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our chapter board: DoQuyen Nguyen (BankAtlantic), Carmen Irizarry (Carnival Cruise Lines), Helen Franco (Concord Camera Corp.), and Fredrick Perry (Alliance). We are very excited and fortunate to have each of you on the chapter board and look forward to working with you.

Best wishes to all for a very happy and healthy 2006! I look forward to meeting you at an upcoming chapter event!

### ACC South Florida Chapter 2006 Upcoming Events

**April 29** KIDS in Distress Walk

For more information on upcoming programs, go to the chapter webpage at [www.acca.com/chapters/sfl.php](http://www.acca.com/chapters/sfl.php).



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## James E. Hurley President's Message

On behalf of the board of directors of the Association of Corporate

Counsel South Florida Chapter, I would like to wish you all a very happy new year! Your chapter board is committed to building on our accomplishments of 2005, with the clear goal of making 2006 our best year ever!

To this end, we have planned a myriad of activities for 2006 that are specifically tailored to meet your needs as both in-house attorneys and members of the South Florida community. A glimpse of upcoming events from the 2006 calendar is included in this newsletter. Our full 2006 programming includes a wide-array of CLE, social/networking, diversity, and community service events.

As I write this article, our February 8 KING TUT event has already sold out. This event offers the perfect blend of a CLE, cocktail/social hour, and a tour of the fabulous King Tut exhibit. Many thanks to Arlene Finkelstein for creating this event and making it a huge success!

On March 4, we will hold our annual networking, diversity, and fundraising

event, ONE NIGHT IN LAS VEGAS. This event will feature a mock casino, celebrity impersonators, roving entertainers, a silent auction, Vegas-style buffet and lots more! Our featured charity for the event is Take Stock in Children ([www.TakeStockinChildren.org](http://www.TakeStockinChildren.org)), an outstanding program that matches bright students from low-income families with mentors and college scholarships. We will also contribute a minority law scholarship to St. Thomas Law School. To learn more about this event (and to purchase tickets!), please visit the event website at [www.ACCSouthFlorida.com](http://www.ACCSouthFlorida.com). Don't miss this one!

In an effort to provide more opportunities for informal interaction among our members, we have loaded our 2006 programming with networking and community service events. On April 29 we will field an ACC team to participate in the THIRD ANNUAL WALK FOR KIDS IN DISTRESS. This is a great opportunity to get out and exercise with your colleagues while raising money for this very worthy charity for abused and neglected children. To learn more about Kids in Distress, please visit [www.KidsinDistress.org](http://www.KidsinDistress.org).

As you can see, your chapter board really is committed to offering more

opportunities to interact and network with your colleagues in 2006. Stay tuned for future announcements of great events in all our quarterly newsletters.

I would like to express our sincere appreciation to Arlene Finkelstein for her many years of valuable service as a member of the chapter board (and as a great past chapter president!). Arlene will be greatly missed on the chapter board but we expect to see her often at our upcoming events, especially since she will now have more free time on her hands!

I would also like to extend a warm welcome to the following new members of

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# Privacy Issues at the Front of Corporate Counsel's Agenda

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Privacy issues are at the top of everyone's agenda these days. Constitutional privacy concerns dominate the headlines. Every time you go to the doctor's office, you sign the ubiquitous HIPPA form, authorizing the limited distribution of your medical information amongst the insurers and healthcare providers you rely upon. You worry that giving out your phone number or email address, or making an online purchase will subject you to numerous and often offensive invasions of your time and resources, and potentially expose you to a greater risk of identity theft. Even the Bush Administration spends a significant portion of their time defending against charges of civil liberties violations involving government wiretapping, the appropriateness of expanded subpoena powers under the Patriot Act reauthorization, and the government's campaign against pornography by monitoring citizen's navigation of the Internet.

For corporate counsel, regulation of data privacy increasingly plagues their workplace. Issues that used to be the specialized province of only a few industries (such as banking/financial services and Internet companies) are now standard requirements for companies in every sector of commerce, in both the public and private company sectors, with business and legal departments large and small. Virtually everyone who touches your company passes personal information to the company, and the company in some way or another manages or distributes that information, internally or externally: information about customers, employees, suppliers, third parties, and even shareholders.

