FROM THE CHAIR

by Elizabeth S. Stong

As the Business and Corporate Litigation Committee looks back on a successful Annual Meeting in Washington, D.C., and forward to our Winter Committee Meeting on December 12 and 13 in New York City, we also look around courtrooms, board rooms, and offices to see a dramatic increase in and concern about how businesses and corporations are run, how their books are kept, and whether their ethics are sound. In this environment, it is all the more important for business and corporate litigators to stay informed about recent developments in Congress and in court. The Business Law Section has taken a leading role in the ABA’s efforts to address corporate governance issues, and the Business and Corporate Litigation Committee has been an active participant in that process. As outlined below, we have been an important resource for the Section through our programming and publications, among other things. In addition, we have also managed to have some fun, with Committee dinners, a public service project, and the like. So if you have been active in our efforts, thank you; if you have not yet joined us for a meeting, please come on board!

Committee Fall Meeting

Plans are well underway for our Committee’s Winter Meeting, to be held at the Le Parker Meridien Hotel in New York City on Thursday and Friday, December 12 and 13, 2002. We will begin with a reception and dinner on the evening of December 12, and present more than five hours of first-rate programs on December 13. Topics that we will address include the implications of the Sarbanes-Oxley Act of 2002 for the standard of conduct of corporate officers and directors, including

CONTENTS
FROM THE CHAIR .................................................. 1
COMMITTEE FALL MEETING .......................... 1
ABA ANNUAL MEETING .......................... 2
BUSINESS AND CORPORATE LITIGATION ANNUAL REVIEW OF DEVELOPMENTS ............................ 2
FEATURE ARTICLES
SECOND CIRCUIT REVERSES $164,500,000 JUDGMENT IN FAVOR OF NONDISCRETIONARY ACCOUNT HOLDER by Paul J. Masinter ................................................. 3
BUSINESS LAW SECTION APPOINTS FELLOWS by Patrick T. Clendenen ............................................. 6
SUBCOMMITTEE REPORTS
Alternative Dispute Resolution ..................................... 6
Antitrust and Trade Regulation ..................................... 7
Bankruptcy Litigation .............................................. 7
Corporate Counseling and Litigation .................................... 8
Pro Bono ............................................................ 8
Publications .......................................................... 8
Securities Litigation ................................................... 9
ABA’S PRESIDENTIAL COMMISSION ON BILLABLE HOURS ................................................................. 10
ANNUAL REVIEW OF DEVELOPMENTS IN BUSINESS AND CORPORATE LITIGATION – 2002 .............. 10
AUTHOR! AUTHOR! – “BUSINESS LAW TODAY” ARTICLES REQUEST .......................................................... 11
SUBCOMMITTEE ROSTER ........................................... 12
SECTION OF BUSINESS LAW APPLICATION FOR MEMBERSHIP ............................................................. 16
the impact of Sarbanes-Oxley on the definition of "intentional" conduct, the role of federal and state law in setting substantive standards for corporate governance, and the new ethical obligations imposed on lawyers. Our speakers will include members of the Delaware Supreme Court and the Delaware Court of Chancery, leading academics, and as always, expert practitioners. So please put our New York meeting on your calendar, and watch for further details about this year's meeting. We will also offer an update on recent developments in bankruptcy law, including any legislative developments in this area. We expect that it will be the biggest and best ever, and you will not want to miss it, especially in these challenging times for business and corporate litigators. We look forward to seeing you there!

ABA Annual Meeting Looking back to our participation at the ABA's Annual Meeting, on August 10-12, 2002, in Washington, D.C., our Committee held three outstanding programs, offered several miniprograms at Subcommittee meetings, and as always, gathered for a collegial and very pleasant Committee dinner that was attended in nearly equal measure by old-timers and brand new members.

Our programs began on Saturday, August 10, with the very timely Action or Reaction? Congress Responds to Enron. An expert panel moderated by Lisa Wager discussed what outside counsel, corporate counsel, and companies need to know to respond to the newly-adopted Sarbanes-Oxley Act of 2002. On Sunday, August 11, we presented a program moderated by Hilary Ware on Expert Witnesses in Antitrust Litigation: Making (or Breaking Your Case), in which several experienced antitrust litigators and an economist expert witness discussed the use of Daubert motions, privilege issues arising from expert work product, and effective trial preparation and examination technique in high-stakes antitrust litigation. And on Monday, August 12, the Committee addressed the subject of Whistleblowers and Qui Tam Actions: Unique Clients, Unique Cases," in a panel program moderated by Liz Ainslie, where the special issues associated with these unusual matters were explored from the in-house, outside, and government perspective.

Our Committee Dinner has increasingly become a featured activity of the Annual, Winter, and Spring meetings, and this year's Annual Meeting was no exception. Newcomers and regulars alike gathered for a sold-out event on Sunday, August 11, at the Old Ebbitt Grill. And throughout the weekend, Subcommittee meetings and miniprograms took place where, as always, program ideas for upcoming meetings were discussed, and miniprograms were presented by the Employment Litigation Subcommittee, the Intellectual Property Subcommittee, the Corporate Counseling and Indemnification/Insurance Subcommittee and others. Subcommittee Chairs and Vice-Chairs are listed on the Committee web page at http://www.abanet.org/buslaw/bclit/home.html and on pages 10-13 of this issue of the Network. Please feel free to contact any of them, or me, by e-mail before, during, or after the Annual Meeting to learn how you can become more involved.

Finally, the Committee sponsored the second annual Public Service Project, organized by Pat Clendenen and LaRonda Barnes, co-chairs of the Pro Bono Subcommittee, together with the ABA Young Lawyers Division. An intrepid group of about a dozen volunteers spent Saturday afternoon painting the roof of a drug rehabilitation center. The green paint stains came off within a week or so; the good will that we generated will last much longer, and for the volunteers, the memories will last longer still.

Business and Corporate Litigation Annual Review of Developments On the publications front, our Committee continues to be well represented in Section publications by the second annual book edition of the Annual Review of Developments in Business and Corporate Litigation, a joint effort of all of our Subcommittees and the Section Publications Board. The depth and breadth of this publication is remarkable, and at over 650 pages addressing some fifteen subjects from Alternative Dispute Resolution Law to Securities Litigation, it is a splendid reference for the generalist
and expert alike. If you are looking for a handy desk reference on a wide range of topics, you should definitely consider this volume for your bookshelf. Thanks are due to Heidi Staudenmaier, chair of the Publications Subcommittee, for her efforts in compiling the Review of Developments, and to all of the authors, too numerous to list here, for their contributions to this work.

