Chair MacLeod called the Council Meeting to order at 11:30 a.m. He welcomed the following Officers, Council Members, staff members and guests:

**Officers/Voting Council Members**

The following Council Members and Officers were present:


**Representatives to the Council**

Victor J. Domen (National Association of Attorneys General Representative), and Jon S. Tigar (Judicial Representative).
Other Attendees

Patricia A. Conners, Elyse Dorsey, Svetlana Gans, Derek Ludwin, Tina Miller, Scott Perlman, Bonnie Sweeney, April Tabor, and Suzanne Wachsstock.

Section Staff

Deborah Morgan, Margret Stafford, and Joanne Travis.

The following voting members of Council were not in attendance:
Tara Koslov, and Christine J. Sommer.

The following Representatives to the Council were not in attendance:

Renata B. Hesse (DOJ Representative), and Edith Ramirez (FTC Representative).

The Section’s Conflicts of Interest Policy was provided to Council Members with the agenda for the meeting posted on the Leadership Portal. The agenda includes links to documents submitted for this meeting. These Minutes are not necessarily in the order of occurrence during the Council Meeting. Due to the limited availability of certain speakers and other schedule changes, Chair MacLeod re-ordered certain portions of the meeting. Where Officers submitted written reports, those reports were accepted by Council and those Officers relied on such written reports without any substantive modification, unless otherwise noted. In addition, where approximate figures were mentioned during the meeting and the relevant written report submitted before the meeting included precise figures, in some instances the more precise figures provided in the written report are included below. Finally, certain material from the written reports submitted for the meeting may be included the minutes where such inclusion assists the Section in maintaining an accurate record of the meeting.

1. Officer Reports/Updates
   A. Chair Report – William MacLeod
• Chair MacLeod welcomed the Officers and Council to Ojai and previewed the plans for the Post-Annual Meeting.

• **Priorities and Goals.** Chair MacLeod highlighted both short term goals (a successful and enjoyable meeting in Ojai) as well as the longer term goal of demonstrating throughout the Section year how important and valuable the Section’s voice is in the legal and public policy realms, particularly in a year of Presidential transition, and expressed his high confidence in the Section’s continued success.

• **RCM Responsibilities.** Chair MacLeod reminded Council members of their responsibilities as Responsible Council Members and urged each Council member to take the role seriously. He urged each member as an RCM to stay in close and frequent contact with their assigned committees.

• **New Task Forces.** Chair MacLeod introduced and discussed the appointment of two new Task Forces, The Presidential Transition Task Force and the Procedural Transparency Task Force. The Presidential Transition Task Force continues the Section’s practice of providing its advice and counsel to new administrations. The Procedural Transparency Task Force will focus on how competition and consumer protection policy is implemented in practice.

• **Content Committee.** Chair MacLeod discussed the completion of the work of the Content Delivery Task Force and expressed his appreciation for its work. He discussed the appointment of a new committee to carry out and implement the recommendations of the Task Force in actual Section practice, and discussed the need for a name for the new committee. Secretary and Communication Officer Zych moved that the committee be named the “Content Committee” and Chair Elect Jacobson seconded the motion, which passed unanimously.

• **LAMP Program.** Chair MacLeod discussed the Section’s participation in the American Bar Association’s Legal Assistance for Military Personnel program.
and its financial contribution to that effort. A written report of the status of the LAMP project was provided.

- **Judicial Representative.** Chair MacLeod welcomed the Honorable Jon S. Tigar, a United States District Judge of the Northern District of California.
- **NAAG Representative.** Chair MacLeod welcomed Vic Domen to the meeting as the Section’s NAAG liaison.
- **New Council Members.** Finally, Chair MacLeod welcomed the new members of the Section Council.

