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FOCUS

President's Message

Mark Rogers

Many thanks to Snell & Wilmer for the articles in this quarterly newsletter. The firm has been a sponsor of the chapter for many, many years, and we are pleased to have them back again as a Gold Sponsor!

As I write this message, we have just kicked off our 2011–2012 CLE year, and as in the past few years, we have a full calendar of excellent programs already selected for you. Also as in past years, we are continuing the schedule of two programs per month, one on the first Thursday of the month and one on the third Tuesday of the month. In part because of the strength of our membership (and your attendance at programs) and in part because of the support of our sponsors, we are able to continue to offer the programs on the first Thursday of the month as free programs to you. In addition, these first Thursday programs are members-only events so they are excellent peer networking events,

but register early, as space is limited.

In an effort to continue to offer the best CLE programs for in-house counsel, we have also started providing evaluation forms at our meetings. We have limited the form to *just three questions* and a space for comments so it's quick and easy to provide your input on the quality of programs.

An update on membership — at last count, we are at 317 members. However, we know that there is room to grow, so please continue to recommend membership to other eligible in-house counsel. Some membership benefits you can talk about, in addition to the benefits of our local meetings, are all of the resources available on ACC's website. For example, ACC offers a series of Leading Practices Profiles (based on research and interviews with Legal Departments) to help you tackle practice and department management issues, and in June of

this year, ACC released a number of leading practices profiles covering Crisis Management and the Role of In-House Lawyers, Contract Management, and Sustainability and Compliance.

These leading practices profiles can be found on the website at: <http://www.acc.com/legalresources/Leadingpracticesprofiles/index.cfm>

This year we are welcoming new members, new Board members, new officers and new sponsors into the Arizona Chapter. This is an exciting time for the chapter, and I am very excited about the year to come. Please take part by coming to meetings, and watch for invitations to some special events throughout the year.

I hope to see you at an upcoming meeting soon.

Revenge of the Value Champions

By Amar Sarwal, ACC Vice President & Chief Legal Strategist

Do you remember the end of the iconic movie, *Revenge of the Nerds*, when Lewis takes the mic from Gilbert and suggests that more of us are nerds than jocks? The pretty cheerleader exclaims she's a nerd too; most of the crowd joins Lewis, Gilbert and his nerd fraternity brothers in an effort to end nerd persecution, and the familiar strains of "We are the Champions" begin to play. Well, that cinematic moment was one of the formative experiences of my youth (I didn't get out much) and it came to mind when I was thinking about ACC's new [Value Champions](#) program, our new initiative to identify and celebrate law department and law firm leaders who incorporate value practices into their legal projects.

*I've paid my dues/Time after time
I've done my sentence/But committed no crime
And bad mistakes/I've made a few/I've had
my share of sand kicked in my face -
But I've come through*

Three years ago, ACC challenged the legal community to embrace [value practices](#) that are commonplace in every service industry, save one. While we heard some folks sing their hosannas, there were, and still are, folks who believe that the legal services industry can remain the same and still meet client expectations. Like the dinosaurs that were unaware of the meteor, the firms and law departments that continue with the old business model will not find the future climate hospitable. Wait a sec. Wrong analogy. Like the jocks who thought that they would continue to rule the campus on their terms. Sorry about that.

But, like Lewis and his new self-proclaimed nerd supporters, those of us implementing change are in a growing group. In fact, outside and inside counsel who focus on value practices, such as effective project management, value-driven fee arrangements and continuous improvement, are fast becoming the norm, not the exception. And, that's what the Value Champions program is all about. We'd like to shine a spotlight on them, so that the world can see their accomplishments and learn from them.