We look forward to welcoming all of you to New York City in December!

FEATURE ARTICLES

SECOND CIRCUIT REVERSES $164,500,000 JUDGMENT IN FAVOR OF NONDISCRETIONARY ACCOUNT HOLDER

by Paul J. Masinter

In De Kwiatkowski v. Bear, Stearns & Co., Inc., 2002 U.S. App. LEXIS 19274 (2d Cir. 2002), the court reversed a $164,500,000 judgment entered on a jury verdict in the United States District Court for the Southern District of New York. The Second Circuit firmly held that because the plaintiff, a currency futures trader, had a nondiscretionary account with the defendant brokerage firm in which the brokers could only execute trades directed by the trader, the broker had no duty to provide the plaintiff ongoing and unsolicited advice. The Second Circuit specifically rejected the plaintiff's argument that "special circumstances" existed that transformed the brokers' normal nondiscretionary account duty to use reasonable care in executing each transaction into a more extensive duty to provide ongoing advice.

Few of the facts were disputed in the case. The plaintiff, a multimillionaire, was an experienced currency trader when he opened his account with the defendant brokerage firm. At that time, the defendant brokerage firm warned the plaintiff (in its new account documents) that commodity futures trading was "highly risky" and a "highly speculative" activity, that futures "are purchased on small margins and . . . are subject to sharp price movements," and that he should "carefully consider whether such [futures] trading is suitable for [him]." 2002 U.S. App. LEXIS 19274 at *7. The brokerage firm also warned the plaintiff "that because, under some market conditions, he 'may find it difficult or impossible to liquidate a position' – meaning that he may sustain a total loss of his posted collateral – he should 'constantly review [his] exposure . . . and attempt to place at risk only an amount which [he knew he could] afford to lose.'" Id. at *7-*8. The plaintiff was also warned that if he chose to trade on margin, he could lose more than what he posted as collateral. Id. at *8.

The lawsuit centered upon the plaintiff's currency trading in late 1994 and early 1995, as described by the court:

In a period of less than five months in 1994-95, [the plaintiff] made and lost hundreds of millions of dollars betting on the U.S. dollar by trading in currency futures. [The plaintiff] traded on a governmental scale: At one point, his positions accounted for 30 percent of the total open interest in certain currencies on the Chicago Mercantile Exchange. After netting over $200 million in the first trading weeks, [the plaintiff's] fortunes turned; between late December 1994 and mid-January 1995, [the plaintiff] suffered single-day losses of $112 million, $98 million, and $70 million. He continued losing money through the winter. Having lost tens of millions over the preceding several days, [the plaintiff] liquidated all his positions starting on Sunday, March 5 and finishing the next day. In all, [the plaintiff] had suffered net losses of $215 million.


In 1996, the plaintiff sued the defendant brokerage firm alleging, inter alia, common law negligence and breach of fiduciary duty. At trial, the plaintiff contended that the defendant failed
adequately to warn him of risks, failed to keep him apprised of certain market forecasts, and gave him negligent advice concerning the timing of trades. After trial, the jury found the defendant brokerage firm negligent and awarded the plaintiff $111,500,000 in damages (which was increased to $164,500,000 when the trial court added $53,000,000 in pre-judgment interest in its judgment). 2002 U.S. App. LEXIS 19274 at *4, *20-*21. The jury found for the defendant on the breach of fiduciary duty claim.2

On appeal, the defendant brokerage firm raised three arguments:

(1) As a matter of law, because the plaintiff was a nondiscretionary customer, the firm had no ongoing duty to provide him with information and advice;

(2) The firm did not undertake to provide the plaintiff ongoing advice and account monitoring services; and

(3) The firm was not negligent in performing any of the services it did provide.


Before discussing the three issues raised in the brokerage firm's appeal, the court stated:

No doubt, a duty of reasonable care applies to the broker's performance of its obligations to customers with nondiscretionary accounts.

The claim of negligence in this case, however, presupposes an ongoing duty of reasonable care (i.e., that the broker has obligations between transactions). But in establishing a nondiscretionary account, the parties ordinarily agree and understand that the broker has narrowly defined duties that begin and end with each transaction. We are aware of no authority for the view that, in the ordinary case, a broker may be held to an open-ended duty of reasonable care, to a nondiscretionary client, that would encompass anything more than limited transaction-by-transaction duties.

Thus, in the ordinary nondiscretionary account, the broker's failure to offer information and advice between transactions cannot constitute negligence.

2002 U.S. App. LEXIS 19274 at *33-*34 (citations omitted).

The court also noted:

[The plaintiff] does not dispute that in the ordinary case, a broker's failure to offer ongoing, unsolicited advice to a nondiscretionary customer would breach no duty. [The plaintiff's] claim is viable, therefore, only if there is evidence to support his theory that [the defendant], notwithstanding its limited contractual duties, undertook a substantial and comprehensive advisory role giving rise to a duty on [the defendant's] part to display the "care and skill that a reasonable broker would exercise under the circumstances."


As to the defendant's first argument, the Second Circuit held that "there was no permissible basis on which a reasonable jury could find that [the brokerage firm] undertook to provide comprehensive 'account handling' services that would have obliged it to provide unsolicited advice to [the plaintiff] on an ongoing basis; nor was [the plaintiff's] account 'special' in a way that would justify imposing extra-contractual duties on [the brokerage firm] absent such an undertaking." 2002 U.S. App. LEXIS 19274 at *44-*45. In so holding, the court specifically rejected the trial court's apparent conclusion that the plaintiff's "outsized account, the frequency of broker contacts, and the unique risk run by a private individual speculating in currency on a scale known only to governments of large countries" created "special circumstances" sufficient to transform the brokerage firm's limited duties on the nondiscretionary account into something more. Id. at *41-*42. The court stated:

These circumstances made [the plaintiff's] account special, even very special; but these
circumstances are not special in a way that transforms the account relationship. The transformative "special circumstances" recognized in the cases are circumstances that render the client dependent—a client who has impaired faculties, or one who has a closer than arms-length relationship with the broker, or one who is so lacking in sophistication that de facto control of the account is deemed to rest in the broker. The law thus imposes additional extra-contractual duties on brokers who can take unfair advantage of their customers' incapacity or simplicity.

