From the Chair

Peter J. Walsh, Jr.

For those of you who could not attend the Spring Meeting in Dallas – whether because of other commitments or a flight cancellation – we missed you. As they say in Texas, "ain't no two ways 'bout it," it was a great meeting.

I want to extend a special thanks to Robert Witte. Robert arranged for our Committee "dinner" to be held at the Dallas Mavericks basketball game, and treated us to a win for the home team, as Dirk Nowitzki hit a 3-pointer at the buzzer to seal the deal. Robert then led us over to the House of Blues to celebrate the win. He was also instrumental in arranging for the Women's Business Advocates Reception to be held the following evening at the beautiful Nasher Sculpture Garden. The Reception honored Ebby Halliday, an extraordinary Dallas business woman, and Justice Carolyn Wright. I am pleased to report that the Reception, founded and chaired by our own Melanie Damien, will be a regular event at the Spring Meeting. Way to go Melanie, and cheers to everyone who assisted in the effort.

I also want to thank our Spring Meeting program and committee forum chairs (Rick Lambert, Bob Gegios and Greg Varallo). Each of their programs drew capacity crowds and were substantively superb.

The Global Meeting

The Section's Global Business Law Conference was held on May 29 - 30 in Frankfurt Germany. One of the goals of this meeting was to enrich the Section by welcoming into the fold non-U.S. lawyers and U.S. lawyers working in Europe. I attended the meeting on behalf of the BCL. Bob Gegios chaired a program entitled "When Different Cultures Meet: Mastering Cross—Cultural Considerations in International Business and Dispute Resolution." Bob's program was first-rate and invoked significant audience participation.

The Annual Meeting

Planning for the Annual Meeting in New York City is almost completed. As usual, we have two programs and a committee forum slotted. On Saturday morning, August 9, Jay Dubow will chair "Nuts and Bolts of SEC Enforcement Investigations in 2008." Jay recently left private practice to become Senior Vice President and General Counsel of Advanta Corp., and so hopefully this will be as close he comes to SEC Enforcement actions for awhile. On Monday afternoon, August 11, 2008, Rolin Bissell will chair "Corporate Governance in the Age of the Activist Shareholder and International Capital Market Competition – New Tums in the Corporate Federalism Debate." And finally, in the early Monday morning slot, Kurt Heyman will be chairing a program on "Protecting the Corporate Attorney Client Privilege." The BCL Committee will also be co-sponsoring additional
programs, including one on "subprime" litigation and securities arbitration. Most importantly, please plan on joining us for our Committee Dinner on Sunday evening, August 10th. You will be receiving a reservation form shortly.

Leadership Changes

Although I will be making a more formal announcement in connection with the Annual Meeting, I am very pleased to report that Bill Johnston will be stepping in as Co-Vice chair of the Committee. Heidi will continue to serve the Committee as Co-Vice Chair. I am grateful to have both Bill and Heidi working with me, and we all believe this change will benefit the Committee and make leadership succession easier.

Lastly, this issue of the Newsletter is the first with Peter Valori acting as Chair. Peter is taking over for Francis Pileggi. On behalf of the BCL Committee, thank you Francis for an outstanding job on the Newsletter.

Until I see you in the Big Apple, all the best!

Peter J. Walsh, Jr.
Chair, Committee on Business and Corporate Litigation
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Subcommittee Updates

Joint Report for the Subcommittee on Corporate Counseling and Litigation and the Subcommittee on Indemnification and Insurance Subcommittee

Kurt M. Heyman, Denise Seastone Kraft, Janet R. McFadden and Michael A. Pittenger

The Corporate Counseling and Litigation Subcommittee and the Indemnification and Insurance Subcommittee of the Business and Corporate Litigation Committee held their traditional joint meeting at the ABA Business Law Section Spring Meeting in Dallas, Texas on April 10, 2008. The meeting was lively and produced much discussion regarding the recent evolution of the corporate and business entity attorney-client privilege. As a result of the meeting, a CLE program was proposed by the subcommittees and accepted for inclusion at the ABA Annual Meeting.

On August 11, 2008 from 8-10 am, the Business and Corporate Litigation Committee will sponsor a CLE committee forum at the ABA Annual Meeting in New York City on "Protecting the Corporate Attorney-Client Privilege." The program will focus on the areas of Protecting the Privilege in Governmental Investigations, Internal Corporate Investigations and Litigation Involving Former Directors & Officers, focusing on a number of recent decisions, and is designed to provide in-house and outside counsel with the tools they need to successfully represent corporations and business entities in today's complex legal environment. We again anticipate a lively discussion and are putting together an interesting panel.

