

ASSOCIATION OF CORPORATE COUNSEL

TITLE: **Legislation: How It Impacts Your Company and How You Can Get Involved**

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PRESENTED BY: **ACC New to In-house Committee**

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MODERATOR: **Ruthe Wynne, General Counsel, A-1 Door & Building Solutions**

Operator: Just a reminder, today's conference is being recorded.

Female: Welcome to this ACC webcast.

Ruthie, please go ahead.

Ruthie Wynne: Hi, my name is Ruthie Wynne and I'll be moderating the ACC's webcast on legislation and how it impacts your company and how you can get involved. Today's webcast is sponsored by West, a Thomson Reuters Business.

And we have two presenters today. Our first will be Dan Boho. Dan Boho has a national trial mediation practice with verdicts in Illinois, California, New York, New Jersey, and Pennsylvania and appearances as pro hac Vice Counsel in 18 and different states. Mr. Boho is a Fellow of the prestigious American College of Trial Lawyers and handles high profile media intensive matters. Cranes Chicago Business in its November 15, 2004, edition featured Mr. Boho as one of six lawyers honored as Chicago's best lawyers in Chicago's Best on the Record.

Welcome, Mr. Boho, and thank you for your presentation today.

Along with Mr. Boho we also have Robert Blackstone from West Thomson Reuters. Mr. Blackstone is a manager in insights account management corporate markets. He's been with Thomson Reuters for three and a half years. He began as an inside account manager for the solo small law firms and then moved to the corporate team as the division specialist.

He was promoted to his current position in January of this year. Among other contributions, Robert has become an expert on Netscan and researching and training in the area of regulations. Robert holds a JD from Hamlin University School of Law and attended the University of Denver Graduate Tax Program. He also has a BA in history and economics from Lake Forest College in Illinois.

I am Ruthie Wynne. I'm General Counsel for Sacramento A1 Door and Building Solutions. We're the largest door supplier on the West Coast and rated top five in the nation. I also handle the government affairs portion of our business as well as the leading trade organization.

If you have any questions at any time during the webcast, please feel free to use the lower portion of the box that says chat. You can type your question at any time and we'll – hit send at the bottom and we'll try to get answers to those as quickly as possible.

With that, I'll pass this on to Dan to start his presentation.

Dan Boho: Good afternoon, or at least good afternoon for most of you. We're going to start out with why is modern building monitoring important. And actually the main reason is in case the CEO walks down the hall. The CEO, she or he, are probably looking at some of the same services you know that are available, trade groups, or a friend in the industry has just said you may want to be advised of what's going on. And he comes and asks you where are we at on legislation? There's this legislation out there that's going to affect us. So number one you want to protect your own employment, to protect your company. And more importantly, to position you in the – in the best possible way.

And there are two areas that it tends to affect most. One is your field, that is your business, the actual business you're in. And the second is just doing business as a whole, not specific to your field. In the – in your – in your business that's often something that you're going to have that's specific to what you do. It's something that I'll come up within trade organizations, manufacturers associations, things of that nature. And then, secondly, you have just doing business in the area or areas where you do things that affect all businesses within that jurisdiction. Usually it's either on a national basis that'll affect you or it'll be a particular state or a number of states where you do business.

One example, just to set it up, would be a hospital chain. In the particular hospital chain you might be doing business and in three or four states. You're going to be involved in associations and have concerns that affect you as a business, things like tort reform, Medicare and Medicaid reimbursement, things of that nature that affect your type of business. And then, secondly, you're going to be doing business in jurisdictions where the legislation affecting that jurisdiction can affect your business.

So you want to start out with – and we will on the early on talk about monitoring bills as they come through. And then we'll follow up a little later with what to do about it, when you want to participate and to what extent you want to participate. Do you want to know initially what legislation is out there, what changes are coming, what other initiatives are occurring, what initiatives are occurring in your jurisdiction, and then what initiatives are occurring in other jurisdictions so you can get a sense of learning where trends are, decide how you want to respond to it, is this something that you want to for instance, is this something that you want to shape, is this something you want to support. You may be in either an offensive or a defensive role in either of these particular situations.

So we're going to start out with looking at, number one, the bills that are introduced come on a national and state basis. There are thousands of them occurring at all times in both state and federal legislatures. They go through the committee situation. When you're looking at that, you can start out in monitoring it with looking at some of the free – and let's flip to the screen here – for some of the free Internet-based tools that you have.