[The plaintiff] of course is the very opposite of the naive and vulnerable client who is protected by "special circumstances." He was a special customer chiefly by reason of his vast wealth, his trading experience, his business sophistication, and his glutinous appetite for risk. These factors weigh strongly against—and not at all in favor of—heightened duties on the part of the broker (as suitability rules in other contexts imply). We therefore conclude that the theory of "special circumstances" does not broaden the scope of [the defendant's] undertaking.

Id. at *42-*43 (citations and footnotes omitted).

On the second issue—whether the firm undertook the obligation to provide ongoing warnings concerning "extraordinary market and liquidity rules" posed by the size of the plaintiff's account—the court held:

[The plaintiff's] argument fails because he has not demonstrated that [the defendant] was under an obligation to provide the warnings he claims were omitted, because he grossly understates the warnings [the defendant] in fact issued and the impact such warnings would have had on any reasonable investor, and because (even if [the defendant] failed to give warnings it was obliged to give) as a matter of law, [the plaintiff's] trading losses were not caused by any insufficiency of warnings.


The court specifically found that "[d]eviation from industry or internal standards for monitoring risk and suitability does not necessarily amount to the breach of a duty to [the plaintiff]. The general rule (as we have emphasized) is that commodities brokers do not owe nondiscretionary clients ongoing or account-monitoring duties, such as the duty to warn of changes in market conditions or other information that can impact the client's investments." Id. at *50. In making this finding, the court determined, among other things, that the failure of the brokerage firm to send the plaintiff a report that was "negative" on the dollar was not a breach of any duty. Id. at *54.

Finally, the Second Circuit held that the brokerage firm did not negligently perform any of the services which it had undertaken to perform on the nondiscretionary account. 2002 U.S. App. LEXIS 19274 *58-*60. The court also rejected the plaintiff's contention that the brokerage firm committed negligence when it advised him that it was "dangerous" to liquidate his account on a certain day (thereby allegedly significantly increasing the plaintiff's losses). The court stated: "There is no suggestion that [the broker] failed to exercise reasonable care in forming or expressing that view; [the plaintiff] had no reasonable basis for relying on it, if indeed he did; and the fact that [the broker] turned out to be wrong does not imply negligence." 2002 U.S. App. LEXIS 19274 at *59.

Given the large number of claims which have been filed against brokerage firms as a result of the post-bubble decline of the stock market, the Second Circuit's opinion in De Kwiatkowski will prove very instructive to courts and arbitration panels in their consideration of claims. In particular, the Second Circuit has made very clear that nondiscretionary account holders will have a very difficult time establishing that brokerage firms took on any duty other than to use reasonable care in executing each transaction. The De Kwiatkowski
decision also shows that nondiscretionary account holders will be held to a high standard in proving that brokerage firms and brokers committed negligence in connection with the execution of specific transactions.

1. In his complaint, the plaintiff originally pled various federal, state and common law claims. All but the negligence and breach of fiduciary duty claims were dismissed prior to trial.

2. The plaintiff also sued his individual broker. The jury found for the individual broker on all claims. 2002 U.S. App. LEXIS 19274 at *20-*21.

BUSINESS LAW SECTION APPOINTS FELLOWS

by Patrick T. Clendenen

Following an extensive nomination and selection process, the Business Law Section has appointed its Fellows class for 2002-2004. The Business & Corporate Litigation Committee, for the fifth-straight year, is pleased to have one of the Fellows appointed to its group. Suzanne E. Gilbert, a Senior Litigation Associate with Holland & Knight, LLP in Orlando, is amongst the five new Fellows. Suzanne received her law degree from the University of Florida College of Law and her undergraduate degree from Duke University. She has been active in the ABA and Florida Young Lawyers Divisions for many years. Please extend her a warm welcome to the Committee.

Jeff Paskert, a member of Mills, Paskert & Divers, P.A. in Tampa, is a Fellow in the 2001-2003 class previously assigned to the Business & Corporate Litigation Committee. Jim Holzman is his mentor. Patrick T. Clendenen was in the 2000-2002 class of Fellows, and he now Co-Chairs the Fellows Program with Maury B. Poscover, a former Chair of the Business Law Section.

The other new Fellows include: S. Kendall Butterworth, BellSouth Corporation, Atlanta, GA; Andrea Stone Hartley, Akerman, Senterfitt & Eidson, P.A., Miami, FL; Nancy A. Kaiser, Hahn & Hahn, Pasadena, CA; and Melody M. Wilkinson, Cantey & Hanger, LLP, Fort Worth, TX.

The goal of the Fellows program is to give active members of the Young Lawyers Division an opportunity to become involved in the substantive work of the Business Law Section, to develop future leaders of the Section, and to enhance knowledge about the work of the Section among members of the Young Lawyers Division. The Fellowship appointment is for two years. To be considered for selection, a person must be a member of the Section of Business Law who is also an active member of the YLD (or an active member who has aged out within the last three years); candidates must demonstrate significant interest and achievement in an area of business law that coincides with the work of a substantive Section Committee.

If you have any questions about the Fellows program or would like additional information concerning nominations for the 2003-2005 Fellows class, please contact Fellows Program Co-Chairs Patrick T. Clendenen (617/348-1827 or pclendenen@mintz.com), or Maury B. Poscover (314/622-0617 or maury.poscover@husch.com).

SUBCOMMITTEE REPORTS

ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE

by Michael J. Crane

At the ABA Annual Meeting, the ADR Subcommittee discussed various arbitration and mediation issues. In particular, the group discussed
various approaches used by mediators to bring parties toward a resolution. The group also discussed the pros and cons of exchanging mediation submissions with an adversary, as compared with just providing a submission to a mediator. Arbitration topics discussed included the advantages or disadvantages of obtaining a detailed written decision from arbitrators and the benefits of employing a three arbitrator panel, as compared with using a sole arbitrator.

