



2007 REGIONAL MEETING OF THE AMERICAS

**Fairmont Scottsdale Princess
Scottsdale, Arizona**

November 15-18, 2007

Conference Report

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Welcome Reception

The opening reception was held at La Hacienda Restaurant at the Fairmont Scottsdale Princess.

Friday Session – November 16, 2007

Welcome and Opening Address

Following is a summary of the main issues that were covered during the ILN Business Meetings, beginning with a list of the ILN members in attendance.

List of Delegates in Attendance

Gustavo de Jesus

Richards, Cardinal, Tutzer, Zabala &
Zaefferer
ARGENTINA – Buenos Aires

Donald Saunders

Halsbury Chambers
BAHAMAS – Nassau

Dominique Grisay

Vanden Eynde & Partners
BELGIUM – Brussels

Carlos Nehring

Nehring e Associados Advocacia
BRAZIL – Sao Paulo

Sueli Fonseca

Nehring e Associados Advocacia
BRAZIL – Sao Paulo

Michael Slan

Fogler Rubinoff
CANADA – Ontario - Toronto

Herbert Pinchuk

Robinson Sheppard Shapiro
CANADA – Quebec - Montreal

Santiago Mejia Ortiz

Mejia-Armenteros & Abreu
DOMINICAN REPUBLIC – Santo Domingo

Luis Lavalle Moreno

Martinez, Algaba, Estrella, De Haro y
Galvan-Duque
MEXICO – Mexico City

Enrique Caso

Martinez, Algaba, Estrella, De Haro y
Galvan-Duque
MEXICO – Mexico City

Pedro Morell

Goldman Antonetii & Cordova
PUERTO RICO – San Juan Hato Rey

James Brophy

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Jeffrey Simmons

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Rodolfo Parga

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Gary Kaplan

Howard, Rice, Nemerovski, Canady, Falk
and Rabkin
USA – California – San Francisco

Douglas Winthrop

Howard, Rice, Nemerovski, Canady, Falk
and Rabkin
USA – California – San Francisco

Harry Rhulen

Firestorm
USA – Colorado - Golden

Brian Nazareus

Ryley Carlock & Applewhite
USA – Colorado - Denver

James Sanderson

Ryley Carlock & Applewhite
USA – Colorado - Denver

Francis DiGiovanni

Connolly Bove Lodge & Hutz
USA – Delaware - Wilmington

Jeffrey Shapiro

Arnstein & Lehr
USA – Florida – Miami

Raul Salas

Shutts & Bowen
USA – Florida – Miami

William Poole

Epstein Becker & Green
USA – Georgia – Atlanta

Jeffrey Lewis

Epstein Becker & Green
USA – Georgia – Atlanta

Ross Fishman

Ross Fishman Marketing
USA – Illinois – Highland Park

David Russell

Harrison & Moberly
USA – Indiana – Indianapolis

Stephen Arthur

Harrison & Moberly
USA – Indiana – Indianapolis

David Willenzik

McGlinchey Stafford
USA – Louisiana – New Orleans

Rudy Aguilar

McGlinchey Stafford
USA – Louisiana – New Orleans

Richard Aguilar

McGlinchey Stafford
USA – Louisiana – New Orleans

David Parsigian

Honigman Miller Schwartz & Cohn
USA – Michigan – Ann Arbor

Stephen Rathke

Lommen, Abdo, Cole, King & Stageberg
USA – Minnesota – Minneapolis

John Pruellage

Lewis, Rice & Fingersh
USA – Missouri – St. Louis

Brad Johnston

Hale Lane
USA – Nevada – Las Vegas

Stephen Peek

Hale Lane
USA – Nevada – Las Vegas

Timothy Lukas

Hale Lane
USA – Nevada – Las Vegas

Robert Maldonado

Cooper & Dunham
USA – New York – New York

Lowell Lifschultz

Epstein Becker & Green P.C.
USA – New York – New York

Peter Altieri

Epstein Becker & Green P.C.
USA – New York – New York

Scott Dubowsky

Epstein Becker & Green P.C.
USA – New York – New York

Ted Polin

Epstein Becker & Green P.C.
USA – New York – New York

Alan Griffiths

International Lawyers Network
USA

Lindsay Griffiths

International Lawyers Network
USA

William O'Neill

McDonald Hopkins
USA – Ohio – Cleveland

Carl Grassi

McDonald Hopkins
USA – Ohio – Cleveland

David Gitlin

WolfBlock
USA – Pennsylvania – Philadelphia

Martin Beirne

Beirne, Maynard & Parsons
USA – Texas – Houston

Blake Tartt

Beirne, Maynard & Parsons
USA – Texas – Houston

Don Maranca

Gerson Lehrman Group
USA – Texas – Austin

Peter Billings

Fabian & Clendenin
USA – Utah – Salt Lake City

Robert Andre

Ogden Murphy Wallace
USA – Washington – Seattle

David Ellenhorn

Ogden Murphy Wallace
USA – Washington – Seattle

Geoffrey Bridgman

Ogden Murphy Wallace
USA – Washington – Seattle

Ryley Carlock & Applewhite Hosts**John Fries**

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Clarke Greger

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Phillip Guffilla

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

David Itkowitz

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Kelly Johnson

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

David Kash

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Renee Mitchell

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Michael Moberly

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Robert Pohlman

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Melissa Schmucker

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Sheryl Sweeney

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Jenny Pelton

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

John Hink

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Christopher Coury

Ryley Carlock & Applewhite
USA – Arizona - Phoenix

Welcome & Opening Remarks

Lowell Lifschultz opened the ILN Business Session on Friday, November 16, 2007 by introducing himself as the ILN's Chairman and welcoming all of the members to the ILN Regional Meeting of the Americas on behalf of Ryley Carlock & Applewhite, Alan Griffiths and Lindsay Griffiths. Lowell gave a brief update the ILN's current status, saying that the Network has almost 90 firms, with approximately 5,000 lawyers. As the Network has grown dramatically, its focus has moved from being one of only referral development to one where the ILN looks to help member firms to expand the reach of their firms. Lowell noted that this would be a theme throughout the Regional Meeting of the Americas and said that as the ILN works towards implementing a strategic plan for the next few years, having an international link that can be used for marketing and as a real tool for clients will be important.

Guest Introductions

Alan then introduced the ILN members attending their first Regional Meeting of the Americas: David Parsigian from Honigman Miller Schwartz & Cohn in Michigan; Brad Johnston from Hale Lane in Nevada; Enrique Espejel Caso from Martinez Algaba Estrella De Haro y Galvan-Duque in Mexico; and Carl Grassi from McDonald Hopkins in Ohio. He went on to say that, as Lowell had alluded to, the ILN is working to help firms expand their practices to do business around the world, which would be part of the focus of the Americas Meeting.

Member Firm Update

Alan next invited Lowell to address the current situation in Pakistan. He prefaced Lowell's comments by saying that with the recent upheaval in Pakistan, having an ILN firm and contacts there brings home the closeness of the ILN family. Alan then showed two photos of the ILN contact person in Pakistan, who has been an ILN member for fifteen years and was part of the protests and arrests.

Lowell said that the Network has previously spoken about the intimacy of the ILN, noting that real friendships have developed throughout the Network. In the past, there have been situations in Thailand and the Philippines, to use two examples, where the firms have been involved in political upheaval at home. Lowell said that the contact person in Pakistan sent an email to the ILN about the situation there, and the pictures were a great illustration of how someone trying to make a living practicing corporate law in Pakistan can get caught up in the events of the day. Lowell added that the ILN's Pakistani colleague is joined with the Network members through the ILN, and although there may not be much that the members can do, the Administration forwarded the email, minus his name to protect him and his family. He summed up by saying that this situation gives the members a sense of what this relationship is like, and serves as a moving story of a very difficult situation. Alan added that while the attorney had been arrested, he was released the following day.

Guest Firm Presentations

Richards, Cardinal, Tutzer Zabala & Zaefferer – Argentina – Gustavo de Jesus

Alan then moved on to the guest firm presentations, first introducing Gustavo de Jesus from Richards, Cardinal, Tutzer, Zabala & Zaefferer of Argentina. Gustavo thanked Alan and said what a pleasure it was to be attending an ILN meeting again. He had formerly been a member of M & M Bomchil, attending ILN conferences from 1992

to 2004. In 2006, he joined Richards, Cardinal, Tutzer, Zabala & Zaefferer, whose offices are located in Buenos Aires. The firm was founded in January 2001, and although it is a young firm, the partners have a great deal of experience. There are currently forty partners and ten paralegals working at this general practice firm, where they have practices in most areas of the law with the exception of criminal law. Their practice areas include restructuring, litigation, tax, consumer law, antitrust, advertising and marketing, medicine, health and pharmaceutical products, labor, social security law, intellectual property, banking and finance, information technology and telecommunications. The firm's clients are both local and international, and range from small to large in size. Some of the firm's clients include Accenture, Baxter Healthcare, Baxter Immuno, Brahma, a beer manufacturer located in Brazil, Sysco, Comsat, Daimler Chrysler Financial Services, ING Bank, Kraft Foods, Microsoft, Monsanto, PeopleSoft, and Total Gas. The partners in the firm have memberships in both the International Bar Association and the American Bar Association.

