FROM THE CHAIR

by Elizabeth S. Stong

As summer seems just around the corner, the Business and Corporate Litigation Committee can look back on a very successful Business Law Section Spring Meeting in Boston in April, and look forward to the prospect of a comparably productive gathering at the ABA Annual Meeting in Washington, D.C. this August. For the long-range planners among us, it may not be too soon to pencil in the Committee’s stand-alone meeting, now scheduled for the Le Parker Meridien Hotel in New York City on December 12 and 13.

Business Law Section Spring Meeting in April 2002

I hope you were able to join us for the Spring Meeting of the Business Law Section in Boston on April 4-7, 2002. Our Committee presented three outstanding programs, over a dozen Subcommittees held substantive meetings, and a record attendance of old and new Committee members gathered for our traditional Thursday evening Committee dinner at the historic Boston restaurant Locke-Ober’s.

Our first program, chaired by Steve Kupperman on Thursday morning, was “Follow the Money: Recent Developments in Class Action Attorney Fee Awards,” and featured U.S. District Judge Jed Rakoff, Professor Elliot Weiss, and several distinguished practitioners. They discussed and debated recent developments in class action fees, including the impact of fees on selection of counsel, conduct of the litigation, and settlement dynamics, including mediation. On Thursday afternoon, the Committee presented its annual Review of Developments in Business and Corporate Litigation. A standing-room only audience heard
timely and engaging updates on areas from ADR and antitrust to director liability and corporate governance. A highlight of the corporate governance discussion was commentary by Hon. Leo Strine of the Delaware Court of Chancery. Written materials prepared in connection with the program, which cover an even wider range of topics, will be published in book form by the Business Law Section very soon.

On Friday morning, our Committee Forum, chaired by Patrick Clendenen, addressed the new issues surrounding privacy litigation in a program entitled “Customer Information – Asset or Liability? Privacy Litigation in the Information Age.” Experienced litigators discussed how courts and litigants are striking a balance between consumer privacy rights and the right of businesses to use consumer information to render more effective and efficient services. Finally, on Friday afternoon, we co-sponsored with the Criminal Laws Committee a timely program on the Enron situation.

ABA Annual Meeting in August 2002 Our Committee is planning a full schedule of programs, subcommittee meetings and mini-programs, and as always, our traditional Committee dinner, for the ABA Annual Meeting in Washington, D.C. in August 2002. Our program offerings begin on Saturday, August 10, from 2:30 to 4:30 PM, when Steve Poss and Lisa Wager co-chair “Action or Reaction? Congress Responds To Enron.” On Sunday, August 11, from 2:30 to 4:30 PM, we will present “Expert Witnesses in Antitrust Litigation: Making [Or Breaking] Your Case,” chaired by Hilary Ware. As our Committee Forum offering on Monday, August 12, at 8:00 to 9:45 AM, we will present “Whistleblowers and Qui Tam Actions: Unique Clients, Unique Cases,” chaired by Liz Ainslie.

On Saturday, August 10, in the afternoon, we are also planning a hands-on pro bono project, likely at a domestic violence shelter, to be conducted jointly with the Young Lawyers Division and sponsored by our Pro Bono Subcommittee. This project, co-chaired by Patrick Clendenen and La Ronda Barnes, was initiated last year, and proved to be a great success. So if you can spare an afternoon during the busy Annual Meeting, bring work clothes and come join us as we lend a hand in public service to those who are truly in need. Please contact me, Patrick, or La Ronda if you have any questions about participating in this effort.

In addition, subcommittees in almost twenty substantive areas including two new subcommittees, Securities Arbitration and Appellate Litigation, as well as ADR, Antitrust and Trade Litigation, Bankruptcy, Business Courts, Business Torts, Class and Derivative Actions, Criminal and Enforcement Litigation, Employment Litigation, Environmental Litigation, ERISA and Pension Litigation, Financial Institution Litigation, Intellectual Property, Corporate Counseling & Litigation and Indemnification and Insurance, Partnerships and Alternative Business Entities, Pro Bono, and Securities Litigation, will meet from Saturday to Monday, and mini-programs will be offered by many. Subcommittee meetings are an outstanding way for newcomers to the Committee to become involved, so review the tentative schedule of meetings -- subject to change -- in this issue of Network to learn when and where the subcommittees of interest to you will be meeting and note the time and date.