These work – if you're looking at a particular piece of litigation and if you're not in a – in an emergency or a series monitoring situation – in other words, if this is casual, something that you're just going to bump into, they do work relatively well. You can do this through organizations that have an interest, your own industry organization or association. You'll oftentimes be getting

in e-mails from people in the association or organizations that you belong to. Chamber of commerce might also be a good source for you.

So let's look again at the screen as we move forward and start out with federal. On the federal end, Thomas – which is (www.thomas.gov) – is a – is a federal tool that works particularly well if you want a free service to check the status on federal legislation. It is relatively easy to use. And it's – it is in – it's in a strong format with good follow-up. However, it doesn't have an automatic alert or notification feature. So, in other words, if you are aware of federal legislation and you want to check the status of that legislation, then you can use Thomas to get into it on a federal basis. But it's not going to provide you the alerts or updates so that you can keep in tuned with it without doing it manually. So I look at this actually as more of a manual tool as opposed to an automatic tool.

On the screen now, rather than me reading them off, you can pull it, are other free federal tracking tools. So we'll take a minute if anybody wants to copy down those. You also have access to this information and this whole presentation on the ACC Web site.

So let's move forward then from the federal end and go to the state tools. We started out with there being on the free side no 50-state tool. Each of the individuals – and because I practice in Illinois, I've given you the Illinois Web site. Again, if you are looking for particular legislation that you are aware of and you want to track it by hand and you want to track it on a – on a free basis, these do work. Again, they either do not have alerts or have only limited alerts on a state end, but you can track it on the state end. There's a link towards the bottom of the sheet that gives you an ability to find a state legislative tracking feature. So if you take a look at the link right at the bottom of that state tool Web site, that will give you the ability to find an individual state and track it manually.

Also places in which you can get to it follow on the next slide. And, again, they are when you have an individual piece of legislation that you want to manually look up, these do work very effectively and they are free. But they don't have the – again, on the state basis, the same as the national with Thomas, they don't have the automatic notation features.

And then finally we're just looking at where are other sources that you can go and resources that you can use if you want to take a look at legislative tracking as it goes along. There are media monitoring services that do this. They're not particularly expensive. Some of these are on the less expensive end, some are done more effectively on a – on a joint basis. So you can use a media monitoring service. And they're just trying to – they are picking this out as a whole, but they're doing it just with searching software.

We then move to an industry association. Those can be effective when we talk about the business end. Because we talked about two particular ways that this comes about. Number one, when it affects your individual business, and that falls within the industry association. So that industry is checking for different types of legislation that will affect your type of business. Those can be very effective. And again, you're going to want to be involved in the – in the association for a number of reasons anyway. But it also does give you a good heads up on potential legislation that's coming out, it will track normally a number of different initiatives and try to find stronger suggestions out of those initiatives.

The others are political parties which have that. And we have organizations or associations next and chambers of commerce are a good example of this. And that's where the chamber is looking at the type of issues that affect business in your area as a whole. So that's more general business as opposed to things that are specific to your particular industry.

Then we move to lobbying and law firms. Lobbying and law firms can do this same thing, but their main role is to try to move the legislative issues forward. In other words, do you want to take a role with regard to the – to potential legislation. Do you want to be out there in terms of

determining legislation, shaping it? Do you want to participate – and you could bump back up to an industry association where you work with others on it – or you can go to the lobbying or law firm which might find resources that would help to move litigation forward, either proposing litigation – excuse me, I – legislation. Proposing legislation if you want to move forward with some particular initiative or working on a team or finding a way to gain assistance from others with regard to litigation that will work.

And finally we move to bill tracking services. Again, that's a less expensive way to look at this if you're going to try to use a resource outside doing this within your own organization. So these are all ways that you initially look at how do I know what's out there.

Ruthie Wynne: Dan, we have a good point from one of our listeners that the U.S. Chamber of Commerce has excellent sources on their Web site for national issues.

Dan Boho: Fantastic. And I know some of the – at least the major states do the same on the state end. So we have strong assistance both on a – on a local if you're in one state basis by the chamber of commerce and the U.S. on a national basis.

With that I'm going to transfer over to Robert, and he will tell you about the West resources with regard to this.

Robert?

Robert Blackstone: OK. Well, good afternoon. I wanted to talk specifically about a couple tools available with West and West products.

