocacy event, the largest ever, coincided with the FBA Leadership Summit and Mid-Year Meeting. Participants hailed from 25 states and Puerto Rico, 11 circuits and represented 38 FBA chapters. All delegates received a warm reception throughout the course of the 200-plus meetings held with House and Senate offices. In their meetings, FBA advocates promoted FBA policy priorities involving adequate funding for the federal courts and prompt action in filling judicial vacancies and establishing judgeships. They also generated interest in an FBA proposal to establish an Article I immigration court.

2020 Issues Agenda. The Government Relations Committee earlier this spring received and reviewed nine nominations to the 2019 Issues Agenda, the roster of FBA public policy priorities. On June 21, 2019, the Board of Directors, upon the GRC’s recommendation, approved the addition of one issue to the Issues Agenda, expressing support for amendment of the Bankruptcy Code’s definition of “current monthly income” to exclude benefits paid to veterans or their dependent survivors on account of or related to military service.

Legislative and Policy Issues Pursued and Monitored by the GRC

Article III Judicial Vacancies and Confirmations. The GRC continues to monitor judicial vacancies and confirmation efforts to keep the federal bench as fully-staffed as possible. Since assuming office, President Trump has placed a premium on filling judicial vacancies. In July the number of vacancies in the Article III courts fell lower than the number that existed when Trump entered office. The Senate has confirmed 146 judicial nominees during the Trump presidency, including two Supreme Court justices and a record number appeals court judges (41). This total represents 17% of the total number of authorized federal judgeships. A change earlier this spring in the application of Senate rules governing post-cloture debate time has provided for speedier confirmation of district court and subcabinet nominees. Prior to the start of the Senate's five-week August recess, the chamber confirmed 13 of President Trump's judicial nominees, lowering total vacancies to four in the circuit courts and 97 in the district courts.

New Federal Judgeships. In June the Judicial Conference of the United States, the policy-making body of the federal judiciary, officially transmitted a package of judgeship recommendations to Congress that would add 73 permanent judgeships to 27 courts across the country. The Federal Bar Association spotlighted judgeship needs in meetings with Congressional lawmakers during FBA's Capitol Hill Day in March. The lack of any new federal judgeships in nearly 15 years, combined with significant caseload growth, have generated civil case delays in many federal courts, and especially in five district courts with extraordinarily high and sustained caseloads. Those districts are the Eastern District of California, the District of Delaware, the Southern District of Florida, the Southern District of Indiana, and the Western District of Texas.

FY 2019 Funding for the Federal Judiciary. In July, the White House and Congressional leaders worked out a two-year spending agreement that will provide the framework for passage of the twelve fiscal 2020 funding bills in September, prior to the start of the 2020 fiscal year. Earlier this spring, the House approved legislation that largely satisfies the federal judiciary's fiscal 2020 budget request of \$7.6 billion to support the federal courts. The judiciary's request, strongly supported by the FBA in its advocacy efforts on Capitol Hill, reflects a 4.9 percent increase above fiscal 2019 appropriation levels. In May, FBA President Maria Vathis wrote to Congressional leaders urging support of the judiciary's appropriations request, noting that funding for the federal judiciary, a coordinate branch of our federal government, represents less than two-tenth of one penny of a taxpayer's dollar.

Independent Immigration Courts. In July, the Federal Bar Association and three other legal organizations urged Congress to create an immigration court system outside the control of the Department of Justice. In a July 11 letter, the presidents of the FBA, the American Bar Association, the American Immigration Lawyers Association and the National Association of Immigration Judges wrote that establishing this system would "protect and advance America's core values of fairness and equality by safeguarding the independence and impartiality of the immigration court system, while ensuring the timely

adjudication of cases." It was the first time that the four groups had ever joined together to urge Congress to take legislative action.

Since 2013 the Federal Bar Association has urged Congress to establish an Article I "United States Immigration Court" to replace the Executive Office for Immigration Review (EOIR) in the Department of Justice as the principal adjudicatory forum under title II of the Immigration and Nationality Act. The federal courts in the United States include the courts established in and under Article III of the Constitution, as well as the adjudicative entities established by Congress under its Article I legislative powers.

The FBA has drafted model legislation to create an Article I immigration court and is continuing to promote discuss the proposal with Congress and stakeholders. There is broad consensus that our system for adjudicating immigration claims is broken and deserves systemic overhaul to address the longstanding management and operational inefficiencies within EOIR.

Further information on the developments reported throughout this memorandum may be found on the Government Relations page of the FBA website.

TAB E

Report from the President of the Foundation



Foundation of the Federal Bar Association

Chartered by Act of Congress, August 24, 1954

2019 Annual Operations Report

FBA Centennial Fund

The Foundation Board of Directors established a fund for contributions designated to fund the FBA 100th Anniversary Celebration in March 2020. These tax-deductible donations will be used in efforts that support the Foundation's mission to promote and support legal research and education; advance the science of jurisprudence; facilitate the administration of justice; and foster improvements in the practice of Federal law. The Board also approved a one-time grant from the Foundation to the FBA to sponsor a Supreme Court event with Chief Justice Roberts during the Centennial Celebration.

Foundation Fellows

As of July 31, we have 260 Fellows of the Foundation. We are finalizing the class of 2019 and anticipate inducting at least 15 Fellows during the Public Service Luncheon at this year's FBA Annual Meeting and Convention in Tampa, Fla.

Chapter Community Outreach Grant Program

The Foundation awarded the following grants:

South Carolina Chapter – BRIDGE Mentorship Program

The South Carolina Chapter created the Mentorship Program to support the relatively new drug court in Charleston, S.C., known as the BRIDGE Program. The BRIDGE Program seeks to provide a rehabilitative program for individuals whose illegal substance dependency has led to federal criminal charges. The BRIDGE Program has expanded in to Columbia, Florence, and Greenville. FBA members and the federal judiciary will benefit from the grant as resources and personal involvement are critical to sustain the continued growth of the program, which facilitates the administration of justice while addressing the need for legal services.

South Florida Chapter – Civil Discourse and Difficult Decisions Program (a/k/a TD Squared)

The South Florida Chapter received a grant to help facilitate the Civil Discourse and Difficult Decisions Program (a/k/a TD Squared), which it organizes and facilitates several times per year with the help of its Civics and Community Outreach Committee and FBA attorney volunteers. The event brings high school students to the courthouse to discuss civil discourse, consequences of everyday actions, and involves a mock argument and jury deliberation around a Supreme Court case. The grant funds will help provide participating students with lunches, transportation to and from their schools to the federal courthouse, and to cover the costs of substitute teachers to cover for the teachers who participate in the event.

Tampa Bay Chapter – Morning at the Courthouse

The chapter received a grant to help 60-80 high school students visit the federal courthouse, see federal judges in action, and learn about the legal system. The program will provide lunch and give copies of the U.S. Constitution to the students.

Diversity Grants

The Foundation awarded the following grants:

Knoxville Chapter – Justice for All

The chapter received a grant for this joint outreach program of the FBA and the U.S. District Court for the Eastern District of Tennessee which provides underserved high school students in rural counties adjacent to Knox County opportunities to interact with professionals in various legal disciplines (including judges, lawyers, clerk's staff, and law enforcement personnel) in an effort to encourage students to set goals to obtain education and training for legal careers for increased diversity of gender, race, ethnicity, and socio-economic background in the legal industry.

Oregon Chapter – Diversity and Inclusion Committee Education and Representation

The FBA Oregon Chapter's new Diversity and Inclusion Committee's two goals for 2019-2020 are: (1) education to reduce implicit and explicit biases; and (2) increasing representation of underrepresented communities in the legal practice generally and in federal court specifically, both as practitioners and judges. The grant will help fund a multi-part CLE series as well as scholarships, outreach, and social events with the specialty bar associations. Grant funds will be used to defray speaker costs, including travel expenses, and to fund scholarships and other outreach efforts. The program will increase membership, representation, awareness, and collegiality.

Robert A. McNew Scholarship

The 2019 Robert A. McNew Law Student Scholarship was awarded to Kiera Murphy, a third-year law student at University of St. Thomas School of Law in Minneapolis, Minn.

Kiera spearheaded the creation of the FBA student chapter at the University of St. Thomas School of Law. While serving as chapter president she has created presentations and experiences to educate fellow classmates on criminal justice issues, including covering culpability in sentencing human trafficking convicts and arranging for a group of first-year law students to observe a federal judge's reentry court proceedings.

Kiera's ultimate career goal is to become a federal prosecutor. Kiera served with the U.S. District Court for the District of Minnesota as judicial extern for Senior Judge Paul Magnuson, and most recently she completed a legal externship with the U.S. Attorney's Office, District of Minnesota. Kiera was a first- and second-year summer associate with Faegre Baker Daniels LLP in Minneapolis and also interned with the legal departments of Target, Inc., and Hormel Foods Corp.

Kiera's excellent academic record includes three semesters on the Dean's List and two Dean's Awards. She is active with the Minnesota Asian Pacific American Bar Association and volunteered to work on a pro bono case with the Tubman Safety Project in Minneapolis.