Our Committee will hold its dinner at 7:30 p.m. Sunday, August 11 at the Old Ebbitt Grill. The Old Ebbitt Grill has been described as Washington D.C.’s neo-Edwardian "public club" (think dark paneling, "period" gas lamps and leather-lined booths). The restaurant's downtown locale provides a highly Washingtonian backdrop for everything from "power breakfasts" to "late night oysters;" and its "huge bar scene" draws plenty of "politicos," as does the "classic" American food. Be sure to join us for dinner while at the convention. The Dinner Registration Form is at page 12.

As you may have learned, the ABA has made some changes to the registration procedures for the ABA Annual Meeting in August, which will take place in Washington, D.C. In the past, there has been a single registration fee to cover attendance at all CLE programs presented at the meeting. This year, the basic registration fee has been drastically reduced – from $350 last year to just $95 this year – but separate charges will apply in order to attend CLE programs. In an effort to make this new structure as simple as possible, the Business Law Section will offer a "passport" for $175 that will permit unlimited
access to all Business Law Section CLE programs. No charges will be made for attendance at Committee or Subcommittee meetings for which CLE credit is not provided. With a Business Law Section "passport," you will be able to attend an unlimited number of Section programs, and to move from program to program without incurring additional charges. Look for more information about these new procedures as the Annual Meeting draws near – and don’t forget your passport!

Committee Fall Meeting in December 2002 The dates have been set for our Business and Corporate Litigation Committee Fall meeting in New York City, so mark down Thursday, December 12, 2002, for our Committee reception and dinner, and Friday, December 13, 2002, for our meeting, at the Le Parker Meridien Hotel. This venue was extremely popular with our attendees last year, and we have secured the same attractive room rate. Though we are still at an early stage in the planning process, several things are certain: the programs will be outstanding, the company will be collegial, the value will be excellent, and you will not want to miss this gathering.

FEATURE ARTICLE

NON-CLIENT THIRD PARTY CLAIMS AGAINST ACCOUNTING FIRMS

by Paul J. Masinter and Walter F. Wolfe

The recent furor over the role of accounting firms in corporate America has raised numerous issues concerning the liability of such firms in connection with the financial collapse of certain companies for which they performed services. One of the issues that often comes up is the liability of accounting firms to non-client third parties. This issue has been extensively discussed in numerous court decisions, treatises and law review articles. The following brief article will review the main theories on the subject and provide the reader with sources of further information.

As stated by the court in First Nat. Bank of Commerce v. Monco Agency, Inc., 911 F.2d 1053, 1058 (5th Cir. 1990) (footnote omitted):

Naturally, a client may sue its accountants for negligent misrepresentation, since there is privity of contract. Beyond this simple scenario, however, the states are generally divided three ways regarding which nonclients may sue accountants because of inaccurate audits. The lack of uniformity among the states is attributable to a schism in public policy regarding the measure of liability accountants should bear in favor of third parties for the business errors attributable, in whole or in part, to their work product.

The situation is complicated by the fact that the interests of management, the financiers of the work product, are not necessarily consonant with those of the public. Management seeks to maximize stockholders’ and creditors’ confidence in the company, within the bounds of the accounting profession’s Generally Accepted Accounting Principles (GAAP) and Generally Accepted Auditing Standards (GAAS); whereas, the public demands a sober and impartial evaluation of fiscal performance.

The three main legal theories concerning the liability of accountants to third parties are (1) the "akin to privity" rule, (2) the Restatement of Torts (2d) § 552 Standard; and (3) the foreseeability rule. The "akin to privity" rule is the most favorable to accountants, while the foreseeability rule is the most expansive view of accountant's liability to non-client third parties. The § 552 standard of liability represents the more moderate view of accountant liability.
"Akin to Privity": The "strict privity" standard of liability was developed by Chief Justice Cardozo in Ultramares Corp. v. Touche, 174 N.E. 441 (N.Y. 1931). In Ultramares, the court held that accountants are immune from negligence suits prosecuted by third parties with whom the accountants are not in contractual privity. In support of the holding, Chief Justice Cardozo wrote: "If liability for negligence exists, a thoughtless slip or blunder . . . [would] expose accountants to a liability in an indeterminate amount for an indeterminate amount of time to an indeterminate class." 174 N.E. at 444.