Gustavo went on to describe some of the firm's recent transactions. In 2006, Kodak Onyx put its healthcare divisions up for sale, which involved products and services for the capture, process and storing of images and information for medical and dental applications with worldwide sales of \$2.6 billion. In Argentina, the division for sale was not a separate legal entity, which raised some complex issues with respect to the Argentine antitrust law. Another transaction that the firm participated in involved a leading textile company in Argentina who was a major fabric manufacturer and distributor for both international and domestic markets. As a consequence of a serious crisis in Argentina towards the end of 2001, the company sought Chapter 11 relief in 2002. The restructuring ended successfully this year, handled by a team of Richards Cardinal lawyers. Cablevision also suffered because of the 2001 crisis. This major tv/cable operator in Argentina required a great deal of expertise and energy from their team at Richards Cardinal to handle several complex issues in the case. Gustavo finished with a story about Suez, one of the leading international industrial and services groups in Europe. Their business is the management of public utilities as a partner of the public authorities, businesses and individuals in electricity, gas, energy services, and water and waste management. In Argentina, Suez was granted the treatment and distribution of drinking water and the treatment of waste water for three of the most important provinces in the country. The transaction involved the sale of the participation of one of them in the corporate capital to a local partner.

Gustavo summed up by saying that if anyone was interested in further information, they could access the firm website or refer to the brochures that he had brought along.

Alan thanked Gustavo and said it was a pleasure to see him again. He then invited Gustavo Ortega from Ecuador and his partner Eduardo Pozo to present about their firm.

Ortega Moreira & Ortega Trujillo – Ecuador – Gustavo Ortega

Gustavo thanked Alan for the invitation and began by saying that his firm is one of the oldest in Ecuador, having been founded in 1915. He mentioned that he is a fourth generation member of the firm, which is considered to be full service. The firm has practice areas in litigation, both civil and criminal, as well as being active in arbitration. They also do corporate law, tax, insurance, real estate, and banking. The firm's practice is based in Guayaquil, Ecuador with fourteen lawyers and a staff of forty. They also have a partner firm in Quito of five attorneys. Their practice is considered national because of their ability to provide service to their clients around the country. Gustavo expressed the firm's wish to globalize their practice by joining the ILN and said he and Eduardo were looking forward to getting to know the members of the ILN during the conference.

Alan thanked Gustavo and noted that Clark Wilson, the third guest firm from Vancouver, would be presenting on Saturday morning.

Directors Update

Alan then invited Peter Altieri to give the Director's Update.

Peter began by saying that the Board had met for a little over three hours, covering many topics. He mentioned that he would touch on three or four of these, which he felt would be worthwhile to everyone. The first of these was the strategic plan, which would be for a period of eighteen months,

making it easier to monitor and accomplish. The plan would include a focus on Operation Push Down, which is particularly germane to both the firms in the Americas and the larger firms in the Network, and will work to get the message out about how to use the ILN. Peter said that Alan would continue to be available to member firms to come to partnership meetings and make presentations. He suggested that the firms keep this in mind as an advantage and a means to circulate the message to other partners in the firm. Along the lines of push down, Peter observed how common it is to receive emails asking who knows a lawyer in a certain jurisdiction. He recommended that when someone familiar with the ILN gets one of these emails, he or she should immediately respond, identifying the ILN contact person or people at the firm who would fit the bill for what's being described. He also strongly suggested that Alan be copied on these emails, both for tracking purposes and to serve as a resource for that referral. Peter added that sometimes these emails come through when the attorney is not at their computer, so copying Alan will allow him to follow up with the full information and support that he has available.

Peter mentioned that another topic that the Board focused on is getting the managing partners at ILN firms committed to Network membership and activities. For this reason, the Board feels that the 2008 Regional Meeting of the Americas should be dedicated to pushing down the ILN to the managing partners and marketing staff at the firms and so will structure a program around this. Along with getting the managing partners more involved in the ILN, the Board also discussed how the ILN can better communicate with non-contact ILN attorneys. Peter said that he had noticed the Chinese hat on the mirror in his guest room, and said that although he had no advance knowledge of this project, he believed the ILN would be looking at different ways to get the message throughout the firms. Lindsay agreed that this was the case and said that the group would hear more about it the next day.

The Board also spoke about alliances that the ILN might try to pursue from a strategic planning standpoint. The Administration has already had some preliminary discussions with accounting firms and accounting firm networks and is looking at different approaches to take. One way is to affiliate loosely with one particular worldwide accounting firm, such as BDO or Grant Thornton. Peter observed that the Big Four are tied up in other relationships, so the ILN would look to the next level and focus on one firm. Another option is to find a sister network, such as Nexia, and forming a strategic alliance. Peter added that the Board will continue to explore this as one of the things that Alan will be focused on as part of the strategic plan. The whole objective of the ILN is to increase referrals for Network members, and the accounting firms or networks may add to the differentiation of the ILN. Peter feels that it also has an appeal in marketing to clients and potential clients as a service that the ILN can provide, since when clients look to do business overseas, they often need an accounting firm in addition to a law firm.

In terms of recruitment and firm development, the Board focused on a couple of issues. Peter announced that Gohmann has decided to leave the ILN at the end of 2007, in conjunction with Marga Wolpert's announcement that she is leaving the firm to start a boutique intellectual property firm. The Board's approach to the situation in Germany is to broaden their reach from one large replacement firm to four or five major commercial centers in Germany where middle market firms with international clients could be brought in. The Board felt that having one large firm in Germany wasn't a model that worked well in the past, so this approach would be more beneficial to the membership. Additionally, the ILN would also accept Marga's new firm as a specialist IP firm in Germany.

In China, the Board is looking at a firm in Shanghai to add depth to the coverage in China, given the size, breadth and variety of work there. The ILN is working with Lehman, Lee & Xu to locate a firm that would be agreeable to all. In Latin America and the US, the Board continues to focus on recruiting a few firms at a time. Peter emphasized that Alan works very hard and seeks direction from the Board in this regard, but he would appreciate assistance from members who have contacts in the target cities or countries. Since members know the caliber of firms that have been accepted for members and the level of participation that is required, they serve as a valuable resource in recruitment. Peter added that there is nothing like the due diligence of a member having worked with a potential

member firm on a regular basis to be able to say that that firm would be a good quality candidate for membership. Peter also said that the Board is working with a good South African firm to potentially replace Cliffe Dekker.

The last item on the Directors Update was to note that the Board is working with Alan to develop a Code of Conduct, which will include standards and requirements of member firms. He said that it would be presented at the 2008 Annual Meeting in Prague in May for adoption. There were no questions, so Alan thanked Peter for his comments.

Administration Update

Alan began the Administration Update by showing a short ILN cartoon to engage everyone. He then moved on to some of the ILN's activities, beginning with the strategic plan, which is being developed for the 2008 Annual Meeting.

Draft Strategic Plan:

Alan began his discussion of the strategic plan by saying that over the last 19 years, the ILN has grown tremendously. As a result, it's time to take it to the next level, which will be the emphasis of the strategic plan. The Administration will rely deeply on both the Board and the membership for their feedback during this process, and by the 2008 Annual Meeting in Prague, the Administration will have a fully developed strategic plan available for membership approval.

Alan then gave an overall view of where the Network is currently, using a short animated video. He said that the members could easily see that the Network is in a good position to move to the next level. With respect to the strategic plan, Alan said that the first step would be to develop a succession plan which will be in place when Lowell eventually retires. The concept is that there will be a Chairman who will have a revolving three year term. This Chairmanship will be rotated around the regions in the Network, so that the Board will have complete coverage and a worldwide perspective to offer both internally and externally.

In conjunction with the succession plan, but to be implemented with the strategic plan, the Board will form an Executive Committee to streamline certain processes. The Executive Committee would be comprised of three directors, Alan and the Chairman and would be responsible for the more detailed planning of various Network activities. In addition, four additional committees would be developed, chaired by a Board member and comprised of non-Board ILN members to ensure varying perspectives. Alan emphasized that the Administration is aware of the time constraints that ILN members have, saying that the commitment to these committees would be limited.

Current Recruitment Status:

With respect to recruitment, the ILN is in final discussions with firms in eight jurisdictions including the Cayman Islands, Jordan, Lebanon, Tennessee, South Africa, Ecuador and Vancouver, both guest firms at the conference, and the Ukraine and UAE, both recently accepted members. Alan reiterated Peter's earlier point that he would be grateful for any member assistance in jurisdictions that lack coverage.

Referral Activities:

Alan then moved on to a discussion of the referral activities of the Network. He noted that referrals are an important component of the ILN, and a discussion of the referral report is a way to understand some of their value. The most recent referral report covered the period of January to July 2007, which showed an increase in referrals. Alan added the caveat that it is still difficult to obtain accurate referral information, but said that the report serves as a gauge to show a continual increase across all regions. He observed that interregional referrals continue to be the most active, which reinforces the importance of regional meetings. Conservatively, Alan estimated that the figures are underreported by at least three times based on his conversations with members about referrals that are never officially reported.

He then went on to discuss the types of matters that are referred, based on the same reporting period. Corporate referrals remain the highest category, followed by litigation, tax, labor and employment and real estate. Alan added that the specialty groups are working to try to correlate some of these numbers with the activity levels within their groups, and that they continue to strive to increase the level of communication between their members.