The first tool I want to talk about is our West clip service that part of West law. What the West clips allow you to do is to track and monitor issues, legislation, by creating searches and choosing jurisdictions to run those searches in. Once you have your search set up, you can get an ongoing notification from West in your e-mail or when you log in, whatever format is most convenient for you, and making sure that as something is happening on – in a topic or an area that's relevant to your organization, that you get notified. What's nice also about the West clips is that when you log into West Law after looking the notification, you'll have our fully integrated service on West Law. So as it links to other treatise material or as it links to other primary law references, you have full access to all of that material.

The databases in terms – in this area where you're tracking bill and regulation changes, we actually have dedicated databases dealing with all 50 states, legislative databases, as well as regulatory databases which will allow you to stay ahead of what's going on in those – in those jurisdictions.

When you set up the West clip – and one of the main benefits contrasting using the free sites is that if you track issues in a regional – or your company does business in a specific region or across all 50 states, you can set up those notifications to cover a few states or as many or the federal government all at once. So that you don't have to on a daily basis or go in and look to see what's going on. We can automatically notify you when those changes or when there's activity or action on topics that you care about.

Another nice thing that the West clips can do for you is that in addition to them working in the primary law databases like bill and regulation tracking, the West Clips can also be set up in industry publication databases that we have and general news databases. Sometimes we get wind of an issue because there's been an article as opposed to not seeing the legislation. So that the same West clip service that can be set up in the primary can also give you full access in news. So that like, again, if your industry is taking action and it's starting to show up in the public you know the trade publications, you can get that notification based on your terms just from those

news databases. And it can put you on a heightened alert to watch for and look for pending legislation in your specific jurisdiction.

As part of the ACC materials today that you have access to, I've actually included a document titled West Clip on West Law that takes you through the specifics of setting up the West clip and gaining the information. Another important thing to remember is to get these notifications there is no charge to get the notification. A lot of our customers will set it up in a format where it's enhanced sight list where you can see a blurb or a summary of the article or the particular bill or pending regulation and see that and decide if you need to access that, whether in a subscription or not a subscription. So it allows you to get quick access to the information, again at that point, unless you need it, not incurring any additional charge as part of your West Law plan.

((inaudible))

Ruthie Wynne: Oh, Robert, we have a question. Are there any West clip or West Law tools that would also be beneficial for international use for non-U.S. legislation that may affect multi-national firms.

Robert Blackstone: Absolutely. As part of West Law, as we've gone global with our Thomas and (Reuters) partners, we – the same West Clip functionality would allow you to search and track legislation in proposed action being taken by the Europe, by the U.K., Australia, Canada. I know we're growing our presence in China also. So, yes, definitely.

Ruthie Wynne: Thank you.

Robert Blackstone: OK. I'm going to go ahead and move the slide forward. The other service that I wanted to mention today is another West tool, and it's a separate platform from West Law. It's called Netscan. Netscan is a customized service that allows you to do searches in – on particular topics, again across all 50 states or – and the federal government or fewer states as needed. What Netscan does is it focuses on getting you the information quickly. So that if you're tracking an issue you can set up an alert, it would notify you that there were new matches in your jurisdiction on a particular topic.

You see that pending legislation or that bill has come through, then you have the ability to set up a track on that specific bill or that specific proposed legislation. You also as part – when you set up that alert, it gives you the ability to be notified when it's scheduled to be before committee hearings, it gives you all committee reports, it lets you know at every step. And, again, where the value in this service is that it's giving it to you immediately. Netscan is updated twice a day from the state legislatures. It allows you in one search to cover the whole country or the area that you need. It also can get you information faster. There are several states where it can take three to five days from the state's Web site to get it loaded up. And we've actually gone out and contracted to make sure that we can get you that information even faster.

Another important thing that Netscan offers its users, especially those people that are spending a lot of time researching their issues and need to stay on top of legislation is that we have a group of dedicated reference attorneys who will help you write your searches. So that if you know you may know what the term of art in Illinois is on a particular topic, but you may not be as sure as how – what they're using in Texas or in Florida. Our reference attorneys will do the research for you to make sure that you get the best crafted search so that you catch the issue regardless of the name they're using or the specific key term across all jurisdictions. All of their services are provided on an ongoing basis to make sure that you stay current and get the information you need.

And, again, like the West clip, you're going to get – you can set it up so that you get e-mail notification to the information. Netscan also has a service that if you have members of your group that you want to have access to the billions or the regulations you're tracking, you can set it up on a – what we call Web view that allows them to see specifically the bills you've identified as

relevant. The Netscan service will also let you put annotations and notes onto specific bills. So as your members look at it you can – or your other team members in your organization look at a particular topic they can say we oppose this bill. And you're going to see the note that says this bill attempts to change this. So that you can provide more information so that you're not re-creating the wheel each time something happens on a particular bill and communicating it out to your members or team – other team members.