In the mid-1980s, the Ultramares standard was modified in Credit Alliance Corp. v. Arthur Andersen & Co., 483 N.E. 2d 110 (N.Y. 1985), to one now known as the "akin to privity" standard. In Credit Alliance, the court held that in order for a non-client third party to impose negligence liability on an accountant, the third party must establish each of the following three elements: (1) the accountant's awareness that the financial reports were to be used for a particular purpose or purposes; (2) reliance on the reports by a known party or parties, and (3) some linking conduct on the part of the accountant which evinced the accountant's understanding regarding the third parties' reliance. New York courts have determined that "[n]otwithstanding some degree of overlap among these requirements, they are distinct," LaSalle Nat. Bank v. Ernst & Young, L.L.P., 729 N.Y.S.2d 671, 675 (Sup. Ct. 2001), and, "[a]s with a three-legged table, remove one prop, and the entire structure must fall." Id., quoting Parrott v. Coopers & Lybrand, L.L.P., 702 N.Y.S.2d 40, 44 (Sup. Ct. 2000).

In a recent publication, the American Institute of Certified Public Accountants ("AICPA") determined that the "akin to privity" rule as developed by Ultramares and Credit Alliance has been applied or adopted in the following several states and a United States territory through case law or an accountancy statute: Arkansas (statute), Guam (statute), Idaho (case law), Illinois (statute), Indiana (case law), Kansas (statute), Louisiana (statute), Montana (case law), Nebraska (case law), New Jersey (statute), New York (case law), Pennsylvania (case law), Utah (statute), Virginia (case law), and Wyoming (statute). See Tort Reform Issues in the Uniform Accountancy Act ("Tort Reform Issues") (11/28/01), available at <www.aicpa.org/download/uaa/Tort_Reform.PDF>.

Restatement of Torts (2d) § 552: The § 552 standard allows a restricted group of non-client third parties to recover for pecuniary losses due to an accounting firm negligently providing services to its client. The court in Walpert, Smullian & Blumenthal, P.A. v. Katz, 762 A.2d 582 (Md. 2000), summarized this approach:

For liability to attach under § 552, the plaintiff must be a member of a limited class to whom the accountant intends to supply the information or to whom the accountant knows the recipient intends to supply it, who suffers loss through reliance on the information for substantially the same purpose as the bona fide client. Under this approach, not every reasonably foreseeable user of the financial information supplied by the accountant may recover for losses sustained in reliance. An accountant who is retained to conduct an audit and to furnish an opinion for no particular purpose ordinarily undertakes no duty to third persons. Even though accountants generally know that the financial statements are customarily used in a wide variety of financial transactions by corporations and other businesses and that they likely will be relied upon by lenders, investors, stockholders, creditors and purchasers, for a duty of care to exist, the accountant must be
informed that an identified third party or class of third parties will be using the financial statements. Thus, a plaintiff claiming negligent misrepresentation must be the person, or a member of a limited group of persons, for whose benefit and guidance the defendant either intended to supply the information or knew that the recipient of the information intended to supply it. (Citations omitted).

According to the AICPA, as of late 2001, the § 552 standard had been applied in twenty-one states through case law or an accountancy statute: Alabama (case law), Alaska (case law), California (case law), Hawaii (case law), Iowa (case law), Kentucky (case law), Massachusetts (case law), Michigan (statute), Minnesota (case law), Missouri (case law), New Hampshire (case law), North Carolina (case law), Ohio (case law), Oklahoma (case law), Rhode Island (case law), South Carolina (case law), Tennessee (case law), Texas (case law), Washington (case law), and West Virginia (case law). See Tort Reform Issues, supra.

Foreseeability Standard: The "foreseeability" standard imposes a duty upon accountants in favor of all third parties damaged as a result of foreseeable reliance upon the accountants' work product. "Accordingly, an accountant who prepares an audit report is liable to a third party for negligent misrepresentation if it is reasonably foreseeable that such third party might obtain, and rely on, the audit report." Walpert, Smullian & Blumenthal, 762 A.2d at 601, citing Touche Ross & Co. v. Commercial Union Ins. Co., 514 So. 2d 315, 322 (Miss. 1987). The two states that currently employ the foreseeable standard are Mississippi and Wisconsin. See Tort Reform Issues, supra.


