



November 29, 2004

TO ALL NEW DELHI CONFERENCE DELEGATES and PRAC PRIMARY CONTACTS

Dear Friends and Colleagues:

Welcome back from India and PRAC's 36th International Conference.

Saturday's programme opened in New Delhi with a welcome reception at the New Delhi Oberoi Hotel Rooftop where guests were greeted in traditional Indian custom. Earlier in the day some of the Delegates and Guests attending an early arrivals tour of Humayun's Tomb and as dusk settled, the rooftop view of Delhi skyline provided a night viewing of the lit tomb. Dine arounds at local restaurants provided further opportunity for Delegates and Guests to be reacquainted and enjoy local cuisine.

Sunday's group tour of the Bahai Temple and Qutab Minar gave first time visitors to India a small taste of its cultural diversity, with a relaxed luncheon to end the afternoon. Later that evening, some Delegates took the opportunity to visit the Red Fort and attend the spectacular lighting ceremony.

Our business programme began Monday morning at the New Delhi Oberoi Hotel with Welcome and Introductions, followed by Country Briefings presented by Kochhar & Co.'s Rohit Kochhar; and Skrine presented by Cheng Kee Check.

One on One Meetings followed, with each firm meeting another for two one-half hour meetings. Following lunch, Practice Management Co Chair (Jeff Barnes – Canada), presented follow up items from Peru's conference "*Partnership Admission*" with panel discussions by Chen Kah Leng – Malaysia; Richard Johnston – USA; and Ross Perrett - Australia; and "*Partner Compensation Systems*" (Jaime Carey – Chile; Tom Kellerman – USA and Wang Ling – PRC. Monday's business programme ended with a special presentation by Mr. Sraddhalu Ranade, a scientist, educationist and a traveler on a spiritual path, who spoke on the "*Philosophical Considerations In The New Internet Age*".

Our evening was spent at the farm home of Kochhar & Co's Managing Partner, Rohit Kochhar, and his wife Sonali. The spectacular evening, "*a journey through rural India*", included elephant and camel rides, fire eaters, Indian folk dancers, village shops and other Indian delights – truly a wonderful evening. Earlier in the day, accompanying guests enjoyed a trip to Cottage Industries and Satushti.

Tuesday's business meetings began with a highly interactive Marketing meeting with a focus on "*Law Firm Marketing Initiatives*" presentation by Manjula Chawla – India and Satnam Sachavirawongse - Thailand. Litigation (Co-Chairs Patrick Sherrington – London and Ross Perrett – Australia) focused on "*Enforcement of Foreign Awards & Judgments*" with presentations by Surender Mann – India; Bruce Johnson – USA. This topic is the subject of a PRAC project launched by the Litigation Group for the collection of data to create a matrix as to the enforceability of foreign awards and judgments in each of the PRAC jurisdictions.

Intellectual Property (Co-Chairs Takemi Hiramatsu – Japan and Jorge Contreras – USA presented their respective country perspectives on "*Recent Developments of IT Outsourcing From the Customer and Provider*", with additional presentations by Gabriela Kennedy - Hong Kong and Tarvinder Singh – India.

Tuesday afternoon's well attended Public Seminar – co sponsored by PRAC Business Investment & International Trade and the Confederation of Indian Industry ("CII") provided invited local industry leaders with an overview of the current "*International Finance Issues Faced by Indian industries*". Mr. Niranjana Hiranandani, Managing Director of Hiranandani Construction (India) welcomed attendees, with inaugural notes by Mr. R. Banerji, Joint Secretary (Investments) Ministry of Finance; followed by PRAC representations by Ray Batla – USA; Jan Willem Sodderland - Netherlands; Xuhua Huang – PRC; and Peter Parsons – USA. A question and answer period followed and tea breaks afforded marketing opportunities for Delegates to meet local industry attendees.

During the day Accompanying Guests visited the Red Fort, Jama Masjid and Chandni Chow, the old city bazaar.

Tuesday evening's closing dinner at The Imperial exceptional. Delegates and guests were treated to a "*Bharatnatyam*" recital by Ms. Geeta Chandran, a celebrated classical danseuse. During the evening, we were also treated to the sounds of a local musical group, who brought Delegates and Guests to their feet, dancing and singing. A marvelous ending to the New Delhi programme and celebration of India!

Following Wednesday's Board Meeting (notes below), the optional programme transferred attendees by coaches to Agra, where we met for a traditional Mughal dinner with live Indian classical music and "kathak" performance, the royal dance of the Mughal courts. Thursday's tour of the Taj Mahal was a highlight for many and the afternoon tour of the Agra Fort added to the exceptional programme. With dinner on their own that evening, Delegates and Guests met later to celebrate India (and birthdays for some!) with dancing.