*I've taken my bows/And my curtain calls
You brought me fame and fortune and
everything that goes with it/I thank you all
But it's been no bed of roses/No pleasure
cruise
I consider it a challenge before the whole
human race/And I ain't gonna lose*

Of course, some value practices are easier than others. Some of them require the simple application of business principles from other industries. And, we want to identify and celebrate individuals who have employed those practices, because we believe their accomplishments can be replicated by our members and the rest of the legal community. But, of course, some projects are harder, more complex and more frustrating at times, because the ideas animating them are so novel. Think of the nerds' effort to beat the jocks in the fraternity competition. So, we'd like to celebrate innovative strategies as well. If you've tried something novel *or* something more garden-variety, please let us know about it. Our only requirement is that the submitted project has reduced legal spend, increased predictability and/or reduced the unwelcome types of legal issues confronted by the company over time.

*We are the champions - my friends/And
we'll keep on fighting - 'til the end
We are the champions/We are the champions
No time for losers
'Cause we are the champions - of the world*

Our deadline for submission is March 15, 2012. If you're in the legal community and you've ever cared about value enough to incorporate it into your day-to-day practice, turn up the volume on Freddie Mercury's classic and [join us](#) and submit a [nomination form](#). The legal services industry just won't meet client expectations until value persecution ends. We look forward to hearing from you.

ACC Value Champions Celebrate Value Champions

ACC Value Champions are law department and law firm leaders who have made great strides in improving the value of legal spending. By implementing pricing and other management practices advo-

cated as part of the ACC Value Challenge, you could be recognized as an ACC Value Champion.

Eligibility

- Law department leaders can be nominated (or self-nominate) for in-house team projects that did not involve a law firm or firms.
- Law department and law firm leaders can co-nominate firm/client partnerships.
- ACC membership or sponsorship is not required.

Demonstrate Your Leadership

Whether you achieved great results on a single matter, or over a multi-year, multi-dimensional effort, just define the scope and duration of the project and tell us about the results you achieved and how they were measured. For example, you can highlight results measured year-over-year, relative to hourly-based pricing, against an industry benchmark, and/or any other relative metric.

The story is important. Let us know what management tactics you used, bearing in mind that there are many ways to drive value. Innovation and collaboration (whether internal or between clients and firms) are also important, as is creating programs that others can replicate. If you have used or developed tools, templates, or dashboards, please share them as well.

Honors and Recognition

If selected, you will receive public recognition for your innovation and success. You'll receive an engraved, crystal "trophy," media exposure, profiling in ACC's member publication, *ACC Docket*, and the opportunity to present your value initiatives as part of an ACC educational program.

Process and Timing

Nominations are requested by March 15th. A panel of ACC staff and [ACC Value Challenge Steering Committee members](#) will review the nominations, and will contact nominees if additional information is needed. The ACC Value Champions will be announced in Spring 2012.

Arizona Will Audit Certain Organizations Engaging in Political Activism

By Kory A. Langhofer, Craig R. McPike and Michael T. Liburdi

Last week, the Arizona Secretary of State's office announced that it will begin auditing statewide and legislative "independent expenditure committees," that engage in political activism without registering as political action committees ("PACs"). If the Arizona Secretary of State determines there is reasonable cause to believe an organization improperly failed to register as a PAC, it will refer the matter to the Arizona Attorney General for enforcement.

Arizona law generally requires an organization to register as a PAC if its "primary" purpose is to influence elections. In identifying an organization's primary purpose, authorities consider all the facts and circumstances rather than fixating on any one factor. Authorities consider, for example, the percentage of expenditures devoted to political advertising, the topics discussed at organizational meetings, the amount of time and attention the organization invests in non-political activities and the goals listed in the organization's founding documents. No one factor, taken alone, determines whether an organization is required to register.

If an organization is required, but fails, to register as a PAC, the consequences can be severe. State authorities can fine the organization up to three times the value of its pre-registration income and the Internal Revenue Service may impose back taxes and fines on the organization's pre-registration income. If an individual or the organization intentionally avoids PAC registration and/or payment of taxes, they may be prosecuted criminally.

