

# AGENDA ITEM

**MARCH 143**

Litigation Section International  
CLE Program

**DATE:** February 4, 2008

**TO:** Board Committee on Planning  
Board of Governors

**FROM:** Tricia Horan, Manager  
Section Education & Meeting Services

**SUBJECT:** Litigation Section International CLE Program

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## **EXECUTIVE SUMMARY**

The Litigation Section Executive Committee would like to expand their CLE programs abroad and offer an international education program in a different part of the world each odd numbered year. As litigation originating in foreign venues is increasing and to better represent and advise clients faced with litigation in foreign jurisdictions, the Litigation Section Executive Committee feels it is important to have an understanding of those jurisdictions - their culture, their litigation systems, how the courts function and how to work within their legal community.

## **BACKGROUND:**

The Litigation Section has successfully sponsored the "Week in Legal London" educational program since 1988. The London program, which now includes the Oxford component, is offered every other year, and will continue to be offered each even numbered year.

The Litigation Section Executive Committee would like to expand their CLE programs abroad and offer an international education program in a different part of the world each odd numbered year. As litigation originating in foreign venues is increasing\* and to better represent and advise clients faced with litigation in foreign jurisdictions, the Litigation Section Executive Committee feels it is important to have an understanding of those jurisdictions - their culture, their litigation systems, how the courts function and how to work within their legal community.

The Executive Committee believes there is not only a need for such a program, but there is also a strong interest. Many of the participants in the London and Oxford programs have asked if we would consider programs in other parts of the world. Since we began discussions of such a program, there has been a very strong interest among our Section

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\* In a November 25, 2006 article in the Wall Street Journal, Stephen Dillard, global chair of the litigation department at Fulbright & Jaworski, reported on a survey of 310 in-house counsels. A third of the respondents said that at least 20% of their litigation now originates in foreign venues.

members. We would also open the program to all members of the State Bar of California, as we have done with the London and Oxford programs.

The development of the first international program in Asia was authorized by the Litigation Section Executive Committee at their January, 2007 meeting. After much study, and with consideration of available resources, Hong Kong and Singapore were selected for the first international program, which they hope to launch in the fall of 2009.

Hong Kong is the gateway to the Chinese Mainland. With economic opportunities in China steadily on the rise, Hong Kong has proven to be an effective business platform for small and medium enterprises in the United States to enter the vast Chinese Mainland market. As the U.S. gateway to the Pacific, California is the definitive position from which businesses can capitalize on these business opportunities in China.

Singapore remained the 15<sup>th</sup> largest trading partner of the United States and became the 9<sup>th</sup> largest export market in 2006, according to U.S. Census trade data. Singapore was home to the world's busiest container port in 2006.

Singapore is one of the most highly developed and sophisticated industrial, commercial, financial and consumer economies in the world, with a per capita GDP of more than US \$30,000. More than 1,500 U.S. firms operate in Singapore and many have their Asia Pacific overseas headquarters there.

Because both Hong Kong and Singapore have predominately English speaking courts, it is easy for Americans to function there. An additional attraction is that much of our program is based in the local courts. The courts in both countries are a blend of UK procedures and local codified law (PRC and Muslim).

It is envisioned the first international program will consist of three days in Hong Kong and two days in Singapore. The Litigation Section has significant contacts in both cities and several California law firms have offices in Hong Kong and/or Singapore, and have offered to be of assistance to the Section.

Subject to the approval of the Board of Governors, the Litigation Section Executive Committee has approved the formation and development of the international program, to start with Hong Kong/Singapore. The Litigation Section has an existing committee that is responsible for planning the London and Oxford Programs each even numbered year, and this committee will be responsible for the development of the international program each odd numbered year.

The attached development budget of \$19,700.00 approved by the Executive Committee includes pre-planning in California and a site visit to the venues by three key persons to inspect and evaluate hotel accommodations, court facilities, lecture facilities, dining and banquet facilities and potential transportation problems. The committee will also be responsible for developing relationships with local court officials, judges, attorneys and potential speakers. This is the heart of the program.

## **DISCUSSION:**

The Litigation Section has a 20-year successful track record with planning, producing and facilitating CLE in London for members of the State Bar of California. The Executive Committee is seeking the approval of the Board of Governors to expand the Section's CLE abroad programs and proceed with their plans to develop an additional international program each odd numbered year, starting with a Hong Kong/Singapore CLE Program. The London Program is a bi-annual event that provides CLE for 60 members and 30 guests.