Who has access to your company's records containing "private" information, and how it is used, protected, and further disseminated is not only important to your records managers and IT staff, but to you, as legal counsel and risk manager for the company. Clearly communicating organizational policies for the collection and use of information, establishing and monitoring the success of systems and processes in place to provide security and safeguards, and giving people choices about how their information may be used and how they would like to be contacted, are basic considerations that counsel must look at when developing and evaluating privacy and data protection programs.

And if your company does business across a number of borders, you have the added complexity of understanding how other countries' regulation and underlying privacy philosophies will affect your company's policies, procedures and compliance in any number of jurisdictions. What works in Canada may not be sufficient in Europe; presuming that compliance with US law will forge policies that can be universally helpful may plunge you into tremendous trouble in the Pacific Rim. Just to give you a for

instance, recently, companies that are publicly traded in the US who had developed policies compliant with Sarbanes-Oxley whistleblower rules (regarding the establishment of confidential helplines) ran afoul of recently announced regulations in France and German labor court rulings that suggest that such systems violate local/EU data privacy rules.<sup>1</sup>

So who's got you covered, especially if you're not a specialist in this field and don't even fully understand what your exposure is, nonetheless your companies policies and procedures should entail? Why, ACC, of course!

ACC's newest leading practices profile on data privacy ([www.acca.com/protected/article/data/lead\\_privacy.pdf](http://www.acca.com/protected/article/data/lead_privacy.pdf)) provides an outstanding overview of the issues you need to understand at a broader level, and then insights into how to drill further into the specifics that affect you and your client. Leading practices profiles (generally available at [www.acca.com/vl/practiceprofiles.php](http://www.acca.com/vl/practiceprofiles.php)) examine issues of concern to law departments and their clients, not with a legal analysis, but with a focus on benchmarking how a sampling of companies from a range of industries, department sizes, and geographic locations have handled the matter from a practical standpoint. So you see how to do it and we provide a resource bibliography at the end of the profile that provides links to educational material with background analysis you may want to delve further into.

Organizations featured in the data privacy practice profile describe practices and approaches for working through the matrix of varying and changing requirements — across multiple jurisdictions — for developing and integrating policies and practices with systems and security features deemed critical features for the organizations profiled. In addition, organizations in the profile describe the importance of playing an advocacy role in helping to shape emerging requirements and implementing proactive policies to ensure that privacy and data protection considerations are included as part of the larger company's business process evaluation.

Featured in this Profile are initiatives implemented by: American Society of Association Executives; eBay; FedEx Corporation; HP; International Association of Defense Counsel; a Fortune 500 Global Company; and a National Healthcare Professional Association. The profile also features the thoughts of Trevor Hughes, executive director of the International Association of Privacy Professionals (IAPP)<sup>2</sup>, on international data sharing and data flow, the emergence of a connection between privacy practices and return on investment/corporate brand value, and on regulatory and jurisdictional fragmentation of requirements affecting privacy and permissible communications channels. Also shared are his views on leading edge practices in privacy and data protection and IAPP's certification program.

**Leading Practices: Organizational Design:** Representatives inter-

viewed emphasized the importance of management and leadership support as a key success factor for program implementation. While some of the organizations have program structures that include a Privacy Office or Privacy Department with a Chief Privacy Officer or leader with some similar title, others described program practices that may be championed by leaders within their organizations even though the leaders do not have privacy or data protection as part of a formally recognized title or portfolio component. Representatives for some organizations also described important interfaces and collaborative efforts between privacy and data protection professionals and other professionals within their organizations, such as the law department, information technology, security, corporate or government affairs, the law department, and others.

Summarized below are some organizational design characteristics described by the featured organizations.

**Global Privacy Office or Department:** Three of the organizations described having a global privacy office or department. Two noted that the global privacy office/department was part of the organization's law department; one shared that the leader of its global privacy office reports organizationally to the group leading its corporate social and environmental strategies, which is part of the corporate affairs group.