Despite the serious consequences for failing to register as a PAC, most organizations engaging in political speech do not register. For most unregistered organizations that engage in political speech (for-profit corporations, for example), registration is clearly not required because political activism is not the organization's "primary" purpose. For many other

organizations engaging in political speech (non-profit policy and social welfare groups, for example), political activism is very closely tied to organizational goals and objectives — but such groups commonly choose not to register as PACs because the law requires registered PACs to (a) limit their involvement in certain important activities, such as lobbying; (b) devote significant resources to preparing and filing financial reports and (c) publicly identify their sources of income, which often deters donors who for social, business or political reasons do not wish to be publicly and permanently identified as sponsoring an organization that at times takes controversial positions.

From the government's perspective, registration as a PAC and the financial disclosures that registered PACs must make on a regular basis help prevent political corruption and assist voters in assessing an organization's credibility and/or bias. This view, which is very widely held by state, federal and local elections regulators, appears to be motivating the Arizona Secretary of State's audit plans.

An organization targeted by the audits could face ruinous consequences if, after investigation, the government concludes that the organization improperly failed to register as a PAC. To avoid such consequences, an organization may be able to advance a number of legal defenses, depending on the circumstances, such as the following:

- **Lack of Jurisdiction.**

Targeted organizations may be able to challenge the authority of the Arizona Secretary of State to conduct the audits. Arizona statutes generally entrust election law investigations to the Arizona Attorney General, not the Arizona Secretary of State; and, so far, the Arizona Attorney General has not indicated whether his office plans to participate in the audits.

- **Sufficiency of the Evidence.**

Because so many factors must be taken into account in identifying an organization's primary purpose, an organization may be able to argue that, notwithstanding certain evidence consistent with the applicability of the PAC registration requirements, there is not "a preponderance of evidence" to establish a violation of the PAC registration requirements.

- **Unconstitutional Vagueness.**

Because the First Amendment protects political activism, the government cannot punish individuals or organizations for conduct related to political activism unless, before such conduct occurs, the government provided clear notice that the conduct was illegal and could be punished. So, even if the Arizona Secretary of State determines that an organization improperly failed to register as a PAC, the organization may be able to avoid fines and sanctions by arguing that the law defining its "primary" purpose and the registration requirement were insufficiently clear and do not support penalties for any conduct occurring before such determination.

- **Selective Enforcement.**

The U.S. Constitution prohibits the government from singling out for political reasons any particular individual or group when enforcing the law. Although the Arizona Secretary of State has initially indicated that it will conduct audits on a random basis, any defects in its process for random selection may bar subsequent enforcement actions.

If you have any questions about the content of this legal alert, you may contact the author or another Snell & Wilmer attorney by email or by calling 602.382.6000.

Protecting Your Inventions in China — Considerations Related to Chinese Patent Law

By James J. Zhu, Ph.D., J. Damon Ashcraft and William F. Mulholland, II

China has the world's second largest economy. Few businesses would turn away from its practically limitless potential, or so it would seem. But many do, avoiding this market altogether, or more commonly merely tiptoeing into the market with an effort that pales in comparison to other regions, such as Europe, the Americas and other Pacific-Rim countries. Intellectual Property is often cited as the main barrier to entry for many such businesses and unfamiliarity with the Chinese legal system is chief among the cited concerns.

The other major concern, of course, is enforcement. The statistics concerning Chinese counterfeits are staggering. In 2010, illegal exports from China and Hong Kong accounted for 80 percent of all seizures at U.S. ports, with a total value of \$1.1 billion. Further estimates provide that 20 percent of all consumed goods inside China are also counterfeit. Despite these sobering numbers, improvements continue. The enforcement side of China's legal system, however, is left for another article. Here, we discuss the patent aspects of China's Intellectual Property system, because clearly, without first obtaining Chinese-based Intellectual Property rights, one does not even have the luxury of worrying about enforcement.

For example, a U.S.-based business with facilities or manufacturing contracts in China is entirely vulnerable to counterfeit production of its products for eventual sale locally in China and exportation abroad. A Chinese patent may be an important means available for effectively minimizing this vulnerability. U.S.-based patents do not offer suitable protection here—these instruments only protect against infringement in the U.S. and against importation of infringing products made abroad but imported into the U.S. No protection, however, is afforded against infringement in China or exportation to other countries. So, if a U.S.-based business is concerned about having exclusive rights to its invention anywhere outside the U.S., a Chinese

patent should be considered a key piece in the business' overall global patent strategy.