There are numerous treatises and law review articles on the subject of the liability of accounting firms to non-client third parties. Some which may be of assistance in the researching of the issue are the following:


Finally, several fairly recent cases such as Walpert, supra, and Kohala Agric. v. Deloitte & Touche, 949 P.2d 141 (Haw. Ct. App. 1997), provide excellent summaries of the status of the various states' laws concerning accountant liability to third parties, but the courts' conclusions as to which standard has been adopted by some states (e.g., Arizona, Maine and North Dakota) differ from the
conclusions the AICPA made in Tort Reform Issues, supra.

Paul J. Masinter is a partner at Stone, Pigman, Walther, Wittmann & Hutchinson, L.L.P. Walter F. Wolfe is an attorney with the firm.

SUBCOMMITTEE REPORTS

ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE
by Abigail Pessen

It was great to see everyone in Boston! The Alternative Dispute Resolution Subcommittee had a productive meeting at which, among other things, we discussed concerns about arbitration.

While we were meeting in Boston, the Texas legislature was holding a hearing on the same subject, namely, the increasingly pervasive use of binding arbitration clauses in consumer contracts. A similar hearing was also held recently in California. Although some state legislators wish to inhibit the growth of consumer arbitration, they opined that the states have little clout in this area - because state law is pre-empted whenever the Federal Arbitration Act (FAA) applies.

In fact, despite the FAA’s broad applicability, it is important for practitioners to keep in mind that state law still matters in at least two ways in arbitration. First, the FAA applies only to arbitration agreements in contracts “evidencing a transaction involving commerce.” FAA § 2. Although “involving commerce” has been held to be a very broad standard, see Allied-Bruce Terminix Companies, Inc. v. Dobson, 115 S. Ct. 834 (1995), it is not infinitely broad; some transactions remain beyond its reach. See U.S. v. Lopez, 115 S. Ct. 1624 (1995) (federal law banning possession of firearms in school zone does not substantially affect commerce and thus exceeded Congress’ power under the commerce clause); U.S. v. Morrison, 529 U.S. 598 (2000) (Violence Against Women Act exceeded Congress’ power under the commerce clause). In light of those post-Terminix holdings, lower courts have held that the FAA does not apply to arbitration of disputes concerning local businesses, condominium associations, law firms, and the like. See e.g. Marina Cove Condominium Owners Assn. v. Isabella Estates, 34 P.3d 870 (Wash. App. 2001). If the FAA does not apply, then the state’s arbitration law will govern.

Secondly, even if the FAA does apply, it merely requires courts to treat arbitration agreements the same as other contracts. This requirement puts the ball right back in the states’ court, because grounds for invalidating contracts are matters of state law. Thus, as the Supreme Court hinted in Terminix, supra, state legislatures or courts could define unconscionable contracts, for example, so as to raise challenges to many arbitration agreements.

The bottom line is that state law shouldn’t be overlooked when analyzing an arbitration agreement.

ANTITRUST AND TRADE REGULATION SUBCOMMITTEE
by Hilary E. Ware

At the annual ABA meeting, the Antitrust & Trade Regulation Subcommittee is currently planning on presenting a panel discussion entitled "Expert Witnesses in Antitrust Litigation: Making (or Breaking) Your Case." The panel discussion will involve antitrust litigators and expert witnesses discussing the ways in which effective collaboration among lawyers and expert witnesses can be critical to a successful outcome in antitrust litigation. Your Vice-Chair will be moderating the panel.
BANKRUPTCY LITIGATION SUBCOMMITTEE

by William K. Zewadski

The Bankruptcy Litigation Subcommittee met in Boston and heard four presentations of current interest. We again met jointly with Catherine Bauer's Creditors' Rights subcommittee and had standing room only. Thanks go to our speakers and for all those who attended. This was Catherine's last meeting as chair of her committee and we thank her for her years of good service and special assistance in a long series of good programs over the years.