In her personal essay, Kiera described an assignment that showed her the importance of practicing criminal law. During her externship with Judge Magnuson's chambers, she reviewed a habeas corpus petition and drafted a judicial order about a case involving a convicted child molester. "On one hand, it was difficult to read about a man who had been convicted of molesting a child. On the other hand, he deserved the same due process as any other person. This assignment motivated me to learn more about criminal law.

"As an extern with the U.S. Attorney's Office, I have the privilege of working with some of the smartest and most talented lawyers in the Minnesota legal community. This experience further

highlights the human impact of criminal law. As a prosecutor, every decision has direct consequences for a human being.”

Public Service Scholarship

Joseph Boland of Herndon, Va., a senior at Gonzaga College High School and the son of CIA Associate General Counsel Martin Boland, is the recipient of this year’s Public Service Scholarship. Joseph’s excellent educational and public service record, along with an outstanding essay, made the committee’s decision an easy one.

Joseph is the leader of an award-winning team of students who have been studying Gonzaga High School’s history with slavery. He will attend Yale College in the fall, taking advantage of the school’s rare book library and special collections to continue researching the relationship between slavery and American education.

Joseph was captain of the Gonzaga “It’s Academic” Quizbowl team and served as co-editor-in-chief of the student newspaper. His public service work includes volunteering with Peace Room at the Perry School, So Others Might Eat, and Father McKenna Center.

In his application essay, Joseph wrote that, with a college education, he hopes to thrive academically and personally. “I hope to thrive in my academic pursuits, uncovering the stories we, as a country, have hidden away and buried dark within us, but I also hope to thrive on a more personal level, as an individual human being. I hope to widen my, admittedly, narrow and sheltered worldview and gain a newfound perspective – on maturation, on life beyond the confines of Northern Virginia, and, most simply, on living without the everyday comfort of family – gifts, and lessons, I can take into whichever field, and whatever life, calls my name beyond just these next, very short four years.”

FBA Civics Essay Contest

The Foundation sponsored the annual FBA Civics Essay Contest for middle and high school students which included an awards ceremony with Associate Justice Neil Gorsuch at the Supreme Court. High school winner Annaclare Spletstoeszer of San Diego, Calif., and middle school winner Deeya Viradia of San Jose, Calif., also enjoyed a private tour of the Supreme Court and the Library of Congress.

Moot Court Sponsorship

The Foundation continued its sponsorship of the 25th Annual Thurgood Marshall Moot Court Competition. Forty teams of two competed from law schools across the United States. The University of Oklahoma placed first overall, followed by St. Mary’s University and the University of Minnesota.

FBA National Community Outreach Project

For the fifth consecutive year, the Foundation provided \$6,500 in funding for these 2019 participants:

District of Columbia Chapter
Eastern District of New York Chapter
Orlando Chapter
Montana Chapter
Central District of Illinois Chapter
Kansas/Western District of Missouri Chapter
Phoenix Chapter

Southern District of New York Chapter
Chicago Chapter

Modernization of the Congressional Charter of the FBA Foundation

The “Foundation of the Federal Bar Association Charter Amendments Act of 2019,” a bipartisan measure, is again under congressional review (H.R. 1663). To address substantive concerns expressed by members of the Senate Judiciary Committee over the nondiscrimination provisions of the previous bill (H.R. 4100), the Foundation Board of Directors approved this year amendments to the FFBA Bylaws which add a nondiscrimination clause into the Articles 5 and 6. FBA Government Relations Counsel Bruce Moyer received positive feedback about the bill during Capitol Hill Day. H.R. 1663 seeks to remove overly prescriptive requirements that impede Foundation governance and operations. The Charter Amendments Act will permit the Foundation to better fulfill its role as the only institution in America chartered by Congress to promote the federal administration of justice, the advancement of federal jurisprudence and the practice of law in the federal courts.

Foundation Board of Directors Nominations and Elections

The Foundation's Nominations and Elections Committee met to nominate individuals to fill three vacancies on the Foundation Board for FY2020. The election will be decided by the Federal Bar Association National Council at its meeting on September 7, 2019. Each director elected shall be for a six (6)-year term beginning on October 1, 2019. The nominees selected are: Ashley L. Belleau, Donna Phillips Currault, and Juanita Sales Lee.

Foundation Encourages Planned Giving

To fulfill its mission over the decades, the Foundation will need regular renewal by receipt of significant gifts. Planned giving reflects a personal dedication to the missions of the Foundation, namely to promote and support legal research and education; advance the science of jurisprudence; facilitate the administration of justice; and foster improvements in the practice of Federal law. It is perceived that members of the Federal Bar Association would want to ensure that programs such as those funded by the Foundation will continue long past involvement by the member with the FBA, because they enable preservation of our legal system and our government as a whole. Please consider sustaining the Foundation.

Foundation of the Fed Bar Association
Statement of Financial Position
As of June 30, 2019

	June 30, 2019	June 30, 2018
Assets		
Current Assets		
Cash and cash equivalents	\$ 57,788	\$ 53,233
Investments	1,009,604	946,050
Promises to give	5,300	9,180
Prepaid expenses	227	0
Total Current Assets	1,072,919	1,008,463
Other Assets		
Computer equipment and software	11,400	0
Promises to Give, Long-Term Net	39,282	40,404
Total Other Assets	50,682	40,404
Total Assets	\$ 1,123,601	\$ 1,048,867
Liabilities & Net Assets		
Liabilities		
Current Liabilities		
Accounts Payable	\$ 250	\$ 0
Due to/Due from Affiliates	6,234	(589)
Total Current Liabilities	6,484	(589)
Total Liabilities	6,484	(589)
Net Assets, End of Period		
Without Donor Restriction	902,545	834,884
With Donor Restriction	214,572	214,572
Total Net Assets, End of Period	1,117,117	1,049,456
Total Liabilities & Net Assets	\$ 1,123,601	\$ 1,048,867

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

Foundation of the Fed Bar Association
 Statements of Activities and Changes in Net Assets
 For the Nine Months Ended June 30, 2019

	FY2019 YTD	FY2018 YTD	FY2019 Budget	Percent of Budget
Grants and Contributions				
Fellows' Contributions	\$ 12,220	\$ 7,850	\$ 22,500	54 %
Voluntary Contributions	58,888	48,761	75,000	79 %
Other Grants and Contributions	70,325	84,334	71,000	99 %
Total Grants and Contributions	<u>141,433</u>	<u>140,945</u>	<u>168,500</u>	<u>84 %</u>
Support and Revenue				
Fellows Dinner	6,600	6,800	10,750	61 %
Interest Earned	23,497	22,950	26,000	90 %
Total Support and Revenue	<u>171,530</u>	<u>170,695</u>	<u>205,250</u>	<u>84 %</u>
Expenses				
Program				
Grants and Awards	71,255	164,752	170,500	42 %
Fellows Dinner	8,706	7,207	10,000	87 %
Travel	0	1,874	2,500	0 %
Program Expenses	0	1,000	1,500	0 %
Total Program	<u>79,961</u>	<u>174,833</u>	<u>184,500</u>	<u>43 %</u>
Management and Support				
Administrative Fees	41,250	21,975	55,000	75 %
Insurance	757	0	984	77 %
Board Expense	78	0	4,000	2 %
Office Expense	1,725	1,276	1,500	115 %
Postage	1,047	956	1,500	70 %
Professional Fees	7,308	6,999	7,500	97 %
Miscellaneous Expense	3,898	3,976	7,500	52 %
Total Management and Support	<u>56,063</u>	<u>35,182</u>	<u>77,984</u>	<u>72 %</u>
Total Expenses	<u>136,024</u>	<u>210,015</u>	<u>262,484</u>	<u>52 %</u>
Total Change in Net Assets before Other In- come (Expenses)	<u>35,506</u>	<u>(39,320)</u>	<u>(57,234)</u>	<u>(62) %</u>
Other Income (Expense)				
Unrealized Gain/(Loss) on Investments	3,340	4,437	0	0 %
Realized Gain/ (Loss) on Investments / Sale of Assets	79	12,172	0	0 %
Total Other Income (Expense)	<u>3,419</u>	<u>16,609</u>	<u>0</u>	<u>0 %</u>
Total Change in Net Assets	38,925	(22,711)	(57,234)	(68) %
Net Assets, Beginning of Period	1,078,192	1,072,167	0	0 %
Net Assets, End of Period	<u>\$ 1,117,117</u>	<u>\$ 1,049,456</u>	<u>\$ (57,234)</u>	<u>(1,952) %</u>

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION
Schedule of Fund Activity
For the Nine Months Ended June 30, 2019