Key Differences Under Chinese Patent Laws

Key differences between U.S. and Chinese patent laws should be understood. These include differences in what subject matter is considered eligible for patent and what subject matter is *per se* excluded; China's first-to-file system vs. the U.S.'s first-to-invent system; curtailment of the U.S. 12-month grace period for filing patent applications after public disclosure; and the existence of lesser "utility model" or "petty patent" forms of patent protection offered in China.

Patentable Subject Matter

In general, the U.S. has a much broader definition of patentable subject matter when compared to China. Domestically, patent protection can be extended to software, designs, business methods, certain asexually reproduced plants and genetically modified plants and animals. China, on the other hand, excludes transgenic plants and animals and human embryonic stem cells; methods of diagnosis and medical treatment claims also are not permitted unless such claims are re-written in specific formats. Further, Chinese courts generally do not regard business methods as patentable. For example, a recent court case involving a business method patent owned by Citibank resulted in one of Citibank's patents being invalidated as directed toward unpatentable subject matter.

As such, an initial point of inquiry when considering a Chinese patent filing is whether an invention might be categorically excluded subject matter and whether a qualified patent attorney might help claim additional aspects of the invention, which may avoid these exclusions.

First-to-File v. First-to-Invent

Like most countries in the world, China is a first-to-file country, meaning that whoever is the first to file the patent application

will be granted the patent rights and no rights will be granted to a later filer. The U.S., however, is a first-to-invent country¹¹, meaning that whoever is the first to conceive the invention and reduce it to practice is deemed the first inventor, irrespective of the patent filing date, in most circumstances.

This can mean that a U.S. applicant, relying on first-to-invent rights, can be scooped by a second patent filer in China when that second patent filer files before the U.S. applicant, either in the U.S. or in China. Small businesses and universities often wait to evaluate commercial potential before incurring the cost of a U.S. filing. However, waiting in the U.S. can have serious repercussions in China and elsewhere. Recognition of this key difference and an early filing strategy can help minimize this potential pitfall.

Grace Period

Another key difference is the U.S. grace period—a generous feature of U.S. patent law that affords applicants a one-year period after first disclosure or public use of the invention. China, as well as most other foreign jurisdictions, is not as forgiving—any disclosure prior to filing a patent application generally voids one's opportunity to obtain patent rights. Common activities such as advertising, offers for sale, display and disclosure in trade or scientific journals in the U.S. merely starts the one-year clock ticking—while those same activities will forfeit patent protection in China. Again, recognition of these aspects and appropriate adjustment of commercialization strategies, where applicable, can help avoid this trap.

Chinese patent law does provide limited exceptions to this general rule: (a) disclosure of the invention in an 'international exhibit' organized or acknowledged by the Chinese government; or (b) disclosure in a Chinese government acknowledged academic or technological conference. Under these limited circumstances, China affords

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a six-month grace period to file a patent application.

Since the exceptions in China are very limited and the grace period is only half as long as it is in the U.S., any disclosure prior to filing an application could be fatal to a successful attempt to obtain a patent in China. Therefore, the most conservative approach would be to file a patent application before any such disclosures are made. Fortunately, China is a signatory to certain international patent treaties that allow a filing in the U.S. to have effect in China provided that a Chinese patent application is filed within certain time frames and claims priority to the earlier filed U.S. application.

Specifically, the U.S. and China are both signatories to various treaties that allow applicants to file in the U.S. and then file in China within one year of a U.S. application filing date. The filing date in China is then tied to the earlier U.S. date. Another option is to file an international PCT application^[2], which enables applicants to subsequently file a national application in China up to 30 full months after the earliest filing date associated with the application. However, it should be noted that even if an applicant can take advantage of one of these treaty options, the applicant will still likely need to file an application in the U.S. or abroad before making any such public disclosures noted above.