We are also anticipating the expected June 2008 release of the "Annual Review in Business and Corporate Litigation 2008," to which both subcommittees have contributed chapters, covering such matters as options backdating, stockholder litigation,
creditors’ rights, stockholder derivative suits, appraisal actions, advancement and indemnification actions and attorney-client privilege.

Subcommittee on Business Courts
Lee Applebaum and Merrick L Gross
The Subcommittee on Business Courts provided information in connection with a Nevada Legislative Subcommittee's study of business courts, as well as to the Office of the Mississippi Secretary of State. Co-Chairs Rick Gross and Lee Applebaum, and former Chair Mitchell Bach, were among a panel of experts making themselves available to the Nevada Legislators with questions on business courts, and the three also participated in a business court webinar sponsored by Business Law Today and the Section of Business Law. For the fifth year, Lee Applebaum coordinated the Business Courts chapter in the Annual Review of Developments in Business and Corporate Litigation, which includes a number of Subcommittee members as authors, among whom is Vice-Chair Cory E. Manning; and Lee spoke on the subject during the Annual Developments authors’ presentation at the Spring Meeting in Dallas.

Subcommittee on Pro Bono
Mac Richard McCoy
The Subcommittee met in connection with the Section Spring Meeting in Dallas. The Subcommittee and volunteers completed an update to the Chapter on Non-Profit Law as part of the 2008 Edition of the Annual Review of Developments in Business and Corporate Litigation. The Subcommittee is presently working on plans for the following (1) a public service project in connection with the ABA Annual Meeting in New York, (2) a public service project in connection with the Spring Meeting in Vancouver, (3) an electronic survey to be published and co-sponsored by the Young Lawyers Forum to solicit feedback on how we might improve participation in public service projects at Section meetings, and (4) in cooperation with the Pro Bono Committee of the Section, we are researching possible long-term partnering prospects with national community-oriented organizations to plan and implement public service projects at future Section meetings.

Women's Business Advocates Subcommittee
Melanie Emmons Damian
The Women's Business Advocates subcommittee strives to foster and promote the ever-expanding leadership role of women in the legal profession and the business community. To that end, during this Year's Business Law Section Annual meeting in Dallas, Women's Business Advocates hosted a Reception Celebrating Women in the Judiciary and in Business. The Reception was held April 11, 2008 from 5:00 - 7:00 p.m. at the beautiful Nasher Sculpture Center. The weather cooperated creating the perfect setting for the more than 200 women (and men alike) to mingle in the garden and enjoy the food and drink sponsored by Dallas firm Carrington, Coleman, Sloman and Blumenthal, L.L.P. Most important, two extraordinary women were honored Ebby Halliday and Justice Carolyn Wright.
Ebby Halliday is one of the most inspiring women in Texas. She has worked for over 60 years creating the Ebby Home Team, one of the largest and best-known privately owned residential real estate firms in the country. The Company participated in approximately 19,000 property transactions in 2006, exceeding a sales volume of more than $4.7 billion -- marking the best year in sales in the company's history. The Ebby Home Team is No.1 in the Dallas/Ft. Worth Metroplex, No.1 in Texas and No. 18 in the nation, as listed by REAL Trends, Inc. who ranks the top independent residential real estate firms in the country. Ebby Halliday has approximately 1,600 staff and sales associates, including more than 130 bilingual associates. Her business success is paralleled by her incredible civic involvement.

Justice Carolyn Wright is a fourth generation Texan, born in Houston, Texas. Justice Wright has served in the judiciary for the last 20 years. While many of the positions held by her have been historical firsts for women and minorities serving in the Dallas judiciary, her election to the Court of Appeals marks the first time in Texas history that an African American woman has ever won a multi-county election for any elected office. She is currently one of thirteen justices on the Fifth District Court of Appeals. Her prior judicial service includes three elections as a State District Judge and an appointment as an Associate Judge in the Family District Courts. Prior to her judicial service, she was engaged in the private practice of law in areas of family, juvenile, and business transactions and litigation. Prior to and during law school she worked for the federal government in a law-related field of juvenile justice. Her professional memberships include: Chair and Life Fellow of the Texas Bar Foundation, a $14 million dollar charity; Fellow of the Foundations of the Dallas Bar and Dallas Young Lawyers; Member of the College of the State Bar of Texas, the National and American Bar Associations; and local minority bar, the JL Turner Legal Association; service for many years as a Faculty Member; Texas Center for the Judiciary and National Judicial College, Reno, Nevada.; and appointed by the Chief Justice of the Texas Supreme Court to: an Appellate Tribunal for the appeal of a removal of a judge from office; a National Task Force to set standards for mediation practice; and the Judicial Ethics Committee.

