

Topic Proposal Form

Name: Marianne Schimelfenig

ID: GC01

Proposed Topic Title: After The Honeymoon: A New President One Year (or So) Later

Area of Practice: General Counsel,

Level: Intermediate

Session Type: Panel Discussion

Topic Description:

This session would provide perspectives and "heads up" stories for how to determine if a transition to a new President is actually working. It's purpose is primarily to provide tools to asses the development (or not) of a relationship between a GC and new President. It is intended to cover any combination of how this circumstance develops: existing GC acquires new President; new President and new GC; existing President and new GC (not sure this latter one really fits -- may be outside scope of what is intended). Suggested bullet points that would help describe this session could be: What Should Be on Your Check-List for Working with A New President in Your First Year? What Are the Factors That Lead to A Successful Relationship with A New President? What are the Essential Interpersonal Tools to Achieve a Good Working Relationship with a New President? What is Your Role with the Board during the First Year with Your President? When and How Do You Know It's Time to Move On?

Possible Speakers:

Robin Parker, General Counsel, Miami Univeristy

Additional Comments:

This could also be an advanced session.

Topic Proposal Form

Name: Marianne Schimelfenig

ID: GC02

Proposed Topic Title: New Kid on Block: When You're the First General Counsel on Your Campus

Area of Practice: General Counsel,

Level: Intermediate

Session Type: Discussion Group

Topic Description:

This session would provide guidance and insights for new GCs. The thought is to involve individuals at various levels of experience in this role. Bullet points that describe the approach to presenting this session include: Defining and Integrating the Legal Function into the Campus Community and Culture: Why You Are Not Just Another Senior Officer of the Institution Determining Clients, Message and Approach to Communications: Being Where You Need to Be When You Need to Be There Identifying Potential Problems and Resolving Them for the Long Run: Dealing with Stories of How Things Were and Resistance to How They Will Be Getting and Managing Resources: How to Prioritize Workloads When the Flood Gates Open: Knowing Who is ALWAYS on First Pacing and Patience: It's a Long Game

Possible Speakers:

Our WG members had some suggestions here, but I can't find my notes on this point at this moment. Will submit in a day or two.

Additional Comments:

This might be a primer, given that the information would be more basic as to how to get an office up and running and how to integrate the GC function in to the campus community and senior administration and Board dynamics on regular basis. The focus, however, is intended to be very different than that at the Roundtable for new GCs (as most of are likely assuming roles in established GC offices, although there could be some overlap. Also, the session would provide a heads up to GCs that old ways, including the role of the former outside GC function, may take a while to fade away.

Topic Proposal Form

Name: Marianne Schimelfenig

ID: GC03

Proposed Topic Title: Seeking Shared Ground, if Not Shared Governance: Building a Relationship with Your Academic Senate: Does It Matter?

Area of Practice: General Counsel,

Level: Advanced

Session Type: Panel Discussion

Topic Description:

Identifying the reasons why a good working relationship with a faculty governance body on your campus matters and a discussion of the best ways to accomplish this outcome. General themes and bullet points that can be used to describe the session are: Anticipating and Managing Governance Policy Blocks: How to Get to Your Goal Why A Good Relationship with Your Academic Senate Can Make Your Life Easier Defining Your Role in A Good Way with Your Academic Senate: Think Long Run How to Structure Your Interactions with Faculty Governance: Can You Advise? Should You Advise? Is There Any User-Friendly Approach That Won't Backfire When Shared Governance is Out of Whack: Who Should Be Your Audience and Hote to Get Your Message Across.

Possible Speakers:

Pamela Bernard (Duke); Mike Smith (UC Berkely); maybe a Chairperson of an Academic Senate or faculty governance body who has worked closely with GCs. NACUA speakers who have been involved in significant faculty cases.

Additional Comments:

This topic could be expanded to a broader discussion of getting along with campus governance committees and what role, if any, is the appropriate role for a GC to play in advising/guiding them. What are the risks of getting involved in this dynamic.

Topic Proposal Form

Name: Laurie Carter

ID: GC04

Proposed Topic Title: Presidential Exits: General Counsel's Role in Presidential Transitions

Area of Practice: General Counsel,

Level: Advanced

Session Type: Discussion Group

Topic Description:

What role should the GC play in presidential departures? Voluntary vs. involuntary departure How to disconnect in a respectful way Staying on after the president exits Avoiding burning bridges Dealing with issues of a shadow presidency

Possible Speakers:

Marty Michelson Jeanine Ornt

Additional Comments:

Should not be tape recorded No press permitted

Topic Proposal Form

Name: Kelly Capen Douglas

ID: GC05

Proposed Topic Title: Tracking and Reporting Legal Office Activity

Area of Practice: General Counsel,

Level: Advanced

Session Type: Panel Discussion

Topic Description:

- Process for tracking legal office activities – software options, other methods
- The annual report – format, contents and best practices
- Budget evaluation
- Measuring the productivity of the legal office
- Measuring the value of the legal office
- Measuring possible cost savings as a result of legal office activities

Possible Speakers:

Possible moderator: Charles Robinson, GC, UC System? GC from large public system GC from small or one-person GC office

Additional Comments:

Last year, this session was proposed through the Professional Development working group.

Topic Proposal Form

Name: Kelly Capen Douglas

ID: GC06

Proposed Topic Title: Managing Risk Through Education: The General Counsel's Role in Training

Area of Practice: General Counsel,

Level: Intermediate

Session Type: Regular Session

Topic Description:

- Should GC conduct training sessions? Effect on the attorney-client privilege?
- Picking and choosing training topics
- Making the time to conduct training
- Who should you train?
- How do you get/persuade/require people to come?
- How do you enforce attendance?
- Unique faculty issues
- Getting buy-in from the top
- Creating a culture of professionalism that values effective training

Possible Speakers:

Inside counsel – Sandy Cooper? Outside counsel – Steven Hirshfeld? Anne Franke?