Ruthie Wynne: And, Robert, is this also an international base or is it only U.S. based?

Robert Blackstone: Netscan is a U.S. based.

Ruthie Wynne: OK.

Robert Blackstone: OK? And, Dan, I ...

Dan Boho: Then a couple of other points. With our – with our services, again, you can search across all jurisdictions at once, you can get a specific format to the information so that you can get it in a timely manner. You can get e-mail alerts so that you're not needing to go onto the individual Web sites every day to find out what's going on and where those issues are. And as I mentioned, with the Netscan service specifically you get the ability to annotate your bills or the issues you track so you have reminders. And in the West clip service you have the ability to see all of the annotations and enhancements that our team here at West does as it handles specific bills. So that you get the most inter-related information that you need.

OK? And I think, Ruthie, then at this point I'm passing back to you.

Ruthie Wynne: OK.

Dan Boho: OK.

Ruthie Wynne: We're now moving now – once you've had a reason to track the pending legislation, you've found out about it, you've either through one of the West services you've done your research or used their research staff, and you know that it does affect your business and you want to know what you should do, I'm going to turn it over to Dan to go over some of the reasons of how pending legislation can affect your industry, what you should do in different areas. Dan and I will both be giving examples as we go through the slide.

Dan Boho: This is really where it gets a little more fun. The question is now that you've got an issue that comes up – and it can start out either legislation has come out or you may be in front of it, and you may be in front of it offensively or defensively. Defensively means something is occurring in the area of your business, it's a trend that's occurring, it's going to potentially come to litigation. That litigation may affect you and it may affect you negatively.

So you're now in a defensive situation where you determine what am I going to do about it, how is it going to affect my business and what will my response be. On the – and the same thing on the offensive end. You've dealt with a problem over time, you've tried to work around the problem, either by the way you've sculpted your business, if it happens to be legislation that causes litigation you have fought the issue in litigation. And you have decided you would like to now get in front of it and you would like to move forward. And in doing that you're going out to sculpt litigation – legislation. You're working either in a trade association in doing that or you're doing it yourself or you're dealing in – with some other partners NGOs, civic organizations, and other entities that have a similar interest to try to get around an obstacle to your business. So one of those two things is occurring and you're either in a defensive or an offensive posture on it.

Let's talk about trade associations for a moment. Trade associations are really good ways to deal with this, because, number one, you already have a tremendous financial advantage that you've

packaged together the resources from a – from a number of companies. It may be a sense issue on – where you may want to have anonymity. You may not want to be out in front on something and it works better to have a trade association doing something, possibly in a more effective way than you could do something alone, because you have the power of numbers behind you. But you also then don't have to be visibly in front of something if it might affect you in a negative way. So you may want to go to a trade association when you do this.

This is where law firms and lobbying firms also come in. Depending on the role you want to take and how active you want to be, you may want to go to a – to a law firm or a lobbying firm that will now look at the different trends and try to determine what efforts can be made directly or what sort of coalition can be put together to try to affect the same change.

Let me flip the microphone back to Ruthie for a minute. I don't know, Ruthie, if you have any thoughts, examples or whatever that you'd like to share at this point.

Ruthie Wynne: Sure. For those of acting as general counsels, a lot of times we come across industry questions that come up, specifically for issues that could have a direct impact on your business and you want to make some kind of impact on the legislation. Sometimes that's hard to do for whatever reasons.

You don't have the resources financially and like Dan pointed out you don't want your company's name out there opposing something ((inaudible)) here in California as a residential home builder or up against a lot of construction defect cases. And a lot of times that puts us against our own customers as well as our own trade associations and other trades. And so in trying to combat that you don't always want your name out there fighting those instances. But if you can form a coalition through the trade industry, you can sometimes, as Dan said, put all of the money and all of the resources pooled together and do a combative search or attack against whatever it is you're trying to come up.

Another issue that is more on a whole business association where you'd be using something like Cal chamber here in California or U.S. chamber, wage an hour issues that affected all businesses, and that – to make the impact against the labor side as one individual company, you probably wouldn't be able to make the strong impact. But if you joined through your trade organization or through Cal chamber or U.S. chamber, you could have a considerable impact as just lending your name as a list of business. In doing so, when you want to do those things, the other side that can have a direct impact on the legislation is contact with your legislature. If you're trying to make a change like something that affects all businesses, it's good to have in district visits with your legislative contact.