B. **Chair-Elect Report – Jonathan Jacobson**

- Chair-Elect Jacobson introduced Elyse Dorsey as the Chair Elect’s counsel.
- Chair Elect Jacobson also stressed the role of Responsible Council Member, including the importance of the RCM’s input into the appointment process.
- **IP Conference.** Chair elect Jacobson discussed the challenges the Section has encountered in presenting its traditionally biennial IP Conference, including the difficulty on attracting attendance. The IP Conference will not be presented in 2017, and an IP track will be added to the Spring Meeting.

C. **Immediate Past Chair Report – Roxann Henry**

- Immediate Past Chair Henry expressed her appreciation for the work of Section leadership and her high confidence in another successful Section year.

D. **Vice Chair Report – Bernard Nigro**

- **Long Range Planning.** Vice Chair Nigro reported on the work of the Long Range Planning Committee, including the plan to oversee the updating of committee Long Range Plans per the existing schedule and updating the quinquennial Member survey. He also discussed progress in selecting venues
for the Post Annual and Mid-Winter leadership meetings in the 2018-19 Section year.

E. Committee Officer Report – Deborah Garza

- **Committee Activities Chart.**
- **Committee Operations.** Officer Garza reported on the strong work of Committee Operations Co-Chairs and particularly the effective liaison relationships with committee leadership and Responsible Council Members. She reported on the new committee brochure and the revised Committee Operations Best Practices report.
- **Committee Reporting Process.** Officer Garza described additional improvements to the committee reports, streamlining the report form and implementing a monthly committee tracker format as well as tying the committee reports to their annual plans. The aim is to make the process user friendly while generating useful reports of activities and plans.
- **Committee Programs.** Officer Garza reported that committee programs have been strong, diverse and effective.

Committee Reports

- **Consumer Protection Committee Report** – Co-Chairs Trish Conners and Svetlana Gans and Joanna Tsai
  - The committee submitted a [written report](#).
  - The co-chairs reported a very productive and effective committee year. Membership in the committee has grown substantially, not for its own sake but as a result of the output of and value provided by the Committee. The Committee has added about 140 new members since 2105, a substantial number of whom are new ABA members as well. The growth also represents gains in diversity, including young lawyers, economists, academics, plaintiff’s counsel and international members.
The Committee also has focused on member engagement, recognizing that consumer protection interest spans across not only other Section Committee but also other ABA entities and non-ABA organization. The Committee looks to engage those audiences as well to increase its impact. These activities include proactive outreach to new members of the Section as a whole, outreach to non-ABA member consumer protection lawyers.

The Committee has sponsored or co-sponsored approximately 40 programs in the past year, including a track of 9 CP programs at the 2016 Spring Meeting. The consumer protection committees (CP together with PRIS and ALD) have identified 36 program ideas for the 2017 Spring Meeting.

The Committee has established five working groups charged with outreach to core constituencies and increased engagement. The working group are directed to the plaintiffs’ bar, in-house counsel, young lawyers, academics and state enforcers.

The Committee has developed and sought approval for a consumer protection handbook for in-house counsel (which has been granted). The publication will add to the Committee’s existing monthly update for in-house counsel.

The Committee continues to work with the Section of Business Law to develop programming and resources on consumer finance and cyberlaw matters, and continues to work with other Section committees on joint programs, such as a planned program on behavioral economics co-sponsored with the Economics Committee.

The Committee is hard at work on the upcoming stand-alone Consumer Protection Conference to be held on February 2, 2017. The location has been moved to Atlanta in an effort to attract new audiences and broaden its reach. The program lineup is still being develop The program lineup is
still under development, but there is an anticipated focus on digital commerce, innovation and disruptive competition. There will be a particular focus on attracting and providing content useful to in-house counsel, a group underrepresented in prior conferences.