ANTITRUST AND TRADE REGULATION SUBCOMMITTEE

by Hilary E. Ware

At the ABA Annual Meeting, the Antitrust and Trade Regulation Subcommittee sponsored a panel entitled "Expert Witnesses in Antitrust Litigation: Making (or Breaking) Your Case." The panel discussed the effective use of expert witnesses in antitrust actions at all stages of litigation, and focused particularly on issues involving Daubert motions, strategizing in light of potentially discoverable materials, and the challenges of effective collaboration between litigators and expert witnesses. The panel was moderated by the Vice-Chair of the Subcommittee, Hilary Ware, of Heller Ehrman in San Francisco. The panelists were Michael Lacovara, of Sullivan & Cromwell in Palo Alto, CA; Geraldine Alexis, of Bingham McCutcheon in San Francisco, CA; Asim Varma, of Arnold & Porter in Washington DC; and Monica Noether, of Charles River Associates in Boston, MA. The Subcommittee is looking for a few members who are interested in getting more involved with the Subcommittee, ideally through presenting programs of interest to antitrust business litigators and through collaborating on the antitrust section of next year’s Recent Developments. If you are interested, please contact Hilary Ware, at (415) 772-6000, or hware@hewm.com.

BANKRUPTCY LITIGATION SUBCOMMITTEE

by William K. Zewadski

The Bankruptcy Litigation Subcommittee met at the ABA Annual Meeting jointly with the Creditors’ Rights Subcommittee, Duane Geck, Vice Chair, to hear three presentations of current interest.

First, Roberta Watson, partner at Trenan, Kemker, Scharf, Barkin, Frye and O’Neill, Tampa, FL, who is Joint Committee Chair of the ABA Benefits Committee, gave an extensive presentation of the recent Sixth Circuit cases that reach pension and other retirement benefits in a bankruptcy case, notably, Lampkins v. Golden, 2002 US App Lexis 900 (6th Cir. 2002), holding a Sep IRA benefits vulnerable to the trustee, and In re Yates, 287 F.3d 521 (6th Cir., 2002, holding the owner of the business not an employee under the Fugarino v. Hartford Life, 969 F. 2d 178 (6th Cir. 1992), doctrine and therefore not protected as to an allegedly preferential loan repayment of some $50,000 to his plan. The circuits are split on these issues but the fact that millions of dollars may be vulnerable under these analyses was of intense interest to those who heard the remarks.

The Subcommittee also heard a presentation from David Greer, Chair of the Consumer Bankruptcy Committee, on the ABA position and lobbying efforts to mitigate some harsh aspects of the proposed Bankruptcy legislation of HR 333, notably sections 102,203 (a), and 227-9, as they impact lawyers and the partial success these efforts have had in modifying the pending conference bill. At the time of the meeting, it was up in the air just when and what might ultimately be enacted, after these five years of meandering legislative possibilities.

Finally, your Co-Chair, Bill Zewadski, gave a brief overview of recent large cases, record numbers of cases, and the status of pending legislative proposals, including the Conference Bill arising from HR 333 and the non-discharge provisions for securities laws violations of the Sarbanes-Oxley Act of 2002, signed July 30, 2002.
We look to see you at the National Conference of Bankruptcy Judges meeting in Chicago, October 2-5, 2002, where we will again meet for timely presentations on new cases and developments. Helen Chaitman is scheduled to present a talk on recent developments on the permissibility of inter-district practice of the bankruptcy bar. If you would like to join our subcommittee, simply email the Co-Chair, Bill Zewadski at z@trenam.com, or call (813) 227-7484.

CORPORATE COUNSELING AND LITIGATION SUBCOMMITTEE

By Peter J. Walsh, Jr. and Anne C. Foster

Once again the Corporate Counseling and Litigation Subcommittee conducted a joint meeting with the Indemnification and Insurance Subcommittee at the ABA Annual Meeting. With the enactment of the Sarbanes-Oxley Act just days before the Annual Meeting, there was much interest in this legislation and the Act became the focal point of our Subcommittee discussion. The meeting was well attended, and we were fortunate to hear the perspective of at least one in-house general counsel on how his company would be dealing with the stringent requirements of the Act. In addition, there was an overview of recent case law developments in Delaware, and Mike Gassman, Vice-Chair of the Indemnification and Insurance Subcommittee, updated the group on developments in the insurance field, including the increasingly tight market for D&O insurance. We were delighted to see a number of new faces at the meeting, some of whom have expressed an interest in becoming active in the Subcommittees.

Our Subcommittee will assist in presenting what should prove to be very timely and interesting programs at the Fall meeting in New York City. We look forward to seeing you there.

PRO BONO SUBCOMMITTEE'S SECOND ANNUAL PUBLIC SERVICE PROJECT A SUCCESS

by Patrick T. Clendenen

In conjunction with the ABA Annual Meeting in Washington, D.C., the Section's Pro Bono Committee and the Business and Corporate Litigation Committee's Pro Bono Subcommittee held a Public Service Project on Saturday August 10, 2002 at the District of Columbia's Community Action Group, a local institution devoted to providing comprehensive rehabilitative social services to disenfranchised citizens, including the homeless, unemployed, and substance abusers. Several volunteers, including Jim Baillie (Chair of the Pro Bono Committee), Kathleen Hopkins (Chair-Elect of the Pro Bono Committee), Guy Lescault (ABC Project Director for Georgia Legal Services), Peter Carson (Pro Bono Committee), Elizabeth Stong (Chair of the Business and Corporate Litigation Committee), Jim Holzman (Immediate Past Chair of the Business and Corporate Litigation Committee), and Patrick Clendenen (Co-Chair of BCL’s Pro Bono Committee), donned T-shirts and painted the roof hunter green! The ABA contingent was hosted by Deborah Austin, the Director of the Community Economic Development Pro Bono Program of the DC Bar Association, and Hal Gordon, Executive Director of the Community Action Group. In the second year of this Annual Meeting event, a great time was had by all! Please join us in San Francisco at the 2003 Annual Meeting.

PUBLICATIONS SUBCOMMITTEE

by Heidi M. Staudenmaier

As noted above, the 2002 Edition of “Annual Review of Developments in Business and Corporate Litigation” was available for purchase at 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 Section's 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.

