

**Arkansas Bar Association
Minutes, Board of Governors Meeting
Red Apple Inn, Eden Isle, Arkansas
April 25 & 26, 2008**

1. Welcome and Introductions.

Board of Governors Chair David Vandergriff called the meeting of the Board at the Red Apple Inn, Eden Isle, Arkansas, to order at 3:33 p.m., April 25, 2008. He welcomed everyone to this meeting and noted the presence of Professor Scott Stafford and Arkansas Bar Foundation President Steve Quattlebaum. He asked each Board member to introduce him or her self. Then Mr. Vandergriff and President Rick Ramsay explained the schedule of other activities during the meeting.

2. Roll Call.

The Secretary, William A. Martin, took the roll silently and announced a quorum was present. The following officers and members attended:

OFFICERS

David Vandergriff, Chair of the Board of Governors
Rick Ramsay, President of the Association
Rosalind Mouser, President-Elect of the Association
Jim Sprott, Immediate Past President of the Association
William A. Martin, Secretary-Treasurer of the Association
Amy Freedman, Chair, Young Lawyers Section
J. Leon Johnson, Parliamentarian

GOVERNORS AND THEIR DISTRICTS

Charles D. Roscof, 2-BG	David Fuqua, 13-BG*
Anthony Hilliard, 3-BG	Tom Carpenter, 14-BG
John Vines, 6-BG	Jim Julian, 15-BG
Sean Keith, 7-BG	Harry Light, 16-BG
Charles Harwell, 8-BG	Dick Downing, 17-BG*
Bob Estes, 9-BG	Niki Cung, At-Large
Danny Rasmussen, 10-BG	Colette Honorable, At-Large
Eddie Walker, Jr. 11-BG*	Tom Womack, At-Large
Roy Beth Kelley, 12-BG	

LIAISON NON-VOTING MEMBERS

Donna Pettus, President-Elect Designee, Arkansas Bar Association
Jack McNulty, Lobbyist, Arkansas Bar Association
Steve Quattlebaum, President, Arkansas Bar Foundation
Karen Hutchins, Executive Director of the Association
Zane Chrisman, Chair, Continuing Legal Education Committee
Judge John Finely, President-Elect, Arkansas District Judges Council

OTHERS PRESENT

Tasha Henderson, Associate Executive Director of the Association
Lynne Brown, CLE Director of the Association
Scott Stafford, Chair, Jurisprudence and Law Reform Committee*
Mark Hodge, Chair, Law Related Education Committee**

*Present only on Friday **Present only on Saturday

EXCUSED ABSENCES

Dennis Zolper, 1-BG Chalk Mitchell, 4-BG
Todd Turner, 5-BG Causley Edwards, 18-BG
Carolyn Witherspoon, Delegate to the American Bar House of Delegates
Judge Michael Robinson, President-Elect, Arkansas Judicial Council

3. Adoption of Agenda as Order of Business.

Secretary-Treasurer Bill Martin asked that the December 7-8, 2007 Board of Governors minutes be moved from the Consent Agenda to the Discussion Agenda. Chair David Vandergriff asked if there were any other items which should be moved. There was no response. Governor Charles Harwell moved:

The Agenda, as modified, be approved as the order of business, and the Consent Agenda be approved.

The motion was seconded by Governor Eddie Walker and the **motion passed** with no negative votes.

Consent Agenda. The following matters were on the Consent Agenda:

- 4.a. Minutes of Dec. 7-8, 2007 Board of Governors Meeting - Approval
- b. Minutes of January 2008 House of Delegates Meeting - Information Only.
5. Sustaining Member Report--The Association had 375 Sustaining Members in April 2008, compared to 371 in April 2007--Information.
6. Financial Statement--Cash receipts through March, 2008, one-fourth of the reporting year, were 16.65% of budget and cash disbursements were 23.62% of budget. Members Equity was \$905,568--Information.
7. Membership Report--**Approved** 29 new members. Total membership was 5,071 in April, 2008, compared to 5,084 in April, 2007.
8. CLE Calendar--Listed programs through December 2008--Information.
9. Committee and Section Reports-- 15 Task Forces, Sections, and Committees reported on their activities and plans--Information.
10. Capital Expenditures of \$4,241 made since the last meeting were **Approved**.