- **Corporate Counseling Committee Report** – Chairs Derek Ludwin and Suzanne Wachsstock
  - The committee submitted a [written report](#).
  - The Committee currently had 684 members as of June 2016, an increase of over 140 members from January 2014.
  - The Committee focuses its engagement with in-house counsel. The engagement is challenging given the many demands faced by in-house counsel. The principal draw is the Committee’s substantive content, which is distilled to practical formats and centered on practical guidance. The Committee is pleased with the quality and quantity of its content, but is looking to expand the roster of speakers for its regular programming. The Committee has offered to allow members from law firms to invite and pay the attendance fee for corporate clients as a way to recruit new participation.
  - The Committee hosted and will continue to present its in-house counsel lunch at the Spring Meeting, an event that regularly draws a substantial audience.
  - The Committee has experienced issues with the logistics of its programming, particularly in connection with the registration process.
  - The Committee is planning quarterly in-person programs as a way of promoting active engagement.

- **Trial Practice Committee Report** Vice-Chair Bonnie Sweeney
  - The committee submitted a [written report](#).
The Committee reported successful programming, including a well-attended mock trial and four additional programs at the 2016 Spring Meeting. The Committee also presented successful “brown bag” programs, and has focused its promotional efforts on attracting younger lawyers and new speakers and focusing the programming on practical trial practice and trial skills topics.

The Committee is looking to expand its offerings covering international competition litigation.

The Committee is pleased with the completion of the Model Civil Jury Instructions, a work representing hard and long effort and the input from diverse perspectives. The process followed in creating the model instructions should engender credibility among the judiciary.

The Committee has submitted and attained approval of a Section reserves proposal that will result in a library of transcripts of expert testimony. Counsel member Gates suggested that the Committee look into assembling a database of Daubert challenges.

The Committee also has submitted a Section Reserves proposal for a student mock trial program.

The Committee also is focusing outreach on plaintiffs’ counsel, seeking to expand its viewpoint diversity.

F. Consumer Protection Officer Report – Kevin O’Connor

- Officer O’Connor submitted a [written report](#).
- Officer O’Connor reported that the Section’s Consumer Protection mission had enjoyed a successful year, led by the work of the Consumer Protection Committee. The three traditional consumer protection committees have worked to integrate the State Enforcement Committee into the mission. Three of the four committees have new chairs for the coming year, and efforts already are underway to build collaboration among them.
• The CP-focused committees are exploring opportunities for additional publications now that the second edition of *Consumer Protection Law Developments* has been published and released. There will be a focus on new privacy-related publications given the pace and scope of global privacy and data protection law and policy developments.

• The consumer protection-focused committees are increasing outreach to other Section committees to enhance their consumer protection focus and output.

• Officer O’Connor discussed the developing plans for the February 2017 Consumer Protection Conference.

G. **Delegates Report by Gary Zanfagna and Steven Cernak.**

• Delegates Zangfagna and Cernak were still in attendance at the House of Delegates Meeting at the time of the Council Meeting.

H. **Finance Officer Report – Anthony Chavez**

• Finance Officer Chavez and former Finance Officer O’Connor submitted a written report.

• Officer Chavez reported on the status of the budgeting process. The Section has conservatively budgeted $4.7 million in revenues and $5.3 million in expenditures, inclusive of approved Reserves funding. The Section is budgeting a net operating surplus (excluding Reserves spending) of $110,000.

• The Section received $1.4 million on net revenues from the 2016 Spring Meeting, and approximately $600,000 from its publications. By way of comparison, the Section’s expenses represent approximately 34 times its dues revenues.
• Officer Chavez presented the 2016-17 Section budget for approval. Officer O’Connor moved its acceptance and Officer Chavez seconded the motion. The Council approved the budget unanimously.

• **Long Term Investments.** As of July 13, 2016, the value of the Section's long term investment funds was $12,366,863.72. The current weighting is 61% equities, and 35.5% bonds and 3.5% cash. The Section also has short term money market position of $436,904.

I. **International Officer Report – Fiona Schaeffer**

• Officer Schaeffer reported on a very successful Section year for its international efforts. There were an exceptional number of comments submitted through the work of the International Task Force.