Kudos and thanks to the multiple authors involved in the 2002 publication:

Abigail Pessen; Hilary E. Ware; William Knight Zewadski; Jan P. Helder, Jr.; Anne P. Wheeler; Shayana Boyd Davis; Peter J. Walsh, Jr.; Richard L. Renc; Michael J. Scali; Linda R. Daly; Jay A. Dubow; Michael F. Gerber; Gregory P. Williams; Andrea K. Short; William D. Johnston; John J. Paschetta; Michael L. Gassmann; Janet R. McFadden; John R. Cornell; Joni L. Andrioff; Alan S. Miller; Lisa R. Hudson; Rosemary Daszkiewicz; Leslie Rochat; John Fehrenbach; William A. Anderson, II; Andreas H. Leskovsek; Mary (May) E. Wall; Roger A. Keller, Jr.; Susan A. MacIntyre; Marsha Griffin Rydberg; Thomas H. Rydberg; Vernon R. Proctor; Patricia L. Enero; Kevin R. Shannon; Rebecca L. Scalio; Andrew F. Halaby; Thomas Finn; Melissa M. Krueger; Woody Thompson; Shawn D. Sentilles; Melissa S. LaBauve; Frank C. Eymard; T. Christopher Donnelly; Bradley L. Cohn; Lori A. Martin; Bruce H. Little; Todd Mair; Cindy A. Elliott; Vito Petretti; Edward M. Joffe; Lauren Perez; Stacey A. Campbell; Mark J. Krudys; Donald S. Davidson; Lisa Klein Wager; and Stephen D. Poss.

Work has already commenced on the 2003 Edition, which will hopefully be even more successful than the prior editions!

SECURITIES LITIGATION SUBCOMMITTEE

by Lisa K. Wager

The Securities Litigation Subcommittee's program on Congress's Reaction to Enron -- initially planned as a discussion of various pending legislative and rule-making proposals -- drew a standing room only crowd of well over 100 at the ABA Annual Meeting, due to the passage of the Sarbanes Oxley Act only 11 days earlier. The panel, moderated by Program Chair Lisa Wager of Morgan Lewis reviewed the key and most controversial provisions of the new statute. Tom Reisenberg of Ernst & Young focused on the Act's implications for accounting firms, and defense lawyers Laurie Smilan and Lisa Wager focused on the new certification requirements and civil and criminal liability provisions applicable to issuers, directors, and officers. Professor Michael Perino of Columbia Law School raised a number of serious questions about whether Congress's good intentions were well-served by the lengthening of the statute of limitations periods applicable to private actions and identified various ambiguities in that and other provisions of the Act. And the sole "plaintiff's lawyer" on the Panel, Steven Toll of Cohen Milstein, took the position that the Act provided no real assistance to investors in preventing corporate fraud (see article in this issue). The panel concluded with a discussion, led by John Villa of Williams & Connelly, on the ethical implications for attorneys of certain of the "whistleblower" provisions of the Act. The Committee will be sponsoring a program further developing these ethical issues at its December meeting in New York.
The Subcommittee is looking for volunteers to participate in the preparation of materials for the Annual Review of Securities Litigation to be presented at the Spring Meeting of the Business Law Section. If you would like to be involved please contact Steven Poss (SPoss@gph.com).

ABA'S PRESIDENTIAL COMMISSION ON BILLABLE HOURS

The ABA's Presidential Commission on Billable Hours has just released its on-line report, which is the result of a year-long study and information gathering process. The report features a model policy for law firms, a financial pro forma, best practices, interviews with law firms employing unique alternative billing strategies, and results from in-house and outside counsel questionnaires. The report can be found at <http://www.abanet.org/careercounsel/billable.html>. If you prefer a hard copy, please contact Katy Englehart at 312.988.5134; kenglehart@staff.abanet.org.

The Commission's on-line toolkit can also be found on the website. The toolkit is designed to assist law departments, bar associations, and law firms interested in presenting a program or learning about the impact of the billable hours system on the profession. It includes a selection of model programs, a PowerPoint presentation that can be customized, articles, research, case studies, an extensive bibliography, a list of speakers available for follow up, and other resource materials.

The Commission, co-chaired by Jeffrey Liss, chief operating officer for Piper Rudnick LLP; and Anastasia Kelly, senior vice president and general counsel for Sears Roebuck and Co., is addressing a broad range of issues relating to the unintended consequences of the billable hours system including its effect on pro bono, ethics, mentoring, professional development and disaffection with the practice of law. It was created by ABA President Robert Hirshon in August 2001 to address the growing concern among lawyers and judges that increased billable hour demands are compromising the health and well-being of lawyers and, thereby, the communities in which they live. If you have any questions, please contact Katy Englehart at kenglehart@staff.abanet.org.

ANNUAL REVIEW OF DEVELOPMENTS IN BUSINESS AND CORPORATE LITIGATION - 2002

Now Available!!!! The 2002 Edition of a time-saving Guide summarizing legal developments on Business and Corporate Litigation issues. By the Committee, the Annual Review of Developments, brings together thorough summaries of recent cases, legislation, trends and developments in business litigation topics. Experts with in-depth litigation experiences address key concerns such as What issues did the Supreme Court address in deciding a key securities arbitration case last year?; and What are the latest developments in intellectual property law? New topics addressed in the 2002 Edition include Antitrust Litigation, Criminal and Enforcement Litigation, ERISA, and Securities Arbitration. This reference will keep you current with annual updates. A necessary reference for every business litigator.

Table of Contents

* Alternative Dispute Resolution Law
* Antitrust Litigation
* Bankruptcy Litigation
* Business Torts Litigation
* Class Action Law
* Corporate Law
* Criminal and Enforcement Litigation
* Derivative Litigation
* Director Liability and Indemnification
* Directors' and Officers' Liability Insurance
* ERISA
* Employment Law
* Environmental Law
* Financial Institution Litigation
* General Partnerships, Joint Ventures, Limited Partnerships and Limited Liability Companies
* Intellectual Property Law
* Labor Law
* Securities Arbitration
* Securities Litigation, and
* Table of Cases

To order this publication, click [http://www.abanet.org/buslaw/catalog/r5070397.html](http://www.abanet.org/buslaw/catalog/r5070397.html) or call (800)-285-2221. 2002, 7 x 10, 904 pages, Paperback. $99.95 (Section member price); $119.95 (Regular price); Product Code: 5070397.

Overnight delivery is available for an additional cost when orders are placed before 2:00 p.m. Central Time. Please ask the service representative for details when you place your order.

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.