At the Boston program, Paul Singerman and James Fierberg sent updates in the long-running battle over hidden assets of the two very recent 2002 decisions by the Eleventh Circuit, upholding the contempt orders that keep Stephan Jay Lawrence in jail for his failure to return assets assertedly hidden offshore. Jeff Jontz sent materials reporting on a similar contempt ruling by the local Orlando bankruptcy court, relying on the Lawrence precedents. Francis Pileggi discussed electronic filing procedures in Wilmington, Delaware and many in attendance had practice pointers from other districts that have already implemented this expanding concept. Jeanne Darcey and Amy R. Doherty gave fine presentations on recent cases involving circuit decisions. Your chair also presented a bankruptcy update at the committee's general Litigation Update program. It too had standing room only, which was most gratifying.

Our next meetings will be at the annual meeting in Washington, DC, August 8-13, 2002, and at the National Conference of Bankruptcy Judges in Chicago, October 2-5, 2002. Please let me know if you will be willing to participate to present a point or case of interest. We make every effort to include timely and short talks from all those wanting to participate. To join the committee, simply send an email to William Zewadski, Trenam, Kemker, Tampa, Florida at z@trenam.com, an easy cyber address to remember!

CRIMINAL AND ENFORCEMENT LITIGATION SUBCOMMITTEE

By Jay Dubow

The Criminal and Enforcement Litigation Subcommittee met at the Boston Meeting. We had the pleasure of Juan Marcelino, District Administrator of the SEC's Boston District Office, in attendance. Mr. Marcelino answered questions of attendees in an informal setting that allowed for a lot of discussion. In particular, the attendees discussed the increased interest by federal prosecutors in pursuing criminal securities enforcement actions. The attendees discussed with Mr. Marcelino the implications of the increased criminalization of the federal securities laws. The meeting was a great opportunity to discuss these important issues and we appreciate Mr. Marcelino's participation.

The Subcommittee will meet in Washington this summer at the Annual Meeting and we will have Richard M. Ashton, Associate General Counsel, Board of Governors of the Federal Reserve System in attendance for another informal discussion. We look forward to having an engaging dialogue regarding bank regulatory issues.

INDEMNIFICATION AND INSURANCE SUBCOMMITTEE

by Michael L. Gassmann

At the spring meeting of the Section of Business Law in Boston in April, Bill Johnston, chair of the Indemnification and Insurance Subcommittee, participated in a well-received presentation as part of the 2002 Review of Developments in Business and Corporate Litigation program. The Review and Developments program has become one of the "must-see" events at the spring meeting, and the Indemnification and Insurance Subcommittee is grateful to have been a part of it. Bill and his fellow panelists used a hypothetical to examine corporate governance and indemnification issues arising in the context of a venture capital fund’s proposal to recapitalize one of its portfolio companies. The panel
format encouraged a spirited exchange of ideas and observations.

In addition, the Indemnification and Insurance Subcommittee held a joint meeting with the Corporate Counseling and Litigation Subcommittee. We were encouraged by the number of people who attended the meeting, and by the fact that most of them were actively involved in a discussion, led by your vice-chair, of current developments affecting directors’ and officers’ liability insurance. We discussed current insurance market conditions and recent coverage-related decisions involving, among other things, the effect of an insured company’s bankruptcy on the availability of D&O insurance, the insurability of claims for restitutiorary and rescissionary damages, and the availability of coverage for certain securities claims brought under California’s “blue sky” law. We also explored some of the D&O insurance issues that may emerge as a result of Enron’s bankruptcy and the effects that Enron may have on the underwriting, pricing and availability of D&O insurance. We also discussed recent Delaware case law involving the right to indemnification and the appropriate method of analysis when an exculpatory charter provision is raised as a dispositive defense in a motion to dismiss or a motion for summary judgment.

At the annual ABA meeting in Washington in August, the Indemnification and Insurance and Corporate Counseling and Litigation Subcommittees will again conduct a joint meeting. We look forward to another informative and constructive session. As always, ideas about programs and articles are welcome, and new members (and interested parties) are encouraged to attend. We look forward to seeing you in DC!

PARTNERSHIPS AND ALTERNATIVE BUSINESS ENTITIES SUBCOMMITTEE

by Vernon Proctor

The Partnerships and Alternative Business Entities Subcommittee met in Boston at the Spring Meeting. Although attendance was lower than expected because of scheduling conflicts with at least two popular programs, the attendees discussed recent developments in Delaware partnership and LLC law. Plans are afoot for a possible joint program or forum next year with the Partnerships Committee of the Business Law Section.