The Section will work with State Bar staff and will follow established, ongoing procedures that have worked well for the London and Oxford programs, and were previously approved by the Board of Governors.

However, the Office of General Counsel and senior staff, in addition to recommending Board approval of the initial exploratory expenditure also recommend an alternative resolution that requesting a follow-up report from the Litigation Section representatives after the exploratory visit to advise the Board Planning Committee about the final program plan. Also in reviewing the proposed budget the Office of General Counsel recommends removing the \$300.00 line item for gifts.

A disclaimer, approved by State Bar General Counsel, will be contained in all registration material published by the Section, as it is with the London and Oxford programs. In addition, each program participant will be required to execute a Waiver of Liability and Hold Harmless Agreement, also approved by State Bar General Counsel.

## **FISCAL AND PERSONNEL IMPACT:**

There is no impact to the General Fund. The cost of the Hong Kong/Singapore CLE program will be borne by the registration fee charged to participants. Any development and program expenses not recouped by registration revenue will be covered by Section funds. The use of State Bar staff to develop the program and travel with the exploratory teams is an extraordinary use of time and resources.

### **International Education Program Development Budget**

The proposed development budget includes pre-planning in California and 10 day a site visit to the proposed Asian venues by the development team consisting of three key persons to develop and strengthen relationships with local venue hosts, court officials, judges, attorneys and potential speakers. The development team will also inspect and evaluate potential venues, hotel accommodations, dining and banquet facilities, court facilities, lecture facilities, and potential local transportation problems.

Communications (Telephone, FAX, Postage)	\$ 500.00
Pre-Planning & Site Visit	
Airfare (3 X \$1,600)	\$4,800.00
Ground Transportation (Taxi, Train, Bus)	\$ 600.00
Hotel Accommodations (10 nights X3 @ \$210)	\$6,300.00
Meals (10 X 3 @ \$70)	\$2,100.00
Relationship Development and Business conferences	\$3,000.00
Event Management Agency Fee	<u>\$2,400.00</u>
	\$19,700.00

**BOARD BOOK / ADMINISTRATIVE MANUAL IMPACT:**

There is no impact to the Board Book or the Administrative Manual.

**RULE AMENDMENTS IMPACT:**

There is no impact to the Rules.

**PROPOSED BOARD COMMITTEE RESOLUTION:**

Should the Board Committee Planning, Program Development and Budget Committee agree with the request of the Executive Committee of the Litigation Section, the following resolution would be in order:

RESOLVED, upon the recommendation of the Executive Committee of the Litigation Section, the Board Planning, Program Development and Budget Committee recommends that the Board of Governors approve the Litigation Section new CLE International Program, with the first program to be offered in Hong Kong/Singapore, provided that (1) each program participant execute a Waiver of Liability approved by General Counsel; and (2) a disclaimer approved by General Counsel be contained in the registration materials published by the Litigation Section.

**PROPOSED BOARD RESOLUTION:**

Should the Board of Governors agree with the recommendation of the Board Planning, Program Development and Budget Committee, the following resolution would be in order:

RESOLVED, upon the recommendation of the Board Planning, Program Development and Budget Committee, the Board of Governors hereby approve the Litigation Section new CLE International Program, with the first program to be offered in Hong Kong/Singapore, provided that (1) each program participant execute a Waiver of Liability approved by General Counsel; and (2) a disclaimer approved by General Counsel be contained in the registration materials published by the Litigation Section.

**ALTERNATIVE PROPOSED BOARD COMMITTEE RESOLUTION:**

RESOLVED, upon the recommendation of the Executive Committee of the Litigation Section, the Board Planning, Program Development and Budget Committee recommends that the Board of Governors approve the travel budget for the development team to Hong Kong and Singapore, with a follow-up report by the development team before final approval of the expanded program is considered.

**ALTERNATIVE PROPOSED BOARD RESOLUTION**

RESOLVED, upon recommendation of the Board Planning, Program Development and Budget Committee, the Board of Governors hereby approves the Litigation Section travel budget for the development team to Hong Kong and Singapore, with a follow-up report by the development team before final approval of the expanded program is considered.