Utility Model

China also employs lesser-forms of patent protection known as “utility model” or

“petty patent” patents. While unfamiliar to most Americans, utility model patents are widely used by Chinese applicants. They are utilized for inventions having only minor or incremental improvements to existing products — mostly in the mechanical arts and may not be used for process-based inventions. A utility model application is not subject to substantive examination, on average, and is usually granted within nine to 12 months after filing. They are subject to a 10-year patent term rather than a 20-year term for typical patents. Among the over 1 million patent applications filed last year in China, over a third were utility models.

Benefits of filing under the utility model framework include reduced application costs and pendency times. Once granted, these utility model patents still enjoy full patent rights, including a right of enforcement. One of the most notable patent infringement cases in China involved a utility model patent granted to a Chinese company, Chint Group (Chint). *Chint v. Schneider Electric*. Chint sued Schneider for infringement asserting over \$40 million in damages. The case was settled for approximately \$20 million in 2009, proving that utility model patents can have significant weight in Chinese courts.

An applicant taking advantage of a utility model patent does not necessarily forfeit access to traditional patent rights in China. While a utility model application and a regular patent application covering the same invention may not both be granted, a later-granted traditional patent can be requested to replace an earlier-granted

utility model patent. This way, an applicant may still enjoy a full 20-year term of patent protection should a traditional patent application also issue.

Thus, there are significant differences in Chinese and U.S. patent law related to patentable subject matter such as, who is awarded a patent (first-to-file v. first-to-invent), the availability and length of a grace period and type of patent protection available. Recognizing these key differences can help in developing a patent strategy in China, the U.S. and in other countries; and more importantly, increasing the chance of enforcing patent rights in China against infringers.

Notes:

[1] Legislation is currently pending that could move the United States to the First-Inventor-to-File system. [\[back\]](#)

[2] A “PCT Application” is an application filed under the Patent Cooperation Treaty. [\[back\]](#)

Editor’s Note: For this article, Damon Ashcraft and William Mulholland collaborated with James J. Zhu. Mr. Zhu is a partner at Jun He Law Offices and practices in the intellectual property area. Mr. Ashcraft is an attorney and Mr. Mulholland is counsel at Snell & Wilmer L.L.P. Jun He Law Offices and Snell & Wilmer are members of the Lex Mundi association of law firms—an association of 160 member law firms around the world, with a collective total of 21,000 lawyers to collaborate with one another.

Counsel on the Hot Seat: Managing Internal Investigations

By Barb Dawson and Joe Adams

Introduction

In the current climate of increased federal and state governmental regulation, the expectations of corporate leaders are on the climb. When faced with allegations of wrongdoing, corporations are under increasing pressure to initiate internal investigations and to take action to remedy the situation. With greater obligations in handling investigations, corporate counsel often take on the role of traffic cop: coordinating an internal investigation, keeping key stakeholders informed, and making sure that the situation is resolved. This article provides a look at the anatomy of an investigation, with a focus on the role of in-house and outside counsel as a resource to properly evaluate allegations of wrongdoing, support the investigation process, and develop findings that will be respected under scrutiny from the wide variety of audiences ultimately interested in the matter, including regulators, employees, shareholders, auditors, and even competitors. Conducted properly, an internal investigation can be an important tool in resolving claims of wrongdoing and in minimizing exposure in litigation.

What prompts an investigation?

Reports of possible wrongdoing can arise in a variety of ways: a whistleblower's complaint or a *qui tam* claim; a shareholder lawsuit or demand; an inquiry or investigation by a governmental agency, such as a State Attorney General or the Securities and Exchange Commission; a notice from outside auditors; or any other harbinger of potential misconduct.