• Officer Schaeffer also reported that the timeframes for preparing and submitting comments continues to shorten, increasing the pressure on the ITF and working groups to assemble, prepare and finalize comments of the quality required by the Section. The global demand for Section comments continues to grow, a testament to the value provided by the Section to the global competition and consumer protection community.

• Officer Schaeffer again stressed the importance of committee involvement in the process, and suggests that committee leadership view this role as a “must do” rather than a “nice to do” responsibility.

J. **Program Officer Report – Brian Henry**

• Officer Henry submitted a [written report](#).

• Officer Henry previewed a very active program schedule for the coming Section year, including:

  o The next installment of the Global Seminar Series to be held in Soeul, South Korea on September 7, 2016;
The Symposium on Reconciling Competition and Consumer Protection in Health Care, scheduled for September 20, 2016 at Loyola Law School in Chicago;

The Antitrust Masters Course to be held at The Lodge at Williamsburg, Virginia from September 29 to October 1, 2016;

The Fall Forum to be held at the National Press Club in Washington D.C. on November 17, 2016;

The Consumer Protection Conference to be held at the Georgia Aquarium on February 2, 2017;

The 65th Spring Meeting to be held at the Marriott Marquis in Washington D.C. from March 29th to 31st, 2017;

Antitrust in the Americas to be held at the Four Seasons in Mexico City, Mexico on June 1 and 2, 2017.

- Officer Henry also discussed upcoming teleseminars and co-sponsored programs, and the current program schedule for the 2017-2018 Section year.

K. Publications Officer Report – Jonathan Gleklen

- Officer Gleklen submitted a written report.

- Officer Gleklen reported $430,000 in year-to-date (i.e., through June 30) gross sales of Section publications, resulting in $250,000 in net revenues. The top sellers were the 2015 Annual Review of Antitrust Law Developments and the second edition of Consumer Protection Law Developments, followed by the fourth edition of Mergers and Acquisitions: Understanding the Antitrust Issues, the second edition of the Intellectual Property and Antitrust Handbook, and the fifth edition of the Premerger Notification Practice Manual.
• Officer Gleklen reported on three new books to be launched, including the *Model Jury Instructions for Civil Antitrust Cases*.

• Officer Gleklen discussed the importance and challenges of the next edition of *Antitrust Law Developments*, and stressed the role of Council members in reviewing assigned sections of *ALD* draft chapters. The chapters should be distributed for review by October 21st, with reviewing to be completed by November 30. Meeting those deadlines will be critical to keeping the publication on schedule. Gross revenues of $500,000 and net revenues of $350,000 are expected, making the success of the publication critical to the Section’s financial position.

• Officer Gleklen asked for and moved approval of funding sufficient to distribute one free copy of the model instructions to each of the 94 federal district court central libraries. Council member Grube seconded the motion, which passed unanimously.

• Tina Miller reported on the status of Section periodicals, and reported that each was operating well. She reported that in the 2015-2016 Section year 48 articles were published in *Antitrust Magazine*, 19 were published in *Antitrust Law Journal*, and 30 were published in *The Antitrust Source*. Ms. Miller described the output as high both in quantity and quality. and Chair MacLeod complimented her and the periodical teams on their excellent work.

### L. Secretary and Communications Officer Report – Thomas Zych

• Officer Zych and former Communications Officer submitted a [written report](#).

• Officer Zych reviewed the progress made in the implementation and development of the Connect platform. All list serves have been inactivated and all Committee communications have been directed to Connect. While there are continuing issues with engagement and adoption usage statistics show continuing growth in the platform’s use and in users’ ability to navigate Connect. The Open Forum page remains under full moderation, while the
bulk of the site’s components are largely operated on an open posting basis, a combination of approaches that seems to be working well. The Section and the ABA are in discussions to implement a new, “concierge” level support service for members, the funding for which will come from an already-approved Section reserves project.