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](http://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](mailto:hstaudenmaier@swlaw.com).
<table>
<thead>
<tr>
<th>SUBCOMMITTEE ROSTER</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VICE-CHAIR:</strong></td>
</tr>
<tr>
<td>Mitchell L. Bach</td>
</tr>
<tr>
<td>Fineeman &amp; Bach, PC</td>
</tr>
<tr>
<td>1608 Walnut St., 19th Fl.</td>
</tr>
<tr>
<td>Philadelphia, PA 19103-5413</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:mbach@finemanbach.com">mbach@finemanbach.com</a></td>
</tr>
<tr>
<td>(215) 893-9300</td>
</tr>
<tr>
<td>FAX: (215) 893-8719</td>
</tr>
<tr>
<td><strong>CHAIR:</strong></td>
</tr>
<tr>
<td>Elizabeth S. Stong</td>
</tr>
<tr>
<td>Willkie Farr &amp; Gallagher</td>
</tr>
<tr>
<td>787 7th Avenue</td>
</tr>
<tr>
<td>New York, NY 10019</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:estong@willkie.com">estong@willkie.com</a></td>
</tr>
<tr>
<td>(212) 728-8272</td>
</tr>
<tr>
<td>FAX: (212) 728-8111</td>
</tr>
<tr>
<td><strong>PAST-CHAIR:</strong></td>
</tr>
<tr>
<td>James L. Holzman</td>
</tr>
<tr>
<td>Prickett Jones &amp; Elliott</td>
</tr>
<tr>
<td>1310 King Street</td>
</tr>
<tr>
<td>Wilmington, DE 19801</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:jholzman@prickett.com">jholzman@prickett.com</a></td>
</tr>
<tr>
<td>(302) 888-6509</td>
</tr>
<tr>
<td>FAX: (302) 658-8111</td>
</tr>
<tr>
<td><strong>ALTERNATIVE DISPUTE RESOLUTION CHAIR</strong></td>
</tr>
<tr>
<td>Michael J. Crane</td>
</tr>
<tr>
<td>Ernst &amp; Young LLP</td>
</tr>
<tr>
<td>5 Times Square</td>
</tr>
<tr>
<td>New York, NY 10036-6530</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:michael.crane@ey.com">michael.crane@ey.com</a></td>
</tr>
<tr>
<td>(212) 773-3815</td>
</tr>
<tr>
<td>FAX: (212) 773-3896</td>
</tr>
<tr>
<td><strong>ALTERNATIVE DISPUTE RESOLUTION VICE-CHAIR</strong></td>
</tr>
<tr>
<td>Abigail Pessen</td>
</tr>
<tr>
<td>Mediation Services</td>
</tr>
<tr>
<td>26 Broadway, 20th Floor</td>
</tr>
<tr>
<td>New York, NY 10004</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:pessenadr@earthlink.net">pessenadr@earthlink.net</a></td>
</tr>
<tr>
<td>(212) 961-0668</td>
</tr>
<tr>
<td>FAX: (212) 961-0669</td>
</tr>
<tr>
<td><strong>ANTITRUST AND TRADE LITIGATION CHAIR</strong></td>
</tr>
<tr>
<td>Peter E. Halle</td>
</tr>
<tr>
<td>Morgan Lewis &amp; Bockius</td>
</tr>
<tr>
<td>1800 M. Street, N.W.</td>
</tr>
<tr>
<td>Washington, DC 20036</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:hall7225@mbb.com">hall7225@mbb.com</a></td>
</tr>
<tr>
<td>(202) 467-7225</td>
</tr>
<tr>
<td>FAX: (202) 467-7176</td>
</tr>
<tr>
<td><strong>ANTITRUST &amp; TRADE LITIGATION VICE-CHAIR</strong></td>
</tr>
<tr>
<td>Hilary E. Ware</td>
</tr>
<tr>
<td>Heller Ehrman White &amp; McAuliffe LLP</td>
</tr>
<tr>
<td>333 Bush Street</td>
</tr>
<tr>
<td>San Francisco, CA 94104-2878</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:hware@hewm.com">hware@hewm.com</a></td>
</tr>
<tr>
<td>(415) 772-6000</td>
</tr>
<tr>
<td>FAX: (415) 772-6268</td>
</tr>
<tr>
<td><strong>BANKRUPTCY LITIGATION CO-CHAIR</strong></td>
</tr>
<tr>
<td>Philip S. Warden</td>
</tr>
<tr>
<td>Pillsbury Winthrop, LLP</td>
</tr>
<tr>
<td>235 Montgomery Street</td>
</tr>
<tr>
<td>San Francisco, CA 94104</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:warden_ps@pillsburywinthrop.com">warden_ps@pillsburywinthrop.com</a></td>
</tr>
<tr>
<td>(415) 983-7260</td>
</tr>
<tr>
<td>FAX: (415) 983-1200</td>
</tr>
<tr>
<td><strong>BANKRUPTCY LITIGATION VICE-CHAIR</strong></td>
</tr>
<tr>
<td>William Knight Zewadski</td>
</tr>
<tr>
<td>Trenam Kemper Scharf Barkin</td>
</tr>
<tr>
<td>Fye O'Neill &amp; Mullis</td>
</tr>
<tr>
<td>2700 Barnett Plaza</td>
</tr>
<tr>
<td>101 East Kennedy Boulevard</td>
</tr>
<tr>
<td>P.O. Box 1102 (33601)</td>
</tr>
<tr>
<td>Tampa, FL 33602-5150</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:z@trenam.com">z@trenam.com</a></td>
</tr>
<tr>
<td>(813) 227-7484</td>
</tr>
<tr>
<td>FAX: (813) 229-6553</td>
</tr>
<tr>
<td><strong>CLASS AND DERIVATIVE ACTIONS CO-CHAIR</strong></td>
</tr>
<tr>
<td>Anne P. Wheeler</td>
</tr>
<tr>
<td>Johnson Barton Proctor &amp; Powell, LLP</td>
</tr>
<tr>
<td>2900 Amsouth/Harbert Plaza</td>
</tr>
<tr>
<td>Birmingham, AL 35203-2618</td>
</tr>
<tr>
<td>e-mail: <a href="mailto:apwheeler@jbpp.com">apwheeler@jbpp.com</a></td>
</tr>
<tr>
<td>(205) 458-9400</td>
</tr>
<tr>
<td>FAX: (205) 458-9500</td>
</tr>
</tbody>
</table>

619959/1
14 NETWORK

FINANCIAL INSTITUTION LITIGATION VICE-CHAIR
John P. Whittington
Bradley Arant Rose & White
Suite 2000, 420 North 20th Street
Birmingham, AL 35203
e-mail: jpw@barw.com
(205) 521-8242
FAX: (205) 521-8500