**Chief Privacy Officer/Privacy Officer/Data Protection Director:** Several organizations described having a position held by an individual considered to be on point for leading the organization's initiatives in the area of privacy and data protection. In two of the organizations the person holding this position is a lawyer.

**Customer Privacy Director; Employee Privacy Leader:** In addition to having a Chief Privacy Officer, one organization described having individuals in these roles who report organizationally on a dotted line basis to the company's CPO. The Customer Privacy Director and the Employee Privacy Leader each lead global networks of privacy professionals around the world who focus on privacy and data protection initiatives in their respective substantive areas (e.g., customer privacy or employee privacy).

**Business Group Point People:** One organization described having individuals around the world who are designated as being on point for privacy and data protection-related issues or program components for their regions or businesses.

**Global Security/Information Technology Professionals:** Some of the organizations described important roles played by professionals within these departments as part of the organizations' overall privacy and data security practices.

**Government Affairs:** Some of the organizations described key roles played by individuals

within their government/regulatory affairs groups. These roles include advocacy and communications on proposed and emerging legal and regulatory requirements.

**Legal Privacy Group:** One organization described having a Legal Privacy Group that consists of lawyers for the company's Chief Privacy Officer, Customer Privacy Director, Employee Privacy Leader as well as three regional privacy counsel and additional lawyers around the world with responsibility for supporting privacy and data protection initiatives.

**In-house lawyers play key roles:** Several of the organizations described the important roles played by in-house lawyers as part of their overall approach to supporting and implementing privacy and data protection initiatives.

**Divisional Vice Presidents lead initiatives:** One organization described leading roles played by divisional vice presidents within the organization.

**External resources:** Some of the organizations described seeking guidance on privacy and data protection program components from outside counsel or other resources. (A list of recommended resources is included in the profile.)

**Practice Highlights:** Each of the four companies and three associations we profiled shared information on types of privacy and data protection practices they are implementing. Listed below are some practice highlights from their programs.

**Companies**  
**Global Master Privacy Policy/Core Privacy Principles:** Some companies described having these types of enterprise-wide policies in addition to online privacy statements.

**Online Privacy /Data Protection Policies:** Companies described having policies that apply enterprise-wide. They also described privacy policies posted on their websites. In addition to customer-facing and web-user privacy policies, some companies described internal corporate privacy policies and employee privacy policies and practices. One company provides links to company privacy statements for over 67 countries in which it does business. (Examples of privacy policies from participants in our profile are included in the resource section of the document.)

**Privacy Central Website:** One company has developed a customer-facing website page that includes information on privacy practices and links to the company's Core Privacy Principles, Privacy-related policies, and policies of subsidiaries and joint venture companies around the world. In addition, the Privacy Central Website includes links to: a notifications preference page to decide how to be contacted, a chart showing how personal information may be used, information on spam and how to minimize it, and other privacy web links.

**Product Compliance Reviews/Privacy Impact Assessment Tool:** Several companies described

having processes for evaluating proposed business and/or web site changes to determine and address possible impacts and issues relating to privacy and data protection. (An example of a product compliance privacy review checklist is included in the resource section.)

**Due Diligence Initiatives/Business Partner Strategic Planning:** Several companies described processes for performing due diligence, including pre-acquisition due diligence, pre-connectivity due diligence, and business partner/strategic evaluations. (Ditto on sample checklists.)

**Systems & Security Layers:** One company described layers built into its information systems to help provide security and gated access to information by restricting access based on whether customers or employees are seeking the data, and then designing system layers or gates for data that needs to be accessed by employees in different positions as part of their jobs.

**Customer Contact Preferences:** Some companies described practices allowing customers to choose the extent and medium (e.g., fax, email, phone, direct mail, etc.) of contacts. An example of a Notifications Preferences web page may be accessed via link in the Resource List in Section IV of this Profile.

**EU Data Protection Compliance Approaches:** Companies described different approaches for achieving compliance with the EU Data Protection Directive. These approaches include self-certifying with the EU Safe Harbor Principles, using model contracts or clauses, and developing Binding Corporate Rules.