The value of the referrals is a difficult number to assess, as many of the reported referrals show only the initial estimate, which is often very low. The ILN doesn't have a method for capturing the future value of the referral as of yet, and so the majority of the referrals appear in the smaller valued bracket. The total valued is also believed to be underreported, and a conservative estimate is that the total referrals could be \$7.5-\$10 million per six month period. Alan emphasized again Peter's suggestion to copy him on referral requests, saying that in addition to assisting on the referral process, he can also better track them.

Lowell added that keeping track of referrals, especially in the larger firms, is very difficult and asked that the members work closely with the contact person at their firm to ensure that the firm has some knowledge of the referrals that are occurring. He also gave an example of what the offices of the ILN can offer to the members, saying that a lawyer had obtained a judgment in a community and needed to enforce the judgment in four or five locations. One method of handling this would be to go to each of the ILN contacts there and asking each of them to handle it, but a more effective way of handling this is to go directly to Alan and have him facilitate it. Alan would simplify the process by getting those locations squared away and ensuring that the job gets done, acting as the facilitator on a multijurisdictional problem. Lowell posed the rhetorical question as to how the ILN can reinforce this story at each of the firms, and said that one way is to invite Alan to visit the firms every few years to present to the partnership.

Alan added that he and Lindsay had visited over 20 firms in 2007, which he noted is a very important part of their involvement with the ILN. The response is tremendous, even at firms who are knowledgeable about the ILN, because it gives the partners a chance to sit down with the Administration and talk to them.

Gary Kaplan commented that he agreed that the numbers in the referral report are extremely underreported, based on his experience in his own firm over the first six months of 2007. Peter added that the referral request is a six month snapshot, and in some cases, a referral will come in May and will develop only \$5,000 worth of fees by the time the request is circulated, but could turn into a \$150,000 matter over the next year. He also noted that the report doesn't capture to what extent the referrals lead to additional business from that client or relationship. Alan agreed and said that the ILN has worked to come up with different ways to capture the data. He noted that the Administration can accept referral reports at any time. He said that from the conversations he's had with other ILN members, approximately 20% of the referrals lead to ongoing client relationships, which is a significant number over many years.

Alan said that another way that ILN members are beginning to use the offices of the Administration is when they are marketing to existing or potential clients to show the global reach of their firm through the ILN. The Administration has been contacted by firms who are having client meetings and would like to express the capabilities of member firms in the jurisdictions where their client does business. Alan said that when contacted in this regard, The Administration will contact the relevant firms in the group to get the information.

David Russell inquired as to whether the referral questionnaire requests both incoming and outgoing referrals. Alan said no, that the questionnaire only asks for referrals out, but that a draft report with both is created and circulated to the membership for their review and comments. David suggested that members report both referrals in and out, which Alan felt was a good point though he had hesitated to request this information in the past.

Alan then went through a couple of slides to show how the ILN would like its members to think about the Network. He asked the question "Is your lawyer your best friend?" The answer should be yes, because clients rely heavily on their lawyers for various matters. Alan gave graphic examples for firms in France, China and Arizona, saying that this was a little reminder of the thought process firms should go through when they have a client and need to make a referral.

Alan then went on to talk about the ILN website, saying that it's a source that all ILN members use, in addition to their partners and the outside public. Currently, the website has 50,000 hits a month, which is quite substantial. The statistics that the Administration gets allows them to see which pages people are visiting, and these include membership information such as the practice areas of firms, as well as the articles that members contribute to the newsletters. These articles continue to be referenced every day, every month, and even years after the article is written when the subject becomes relevant again.

Alan also spoke briefly about Corporate UK magazine, who will be doing a supplement on the ILN in their January issue. The ILN had sent emails to the membership requesting their participation in this, and though the ILN doesn't normally do advertorials, this supplement should be valuable. The member firms that participate will pay £350, and with enough members participating, the ILN is able to have the article as a pull-out from the magazine. Alan showed an example of a supplement that Corporate UK had done for a competing network, saying that the supplement will have an overview of the ILN, followed by profiles of each participating firm. The circulation of the magazine is 8,000 in the United Kingdom, with additional circulation on their website. Alan emphasized that the Administration encourages the members to consider participation if they haven't yet signed up.

“Recommendations for Making the Most Out of Your Membership” – Lindsay Griffiths

Alan then invited Lindsay Griffiths to give her presentation “Recommendations for Making the Most Out of Your Membership.”

Lindsay began by saying that she wanted to go over some suggestions for how the firms can make the most out of their ILN membership. First, she touched on the topic of media partnerships and how the members can get involved in what the ILN is doing to add some value to their membership. Lindsay noted that a list of the upcoming events is available in the conference books and said that members could involve themselves in three ways: attending the events, participating in ILN specialty group roundtables and papers, and taking advantage of speaking opportunities. Peter asked Lindsay to explain the ILN's involvement as a media partner in a little more depth for the benefit of those attending their first ILN meeting. Lindsay used the ILN's involvement with ALM Events, who does events like T3: Trial, Tactics & Technology, an event co-sponsored by Beirne, Maynard & Parsons. Lindsay asked Marty to touch on the firm's involvement with ALM and he began by saying that he has worked with ALM Events to put on the T3 conference for about three years. The conference is focused on giving an in-house perspective on how to handle document management and holds a mock-trial on the first day of the conference, presided over by various high-profile judges, such as Judge Scheindlin of the Zubulake trial. Most recently, ALM Events had taken the conference over to London in early November, and both the New York conferences and the London conference have been very well-received. He said that he's been very happy with his firm's involvement with ALM Events, and is pleased that the ILN has been a media partner on this and other ALM Events. Further, Marty commented that he would be happy to work with other members of the ILN on this event. Lindsay added that ALM Events does a number of events in addition to T3, and the ILN is a partner on several of those, as well as working with other conference organizers, including the American Conference Institute in the US and the Asia Business Forum in Asia. Lindsay noted that they would be seeking a similar European group, commenting that ALM Events had recently joined with such a group. She summarized the ILN's involvement by saying that it is similar to a sponsorship, but with no associated fees because it is an in-kind trade of services. The ILN publicizes the event to the membership, and in turn, the organizer includes the ILN logo on its materials and offers attendance passes to the Administration and/or its members. Lindsay noted that the goal is to expand this initiative in a way that makes sense, in order to continue to get the ILN name in front of some high quality audiences.

Next, Lindsay talked about how the members could involve themselves in industry events. She mentioned that the attorneys all receive her monthly emails about upcoming industry events, and emphasized the importance of encouraging their partners to meet with other ILN members at these events. Lindsay noted that a list of the upcoming events had been included in the conference book and recommended that members encourage their partners to let them and the Administration know which events they are attending, volunteer to host an ILN dinner or get together if the event is taking place in a firm's city, let the ILN know about upcoming events, and

email ILN members who are attending the same conferences before arriving. Another area that member firms can work to make the most of their ILN membership is through public relations. Even though the ILN works with an outside public relations firm, there are activities that the members can participate in to make this effort more valuable. These include identifying topics of current interest, volunteer to author an article for a publication, and mentioning ILN membership during interviews. Lindsay also commented on recommendations for marketing activities, which can be undertaken by ILN main contacts or their marketing and office staff. She recommended that firms send their announcements, press releases, and client advisories to the ILN, include information about the ILN in a firm's internal newsletter, keep firm's ILN website profile up-to-date and complete, and place the ILN logo on firm websites and other marketing materials. Lindsay finished with two additional suggestions – first, when traveling to another city with an ILN member, set up a meeting and reinforce the relationship and second, use the ILN Administration to identify attorneys for outbound client needs.

There were no questions so Lindsay thanked everyone. Alan followed up on a couple of Lindsay's points, beginning with the media partnerships. Since the ILN budget is limited, these serve as a means for putting the ILN in front of many large corporations and it's been very helpful. Alan noted that the conferences that the ILN has partnered on have been fairly intimate, with only 80-90 people. For this reason, it is a good opportunity to talk with the attendees in some detail and hand out ILN materials.

Alan also thanked Lindsay for the work she has done in marketing and raising the profile of the ILN with limited resources.

Forum Discussion – ILN Strategic Business Plan – Alan Griffiths

Alan then moved into the second part of the session, a discussion about the ILN Strategic Business Plan. He noted that he wanted to give the delegates the opportunity to provide feedback and suggestions. The format of the discussion would be for Alan to give a detailed guide of the various components to the plan and invite comments. He added that he would be happy to discuss the plan and review it before the meeting in Prague as well, saying that it would be ready in advance of the 2008 Annual Meeting for the members to review.

The four major areas covered in the plan will be finance and administration, business development, membership and recruitment, and marketing, which Alan noted are equally important. He started with business development and the idea of parallel referral resources. In twenty years, the ILN has come a long way and the "glass" is full. To increase the referrals, it is necessary to make the "glass" bigger. This is the concept behind parallel referral resources such as accounting networks and other professional organizations. The ILN will be looking to form some "best friends" relationships and ways to align with these organizations as a resource for the membership. Alan also brought up the idea of increased client exposure, which will happen through marketing to some degree. However, the ILN will also be taking a direct approach in two ways. The first of these is through client webinars. The Network already pilot tested this technology in Toronto, with a live webinar on the topic of Doing Business in India. Fogler Rubinoff in Toronto hosted 45-60 clients at a breakfast meeting, with Ravi Singhania of Singhania & Partners live via web cam in New Delhi, presenting on the pros and cons of outsourcing in India. Fogler Rubinoff also had one of their partners present on the same subject from the Canadian perspective. The audience reacted very favorably, continuing the question and answer period for over an hour. The ILN will look to build on this, looking first to some of the Central and Eastern European members. Alan added that Michael's idea to have a breakfast meeting with clients in conjunction with the webinar was a valuable one, but noted that for clients that are unable to attend, they can still access the webinar from their desktop. He said that the webinars are also recorded, so that if a client would like to review something that was discussed, it would be possible. Alan also said that in addition to using Central and Eastern Europe to present via webinar, the ILN is also working with its Chinese member on a webinar dedicated to Doing Business in China. He added that the webinar can be tailored to the individual firms, and that audiences can be as small or as large as the firm wishes. Lowell further commented that Alan and Lindsay are happy to work with the

members to organize and execute the webinars, which have the added benefit of giving the hosting firm more clout among their clients because of their international relationships.