Your business might be only located in one area or one town, but that wage an hour issue is affecting the entire state as well as the entire nation. And so if you go to your U.S. representative in your district and let them know that this is affecting my district here, it puts a personal tone on it and you'd be surprised that you can get some changes done and them aware from a different aspect. Because whatever side is putting the bills forward, ((inaudible)) is for sure having that direct contact with your legislation. So if you're opposing something, you definitely want to make sure that you're having that direct legislative contact there.

And that's something that you yourself can do, take them to lunch, go out to their office. The one thing, the caveat to remember is all states have political committees that can and can't track contributions. So if you are going to meet with them and you bring up actual legislation, there's guidelines you need to be aware of as to what you're effectively lobbying, and if that is contributing a gift to your legislature. So make sure you check with either a law firm or a lobby in services on what your state allows you to do in connection with contacting your legislatures.

And that's another service where law firms can come in to help you with that so that you're not having to do that support and that research on your own. Most lobbying firms are going to know

the rules of your state fairly accurately, that they can just give you a quick question in one phone call.

And another issue that's come up here locally are – that affects everyone is push to (talk phones), if you have any kind of transportation uses where you have trucks coming out there. Most states are starting to pass hand-free cell laws for cellular phones. And if you yourself know that you're drivers are out there and you don't want them on their cell phones, this push to talk equate does that affect your business and how your trucks are communicating back to the distribution center.

So you need to make sure that there's another – that could be something else that when you look at the legislature after you've seen it pass, you want to make sure that you understand the analysis of what it – how it affects your business. And that's something else that both the West service when you go into the actual notes and the annotations on it can tell you the legislative history and the notes and how it should be applied to your business.

Dan, did you have any other further comment?

Dan Boho: Yes. Some additional thoughts on this would be you know when you first think about the legislation, you start to think, well, can I live with the status quo or not. First we started out with talking about monitoring. So you got a sense of where trends are. So you're monitoring the effect on your business and the actual business ramifications, you're talking with other in trade associations, manufacturing groups, things like that.

And then you're thinking and analyzing how much something has affected you and how change would work, either positively or negatively. And then you start to think, OK, is it – does it make financial sense for me to get involved. Is it feasible to either shape and promote legislation or fight that legislation. Does it make sense. Is it doable? Is it something that we're likely to have some level of success at? And then if it's accomplished, depending on which side you are on it, is it going to pass legal and constitutional muster. You know will there be a tax on this and what will be the affect of that.

My favorite side note on this is strange bed fellows. And that is when you go forward with legislation, you oftentimes want to put a coalition together. And as Ruthie was talking about you know going to a legislator and talking about it, there are so many different constituencies that legislators you know are – that are – that they consider important to their election and retention in office. And you will find different groups that may have major differences with one another but happen to just make good bed fellows on a particular issue. And you really to want to come in with different constituencies to kind of make this work.

So it's always a question of who else might have a particular common interest with you on this specific issue, even though you may be fighting them on five or 10 other issues. And is it – is it then a strong enough issue that would make sense for you.

Let me throw out a particular example that has had a lot of play in legislatures, and it's occurred on the national and state level, and that's tort reform. Now whether it's asbestos on a federal level or whether it's you know particular industry or whether it's the doctors have been very effective in moving tort reform forward. But you can just use that as an example of how they've used the media and they've gone through a serious media campaign to push the effect on keeping doctors within a state, that when the state regulation and the state tort laws are not friendly to doctors, doctors are leaving that state, they get on news programs, they get their own advertising out there, they advertise in their office. So you go in for a routine visit with your daughter or son for a cold or the flu or something and you know there's a note there, tort you know the importance of tort reform.

And then you look at how that affects all the business within the state and when you're going to a legislature – a legislator or before the legislature you then get together a group that shows its

effect on the economy as a whole, on the health service. So you have individuals coming in, you have the effect on children and the medical care they receive, you have an effect on the doctors themselves. And all of a sudden you start to build the pressure on legislature to move something like that forward. That's worked in the medical end, it's worked in the manufacturing end, and insurance carriers oftentimes have worked with both, hospitals on one side or the medical providing industry or the manufacturing end.

Let me send it back either to Robert or Ruthie. Any other thoughts on that?

