

**PRESIDENT'S SPEECH  
NATIONAL ASSOCIATION OF BOND LAWYERS ANNUAL MEETING  
PHOENIX, ARIZONA  
OCTOBER 28, 2009**

NABL Members, NABL staff, friends and colleagues at Haynsworth Sinkler Boyd in South Carolina of which 18 are members of NABL, I am absolutely delighted to stand before you today as President of the National Association of Bond Lawyers. First, I want to congratulate Bill Holby on his splendid and very productive term as President of NABL and look forward to his continued participation on the Board. I also want to thank Foster Clark for his advice and guidance and insightful observations as he retires as past president. We also owe a great debt of appreciation to Alan Robertson, Lauren Mack and Jeff Nave as they complete their terms as directors, all of which have agreed to stay involved in our 2009-2010 work plan. I also want to thank many of you in this room who are past presidents and board members of NABL. With all sincerity I can say that NABL is the premier organization of public finance attorneys and it is because of your contributions over our 30 year history. Each of you have incrementally added to NABL's stellar reputation and hence NABL is in 2009 the vibrant organization for which all of you have worked so hard for, many for its entire 30 year history.

I do want to present to you the vision I have for NABL going forward as we mark our first 30 years.

There is a German/Austrian expressionist opera by Alban Berg written in the 1930's called "Lulu". Act 1 of this opera opens with Lulu's sitting for a portrait. Throughout the opera Lulu has many relationships – often turbulent. Lulu, with each encounter, changes to be the person she is perceived or expected to be – even having different names and styles of dress and different personalities with each violent relationship. She is in effect the blank canvas upon which others paint their imagery. Ultimately, Lulu declines into prostitution with the opera

ending with a blood curdling scream by Lulu as she is stabbed by Jack, obviously a reference to Jack the Ripper.

So what does Lulu have to do with NABL? As we reflect upon our 30 years and look forward to the future, NABL will be tempted to change its mission in reaction to various pressures, especially to enter into the policy arena. First and foremost, NABL's hallmark has been a strong sense of what NABL is and what NABL is not. NABL has a firm sense of its identity. NABL is an educational organization where the very best scholarship in analyzing and providing comments is the gold standard. We know this but just as important regulators and organizations we interact with acknowledge this. More than once GFOA has commented by endorsing NABL's comments. We know many of our regulators and those serving in Congress seek out NABL's assessment of proposals. Even the stress and chaos of the markets since our last meeting in September 2008, NABL, despite temptations, continues to speak with one voice for our membership which includes counsel to issuers, underwriters, private practice attorneys in small and large firms and attorneys employed in state and local governments. This stature as the preeminent legal organization in the municipal market is a reputation that has been established over 30 years and is our organization's most valued asset. It gives NABL clout as a unified voice in the municipal market, a voice which is highly respected.

Second, in addition to our leadership in responding to proposed laws and regulations this past year, NABL made great strides in undertaking collaborative projects with other organizations with which we interact. In early October, NABL published with the Intergovernmental Swap Dealers Association a publication entitled "Interest Rate Swaps for the General Bond Practitioner: Basic Structure, Documentary and State Law Issues". Tyler Smith of Haynsworth Sinkler Boyd, P.A. and Stacey Crawshaw-Lewis, along with Cynthia Weed, both with K&L Gates, spearheaded this most useful project. This publication can be downloaded

from NABL's website or ordered. Copies are available here at BAW as well. This project will be extremely helpful to our membership and I predict will become the definitive work on the analysis of state law issues pertaining to swaps. We also have the long awaited publication of the NABL/ABA Disclosure Roles of Counsel in State and Local Government Securities Offerings with John McNally, Paul Maco and Jack Gardner serving as the reporters. These reporters together with other contributors will be honored this evening at our reception. This publication is a valuable resource not only for our members but a wonderful tool to introduce to market participants the disclosure responsibilities of various parties to the public finance transaction. These projects are very important in that NABL's able to partner with other major players but completely maintain our identity. NABL will actively seek to partner with organizations where we can continue our premier position of educating the participants in the municipal market.