11. Emerging Trend – Member Benefit Survey Results.

Governor John Vines, the Member Benefits Committee Chair, explained the process and results of the survey of member attitudes which had been completed recently. It has been 10 years since our Association has sent out a full membership survey. This past year this Committee worked diligently to create a survey focusing on the Member Benefits offered by the Association. It was the Association's first electronic member survey. Governor Vines requested and received funding at the August 2007 Board of Governors meeting. The idea of doing the survey in house was explored but found to be too large a task for the staff. After meeting with various entities that conduct surveys for associations we hired Market Strategies.

Results are 658 responses were received which is 15% of our membership. He feels like that it was a great usage of Bar Association funds. He emphasized that we could not have done this in-house. Governor Vines introduced the representative from Market Strategies, Ms. Dawn Adams, to further explain the survey results. He asked that all questions and answers be held until the end of her presentation. Copies of the report of tabulated survey results were handed out at the end of the presentation and are attached to the official copy of these minutes.

Ms. Adams noted that from the beginning we wanted to maintain confidentiality. She indicated she met initially in November with Chair John Vines and others to work out design issues. She further explained that there was a lot of contact before we began to develop the survey.

The Association has about 5,000 members with 4,330 of them receiving the e-mail. We had 658 responses; 298 from the Central Bar District, 170 from the Northwest Bar District and 125 from the South and East Bar District. The survey was available on the website until March 31st. The objective of the survey was to assess the current level of satisfaction of our members and the extent of usage by our members of various benefits. The survey was broken into three basic categories: satisfaction, importance, and technology. Slides from the handout presented details of the survey results.

Overall satisfaction was expressed by 81% of the respondents checking the top two boxes. Those in practice 21 years or more were more likely to say they were satisfied. Satisfaction with the service provided by the Association was over 80%. There was more satisfaction in the Central District than in the Northwest District, possibly because it was easier to use services for those in the Central District. A higher number were in the middle when asked about their satisfaction with the value of Association membership.

The members rated the top three benefits as the web site, weekly case summaries, and the on line member directory. Continuing Legal Education was also considered a valuable benefit, with about 50% getting most or all their CLE from the Association. Members preferred live seminars where they see speakers and other lawyers face to face.

In answer to a question about whether the survey results suggest areas to improve other than those noted in the conclusion Ms. Adams responded that overall things were good, that there were a couple of areas to monitor related to usage such as Arkansas Find a Lawyer and the Legal Career Center. In response to other questions from Governors she said satisfaction was higher for older members. Any dissatisfaction or very dissatisfied responses were given an opportunity to tell why they were dissatisfied in a box that popped up and asked for comments. The Board will have an opportunity to review actual comments later.

Mr. Ramsay expressed concern that over the 20% rated Arkansas Bar Association membership of little value. Ms. Adams said interestingly in this group there was no significant difference by time in practice. If we go back and ask more questions of these people we violate confidentiality, but we could ask more questions of everyone.

There was a question about how our voluntary bar association compared to states with mandatory bars. Ms. Adams said she did not have that information but would see what she could find out. Other questions brought out many respondents expressed a desire for health and disability insurance. There was a question should we be concerned with

only 51% expressing top two box satisfaction with the Annual Meeting. The discussion there was a conclusion that this figure reflected more how many attend the meeting rather than 49% not being satisfied. There was very low dissatisfaction among those who went to an Annual Meeting. Of those who rated certain items as of very little value there was little difference in relation to length of practice.

There was praise for Ms. Adams' presentation and for the hard and effective work by John Vines and his committee.

Ms. Adams recommended that we not conduct surveys every year, but we should not wait more than five years between surveys.

