

**Minutes of the Monthly Meeting of the
MSBA Antitrust Law Section Governing Council
MSBA Offices
November 12, 2008**

- I. Attendees:** Please see the attached attendance list.
- II. Call to Order:** The meeting was called to order at 12:05 pm CDT.
- III. Approval of Minutes.** The Council approved the minutes for the October 8, 2008 meeting of the Council.
- IV. President's Report.** Beth Krueger reported that she and Joe Bruckner intend to attend an MSBA meeting of Chairs and Vice Chair to discuss finances and budgets of sections. Ms. Krueger reported that she attended the MSBA's meeting of law students and noted the high attendance by students. Ms. Krueger recommended that the Council continue to participate in future years given the high turnout. Ms. Krueger also raised the possibility of holding an antitrust CLE for the MSBA convention. Mark Jacobson recommended postponement of a decision until the MSBA announces the tracks for its program. No decision was made.
- V. Treasurer's Report.** Craig Coleman reviewed the Section financial report, and it was distributed to the attendees. As detailed in the tentative Section financial report as of September 30, 2008, the Section has a positive balance including investments of \$10,987.19. Mr. Coleman reported that the Section's current balance is likely to be approximately \$8000 after submitted expenses. Mr. Coleman will move an additional \$1000 to a CD. The Section should be in a position to pay for travel expenses for an additional panelist. B.K. Lee should be asked whether he has a travel stipend.
- VI. Program Planning.**
- A. December Program.** Ms. Krueger reported that the program will be held on December 10. The program will feature a presentation by Chief FTC IP Counsel Suzanne Michel who will address standard setting and issues involving the intersection of IP and antitrust. Ms. Krueger will finalize a program announcement. MIPLA will co-sponsor the program. Kayla Jurrens will invite the Computer/Technology Law Section. On December 9, members of the Council are invited to attend a dinner with Ms. Michel.
- B. January Program.** Mark Jacobson reported that Ron Gardner from Dady and Gardner will participate in a program focused on franchise law. Another speaker will be added to the program. Prospective dates include Tuesday, January 27 or Thursday, January 29. Potential topics for the program include tying, resale price maintenance, franchise issue-spotting, dealer terminations, franchisee associations, and franchise litigation.
- C. February Program.** The February program will feature a panel discussing Asian antitrust law. Peggy Kubicz Hall will moderate the panel. B.K. Lee and John Grobowski have agreed to participate as panelists. The program is currently scheduled for February

24. Ms. Kubicz-Hall or Craig Coleman will circulate an email to update the Council regarding the program.

D. CLE Program. The Council has agreed to present a half-day CLE on basic black-letter antitrust law targeted to younger lawyers, in-house counsel, and practitioners. Ms. Krueger, Mr. Jacobson, and Tom Sheran met with Jeff Johnson at MCLE to discuss the format and agenda for the program. The tentative format includes a half-day CLE located at MCLE, followed by a lunch with law school professors discussing recent developments in antitrust law. A tentative agenda includes: a) an introduction of 30 minutes; b) a discussion of mergers for 45 minutes; c) and a discussion of pricing for 60-75 minutes. The CLE will take place in April or May.

VII. Potential Programs. Ideas for future programs include: a) a speaker from the new administration; b) a program featuring economists, perhaps an economist from Bates/White; c) a program discussing the decline of antitrust immunities, perhaps including a speaker from the FTC; d) discussion of the *Ndata* case and/or the rise in importance of FTC Act § 5; and e) client responses to government investigations or subpoenas.

VIII. MSBA Section Website. Ms. Krueger will send an email seeking volunteers for the MSBA Section website.

IX. The meeting adjourned at 12:55 pm CDT.

Minutes prepared November 13, 2008 and presented by:

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**Attendees for the November Meeting of the
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Joe Bruckner – Vice Chair
Craig S. Coleman
Richard A. Duncan
Mark A. Jacobson
Kayla Jurrens (MSBA)
Bethany D. Krueger – Chair
Kristen M. Olsen (by phone)
Heidi Silton

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