**Privacy Innovation Award:** One company has developed an annual award program that honors a recipient for two sectors—the commercial sector and the government/non-profit sector—to recognize global leadership and innovation in the area of privacy.

**Monthly Multi-Disciplinary Meetings:** In one company, representatives from a number of internal departments for this company in the US, including Information Security, Internal Audit, and Physical Security meet monthly to discuss emerging requirements, current issues, and company initiatives relating to privacy and data protection.

**Employee Monitoring Practices:** Some companies described practices to inform employees of workplace monitoring. Practices vary based on employee location around the world and include communicating relevant policies to employees, and may include requesting an acknowledgement of receipt of the policy, asking for consent, or incorporating notice and acknowledgement as part of dissemination of the overall Code of Conduct. (An example of a monitoring disclosure and consent form is included in the resources section of the profile.)

**Employee Directory Practices:** One company described measures in connection with its worldwide employee directory and noted that

choices are generally given to the employee concerning whether to include certain types of personal information, including photographs.

**Employee Training:** One association described training sessions on its practice manual, noting that staff members receive training on policies during employee orientation, divisional staff meetings, and whole staff meetings. To help reinforce the importance of these policies, Divisional Vice Presidents play a key role in providing training.

Data privacy concerns have likely already impacted your company: some concerns you are probably aware of, but others you may not even fully understand or anticipate yet. ACC encourages members to contact us with additional information about your company's policies and best practices that we can share with others, and to use our resources to find out more about issues that you may not have yet grappled.

In the meantime, please continue to watch for information on the issues we're currently developing responses to, such as those confronting companies that are subject to Sarbanes-Oxley regulation, but doing business in the EU where Sarbox whistleblowing program requirements may cause conflicts with European member state regulation. And also stay tuned as ACC continues its work as a member of a coalition of business and legal groups that have been pushing for increased reform of the business records provisions of The Patriot Act, which subject businesses to potentially overly-broad and ill-defined subpoena demands for business records by the government.

All that said, I'd WELCOME your calls and comments! After all, and as you well know, if you can't call your general counsel, who can you call? Feel free to email me at [hackett@acca.com](mailto:hackett@acca.com).

1. Please note that ACC is working with the ACC-Europe and the Greater New York Chapters to develop resources and potential commentary that would help resolve this matter. Watch ACC Online ([www.acca.com](http://www.acca.com)) for news on this front in the coming weeks. The point, however, is that while this situation may be resolved favorably, the larger question of how frequently such jurisdictional regulatory collisions will arise in the future is one that we will likely see again and again in the future, with companies caught as the monkey in the middle.

2. The International Association of Privacy Professionals is the world's largest privacy organization of privacy and security professionals providing education, networking, and certification opportunities to its more than 1500 members worldwide. In addition to its daily eNewsletter, *The Daily Dashboard*, IAPP's website includes an electronic library with links to resource documents from IAPP educational programs and a webpage with links to additional internet resources on privacy and data protection. IAPP also sponsors a privacy professional certification program and has tested and certified over 300 professionals. Additional information on IAPP may be found on its website at <http://www.privacyassociation.org/>.

## Process Managing Electronic Discovery



By Karl Schieneman, Esq./MBA  
Vice President  
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2004 Ernst & Young Entrepreneur  
of the Year



The severity of sanctions and problems with the electronic discovery productions in a spate of recent cases might cause in-house lawyers and law firms to begin to question if the best methods for handling electronic discovery matters are

being observed. This article will focus on how some companies are re-evaluating their electronic discovery processes in light of the pressures caused by electronic discovery.