PUBLICATIONS SUBCOMMITTEE

by Heidi M. Staudenmaier

The Publications Subcommittee is pleased to report that the 2002 Edition of "Annual Review of Developments in Business and Corporate Litigation" should be available in time for the ABA Annual Meeting in Washington, D.C.

The "Annual Review" publication is based on the seminar materials developed for the Committee’s ever popular program held at the Section’s Spring Meeting. The program at the Boston meeting in April entailed a comprehensive update of business litigation issues at a very high level.

The 2002 "Annual Review" publication includes updates and trends for ADR, bankruptcy, business torts litigation, class actions, corporate law, derivative litigation, director liability and indemnification, directors’ and officers’ liability insurance, employment law, labor law, antitrust, criminal and enforcement litigation, financial institution litigation, general partnerships, joint ventures, limited partnerships and limited liability companies, intellectual property law, securities litigation, securities arbitration, environmental law and ERISA.

Publication of the "Annual Review" permits a wider audience beyond those who attend the Spring Meeting to receive the benefits of the exemplary and in-depth information included in the Spring program materials. Additionally, based on the substantial time and work involved in compiling the materials for each topic, the publication provides greater recognition to the many authors who have contributed to the effort.
AUTHOR! AUTHOR! – “BUSINESS LAW TODAY” ARTICLES REQUEST

by Francis G.X. Pileggi

“Business Law Today” is the national magazine of the Section of Business Law of the American Bar Association. The magazine is published six times a year as a membership benefit for approximately 60,000 Section members. “Business Law Today” is a magazine, not a law review. We are looking for articles that are enjoyable to read. We publish basic articles directed to business lawyers unfamiliar with a substantive area as well as articles on technical legal issues, but the presentation should be direct and comprehensible.

Articles run around 2,000 to 3,000 words. Manuscripts must not have been published previously. However, seminar materials that have been revamped into simple, readable articles are acceptable. Additionally, any articles previously published in an ABA newsletter (such as Network) or firm newsletters are acceptable. The complete author guidelines are available through the Business Law Section’s Website, www.abanet.org/buslaw/blt-guidelines.html, or Heidi M. Staudenmaier directly at “Business Law Today,” Editor-in-Chief, Snell & Wilmer, Phoenix, (602) 382-6366, hstaudenmaier@swlaw.com.

The Business and Corporate Litigation Committee newsletter is published four times a year by the American Bar Association, Section of Business Law, Business and Corporate Litigation Committee. The views expressed in the Business and Corporate Litigation Committee newsletter are the authors’ only and not necessarily those of the American Bar Association, the Section of Business Law or the Business and Corporate Litigation Committee. If you wish to comment on the contents, please write to the Business and Corporate Litigation Committee, Section of Business Law, American Bar Association, 750 North Lake Shore Drive, Chicago, Illinois 60611.
ABA Annual Meeting
Section of Business Law
Business and Corporate Litigation
Committee
August 9-13, 2002
Washington, D.C.

**TENTATIVE SCHEDULE -- SUBJECT TO CHANGE**

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**Programs and Committee Forum**

**Program: Action or Reaction? Congress Responds to Enron**
Saturday 8/10/02 2:30PM - 4:30PM
Hyatt Regency
Ticonderoga, Ballroom Level

**Program: Expert Witnesses in Antitrust Litigation: Making (or Breaking) Your Case**
Sunday 8/11/02 2:30PM - 4:30PM
Hyatt Regency
Ticonderoga, Ballroom Level

**Committee Forum: Whistleblowers and Qui Tam Actions: Unique Clients, Unique Cases**
Monday 8/12/02 8:00AM - 10:00AM
Hyatt Regency
Columbia A, Ballroom Level

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**Committee and Subcommittee Meetings and Mini-Programs**

**Administrative Subcommittees and Subcommittee Chairs and Vice Chairs**
Sunday 8/11/02 5:00PM - 6:00PM
Hyatt Regency
Concord, Ballroom Level

**Alternative Dispute Resolution**
Sunday 8/11/02 11:00AM - 12:00PM
Hyatt Regency
Concord, Ballroom Level

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**Antitrust and Trade Litigation**
Sunday 8/11/02 10:00AM - 11:00AM
Hyatt Regency
Concord, Ballroom Level