	Without Donor Restrictions		With Donor Restrictions								Total	
	Operating Fund	Foundation Corpus	Fellow LT	Minnesota Donor Advised Fund	Michael Shaw Public Service Award Fund	Boots Fisher Memorial Fund	Judicial Research & Education Fund	Moot Court Competition Fund	John T. Stewart, Jr. Scholarship Fund	Hurricane Disaster Fund		Centennial Fund
Support and Revenue:												
Grants and Contributions:												
Voluntary Contributions	\$ 58,888	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	58,888
Fellows program	-	12,220	-	-	-	-	-	-	-	-	-	12,220
Fellows Dinner	-	6,600	-	-	-	-	-	-	-	-	-	6,600
Other Grants and Contributions	-	-	-	40,575	10,000	-	-	-	-	150	19,600	70,325
Silent Auction	-	-	-	-	-	-	-	-	-	-	-	-
Memoriams and Remembrances	-	-	-	-	-	-	-	-	-	-	-	-
Miscellaneous income	-	-	-	-	-	-	-	-	-	-	-	-
Unrealized Gain/(Loss) on Inv.	3,340	-	-	-	-	-	-	-	-	-	-	3,340
Realized Gain/ (Loss) on Inv.	79	-	-	-	-	-	-	-	-	-	-	79
Interest Income	6,464	12,949	-	191	181	519	2,824	283	86	-	-	23,497
Total Support and Revenue	68,771	31,769	-	40,766	10,181	519	2,824	283	86	150	19,600	174,949
Expenses:												
Fellows Dinner Expense	-	8,706	-	-	-	-	-	-	-	-	-	8,706
Travel	-	-	-	-	-	-	-	-	-	-	-	-
Program Expenses	-	-	-	-	-	-	-	-	-	-	-	-
Board Meeting Expense	78	-	-	-	-	-	-	-	-	-	-	78
Grants	27,982	-	-	40,575	-	1,000	-	-	-	1,698	-	71,255
Administrative Costs	41,250	-	-	-	-	-	-	-	-	-	-	41,250
Insurance	757	-	-	-	-	-	-	-	-	-	-	757
Postage and Mailing Expense	1,047	-	-	-	-	-	-	-	-	-	-	1,047
Professional Fees	7,308	-	-	-	-	-	-	-	-	-	-	7,308
Supplies	1,726	-	-	-	-	-	-	-	-	-	-	1,726
Miscellaneous Expense	3,898	-	-	-	-	-	-	-	-	-	-	3,898
Total Expenses	84,046	8,706	-	40,575	-	1,000	-	-	-	1,698	-	136,024
Change in Net Assets	(15,275)	23,063	-	191	10,181	(481)	2,824	283	86	(1,548)	19,600	38,925
Net Assets, Beginning of Year	279,042	594,178	6,631	8,787	8,302	23,795	129,577	12,980	3,961	1,548	-	1,078,192
Net Assets, End of Period	\$ 263,767	\$ 617,241	\$ 6,631	\$ 8,978	\$ 18,483	\$ 23,314	\$ 132,401	\$ 13,263	\$ 4,047	\$ -	\$ 19,600	\$ 1,117,117

Ashley L. Belleau

Candidate for Director, Foundation of the Federal Bar Association

I am a Past National President of the Federal Bar Association (FBA) having served as the President for the period of October 1, 2010 through September 30, 2011. During my term as President, the FBA team substantially increased the Association's visibility, relevance and value. My experience and dedication to FBA activities have afforded me the opportunity to develop a good rapport with FBA members and Judges all over the country. Serving as National President helped me develop a deeper understanding of the inner workings of the Association, the Foundation of the Federal Bar Association (FFBA) and the Federal Bar Building Corporation (FBBC). I am a Life Fellow of the Foundation of the Federal Bar Association.

I have served on a number of different non-profit boards, including currently being a Director of the Mirabeau Family Learning Center and a past Director of the FBBC.

My record with the FBA includes serving as in my second term as the FBA's Delegate to the ABA House of Delegates, President of the New Orleans Chapter of the FBA in 1999–2000 and thereafter as a Vice-President for the Fifth Circuit. In September 2003, I was elected by my peers as Chair of the Vice-Presidents for the Circuits and served in that position for a period of two years. In 2005, I was elected Deputy Secretary and served for two years on the Executive Committee before the governing structure was replaced by the current Board of Directors. In 2006, I was appointed General Counsel to the FBA and was re-appointed in 2007. In 2008, I was elected Treasurer and in 2009 elected as President-Elect of the Association. Other FBA activities include: Member of the National Council; 2012–2014 FBA appointed representative to the American Civil Trial Bar Roundtable (ACTBR); 2012–2018 Director of the Federal Bar Building Corporation (FBBC); 2015-2017 Treasurer of FBBC; 2014, 2018 Secretary of FBBC; 2007 Chapter Activity Awards Committee; 2002-2005 and 2009–2010 Governance Review Committee; 2002-2003 Deputy Chair of the Vice Presidents of the Circuits; 2001–2002 Judicial Nominations Committee; Speaker, 1st, 2nd and 3rd Annual FBA Chapter Leadership Training Programs for Chapter President-Elects; and 1991–1993 Director, FBA Younger Lawyers Division Board.

I am a shareholder with Lugenbuhl Wheaton Peck Rankin & Hubbard in its New Orleans office. Named one of the Top 25 Women Louisiana Super Lawyers for 2018 and 2019, selected as a Louisiana Super Lawyer in Business Litigation, recognized by Best Lawyers 2019 and 2020, and a Recognized Practitioner by Chambers and Partners USA in its Commercial Litigation category, my main areas of practice include business litigation, fidelity and surety, and alternative dispute resolution. The awards and recognitions I have received include being listed in the Martindale-Hubbell Bar Register of Preeminent Women Lawyers Inaugural Edition, 2011; named a Fellow to the Litigation Counsel of America, The Trial Lawyer Honorary Society; and named to the New Orleans CityBusiness Women of the Year Class of 2012 and Leadership in the Law Class of 2016. The New Orleans Chapter of the FBA honored me with the 2018 John R. "Jack" Martzell Professionalism Award.

Donna Phillips Currault

Candidate for Director, Foundation of the Federal Bar Association

Donna Phillips Currault is a member in the New Orleans office of Gordon, Arata, Montgomery Barnett, McCollam, Duplantis & Eagan, LLC, where she handles complex commercial litigation matters including class and collective actions, business disputes, and business torts. She regularly represents employers in defending claims brought under federal and/or state anti-discrimination statutes (e.g., Title VII, ADEA, ADA, FMLA, USERRA), and also advises clients on employment agreements, non-competition/non-solicitation issues, company policies, and compliance training on employment matters.

Ms. Currault was Order of the Coif upon graduating magna cum laude from Tulane University School of Law. While in law school, she was a member of the Law Review and served as managing editor from 1988-89. She also served as a Senior Fellow for the Legal Research and Writing program. Before joining Gordon Arata, she served as a judicial law clerk to the Honorable Morey L. Sear, United States District Judge for the Eastern District of Louisiana, from 1989-1990.

She is an FBA Life Fellow, Fellow of the American and Louisiana Bar Foundations, and Fellow of Litigation Counsel of America. In 2015-16, she served as Chair of the FBA's Labor & Employment Section. Ms. Currault has served on the Board of Directors for the New Orleans Chapter of the Federal Bar Association since 2002 and is currently the Recording Secretary. Ms. Currault is rated AV[®] Preeminent[™] by Martindale-Hubbell, has been listed in Best Lawyers in America (Commercial Litigation and Employment Law), Chambers USA Leading Lawyers in Labor & Employment, SuperLawyers Louisiana (Top 25 Women Lawyers and Labor & Employment), Benchmark Top 250 Women in Litigation, and New Orleans "Top Lawyers" in Labor and Employment Law. She received the FBA L&E Section Chair's Award in 2018 and 2015, and the Young Lawyers Section of the Louisiana State Bar Association's Michaelle Pitard Wynne Professionalism Award in 1996.

Juanita Sales Lee

Candidate for President, Foundation of the Federal Bar Association

Juanita Sales Lee is the retired Chief of General and Administrative Law Division at the United States Army Space Missile Defense Command in Huntsville, Ala. She led the efficient management of the administrative and general law areas within the USASMDC/ARSTRAT, Staff Judge Advocate/Command Counsel Office.

Juanita served as the FBA's National President from 2008 to 2009 and started serving as a director of the Foundation of the Federal Bar Association in 2013. Juanita has also worked with: the Legal Aid Society of Madison County, Huntsville, AL; private practice in her hometown of Phenix City, AL; Alabama A&M University; and the U.S. Department of Housing and Urban Development. She is a graduate of the University of Alabama School of Law and has a Master of Laws Degree from The Judge Advocate General's School, U.S. Army. She is admitted to the State Bar of Alabama, State Bar of Georgia, the Supreme Court of the United States, and the U.S. District Court, Northern and Middle Districts of Alabama.

An FBA member for nearly 30 years, Juanita was instrumental in reactivating the Mobile and Birmingham FBA chapters. Her FBA activities include the Sarah T. Hughes Civil Rights Award Committee (2002-2003); Public Relations Committee (2001-2003); Federal Career Services Member (1991-2007); North Alabama Chapter President, Delegate/Acquisition Symposium Chair, Secretary/Treasurer and Parliamentarian for two cycles (1991-2001). With her local chapter, she spearheaded the First Annual FBA Personnel and Employment Law Symposium in 2003. Other Activities: Member, Board of Directors, Legal Services of North Central, Alabama, Inc.; member, Museum Committee, Alabama Space Science Exhibit Commission; member, Alabama Committee for Constitutional Reform; Georgia Bar Delegate to China, People to People Ambassador Program; past president of the Phenix City NAACP; past secretary, Russell County Bar Association; past member, Advisory Committee, Alabama State Docks. Candidate nominated by the Nominations & Elections Committee.