Some of the challenges frequently cited by parties who have faced electronic discovery are the difficulty in locating electronic records, the lack of filing systems for electronic records, getting business people in companies to diligently attempt to locate their responsive records, employees who feel that by deleting or hiding electronic records, they might be helping their case or individual situation, and communication errors associated with trying to get larger organizations to change course to appropriately address an electronic discovery issue. Ineffective document management processes was one of the key findings by Cohasset Associates, 2004 Electronics Records Management Survey co-sponsored by ARMA and AIIM. This study revealed among other things that 41% of records management professionals surveyed found their record management programs either marginal (18%) or fair (23%), the lowest two results on a five point scale. Surprisingly, 47% of the surveyed record management professionals said electronic records are not included in their retention schedules.<sup>1</sup>

Part of the problem might also be that electronic discovery is so dissimilar from traditional law firm practice

involving individual lawyers or small teams working to advise clients on legal issues. However, electronic discovery is not a task your “grandfather’s law firm” would have undertaken. Law firms who handle sophisticated electronic discovery matters with voluminous amounts of electronic records realize these types of projects put a strain on resources and require skill sets in management and technology know how that are generally not part of a law school curriculum. In addition to the challenges identified above, law firms face many other practical pressures in electronic discovery, including assisting clients with pulling the records and maintaining them without altering or losing them; selecting the best technology for retaining, searching, analyzing, coding, redacting and producing the electronic records; and determining how to staff and manage these projects in an efficient and effective manner. So when issues arise with these tasks, there may be a void of management experience which makes it not only difficult to manage such a process, but even more difficult to spot problems quickly and change the process if required.

There seems to be emerging from companies actively evaluating electronic discovery a recognition that companies need to take control of their electronic records in general and establish processes and practices that support litigation and electronic discovery. These companies understand that establishing processes and practices dealing with electronic records for only one case is foolish, given that electronic discovery is here to stay. According to Fred Egler, Chief Counsel - Litigation at PNC Bank, “companies must find their own solutions for managing their electronic information instead of relying on outsiders and also set the tone for their processes to their outside electronic service providers.” Egler added, “[t]his is extremely important because while most companies have not yet experienced how painful the electronic discovery process can be, given cases like Morgan Stanley and Zubulake, it is likely that electronic discovery will become a normal occurrence for many larger companies.”

According to Jim Michalowicz, Litigation Program Manager at Tyco, a company’s obligation for electronic discovery litigation or any complex litigation is to “set the tone and own the process, define it, and get their service providers to consistently get it.” Michalowicz has broken the litigation document management process into seven steps: 1. Define & Refine, 2. Identify, 3. Preserve, 4. Collect, 5. Convert/Index, 6. Review, and 7. Produce. In this process, it is interesting to note that the outside law firm is often only primarily responsible for the first step and then works in tandem with the company and selected service suppliers for achieving the last six steps. Michalowicz suggests the reason for this evolution is “companies are recognizing the benefits associated with a consistently applied document discovery process to minimize or eliminate the risk of discovery abuse allegations.” Michalowicz added, “[l]aw departments can fully appreciate how re-engineered processes can lead to efficiency and also the reduction of risk.”

The approach suggested by Michalowicz is echoed by Kevin Esposito, Director of Electronic Discovery at Pfizer, Inc. Pfizer has become very “hands on” in electronic discovery from the selection of technology, “taking an active role in vetting the attorneys who will handle the review,” and even establishing a document review center where electronic discovery projects are managed.

One company which has been chipping away at the management of electronic discovery and complex litigation for the past four years is Nationwide Mutual Insurance Company. Joseph Kasouf, Senior Counsel at Nationwide reflected that before their process of taking discovery in-house was started, “there was no consistency in reviews, accuracy was not always great, and document reviews were very expensive.” Kasouf has stated his objective is to “manage discovery from beginning to end.” By controlling

the process, Kasouf’s group has saved tens of millions of dollars over the past four years and received positive attention throughout the company.

The evolution of companies taking control of electronic data is viewed positively by many law firms who have experience with electronic discovery. James Daley, a partner in charge of electronic discovery at Shook, Hardy and Bacon LLP believes that e-discovery difficulties are often a symptom of inadequate records retention policies and processes. Daley observes that “Recent court rulings demonstrate companies must be able to locate and produce relevant electronic information.” Daley further notes that

“Consistent electronic records retention programs can help companies significantly reduce costs, as well as avoid discovery sanctions.”