The second approach to increasing client exposure would be to have client panels at ILN conferences. The Network has conducted these in the past, including London and Seattle, and they serve as a great way to integrate clients of the firm, as well as increase the exposure of the ILN. Alan noted that these have been very valuable in the past, so the Network would be looking to develop a plan to implement these going forward.

With respect to media partnerships, Alan advised the membership of a recent partnership with Beecher Carlson, a liability insurance brokerage firm. Thanks to American Lawyer Media Events and Marty Beirne, the ILN was able to form this relationship. Beecher Carlson has created a series of sixteen board training program modules, which have ISS accreditation. They plan to offer this training to both their existing clients and potential clients. As a media partner, the ILN will benefit in similar ways to its other partnerships, including co-branded materials and brochures. In addition, Beecher Carlson has developed a Speakers Bureau to address the specific modules and has invited the ILN to recommend certain member firms for inclusion. Approximately seven or eight ILN members have agreed to be a part of the Speakers Bureau, and they will be drawn upon based on what the clients' needs are. The ILN sees this as another way to create exposure among large corporations, which is very valuable.

Alan moved on to the topic of recruitment, saying that the ILN is constantly working to recruit member firms and spends a good percentage of time looking to complete coverage. The strategic plan will look at working with the local members to identify other commercial centers where the ILN should have coverage. Alan noted that there had been some discussion to this end at the European Regional Meeting, which was well-received and he added that this is an important component to expanding the referral basket.

On the topic of marketing activities, Alan was brief, saying that the two presentations had given the members a broad idea of what the ILN is currently involved in and plans to be involved in. He invited the members to provide any feedback they would like to.

With regard to push down efforts, Alan said that these are extremely important. He referenced Lowell's suggestion for visiting every firm every few years, and said that because the legal business has a fair amount of turnover, the visits are important not only to remind everyone of the firm's membership, but also to inform new colleagues and associates. Alan also invited the members to share their feedback on what types of topics they would like to see at ILN meetings.

Lowell added that the Board's perspective on the subject of parallel referral sources was that it would be helpful to the extent that the ILN could bring in other professionals to supplement the current referrals and develop the reach of the firms. He asked if there were any thoughts or comments, since this suggestion is fairly radical for the ILN. David commented that when his firm was looking to join a network, one of the benefits of the ILN for his firm was that it was an all-lawyer network. He said that there are a few networks linked with accounting networks, which isn't an issue in the United States. However, in Europe, many accounting firms are also law firms, which would limit the referral possibilities. He cautioned that the ILN would have to be careful as to how the agreement was structured. Lowell agreed, saying that this was why the Board felt that if there was a worldwide firm of accountants, it might be an easier approach. Dominique Grisay said that while it's true that accounting firms can practice law in Europe, this practice hasn't been too successful so he wasn't concerned that it would be an issue if the ILN linked with an accounting firm or network.

Marty Beirne added that the legal landscape is changing dramatically, noting that in 2008, firms in the United Kingdom will be able to go public. He also said that because of the Tesco Laws, by the end of 2010, it is anticipated that legal services will be available at banks, insurance companies, and even

grocery stores. His feeling is that the broader the reach the ILN has now, the better off it will be in the future. Lindsay also added that the point should be made that the concept is not to bring accountants into the ILN as members, but to have the same family of ILN members and form a sister-type network. Alan further clarified to say that it could be a sister network or just a good friends relationship, and when it suits everyone, the two groups could get together to network. Lowell noted that Grant Thornton and BDO already have locations all over the world and are middle market like the ILN. So to the extent that the ILN could match their interests, it might be easily seen that some of their values are the same, generating additional business for all involved.

Bill Poole mentioned that he recently had lunch with HLB, an accounting network. He recommended that they might be a good possibility for the ILN, and indicated that when he spoke about the ILN to his lunch contact, he also felt there could be some crossover. Alan asked Bill to send him the contact information and identify where the group is headquartered.

Lowell asked if anyone had any additional comments or thoughts, and mentioned that the partnerships need not be limited to accounting firms, but that it was a good place to start. There were no other comments, so the delegates took a short coffee break.

“Disaster & Crisis Planning” – Mr. Harry Rhulen, CEO of Firestorm Solutions

Following the coffee break, Ted Polin introduced Harry Rhulen who gave a presentation on Disaster & Crisis Planning.

Harry began by saying that he's worked with Epstein Becker & Green for many years, and recently started Firestorm, a consulting firm that focuses on vulnerability analysis, threat assessments, exposure negation and business continuity planning for large corporations, universities and colleges. He said his presentation would cover three areas: Firestorm's involvement with the Virginia Tech shootings, the negligent failure to plan issue, and Firestorm's strategy of working together to service groups of clients around the country and the world.

One of the things that Firestorm tries to impress upon organizations of any size is that having appropriate crisis management planning in place for business continuity is something that's necessary for all organizations. Further, it's necessary to include their trusted advisors, such as their attorneys, in this process. The reason for this is that when the time comes to implement such a plan, it will be much more difficult to respond, which is what happened at Virginia Tech. Firestorm was called in two days after the shootings, and at this time, they knew nothing about the organization, since they had not included them or anyone outside of the university in any disaster planning. Virginia Tech's plan was in a binder sitting on a shelf. Harry told a story about a consultation with a large Manhattan law firm, where the named partner told them that the firm didn't need them because they already had a business continuity plan. When Harry asked him to expand on this, he pointed to a binder on the shelf, and proceeded to say that he didn't know anything about it since he hadn't been involved in creating it. Harry gently explained that basically the firm had paid someone to write a book for them and that the plan wouldn't be successful because they failed to train their employees and do the critical analysis that would be necessary to implement the plan. So when it came time to implement the plan from home, there would be no chance at success with the binder sitting on a shelf in his office.

In the case of Virginia Tech, one of the lessons that they learned is that everything you hear during the first twenty-four hours of a disaster or crisis is wrong, because people are responding emotionally. At Virginia Tech, the first thing that was heard was that there had been an initial shooting at West Amber Johnson Hall as a result of a lover's triangle. They assumed this was the case because they had found a dead girl and boy, and the girl's boyfriend had been seen several minutes earlier running from her room. He was pulled over shortly thereafter, and the police found a .357 magnum in his car, so they believed they had their shooter. However, two hours later, thirty-one people were killed in Norris Hall.

Through a series of referrals, Harry was called by Virginia Tech's president, who had assembled his staff in a conference room and asked for Harry's help. Knowing that without an assessment of the situation, there was nothing he could do to help, Harry began by asking questions and realized a couple of things. First of all, almost everyone was in shock and was no longer functional in their positions. Harry told the president that he and his senior staff would be on campus in the morning, and when they arrived, they realized the situation was more serious than they had anticipated. As a result, they brought in a whole staff of people for two weeks, including a partner law firm from Washington, DC. Harry noted that everything that came out of Virginia Tech from a media and crisis communications standpoint after the Thursday following the shootings was a product of the cooperative efforts of Firestorm, the law firm partner, and the media department at Virginia Tech.

When Firestorm arrived, there were 324 different media outlets and over 500 reporters on campus, with 140 satellite trucks. The reporters were running the campus, going into deceased professor's offices and dressing up as Catholic priests to attempt to get into victims' hospital rooms. Because of saturation reporting, NBC had spent over \$4 million in the first week of coverage and reporters were interviewing anyone they could, without Virginia Tech crafting the message. The first thing that Firestorm did was to craft three messages, which they trained the staff, the president and his staff and the students, so that only these three messages were delivered to the media. Within 24 hours of the creation of these messages, 50% of the media had left the campus and only a handful were left after three days. Additionally, Firestorm put up signs asking for privacy from the media, which were effective against their earlier intrusions.

Harry then moved on to the next issue, the "negligent failure to plan." To illustrate his comments, he put up a photo of the World Trade Center on 9/11. He spoke about the bombing in 1993, which he observed were a predictable event, so much so that when it came time to apportion liability in the lawsuits, they apportioned more liability to the landlord than to the bombers themselves. Similarly, when the planes crashed into the World Trade Center towers, reports existed that said that terrorist organizations were planning to use airplanes to target the World Trade Center.