Even before "Occupy Wall Street" made the news, regulators have been experiencing pressure to take corporations to task. Further, new regulations implementing the Dodd-Frank Act encourage whistleblowers to report misconduct by authorizing monetary awards of 10-30 percent of sanctions levied by the SEC in certain cases. These outside pressures and new regulations increase the need to handle these allegations appropriately, and in-house counsel's role in compliance areas is correspondingly expanding. The ability to manage

the investigative process under pressure will increasingly bring value to in-house counsel's role and its organization.

Who should be involved?

As noted above, in-house counsel has no easy task in managing the intricacies of an investigation. An early decision point is whether to involve outside counsel or whether to conduct the investigation internally. Some factors that may heighten the need for involvement of outside professionals are the extent to which allegations the company's financial statements, the involvement of senior management, and potentially intentional misconduct. In many instances, hiring independent counsel garners favor with regulators and courts, and independent counsel's investigation may be given greater weight in determining whether the company or the board has met its responsibilities. *See, e.g., In re Bausch & Lomb, Inc. Sec. Litig.*, 592 F. Supp.2d 323, 343 (W.D.N.Y. 2008) (dismissing securities fraud complaint and observing that the board's audit committee immediately launched an independent investigation when an employee reported misconduct). In many instances, regulators have insisted that companies not only perform internal investigations, but also have investigations supervised by an independent firm. The involvement of outside counsel also may help avoid a conflict of interest or perceived lack of independence, which could taint the investigation led by in-house counsel, business people, or the board alone.

An investigation conducted by the board of directors, as opposed to company management, also usually involve outside counsel. Responsibility for an investigation directed by the board of directors is often delegated to a board committee, such as the Audit Committee or a special committee formed for that purpose. The committee, in turn, is able to retain outside professionals who will advise the directors and perform investigative work under the direction of the committee and the board. *See, e.g., In re Par Pharm. Inc.*, 750 F. Supp. at 647; *In re Oracle Sec. Litig.*, 829

F.Supp. 1176, 1189-90 (N.D. Cal. 1993). Depending on the nature of the investigation and issues involved, it may be advisable to retain other specialized outside professionals, such as forensic accountants or IT professionals.

As the investigation proceeds, in-house counsel plays a key role in arranging for access by the investigators to the company personnel and documents. In addition, many company employees will have important roles in a director-led investigation. As the investigation gets underway, it is critical to take steps to preserve all relevant documents and data. In-house legal counsel is often a primary contact in communicating with the company employees involved and working with the company's IT staff to ensure that key data is preserved. The investigative team should develop a strategic plan for investigating the underlying issues, meet with employees to obtain all relevant documents, and ensure that documents are appropriately retained.

Finally, third parties may also monitor or take an interest in the investigation as it proceeds. Again, in-house counsel can ease tensions here. If an investigation is initiated at the direction of outside auditors, they will often request updates and will want to understand the process. Likewise, if the investigation was prompted by a governmental or regulatory inquiry, the government will also be interested in being kept apprised of continuing developments. Sharing information with these stakeholders is best done at an early stage in order to respond to their questions and incorporate their concerns into the investigation as it proceeds. An investigation that does not respond to these concerns may have to be repeated, which would not only lead to increased expenses, but may undermine the company's position with these parties.

What is the process?

Typically, in-house counsel want to ensure a proper process to protect the integrity

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and usefulness of an investigation. A key component in the process is making proper use of the attorney-client privilege. Whether a privilege can be asserted to protect the investigative work and findings will depend on how the investigation is handled and its scope. The following process provides a general road map:

1. Document preservation: Immediately implement the company's document retention policy and ensure it functions as intended; suspend any routine document destruction.
2. Preliminary "document interviews": Identify the issues presented, individuals with relevant knowledge, and potential document sources.
3. Document collection: Work with IT staff and data collection, including e-mails and imaging hard drives.
4. Document review: Review appropriate hard copy documents and electronic data, including e-mails.
5. Witness interviews: Address key documents and facts with witnesses.
6. Conclusions: Prepare findings and share conclusions with directors and advisors, and any other appropriate audiences.