- Officer Zych reported that the newly-named Content Committee already is hard at work. The Committee is the vehicle by which the recommendations of the former Content delivery Task Force will be put into operation and, in a larger sense, strategic direction for delivering Section content will be developed. The Committee has organized around three working groups focusing, respectively, on communications (including Connect), publications and programs,

- The written report of Officer Zych and former Officer Chavez for the Post-Annual Council Meeting included a summary of all action items taken by Council between the Spring Council Meeting and June 21, 2016.

- **Officer Zych proposed that the Section approve co-sponsorship of programs with affinity bas associations of color.** Council member Wellford moved that the co-sponsorships be approved and Council member Roberti seconded the motion. The motion passed by unanimous vote.

- **Officer Zych next proposed that the Section co-sponsor a panel presentation with The Grapevine.** Council member Musgrove moved to approve the co-sponsorship and Council member Wellford seconded the motion. The motion passed by unanimous vote.

- The Membership and Diversity Committee submitted a written report. Co-Chairs Tabor and Perlman reported on substantial growth in Section membership between 2015 and 2016, but noted that a substantial portion of that growth was represented by law student members who had received free ABA and Section membership as part of the ABA’s membership recruitment efforts. Chairs Tabor and Perlman also reported on the success of the ABA’s
“Member Get a Member” program used by the Consumer Protection Committee to attract new members. Chair MacLeod noted that both programs presented opportunities for engagement and retention. Council discussed how the Section could increase participation by and engagement of new members, particularly new law student members beginning their careers. The Chairs also provided an update on the Ambassador Program aimed at non-Section members in the profession, and the opportunity to offer stipends to pay for Spring Meeting registration fees as a recruitment tool. While only two applications for Ambassador Program funds were received this year, it does provide a recruitment opportunity. The Chairs and Council also discussed the need to retool liaison efforts with other bar associations. Chair Elect Jacobson stressed the continuing need to improve diversity at all levels of the Section.

2. Reports - Council Liaisons/Special Guests
   A. International Task Force *(Written report only)*
   B. Young Lawyers Division Report – *(Written report only)*
   C. Canadian Bar Association, Competition Law Section – *(Written report only)*

   • Section Director Travis submitted a [written report](#).
   • Director Travis reported on the hiring of three new staff members, but noted that this brings the staff headcount to the prior level and does not represent an increase in available staff notwithstanding the continued growth in demands on the Section’s staff. Each new Section program and initiative increases the already substantial burden on the staff. Director Travis anticipates another very busy Section year.
Chair Macleod adjourned the Council meeting at 3:25 p.m.
Actions taken by Council between the Spring Council Meeting and July 21, 2016

International Comments

Comments of the ABA Sections of Antitrust Law and International Law on the General Conditions and Procedures for the Exemption of Monopoly Agreements of the Antimonopoly Commission of the State Council of The People's Republic of China

- Submitted for review and approval by Council on June 13, 2016 by International Officer Jonathan Gleklen. Vice Chair Jacobson suggested certain changes and a redraft was circulated by International Officer Jonathan Gleklen on June 14, 2016.
- Voting via electronic mail before the close of business on June 15, 2016.
- Approved by Council on June 15, 2016 “with such non-substantive changes as the International Officer, in consultation with the Chair, deems reasonable and appropriate.”
  - There were no votes in opposition to the proposed comments.
- Upon approval by Council, the Comments were submitted and cleared in accordance with the ABA Blanket Authority Procedure.
- Final comments were submitted on June 29, 2016.
- The ITF leader on the project was Steve Harris; SAL drafters were Masayuki Atsumi, Mike Fanelli, Alysha Amanji-Knight and Michael Han. Yee Wah Chin and drafters from SIL also made a significant contribution to the draft.