In conclusion, electronic discovery has put new pressures on the legal field perhaps like no other force impacting the legal industry. It is an evolving field as both companies and law firms seek to identify the best methods for approaching electronic discovery projects. The recent spate of headline-generating decisions only further highlights the need for the legal industry to continue working on developing effective tools and processes to handle these types of matters. Companies taking pro-active steps to manage their electronic documents as well as the electronic discovery process are steps that some companies are successfully implementing and are worth evaluating by other companies who face frequent electronic discovery challenges.

1. There are many other eye opening findings in this survey which can be found at [www.cohasset.com](http://www.cohasset.com).

## Investor?...Take Stock in Children!

Everyone is looking for a sure thing! Taking stock in our children is an investment that is a clear winner. Take Stock in Children is a ten-year old non-profit organization that provides full four-year college tuition scholarships and volunteer mentors to deserving



public school students. Children are selected based on nominations from their teachers and must have financial need, meet a list of at-risk factors and have a strong commitment to succeed.

The Take Stock program is a comprehensive plan for success for selected students who sign a contract pledging to maintain good grades, stay out of trouble and off drugs, and to meet once a week with a volunteer mentor. In return, Take Stock in Children provides a four-year tuition scholarship through the Florida PrePaid program, a volunteer mentor, a student advocate, tutoring, and long-term support to its scholars and their families. Because of this comprehensive approach, Take Stock students have a 90% graduation rate compared to South Florida's 62% rate. Most graduates of the program attend local campuses, but some students attend Ivy League universities, including Harvard.

The Take Stock in Children program provides volunteer mentors who agree to meet with their assigned student one hour per week on school grounds during school hours. Mentors are supported with training, resource

materials, and periodic workshops.

Background screening is required of all volunteers. Who can be a mentor? Any responsible adult who is willing and able to share time with a student on a consistent basis can be a mentor.

Mentoring helps students succeed, achieve, and graduate from school. Research has shown that the young student who meets regularly with a mentor is 52% less likely to skip school, 46 % less likely to begin using illegal drugs, 33% less likely to engage in a fight, and 27% less likely to begin drinking alcohol than are other children in the "at risk" category.

It is obvious that the key to the success of this program is having enough mentors for all of the children who qualify for entrance into the program. This is the investment: a little time and willingness to care. The return: an opportunity for personal growth, the satisfaction of encouraging a child to be their best, and helping break the cycle of poverty in our community by helping a young person achieve academic success and be the first in their family to go to college.

To receive more information on Take Stock in Children and to learn how you can become a financial sponsor and/or a critically needed mentor, call tollfree: 888.322.HOPE (4673). Visit our website at [www.takestockinchildren.com](http://www.takestockinchildren.com).

## ACC News Briefs

### Find Out What Chief Legal Officers Are Thinking

ACC has been hosting a series of CLO Think Tanks, bringing together small groups of top in-house counsel to discuss key business issues. You have access to the executive reports from these sessions, which provide insight into current trends and proposed action points.

Topics include:

- Attorney-client privilege ([www.acca.com/protected/clo/thinktank05.pdf](http://www.acca.com/protected/clo/thinktank05.pdf))
- Private company liability ([www.acca.com/protected/clo/corpliability.pdf](http://www.acca.com/protected/clo/corpliability.pdf))
- Corporate Governance ([www.acca.com/protected/clo/governance.pdf](http://www.acca.com/protected/clo/governance.pdf))

## ACC Adds Financial Services Committee

ACC now has 14 national committees representing practice areas and types of practice ranging from corporate and securities law to small law departments. The new Financial Services committee will serve the interests of and develop resources for ACC members who work in the finance, banking, investments, leasing, and insurance industries. Please contact Jacqueline Windley at [windley@acca.com](mailto:windley@acca.com) for more information about this new ACC committee. To learn how to get involved in any of ACC's committees, go to [www.acca.com/networks/committee.php](http://www.acca.com/networks/committee.php).