TAB F

Report from the President of the
Federal Bar Building Corporation



Federal Bar Building Corporation

TO: FBA National Council

FROM: Joyce Kitchens, FBBC President

SUBJECT: FBBC Report Concerning Evolution of the FBBC and Current Investment Funds

DATE: July 22, 2019

On March 26, 2010, the Board of Directors of the Federal Bar Building Corporation (FBBC) unanimously adopted a resolution reflecting that the then-approximately \$4 million (\$4,000,000) investment portfolio of the FBBC, together with growth, dividends, interest, and other income, be maintained by the FBBC as an operational reserve, to be used for the sole purposes of anticipated operating expenses, capital improvements, and necessary repairs. At a subsequent meeting of the Board, then-President Alan Harnisch appointed Judge Delissa Ridgway, Gerald Gilbert, and Robert Mueller (chairman) to comprise this special committee to study and make recommendations to the Board regarding various questions directly or indirectly relating to this reserve.

Historical Context

The FBBC was incorporated in the District of Columbia in December 1958 and was organized under provisions of Section 501(c)(2) of the Internal Revenue Code. Its stated purpose was to purchase or build and maintain office headquarters for the FBA and the Foundation of the FBA.

The first such home for the FBA was in an office building at 1815 H Street, N.W., in Washington, D.C. That building, and the neighboring building at 1819 H Street, were built with monies generated by fund-raising efforts, donations, events, etc., by past-President Earl W. Kintner. Those buildings, owned by the FBBC, were built without any funds from the FBA.

When these buildings began to seriously deteriorate and began to experience vacancies, the FBBC determined to sell them and locate other appropriate offices for the FBA and the Foundation. The buildings were sold in 1997, and the FBBC purchased a building at 2215 M Street, NW, as the future home of the FBA and the Foundation. The purchase was made with funds realized from the H Street sale, with no mortgage. The remainder of monies realized from the H Street sale was invested by the FBBC with the intent and for the purpose of paying all operating expenses and reasonable repairs and maintenance from the growth and income of the investment corpus. There was no plan to charge the FBA any rent for its use of the building, nor was any rent in fact charged initially. Neither was any thought given to initiating rent for the Foundation.

In the 1998-2002 timeframe, three unforeseen things changed this financial blueprint. First, soon after moving to the new building, the FBBC had to replace the roof at a total cost of \$58,000. In 2001 a drain on the roof of the building malfunctioned and caused substantial damage to our building and a restaurant next door. The cost of re-routing the water and repairing damage to the FBA headquarters and restaurant was approximately \$85,000. Additionally, during this same timeframe, it

became clear that substantial expenses loomed on the near horizon for several necessary and relatively major capital repairs (e.g., replacement windows). The amount of these realized and anticipated expenses was substantial and not foreseen in the FBBC's financial planning for this early time period. Second, we unexpectedly lost the 4th floor tenant in the building, from whom we had received and reasonably expected to continue to receive approximately \$100,000 per year. This put an enormous squeeze on the investment portfolio. Third, the investment market took a significant downturn, with the result that the investment portfolio on which the FBBC relied for income, discussed above, suffered major losses and was no longer sufficient to generate the necessary income to cover expenses.

As a temporary measure to help delay the breaking point of this crisis, the FBBC took the step of initiating a rent requirement from the FBA. The plan was to begin by charging rent in the amount of \$36,000 per year and to increase it each year to a level of \$120,000 per year. In fact, in early 2007, when the rent was at \$60,000 per year as of October 2006, the FBBC had decided to sell the building and to relocate the FBA headquarters; therefore, the rent level was retained at \$60,000 per year, where it still exists today. No rent was ever charged of the Foundation, largely because of the relatively small physical space used by the Foundation.

The decision to sell the M Street building fortuitously was made at a point when the commercial real estate selling market in DC still was relatively strong. A sale was consummated in January 2007, and the FBA headquarters and staff moved to temporary office space in Crystal City, Virginia. New office condominium space was located at 1220 N. Fillmore Street, Arlington, VA, to become the new FBA headquarters. The contract for this space, executed in the spring of 2008, was a lease with option to purchase after two years, which the FBBC planned from the outset to exercise.

Upon the sale of the M Street building and the relocation to Arlington, the financial plan of the FBBC was clearly established: Invest \$5,000,000 in short term funds that would be adequate to finance the lease/planned-purchase of the space, and invest the remaining \$4,100,000 from the M Street sale in a long-term portfolio that would produce income sufficient to pay for operating expenses and reasonable capital maintenance and improvements. Just short of the schedule in January of 2010, the FBBC exercised its option to purchase this space, and the short-term investments and a small part of the long-term portfolio were liquidated, leaving the balance of the long-term investments to produce income for operating expenses.

The general world-wide economic downturn that started in 2007 presented a realistic threat to this financial plan. Fortunately, the skill and advice of our investment counselors and the fortuitously low level of expenses required at the time permitted the FBBC to weather that storm. The result is that, at the present time, with the global economy having markedly improved and with the forecast encouraging, the long-term investment portfolio has returned a level that currently significantly exceeds the value prior to the onset of the severe recession.

It is in this historical context that the FBBC considered various questions relating to establishing and maintaining a portfolio sufficient to cover anticipated operating expenses, real estate taxes, repairs and upkeep in the future, and to provide reserve funds sufficient to cover unforeseen property expenses and economic challenges. It is impossible to overstate the determination of the current Board of Directors to learn from the M Street experience and to take all steps necessary to avoid similar threatening factors in the future. The headquarters office space is the principal physical asset of the FBA and the Foundation, and there can be no doubt that the FBBC's primary mission, now and in the future, must be to maintain the financial integrity of its investments so as to protect the future financial well-

being of the FBA and the Foundation of the FBA. All other policies and decisions made by the FBBC must be in the context of that primary mission.

Special Committee's Investment Recommendations

The FBBC special committee met initially by teleconference on Monday, January 17, 2011. Additionally, the committee had the benefit of comments and suggestions on an interim draft report in a meeting of the Board of Directors in February 2011, and on several occasions thereafter. Bearing in mind the historical context set forth above, the committee submitted the following investment recommendations.

- On an assumption of maintaining an investment portfolio that will produce an average annual income of 5-6%, the FBBC should achieve and maintain a portfolio balance of \$6 Million (\$6,000,000).
 - The committee concludes that a portfolio investment balance of \$4 million (\$4,000,000) on average should be sufficient to produce income adequate to cover all operational expenses and relatively minor repairs (hereinafter “operational reserve”), as well as county real estate taxes, without need to invade this corpus for that purpose. All reasonable efforts should be made to avoid any invasion of this corpus.
 - The committee concludes that an additional portfolio investment of \$2 million (\$2,000,000) on average should be a sufficient reserve (hereinafter “capital improvement reserve”) for the following nonexclusive purposes:
 - Periodic scheduled or predictable capital improvements and replacements;
 - Unforeseen expenses such as unscheduled repairs;
 - An economic downturn that results in a reduction of the \$4 million (\$4,000,000) corpus to the point where it is insufficient to produce adequate income to cover operational expenses.
 - [At that point in time, the FBBC's investment portfolio was approximately \$1,675,000 less than the target of \$6 million (\$6,000,000). As of June 30, 2019, the value of the portfolio of investments is \$5,797,856 – approximately \$202,144 less than the target.]
- Any activity that causes the total portfolio balance to fall below \$6 million (\$6,000,000) will trigger a focused determination by the FBBC to take all reasonable steps to fully restore the total portfolio balance. Such steps might include postponing some or all planned discretionary expenditures, adjusting the investment strategy, and/or increasing tenant rent. Until such time as the total portfolio is restored to \$6 million (\$6,000,000), all decisions and actions by the FBBC must be reasonably consistent with the primary objective of restoring the total portfolio.
- At the end of any given fiscal year of the FBBC (October 1 through September 30), any balance in the total portfolio that exceeds \$6 million (\$6,000,000) shall be distributed to the Federal Bar Association and/or the Foundation of the Federal Bar Association, as provided in the tax code for a Section 501(c)(2) corporation. All revenues in excess of total operating expenses and reserves for future expenses must be distributed to the owners, per relevant provisions of the U.S. tax code and IRS regulations.

Related Recommendations of the Special Committee

- The FBBC should continue the business practice of charging rent from the FBA.

- This practice, originally started on M Street out of economic necessity, has established a disciplined and healthy business-like aspect to the relationship between the FBBC and FBA that should be continued.
- The rent will assist the growing of the portfolio discussed above.
- When the FBBC reaches the point where the total portfolio exceeds \$6 million (\$6,000,000), the excess must be distributed to the FBA and/or the Foundation as described above, so there will not be a situation in which the FBBC is charging the FBA rent without an economic need. In pursuing this practice, the business relationship discussed above continues to be encouraged.
- For the present and into the near future, the current rent of \$60,000 should continue, which coincidentally is nearly sufficient to cover all current condominium fees. It may be adjusted from time to time as circumstances may warrant.
- The FBBC should not presently initiate a rental charge to the Foundation, given its minimal space requirements in the headquarters facility.
- These investment and related recommendations should be reflected in and adopted by the FBBC Board of Directors by Resolution, so that any future Board may fully understand the current Board's decision, motivation, and rationale if and when a future Board considers adjusting any policy reflected in the resolution; and so that future FBA and Foundation Boards may be clear in the concept that this approach is deemed to be critical to the future interest of all three organizations.