12. Task Force on Electronic Discovery.

Governor David Fuqua, Chair of the Task Force on Electronic Discovery, reported on the process, key issues, and report status. The Supreme Court has an interest in its work. The Task Force used the Model Rules for Electronic Discovery published by National Committee on Uniform Rules. The Task Force did not feel that the model was the best for Arkansas in all situations. There are cases where electronic discovery is not necessary. The Rules should come into play when a party makes a request for some type of electronic discovery and then Meet and Discover Rules also come into play. Arkansas does not have much experience. The Task Force recommends more of an interim rule be adopted to use until State develops more experience yet. An interim rule may be the way to start. The Supreme Court Committee on Civil Practice provided some comments, agreeing with the need to proceed with an interim rule. The goal of the Task Force is to present a rule to House of Delegates in June.

Mr. Vandergriff, who is also on the Committee on Civil Practice, reported it expressed concern about maintaining a level playing field. It felt there was a possibility that large firms, possibly from out of state, could be more experienced in electronic discovery and might overwhelm the smaller practice lawyers on the other side. The Committee further indicated concern on where to find the actual rule and when it is triggered. The Committee would prefer to move a bit slower and indicated a June presentation to the House of Delegates may be too soon.

13. Proposed Legislative Package from Jurisprudence and Law Reform Committee.

By the January 31, 2008, deadline for submitting bills to be included in the bar Association 2009 legislative package, the Jurisprudence and Law Reform Committee received eleven proposed bills. A twelfth bill, the proposed Revised Uniform Limited Liability Company Act, was received by the Committee after the deadline. The Committee met on March 3, 2008, and April 7, 2008, and during those meetings made the following decisions regarding the twelve proposed bills.

The Committee recommends that six bills be included in the 2009 legislative package.

1. Senator Robert Thompson—a bill amending Arkansas Code Annotated § 28-40-111, concerning notice of appointment of personal representative and claims against estates. This bill makes the change made in the last session from a three month notice provision to a six month notice provision conform.

2. Senator Robert Thompson—a bill providing a procedure for terminating an oral lease of farmlands.

3. Senator Robert Thompson—a bill providing a procedure for evicting tenants engaged in certain gambling, alcohol, and prostitution offenses.

4. Uniform Laws Committee—a bill adopting the Uniform Limited Cooperative Association Act.

5. Uniform Laws Committee—a bill adopting the Uniform Prudent Management of Institutional Funds Act.

6. Uniform Laws Committee—a bill adopting amendments to Uniform Disclaimer of Property Interests Act.

The Committee still has two bills under consideration for inclusion in the 2009 legislative package.

The Committee received a proposed bill revising the law governing material liens from an ad hoc subcommittee of the Construction Law Section. At the request of the Committee, President Richard Ramsey solicited comments from the Property Law Section.

Two members of the Property Law Section suggested specific changes in the language of the proposed bill. The Committee then voted to request that President Ramsey appoint a task force to consider the proposed language changes and report back to the Committee in time for the Committee to make a recommendation on the bill at the June meeting of the House of Delegates.

The Committee received from the Uniform Laws Committee a bill adopting the Uniform Environmental Covenants Act. A copy of the bill was forwarded in January 2008 by Phillip Carroll to the Director of the Arkansas Department of Environmental Quality (ADEQ), who responded in March 2008 that her agency was still studying the bill. The Jurisprudence and Law Reform Committee voted to defer action on the bill until the position of the ADEQ becomes clearer.

The Committee recommends that two bills be deferred for further consideration for the 2011 legislative session.

The Committee voted to defer for the 2009 legislative session the following bills with a request that the bills be referred to the appropriate bar association sections or committees for further study prior to the 2011 legislative session:

1. Uniform Laws Committee—a bill adopting the Uniform Adult Guardianship Protective Proceeding Jurisdiction Act.

2. Uniform Laws Committee—a bill adopting the Uniform Emergency Volunteer Health Practitioners Act.

The Committee voted not to recommend inclusion of the following bills in the 2009 legislative package:

1. Committee on the Unauthorized Practice of Law—a bill defining the practice of law.

2. Phillip Carroll and John Calhoun—a bill adopting the Revised Uniform Limited Liability Company Act.

14. Legislative Update.

Association Lobbyist Jack McNulty provided an update on the activities of the Arkansas Bar Association Political Action Committee. He provided the Board with a list of all the candidates that are currently eligible for contributions by the PAC.