Joint Comments of the ABA’s Section of Antitrust Law and Section of International Law on INDECOPI’s Draft Leniency Program Guidelines

- Submitted for review and approval by Council on June 17, 2016 by International Officer Jonathan Gleklen. INDECOPI stands for Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual, the Peruvian authority responsible for antitrust.
- Voting via electronic mail.
- Approved by Council on June 20, 2016 “with such non-substantive changes as the
International Officer, in consultation with the Chair, deems reasonable and appropriate.”
  o There were no votes in opposition to the proposed comments.

• Upon approval by Council, the proposed Comments were submitted and cleared in accordance with the ABA Expedited Blanket Authority Procedure.

• Final comments were submitted on June 24, 2016.

• The SAL drafting team was coordinated by Christina Hummer of the ITF and included Mariana Tavares and Julia Gierkens Ribiero for the International Cartel Task Force and Yoshi Ikeda for the Cartel and Criminal Practice Committee. Shoshanna Speiser and Lisl Dunlop also participated in the drafting for SIL.

Comments of the ABA Sections of Antitrust Law and International Law on CADE’s proposed amendments to its regulations governing pre-closing notification of “associative agreements” (Cade’s Public Consultation N. 02/2016, Dated May 5, 2016)

• Submitted for review and approval by Council on June 28, 2016 by International Officer Jonathan Gleklen.

• Background: CADE, Brazil’s antitrust enforcer, requires pre-notification of not just mergers, but also certain agreements that fall far short of a merger. The Section has previously filed comments on this subject with CADE in 2014 and 2012, but continue to have very serious concerns with Brazil’s approach.

• Voting via electronic mail.

• Approved by Council on June 29, 2016 “with such non-substantive changes as the International Officer, in consultation with the Chair, deems reasonable and appropriate.”
  o There were no votes in opposition to the proposed comments.

• The proposed Comments were submitted and cleared in accordance with the ABA Expedited Blanket Authority Procedure.

• Final comments were submitted on July 6, 2016.

• Work for the Section was led by Barbara Rosenberg, Fiona Schaeffer, Jonathan Gowdy,
and Lisl Dunlop, with ITF supervision from Tad Lipsky, Alden Abbott, Rob Kwinter, and Jay Modrall.


- Submitted for review and approval by Council on July 14, 2016 by International Officer Jonathan Gleklen.
- Voting via electronic mail.
- Approved by Council on July 18, 2016 “with such non-substantive changes as the International Officer, in consultation with the Chair, deems reasonable and appropriate.”
  - There were no votes in opposition to the proposed comments.
- The proposed Comments will be submitted and cleared in accordance with the ABA Expedited Blanket Authority Procedure.
- Work on the project was led by Steve Harris of the ITF. SAL drafters were Guy Ben-Ishai from the Economics Committee and Ross Fisher from the Federal Civil Enforcement Committee.

Publications

Approval of the publication proposal for the Consumer Protection Compliance Manual (First Edition)

- On June 1, 2016 Bernard A. Nigro Jr, Publications Officer, circulated for Council review and approval a detailed publications proposal from the Section’s Consumer Protection Committee for the Consumer Protection Compliance Manual (First Edition) (“Publications Proposal”) and moved to approve the Publications Proposal, with possible additional changes to the outline, identified contributors, and schedule consistent with
existing processes and procedures and with the Publications Officer keeping Council informed of significant changes consistent with existing processes and procedures.

- **Background**
  - Expected sales: a comparable book focused on antitrust is in its second edition and since publication of the first edition sold 700 copies for more than $100,000.
  - The Project Leaders are Svetlana Gans and Donnelly McDowell.
  - The planned schedule includes submission of final drafts to Council reviewers July 2017, submission to Council for approval October 2017, and publication in December 2017.
  - The outline, identified contributors, and schedule in the Publications Proposal are subject to change consistent with existing processes and procedures.
  - The Publications Officer reviewed the submission of this Publications Proposal to Council with the Chair, the incoming Publications Officer and the Consumer Protection Officer.

