From the Chair

Peter J. Walsh, Jr.

As you read this I hope you are preparing to travel to Chicago for the Annual Meeting. If you have attended an ABA Annual Meeting before, you know that there are many programs, events and diversions to occupy your time. Among them, of course, are the first-rate programs and events sponsored by the Committee on Business & Corporate Litigation. This year once again we have a terrific line-up.

On Friday afternoon (7/31/2009; 2:30-4:30 p.m.), Stuart Riback will be chairing the program "Cutting Edge IP Issues That Every Business Needs to Know." On Saturday morning (8/1/2009; 10:30-12:30), Kendyl Hanks will be moderating a program entitled, "The Expanding Role of Fiduciary Duties in Challenging Times." This program will feature the Honorable Henry DuPont Ridgely of the Supreme Court of Delaware, as well as the Honorable Eugene R. Wedoff of the United States Bankruptcy Court for the Northern District of Illinois. Our many subcommittees will also be meeting, so please be sure to check the master schedule and plan on attending the programs and meetings of interest to you.

After we have all gotten up-to-speed on the latest developments, it's off to the ballpark. Our Committee "dinner" event will take the form of a patio party at the Chicago White Sox v. New York Yankees baseball game at US Cellular Field. The party will start at 2:30 p.m. on the warning track and transportation will be provided.

At this time, I also want to extend my thanks and appreciation to our chapter authors for yet another great Annual Review. And special thanks to Gabe Galanda. The Annual Review would not be possible but for the time and effort of Gabe, who has truly set the standard for Editorial excellence. Thanks also to Bill Johnston for his tireless work behind the scenes on the Publications Committee. Thanks to Bill our authors continue to receive print editions of the Review.

One final note. The Committee's administrative meeting in Chicago has been changed to Friday night (from Sunday night), starting at 5 p.m. in the Missouri Room, Level 2, at the Sheraton. I hope to see you there. All the best.

Peter J. Walsh, Jr.
Chair, Committee on Business and Corporate Litigation
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including hypotheticals, for the program Business Courts Around the World, held on the morning of April 17th. Program panelists included five business court judges from across the United States, two Canadian Justices, Justice David Steel from London's Commercial Court, as well as Subcommittee Co-Chair Merrick L. "Rick" Gross. Former Subcommittee Chair (and Immediate Past Business and Corporate Litigation Committee Chair) Mitchell Bach moderated the program. The Subcommittee also jointly pooled its time and resources with the Subcommittee on Class and Derivative Actions and the International Litigation Subcommittee to put on Judicial Perspectives on Cross-Border Litigation, featuring judges from the U.S. and Canada. Subcommittee co-chairs Lee Applebaum and Rick Gross, along with Mitchell Bach, put on a program, Business Courts: What Works Best and Why?, at the May Business Bar Leaders Conference in Chicago, sponsored by the ABA Committee on State and Local Bar Relations. The Subcommittee provided materials and speakers, Subcommittee Vice-Chair Cory Manning and Mitch, to a group of attorneys in Washington D.C. studying best practices in setting up a business court. The subcommittee also posted the pamphlet, "Establishing a Business Court in Your State", on its website. It is our goal to make more active use of the Subcommittee's website as a resource.

Subcommittee on Corporate Counseling and Litigation
Kurt M. Heyman, Chair

The Corporate Counseling and Litigation Subcommittee met at the Spring Meeting in Vancouver. Among other things, we discussed the recent Delaware Supreme Court decisions in Gantler v. Stephens (establishing that corporate officers have the same fiduciary duties as directors) and Lyondell v. Ryan (addressing the contours of the fiduciary duty of good faith). We also discussed possible topics for a CLE seminar at the forthcoming Annual Meeting in Chicago.

Subcommittee on Pro Bono and Public Service
Mac McCoy, Dale Weppner, Co-Chairs, Jennifer A Rymell, Vice-Chair

In connection with the Spring Meeting in Vancouver, the Pro Bono and Public Service Subcommittee proudly sponsored the Bring-a-Book Project to Promote Children's Literacy. Section members were encouraged to donate a book or toy to benefit underprivileged children served by Vancouver's Union Gospel Mission (UGM), a local outreach organization providing services to the homeless. The project was listed as a highlight in the Section's "Top 10 Things to Know for the Spring Meeting." With on-the-ground coordination by the Vancouver office of Farris, Vaughan, Wills & Murphy LLP, and with support from the Vancouver law firm members of the Host Circle, the Section was able to donate nearly twenty boxes of books and toys for children of various ages. This meaningful donation will help support UGM's childhood literacy and education programs.
programs in two separate facilities for an entire year. The Bring-a-Book Project was co-sponsored by the Section’s Committee on Pro Bono, the Young Lawyer Forum, and the Pro Bono Services Subcommittee of the Business Bankruptcy Committee.