He also solicited assistance from any Governor who has established relationships with their Representatives or Senators and who is willing to make an extra effort to communicate with those Legislators regarding matters of interest to the Association and its members. The goal is to have at least one lawyer for each member of the General Assembly. A form was provided for use in making that contact.

The meeting adjourned for the day at 5:22 p.m.

The meeting was called to order Saturday at 9:01 a.m.

16. Law Related Education Committee Update

Chair Mark Hodge, Chair of the Law Related Education Committee, reported the committee's plan to create a law related education video. There have been creative delays in the video project. Current plans are to roll out a 17 minute law-related education video in the fall. The goal is to have the video to schools by Constitution Day, September 17th. Mr. Hodge reminded the Board that they are working hard to include local lawyers in this project by their going into high schools and visiting with the students as the video presentation is done. He handed out a form for all to fill out regarding their local high schools. A packet should be available this summer and also be available at the August meeting. The Committee will have a booth at the State Teachers Meeting in the fall.

Mr. Hodge also noted that the Committee is working on a user friendly website for teachers. He is talking to a web designer and to Rando Hicks, the Arkansas Bar Association's Webmaster. He noted that this activity is not to replace Law Day but rather to compliment it. The committee is considering targeting adults with the next project.

A suggestion was made about trying to get the video aired on AETN. Mr. Hodge said it has been discussed. Also they hope local lawyers will take the video to civic organizations. Mr. Ramsay reported a grant application has been submitted to Winrock as a possible sponsor for the production of DVDs.

17. Task Force on the Code of Judicial Conduct.

The local telephone system was damaged by the overnight storm and Professor Howard Brill was unable to present a report on the Code of Judicial Conduct as planned.

Mr. Ramsay provided background. The House of Delegates considered the report of the Task Force at its January 2008 meeting. Some House members were not happy with certain parts of the report such as judges being mediators. Also there was concern about the comment judges should think about the effects of their public statements. (Comment 5A to Rule 3.1) An early version had been circulated to various organizations and the *Arkansas Democrat-Gazette* had a copy and wrote an editorial about the report advocating an abridgement of free speech that some members of the Task Force said they considered unconstitutional.

The House returned the report to the Task Force for additional work. The Task Force made some changes such as taking out the line about judges being mediators, but did not address all the issues. The Supreme Court has asked the Arkansas Bar Association for assistance in revising the Code of Judicial Conduct and we need to be responsive.

Discussion included suggestions that the Association prepare a majority and a minority report. We need to be careful the Board does not do anything before the May judicial elections that could be considered as taking sides. Much of the concern comes from the United States Supreme Court case of *White v. Republican Party of Minnesota* and the implementing decision by the United States Eighth Circuit Court of Appeals. Some of the judges on the Task Force were insistent that language such as that in Comment 5A should be included. Other discussion by Governors showed they considered the language as chilling free speech. It was observed Rule 4.1, Comment 13A contains similar problem language. There was some thought the Board did not have the authority to change the report of the Task Force. After several suggestions as how a motion concerning the report might read were discussed Governor Jim Julian moved:

The President convey to the House of Delegates the Board's concern about the constitutionality of the proposed language about speech by judges.

Governor Harry Light seconded the motion. The **motion passed** with no negative votes.

18. Long Range Planning Committee.

Governor Jim Julian, Chair of the Long Range Planning Committee, reported the Committee is working with the results of the member satisfaction survey and plans a meeting to discuss those results for May 5, 2008. He further indicated the Committee plans on using Wednesday morning of the Annual Meeting in June for intensive planning work.

