

A MESSAGE FROM THE CHAIR

It is both with great anticipation and some trepidation that I write this message. As the 2008-2009 FSLC year begins, we are facing new economic and political challenges. The engines of our economy seem to have misfired. There will certainly be an impact on our industry, with both opportunities and challenges in these troubled times. I am, nonetheless excited about all that our Committee can and will do in the coming year. We are indeed the *premier* Committee within the Tort, Trial and Insurance Practice Section of the American Bar Association. Our members write more, speak more, give more and educate more than any other Committee within the entire ABA. We are blessed with many talented and involved members, who unfailingly give of their time and talents to make us a truly remarkable organization. I am both honored and humbled by the great responsibility entrusted to me.

This year we celebrate our 75th anniversary. Indeed, our Committee is as old as TIPS itself. As always, we have an eventful year planned. Our year is already off to a fast start as we just completed our Fall Fidelity meeting in Baltimore on November 5-6. As part of that meeting, we published the new 1,000-page *Financial Institution Bond, 3d Edition* treatise. The book has already received rave reviews for its comprehensive treatment of the subject. My thanks and appreciation goes out to its authors and especially its editor, Duncan Clore. Our fall program was held in conjunction with the Fidelity Law Association's fall meeting and was a great success. With over 225 attendees, about one-third of whom represented fidelity insurers, we exceeded all expectations. The Program included an all-star cast of the most influential and informed speakers available anywhere on this topic. Simply put, it was a tremendous success.

We now turn our attention to our Mid-Winter Meeting for 2009. Our committee business meetings will be held on Wednesday January 21st, followed by the program on January 22-23. As before, we will be back at the beautiful Waldorf=Astoria in New York, but our programming will be far different than our traditional Thursday program focusing on construction, with Friday reserved for surety and fidelity topics. Instead, MWM 2009 will include *two full days* of education and instruction on construction, surety and fidelity topics. The topic of MWM 2009, "*Public-Private Partnerships, Co-Suretyship and Co-Insurance: Managing Risk Within Joint Ventures in Construction, Surety and Fidelity,*" will address how America will confront its overwhelming infrastructure needs in the coming years. These mega-sized projects already abound in Texas, Florida, Illinois, New Jersey and elsewhere. Given their size and complexity, coupled with their growing popularity as a governmental project delivery system, we can expect to see many more of these projects in the future. The risks to be managed include not only partnering relationships between government and private industry, but also the same types of relationships between contractors, designers, insurers, sureties, lenders, operators and fidelity insurers. The unique fidelity and co-surety risks of such projects will also be addressed.

Our MWM 2009 Chairs are Scott Schmookler and Mike Pipkin. They have done an outstanding job in assembling a terrific group of speakers. We will hear all sides of the debate including: public owners', contractors', designers', sureties' and operators' perspectives. The MWM 2009 faculty includes Congressman James Oberstar, Chairman of the House's Transportation and Infrastructure Committee. It also includes James Ray, the Acting Administrator of the U.S. Department of Transportation and several other key governmental figures in this emerging area. Our Friday luncheon speaker is Craig Donohue, Chairman of CME Group, the holding company for the Chicago Mercantile Exchange, the New York Mercantile Exchange and the Chicago Board of Trade. He has been recognized by *Forbes* as one of America's leading CEO's in these troubled times. Craig will address the current international economic conditions and how the availability of credit may impact mega infrastructure projects. As always, we will also present the prestigious *Marty Andrew Award* for lifetime achievement to our industry. In short, this luncheon is a not-to-be-missed event. Finally, our spouses and guests will have the opportunity while in NYC to attend a fabulous behind-the-scenes tour of the Metropolitan Opera. The tour of "The Met" is regarded by many as the best such tour in the City.

Our spring program will be held at the beautiful Estancia Hotel in sunny La Jolla, California on May 21st and 22nd. The next edition of "*The Law of Performance Bonds*" is now being finalized and will be the subject of the meeting. Our Senior Editor and Program Chair is Larry Moelmann, who has assembled a terrific group of speakers. Our Thursday luncheon program will feature a celebration of our 75th anniversary as a committee and feature another presentation of the *Marty Andrew Award* to a deserving recipient. In addition to the outstanding program, we have also left a little time for some fun in the sun. On Friday afternoon, we have planned a golf outing at historic *Torrey Pines*, the site of this year's dramatic playoff for the U.S. Open championship between Tiger Woods and Rocco Mediate.

During the year, our committee will also present a CLE teleconference on the Miller Act, co-sponsor a program at the ABA's Annual Meeting in Chicago and we are leading a year-long effort to attract new organ and tissue donors. This public service project is being sponsored by a grant from TIPS and will both help others, and our profession, by giving back to our local communities. I urge all of you to get involved with this effort and to either sign up yourself, or encourage others to do so.

As can be seen, we have a busy 2008-2009 year planned. There are many opportunities to get involved regardless of whether you are a new member, minority, or old-timer like me. In closing, I must express my deepest thanks to all of the program chairs, the subcommittee chairs and other past and present leadership of this committee. I simply could not lead an organization as diverse and active as the FSLC, without the help and guidance of so many of you. Special thanks are due to Tracey Haley for all of her advice and guidance, to my law firm partners for their allowing me the opportunity to lead this great organization and to my wife and family for their unwavering support. We are off to a great start and I look forward to seeing and serving each of you as the year progresses.

– E.A. "Seth" Mills, Jr.