One of the things that Firestorm emphasizes to their corporate and law firm partners is that there is nothing today that is unforeseeable. He indicated that the firm has clients who are windstorm exposed with no hurricane plan, California clients with no earthquake plan, and Colorado clients with no fire plan. He expressed the need to plan for both the organization and the community, saying that if a company's employees are unable to get to work, they won't be able to implement their plan or service their clients. Harry said that they remind their clients that ultimately, they will be held responsible for their failure to plan. He observed that a lot of the issues that they get involved in are regulatory issues and corporate governance issues, including Sarbanes Oxley issues. Although when the law was created, it specifically excluded business continuity planning, there are a number of issues that need to be addressed in the business continuity and disaster planning process, where there are known exposures and vulnerabilities that create financial impact necessary to be disclosed from a Sarbanes Oxley point of view.

Harry also referenced a notation about force majeure clauses, saying that one of the things that Firestorm does a lot of is pandemic and communicable illness planning. In force majeure contracts, if a client is unable to fill their contractual requirements because of a communicable illness issue, this can be problematic because it hasn't been addressed in the contracts that they have. There can be critical supply chain failures as a result of communicable illness, which is especially relevant for large manufacturing firms. Firestorm is representing one of the nation's largest retailers in their communicable illness plan, which is an exposure they are trying to deal with every day as any disease in existence regularly comes in and out of every major retailer in the country. The ability to recognize this exposure and address it is a significant issue. They have put together a human resources reference guide, which is specific to communicable diseases and how they affect the HR policies of any organizations. Harry added that one of the things that many corporations fail to realize is that

because their healthcare plans are self-funded, in the event of a major outbreak of disease, their self-funded plan will quickly become overwhelmed. The third party administrator will be overwhelmed, as will the insurance companies that provide the aggregate stop-loss insurance over the top of the plans. The insurance companies will almost certainly cease to exist in a pandemic scenario, and the corporation will then be liable for the entire amount of their health plan. All of these things need to be examined as part of an overall business continuity and disaster planning process. Harry cautioned that looking at IT issues alone is not sufficient, and said that many companies are overwhelmed when they look at the number of vulnerabilities that exist for people in different parts of the country. Firestorm is willing to work with companies to identify where to start.

Harry noted that there doesn't have to be a disaster within the company for it to be a disaster for the company. He used a quote from Henry Kissinger to define the process of disaster denial, whereby people believe they will be able to control when and where a crisis will occur. Disaster denial is the idea that a crisis "won't happen here" or "it won't happen to me." Harry added that time also alters people's perception of risk, using as examples the number of schools that wanted to plan for shootings right after the Virginia Tech shootings and that companies in major metropolitan areas are not implementing evacuation, crisis communications, and employee communications plans because there have been no terrorist attacks since 2001. Firestorm emphasizes the need for a culture of preparedness, a change in the way that an organization thinks about doing business. Since CEOs and senior management is trained to think quarter to quarter, they often don't think about being prepared beyond that. Similarly, because a CEO's tenure averages between five and seven years, there is the idea that "It won't happen on my watch." Instead, Firestorm preaches the idea of "pre-acting" instead of "reacting," observing that if a company waits to react, its responses will be suboptimal because they are trying to make decisions in a crisis environment. Firestorm follows a "Predict," "Plan," and "Perform" methodology. First, they try to predict the vulnerabilities and the exposures, then they work to plan for those and mitigate them to the greatest extent possible, and then they help the company to perform them if necessary. Harry said that part of this performance is putting together a preparedness plan as an individual family, and he passed around twenty copies of his book "Disaster Ready People for a Disaster Ready America." The purpose behind the book is that all organizations, whether they are law firms or corporations, need people to implement their disaster plans. Harry used the example of one of the clients they've worked with since Hurricane Katrina who had the experience that their disaster plan worked perfectly during the storm. They had a great IT plan and a great infrastructure plan, so their plant came back up and all their remote servers fed information back down to the plant. However, no one showed up to work, so it was not a successful business continuity plan.

What Firestorm tries to do is integrate a comprehensive continuity of operations plan. They start with a vulnerability analysis, which is thorough and complete. The Board of Directors of the company then looks over the range of possibilities and identifies what they are prepared to consider, generally those things that are low frequency, but high severity issues. Harry observed that although this process can be expensive, history shows that in a crisis, those organizations that have good planning, training and procedures in place come back more quickly and are much more sustainable, showing how valuable the planning can be. He told the story of one of their clients who had been a sole provider of bottling products to a major drink manufacturer before Hurricane Katrina. Because of the hurricane, they were unable to get the resins they needed through the port in Louisiana, so their customer ended up sourcing to China and the company is now one of several providers to that bottler. They will never recover from that. This example also pointed to another common failure – the failure to control a critical supply chain. Harry said that after Hurricane Katrina, the construction industry in Colorado was shut down for six weeks because there was no way to get Portland cement, which came through the port in Louisiana. If any company had done an appropriate vulnerability analysis and had an alternative source in place, they would have garnered an incredible market share.

Harry emphasized that disaster planning is more than an IT issue, which many companies have addressed. While having an IT plan in place is critical, ultimately every crisis is a human crisis. Preparedness is not a luxury; it's the cost of doing business.

Harry closed by saying that Firestorm would be happy to work with any of the ILN firms, and noted that they have expert counsel at Firestorm with two Surgeons General and others who are experts in almost any area of business continuity or disaster preparedness that companies might want. Firestorm is also willing to work with law firms to explain the necessity of an analysis to their clients, and Harry added that legal work can be created as a result of these analyses.

Alan thanked Harry for his informative presentation.

“Gerson Lehrman Group - Update” – Mr. Don Maranca

Alan then invited Don Maranca to give an update on the Gerson Lehrman Group.

Don thanked Alan and Lindsay for inviting him to the meeting, and observed that the ILN has had a relationship with the Gerson Lehrman Group for the past two years. He noted that they hope to build on it, strengthening their relationships with existing members and bringing in more Council members.

Don began with a brief overview of the Gerson Lehrman Group (GLG), saying that they help their clients to find, engage and manage expert networks. Their clients are primarily institutional investment firms, such as hedge funds, mutual funds, pension funds, private equity firms and venture capital firms. GLG also has some corporate clients and professional services firms, but because they started in the investment community, their core clients are most investment firms, several in the top fifty mutual funds. GLG received about 12,000 unique client inquiries a month and is very proud of their 90% client subscription renewal rate. Most of their clients subscribe to their service, which gives them access to GLG's expert network consisting of almost 200,000 experts. They are represented across the globe, with academics, C-level experts and multiple languages in every industry. Don manages the horizontal practice area of Legal, Economic, and Regulatory Affairs (LERA) Council, along with accounting and financial analysis.

Don next went into some of the ways that experts connect with GLG clients, citing three main categories. One is through phone consultations, where a client is interested in getting educated about a certain issue. Another is through events or educational seminars, such as roundtables, a seminar at a client site or university club, or a private visit. The third is through written products, such as a survey or GLG news, where Council members can author an opinion through a specific article. Don showed a sample of some of the experts in the LERA Council, which consists of attorneys, including partners at 81 of the AmLaw 100, professors at prestigious universities, general counsel from startups through Fortune 500 companies, lobbyists, and public affairs professionals, including former legislators and officials at the local, state and federal levels. They also have economists and political scientists as well.

Don talked a little bit about some of the projects that clients might be engaged in, saying that they could be related to legislation, regulatory issues, political analysis, or economic analysis. He gave an example of a client investing in a high tech company and a news report is released about a patent or intellectual property issue. The client might be interested in learning more about that issue and its implications and possible outcomes. They would come to GLG, who would connect them with an expert about these issues. Don gave another example of a client investing in a pharmaceutical company, going through an FDA investigation. The client may not know what the implications and possible outcomes are, or what the FDA process is. GLG could connect them with a former FDA official or an attorney specializing in pharmaceuticals. As a final example, Don said that they have clients who are specifically merger and arbitrage, who take advantage of a situation where there is

an M&A transaction coming up. They may want to know more about it in order to make an informed investment decision, and GLG can put them in contact with the right experts.

Gerson Lehrman Group's goals are to include partners and senior members of the firms in their LERA Council and provide the firms with revenue and marketing opportunities. Don said that the ILN speaks a lot about relationships, referrals and marketing, which is what GLG provides through their Council. Their consultations serve as another revenue source and a way to get in front of clients. He added that as Council members reach a certain level of transactions, they are able to be marketed to clients more frequently. Don emphasized the convenience of the Council, saying that when members are invited to a project, they can accept or decline with no obligations. Members can decline if they have a conflict, if they're not available or if they don't feel they have the appropriate expertise. They can also refer another member of their firm with the expertise. GLG provides for networking, hosting similar events to the ILN where members are able to network with other Council experts and interact with leaders of the investment community. With respect to education, members can be in the loop by understanding what's important to the investors in the business community. GLG also provides educational interactions with Council member as well.

For those ILN members who already belong to the Council, Don went over some new features at GLG. They recently launched a new website, with a tab dedicated to the LERA group. They also launched a research management platform for their clients, which Don likened to an "EBay for knowledge." If a client is looking for a specific need, they are able to log on to the platform to conduct searches, and they can request consultations with specific Council members. GLG recently launched a consultation management platform on the expert side as well, where experts can see which projects they've been invited to, accept projects, request payment, and update their profile so as to be more visible to clients. They also have the Open Project List, where GLG can post the projects that clients need help with, with their permission. This is viewed by all Council members, who can proactively look for projects within their own area of expertise. GLG also offers ways for experts to market themselves, including instituting Leader and Scholar Badges. Basically, they have an algorithm that ranks Council members based on the consultations that they've done, the feedback, and the dollars that they've transacted. Once they reach a certain level, Council members receive a boost in their marketing within the research management platform where clients can view them. They are given these badges, which can be posted wherever they want and provide a link to their profile at GLG.