19. Proposed Increase in Expense Account of the President/Past President.

Immediate Past President Jim Sprott explained there is no expense account for the Immediate Past President. He noted what he will recommend does not affect his term but will affect the future line of leadership. From January to June the Immediate Past President has travel obligations but no expense budget for that time. He also mentioned consideration might be given to sending more than one person to ABA Law Day in Washington DC. When we send only one delegate we are not as persuasive as states with larger delegations.

He is asking the Board to suggest to the Finance Committee that the budget be expanded to provide an expense account from January through the Annual Meeting for the Immediate Past President in the amount of \$2,500. Governor Light moved:

The Board of Governors recommends to the Finance Committee an expense account in the amount of \$2,500 be provided for each Immediate Past President for the period of January 1 through the Annual meeting.

Governor Julian seconded the motion. The **motion passed**.

20. December 2007 Financial Report and 2007 Audit.

Colonel Martin, Secretary-Treasurer, provided a written report on the 2007 Audit. He said it is a clean audit and did not reveal any problems. The difference in audit figures and the year end report using our accounting software is attributed to our in-house reports being prepared on a cash basis and our auditor using accrual accounting. He offered to answer questions. There were none.

21. Case Summaries – Contract increase request.

Mr. Ramsay encouraged the Governors to spread the word about how valuable a member benefit our weekly case summaries are. At many firms one person downloads the summaries and makes a copy for each lawyer.

Because of the additional workload of summarizing unreported cases Robert Tschiemer, who prepares the summaries, has requested his compensation be increased to \$1,250 per month or \$15,000 per year. He currently receives \$10,000 per year. Col Martin
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reported the Finance Committee recommended approval of this expenditure. Governor Tom Carpenter moved:

The Board of Governors approve increasing the compensation paid to Robert Tschiemer for preparing weekly case summaries from \$10,000 to \$15,000 per year.

Governor Tom Womack seconded the **motion**. It **passed** with no negative votes.

22. Request from Environmental Law Section to Post CLE Materials for Free to Section Members.

Mr. Ramsay reported our Environmental Law Section wants permission to post CLE materials from previous years on the Environmental Law Section's web site. It would be available only to Section members. There are concerns that posting recent CLE materials too soon will discourage people from attending seminars and also hurt sales of the materials.

Environmental Law Section Chair Brian Rosenthal has said the Section would like to have current information available to Section members and would even be willing to use its reserve funds to pay the Association for this opportunity.

Our website host, INA, has advised that we currently do not have a restriction on the amount of information we add to the website so that is not an issue.

Continuing Legal Education Committee Chair Zane Chrisman commended there are other issues that may have not been considered such as copyright liability and possible impacts to the income that the Bar Association receives. She further noted that one Section may not have an effect but if all the Sections posted materials it could affect income. Governor Light suggested we could be starting a dangerous precedent to allow CLE materials to be posted on the website and wondered about the possibility of making it password protected.

Governor Harwell inquired about the possibility of charging for the materials. Ms. Chrisman responded that people were already complaining that CLE programs are too expensive. Ms. Hutchins also noted that we only maintain two years in house; we are scanning the materials but the Environmental Law Section on their own copied all of the information and put it in a database. Further, we do not sell very many course materials. Governor Julian raised the possibility of beginning with a pilot program to see if there is an impact. Concern was expressed if we do not work with our Sections they may split
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off from the Association. Governor Carpenter commented we are going to say yes, but noted we are not approving what they specifically requested. Governor Anthony Hilliard moved:

The Environmental Law Section is authorized to conduct a two year pilot program of posting seminar materials that are at least two years old on its portion of the Association web site.

The motion was seconded. More concerns were expressed that the Board would not be approving what the Section requested. The **motion passed** 9 to 8 on a show of hands.

23. ArkansasFindalawyer.com.

Renee Brida, Chair of the Arkansas Find a Lawyer Committee, asked the Board to consider the history of this program. She said we need to identify whether this is a public service or a lawyer service. If the goal is to make it more of a public service, her intent is to work more closely with the Public Information Committee to get more information to the public. Historically there were 204 lawyers participants in 2007 as compared to 174 in 2008. It is possible some of the newly sworn in lawyers could be recruited.