INDEMNIFICATION & INSURANCE CHAIR
William D. Johnston
Young Conaway Stargatt & Taylor
Rodney Square North, 11th Floor
P.O. Box 391 (19899)
Wilmington, DE 19801-0391
e-mail: wjohnston@ycst.com
(302) 571-6679
FAX: (302) 571-1253

INDEMNIFICATION & INSURANCE VICE-CHAIR
Michael L. Gassmann
Drinker Biddle & Reath
1500 K Street, NW, Suite 1100
Washington, DC 20005-1209
e-mail: gassmaml@dbr.com
(202) 842-8846
FAX: (202) 842-8465

INTELLECTUAL PROPERTY CHAIR
Cindy A. Elliott
127 Catharine Street, #4
Philadelphia, PA 19147
(215) 336-9126

INTELLECTUAL PROPERTY VICE-CHAIR
Andrew F. Halaby
Snell & Wilmer L.L.P.
One Arizona Center
Phoenix, AZ 85004-2202
e-mail: ahalaby@swlaw.com
(602) 382-6000
FAX: (602) 382-6070

PARTNERSHIPS & ALTERNATIVE BUSINESS ENTITIES CHAIR
Vernon R. Proctor
The Bayard Firm
222 Delaware Avenue, Ste. 900
P.O. Box 25130 (19899)
Wilmington, DE 19801
e-mail: vproctor@bayardfirm.com
(302) 429-4202
FAX: (302) 658-6395

PARTNERSHIPS & ALTERNATIVE BUSINESS ENTITIES VICE-CHAIR
Kevin R. Shannon
Potter Anderson & Corroon LLP
Hercules Plaza, 1313 N. Market Street,
P.O. Box 951
Wilmington, DE 19899-0951
e-mail: kshannon@pacdelaware.com
(302) 984-6000
FAX: (302) 658-1192

PRO BONO CO-CHAIR
Patrick T. Clendenen
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
One Financial Center
Boston, MA 02111
e-mail: ptclendenen@mintz.com
(617) 348-1827
FAX: (617) 542-2241

PRO BONO CO-CHAIR
La Ronda D. Barnes
Supreme Court of Georgia
244 Washington Street, Room 572
Atlanta, GA 30334
e-mail: barnesl@supreme.courts.state.ga.us
(404) 656-3430
FAX: (404) 463-6542

SECURITIES ARBITRATION CO-CHAIR
Donald S. Davidson
Senior Associate
General Counsel
UBS PaineWebber, Inc.
1200 Harbor Boulevard
10th Floor (Legal Department)
Weehawken, NJ 07086-6791
e-mail: ddavidso@ubspw.com
(201) 352-6756
FAX: (201) 617-0987

SECURITIES ARBITRATION CO-CHAIR
Mark J. Krudys
Mark J. Krudys, PLC
1011 East Main Street, Suite 204
Richmond, VA 23219
e-mail: mark@markkrudys.com
(804) 692-8244
FAX: (804) 692-8246

SECURITIES LITIGATION CO-CHAIR
Lisa K. Wager
Morgan Lewis & Bockius
101 Park Avenue
New York, NY 10178
e-mail: wage6113@mlb.com
(212) 309-6113
FAX: (212) 309-6273

SECURITIES LITIGATION CO-CHAIR
James R. Hawkins, II
Finn Dixon & Herling
One Landmark Square, Ste. 1400
Stamford, CT 06901
e-mail: jhawkins@fdh.com
(203) 325-5042
FAX: (203) 348-5777

SECURITIES LITIGATION VICE-CHAIR
Stephen D. Poss
Goodwin, Procter & Hoar, L.L.P.
Exchange Place
Boston, MA 02109-1000
e-mail: sposs@gph.com
(617) 570-1886
FAX: (617) 523-1231

ADMINISTRATIVE SUBCOMMITTEES

MEMBERSHIP CHAIR
J. Tate London
Cairncross & Hempelmann
524 Second Avenue
Suite 500
Seattle, WA 98104-2323
e-mail: tldon@cairncross.com
(206) 587-0700
FAX: (206) 587-2308

NEWSLETTER CHAIR
Paul J. Masinter
Stone Pigman Walther Wittmann & Hutchinson, LLP
546 Carondelet Street
New Orleans, LA 70130-3588
e-mail: pmasinter@stonepigman.com
(504) 581-3200
FAX: (504) 581-3361
15 NETWORK

NEWSLETTER VICE-CHAIR
Norman E. Siegel
Stueve Helder Siegel, LLP
330 West 47th Street, Ste. 250
Kansas City, MO 64112
e-mail: Seigel@Litigation-Results.com
(816) 714-7100
FAX: (816) 714-7101

PROGRAMS CHAIR
Peter J. Walsh, Jr.
Potter Anderson & Corroon
1313 N. Market St., 6th Floor
Hercules Building, P.O. Box 951
Wilmington, DE 19899
e-mail: pwalsh@pacdelaware.com
(302) 984-6000
FAX: (302) 658-1192

PUBLICATIONS CHAIR
Heidi M. Staudenmaier
Snell & Wilmer, LLP
One Arizona Center
Phoenix, AZ 85004-2202
e-mail: hstaudenmaier@swlaw.com
(602) 382-6366
FAX: (602) 382-6070

SMALL FIRMS CHAIR
James R. Hawkins, II
Finn Dixon & Herling
One Landmark Sq., Ste. 1400
Stamford, CT 06901
e-mail: jhawkins@fdh.com
(203) 325-5042
FAX: (203) 348-5777

TASK FORCE ON LITIGATION REFORM AND RULES REVISION CO-CHAIR
Gregory V. Varallo
Richards Layton & Finger
One Rodney Square
P.O. Box 551
Wilmington, DE 19899
e-mail: varallo@rlf.com
(302) 651-7772
FAX: (302) 658-6548

LIAISON TO DIVERSITY COMMITTEE
Danielle B. Gibbs
Young Conaway Stargatt & Taylor
Rodenacy Square North, 11th Floor
P.O. Box 391 (19899)
Wilmington, DE 19801-0391
e-mail: dgibbs@ycst.com
(302) 571-6600
FAX: (302) 571-1253

