

UNIVERSITY OF MINNESOTA

BOARD OF REGENTS

Litigation Review Committee

September 7, 2006

A meeting of the Litigation Review Committee of the Board of Regents was held on Thursday, September 7, 2006 at 9:00 a.m. in the William R. Peterson Conference Room, 600 McNamara Alumni Center.

Regents present: Frank Berman, presiding; Anthony Baraga and Peter Bell.

Staff present: President Robert Bruininks; Vice President Kathryn Brown; General Counsel Mark Rotenberg; and Executive Director Ann Cieslak.

Others present: William Donohue, Keith Dunder, Elmore James, and Brian Slovut.

ANNUAL REPORT ON LEGAL MATTERS

General Counsel Rotenberg presented the Annual Report on Legal Matters as provided in docket materials on file in the Board Office.

He reported that 2006 marks the 26th anniversary of the Office of the General Counsel. He reviewed the objectives of the office: to ensure the best litigation possible and pursue preventive law. He stated that the growth of the office over the 26 years has been due to the number of complex issues facing higher education. He described litigation strategies and indicated that the number of legal cases has decreased in the past five years. This has provided an opportunity for staff to devote more time to transactional work to perform preventive law.

A number of questions were raised about the use of outside counsel, intellectual property and copyrights, teaching and pro bono activities of General Counsel staff, and work performed by the athletic compliance office.

**RESOLUTION TO CONDUCT NON-PUBLIC MEETING
OF THE LITIGATION REVIEW COMMITTEE**

At 9:35 a.m. a motion was made and seconded that the following resolution be approved:

WHEREAS, based on advice of the General Counsel, the Board of Regents Litigation Review Committee has balanced the purposes served by the Open Meeting Law and by the attorney-client privilege, and determined that there is a need for absolute confidentiality to discuss litigation strategy in particular matters involving the University of Minnesota;

NOW, THEREFORE, BE IT RESOLVED that in accordance with Minnesota State Statute Section 13D.01, Subd. 3; and 13D.05, Subd. 3(b), a non-public meeting of the Board of Regents Litigation Review Committee be held on Thursday, September 7, 2006 at approximately 9:30 a.m. in the William R.

Peterson Conference Room, 600 McNamara Alumni Center, for the purpose of discussing attorney-client privileged matters including the following:

I. Hotten v. Regents of the University of Minnesota et al

The committee voted unanimously to approve the resolution. The public portion of the meeting adjourned at 9:36 a.m.

Mr. Elmore James left the room.

The non-public portion of the meeting adjourned at 9:48 a.m.

**ANN D. CIESLAK
Executive Director and
Corporate Secretary**