Resulting Resolution of the FBBC Board of Directors

On September 9, 2011, having received and considered the report of the Special Committee, as well as the historical context described above, the Board of Directors of the FBBC unanimously adopted the resolution that is attached to this Report to the National Council. That resolution fully adopted the recommendations of the Special Committee, and it has not been amended since that date. The monies invested by the FBBC from the sales of earlier properties is there for the sound discretionary use by the FBBC to maintain the headquarters of the FBA and the Foundation, and the Board of the FBBC is singularly focused on fulfilling that fiduciary responsibility that is so critical to the future success of the FBA and the Foundation.

Response to Request for \$5,000,000 Distribution

By letter dated May 27, 2019, addressed to the Board of Directors and the National Council of the Federal Bar Association (FBA), FBA member Aaron Bulloff proposed a “modest distribution” of \$5,000,000 to the FBA from the investment corpus of approximately \$5,700,000 currently held by the Federal Bar Building Corporation (FBBC). Reduced to its essence, Mr. Bulloff’s lengthy letter contains two major contentions: First, that the FBBC has no lawful authority to hold investments of an amount currently held; and, second, that even if lawfully held, the amount is excessive for what is reasonably necessary to meet the FBBC’s responsibility to pay the “expenses” relating to the FBBC’s ownership of the premises that serves as the headquarters for the FBA and the Foundation of the Federal Bar Association (FFBA).

On Thursday, June 27, 2019, the Board held a meeting by teleconference. After much discussion, the members of the Board unanimously voted to decline to make the proposed distribution for the following reasons.

In the context of explaining the decision, three points should be stated at the outset. First, the policies and decisions of the FBBC over the years relating to our holding of investments for the purpose of supporting our ownership responsibility were based on repeated advice from accountants, our auditor,

and a retained attorney/CPA who specializes in advising tax-exempt organizations like the FBBC. Second, nothing in this response is new to the FBA's historical leadership on its Board or the Council. Through regular written and oral presentations to those bodies by the leadership of the FBBC, everything in this response has been expressed often and with clarity in order to be transparent in the FBBC's efforts to fulfill its legal responsibilities. Moreover, in 2015, the FBA's general counsel, at the request of the FBA Board, studied these issues and fully reported to the Board on the lawfulness of the FBBC's policies. Third, in setting out the rationale for our decision, there has been no effort to grapple with several flaws reflected in Mr. Bulloff's letter relating to historical facts, legal principles and considerations, and the tedious effort to analyze financial data.

EXTENT OF, AND LIMITATIONS ON, FBBC'S LEGAL AUTHORITY TO HOLD INVESTMENTS

The FBBC is incorporated in the District of Columbia and established as a tax-exempt entity under Section 501(c)(2) of the Internal Revenue Code (IRC). Under the FBBC's Articles of Incorporation and consistent with this organizational provision in the IRC, the sole and exclusive purpose of the FBBC is to hold title to "property" in order to provide a headquarters for the FBA and the FFBA, the FBBC's two parent corporations. The "entire amount" of "income" from the "property," "less expenses," must be turned over to an organization that itself is tax-exempt under Section 501(c), e.g., the two parent organizations.

The statute, itself, does not more fully describe such key terms as "property," "income," "expenses" and "entire amount". Other resources, though, such as the Internal Revenue Manual (IRM) and Revenue Rulings, are helpful in this regard. Those sources unequivocally support the proposition that a title holding company like the FBBC may hold title to any kind of property, without exception or limitation, and collect the income it generates. Commonly, "property" includes real estate. E.g., the FBA and FFBA headquarters. It also includes "personal" property, such as passive investments. While a title holding company may collect income from investments, it cannot unreasonably accumulate income and still retain its exemption; instead, it must turn over the entire amount of such income, less expenses, to a qualified organization, such as FBA and FFBA.

In sum, then, it is clear that the FBBC may hold investments; it may collect the income from those investments; and it must periodically turn over the entire amount of such income, "less expenses," to the FBA and/or the FFBA. Thus viewed, the question then is: What are the "expenses" for which the FBBC may retain income in order to meet its responsibility? Various Treasury Rulings, provisions in the Internal Revenue Manual, and court decisions provide step-stones in a path leading to an answer to this question.

Step One: The FBBC may hold income sufficient to pay expenses of the real property it owns. This includes not only ordinary and necessary operating expenses paid or incurred, but also reasonable additions to depreciation reserves and other reserves that it would be proper for a business corporation holding title to and maintaining property.

Step Two: As a title holding company, the FBBC may retain income sufficient to pay other expenses relating to the real property that, otherwise, would have to be paid by the FBA and/or FFBA. An example would be payments to reduce indebtedness on the real property it holds, if there was such debt. The logic here is that the title holding company is by nature responsive to specific needs and purposes of its exempt parent. If the company must remit all of its income to the parent every year, it would have no funds with which to meet its own responsibilities relating to the real property. In such a context, the company would have to turn repeatedly to the parent for additional contributions to its capital, thus restricting the ability of the company in serving the needs of the parent.

Step Three: Relating to Steps One and Two above, other than the token annual rent paid by the FBA, the FBBC has no source of income except the income from its investments. The IRS has stated that

it is reasonable to assume that, if a title holding company is permitted to hold money in an account to pay expenses, then logically it must be permitted to hold investments in reserves to raise that money.

APPROPRIATENESS OF INVESTMENT RESERVE TARGET OF \$6 MILLION

The process and methodology followed by the FBBC Board in adopting a policy that a reserve of \$6,000,000 was an appropriate reserve in this context has been publicly articulated and explained both to the FBA Board of Directors and to the National Council on repeated occasions. Reference to published reports in materials prepared for past National Council meetings will fully educate a reader of the approach and careful deliberation that went into the members of the FBBC Board in exercising its best business judgment in this regard.

MATERIAL AUTHORITIES AND SOURCE MATERIALS

- IRM 4.76.1.2.2.
- IRM 4.76.1.2.2 and Note (“Investment income is permitted.”); 4.76.1.5 (“IRC 501(c)(2) (corporations may hold title to passive investments and collect the income they yield . . . Investments in stocks, bonds, . . . and real estate are all traditional and generally permissible sources of income.”). See Rev. Rul. 76-335, 1976-2 CB141; Rev. Rul. 66-295, 1966-2 CB 207
- Treas. Reg. Section 1.501(c)(2)-1(b)
- Rev. Rul. 77-429, 1997-2 CB 189
- IRM 7.25.2.6.3
- Rev. Rul. 66-102, 1966-1 CB 133
- Rev. Rul. 88-121, 1988-2 CB 457

BOARD OF DIRECTORS

Policy Resolution Regarding FBBC Investments and Reserves

Approved on September 9, 2011

WHEREAS, the Board of Directors of the Federal Bar Building Corporation (FBBC), on March 26, 2010, unanimously passed a resolution reflecting that the then-approximately \$4 Million (\$4,000,000) investment portfolio of the FBBC - together with growth, dividends, interest and other income - shall be maintained by the FBBC as an operational reserve, to be used for the sole purposes of paying usual operation expenses, capital improvements and replacements, and expenses for necessary repairs at the condominium office of the Federal Bar Association (FBA) and the Foundation of the Federal Bar (Foundation) at 1220 N. Fillmore Street, Arlington, VA;

WHEREAS, by report of February 25, 2011, a special committee of the FBBC Board submitted a draft report including certain recommendations regarding the appropriate value of the FBBC investment portfolio that should be achieved and maintained in order to generate sufficient income to fully cover operating expenses and real estate taxes, as well as to constitute a sufficient reserve for such non-exclusive purposes as scheduled or predictable capital improvements and replacements, unforeseen expenses such as unscheduled repairs, and possible economic downturns that may result in a reduction of the corpus of the portfolio to the point where the portfolio it is not sufficient to produce adequate income to cover operational expenses;

WHEREAS the full FBBC Board has offered comments and suggestions in response to the draft report and recommendations, which the special committee of the Board has considered and incorporated in the final report and recommendations, as appropriate, as approved in principle on March 15, 2011, and with final text approved on September 9, 2011;

WHEREAS, this report reflects that the recommendations of the special committee are based in part on the historical experiences of the FBBC and its financial and investment policies while owning properties serving as headquarters facilities for the FBA and the Foundation at 1815 and 1819 H Street, NW, Washington, DC, at 2215 M Street, NW, Washington, DC, and at 1220 N. Fillmore Street, Suite 444, Arlington, VA;

WHEREAS, it is the principal purpose of the FBBC to own and maintain real estate to serve as the headquarters of the FBA and the Foundation;

WHEREAS, the condominium office space at 1220 N. Fillmore Street, Arlington, VA, is owned and maintained by the FBBC for this purpose and is the principal physical asset of the FBA and the Foundation; and