LIAISON TO TECHNOLOGY COMMITTEE & CYBERSPACE
Bruce El Jameson
Pickett Jones & Elliott
1310 King Street
P.O. Box 1328 (19899)
Wilmington, DE 19801
e-mail: bjeameson@prickett.com
(302) 888-6532
FAX: (302) 668-8111

LIAISON TO BUSINESS LAW TODAY
Francis G.X. Pileggi
Fox, Rothschild, O'Brien & Frankel, LLP
Mellan Bank Center, Suite 1400
919 Market Street
Wilmington, DE 19801
e-mail: fpileggi@frof.com
(302) 655-3667
FAX: (302) 655-7004

SECTION FELLOW DESIGNEES
Mills, Paskert & Divers, P.A.
100 North Tampa Street
Suite 2010
Tampa, FL 33602
e-mail: jpaskert@mpdlegal.com
(813) 229-3500
FAX: (813) 229-3502

Suzanne E. Gilbert (2002-2004)
Holland & Knight LLP
Sun Trust Building
Suite 2600
200 South Orange Avenue
Orlando, FL 32801
e-mail: sgilbert@hklaw.com
(407) 425-8500
FAX: (407) 244-5288

LIAISON TO DIVERSITY COMMITTEE
Young Conaway Stargatt & Taylor
Rodnacy Square North, 11th Floor
P.O. Box 391 (19899)
Wilmington, DE 19801-0391
e-mail: dgibbs@ycst.com
(302) 571-6600
FAX: (302) 571-1253

JUDICIAL DESIGNEES
The Honorable Alvin W. Thompson
United States District Judge
United States District Court for the
District of Connecticut
U.S. Courthouse
450 Main Street
Hartford, CT 06103
e-mail: alvin_thompson@ce2.uscourts.gov
(860) 240-3224
FAX: (860) 240-3465

The Honorable Myron T. Steele
Justice
Delaware Supreme Court
Supreme Court Building
57 The Green
Dover, DE 19901
e-mail: msteele@state.de.us
(302) 739-4214
FAX: (302) 739-2004

JUDICIAL DESIGNEES
The Honorable Alvin W. Thompson
United States District Judge
United States District Court for the
District of Connecticut
U.S. Courthouse
450 Main Street
Hartford, CT 06103
e-mail: alvin_thompson@ce2.uscourts.gov
(860) 240-3224
FAX: (860) 240-3465

The Honorable Myron T. Steele
Justice
Delaware Supreme Court
Supreme Court Building
57 The Green
Dover, DE 19901
e-mail: msteele@state.de.us
(302) 739-4214
FAX: (302) 739-2004

JUDICIAL DESIGNEES
The Honorable Alvin W. Thompson
United States District Judge
United States District Court for the
District of Connecticut
U.S. Courthouse
450 Main Street
Hartford, CT 06103
e-mail: alvin_thompson@ce2.uscourts.gov
(860) 240-3224
FAX: (860) 240-3465

The Honorable Myron T. Steele
Justice
Delaware Supreme Court
Supreme Court Building
57 The Green
Dover, DE 19901
e-mail: msteele@state.de.us
(302) 739-4214
FAX: (302) 739-2004

JUDICIAL DESIGNEES
The Honorable Alvin W. Thompson
United States District Judge
United States District Court for the
District of Connecticut
U.S. Courthouse
450 Main Street
Hartford, CT 06103
e-mail: alvin_thompson@ce2.uscourts.gov
(860) 240-3224
FAX: (860) 240-3465

The Honorable Myron T. Steele
Justice
Delaware Supreme Court
Supreme Court Building
57 The Green
Dover, DE 19901
e-mail: msteele@state.de.us
(302) 739-4214
FAX: (302) 739-2004

JUDICIAL DESIGNEES
The Honorable Alvin W. Thompson
United States District Judge
United States District Court for the
District of Connecticut
U.S. Courthouse
450 Main Street
Hartford, CT 06103
e-mail: alvin_thompson@ce2.uscourts.gov
(860) 240-3224
FAX: (860) 240-3465

The Honorable Myron T. Steele
Justice
Delaware Supreme Court
Supreme Court Building
57 The Green
Dover, DE 19901
e-mail: msteele@state.de.us
(302) 739-4214
FAX: (302) 739-2004
Section of Business Law
Application for Membership

☐ I, ____________________________________________, hereby apply for membership in the ABA Section of Business Law (formerly Section of Corporation, Banking and Business Law) and enclose $45.00 as my annual membership dues for the year 2002-2003. I understand that Section dues include $20 for a basic subscription to *The Business Lawyer* for 1 year and $14 for a basic subscription to *Business Law Today* for 1 year; these subscription charges are not deductible from the dues, and additional subscriptions are not available at these rates.

Membership in the American Bar Association is a prerequisite to enrollment in the Section of Business Law.

☐ Please send me an application to join the American Bar Association.

☐ Please enroll me in the Business Law Section’s Committee on Business and Corporate Litigation.

☐ I am interested in joining the following Business and Corporate Litigation Subcommittees:

- Alternative Dispute Resolution
- Antitrust & Trade Litigation
- Bankruptcy Litigation
- Business Courts
- Business Torts
- Class & Derivative Actions
- Corporate Counseling & Litigation
- Criminal and Enforcement Litigation
- Employment Litigation
- Environmental Litigation
- ERISA & Pension Litigation
- Financial Institution Litigation
- Indemnification & Insurance
- Intellectual Property
- Partnerships & Alternative Business Entities Litigation
- Pro Bono
- Securities Arbitration
- Securities Litigation
- Membership
- Newsletter
- Programs
- Publications
- Small Firms

☐ Please send information about the Business Law Section’s Committee on Business and Corporate Litigation and its subcommittees.

*Complete and return to:* ABA Section of Business Law
750 North Lake Shore Drive
Chicago, IL  60611
For further information, call (312) 988-5588.

Name ____________________________ Date ____________

Firm ____________________________

City ____________________________ State ____________ Zip ____________

Phone: Business ( _____ ) ___________ Home ( _____ ) _______________________

☐ Payment enclosed. (Make check payable to American Bar Association.)

☐ VISA ☐ MasterCard

Card No. ____________________________ Exp. Date ____________

Signature ____________________________

Please sign and date this application.

NOTE: Membership dues in the American Bar Association and ABA Sections, Divisions and Forums are not deductible as charitable contributions for federal income tax purposes. However, such dues may be deductible as business expenses.