

June 12 & 13  
New York City

HIGHLIGHTS

*Forum*

MANAGING SECURITIES LITIGATION

iiforum.org

**FORUM SPEAKERS CALL FOR “PROACTIVE” AND  
“VIGILANT” SHAREHOLDERS**

*BLB&G Of Counsel Tony Gelderman moderates the panel discussion. Forum Panelists Randy Roche, Tommy Reeves, Greg Smith and John Keane share their securities litigation experiences with the Forum attendees.*

Dean Seligman, in his Forum presentation, eloquently articulated the difficulties involved in regulating the securities markets. It is crucial, he asserts, to have a well-funded SEC and informed and proactive investors, as “the mechanics and the complexities of securities trading, which is an ever-shifting kaleidoscope,” require “constant vigilance ...[and] renewed attention.”

The 8th BLB&G Institutional Investor Forum — “Managing Securities Litigation: A Comprehensive Guide for Public Pension Funds and Other Institutional Investors” — was held on June 12 & 13, 2003 in New York City. The June Forum featured several distinguished speakers including Keynote Addresses from former New York State Comptroller Hon. H. Carl McCall and Joel Seligman, Dean of the Washington University School of Law, one of the nation’s leading securities law experts.

Comptroller McCall, in his role as sole trustee of the New York State Common Retirement Fund, became a leading force in increasing institutional investor activism. Drawing upon his experiences, he stated that the regulatory changes enacted by Congress, the SEC and other regulatory bodies are “not enough. ...Even with a transparent process and independent board members, we need one more thing — proactive shareholders.”

Also, Ronald Zajac, General Counsel of the Policemen & Firemen Retirement System and the General Retirement System of the City of Detroit recounted his fund’s role in the prosecution of the *Legato* securities class action, which resulted in an \$85 million settlement.

The Forum also featured an interactive panel discussion — “Securities Litigation in the Post-PSLRA World” — relating the real-life litigation experiences of several public pension funds. The panel featured John Keane, the Administrator of the Jacksonville Police & Fire Pension Fund; William T. (“Tommy”) Reeves, the General Counsel for the Teachers’ Retirement System of Louisiana; R. Randall Roche, the General Counsel for the Louisiana School Employees’ Retirement System and the Louisiana Municipal Police Employees’ Retirement System; and Gregory W. Smith, the General Counsel for the Public Employees’ Retirement Association of Colorado.

**REGISTER NOW FOR THE NEXT INSTITUTIONAL INVESTOR FORUM!**

The 9th BLB&G Institutional Investor Forum will be held in New York City on *November 13-14, 2003*. To register or obtain more information, visit [www.iiforum.org](http://www.iiforum.org) or contact Douglas McKeige (800-380-8496 or [doug@blbglaw.com](mailto:doug@blbglaw.com)) or Tony Gelderman (504-525-3373 or [tony@blbglaw.com](mailto:tony@blbglaw.com)).

# Forum Highlights



Keynote Speaker Joel Seligman, Dean of Washington University School



Carole Berger, Managing Director, TIAA-CREF Investment Management, poses a question during one of the Forum sessions.



Detroit General and Police and Fire Retirement Systems General Counsel Ron Zajac discussing his role in the prosecution of the Legato securities litigation.



BLB&G partner Douglas McKeige

**Joel Seligman**, Dean of Washington University Law School, on the need for constant attention to securities regulation: *“When the Commission is adequately funded, when private litigation is possible, when institutional investors perform the role we need, we achieve a balance. The problem is it doesn’t last. It needs constant vigilance. It needs renewed attention. We’re in a period where the pendulum’s clearly swung towards greater support for effective litigation and regulation for awhile... but the pendulum can swing back...”*

Keynote Speaker **H. Carl McCall** on the need for shareholder activism: *“No matter how strong the system is, there will always be those companies who fudge the numbers, or engage in biased hiring practices, or undermine shareholders in myriad other ways. And the best way for shareholders to combat any of these scenarios and safeguard their investment is by using the strength they have in their numbers. And when it comes to shareholder clout, institutional investors are in a league of their own. Institutional investors own 80 percent of the stock of all of our public companies ... Until recently... the majority of institutional investors have been passive shareholders. Well, passivity is no longer acceptable.”*

BLB&G Partner **Douglas McKeige** on the need for investor education: *“We’ve been offering this program now for several years and each time the Wall Street frauds littering the headlines get more disturbing. The institutional investor community needs to know what its options are in terms of protecting and recovering its assets. Sometimes litigation is the best option for recovering assets and sometimes it’s not. An educated client is our best client.”*



At right, Keynote Speaker H. Carl McCall, former New York State Comptroller, with firm partners Douglas McKeige (left) and Max Berger (right).

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**Ronald Zajac**, General Counsel for the General Retirement System of the City of Detroit and the Policemen and Firemen System of the City of Detroit, on the rewards of being lead plaintiff: *“Our pension fund played a significant role in sending this message of being serious, and I think we had an overall positive effect, not only on the \$85 million settlement ...but also the entire process, by sending a message where we think the word will get around that fraud will not be tolerated by our fund.”*



Attendees listen to presentations during one of the Forum sessions.



Colorado PERA General Counsel Gregory W. Smith

**John Keane**, Administrator of the Jacksonville Police and Fire Pension Fund, on punishing corporate wrongdoers: *“You know, today there’s more economic criminals hiding in New York City in these boardrooms and these corporate suites . . . last year they stole more money up here than all of the bank robbers and thugs and stick-up artists put together.”*



Tony Gelderman, BLB&G Of Counsel and head of the firm’s Louisiana office.

**Tony Gelderman**, BLB&G of Counsel, on the growing need for shareholder education: *“The capital market system in America is always evolving, and it’s undergoing more change now than it has in the last sixty years. Managing large pension funds requires continuing fiduciary education. We’ve endeavored to provide a unique environment for fund representatives to exchange ideas, experiences and suggestions at our Forum.”*



City of Chicago Treasurer Judith Rice and City of Chicago Comptroller Tariq Malhance with BLB&G Partner Dan Berger

**William T. (“Tommy”) Reeves**, General Counsel of the Teachers’ Retirement System of Louisiana on the effect of shareholder litigation: *“Before we got involved most of our checks were quite small. After we got involved some of our checks became quite large. Believe me, our board is quite happy to receive those checks that are \$100,000 as compared to those checks for less than \$100.”*



Phyllis Taylor, Esq., NYC Deputy Comptroller and Joyce Theobalds, Esq., Associate Counsel, NYC Office of the Comptroller.

# Forum Highlights

## SUNSET DINNER CRUISE TOPS OFF FIRST DAY OF FORUM

BLB&G always tries to find something fun to do with the Forum attendees while they are in New York City. In the evenings, BLB&G hosted a dinner cruise around Manhattan and a farewell dinner gala at the New York Yacht Club for all those who could find the time. A great time was had by all!!



Above, Joseph and Donna Lybik pose for a snapshot as the yacht rounds the tip of Manhattan.



A lively dinner followed sightseeing on the deck.



BLB&G partner Max Berger leads a toast before dinner on the yacht.



Above, Keynote Speaker Carl McCall and firm partner Sean Coffey chat with guests aboard the yacht Entrepreneur II.



The Institutional Investor Forum is sponsored by Bernstein Litowitz Berger & Grossmann LLP. If you would like more information about the Forum, please visit the Forum website at

[www.iiforum.org](http://www.iiforum.org)

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