Both women provide examples of leadership and service for us all.

Special Thanks to Robert Witte, Robert Rupp, Kendyl Hanks, Peter Walsh and Mitchell Bach who made the event such a great success.
SUBCOMMITTEE LIST

BUSINESS AND CORPORATE LITIGATION
■ CH: Peter J. Walsh, Jr.
■ VC: Heidi M. Staudenmaier
■ VC: William D. Johnston

LIAISONS
COMMITTEE ON DIVERSITY
■ Andrew F. Halaby

COMMITTEE ON CYBERSPACE LAW COMMITTEE AND TECHNOLOGY COMMITTEE
■ Bruce E. Jameson

BUSINESS LAW TODAY
■ Francis G.X. Pileggi

JUDICIAL DESIGNEES
■ The Honorable Phillip H. Brandt
■ The Honorable Elizabeth S. Stong
■ The Honorable Henry duPont Ridgley

SUBCOMMITTEES
ALTERNATIVE DISPUTE RESOLUTION
■ SC: Abigail Pessen
■ SVC: Ernest H. Ehling, Jr.
■ SVC: Carolyn G. Nussbaum

ANTITRUST AND TRADE LITIGATION
■ SC: Barbara Sicalides

APPELLATE LITIGATION
■ SC: Kendyl T. Hanks

BANKRUPTCY LITIGATION
■ SC: Michael D. Rubenstein
■ SC: Philip S. Warden
■ SVC: Carolyn Peterson Richter

BUSINESS COURTS
■ SC: Lee Applebaum
■ SC: Merrick Lawrence Gross
■ SVC: Cory Manning

BUSINESS TORTS
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■ SVC: James F. Williams

CLASS AND DERIVATIVE ACTIONS
■ SC: Patrick Thomas Clendennen
■ SVC: Joseph Ianno, Jr.
■ SVC: Mac Richard McCoy
CORPORATE COUNSELING AND LITIGATION
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■ SVC: Denise Seastone Kraft

CRIMINAL AND ENFORCEMENT LITIGATION
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■ SC: Martin C. Grant

EMPLOYMENT LITIGATION
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■ SVC: Bradford Newman

ENVIRONMENTAL LITIGATION
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■ SC: Susan A. MacIntyre

ERISA AND PENSION LITIGATION
■ SC: James Patrick Baker
■ SC: John R. Cornell

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■ SVC: James L. Forman
■ SVC: Mark A. Werling

FORMER CHAIRS ADVISORY
■ SC: Mitchell L. Bach
■ SC: Elizabeth S. Stong

IN-HOUSE LITIGATION MANAGEMENT
■ SC: S. Kendall Butterworth
■ SC: Michael C. Flynn

INDEMNIFICATION & INSURANCE
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■ SVC: Michael A. Pittenger

INTELLECTUAL PROPERTY LITIGATION
■ SC: Stuart M. Riback
■ SVC: Howard Jay Susser

INTERNATIONAL LITIGATION
■ SC: Peter Lukasiewicz

MEMBERSHIP
■ SC: J. Tate London
■ SC: Elizabeth S. Stong

NEWSLETTER
■ SC: Peter F. Valori

PARTNERSHIPS & ALTERNATIVE BUSINESS ENTITIES
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■ SVC: Patricia L. Enerio

PRO BONO
■ SC: Mac Richard McCoy
■ SC: Dale Michael Weppner
■ SVC: Jennifer A. Rymell

PROGRAMS
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SC: Rick L. Lambert
SC: Paul Masinter

PUBLICATIONS
SC: Gabriel S. Galanda

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SC: William Frank Carroll
SC: Duris L. Holmes

SECURITIES LITIGATION
SC: Jay A. Dubow
SC: Michele E. Rose

SMALL FIRMS
SC: James Rodney Hawkins II

TRIBAL COURT LITIGATION
SC: Gabriel S. Galanda
SC: Heidi McNeil Staudenmaier

WOMEN BUSINESS AND COMMERCIAL ADVOCATES
SC: Melanie Emmons Damian

TASK FORCE
LITIGATION REFORM AND RULES REVISION
TFC: Andrew F. Halaby
TFC: Robert Witte

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