24. Report on 2007 Annual Meeting.

Mr. Vandergriff said Annual Meeting Chair Jeffrey Ellis McKinley has done an excellent job developing the program for this year's Annual Meeting. As she is unable to attend today's meeting, Associate Executive Director Tasha Henderson will provide the update. Ms. Henderson noted the program preview went out first to encourage members to begin plans to attend. The full program is almost ready and will be mailed very soon. Course materials for this year will be provided on flash drives with the only option for a printed copy being the purchase of the materials. Materials will be on Web Site for those that have paid the registration fee.

25. Report on ABA Bar Leadership Institute.

President-Elect Designee Donna Pettus reported on her experience at the American Bar Association Bar Leadership Institute. She said it is a very valuable institute for those beginning the leadership track. She recommend both the President-Elect Designee and President Elect attend. Her full report is included in the meeting materials.

26. Continuing Legal Education (CLE) Committee Report.

Zane Chrisman, Chair of the CLE Committee, reported the Committee is reviewing live webinars / teleseminars, including using the feedback obtained through

seminar evaluations, to guide future seminar development. She reported the attendance numbers have remained stable and that the Construction Law Seminar quadrupled its attendance. We had to cancel one seminar because of snow, and it is now booked for May 9. On May 6 we will have our first "Live Screen" Webinar but is tentative because the present high cost of \$3,500 per hour would make it cost prohibitive.

27. President's Report.

a. Attorney/Client Privilege Petition Update. Mr. Ramsay reported in January 2007 our House of Delegates adopted all but two parts of the recommendations of our Task Force on the Attorney Client Privilege. The petition was filed with the Arkansas Supreme Court. The Supreme Court took action on the petition and issued a per curiam order on March 13th. The Supreme Court adopted our recommendations without any material changes and revised Arkansas Rules of Evidence 502.

b. 2008 Arkansas Mock Trial Competition. Mr. Ramsay described his experience with this year's Mock Trial competition and encouraged the Board members to participate if they were able. President Ramsay joined Judge Hart and US District Court Judge Leon Holmes in judging the state finals between Nettleton High School and Monticello High School. It was a very close competition. Nettleton will represent Arkansas in the national competition next month. Staff member Rando Hicks is the key staff person for Mock Trial, and he does a great job in his interaction with the students and teachers. This year Bill Mann was the Chair of our Mock Trial Committee.

c. Membership Campaign Results. Mr. Ramsay thanked the Board and Committee Chair Brian Ratcliff for their help with membership recruitment and noted we have once again reached a membership milestone this spring, exceeding 5,000 members for the 2nd year in a row. Currently we have 5071 Members. Last year at this same time our membership was 5084. That puts us 44 short of surpassing the total members we had at the end of last year. He encouraged the Governors to invite colleges to join our Association. He said to remind them that it only takes \$55 to join at this time and that will instantly give them a \$200 discount on the Annual Meeting registration fee.

d. Rule of Law Conference. The Young Lawyer's Section did an outstanding job with the Rule of Law Conference. It was held at a beautiful conference center at Axiom. A group from the Ukraine joined our live panel via video web stream which allowed questions and answers to flow between both groups and their interpreter. This interaction was well received by the audience. This was followed by a state-wide panel discussing the rule of law from varying disciplines. American Bar Association President-Elect Tommy Wells joined the event to further explain the Rule of Law

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initiative. A facilitated breakout session with a box luncheon encouraged interaction among the participants who shared their views and understanding of the rule of law. Finally, Governor Mile Beebe gave an outstanding keynote address. Mr. Ramsay was very pleased with the efforts and the accomplishments of our Young Lawyers Section in this conference.

e. Judicial Discipline and Disability Commission Procedures Task Force.