Based on the tremendous success of the Bring-a-Book Project in Vancouver, the Subcommittee will sponsor another book drive in connection with the ABA Annual Meeting in Chicago. The Chicago book drive will benefit Book Worm Angels, a local organization working to promote children's literacy in underperforming schools. If you would like to assist with this important effort, please email Mac R. McCoy, Chair of the Pro Bono and Public Service Subcommittee, at mmccoy@carltonfields.com for more information.

» Pro Bono and Public Service Subcommittee Meeting Minutes

Leadership Roster

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Complete Leadership Roster...
The Pro Bono Subcommittee (“Subcommittee”) of the Business and Corporate Litigation Committee met on Thursday, April 16, 2009, at 9:00 a.m. Pacific time. The meeting was called to order by Mac McCoy.

Mac reminded attendees that one of the Subcommittee’s principal activities is co-sponsoring and planning the Section's public service projects during the Spring and Annual Meetings. Mac also reminded attendees that the public service project is co-sponsored in part by the Section’s Young Lawyer Forum (“YLF”). In his separate capacity as Chair of the YLF Pro Bono Committee, Mac has made efforts to promote greater involvement by the YLF leadership in planning and producing the public service projects. Mac also continues to coordinate co-sponsorship of the public service projects by the Section’s Committee on Pro Bono.

Mac described the success of the Bring-a-Book Project to Promote Children’s Literacy, which was the public service project selected for the Spring Meeting in Vancouver. Mac acknowledged Allyn O’Connor’s tremendous contribution to the planning, marketing, and production of the Bring-a-Book Project.

Mac announced that he and Allyn are jointly planning a similar book drive for the Annual Meeting in Chicago. The beneficiary of that book drive will likely be a Chicago-area organization called Book Worm Angels. Allyn is investigating whether the book drive can be set up as a section-to-section challenge between the Litigation Section and the Business Law Section.

Mac reminded attendees that another function of the Subcommittee is to coordinate updating the Nonprofit Law and Litigation Chapter of the Business and Corporate Litigation Committee’s Annual Review of Developments in Business and Corporate Litigation. Mac indicated Subcommittee members should expect an announcement in November or December to recruit volunteers to assist with updating the 2010 edition of the chapter.

Allyn noted the Section’s continuing commitment to supporting legal aid and pro bono organizations, particularly ones assisting nonprofit organizations and very small businesses, and suggested the chapter might be excised from the Annual Review and made available to these organizations as a stand-alone resource. Allyn agreed to consult with the Section’s Publications Board about this.
Subcommittee members discussed the desire to become more aware of information on public service projects throughout the country.

Dale Weppner, former Co-Chair of the Subcommittee, suggested there may be nonprofit-related programming opportunities for the Subcommittee at future Section meetings. Mac commented that other subcommittees have made more effective use of their administrative meeting times during the Spring Meeting to offer substantive presentations that do not qualify for CLE credit, but nonetheless are valuable to meeting attendees.

Allyn noted that transactional law school clinics and pro bono programs typically do not address the litigation needs of nonprofits and very small businesses, but many have seen an increasing number of requests for assistance in this area. Allyn asked Subcommittee members if they might have an interest in developing a project to address this. Subcommittee members asked for further information, including:

- Identification of the types of matters with which nonprofits and very small businesses might need assistance;
- Identification of the challenges and barriers that might exist (particularly conflicts) when business litigators wish to volunteer; and
- Determination of the level of interest business litigators have in volunteering to provide this type of assistance to nonprofits and very small businesses.

Mac suggested that further research and investigation on this topic was warranted to be able to answer these questions. Mac and Allyn will coordinate efforts in this regard.

The meeting was adjourned at approximately 10:00 a.m. Pacific time.
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
■ SC: Dale Michael Weppner
■ SVC: James F. Williams
CLASS AND DERIVATIVE ACTIONS
■ SC: Patrick Thomas Clendenen
■ SVC: Joseph Ianno, Jr.
■ SVC: Mac Richard McCoy
CORPORATE COUNSELING AND LITIGATION
■ SC: Kurt M. Heyman
■ SVC: Denise Seastone Kraft

CRIMINAL AND ENFORCEMENT LITIGATION
■ SC: Elizabeth Keeney Ainslie
■ SC: Martin C. Grant

EMPLOYMENT LITIGATION
■ SC: Bret Allen Cohen
■ SVC: Bradford Newman

ENVIRONMENTAL LITIGATION
■ SC: John Fehrenbach
■ SC: Susan A. MacIntyre

ERISA AND PENSION LITIGATION
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■ SC: John R. Cornell

FINANCIAL INSTITUTION LITIGATION
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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
■ SC: Janet R. McFadden
■ 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
■ SC: Kevin Shannon
■ SVC: Patricia L. Enerio

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

PROGRAMS
■ SC: Robert L. Gegios
■ SC: Rick L. Lambert
■ SC: Paul Masinter

PUBLICATIONS
■ SC: Gabriel S. Galanda

SECURITIES ARBITRATION
■ 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

TASKFORCE
LITIGATION REFORM AND RULES REVISION
■ TFC: Andrew F. Halaby
■ TFC: Robert Witte

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