WHEREAS, in this context, the Board of Directors of the FBBC considers that the FBBC's primary responsibility and trust, now and in the future, must be to maintain the financial integrity of its investments so as to protect the future financial well-being of the FBA and the Foundation and that all other policies and decisions made by the FBBC must be in the context of that primary mission;

IT IS, THEREFORE, RESOLVED: That, on an assumption of maintaining an investment portfolio that will produce annual income of 5-6%, the FBBC shall achieve and maintain a total portfolio balance of approximately \$6 Million (\$6,000,000);

IT IS, THEREFORE, FURTHER RESOLVED: That, of this portfolio balance, approximately \$4 Million (\$4,000,000) (“operational reserve”) will be sufficient to produce income adequate to cover all operational expenses, real estate taxes, and relatively minor repairs, without need to invade the corpus of the operational reserve for these purposes, and that all reasonable efforts shall be made to avoid any invasion of this operational reserve;

IT IS, THEREFORE, FURTHER RESOLVED: That the remainder of the portfolio balance - \$2 Million (\$2,000,000) (“capital improvement reserve”) - on average will be a sufficient reserve for such non-exclusive purposes as periodic scheduled or predictable capital improvements and replacements, unforeseen expenses such as unscheduled repairs, and economic downturns that may result in a reduction of the \$4 Million (\$4,000,000) operational reserve to the point where it is insufficient to produce adequate income to cover operational expenses;

IT IS, THEREFORE, FURTHER RESOLVED: That any activity that causes the total portfolio balance (“total reserve”), which is the combined balance of the operational reserve and the capital improvement reserve, to fall below \$6 Million (\$6,000,000) shall trigger a focused determination by the FBBC to take all reasonable steps to fully restore the total reserve balance, such as postponing some or all planned discretionary expenditures, adjusting the investment strategy, and/or increasing tenant rent;

IT IS, THEREFORE, FURTHER RESOLVED: That, until such time as the total reserve balance is restored to \$6 Million (\$6,000,000), all decisions and actions by the FBBC must be reasonably consistent with the primary objective of restoring the total reserve balance;

IT IS, THEREFORE, FURTHER RESOLVED: That, the FBBC shall continue the sound business practice of charging the FBA rent for its use of the condominium office space owned by the FBBC, but that the Foundation shall not be charged rent for its use of such space at this time.

AND IT IS FINALLY RESOLVED: That it shall be the general policy of the FBBC that, at the end of any given fiscal year of the FBBC (October 1 through September 30), any balance in the total reserve that exceeds \$6 Million (\$6,000,000) shall be distributed to the FBA and the Foundation as provided in the tax code and IRS regulations for a Section 501(c)(2) corporation.

Notice via email

To: Federal Bar Association National Council

Date: June 4, 2019

Subject: Notice of Election and Nominees for FBBC Board of Directors

Pursuant to Article VI of the Bylaws of the Federal Bar Building Corporation, the Nominations and Elections Committee of the FBBC hereby gives notice that it will nominate candidates for two (2) seats on the FBBC's Board of Directors. Members in good standing of the Federal Bar Association and who have continuously been members for at least the ten (10) immediately preceding years shall be eligible to serve on the FBBC's Board of Directors. The election will be by the Federal Bar Association National Council at its meeting on September 7, 2019. Each position elected shall be for a three (3)-year term beginning on October 1, 2019.

Under Article VI of the FBBC Bylaws, the Nominations and Elections Committee nominates candidates for the Board of the FBBC in two ways:

- By making a nomination
- By placing in nomination a candidate eligible by petition: A candidate petitioning for nomination must be endorsed by not less than ten (10) National Council Members in good standing

On April 17, 2019, the Federal Bar Building Corporation Nominations and Elections Committee met to nominate individuals to fill two (2) vacancies on the FBBC Board, for a term beginning October 1, 2019 through September 30, 2022. The nominees selected are:

Vildan Teske
Dennis Clark

Members who have not been nominated for board seats by the Nominations and Elections Committee, but who wish to be placed on the ballot, may do so by delivering the following, **by email**, to joyce.kitchens@knclawfirm.com:

- a letter of application specifying the experience of the member in FBA activities and such other information as may indicate the prospective nominee's qualifications to serve as an FBBC Director;
- a petition bearing the required number of signatures indicated above; and
- a one-page resume for distribution to the National Council.

All necessary documents set forth above must be received not later than 5:00 p.m. ET on Thursday, August 1, 2019. If any required document is not received by this deadline, the application will be considered insufficient. Many thanks for your consideration of this Notice.

Joyce E. Kitchens
Chair, Nominations and Elections Committee

Federal Bar Building Corporation

FY2018 FBBC Nominations and Elections Committee

Joyce E. Kitchens, President

Adrienne Berry, Vice President

James Bland, Secretary



Federal Bar Building Corporation

Notice of Elections

Pursuant to Article VI of the Bylaws of the Federal Bar Building Corporation, the Nominations and Elections Committee of the FBBC hereby gives notice that there shall be an election for two (2) seats on the FBBC's Board of Directors. The election will be by the Federal Bar Association National Council at its meeting on September 7, 2019. Each position elected shall be for a three (3)-year term beginning on October 1, 2019. The following candidates shall be placed on the ballot.

Dennis Clark

Vildan Teske

Kip Bollin

DENNIS J. CLARK

645 Griswold Street, Suite 2200
Detroit, Michigan 48226

313-962-2233
djclarklaw@gmail.com

CAREER SUMMARY

A successful trial and appellate attorney in criminal and civil law in federal and state courts. A legal and management professional with extensive experience in compliance and ethics. Excellent leadership ability combined with highly effective interpersonal skills and work ethic. Committed to quality performance and achievement of organizational goals, with a reputation for being dedicated, trustworthy, ethical and responsible.

PROFESSIONAL EXPERIENCE

CLARK LAW FIRM PLLC, Detroit, MI 9/2011 - present
DENNIS J. CLARK PLLC, Grosse Pointe Farms, MI 9/2009 - 9/2011

Attorney and Counselor - Specializing in criminal and civil litigation at the trial and appellate levels in Michigan and Pennsylvania. Trained (ICLE) Mediator.

UNIVERSITY OF DETROIT MERCY SCHOOL OF LAW, Detroit, MI 2011 - present

Adjunct Professor - Teaching "Business Crimes (the Prosecution, Defense and Prevention)".

THE AUTO CLUB GROUP, Dearborn, MI 10/2005 - 8/2009

An affiliation of AAA Clubs offering insurance, travel, financial and automobile related membership services.

Vice President - Compliance & Ethics

Managed and led the corporate compliance and ethics department.

- Designed, executed and enforced the company's ethics and regulatory compliance program.
- Supervised 20 legal and compliance professionals working on company-wide projects covering operations in 11 states.
- Prepared, monitored and met the department's \$2 million annual budget.
- Led the group responding to and resolving federal and state agency regulatory complaints and inquiries.
- Created the corporate Code of Conduct and Ethics and implemented it along with a training module for 5,400 company personnel throughout the region.

- Provided compliance and ethics educational/training sessions for management and other employees on all issues relating to compliance.

PLUNKETT & COONEY, P.C., Detroit, MI
1988-2005

A large full service law firm.

Attorney - Shareholder

Represented clients in criminal and civil law, appeals and corporate compliance and ethics.

- Represented criminal defendants in federal prosecutions including fraud, tax, anti-trust and environmental violations.
- Tried many jury and non-jury matters and handled numerous appeals in both state and federal courts to successful conclusions.
- Advised and consulted with corporate and individual clients on a full range of legal issues with particular focus on compliance, ethics and corporate governance matters.
- Represented law enforcement, correctional officers and public officials in Sec.1983 federal civil rights cases
- Represented two death penalty defendants in post conviction proceedings between 1991 – 1993 (Mississippi Supreme Court reversal for new sentencing) and between 1997 – 2005 (Alabama) on a pro bono basis.
- Elected by fellow shareholders to serve on the firm’s board of directors for nine years and as secretary-treasurer during eight of those years.

LIVINGSTON & CLARK, Pittsburgh, PA
1988

1973-

A law firm specializing in criminal defense and civil litigation.

Attorney - Partner

Represented clients in criminal jury and non-jury matters and appeals in both federal and state courts and defended law enforcement personnel and public officials in federal civil rights cases. Also represented a defendant facing the death penalty through trial and two successful appellate proceedings resulting in reversals.