To join GLG, members go through a simple application process. Once someone is a Council member, they are invited to a consultation if there is a match of expertise. Council members can accept or decline the invitation, and if they accept, they consult with the client and process a payment request through the expert platform. Currently, there are 31 ILN members involved in GLG with 86 Council members. GLG is hoping to increase this number and showed two testimonials from ILN Council members to reinforce participation. One of the testimonials was from Luis Lavallo Moreno of Mexico, who was in attendance, so Don recommended that if anyone had questions about membership, they could direct them to Luis.

Don asked if there were any questions, and Sueli Fonseca inquired as to what percentage of GLG clients go on to become law firm clients as a result of the consultations. Don didn't know the answer, but confirmed that it does happen. He said that GLG steps away from the relationship at this point. GLG hopes that firms do meet clients through their platform. There were no further questions, so Alan thanked Don and wrapped up the morning session. Lowell added his thanks to Alan and Lindsay for a productive morning session, and thanked the assembled delegates for their attendance.

Saturday Session – November 17, 2007

Lowell welcomed the assembled delegates to the Saturday business session and introduced the ILN guests from Clark Wilson in Vancouver, Barry Fraser, Bill Holder, and John Fiddick.

Clark Wilson – Vancouver – Barry Fraser, Bill Holder, John Fiddick

Bill Holder introduced his firm by saying that they have about 90 lawyers in the city of Vancouver. Other than maritime and criminal law, the firm is full service and practices in all other areas. He noted that approximately 30% of the firm is litigation, with all three of the guest attendees being litigators from the firm's Business Litigation Group. He closed by thanking everyone for their warm welcome, noting that he was so far impressed by everyone he had met. Bill added that the firm is looking for support for their clients outside of Vancouver

Barry Fraser echoed Bill's comments and said that their discussions about ILN membership started in Toronto a few months earlier, when he visited Michael Slan who recommended the ILN. He said that dinner on Friday evening had been a good introduction to the team spirit and camaraderie of the ILN, and because of the fellowship they encountered, they had really enjoyed themselves. He added a few more details about his firm, saying that they are the fourth or fifth largest firm in Vancouver, a city famous for having beautiful scenery, a great ocean, fantastic mountains and skiing, as well as the most expensive real estate in North America. The firm reflects the Vancouver market with an extremely strong corporate finance and securities group. The group had told Barry that last year, they had a number of clients listed on NASDAQ and some entering the New York Stock Exchange, with four or five lawyers called to practice in the United States. Clients of the firm had done more financings on NASDAQ last year than any other firm in North America, which is an accomplishment for a firm under the radar. Barry observed that they also have the strongest real estate group in Vancouver, as well as great technology and business litigation groups. The litigation group has about twenty lawyers, with about half doing commercial or business litigation and another half doing insurance defense litigation. Barry added that he was excited to meet with everyone to see if there would be opportunities to do business together and for the firm to become an important part of the ILN. John Fiddick also introduced himself quickly.

“Operation Pushdown” – Mr. Ross Fishman

Alan then introduced the first presenter of the morning, Ross Fishman. Ross began by giving an overview, saying that his presentation wouldn't be about marketing individual law firms, but would be about marketing the Network. He said that Alan and Lindsay had said that they were working to find new ways to add value to the Network and asked if Ross could help them to identify a way to do this through marketing. In conducting an analysis of the ILN, Ross said it was clear that the Network offers value to its members and the issue was getting more attorneys at member firms actively involved in the ILN.

Ross used a math example to give everyone an idea of the current referral possibilities. He said that if the ILN considered just those people who are intimately involved in the Network, regularly involved and thinking about the ILN and referrals, there is somewhere between 89 and 270 people actively involved. If each of these people has one possible referral to send within the Network every other year, the number of possible referrals is 50-150 per year. Ross then asked Lindsay what the actual number of reported referrals was, and she said that for 2006, the total number of referrals was 408. Ross said that he presumed that a lot of referrals are not reported, so this figure of 408 is very good, and shows that the activities that the ILN is currently engaging in to generate these referrals are clearly working and that there is value in the membership.

Then, he asked everyone to think about the total number of lawyers in the ILN – 5,000. He said that as everyone knows, in any network, there are members from each of the firms who come to the meetings and network, are active in the ILN and leaders in the organization. These people understand the value of the ILN. But what if all 5,000 lawyers were more active in the ILN? He clarified that he didn't mean active in the sense that they were attending the meetings, but active in that they are regularly thinking about the ILN. If he considered the same math as before, with 5,000 referring lawyers with one possible referral every other year, this would result in 2,500 referral possibilities per year. Ross went one step further saying that if these numbers were two or three times as high, which they seem to be, the number of total referrals could be significantly higher. The more people in the Network who are actively looking to share referrals when they have them, the more value there is in the ILN. Ross asked what the less active lawyers at member firms think about the ILN and said he felt that most of them wouldn't know enough about it, wouldn't know what the benefits are, and don't know the other law firms well enough to see that they're all pre-qualified, terrific firms. The ILN needs to do a better job of telling its members about the benefits, because since they're already paying the dues, each individual lawyer should be getting the

benefit of membership. The ILN's goal is increased awareness, to get more member firm lawyers aware of the ILN on a more regular basis to generate referrals.

With that being the goal, Ross said that his presentation would show how this goal can be accomplished. Ross said that in working with the ILN and other legal networks, he has found that there are network regulars, usually the contact person, sometimes the second contact person, and perhaps those who have been to a meeting and know a little bit about the Network. But outside of those people, there is a fairly significant drop off in awareness about the network, and most of the lawyers in firms that are part of a network don't think about it, don't understand it's value because it's not part of their daily life. They want to know why they're a part of this network, why they are paying dues and sending attorneys to nice places for meetings, and what they really get from this. Ross emphasized that the ILN is trying to answer these questions, so that more people in the member firms see the value of ILN membership and think about it regularly, so that they are looking for more places to make referrals.

Ross discussed the current activities that the ILN is involved in, which he reiterated are clearly working since the ILN statistically has more referrals than you might expect. Currently, monthly emails are sent within the firms, a newsletter is circulated twice a year, there are webinars and push-down presentations conducted by Alan and Lindsay, as well as the specialty and marketing groups, and individual push-down activities that member firms engage in. This is how the ILN turns out 400 referrals a year – the question becomes, what else can be done. It's difficult to inform lawyers because they're busy, and the ILN isn't currently important enough to their ongoing practice to encourage them to take the time to read the ILN newsletters.

Ross said that the activities that the ILN currently engages in are good, and newsletters are necessary because they serve as yet another way to get a message in front of people. The problem, he stated, is that lawyers are very busy and not many of them have the time to devote to reading a newsletter. Even if they don't read the newsletter, Ross said that it was valuable because it serves as a reminder of their firm's membership. But what the ILN wants is a regular, systematic way, using marketing tools, to inform them, to remind them of the ILN and what it does, and of the value of it in a way that's not intrusive. The ILN wants them to see the message, notice it and remember it. This message has to be delivered in a way that's cost-effective, because communicating a message to 5,000 people can be costly. Good marketing is ongoing repetition. How can we inform busy lawyers who aren't going to read the newsletters, how can we inform them and remind them in a non-intrusive way?

Ross showed his first slide, with a lawyer looking into a mirror with a Chinese straw hat on it as though he was wearing it – this tied in to the Chinese straw hat stickers that had been placed on every delegate's bathroom mirror to introduce this concept. He asked what if, as one of the things the ILN could do, they sent to their firms a plastic cling hat on a periodic basis to be put on the mirror in the firm's public restrooms. The accompanying text would say "Imagine you need a lawyer in China." Ross said that this would be interesting and would create buzz, so that the attorneys would likely go back to their computers and look up the ILN online. Firms could do this once a month, or maybe in consecutive weeks to launch it, followed by putting up another hat every once in a while. It would connect the firm to different international jurisdictions, using stereotypical hats for those countries.

Ross asked everyone to picture doing this at their own firm, reminding their lawyers about the ILN in a way that's fun and doesn't take up a lot of their time, but causes them to think about the ILN and talk about it. A lawyer comes in to the bathroom and sees a Chinese hat with the words "Imagine you need a lawyer in China – Your International Lawyers Network" along with the website address. He added that it takes no time to read, it's kind of fun, and no one has ever seen anything like it. It reinforces the international nature of the ILN, and it's easy to do periodically.

Ross added that in Istanbul, the assembled delegates had had a good idea, using these concepts to market the ILN to their clients. The members could see sending the hats as a direct mailer to the clients, which Ross agreed was a great idea. He then showed another example of what they could do using a sticker of a person as though they were looking into the mirror beside someone. Using a life-sized sticker of a person from different countries and cultures, reminds people about the ILN in a way they've never seen before. He noted that the mirrors used have to be panoramic mirrors, because it didn't work that well with the oval mirrors in Istanbul.