- **Voting occurred by electronic mail.**

- **Publication Proposal Approved by Council on June 6, 2016.**
  - Council members Hutnik and Sommer provided suggestions on the Publications Proposal.
  - There were no votes in opposition.

**Approval of the publication of Private Equity Antitrust Handbook**

- **June 30, 2016** motion by Bernard A. Nigro Jr, Publications Officer, with the consent of the Chair, to approve the publication of Private Equity Antitrust Handbook and to take such vote by electronic mail.

- **Background**
  - The handbook was prepared by a working group headed by Deidre J. Johnson and Brandon L. Bigelow. The handbook was reviewed by Council, underwent revisions based on the Council review, and was subject to a final review and approval by the Books & Treatises Committee.
• Voting occurred by electronic mail.
• Publication Approved by Council on July 5, 2016.
  o There were no votes in opposition.
• Special thanks are due to Deidre J. Johnson and Brandon E. Bigelow, who coordinated the writing of this Handbook and Stephen Stack, who suggested that the Section create this Handbook. Special thanks also goes to the members of the Books and Treatises Committee, particularly Stephen Stack and Mark W. Nelson, who provided invaluable assistance in completing this Handbook and Henry B. McFarland, Eric J. Stock Co-Chairs, Insurance and Financial Services Committee, the committee was responsible for the project. There were many other individuals in the private bar—both in the United States and abroad—who assisted with this project, including:
  o Xuefei Bai
  o Dr. Wolfgang Bosch
  o David R. Brenneman
  o D. Jeffrey Brown
  o Jonathan E. Cheng
  o Naval Satarwala Chopra
  o Dr. Birgit Colbus
  o Reed Collins
  o Bruno de Luca Drago
  o Nicole C. Durkin
  o Adam N. Eckart
  o Mark Gurevich
  o Eric S. Hochstadt
  o Janet Hui
  o Deidre J. Johnson
  o Michael Kilby
  o Jonathan S. Klarfeld
Approval of the publication of Model Jury Instructions in Civil Antitrust Cases (Second Edition)

- June 30, 2016 motion by Bernard A. Nigro Jr, Publications Officer, with the consent of the Chair, to approve the publication of Model Jury Instructions in Civil Antitrust Cases (Second Edition) and to take such vote by electronic mail.
- Background
  - The book was prepared by a working group headed by Roberta D. Liebenberg and Rob Walters and other members of the Trial Practice Committee and the Section (see last item below).
  - For the first time, a “Blue Ribbon” panel of judges and experienced plaintiffs’ and defense practitioners with extensive trial experience was assembled to referee certain instructions nominated by the review teams for further examination. The nominated instructions fell into two broad categories: (1) new instructions that did not appear in the 2005 edition, and (2) revised instructions covering unsettled areas of the law. The Blue Ribbon panel was co-chaired by Joe Goldberg and Harry Reasoner. The judges included Chief Judge Sarah S. Vance (E.D. La.), Judge M. Margaret McKeown (Ninth Circuit), and Judge Vaughn R. Walker (retired N.D. Cal.). The other distinguished members of the panel included Arthur Burke, Mark Gidley, Bob Kaplan, Andy Marovitz, Laddie Montague, Steve Susman, and Heather Tewksbury.
  - The book was reviewed by Council, underwent revisions based on the Council review, and was subject to a final review and approval by the Books & Treatises Committee.
- Voting occurred by electronic mail.
- Publication Approved by Council on July 5, 2016.
  - There were no votes in opposition.
- We are extremely grateful to the practitioners who devoted so much time and energy to revising and drafting the instructions in this new edition. They include Dominique-Chantale Alepin, Laura Alexander, Daniel Ambar, Barak Bassman, Roy Breitenbach, Eric
Cramer, Matt Duncan, J. Hardy Ehlers, Koren Wong-Ervin, Lauren Etlinger, Mark Ford, Melissa J. Hatch, Kimberly Kefalas, Rich Koffman, Layne Kruse, Brent Landau, Bob LaRocca, Christine Levin, Joe Lukens, Nandu Machiraju, Ria Momblanco, Aaron Panner, James “Bo” Pearl, Donald Perelman, Al Pfeiffer, Jim Reeder, Ira Richards, Sharon Robertson, Barbara Sicalides, Daniel Simons, David Sorenson, Peter Sullivan, Howard Ullman, Nicole Williams, Eric J. Wilson, Katie Larkin-Wong, Timothy Zimmerman, Alex Okuliar, and Robert P. Davis. Thanks also to the co-chairs of the Trial Practice Committee, Layne Kruse and Brian Grube, for their support and patience during the completion of this project. Special thanks go to Paul Costa, the assistant editor of this edition. We are also appreciative of the members of the Editor Task Force: Lauren Miller Etlinger, Geraldine W. Yong, Kelly Burns, Brad Hubbard, and Will Thompson.