EDUCATION

Boston University School of Law, Boston, Massachusetts (JD, 1973)

University of Notre Dame, Notre Dame, Indiana (BA, cum laude, 1970)

PROFESSIONAL MEMBERSHIPS / AFFILIATIONS

- City Connect Detroit ○ Board Chair, 2013-present ○ Board of Directors, 2008-present ○ Chair, Investment Committee, 2009-2015
- Foundation of the Federal Bar Association (National) ○ Chair, Fellows of the Foundation, 2013-2015 ○ President, 2011-2013 ○ Board of Directors, 2004-2016
 - Vice President, 2009-2011; Treasurer, 2007-2009; Secretary 2006-2007
 - Fellow of the Foundation
- Federal Bar Foundation of Detroit ○ Trustee, 1999-present ○ Treasurer, 2000-present
- St. Paul Church, Grosse Pointe Farms, Michigan ○ Finance Council/Finance & Administration Commission, 1997-2017 ○ Finance Council Chairperson, 2011-2013 ○ Commission Co-Chair, 1999-2011
- Federal Bar Association – Eastern District of Michigan Chapter ○ President, 2003-2004 ○ Board of Directors, 1991-2005
- Incorporated Society of Irish American Lawyers ○ President, 2011-2013 ○ Board of Directors, 2006-present ○ Foundation Board Member, 2013-present
- State Bar of Michigan
- Pennsylvania Bar Association
- National Association of Criminal Defense Lawyers

LECTURES AND PUBLICATIONS

Lectures:

University of Detroit Mercy School of Law, Adjunct Professor, course: Business Crimes (Prosecution, Defense and Prevention) (Winter and Fall Semesters, 2011; Fall Semesters, 2012-2017)

University of Detroit Mercy School of Law, Guest Lecturer on Business Ethics (10/2007)

Corporate Governance lectures for Michigan Association of CPAs (12/2004 and 7/2005)

“Corporate Compliance,” Plunkett & Cooney, P.C. 2004 Medical Liability Check-Up, March 2004

“Protecting Your Organization’s Assets in the Internet Age,” Plunkett & Cooney, P.C. E-Law Seminar, February 2002

“Corporate Compliance,” Michigan Society of Health Care Risk Management (5/2001)

“Counseling Your Client in Being an Ethically Effective Entity,” Law Day 2001 Continuing Legal

Education Presentation, Cambria County (PA) Bar Association (5/2001)

Inspiring Paths,” Public Service in the Law Lecture, Univ. of Michigan Law School (2/2000)

Wayne State University Business School, Guest Lecturer on Business Ethics (1997-1999)

“Avoiding Criminal Exposure: Protecting Your Company and Its Management, Designing and Implementing an Effective Compliance Program Under Federal Guidelines,” ALFA (4/1999)

“Avoiding Criminal Exposure: Protecting Your Company and Its Management, Designing and Implementing an Effective Compliance Program Under Federal Guidelines,” American Law Firm Association Transportation Seminar, April 1999

“Work Force 2000,” Plunkett & Cooney, P.C. Seminar, October 1997

“How To Help Your Company Avoid Criminal Prosecution,” American Corporate Counsel Association, Michigan Chapter, June 1996

Law Education Institute/BNA National CLE Conference, March 1993

Pennsylvania Association of Criminal Defense Lawyers CLE Seminar, January 1991

National Association of Criminal Defense Lawyers, Annual Meeting Seminar, August 1989

Continuing Legal Education Seminars, Allegheny County Bar Association Trial Advocacy Foundation of Pennsylvania, 1984

Teacher of “Appellate Process” and “Criminal Law and Procedure” at Robert Morris College, Pittsburgh, Pennsylvania, Department of Continuing Education, 1980-1987

Publications:

Article, “Harmless Error” - Florida Bar Criminal Law Section Newsletter

Article, “The Fifth Amendment - Implications in a Civil Case” - MDTC/ADTC News Briefs, Spring 1993

Article, “Effective Post-Conviction Representation” - NACDL, The Champion, August 1991

HONORS AND AWARDS

LexisNexis-Martindale Hubbell – Awarded an AV Preeminent, Highest Possible Peer Review Rating in both Legal Ability and Ethical Standards (1990-2019)

Monsignor Malloy Award -- Catholic Lawyers Society of Detroit (2019)

Outstanding Service (Ed Crowe) Award -- Catholic Youth Organization (1996)

President’s Distinguished Service Award -- National Association of Criminal Defense Lawyers (1992)

Certificate of Appreciation -- National Association of Criminal Defense Lawyers (1990)
Lawyer Delegate to Judicial Conference of the United States Court of Appeals for the Third Circuit (1987)

Award for Distinguished Service and Commitment to Notre Dame (1985)

Boston University School of Law – Homer Albers Prize Moot Court Competition, participation by invitation, high merit rating (1972)

University of Notre Dame – Dean’s List four years and Pi Sigma Alpha (National Political Science Honor Society)

BAR ADMISSIONS

U.S. Supreme Court
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. District Court, E. D. of Michigan
U.S. District Court, W.D. of Michigan
U.S. District Court, W.D. of Pennsylvania
U.S. District Court, M.D. of Pennsylvania
U.S. District Court, E.D. of Wisconsin
State Bar of Michigan
Supreme Court of Pennsylvania

Vildan A. Teske

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Career Summary

Recognized advocate for consumers, service members, and employees, with 25 years of experience handling complex litigation and national and state class actions. Served as lead counsel in numerous class action cases around the country. An advocate for fair and just business practices in consumer transactions and employment practices. A representative of our military men and women in SCRA financial matters in individual and class actions. An advocate for diversity and inclusion in the legal profession and on the bench.

Professional Experience

Teske, Katz, Kitzer & Rochel, PLLP • Founding Partner • Minneapolis, MN 2007 – Present

Founding partner of predecessor firm Crowder Teske, PLLP which focused exclusively on consumer class action cases. Continued class action practice on behalf of consumers, employees and service members in the successor firm Teske, Katz, Kitzer & Rochel, PLLP. Currently focusing primarily on consumer and employment litigation in class and collective actions.

Crowder, Bedor & Paulson • Of Counsel • St. Paul, MN (remotely) 1998 - 2006
Litigated state and national consumer class actions, focusing on the financial industry.

Teske Law Firm, LLC • Owner • Atlanta, GA 2001 - 2006
Represented clients in a variety of matters, including class action litigation.

Crowder & Bedor • Associate, Partner • St. Paul, MN 1993 – 1998
Litigated consumer financial class actions in both state and federal courts.

Education

University of Minnesota School of Law
Minneapolis, MN (J.D., *cum laude*, 1993)

- Member of Phillip C. Jessup International Moot Court, Best Brief Award
- Externed with Hon. Robert G. Schieffelbein of Hennepin County District Court

University of Minnesota, Carlson School of Management
Minneapolis, MN (B.S.B. with double emphases in Finance and Marketing, 1990)

- President's Leadership Award
- Selected to represent the University and Carlson School of Management at National Women Students Conference in Wash. D.C.

Professional Memberships & Affiliations

- Federal Bar Association (National)
 - Board of Directors, Director, 2016- Present
 - Special Committee on Diversity and Inclusion, Member 2018-Present
 - Task Force on Younger Lawyer Courtroom Experience, Member 2018-Present
 - Sections and Divisions Council, Member 2014-2016
 - Sarah T. Hughes Award Committee, Member 2015-2017
 - Audit Committee, Chair 2015-2016, Member 2014-2015
 - Recipient of the first Robyn Spalter Outstanding Achievement Award in 2013
 - National Diversity Task Force, Member 2010-11
 - Special Committee on Diversity 2009-2010
 - Younger Lawyers Division, Chair 2003-2004
 - Elected to every officer position on the ladder, culminating in Chair
 - Board Member 1997-2005
 - National Parliamentarian, 2003-2004
 - Michael & Ilene Shaw Younger Lawyer Public Service Award, Co-Chair 1998-2003
 - Younger Lawyer Awards Committee Member 1999-2003
 - Supreme Court Admissions Ceremony, Committee Member 2000-2002
 - *Federal Lawyer*, Contributing Editor 1998-2001
 - Membership Committee, Member 1996-2000
 - Constitution and By-Laws Committee, Member 2000-2005
 - Litigation Section, Member
 - Military and Veterans Law Section, Member
 - Labor and Employment Law Section, Member
 - Member 1995- Present

- Foundation of the FBA
 - Fellow 2013- Present

- Federal Bar Association, Minnesota Chapter
 - President-Elect 2019-2020
 - Diversity Committee, Co-Chair 2016-2019, Member 2009-Present
 - Leadership Summit on Gender Equity, Committee Member 2017-18
 - Nominations Committee, Member 2016- Present
 - Board Member 1996-1998; 2016-Present
 - Communications Committee, Member 2008-2015
 - Newer Lawyers Committee, Founder and Chair 1996-1998
 - Newer Lawyer Brown Bag Lunch with Judges, Founder
 - Member 1995-1998; 2006-Present

- Federal Bar Association, Atlanta Chapter
 - Member 1998-2006

- Minnesota State Bar Association

- Consumer Litigation Section
 - Treasurer 2018- Present
 - Secretary 2017-2018
 - Council Member 2017-Present
- Military and Veterans Affairs Section
 - Co-Chair 2019-2020
 - Treasurer 2017-2019
 - Secretary 2016-2017
 - Council Member 2015- Present
 - Military Pro Bono Panel, Committee Co-Chair, and volunteer 2015-2018
- Member 1993-1998; 2007- Present
- American Bar Association
 - Member 1993-1995; 2017- Present
- American Bar Foundation
 - Fellow 2016- Present
- Litigation Counsel of America,
 - Fellow 2015- Present
- National Association of Consumer Advocates
 - Military and Veterans Steering Committee, Co-Chair 2011-2015
 - Nominations Committee, Member, 2016-Present
 - Member, 1997- Present
- Minnesota Chapter of the National Employment Lawyers Association
 - Member, 2013- Present
- Infinity Project (organization of judges and lawyers working on gender diversity on the federal and state bench in the 8th Circuit)
 - Past-President, 2016
 - Board Member, 2009- Present
 - Judicial Selection Committee Co-Chair 2018-Present

Activities, Publications & Presentations

- Contributing author of the National Consumer Law Center's *Consumer Class Actions* (8th and 9th editions).
- Guest lecturer on class actions and consumer law at several law schools around the country.
- Frequent presenter at continuing legal education seminars on class action litigation, consumer law, discovery, employment law, Servicemember Civil Relief Act (SCRA), diversity and inclusion, and judicial selection processes; over 40 continuing legal education seminars and presentations in the past 10 years.