Ross reiterated that firms wouldn't have to do this very often to get people to talk about it, and compared a project like this to a newsletter. Although it doesn't provide as much information, it basically provides everything that the viewer needs – the ILN is international. Another of Ross' ideas was to put an elevator sticker on the elevator doors in front of the firm. Each sticker shows a different scene in a different country and says "You belong to the International Lawyers Network. Welcome to the World." When the doors open, it's as though the viewer is walking into a new country, a new world. The stickers are not too sticky, so there isn't any need to worry about damage, and elevators are generally standard size, so there would only be some need to cut them to fit. These elevator doorways give the impression that the firm is the doorway to the world. If a firm were to put these up periodically, people would remember it, enjoy it, and talk about it because it gives them different ways to experience the ILN. He added that some of the ideas might work within some firms, but not others, and it would depend on the firm's culture.

Yet another possibility is wall stickers that look like doorways to another country. Again, they would use the text "Welcome to the World," with the idea being that the ILN opens up the world to law firms and their clients. These would be stuck on the wall in the hallway of a firm's office once in a while, so that when a lawyer walked down the hall, they would suddenly see an open doorway to Turkey, for example. These doors could be put up regularly or occasionally, and since it's a multi-platform campaign, firms could sometimes put up a hat, sometimes put up a person, and sometimes put up a door. Ross also added that these could also be made into stand-up easels for the lobby. Or they could create different people from different countries as stand-ups in the lobby. He said that it might not be necessary to include stand up cutouts, because logistically, it's difficult and expensive to ship them. However, it is possible. Each of these things reinforces the geographic scope that firms have access to and reminds them over and over, so that the next time they have a referral, the ILN will come to mind. It is a way of reminding them so that they don't need to invest a lot of time, which they won't because they are so busy.

Ross added that the group had come up with another idea in Istanbul, that of using some type of electronic transmission to push down the message. He noted that he and the ILN hadn't fleshed out this idea fully yet, but suggested that the Network would send emails out to the lawyers in a way that would connect them to different jurisdictions. These emails could potentially be sent to clients as well, and as the attorneys send it around their firms, members will start to see the value, be more interested in the ILN and ask more questions. Ross emphasized again that the idea is not to do this too often, but every once in a while, a hat would show up in a bathroom, or a sticker person would appear on a mirror, maybe a door in the hallway once or twice a year. These things wouldn't be intrusive to the firm's lawyers, and wouldn't take much of their time, but it would cause people to talk about it and reinforces the ILN message.

Ross asked for everyone's thoughts and feedback and Steve Peek agreed that the hat on the mirror in his guestroom had been great. Tim Lukas asked if there was a roll-out plan in place, and Alan said not yet, as the ILN was looking to get everyone's reactions first, so that they could work with certain jurisdictions to better tailor the program. He added that the ILN and Ross would also be working on the electronic transmission concept which had come out of Istanbul. Lowell said that conducting an email campaign first with some of Ross' earlier ideas wouldn't be expensive or difficult, and could serve as a good pilot program. The ILN could send everyone an image once a month. Lowell then took a vote by hand of how many firms could see putting this program into practice. A majority of the group raised their hands affirmatively. Rob Maldonado expressed a concern that once he started to advertise the ILN in the firm's bathrooms, other groups might be interested in doing the same.

Ross said that he felt Lowell had a good point, that the hats might be jarring for the first communication. Peter Altieri asked whether doing a short YouTube video might be a possible email option, and Alan noted that the issue there is that humor is not global. Lowell added that video is more difficult and expensive to produce, and Ross agreed, saying that while it's a good idea, it wouldn't be a starting point. Alan said that the ILN hopes to put together a program that is a combination of elements, but that he particularly likes the email concept. He said the hope is that the ILN can send out one email a month, perhaps with a short description of one or two member firms, to be informative as well as clever.

Tim asked if the ILN was planning a centralized roll out, or making it more customized to each firm. Alan confirmed that the ILN would be tailoring the program to each firm. Peter Billings observed that for an email campaign, the subject line would have to be captivating enough to encourage people to open it. Alan agreed and said it was something that the ILN would be working on, and that it would depend on the type of email systems each firm has. Ross asked whether the delegates thought the other members of their firms would open an email that they had sent, and it was agreed that they might not. He said that it's likely that if someone misses the first email, they'll hear everyone talking about it and will go back to read it, or will look for the next one. Lowell emphasized that the first email has to be clever and funny. Ross added that the goal is to make all aspects of the project available as a range, and maybe have a pilot program. Then the ILN would circulate these success stories about the initial reception, so that those firms that are inherently more conservative could see what type of internal reception there was. Dominique reiterated that whatever the ILN does, it will have to be visual to get the point across.

Alan noted that most people use storage devices, and said that credit card sized ones had recently been developed, holding between 250MB and 2GB of memory. The ILN is considering these to load on the directory, with the outside looking like an ILN business card, perhaps with a firm listing on the other side. It would be relatively inexpensive and the ILN could arrange to have something funny come up when it's loaded on a computer.

There were no further comments, so Ross thanked everyone and finished his presentation.

“E-Discovery in Practice” – Mr. Matt Clarke

The Saturday business session continued with a presentation by Matt Clarke on E-Discovery in Practice.

Matt introduced himself by saying that he's a litigator with Ryley Carlock & Applewhite, as part of the document control group. The firm has 50-60 lawyers on the team who work exclusively on document management for corporate clients and other law firms. They do retention policy development, preservation policy development and administration, and e-discovery training. They act as coordinating counsel for other law firms who have discovery that they don't want to project-manage, and they've found they're getting more traction in this field because it's such a convoluted, complicated arena and, more and more often, these processes are driving the litigation more than the underlying facts of the litigation itself.

Matt began by talking about e-discovery preparedness and risk management, in the sense that if a firm takes enough steps upfront to prepare for litigation, they can avoid some of the tumultuous fighting about e-discovery and processes. There are two components: retention & preservation and information management & litigation. There can't be management of documents without proper preservation and retention, so it's worth talking about these, as well as looking at steps for pre-litigation planning, preparing for a meet and confer in federal or some state courts, what firms have to be doing, how they go about identifying, extracting, and processing responsive data, assembling a team, and delivering documents.

In the United States, there are more than 20,000 state and federal regulations and laws that dictate how companies are supposed to keep documents once they're created, so it's logical that retention is an important part of litigation management. The last thing a litigator wants to be doing in court is explaining to a judge that his or her client doesn't have a document, and that if it existed, it's long since been destroyed pursuant to their destruction policy, only to have his or her adversary hold up a statue that says they were supposed to keep the document for ten years. Recently, there has been more and more interplay between the legal department and the records management department because they're working closer together. Retention is also important because judges don't care that an attorney needs 60 extra days because he or she has to review five million emails. Their position is that the wheels of justice will not screech to a halt for discovery and if a company takes advantage of technology in their organizations to make them more efficient and profitable, they will have to figure out how to use technology to resolve the discovery issues. The new rules have made it clear what the obligations are with respect to discovery. Litigators need to know very early where information lives, what is relevant, and obtain paper holds.

Matt went on to speak about retention program training, saying that companies need a good destruction protocol within their organizations, including preservation policies and training that have been rolled out across the entire organization. Everyone who creates a document under most systems is required to put in their name, what client it belongs to, and the client matter. Some programs allow for the addition of other metadata fields that identify the document and its preservation life. For example, a document might map "Matt Clarke" in the accounting department, and if he created a document it would recognize that he's only allowed to create certain types of documents. If he were to open a template, the system would recognize that he's creating an accounts payable ledger, which, when he's finished, would be slated for destruction in seven years' time, unless it was subject to preservation. Systems such as these help companies to automatically get rid of information, and require a commitment from management to push them down within the organization and conduct robust training. Matt added that without audit and compliance, a company might as well not have a retention policy. He said that if a company has business units conducting different retention policies individually, they have nothing defensible because there is no preservation policy. He emphasized that destruction protocol is important too, because it helps a litigator when they tell a judge that a document was lawfully destroyed, to pull up a spreadsheet, show the document's creation date, its life cycle, and its destruction date. Even if a company destroys documents that might otherwise be harmful, as long as they're destroyed pursuant to a lawful retention policy and not otherwise subject to a preservation hold, there is nothing wrong with that.

Matt identified preservation as the second upfront issue, saying that many of the high profile cases with multimillion dollar sanctions are the result of failed preservation and failed ESI (Electronically Stored Information) efforts. He recommended that firms counsel their clients to have good preservation processes and to invest in the technology that is available. Matt suggested PSS Systems, a company with great, affordable technology and built-in retention schedules. He observed that companies can lay that onto their IT architecture and manage all of their holds. A good preservation policy is the cheapest way to avoid risk and demonstrate good faith. Matt advised that the policy should have issue notice, a notice notification process with confirmation of receipt, quarterly reminders with confirmation of receipt, and an affidavit of compliance by the person who has been issued the hold, saying "I have received your preservation hold. I have read it and I understand it and how it is applicable to me. I am going to comply with it."

Triggering events are another hot button issue in e-discovery, because no one can figure them out. Matt said that a lot of time is spent talking to in-house counsel about triggering events, but management and employees should be a part of this conversation. He used an example to illustrate this, saying that legal suddenly gets an EEOC claim, which tells them that an employee isn't happy. They issue a preservation hold, but as documents, email and testimony comes to light, it is clear that management knew the employee wasn't happy twelve months prior, he or she was complaining eight months prior, and threatening six months prior. Any of one these could be considered the triggering event. Matt recommended that firms train management as well as the legal department about triggering events.