Approval of the publication of Antitrust Law and Economics of Product Distribution (Second Edition)

- July 1, 2016 motion by Bernard A. Nigro Jr, Publications Officer, with the consent of the Chair, to approve the publication of Antitrust Law and Economics of Product Distribution (Second Edition) and to take such vote by electronic mail.
- This edition of the book was prepared by a working group, headed by James Langenfeld, Quentin Wittrock, and Ted Banks.
- Voting occurred by electronic mail.
- Publication Approved by Council on July 5, 2016.
  - There were no votes in opposition.

Other Action Items

Co-sponsorship with Global Advertising Lawyers Alliance

- Request from the Consumer Protection Committee to cosponsor a series of panel discussions with the Global Advertising Lawyers Alliance (“GALA”) during the remainder of FY2016 and through FY2017.
• Submitted for approval by Council on May 10, 2016 at the direction of Chair Roxann Henry.
• GALA describes itself as an alliance of lawyers located throughout the world with expertise and experience in advertising, marketing and promotion law that provides a resource to individuals and corporations dealing with complex legal issues affecting advertisers and marketers. It is a not-for-profit member-based organization. More information can be found on their website at http://www.galalaw.com/aboutgala.
• GALA publishes articles and books with summaries of specific legal issues from around the world, such as on alcohol advertising law, but does not typically offer webinars or similar programs.
• Voting via electronic mail.
• Approved by Council on May 11, 2016.
  o There were no votes in opposition.
• The Section submitted a Request to Cosponsor Programs with an Outside Organization to Operations and Communications Committee, ABA Board of Governors and that request was approved on June 11, 2016.

Co-sponsorship with Corporate Counsel Women of Color

• Request from the Membership & Diversity Committee to cosponsor a panel discussion and networking event with Corporate Counsel Women of Color® during FY2017, either at its Annual Career Strategies Conference or at its General Counsel Summit, whichever is more convenient for planning purposes.
• Submitted for approval by Council on May 10, 2016 at the direction of Chair Roxann Henry.
• Corporate Counsel Women of Color is a 501(c)(3) not-for profit organization of women attorneys of color.
• Voting via electronic mail.
• Approved by Council on May 11, 2016.
  o There were no votes in opposition.
• The Section submitted a Request to Cosponsor Programs with an Outside Organization to Operations and Communications Committee, ABA Board of Governors and that request was approved on June 11, 2016.

Co-sponsorship of the February 2, 2017 Consumer Protection Conference in Atlanta, GA with the Canadian Bar Association

• Submitted for approval by Council on June 20, 2016 by Program Officer Brian Henry.
  o Such co-sponsorship is designed to facilitate obtaining additional registrants and faculty from outside of the United States.

• Voting via electronic mail.

• Approved by Council on June 23, 2016.
  o There were no votes in opposition.