Friday's Environmental & Native Rights presentation "Protecting Landmarks and Historical Sites" presented by Dorothy Thomas – India, provided a fitting end to our visit to Agra. Delegates and Guests departed later in the day for return to New Delhi and international flights.

Board Meeting Notes

The Board Meeting held on Wednesday morning attended to the business aspects. Draft minutes will be available shortly at the PRAC web site.

Policy and Planning Committee Report

Policy and Planning Committee Chairman. As you know, PRAC's Policy & Planning Chair, Jose Emilio Nunes Pinto – Tozzini Freire Teixeira e Silva, Brazil, had earlier in the month announced that he has chosen a new career path and started his own law practice. Over the years, Jose Emilio has been a loyal and active participant of PRAC and his departure will be a great loss to us. The friendship however remains and we look forward to Tozzini's continued valuable contribution.

Given Jose's Emilio's departure from PRAC, as relayed during the Board Meeting, Jeff Barnes – Toronto, Canada has agreed to step in to Chair the Policy & Planning Committee and to continue the work currently ongoing of a member assessment review and an updating of the Statement of Objectives. Further, it is the goal of the Policy & Planning Committee to have these issues in the hands of member firms in a workable format well in advance of the April 2005 conference in Hawaii.

Fee Assessments 2005

As ratified by the Board's 2005 Budget, the fee structure used in the past remains in place for 2005 assessments (currently 50% pro rata each firm PLUS 50% pro rata per partner) and invoices are being processed for December distribution.

In light of the Policy & Planning Committee's ongoing review, any proposed amendments to future assessments will be discussed with the membership at large beforehand, with a view to keeping all firm assessments to a minimum and without substantial increase to the overall budget.

Membership

The Membership Chair (S. Sivanesan – Rodyk & Davidson, Singapore) reported on the following:

1. **South Africa.** Following due diligence (Stage 2) and reporting of same, further consideration will be given to Bowman and Gillfillan, who had expressed the need for more time to conduct internal discussions amongst its partners. If necessary, the membership could invite this firm to attend Hawaii conference as an observer.
2. **Los Angeles.** Following discussions, member feedback and review of the Membership Report, the majority consensus was for a "Shared City" concept, whereby effective January, 2005 any member with a Los Angeles office would jointly share in the jurisdiction left by Brobeck in 2003, on the understanding that:
 - 2.1 All existing PRAC members who have offices in LA must subscribe to the "shared city" concept and therefore represent LA as a joint member firm.
 - 2.2 Firms who expand into LA must also have their LA offices become the joint member firm for LA.

- 2.3 The “shared city” of LA will not have a vote. Therefore the various joint members will continue to exercise one vote in respect of their primary jurisdiction.
- 2.3 Whilst LA would thus be deemed a new “member” in view of the fact that it is in essence the existing members sharing LA, the one-time admission fee of US\$5,250 should be waived.
- 2.4 With regard to the membership fees, each joint member of LA would bear an equal portion of the fixed 50% of the annual budget and pro-rata for the remaining 50% annual budget based on the partner counts for each LA office.
- 2.5 The hosting of a PRAC conference in LA would be done a joint basis by all the joint members in LA .
- 2.6 An important principle is that each member should participate at PRAC conferences by sending at least a representative from the LA office of that firm. This is in addition to the representative from the primary jurisdiction of that member.
- 2.7 Each firm would be allowed to list in the PRAC directory and website, its primary jurisdiction and the LA office thereafter.
- 2.8 The non-LA member firms would be free to liaise with any of the joint LA members and there is no obligation to use any one member.

It was also noted that the membership consensus view of that the Shared City approach differs substantially from the Open City jurisdictions in effect for the cities of London and New York.

Also noted, that the Shared City concept applied only to Los Angeles on an exceptional basis given its past history as a filled jurisdiction and the concept is not suitable for any other member jurisdiction, now or in the future.

Further, given the new concept in place for Los Angeles, the Shared City concept for Los Angeles jurisdiction remains subject to an ongoing membership review so as to assess its continuing viability.

- 3. **Spain.** It was decided to put the consideration for a member from Spain on hold for revival at a future date if need be.
- 4. **France.** Following discussions, member feedback and review of the Membership Report, Stage 1 was ratified with a view to proceeding to Stage 2 (due diligence) and further reporting at the next meeting Board Meeting.
- 5. **Chicago.** Following discussions, member feedback and review of the Membership Report, the consensus view was to put Chicago on hold for now pending further membership discussions and in particular, considerations relating to the admission of additional US members.

