

SECRETARY

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MEMORANDUM

TO: All Section, Division, Forum and Committee Chairs

FROM: Honorable Bernice B. Donald
ABA Secretary

SUBJECT: ABA Open Meetings Policy

DATE: April 1, 2009

The ABA Board of Governors first adopted an "open meetings" policy in 1979 to facilitate media coverage of ABA events. The 1979 policy states: "The American Bar Association believes the country is best served by the broad distribution of information about the legal system and the role of lawyers and the courts. General membership meetings of the ABA are open to the registered representatives of all news media, unless specific exceptions or limitations are made by the Board of Governors." At that time, it was recognized that the ABA's role as the national voice of the legal profession is supported by coverage of its substantive meetings.

In 1991 the policy was amended to ensure that the intellectual property of the Association and its entities is protected from subsequent commercial use of the media. As amended, the policy states as follows:

In accordance with the Association's policy on open meetings, programs should be open to the media for purposes of news and public affairs, although the sponsoring entity may impose restrictions to minimize disruptions or distractions or to conduct business sessions of a confidential nature. The Association retains the rights to its intellectual property. Media may make fair use of taped materials for criticism, comment or news reporting. Subsequent commercial use of the content of any program is prohibited without the express written permission of the ABA. Media should receive complimentary sets of whatever printed materials are necessary to help them provide informed coverage. Relations at meal functions are generally smoother if meals are provided to news people; but, if this is not financially feasible, media still should be admitted just to cover the program.

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When there is media interest in an Association event, the ABA Division for Media Relations and Communication Services will work with ABA entities to screen and qualify reporters, as well as to handle media registration to ensure that you are aware of those media representatives who have been approved. ABA Media Relations can also arrange for reporters to receive special news media badges that will enable them to be distinguished from other meeting attendees.

In keeping with the policy, please remember that:

Entities may not prohibit reporters from covering or attending general membership meetings. Coverage of or attendance by reporters at a meeting is prohibited only if the meeting is designated as an "executive session".

Entities should inform their members and speakers, including government speakers, that they may be photographed and quoted at meetings. Their objections, if any, do not constitute reason to close the meeting since such closing would violate ABA policy.

Reporters may attend ticketed functions free of charge and complimentary meals and program materials should be provided.

No ABA entity is permitted to enter into a contract with a speaker or other participant that restricts media coverage.

For information on the open meetings policy and how Media Relations can assist you, please contact Warren Hazelton, Director of Media Relations, at (312) 988-6141 or HazeltoW@staff.abanet.org.

cc: Henry F. White, Jr.
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