Additional Comments:

This also could be a panel session.

Topic Proposal Form

Name: Jeanine Arden Ornt

ID: GC07

Proposed Topic Title: General Counsel as Board Secretary: Fish, Fowl or Finnagled?

Area of Practice: General Counsel,

Level: Advanced

Session Type: Panel Discussion

Topic Description:

Description and discussion of how the roles of GC and Secretary can complement, conflict with, and overlap each other; the challenges of having to "jump in" and lawyer an issue that arose in the context of a private board discussion in which only the Secretary was in attendance; the opportunity for interaction with the Board members and the dangers of that particularly with an insecure president; the sources of confusion with the two roles.

Possible Speakers:

Additional Comments:

Topic Proposal Form

Name: Jeanine Arden Ornt

ID: GC08

Proposed Topic Title: Bond Financing/Credit Rating and the Impact of Affiliations and Simple "Relationships"

Area of Practice: Business & Real Property Law, General Counsel,

Level: Advanced

Session Type: Panel Discussion

Topic Description:

This session would present the interplay between the General Counsel, CFO and the bond rating agencies (Moody's and S & P) and would address the importance of the GC viewing bond issuances from the strategic big picture perspective. Discussion would focus on two key aspects: the opinion letter GC are often asked to sign and the view of the rating agencies relating to formal and informal linkages that the higher ed institution may have to other community organizations such as a teaching hospital, college town development, museum etc.

Possible Speakers:

Someone on our committee has a contact at Moody's; someone else has a superb bond attorney; we also believe an institutional CFO would be great.

Additional Comments:

Topic Proposal Form

Name: Jeanine Arden Ornt

ID: GC09

Proposed Topic Title: Outside Counsel—How to Choose and How to Pay?

Area of Practice: General Counsel,

Level: Intermediate

Session Type: Panel Discussion

Topic Description:

Discussion of various approaches to selecting outside counsel including sample RFP and RFQ's. Discussion regarding different fee arrangements and their success, lack of success and factors that increase success. Discussion regarding the delicate tightrope of fending off trustee/ attorney pressures to use their firms. Discussion regarding different approaches for handling payment of fees internally (budgeted through the legal office, passed through to the client unit, managed by risk management etc.)

Possible Speakers:

Additional Comments:

Topic Proposal Form

Name: Jeanine Arden Ornt

ID: GC10

Proposed Topic Title: Lessons from the "Inside"--How to Survive as General Counsel of a College or University

Area of Practice: General Counsel,

Level: Basic/Primer

Session Type: Regular Session

Topic Description:

A description and discussion relating to the lessons learned by general counsel in terms of relating to their institutional and diverse representative clients, boards, office staff etc. I would anticipate two speakers from diverse backgrounds. I made the presentation recently at a Cleveland Bar Association and was shocked at how well received it was by all attorneys, including many in private practice.

Possible Speakers:

I would be one and would seek another from a very different background.

Additional Comments:

Topic Proposal Form

Name: Laurie Carter

ID: GC11

Proposed Topic Title: Getting Along As A Colleague with Your Executive Team (Cabinet)

Area of Practice: General Counsel,

Level: Intermediate

Session Type: Discussion Group

Topic Description:

How to be successful as a colleague while still performing the necessary and unique duties of a lawyer for the institution and not one person.

Possible Speakers:

TBD

Additional Comments:

Submitting this on behalf of Laurie Carter in our WG as a placeholder. Laurie will add details. Marianne Schimelfenig

Topic Proposal Form

Name: Tom Dorer

ID: GC12

Proposed Topic Title: The Courtship of A President: Is General Counsel Every Cupid?

Area of Practice: General Counsel,

Level: Advanced

Session Type: Regular Session

Topic Description:

Selecting a Search Firm, and the Search Firm Contract Identifying, Charging and Training the Search Committee The "Discernment" Process and Evaluating the Institution's Needs The Screening and Interview Process, including Issue of Confidentiality Making the Offer, and Presidential Contract Terms

Possible Speakers:

Someone from a search firm with experience in recruiting Presidents, outside counsel who has represented the institution involved or the "courted" President-to-be (Tom Dorer is working on names here), in-house counsel at an institution who has gone through a recent search.

Additional Comments:

This could also be an intermediate session, or a panel discussion. The GC WG's idea here for Presidents was to create a sequence: Courtship (Hiring a New President); After The Honeymoon (How to read the situation a year after a new President arrives); and, the Exit of a President ("Divorce"?) and GC's role in the exit. I am submitting Tom Dorer's topic summary on his behalf. He may wish to tweak prior to the September 28th WG meeting. Jeanine Ornt will have any suggestions from Tom at that time.

Topic Proposal Form

Name: Tom Dorer

ID: GC13

Proposed Topic Title: Walking The Ethical Tightrope: Developing and Managing Conflict of Interest Policies

Area of Practice: General Counsel,

Level: Intermediate

Session Type: Regular Session

Topic Description:

What Every Conflict of Interest Policy must/should include The Roll-Out: Developing a Culture of Avoidance and Risk Management Where to Place Administrative Oversight and Management of the Policy: General Counsel's Office, Internal Audit Office, Other? Documenting Compliance with Policy When to Prohibit Conflicts; When to Allow and Just Manage or Monitor Them?

Possible Speakers:

In-house counsel at an institutiona which has recently developed a policy; an in-house or outside auditor (somewhere connected with NACUBO?)

Additional Comments:

I have submitted this on behalf of Tom Dorer; he may wish to tweak my statement of topic outlines he submitted to our WG prior to the September 28th meeting. (Marianne Schimelfenig)