Recognition & Awards

- "Top 100 Minnesota Lawyers," recognized in 2018 and 2019 by *Minnesota SuperLawyers*, a peer-reviewed publication of the state's attorneys

- “Top 50 Women Lawyers,” recognized in 2018 and 2019 by *Minnesota SuperLawyers*, a peer-reviewed publication of the state’s attorneys
- Selected as 2018 Diversity and Inclusion Honoree by *Minnesota Lawyer* for efforts to advance diversity and inclusion in the legal community
- Appointed in 2016-2017 to Federal Judicial Selection Committee by U.S Senators Amy Klobuchar and Al Franken to make recommendations for two Article III judge positions in the District of Minnesota
- “Top 100 Minnesota Lawyers,” recognized in 2018 and 2019 by *Minneapolis St. Paul Magazine*
- “Top 50 Women Lawyers,” recognized in 2018 and 2019 by *Minneapolis St. Paul Magazine*
- “SuperLawyer,” recognized as a SuperLawyer since 2015 by *Minnesota SuperLawyers*, a peer-reviewed publication of the state’s attorneys
- FBA’s Robyn Spalter Outstanding Achievement Award 2013, recipient of the inaugural award
- Invited to testify before the United States Senate Judiciary Committee regarding the effects of recent U.S. Supreme Court decisions on the ability of consumers, service members, and employees to access justice in our court system, December 2013.

Bar Admissions

U.S. Court of Appeals, 2nd Circuit	9/2018
U.S. Court of Appeals, 7th Circuit	9/2012
U.S. Court of Appeals, 8th Circuit	8/1994
U.S District Court, District of Minnesota	6/1994
Minnesota State Courts	10/1993
Georgia State Courts	6/2001

Kip T. Bollin

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Email: kip.bollin@thompsonhine.com | www.thompsonhine.com

Kip T. Bollin is the immediate past President of the Federal Bar Association and sits on the national Board of Directors in an *ex officio* capacity.

Kip joined the Board of the FBA's Northern District of Ohio Chapter in 2003, and served as the chapter's Younger Lawyers Committee Chair and CLE Committee Chair. After serving in other chapter officer positions, he was elected President of the NDOH Chapter for the 2010-11 term. Kip was chair of the 2016 FBA Committee which planned that year's Annual Meeting and Convention in Cleveland. He has served on many other national FBA committees and was elected to the national FBA Board of Directors in 2012; he was subsequently elected Treasurer and President-elect of the Federal Bar Association.

Kip is a litigation partner at Thompson Hine LLP and Partner-in-Charge of the firm's Cleveland office where he has practiced since 1997. He defends class actions and litigates commercial disputes, product liability and warranty claims. Kip began his legal career as a law clerk to Hon. Sam H. Bell of the U.S. District Court for the Northern District of Ohio. He was admitted to the practice of law in 1995.

Kip also serves as Chair of the Northern District of Ohio Advisory Group, a court-appointed panel charged with providing information on matters of interest to the court, assisting in the implementation of court-adopted programs, and bringing to the court's attention matters of interest to the bar and the community.

Kip is a graduate of New York University and Georgetown Law. Kip and his wife Cathy live in Rocky River, Ohio, and are the proud parents of Emily (Oberlin '21) and Kenny (NYU '23).

Federal Bar Building Corporation
Statement of Financial Position
As of June 30, 2019

	June 30, 2019	June 30, 2018
Assets		
Current Assets		
Cash & Cash Equivalents	\$ 54,794	\$ 23,108
Prepaid Expenses	31,014	24,281
Total Current Assets	85,808	47,389
Property & Equipment		
Fixed Assets	4,769,099	4,735,345
Accumulated Depreciation	(1,300,957)	(1,181,703)
Total Property & Equipment	3,468,142	3,553,642
Other Assets		
Investments	5,797,857	5,648,920
Total Other Assets	5,797,857	5,648,920
Total Assets	\$ 9,351,807	\$ 9,249,951
Liabilities & Net Assets		
Liabilities		
Current Liabilities		
Accounts Payable	\$ 0	\$ 1,018
Due to/Due from Affiliates	9,557	10,885
Total Current Liabilities	9,557	11,903
Total Liabilities	9,557	11,903
Net Assets		
Unrestricted Net Assets		
Net Assets, Beginning of Period	9,306,416	9,300,900
Change in Net Assets	35,834	(62,852)
Total Unrestricted Net Assets	9,342,250	9,238,048
Total Net Assets	9,342,250	9,238,048
Total Liabilities & Net Assets	\$ 9,351,807	\$ 9,249,951

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

Federal Bar Building Corporation
Statement of Activities
For the Nine Months Ended June 30, 2019

	Month Ending 06/30/2019	Year To Date 06/30/2019	Budget	Year Ending 09/30/2019	% of Budget
	Actual			Variance	
Support and Revenue					
Rental Income	\$ 37,506	\$ 337,556	\$ 450,075	\$ 112,519	75 %
Interest & Dividend Income	25,326	133,780	150,000	16,220	89 %
Miscellaneous Income	0	231	0	(231)	0 %
Total Support and Revenue	62,832	471,567	600,075	128,508	79 %
Expenses					
Administrative Fees	2,333	21,000	28,000	7,000	75 %
Condo Fees	0	43,686	63,870	20,183	68 %
Depreciation	10,147	89,370	121,225	31,855	74 %
Real Estate Tax / Personal Property Tax	6,084	42,830	49,000	6,170	87 %
Repairs & Maintenance	0	0	3,500	3,500	0 %
Insurance	1,962	1,962	2,550	589	77 %
Investment Fees	2,319	21,093	29,000	7,906	73 %
Board Meetings	428	428	1,550	1,122	28 %
Postage	0	49	55	6	90 %
Telephone	23	160	250	90	64 %
Supplies	0	258	0	(258)	0 %
Professional Fees	0	11,769	12,000	231	98 %
Legal Fees	137	1,282	0	(1,282)	0 %
Travel	914	1,842	3,500	1,658	53 %
In-Kind Contribution Expense	32,506	292,556	390,075	97,519	75 %
Total Expenses	56,853	528,285	704,575	176,289	75 %
Total Change in Net Assets Before Other Income (Expense)	5,979	(56,718)	(104,500)	(47,782)	54 %
Other Income (Expense)					
Realized Gains (Losses) on Sales of Investments	0	(3,041)	0	3,041	0 %
Unrealized Gains (Losses) on Investments	208,905	95,593	0	(95,593)	0 %
Total Other Income (Expense)	208,905	92,552	0	(92,552)	0 %
Total Change in Net Assets	\$ 214,884	\$ 35,834	\$ (104,500)	\$ (140,334)	(34) %

These financial statements were prepared by Tate & Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

TAB G

New Business

Dear President Vathis,

I am asking that the following proposed Resolution be presented to the National Council for inclusion in the New Business portion of the meeting for the Council's consideration and vote:

"Be it resolved this seven day of September, 2019, that the National Council of the Federal Bar Association requests and encourages the Board of the Federal Bar Building Corporation to amend the Corporation's By-Laws by deleting in its entirety the last sentence of Article II, Section 2."

In support of this proposed Resolution, I note that the sentence in question, "At all times, at least four (4) members of the Board shall be past Presidents of the Federal Bar Association," prevents nearly 19,000 Association members from seeking a position on at least four-sevenths of the FBBC Board. In fact, because under Article III of the Corporation's By-Laws the ending dates of the members' terms are not uniform, there may be years in which a new member is elected in which every Association member save those few extant past Presidents is precluded from seeking membership as the position will require a past President only.

In further support, I note that if loss of institutional history is of concern, then the requested change does not prevent any past President from seeking (re-) election to the Board.

This proposed Resolution is particularly timely, given the issue separately brought to the attention of National Council that the current By-Law entrenches Corporation leadership that has declined to make a distribution and/or contribution to the Association or its Foundation from the Corporation's investment portfolio since 2007 despite a portfolio valuation of almost \$4 million then to over \$5.5 million currently.

If, and only if the Resolution is not adopted, then I ask that a second proposed Resolution be presented for consideration and vote, as follows:

"Be it resolved this seven day of September, 2019, that the National Council of the Federal Bar Association requests and encourages the Board of the Federal Bar Building Corporation to amend the Corporation's By-Laws by changing the number four in the last sentence of Article II, Section 2 to the number three."

Should a formal motion be needed, please consider this as such motion subject to a second at meeting.

Thank you for your consideration. As always, I look forward to seeing you at Convention.