Ruthie Wynne: Well, I would just – from our standpoint, when I'm working with a trade organization or a with my own CEO, I know that building that coalition is extremely important and you do make strange bed fellows. At times I'm calling people who are director adversaries as far as my business plan trying to get them to work on a coalition to change some form of the legislature. Whether it's drafting the legislation itself and/or opposing the legislation, we've been effective in both areas.

And at times when you're looking at your business plan and you don't want to necessarily work with certain industries, if you're a – sometimes you're against the Sierra Club as a builder and there will be times where you're actually joining together to go to the legislation to back something or oppose it. And that is extremely helpful, especially on labor side issues if you can get labor on your side and not just the unions. But there are different aspects of labor that the legislature's going to be more cohesive on. And you don't have to get every organization on your side, but if you can get one or two that's a stronger support to the legislation. And you'll have a better impact.

And also ((inaudible)) resources of your own company. I know a lot of times when – after tracking the legislation you see something that might come up and affect you, you don't have the resources financially to put on that full fledged fight and hire your own lobbying service. But when you start meeting with other industries in other areas, they might already have hired a lobbying service that then you can meet with them and meet and have meetings regarding how you want to direct that impact and lend your support and/or opposition. At times when we've been sponsoring bills, we've actually met with the lobbying side of the opposition. Because if you can clear the opposition and meet with them together and get them to remove the opposition from whatever it is you're trying to pass, then you'll have a clearer way to the legislature. Legislatures want to pass something that everybody likes. So the more of the opposition you can get rid of the better. And you can do that by using the coalitions.

Dan Boho: I can think of an offshoot on that, Ruthie, where there was pressure on the legislature to make a move that this particular legislature would not have done but for a very, very effective job by proponents building in the press and through media efforts an attempt to change the status quo and enact legislation. So there was a tremendous amount of force on the legislature to do it. And while there's you know there's no way to determine real truth here, the rumors did have it that the ultimate bill that was passed was formulated in a way because it was not something that the political party in power normal would want to do.

But they felt so much pressure that they had to pass legislation. They then actually passed it in a form that was less likely to make it through an ultimate court challenge. In other words, they got the political cover – if in fact this is true. Now, a lot of this is all just you know gossip and some of it lobbying attempts. Sometime if you're going to – if you can't keep legislation from being passed, then it has been said that there are ways to write legislation that will make it more susceptible to a court challenge. So you might actually get a legislature to do something in a way that has the least amount of ultimate success. I do not advocate that. I'm just telling you these are all of the things that occur out there when you have different influences.

But, again, I really want to push the strange bed fellows part, because when a – let's say it's a particular trade association wants to accomplish some legislation. There will be civic

organizations and NGOs out there and other – and other private groups that represent serious constituencies that are not in that trade organization at all, are not particularly involved with a specific product. But whatever it is you're trying to pass that legislation, it may have an effect on this group. And they can be a tug at the heart strings group that you want to add in. They definitely – it may have an ultimate effect on them. And that's where the lobbying firms and law firms are pretty good at trying to find coalition building for this.

You know MADD is good example of that. You may have legislation, seatbelt legislation. You may have airbag litigation, move the – child seat to the backseat. And a trade organization may ultimately start with that. But I'm just using that as an example. They may go to MADD and say, OK, we want to show the effect on families by auto accidents, and would you testify or would you go to hearings, committee hearings on passing legislation involving some change to either seat belt or moving child seats to the back.

So it ultimately usually starts with somebody with a financial interest, and you bring in these other organizations. Which then gives you a very well rounded shot at trying to move something forward.

Ruthie Wynne: Dan, we have a question if whether or not – I know you have a lot of experience in your practice in dealing with high publicity cases in your litigation practice, and can you recommend a media relations publicly – publicity service that doesn't involve a lobbying service or a law firm that you've had – used in your past.

Dan Boho: One outfit that I have found on a – on a major basis to be particularly effective is (Dillon Schneider). (Dillon Schneider) oftentimes gets called in with there's been a catastrophic event where a situation has to be dealt with in the press, and (Dillon Schneider) deals particularly well with that.

So if anybody needs individual – and there are other outfits that I think are good depending on where exactly you're going into the media. But (Dillon Schneider's) just an example of an outfit that thinks about the overall affect, the holistic effect of either legislation or a severe incident or a severe emergency on the – on the health of your organization. So they look at it from a media end, they look at it from anything else that has to be done in dealing with a usually emergency type situation, or it can be a longer term problem that can effect the entity.