## ACC's Webcasts Offer Enhanced Features

Want education from your desktop? Skip your face-to-face program this month and tune in to one of ACC's March webcasts. We've enhanced the user experience with speaker-controlled slides, and live chat capabilities allow attendees to post public questions (anonymously) to the speaker. Surveys are available at the end of each presentation. To access ACC's upcoming webcasts, go to [webcasts.acca.com/](http://webcasts.acca.com/).

**Tuesday, February 28, 2006 at 2:00 PM EST**  
Common Problems in Technology Outsourcing Transactions: How to Recognize and Avoid Them

**Wednesday, March 8, 2006 at 1:00 PM EST**  
Assessing Corporate Vulnerability to New Union Organizing Tactics, Corporate Campaigns, and Two Labor Federations: The In-House Counsel's Playbook

**Tuesday, March 14, 2006 at 1:00 PM EST**  
Hot SOX: Executive Compensation and other Sarbanes-Oxley Developments

**Thursday, March 16, 2006 at 12:00 PM EST**  
Reputations On The Line—The Legal Remedies Available for Dealing with a Media Crisis in the UK and Europe

## Where Do You Turn for On-Point Advice from a Colleague?

Why not make your first stop MemberToMember ([www.acca.com/membership/search.php](http://www.acca.com/membership/search.php)), a unique online network that links ACC members in search of advice with

colleagues who can answer their questions? Through MemberToMember, you will quickly find more than 3500 in-house counsel who are willing to share their experiences and expertise in more than 100 practice areas. And to top it off, you can even segment your searches by state or country. Search MemberToMember or sign up to become a subject matter expert now.

## Provide Your Legal Staff with the Resources They Need to Excel

ACC offers significant membership discounts for law departments with nine or more attorneys. The Large Law Department membership category provides a cost-effective option for extending the benefits and privileges of ACC membership to all or part of your organization's law department. Whether you want to enroll the entire department or just a portion, the large law membership program offers those enrolled monthly issues of the *ACC Docket*, online access to our library of legal resources, including best practices, sample forms, and policies used by other legal departments, member experts who will answer questions, offer advice, and recommend outside counsel, and daily late breaking news on cases that affect the way that you practice law. Your legal staff will also be able to join any or all of our 13 Committees to learn the latest in their particular area of interest. Finally, and perhaps most importantly, your legal staff can participate on a local level through our extensive Chapter network and attend continuing legal education programs, knowledge networking events, and social activities. The contacts and knowledge they gain will help them tackle their next big assignment.

The Large Law Department fee schedule can save you anywhere from \$1,395 to more than \$40,000 of the cost of dues, depending on the size of your department. For more information about ACC's large law membership, go to [www.acca.com/membership/largelaw.php](http://www.acca.com/membership/largelaw.php).

## Africa: One General Counsel's Lifetime Goal

*Gordon Walker  
General Counsel  
Nature's Way Products, Inc.*

AFRICA. This diverse continent evokes numerous descriptors, both positive and negative: cradle of mankind, untamed wilderness, wildlife, poverty, corruption, civil war, and famine. But for me it has always symbolized a dream destination and has long been at the top of the list of places that I wanted to visit. So when an old friend of mine quit his job as a lawyer in New York to spend a year pursuing several of his lifelong goals (including traveling to Africa), I jumped at the chance.

But with so many possibilities (and not enough time), how do you decide where to go and what to do? After considering many options, I decided on wildlife safaris and Mount Kilimanjaro. With that as a guide, we began the process of planning an itinerary with as much adventure as possible packed into a few short weeks. The details were worked out in a flurry of emails, Internet searches, phone calls, and wire transfers along with the necessities of preparing colleagues for my absence, obtaining visas and getting shots and medicines. Before I knew it, the end of November arrived and it was time to step on the plane.

On December 1, 2005, after 31 hours of travel, I arrived in Cape Town, South Africa at midnight and met my friend who had flown in several days earlier. Jet lag has never been a problem for me and luckily this trip was no exception as we began our long list of non-stop activities the next morning with shark diving. It was exhilarating watching the great white sharks swim lazily around the boat and the diving cage and occasionally attack the tuna head set in the water as bait. The next two days were spent visiting the Cape of Good Hope (the southwestern most point of Africa) as well as exploring the city of Cape Town and its famous Table Mountain.

