Who’s in the House? The Changing Role and Nature of In-House and General Counsel
WISCONSIN LAW REVIEW Symposium
Nov. 18-19, 2011

Program
10/19/11

Friday, Nov. 18th
Location: Town Center Forum and South Atrium
8:30-9:00 Continental Breakfast and Registration in South Atrium
9:00-9:15 Welcome and Introductions
Welcome:
Program Chair Jonathan Lipson (University of Wisconsin Law School)
Dean Margaret Raymond (University of Wisconsin Law School)
Liz Sanger and Nate Inglis Steinfeld (Wis. Law Review Symposium Editors)

Introduction of Distinguished Symposium Fellow
David Ruder (Northwestern University School of Law)

9:15-10:00 Keynote Address: “Hiring Teams, Firms, and Lawyers: Evidence of the Evolving Relationships in the Corporate Legal Market”
David Wilkins (Harvard Law School)

10:00-10:30 Refreshment Break in South Atrium

10:30-12:00 Session #1: The Changing Economics and Division of Labor between In-house Counsel and Outside Firms
Chair: Jonathan Lipson (University of Wisconsin Law School)

Presenters:
R. Thomas Howell, Jr. (American Bar Association)
“Changes in In-house Practice”

Larry E. Ribstein (University of Illinois College of Law)
“In House Counsel and Law’s Information Revolution”

Commenter:
Jerome D. Okarma (Johnson Controls, Inc.)

12:00-1:15 Networking Lunch for panelists and all registered attendees.
Location: Town Center South Atrium
Session #2: The Role of the In-house Counsel at Startups and Technology Firms

Chair: Cheryl Rosen Weston (University of Wisconsin Law School)

Presenters:

Darian Ibrahim (University of Wisconsin Law School)
“How Do Start-ups Obtain Their Legal Services?”

William C. Stone (Outside GC LLC)
“The Rise of Entrepreneurial ‘Outsourced General Counsel’ Firms”

Michael Falk (Wisconsin Alumni Research Foundation)
“Issue Spotting: Helpful and Less Helpful Counseling of Early-Stage Companies”

Commenter:
Matthew Neco (Docstoc, Inc.)

2:45-3:00 Short Break in South Atrium

Session #3: The Managing General Counsel and Quality Control
Part 1: Control, Oversight, and Ethics

Chair: Anne Smith (University of Wisconsin Law School)

Presenters:

Lawrence A. Hamermesh (Widener University School of Law)
“Who Let You Into the House?”

William H. Simon (Columbia Law School)
“Is There a Quality Movement in Law?”

Eli Wald (University of Denver Sturm College of Law)
“In-House Diversity and Discrimination”

Commenter:
Jolene Yee (E. & J. Gallo Winery)

4:30-5:00 Refreshment Break in South Atrium
5:00-6:30  Session #4: The Managing General Counsel and Quality Control
          Part 2: Managing Crises and Ethics

Chair: John J. Huber (FTI Consulting)

Presenters:

Deborah A. DeMott (Duke University Law School)
“Responding to Scandal: The Position of General Counsel”

Donald C. Langevoort (Georgetown University Law Center)
“Getting (Too) Comfortable: In-house Lawyers, Enterprise Risk
and the Financial Crisis”

Steven L. Schwarcz (Duke University Law School) and
Kathleen G. Cully (Kathleen G. Cully PLLC, New York)
[Coauthors with Shaun Barnes]
“In-house Counsel's Role in the Origination of Mortgage-Backed Securities”

Commenter:

Thomas P. Newman (AIG, Inc.)

6:30  Break for walk to Union South (across the street).
Reconvene in the Varsity Room (2nd floor). Dinner beverage service begins at 6:45.

7:00-8:30  Conference Banquet – Union South Varsity Room (2nd floor)

7:00-8:00  Dinner for panelists and those who have registered for dinner.
8:00-8:05  Introduction by Jonathan Lipson
8:05-8:30  Keynote Address by Cynthia M. Fornelli
           Executive Director, Center for Audit Quality
           “In-house Counsel and the External Auditors – a Powerful Alliance”
8:30  Adjourn

Saturday, Nov. 19th

Location: Town Center Forum and South Atrium
8:30-9:00  Continental Breakfast and Conversation in the South Atrium

9:00-10:30  Session #5: In-house Counsel in Transnational Firms and Emerging Economies

Chair: John Ohnesorge (University of Wisconsin Law School)

Presenters:

Sida Liu (University of Wisconsin)
“In-House Counsel in State-Owned, Foreign, and Private Enterprises in China”

David Wilkins (Harvard Law School)
“Is the In-house Counsel Movement Going Global? Assessing the Role
of Internal Counsel in Emerging Economies”

Commenter:

Christoph Henkel (Mississippi College School of Law)
10:30-11:00 Refreshment Break in South Atrium

11:00-12:30 **Session #6: Special Issues for In-house Counsel in Multinational Corporations: The Foreign Corrupt Practices Act (FCPA) and Ethics**

Chair: Jason Yackee (University of Wisconsin Law School)

FCPA Overview: Mike Koehler (Butler University)

Presenters:

Daniel C. K. Chow (Ohio State University Moritz College of Law)
“China Under the Foreign Corrupt Practices Act”

Mike Koehler (Butler University)
“Revisiting An FCPA Compliance Defense”

Andrew Brady Spalding (Chicago-Kent College of Law)
“The Impact of FCPA Enforcement on Business Practices in Developing Countries”

Joseph Yockey (University of Iowa College of Law)
“FCPA Settlement, Risk-Aversion, and Internal Strife”

Commenter:

Stephanie A. Lyons (Northwestern Mutual Life Insurance Company, Inc.)

12:30 Break for walk to lunch at Union South

12:45 **Lunch and Plenary Speaker** – Union South Varsity Room (2nd Floor)

12:45-1:40 Lunch provided for panelists and all registered attendees.

1:40-1:45 Introduction by Jonathan Lipson

1:45-2:10 **Closing Keynote Address by Gail A. Lione**
Retired Executive Vice President and General Counsel, Harley-Davidson, Inc.
“A View from the Outside: Progress and Partnerships”

2:10-2:15 Closing Comments: Jonathan Lipson
Adjourn