The Arkansas Supreme Court issued a per curium order which adopted the language recommended in the petition from the Association without any material changes. Chair Bob Cearley did not only a fine job leading this Task Force but also took the time to explain to the Supreme Court the reasons for several recommendations of the Task Force.

f. Lawyer Community Legacy Award. The two newest recipients of the Lawyer Community Legacy Award are Scott M. Strauss and Robert B. "Bob" Branch. Each of them will receive the award in their own community. Scott is from Little Rock and Bob is from Paragould. The guidelines and nomination forms for this award were again provided to the Board with encouragement for them to think about attorneys who are unsung heroes doing significant community service.

g. Election Results for House of Delegates and Board of Governors.

There are contested elections in Pulaski County for both governing bodies. There are six delegate positions which had an insufficient number of candidates file, and thus those positions have been re-advertised. At least one person has filed to serve in all but one delegate position. (8 SE). It is anticipated that one will be filed shortly so that all positions on the House of Delegates will be declared filled or have an election after the filing deadline.

h. Recognition of Outgoing Members of the Board of Governors. It is not always certain at our spring meeting of the Board of Governors which Governors are departing the Board or joining the Board as new members. There are two reasons for this uncertainty: First, often there are contested elections occurring at this time. Second, the incoming President has several appointments to the Board of Governors each spring which are not made until after the spring Board meeting.

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Recognition was given to the following Board members who are leaving their current position on the Board and who will receive the appropriate plaque at the Annual Meeting in June:

David Vandergriff, Board Chair

Jim Sprott, who loses the designation "Immediate" in front of "Past-President"

Leon Johnson, Parliamentarian
Amy Freedman, YLS Chair
Sean Keith, Governor, District 7-BG
Jim Julian, Governor, District 15-BG
Niki Cung, Governor, At Large
Steve Quattlebaum, President, Arkansas Bar Foundation

I. Report on ABA Day. Mr. Ramsay reported on his 2nd visit in a row to American Bar Association Day in Washington. This is a unique opportunity that allows state Bar representatives to meet with their representatives in Washington to educate Congress on issues of importance to lawyers. He would like to encourage this Association have a continuous representation at this event and encourage the Association to consider having at least 2 representatives at this event each year. Most states have more than one representative.

In the past there this trip has been paid for from a budgeted reserve account which was set up to cover the costs of attending this and other special American Bar Association events. This account was depleted this past year and we need a motion that an amount of \$3,500 be placed into a restricted reserve account so that the Association can continue to send at least one representative to this very important event for the next few years. Col. Martin reported the Finance Committee recommends this appropriation. Mr. Ramsay moved:

The Board appropriate \$3,500 to be put in a restricted reserve account for American Bar Association Activities, especially Day in Washington.

Col. Martin seconded the motion. The **motion passed** with no negative votes.

Arkansas Access to Justice Report. Mr. Ramsay discussed the Arkansas Access to Justice Report from Dean Charles Goldner concerning funding for legal services and the use of our lobbyist to help move forward bills to secure funding. Lobbyist Jack

McNulty noted that it is possible there could be conflict between the Association's legislative package and that supported by the Commission which would limit what he could do for the Commission. Mr. Ramsay moved:

The Board of Governors shall propose a resolution (to be drafted) to the House of Delegates to endorse the need for increased state

financial support for Legal Service providers.

Governor Light seconded the Motion. The **motion passed** with no negative votes.

28. Report from the Young Lawyers Section.

Amy Freedman, Chair of the Young Lawyers Section, reported this has been a good year, a very active year. Subsequent to the last report she has attended the regional meeting of Young Lawyers Section Executive Council at University of Arkansas and worked on the Rule of Law meeting with Gwen Rucker, Cliff McKinney, Courtney Crouch and others. They worked really hard and pulled it off beautifully. Ms. Rucker also provided support for the Diversity Summit: "Choose Law" at UAPB with a video presentation and with speakers and roundtable discussion. Paul Bennett, Chair of the Lawyers for Literacy Committee, plans on partnering with the YLS on "Children's Law Library." This program will adopt at least one and possibly more schools. Ms. Freedman suggested the Bar Association set up training for Bar leadership on FEMA response and 800 call center.