Nominating Committee

Further to the Board Meeting, over the coming weeks the Nominating Committee will poll the membership in its undertaking to seek PRAC Chair and Vice Chair candidates for the incoming January 2006 Chair. Following its review, the Committee will then provide candidate recommendations to the Board at our next meeting, in Hawaii, April 16-20, 2005.

I am pleased to announce the members of the Nominating Committee are: Committee Chair: Jan Willem Sodderland
Members: Takemi Hiramatsu – Asahi Koma Law Offices, Japan; Jeff Lowe – RBS Lawyers, Vancouver; Jorge Perez-Taiman – Muniz Forsyth Ramirez, Perez-Taiman & Luna-Victoria, Peru; John Shirbin – Clayton Utz, Australia; and Richard Johnston – Wilmer Cutler Hale and Dorr , United States.

Upcoming Conferences

Hawaii April 16-21, 2005

Member firm Goodsell Anderson Quinn & Stifel LLP has begun staging for Hawaii's Conference. Preliminary Invitation materials were distributed to Delegates **and are available at the PRAC web site www.prac.org**. Formal registration for Hawaii will begin in January. In the meantime, **members are required to provide the Early Indication Form by December 15 available online at the PRAC web site (www.prac.org)**.

There are several follow-up items being undertaken by the various practice groups. Members are encouraged to contact practice group co-chairs to discuss topics for discussion and consideration by the Host Committee and PRAC Chair. A reminder that Practice Group Co-Chairs interested in securing a time slot for Hawaii's conference are to follow up with Vince Piekarski as soon as possible to discuss your group's proposed agenda. Obviously due to time constraints, not all groups will be meeting in Hawaii so please note availability is limited.

Toronto – September 17-21, 2005

Member firm Fraser Milner Casgrain LLP has begun initial staging for Toronto's Conference – and PRAC's 20th Anniversary. Preliminary details are available at the PRAC web site.

PRAC Marketing

1. A reminder to follow up with your One on One meetings

2. Mention the PRAC web site (www.prac.org) in your firm's internal network

3.. For purposes of the PRAC e-Bulletin which is published and distributed each month via email to Primary Contacts and Marketing Contacts, add Susan Iannetta's name to your firm's internal marketing email or mailing list (susan.iannetta@fmclaw.com). Deadline for contributions is the 15th of each month. Issues are available on line at the PRAC web site (e-Bulletin link). Primary Contacts are encouraged to distribute the e-Bulletin throughout your firm.

4. If you have provided contact information for your firm's practice group representatives, they will be added to the Contacts Matrix (available at PRAC web site).

5. 2005 PDF Directory is targeted for distribution early in the New Year. Updates should be sent to Susan Iannetta (reminders will be sent in December).

6. Due to increased submissions to the monthly e-Bulletin, a Public Libraries section has been established at the PRAC web site to host larger member publications. Members wishing to contribute manuals or other timely publications should submit same in pdf format by email to S. Iannetta. Members are reminded that this new section "Public Libraries" will be open viewing for the public.

Other Business - Conference Materials.

India's conference materials (including photos) can be found at the PRAC web site (India Conference Materials link) are being formulated for the web site and will be available shortly. Members are reminded of their private access information (example: user=asahi password=asahi8). Members are encouraged to send conference photos to Susan Iannetta (jpg format please) for inclusion in the conference photo album available at the PRAC web site.

There is much to remember about the India Conference, the intense cultural ties and diversity. However it is the warmth and generosity of our Host Firm that we will remember most.

We have left New Delhi and Agra with a better understanding of its people and culture, and much to the credit of the Kochhar attorneys, their guests and staff who we met during our stay in India.

To the many Kochhar attorneys, guests and staff members who gave up their daily practice to spend time with us and had the opportunity to meet and know, we gratefully acknowledge your participation and hope that you positively received as much from the PRAC experience as we did.

To the Kochhar Host Committee Team, and in particular, Rohit Kochhar and Sonali Kochhar, Manjula Chawla, KV Ramesh, Tushar Chawla, Priya Khanna, Malini Vasudeva, Rachna Advani and Shweta Singh, our heartfelt thanks for organizing and executing such a successful conference. Many of us have not previously experienced India and with much anticipation and excitement, your warmth and generosity in hosting us has made the experience one that we will remember for a long time. Congratulations on a spectacular and successful hosting! Please accept our special thanks for giving so much of your personal time to ensure wonderful times in India and for allowing us into the heart of your country and for making us feel so welcome.

My thanks to all of the Delegates and Accompanying Guests for traveling to India and participating in PRAC's 36th Conference. Your active participation is vital to fostering and strengthening relationships and key to PRAC's continued success.

I look forward to seeing everyone in Hawaii next year.

Oswaldo J. Marzorati
PRAC Chairman