As the investigative proceeds, it is crucial to keep everyone apprised of proper roles and scope. All attorneys, whether in-house or outside, must clearly inform witnesses that the attorneys are representing the board or the corporation, not the witnesses, and that the information discussed may be disclosed to third parties. This so-called "corporate Miranda" disclosure protects the company from a witness who later asserts that he or she

thought that the attorney was representing the witness or that no disclosure to third parties would occur. The risks of being unclear with witnesses and other stakeholders can be severe, and may imperil the entire investigation. In a recent case, for instance, a witness claimed that he believed the board's lawyers were also acting as his personal attorneys. A court later accepted this statement and held that the board and its attorneys should not have disclosed information from this witness to the government, a decision that resulted in serious consequences for the board and its attorneys. *See U.S. v. Nicholas*, 606 F. Supp. 2d 1109 (C.D. Cal. 2009) (referring law firm to state bar for disciplinary action where firm had no written record of the corporate Miranda admonition to director), *rev'd on other grounds by United States v. Ruehle*, 583 F.3d 600 (9th Cir. 2009). Likewise, keeping the proper scope of the investigation in mind will focus the investigative team, properly direct forensic experts, and save both time and money.

What is the end result?

While no two investigations are identical, and particular facts and issues should drive the specific approach, a common general pattern for investigations has emerged. At the conclusion of the investigation, the investigative team will present their findings to the persons or board committee that initiated the investigation. The findings may be presented in a variety of ways: a written report or outline, an oral presentation, or a combination of oral and written report. The specific form of the findings will depend on a variety of factors, including the nature of the inquiry and findings, whether the findings will also be presented to third parties, and

considerations of potential litigation. The investigation's findings may also be shared (in whole or in part) with auditors, regulators, or the market. In-house counsel will need to understand the consequences of each step in the process in order to best preserve a good record and present the results to the many interested audiences, such as through press releases, public disclosures, and other communications by the company and board.

By focusing on having the right parties take the right steps in the right order, company counsel "on the hot seat" will substantially increase the probability of a successful investigation that can withstand subsequent scrutiny.

Barb Dawson frequently assists corporations and their boards in investigations involving whistleblower and government claims, restatements and audit issues, and allegations of employee misconduct. Barb co-chairs Snell & Wilmer's Commercial Litigation Practice Area and has 20+ years of experience with complex-business litigation matters. Joe Adams is a partner at Snell & Wilmer, with more than a decade of experience in the areas of commercial and intellectual property litigation. He has assisted numerous companies and boards in coordinating investigations and resolving matters raised by the SEC and other government agencies.

Board Members and Contacts

President

Mark Rogers

Associate General Counsel and Assistant Secretary
Insight Enterprises, Inc.
480.333.3475
mark.rogers@insight.com

Vice President

Robert Longo

Vice President & General Counsel, Western Group
Waste Management, Inc.
480.624.8417
rlongo@wm.com

Secretary

Gary Smith

General Counsel
Phoenix Engine Services
602.284.7491
audric@cox.net

Treasurer

Kelleen Brennan

Attorney/Chief Privacy Officer
Wolters Kluwer Pharma Solutions
602.381.9129
kelleen.brennan@source.wolterskluwer.com

Board of Directors

Catherine Brixen

James Curtin

Margaret Gibbons

David Glynn

Kevin Groman

Robert Itkin

Mary Beth Orson

Steven Twist

Cyndy Valdez

Chapter Administrator

Karen Rogers

PO Box 32491
Phoenix AZ 85064
accarizona@yahoo.com

ACC News

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Show the C-Suite You Know Value

Develop techniques to effectively structure value-based fees and drive efficiency at ACC's Legal Service Management Workshop (February 28–29, 2012, Dallas, TX; or May 2–3, 2012, Minneapolis, MN). At this two-day, intensive executive workshop, through a blend of instruction and business school style case analysis, you will learn to improve value in legal spending and develop skills to thrive professionally. Space is limited to 50 law department and law firm leaders in each workshop. Learn more and register at www.acc.com/legalservicemanagement.

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