

**Minutes of the Monthly Meeting of the
MSBA Antitrust Law Section Governing Council
MSBA Offices
September 9, 2009**

- I. Attendees:** Please see the attached attendance list.
- II. Call to Order:** The meeting was called to order at 12:00 pm CDT.
- III. Approval of Minutes.** The Council approved the minutes for the August 2009 meeting of the Council.
- IV. Chair's Report.** W. Joseph Bruckner had no new news to present as part of the Chair's Report.
- V. Treasurer's Report.** Ryan Marth reviewed the Section financial report, and it was distributed to the attendees via email prior to the meeting. As detailed in the tentative Section financial report as of June 30, 2009, the Section had a positive balance including investments of \$4256.06. Mr. Marth reported that the upcoming payment of dues should add to the Section's cash-flow account and that the previous year's dues added up to \$3400 but noted that the Section was not obligated to pay the \$6 per member administrative fee last year.
- VI. Program Planning.**
 - A. Future Confirmed Programs:** The Council discussed the programs that had been confirmed for the fall of 2009.
 - Mr. Bruckner confirmed that Molly Boast, Deputy Assistant Attorney General for Civil Matters, is on for September 24, 2009 at Robins Kaplan. Mr. Marth reported that Ashley Hacker will be working with Robins Kaplan hospitality to come with an appropriate lunch menu for the confirmed guests. Mr. Marth discussed the signage for the event, and the group agreed that it would be appropriate to prominently feature MSBA and the event title with a brief mention that the program is "hosted by Robins Kaplan Miller & Ciresi." Matthew Ralph volunteered to be a rapporteur for the event. Mr. Bruckner will speak with Ms. Boast's assistant to see if we could invite press to the event.
 - Frederick Warren-Boulton of Microeconomic Consulting & Research Associates, Inc. is confirmed for October 14. The Council discussed the location for the event location. Michael Lindsay offered to host the event at Dorsey & Whitney, but indicated that he needed to check availability before committing to a firm date and time.
 - Prof. Scott Hemphill is confirmed to speak on prescription drug competition and policy on November 10. Mr. Lindsay suggested inviting the health law section and possibly varying from our lunch format to do a breakfast program, as is their custom. The Council also discussed co-sponsoring with MIPLA. Craig Coleman will coordinate with MIPLA regarding either circulating announcement or co-sponsoring.

B. Other Future Programs: The Council discussed other future programs ideas:

- A program discussing developments in class action certification for antitrust cases. Mr. Marth spoke with Jan Evans of Robins Kaplan who is interested in the program but unable to present until at least the winter of 2010. The Council agreed to keep this in conceptual stage for another month or so;
- Mr. Lindsay stated that he received word from the Cleveland field office of the Antitrust Division that they were interested in sending a representative (Kevin Culum) to present on criminal antitrust enforcement. Mr. Lindsay suggested adding Bill Michael of Dorsey & Whitney as co-panelist, potentially along with a plaintiff lawyer to discuss the civil implications of criminal investigations. The Council discussed December 9, 2009, January 13, 2010, and February 10, 2010 as potential dates. The Council's consensus was to hold the program on one of the 2010 dates. Mr. Lindsay also discussed the possibility of doing this as part of the May program;
- Carol Peterson informed the Council that Howard Bergman will be returning to 3M in the United States as of September 1, and that he likely would be interested in participating in a program on antitrust developments in the European Union. Ms. Peterson reported that Mr. Bergman is now back at 3M headquarters but she has not been able to connect with him yet. The Council discussed the possibility of doing this event as a panel discussion and also the possibility of making Mr. Bergman the sole presenter, with a focus on in-house attorneys;
- IP/Antitrust black-letter law CLE program. The Council decided to table the black letter IP/antitrust law CLE for now in light of other programs.
- Agriculture antitrust – Mr. Sheran suggested this program as a possibility for the “CLE in a box” for MSBA’s regional annual meetings. Mr. Sheran will report to the group at the next meeting as to the feasibility of such a presentation.

VII. New Business. The Council had no significant other new business to discuss.

VIII. MSBA Section Website. The Council had no news to report on the Section Website.

IX. Future Meeting. The Council will meet next on Wednesday, October 7.

The meeting adjourned at 12:43 pm CDT.

Minutes prepared September 9, 2009 and presented by:

Ryan W. Marth
Robins, Kaplan, Miller & Ciresi LLP
612-349-0962
rwmarth@rkmc.com

**Attendees for the November Meeting of the
MSBA Antitrust Law Section Governing Council
September 9, 2009**

W. Joseph Bruckner,
Ryan W. Marth,
Richard A. Duncan,
Michael Lindsay,
Ashley Hacker,
Cathy Smith,
Matthew Ralph,
Mark A. Jacobson,
Michael Lindsay,
Carol Peterson (by phone),
Tom Sheran