**Appellate Litigation**
Monday 8/12/02 3:00PM - 4:00PM
Hyatt Regency
Concord, Ballroom Level

**Bankruptcy Litigation**
Saturday 8/10/02 2:00PM - 3:30PM
Hyatt Regency
Concord, Ballroom Level

**Business Courts**
Monday 8/12/02 10:00AM - 11:00AM
Hyatt Regency
Concord, Ballroom Level

**Business Torts**
Sunday 8/11/02 8:00AM - 9:00AM
Hyatt Regency
Concord, Ballroom Level

**Class and Derivative Actions**
Monday 8/12/02 10:00AM - 11:00AM
Hyatt Regency
Lexington, Ballroom Level

**Criminal and Enforcement Litigation**
Monday 8/12/02 10:30AM - 11:30AM
Hyatt Regency
Bryce, 2nd Floor

**Employment Litigation**
Monday 8/12/02 11:00AM - 12:00PM
Hyatt Regency
Lexington, Ballroom Level

**Environmental Litigation**
Sunday 8/11/02 11:00AM - 12:00PM
Hyatt Regency
Lexington, Ballroom Level
ERISA and Pension Litigation  
Monday 8/12/02 11:00AM - 12:00PM  
Hyatt Regency  
Congressional E, Lobby Level

Financial Institution Litigation  
Monday 8/12/02 2:00PM - 3:00PM  
Hyatt Regency  
Bryce, 2nd Floor

Intellectual Property  
Monday 8/12/02 2:00PM - 3:00PM  
Hyatt Regency  
Lexington, Ballroom Level

Joint Meeting: Corporate Counseling & Litigation and Indemnification and Insurance  
Sunday 8/11/02 10:00AM - 11:00AM  
Hyatt Regency  
Congressional E, Lobby Level

Litigation Reform and Rules Revision  
Sunday 8/11/02 9:00AM - 10:00AM  
Hyatt Regency  
Bryce, 2nd Floor

Partnerships and Alternative Business Entities  
Monday 8/12/02 2:00PM - 3:00PM  
Hyatt Regency  
Concord, Ballroom Level

Pro Bono  
Sunday 8/11/02 10:00AM - 11:00AM  
Hyatt Regency  
Bryce, 2nd Floor

Securities Arbitration  
Monday 8/12/02 3:00PM - 4:00PM  
Hyatt Regency  
Bryce, 2nd Floor

Securities Litigation  
Saturday 8/10/02 1:30PM - 2:30PM  
Hyatt Regency  
Lexington, Ballroom Level

Sectionwide Events  
Section Luncheon  
Monday 8/12/02 12:30PM - 2:00PM  
Hyatt Regency  
Regency A, Ballroom Level

Section Reception  
Monday 8/12/02 12:00PM - 12:30PM  
Hyatt Regency  
Regency A, Ballroom Level

Welcome Reception  
Sunday 8/11/02 6:30PM - 8:00PM
American Bar Association • Section of Business Law
Business & Corporate Litigation Committee Dinner
Old Ebbitt Grill
675 15th Street, NW
Washington, DC
Sunday, August 11, 2002
7:30 PM
DINNER RESERVATION FORM

Name: __________________________________________

Email: _________________________________________

Firm: __________________________________________

Address: _______________________________________

City: ________________________________  State: ______  Zip: ____________

Business Telephone: ___________________________  Fax: ________________

Accompanied by: ________________________________

Are special arrangements needed for the physically challenged?  _______________________

DINNER FEE*

______ Ticket(s)  SDCG  @  $75.00 each = $ ________

Please indicate any special dietary needs: _______________________

*Note: Must be registered for the ABA Annual Meeting to purchase tickets for this Dinner.

METHOD OF PAYMENT

Enclosed check (made payable to American Bar Association)

[ ] MasterCard  [ ] Visa  [ ] American Express

Card #: _____________________________  Exp: ______________________

Signature: ____________________________

Please return this reservation form and payment no later than July 11, 2002 to:

ABA/I.T.S.
108 Wilmont Road
P.O. Box 825
Deerfield, IL 60015-0825

Phone 800-421-0450; Fax 800-521-6017

*(Faxed reservations must include credit card payment.)*

Refund Policy: Requests for refunds must be received no later than 72 hours prior to the start of the ticketed event. Refunds will NOT be granted after that date.
### SUBCOMMITTEE ROSTER

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