Next was a flight to Johannesburg where we embarked on a four-day safari in Kruger National Park. From the

moment we entered the park, the entire group kept a vigilant lookout for animals. The vigilance was rewarded with a view of all of the Big Five: lion, leopard, elephant, rhinoceros, and buffalo. And that was in addition to the impala, kudu, giraffe, baboons, hippos, hyenas, zebras, wildebeest, and many other animals and birds that could be seen throughout the park. Add to that the lush, green landscape and beautiful sunsets and you have a wonderful experience with nature. Sleep became an afterthought as our group laughed, talked, and sang until late at night even knowing that our guide would be waking us up at 4 am to have a better chance of spotting the predators while they were on the prowl.

Next we flew to Nairobi, Kenya and took a four hour bus trip to Arusha, Tanzania, which finally happened after two hours of phone calls trying to track down the bus company that was scheduled to pick us up but wasn't there when our flight arrived. But since that was the only glitch in the entire trip I can't really complain. Then it was off to climb Mount Kilimanjaro, the highest point in Africa and the tallest free standing mountain in the world. We were joined by a young man from Ohio, who was teaching school in Arusha. With the help of two guides, a cook, and six porters, we began the trek. Our route began at 4,921 feet and headed upward through rainforest before passing beyond the tree line and finally past all vegetation. We hiked between four to seven hours a day on terrain that varied from a gentle upward slope to very steep climbing over rocks with only a few downward sections for variety and altitude acclimatization. And as we climbed higher the weather got colder and more variable, with only a jacket needed when the sun was out and coats and gloves required when the clouds rolled in. But each day our efforts were rewarded with beautiful views and the knowledge that we were that much closer to our goal.

On the 5th day of the climb, we began our push for the summit at 12:30 am. with an almost full moon lighting our way. Dressed in six layers of clothing to protect against the cold, we started up the steep final slope and

slowly made our way up the final 4,000 feet toward the summit. It was cold and dark and the most difficult hiking I have ever done. I admit that we all thought that just maybe the altitude would get to us and we wouldn't make it to the top. But perseverance won out and at 6:30 am, we reached the summit (19,340 ft.) and were rewarded with one of the most beautiful sunrises that I have ever experienced. The feeling of exhilaration and accomplishment was amazing. All the effort was worth it and any difficulty we had experienced in the previous days on the mountain was forgotten as we surveyed the beautiful view and took pictures at the top of Africa.

Unfortunately, the cold did not allow for an extended stay on the summit (we had to chip through ice in our water bottles to be able to drink the small amount of unfrozen water inside), so we headed back down after about 20 minutes. The climb to the top took about 31 hours of hiking in four and a half days and we went all the way to the bottom in 9 hours over a day and a half. And we were glad of that as it was wonderful to get back to our lodge and the shower and bed that waited there.

The final five days of the adventure were spent on another safari, this time in the Serengeti National Park. So different from the lush, green vegetation of South Africa, the Serengeti is a large expanse of dry grasslands with stretches of sparse forest. But what it lacked in lush vegetation was made up in the abundance of wildlife. Thousands of zebras, wildebeest, gazelle, and antelope roamed the grassy plains along with elephants, giraffe, hippos, hyenas, baboons, monkeys, and jackals, etc. And



then there were the cats: leopards, cheetahs and lions, all within a stones throw of our vehicle. A zoo will never be the same again. How can you compare looking at a lion in a cage in the zoo with spending half an hour watching a lion stalk a herd of zebra? It was a feast for the eyes and the spirit to see these beautiful creatures in the wild and those images will be a lasting memory of the magnificence of nature.

Unfortunately, my trip had to come to an end on December 22. But what images remain? Along with the many images of scenery and wildlife are those of the people of Africa as well as those from places such as Australia, Argentina, Sweden, England, Germany, Ireland, Canada, and New Zealand (including one who knows the distributor of our products there). It was a great reminder that the beauty of nature is enhanced by our interaction and relationships with other people.