Matt then gave a cautionary note – he said that he has worked with a lot of information, where they have 15 million documents that they're running through filtering processes to expedite their reviews. Some of the functionality that they can use is filtering systems that filter documents and put them in a presumptive privilege bucket, or a concept folder. For a presumptive privilege bucket, firms would run information through filters, and say that if it has a certain domain name, "privilege," "confidential," "work product," or a series of attorneys' names in the document, it should be included in the presumptive privilege bucket so that the team can review it, as it's likely to be privileged. However, management or employees might put "work product," "privilege," or "confidential" as a matter of course on all of their emails or memos, which waters it down too much. It can also have an impact on the triggering event. Matt gave the example of a case where management put that type of information on their internal memos and emails, and so when legal said the triggering event was August 2004, the court looked to the classification of memos and emails as "confidential" and "privileged" in January as a triggering event. Matt recommended firms caution their clients about using this type of canned language in their emails.

He then went on to discuss litigation, risk management through e-discovery planning – what every client should be doing. Matt talked about cases that are coming out of federal court every day where companies are being

sanctioned because the organization has failed to preserve, produce or otherwise manage its internally stored information in a way that's compliant with the new rules or compliant with what the court has ordered. He provided an example of a case out of the 9th circuit in September, where there was a discovery order that one side had not complied with. Four months after the trial had finished, the court was still ordering that it be turned over and it finally was. It was so inflammatory that the court was furious and issued a sanction against them for the entire cost of the litigation, which was \$12 million. Matt said that although lawyers and corporations are paying more attention to it, it's time to drill down on some solutions.

From a pre-litigation findings standpoint, Ryley Carlock counsels their clients to create a preservation hold process and train their staff about e-discovery processes. Anyone who had the ability to go into a network database and manipulate any piece of information in there has to understand what a preservation hold means, and how simply opening and closing a Word document can manipulate metadata. The firm encourages legal departments and management to help them to train their employees, emphasizing that it will make things easier for them from a litigation standpoint if they get early control of this. Matt also recommends that firms familiarize themselves with their clients' IT architecture, and said that firms may want to involve an outside vendor. He suggested James Gordon at Navigant Consulting, but noted LECG and Baker Robbins as other options. Doing this is a good opportunity to bring in an outside vendor, meet with the client and completely map out their IT architecture. Once this is done, when a complaint comes in and the lawyer is able to quickly identify which divisions and people it relates to, they can efficiently eliminate unnecessary databases and focus only on those relevant to the litigation. It's also possible to drill down further to job function to make it easier for the law department to issue a preservation hold.

It's also important to determine early whether a client's IT department has the manpower, the technology, or the ability to go about retrieving data from their systems. Networks are not created to allow people to pull every email where a name and subject might be mentioned. It's necessary to take a ghost or mirror of those hard drives or networks, and process them in some other way. Organizations tend to rely very heavily on their IT departments and assume they can do these things, when they're often understaffed, overworked, and unfamiliar with what to do or the implications. Matt suggested that firms talk to their clients about bringing in outside vendors to help with this process instead.

Matt also recommended that firms identify a 30(b)(6) witness, someone in the client's organization who will also serve as the 30(b)(6) witness and will have a deep thorough understanding of the company's hardware configurations, operating software, storage locations, backup protocols, and employee computer use. Matt said that this person should be used to the fullest extent possible on all of the different pieces of litigation to avoid inconsistent discussion about corporate policy or where information is located.

With respect to preparing for ESI obligations, the new rules mandate that firms frontload their efforts to understand where information lives. This creates some new obligations with respect to the meet and confer. Matt recommends that firms go into this with a firm understanding of what their client's position is on persons, issues, what is relevant in the litigation, the scope of the preservation hold, what is being preserved and who the custodians are, as well as identifying what is not being preserved. Matt recommends that firms get a commitment in writing that their adversary understands what is not being preserved, so that if they change their minds or something changes at a later date, there is no duty to preserve. Matt also suggests that firms establish review methodologies. A sexual harassment suit today can result in 10 million different electronically stored documents, so the population of information is enormous. It's imperative to come up with review methodologies to try to reduce that population, so it's recommended to agree as soon as possible on the key words in the case with the key adversary. These search criteria can be as sophisticated as necessary with the technology currently being used, and it's possible to create some good filters to reduce the population from ten million to one million documents.

Similarly, it's important to agree on the form of production to avoid reviewing the documents in one format, only to find out that the adversary wants them in another format. If a firm has reviewed all data in tiff form, and the adversary wants it in native, they would be able to look at a Word document as it appears on the computer, which would allow them the same functionality. They could look at "Track Changes," and see notes in the

margin, such as "Legal tells us we should take this paragraph out or it's going to expose us to liability." Now there are privilege issues. If it's agreed up front on the format, it avoids re-reviewing the documents or getting into complicated claw back agreements.

A good blueprint of a client's architecture is also helpful. Matt suggests that firms identify anything that they don't think is reasonably accessible. Part of the reason the rules were changed was to force firms to give their adversaries enough information so that he or she could articulate well-based, thoughtful requests for production, specifically aimed at particular data collections. Matt also talked about extracting data once it's identified, which he noted was another good time to bring in an electronic forensic data mining organization. It's easier than having the IT department attempt to understand it, but if they insist, it's important to make sure that they map their entire process and any manipulation of data.

Investing in technology is key and Matt gave an example to illustrate this. He said if someone were to call him and ask for project management on an e-discovery project, he would first ask about the status of the case. They might say that they've already filed a complaint, filed an answer, done the meet and confer, and have several requests for production. Matt would say they should meet with legal, identify the complaint, issues, errors, entities, identify the divisions, the particular custodians, and the servers and set a meeting with IT for that department and legal. They would then get the request for production out on the table, and he would say to produce any and all documents related to the particular issues. They would then say to the IT people, the production would include spreadsheets, Word documents, emails, etc. Matt would ask the person who controlled the database for the custodians whether anyone had a database that these custodians could have saved information to. If someone said yes, he would ask which database, and then find out if there are redundancies. Then image those databases. Then, you end up with about 300GB of data, 25 million pages, which is not all relevant. Only the information about "widget modulator" is relevant, so a sophisticated filter would be necessary to get rid of the extraneous pages. There are processes to de-dupe files, which means duplicates are removed. All junk mail files should be eliminated so that they can get down to the process data. Then, they conduct keyword filtering for specific types of documents. Matt recommended a company called Stratify who does this type of work. They were recently acquired by Iron Mountain, so for firms with repositories at Iron Mountain, there are natural synergies there that might make discovery processes easier. Stratify is a review technology that collects, restores, culls, and de-dupes so that an attorney can look at it and determine its relevance to the case.

Matt closed by suggesting that firms give some thought as to whether their clients would benefit from hiring another law firm to manage e-discovery. He said it might be appropriate for a firm that does a lot of litigation, but doesn't like to get involved in e-discovery. A firm that project manages an e-discovery case would give guidance on litigation holds, prep the 30(b)(6) witness, handle the meet and confer, work out the terms, manage extraction, manage the review, put together a review team, and arrange for delivery while the firm focuses on litigating the facts and the merits of the case. Another service firms could consider is whether firms would benefit from having a national coordinating counsel, who would be active in all of the client's litigation, regardless of the jurisdiction. They could assist with compliance with different state cases that may handle things in a different way. Matt observed that he has seen more and more of this as a trend. He noted that Ryley Carlock is capable of assembling a review team, and for firms that need help with reviewing millions of pages of electronic information, this might be a viable option. They provide licensed attorneys, project management, quality control, and continuity of teams. For those firms who decide to prepare for their own review, Matt recommended that the firm get them a solid project memo so that they understand the issues. He cautioned that when a firm is working with a contract attorney, they are making important decisions for the law firm, so it's key to spend more time with them and commit to them. Matt said a final word about delivery of documents. He said that many times, a discovery cut off will be one date, and the firm will ask for the documents only a few days in advance. But when delivering a database, sometimes the firm will have to tiff it out, a process that could take two weeks. Matt cautioned that they leave themselves enough time to quality control the tiffs for a good clean product.

There were no further comments, so the meeting was adjourned to the breakout sessions. Lowell wrapped up by saying that the ILN hoped the guest firms got a sense of what the ILN is trying to accomplish.

Breakout Sessions

After a short break, the delegates reconvened in separate rooms for the morning's breakout sessions.

Corporate Group – McDowell A – Mr. Ted Polin & Mr. James Brophy

International Dispute Resolution Group – McDowell B – Mr. Peter Altieri

Marketing Group – McDowell Patios – Ms. Lindsay Griffiths, Guest: Mr. Ross Fishman

Tax Group – McDowell Patios – Mr. Gary Kaplan

Where available, the minutes from the various breakout sessions will be circulated among the members of their specialty groups and the participants in the morning's breakout. If you would like to request the minutes for a particular breakout, please contact the ILN Administration.

Gala Evening

Delegates and companions were treated to a very special experience for the Gala Dinner – Dinner at Frank Lloyd Wright's Taliesin West. As the group arrived, they were entertained by to a Native American flautist and had the opportunity to take a tour of the Taliesin West campus before arriving at the patio for dinner. Dinner from a local restaurant, Michael's, was certainly delicious and the delegates and companions enjoyed a Native American dance show, including a hoop dance, to end the evening. It was a wonderful way to wrap up the 2007 Regional Meeting of the Americas!