29. Report from ArkBar PAC.

Governor Julian, Chair of the ArkBar PAC, reported we have several members who are candidates for the Legislature in the May primaries, two for the State Senate and five for the House of Representatives, who have opponents. Five members are running unopposed. Two who are unopposed in the primary have general election opponents. The PAC has contributed \$1,750 to Senator Jim Lucker who is in a contest. David Johnson is unopposed for the Senate. The PAC contributed \$750 to each member who is opposed for the House and \$250 to each member who is unopposed. We started the year with \$9,600. We need contributions to build the fund up to at least \$20,000 which would permit us to make a real difference. He asked the Governors to encourage everyone to contribute to the PAC.

30. Arkansas Law Review, Inc. Appointments.

President-Elect Rosalind Mouser is responsible for making this year's three Board appointments for the Arkansas Law Review, Inc. for a five year term. The incumbents are Niki T. Cung, Donald Judges, and Wyman R. Wade, Jr. They are being reappointed.

As required by the Constitution of the Arkansas Law Review, Inc. these appointments must be approved by the Board of Governors. Ms. Mouser moved:

The appointments of Niki T. Cung, Donald Judges, and Wyman R. Wade, Jr. for five year terms on the Board of the Arkansas Law Review, Inc. be approved.

Governor Colette Honorable seconded the Motion. The **motion passed** with no negative votes.

31. August Meeting of Board of Governors.

President-Elect Rosalind Mouser asked the Board members to mark their calendars for the August 22-23rd, 2008, meeting at Winthrop Rockefeller Institute on Petit Jean Mountain. She noted it has updated its lodging and conference facilities.

32. Report from ABA Delegate.

Carolyn Witherspoon, Delegate to the American Bar Association House of Delegates, sent a written report.

33. Report from Ark Bar Foundation.

Steve Quattlebaum, President of the Arkansas Bar Foundation, reported that the Foundation is in great need of support from the Board. Executive Director Ann Pyle is doing all she can to serve the functions with limited funds. He encouraged firm members to become a member of the Foundation. The cost is \$2,000 to be a Fellow and that can be spread out over 5 years. He further noted that this year's Annual Meeting will mark the Foundation's 50th year anniversary. The Foundation's Awards Committee meeting will be on Monday.

34. Section Reserve Expenditure Requests.

Executive Director Karen Hutchins brought before the Board two requests from Sections for expenditures from Section reserves. There is a request from the Labor and Employment Law Section to spend \$1,080 to cover a second planner and a request from the Corporate and In House Counsel Section to expend \$600 to cover a speaker's travel

expenses. These requests are necessary due to the new CLE policy limiting the number of “free” participants in relation to paid seminar attendees. Governor Harwell moved:

The Labor and Employment Law Section is authorized to spend \$1,080 from its reserves for the expenses of a second program planner, and the Corporate and In House Counsel Section is authorized to spend \$600 from its reserves for a speaker’s travel expenses.

Governor Honorable seconded the motion. The **motion passed** with no negative votes.

35. Executive Director's Report.

Executive Director Karen Hutchins updated the Board on plans for the Website Oversight Committee to review the current website and provide direction for restructuring of the website in the near future. She informed the Board that the recent change to the mailing label policy resulted in only three requests for labels being declined. Finally, she reported that usage of the Bar Center continues to grow and provided details on that usage in 2008.

36. Items Moved from Consent Agenda.

Board of Governors Chair David Vandergriff explained the minutes of the December Board meeting needed to correct the spelling of Zane Chrisman’s name and reflect she was there both days. Governor Honorable moved:

The minutes of the December Board meeting, as corrected, be approved.

Ms. Mouser seconded the motion, The **motion passed** with no negative votes.

Mr. Vandergriff announced there was a need for an executive session of the Board. Governor Tony Hilliard moved:

The Board of Governors go into executive session.

Governor Honorable seconded the motion. The **motion passed** with Col. Martin abstaining from voting.

The Board returned to open session at 12:01 p.m. and immediately adjourned.

Respectfully Submitted,

Anthony Hilliard
Assistant Secretary

William A. Martin
Secretary-Treasurer