And that's a good question, because it also makes you think about what do you need a media firm for and what is your media support system in a company. Because you really have two types of problems that you want to have media resources for. One is your emergency team. The moment some shock hits the – hits with a force on your organization, you want to be ready. And this is where you want your legal team available and you want your media team ready to sit down and respond both from a public relations standpoint, but also a legal standpoint, because you have to be careful. Things that may sound like a good idea from a – from a media and public relations standpoint have to be put together with the legal affect. So you work properly with both of them.

But that's – on one hand you're using them in an emergency situation and you really want the team ahead of time so that you can get to them in an emergency setting and you have them ready. And the other is what we're talking about here, which is usually a longer-term battle. You're looking at legislation of some type, probably because the status quo has such an effect on your business, or again if you're in a defensive end there's legislation being proposed which could have a series effect on you. You want to be ready if you have sufficient size to have your media and your legal team together so that each doesn't step on the toes of the other.

Ruthie Wynne: And do you know if there's any services similar to tracking services aside from actual firm – media relation firms.

Dan Boho: No. On that end I'm really used to either the media monitoring services that will monitor any particular incident, and they have the same thing, or bill tracking services. In the – in the legislation end you have bill tracking services, you have media monitoring services, and then you have lobbying firms or law firms that can do that for you. In the emergency situation, your emergency response team, that basically is either a media or image sculpting firm. And I think a Dillon Schneider, for example, is more of an image sculpting situation as well as your law firm. So they may not be the exact same team, but the concept works very much the same way of putting public relations together with legal exposure.

Ruthie Wynne: And at this time we have about 10 minutes left in our presentation if anybody – we'd like to open it up to question and answers session. If there are any additional questions, specific questions, you can go ahead and type them in the chat box and hit send and we'll go through those at this time.

And, Dan, one other question along with this in your experience of dealing with media relations and public opinion and – in your legislation – I mean in your litigation practice. When you're dealing with the trade organizations as well as the legislation, is there a way that – is there – how do you handle that specifically as far as organizing your time and effectively putting your time and base to keep it all together, I guess.

Dan Boho: I really look at the trade organization as a resource so that you go fully armed with all information that you can possibly have behind you. Because whenever you go to the media you, A, number one ahead of anything else must be credible. But when you do that – the first thing I do if the media has come to me on a particular incident, I ask what they want, what information they're seeking, what is the story about and what information are they specifically seeking from me. I usually try to then say, OK, I will contact you back. What's your deadline? And give me an opportunity to look into the information you want and tell me what your deadline is so when I need to be able to respond to you in time. And then I have the opportunity to talk with my client to gather information and work with any team member if we have a response team.

I then go back – and my usual practice is to get an agreement that whatever I say is off the record. And then I'm – then I give them whatever information and have a free flow of information up and back off the record. Then I ask them what is it you need on the record, or if I'm comfortable with the things that were asked and discussed can be on the record I then say – I either withdraw the off the record stipulation and you can use this or I ask is there any part that you specifically need. And by the time they finish a call with you they are likely down to two or three quotes.

So they can tell you the specific things that you want. If you do that and ask that and give the specific things back they want to use, they're usual giving you the quote back. So you have one more shot at whether you're comfortable with that quote or not. Oftentimes you will be or oftentimes you'll say you know let me re-word that a bit, and you've got a chance to re-sculpt that.

The only difference really between legislation and litigation on media is the timeframe. In litigation or a disastrous situation you usually have the clock is ticking and it's ticking very quickly. In the – in the legislation you usually time and you can move more slowly.

Ruthie Wynne: We have a question. How do you enforce the off the record stipulation when you're handling it in the manner you just described?

Dan Boho: I have found that for the most part reporters have been pretty good about keeping – first of all there is no way to do it because you won't know whether or not the reporter will hold to the agreement until it either hits the paper or it doesn't. But I just have to tell you my own experience has been particularly good that if they say it's off the record, it is off the record. Usually I've been able to give them either the ability to use the statement without attributing it to me so it doesn't go for attribution.

So they get the ability – first of all, you can tell them its background only. That way they can use it in the story, so they're able to understand the full side and get the other side of the story out. The next is you tell them you can use it but you can't attribute it to me. So it's not for attribution. So they then get to quote a source, an unnamed source so they get the quote out there. And then finally you can just say I withdraw any stipulation and you can use that.

You start to get to cable shows and the more sensational media, that's where it's going to get a little dicier. The standard news sources, the major newspapers and the major TV channels, whether it's on a national basis or on a local basis is pretty good. Cable or others and you start to get as little iffier.

Ruthie Wynne: And we have the same question is do you think it's a better way to think that whatever you're saying is on the record to be safe.

