

**Minutes of the Monthly Meeting of the
MSBA Antitrust Law Section Governing Council
MSBA Offices
December 1, 2010**

- I. **Attendees:** Please see the attached attendance list.
- II. **Call to Order:** The meeting was called to order at 12:05 p.m. CDT.
- III. **Approval of Minutes.** The Council approved the minutes for the October 2010 meeting of the Council.
- IV. **Chair's Report.** Craig Coleman had no new news to present as part of the Chair's Report.
- V. **Treasurer's Report.** Matthew Ralph reported that the Section's finances have not changed since the previous meeting. There is approximately \$3,200 in the investment account and approximately \$4,100 in the main account. All expenses to date have hit. Mr. Ralph mentioned that he had noticed membership dues were down from 2009 and had asked Ashley Hacker about it. Ms. Hacker had explained that, of the \$25 dues, only \$19 is for use of the section. The dues revenues reported in 2009 included that extra \$6, but not the dues reported in 2010. This change accounted for most of the difference in revenues. Ms. Hacker noted that Section membership was down 14 members but that all sections are down due to the economy. The Council discussed possible measures to increase Section membership. Ms. Hacker suggested that Section dues could be charged in lieu of program fees for the next program. The effect would be to offer a free program in exchange for membership. Mark Jacobson questioned whether this offer would be fair to those members who already paid their dues. The Council discussed this option and decided to revisit it later. Michael Lindsay asked how many program attendees are typically Section members versus non-Section members. Ms. Hacker said she did not have that information but could profile attendees to obtain it. Mr. Lindsay noted that, depending on the findings, it might make sense to lower the dues. Ryan Marth suggested a reduced rate for in-house counsel or government lawyers to encourage participation by people whose discretionary spending has been reduced due to the economy. The Council also discussed the possibility of offering free Section membership to law students or reduced dues for newer lawyers. The Council decided to revisit these issues at the end of the year. Mr. Coleman noted that Mr. Ralph had raised a question about the investment account's low earnings, but he noted that the Council had previously investigated and concluded that low interest rates are unavoidable in the current market.
- VI. **November Program Review.** Mr. Coleman thought the November class action program went very well. The audience seemed engaged and the program well-received. Mr. Jacobson asked how many people had availed themselves of the free parking option. Ms. Hacker responded that she received no reimbursement requests from the program at Robins but that she had not year heard back from the program at Dorsey. Mr Marth noted that Robins had paid for the parking of its own clients.

VII. Program Planning

A. Confirmed Programs: The Council discussed the following future programs:

- Rick Fuentes of R&D Strategic Solutions is confirmed for December 9. Mr. Coleman noted that registration to date has been light (11 total), and he encouraged everybody to get the word out. Mr. Lindsay asked whether notice had gone out to the civil litigation section, and Ms. Hacker indicated that she would do so.
- Faegre is set to host the February 23, 2011 judges' program. Mr. Ralph suggested that the judges be provided materials or topics sooner rather than later. Mr. Jacobson advocated for use of a moderator to regulate time and to introduce topics for the judge's to react to, as this method would be more interesting than listening to the judges' prepared remarks. Mr. Lindsay and Ms. Krueger agreed. The Council raised or discussed the following topics: pleading standards, trying antitrust cases, antitrust experts, summary judgment motions, whether antitrust cases are "different," and whether the 8th Circuit is anti-plaintiff? Mr. Coleman agreed to send emails regarding the identification of a moderator and topics of interest for the panel to discuss. The Council discussed ways to publicize the February 23 program to increase attendance. Mr. Coleman reported that he had contacted the FBA but had not heard back. Mr. Jacobson agreed to contact the FBA through different channels and to request the FBA's mailing list for its federal courts CLE program. Ms. Hacker said she would publicize the program through her law student distribution list. Mr. Marth said he would contact the recruitment office at Minnesota Law School. Mr. Lindsay asked whether there is an 8th Circuit bar association and suggested inviting them and offering attendance by telephone. Mr. Jacobson and Ms. Krueger agreed. Ms. Krueger suggested that the Section advertise its programs through LinkedIn, as the FBA and MSBA do so. Mr. Coleman closed discussion by noting that the Section should meet again by early February to finalize the February 23 program.
- Robins is set to host the March 22, 2010 program by Mark Tobey of the DOJ on agriculture and antitrust.
- The final program has been set for May 25. The sub-committee has been meeting to plan the program.
- Mr. Coleman noted that the Section could still offer a program by Senate staffer Marilyn Holland, subject to her scheduling issues (she can only visit when the Senate is not in session). Mr. Coleman was still trying to confirm her availability for the first week in January 2011. Mr. Marth suggested the idea of combining Ms. Holland with Mark Tobey's March 22 program. Mr. Coleman agreed to ask Ms. Holland about her availability March 22.

B. Future Program Ideas.

Mr. Coleman suggested deferring discussion of future programs to a subsequent meeting. He noted, however, that Nancy Hagerty had tentatively agreed to shepherd a Robinson-

Patman program involving perspectives from both the buyer and seller sides. Mr. Coleman also noted that a program on business review letters had been discussed and could be pursued next year.

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

IX. Future Meeting. The Council will meet next on January 12, 2011.

The meeting adjourned at 12:38 pm CDT.

Minutes prepared September 10, 2010 and presented by:

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**Attendees for the November Meeting of the
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December 1, 2010**

Craig Coleman
Ryan W. Marth
Matthew Ralph
Tom Sheran
Bethany Krueger
Mark Jacobson
Michael Lindsay
Ashley Hacker