Dan Boho: You know what, I suppose to some extent, yes, that's true. Yes, that is good advice. But you really have to be able to have a free flow of information. Because once you've been contacted, if you're not the one starting the news or sculpting it and it's come to you, it's likely going to get published in some format. And you really want to be able to have enough communication with the other side to get – to learn what it is they're trying to say so that you have an opportunity for an effective comment back.

But you always want to word it as carefully as possible. It's probably the best preventive medicine you can do is say things that are – that are somewhat careful. But on the other hand, I'm very big on – and have been quoted on using what I call flesh and blood responses that are very human in nature as opposed to the PR styrofoamy things you know that just sound very lawyerly. They really want it to sound like it's got a good human angle to it. And there's usually a great human angle or a commonsense angle to both sides of almost any issue.

Ruthie Wynne: Well, we have about five minutes left of our presentation, and I wanted to wrap some of the key points on how this legislation is important to us as general counsels. One, you should be able to know what's impacting your business so you can report to your board if you're – or your CEO and be able to respond to it effectively. You need to be able to make changes into your own business plan and/or your own policies within your company. A good example of that is you know the hands-free cell phone laws that have been passed.

And once you've been able to site – track those bills, using the services to keep on tool with West Clip and – West Clips and Netscan so that you know what's coming up, when it's available. And the use of your trade organizations and other organizations to combined your resources together and make a larger impact on one area that you may want to effect a change. The services provided through Netscan and West Clip can save your company quite a bit of money and time. As you know all of our time is spread thin and the more you can get in a – in one area and let them do the research for you, the more time you have to then make those personal calls to other – people who might be on your side to form those coalitions. And you can go armed with information that's readily available as opposed to trying to find all that information. By the time you find all that information, do the research yourself, it might have already gone to committee and out to a vote and you weren't able to take the time to form your coalitions to make effective change.

So do we have any additional questions that would like to come in before we go ahead and wrap up?

Dan Boho: As you're doing that, let me make one more comment. When you're dealing with the press, if it's a newspaper you usually have time to come up with a proper quote. So when you call back, before you do, write out the two, three quotes of your main message because you have the opportunity to do it. On the other hand, if you're interviewed on camera, because it's a TV

setting, there they almost never use a question and answer. So you almost – although you're concerned with a question – somebody throws a really bad question at you, when you watch the clip it is almost always the speaker giving an answer and not the question. So you always think, well, don't worry quite as much about the question, worry about whether it's a well formed answer.

The last is I had a question for Robert, if I may. And that is FASB is now look at some significant change to its regulations on accounting reporting. That's not legislation. Do you deal with that, Robert, because that's something that I think could affect all corporations that have reporting requirements. And if FASB is going to have a significant change, people are going to watch that. Because I know the ABA and State Bars are all trying to weigh in on that.

Robert Blackstone: We definitely do. You – with the West Clip service, the databases that you would most likely want to take advantage of with that kind of change or with that topic is we have groups of databases based on areas of law. So we have scholarly accounting databases, journals that track the industry. We also have in our news databases ABA decisions and policy statements. All of those are services that are part of West Law that the West Clip functionality can be attached to. So definitely you can stay on top of those issues with West Law and West Clips.

Female: It looks like those are all the questions we've had coming in today. So I'm going to turn it back over to our panel I guess to go ahead and wrap up the program.

Ruthie Wynne: OK. As far as if you look on to the links portion of your – there's an evaluation for the webcast. We'd appreciate before you sign off if you could open the webcast and fill out an evaluation. There's also a spot where it says presentation slide. You can go ahead and print those out for your benefit. It has all of our e-mails on it. If you have specific questions that pertain mostly to something you wanted specifically answered and not in general, feel free to e-mail any of the participants on the panel. As well as our bios are also listed that you can print out.

For Dan, you have his contact information. If you'd like some more information, as well as Robert, that can give you specific information for your company as how West Clip and Netscan can help you in the future.

Male: Thanks for listening. Thanks for the questions. And if you would please fill that form out, we appreciate that because it gives us the opportunity to serve you better in the future.

Male: One final thing on the West Law materials. There's actually one of the links gives you a how-to if you do have West Law already and would like to set up a West Clip. There's a guide to actually setting them up on West Law as part of that links you have access to. And thank you very much for your time.

Ruthie Wynne: And I'd like also to thank you for your time. As the moderator I will close the call.

Female: Thank you to our audience. You may now disconnect.

END