On November 9<sup>th</sup>, NABL will host with America University a conference entitled "Public and Infrastructure Finance in the Wake of the Financing Crisis: Emerging Legal and Policy Responses". This will be a forum including NABL members, policy makers and legal scholars to have a discussion on the constitutional limits on federal financing of infrastructure and give us a time to pause and reflect on the accelerated role of the federal government in public finance. In the year of the 21<sup>st</sup> anniversary of the Supreme Court's decision in the Baker Case (in which our firm was counsel), this forum is certainly overdue. Thanks to Bill Holby and Penny Rostow, our director of Governmental Relations for their efforts in developing this forum with America University.

My third concept of our identity looking forward is not addressing our substantive strength in our subject matter but how we do so. NABL has continued to disseminate information to our members through evolving technologies. We have now come to expect NABL-nets to be sent out to keep our membership as current as possible on breaking news. We also organize the most comprehensive educational programs from Fundamentals to BAW, to the Tax and Securities Law Institute, as well as teleconferences. However, we need to do much better. We can still maintain our identity and reputation as the best provider of high quality and fairly priced legal education. However, we have fallen behind in *how* we transfer information to our members. It is time to make that leap forward. When you came in you saw our first NABL YouTube advertising the benefits of NABL membership. By November 15 you will see a YouTube with Perry Israel. I have previewed this YouTube and I know you will now be on the lookout for Perry's most sincere message to our members. Following Perry in December will be Lewis Bell giving his testimonial on the benefits of NABL membership to a practitioner in a smaller firm. Lewis is representative of 67% of our membership which comes from firms that are primarily practicing in one state or two states. However, our membership, especially the members under 40, as well as many of us over 40, now expect information to be transferred more timely and efficiently. Our clients expect responses by email. Last week I heard Tyler Smith explaining to a third-year associate how we used to send out 40 Federal Express packages each day. Our associate was incredulous and I realized again how fast change has come to our practices in this regard. This same change has to come to our own organization.

I envision on our website discussion forums which will be very targeted in scope where there can be on-line discussions. For example, State law issues with swaps where questions can be asked and matters discussed in real time; a discussion on Build America Bonds or Recovery Zone Bonds. Again, these would not be broad in scope such as complex tax discussions but targeted issues for membership exchange on select issues including securities and state bond matters.

Also, we hope to launch in 2010 the first Webinar in lieu of our teleconference format. With webinars you can post a question during the presentation and the presenters then can address the questions. The webinars will also have a visual component. Finally, in 2010 you may even see blogs. I am asking a few of our most astute leaders to consider a NABL blog whereby they can share observations in this forum. This new way to deliver educational content will be delivered from our new website which will be launched in celebration of the New Year with great fanfare. Kristin Franceschi, Lauren Mack, Ken Luurs and Meghan VanDeventer have spent hundreds of hours on this project. I have asked Linda Schakel to chair the Website Editorial Board since the website will become a much more useful component of our educational program. Lauren Mack has agreed to chair the Communications Committee and Eric Ballou has agreed to chair the Education and Member Services Committee and will collaborate on these initiatives and recommend to the Board in January how best to implement these new communication strategies opportunities. They can be most successful and add new but much needed avenues of communication with our members. Our communications consultant interviewed a sample of NABL's members this year and consistently found that our members are prepared, indeed are asking, for NABL to embrace more real-time and interactive forums for communications. This will not cannibalize our educational programs but ensure their survival and relevance.

Again, unlike Lulu we know our identity, we do not need to change it or conform to agendas of others and are firmly grounded in our mission statement so we can boldly utilize technology to enhance our delivery of membership benefits and not detract from it.

So my goal is by the time this annual meeting occurs in San Antonio in 2010, we will have launched discussion forums, webinars and blogs. We can do this.

So as we look forward to the next 30 years, I am very optimistic that NABL will, with your loyal support, be the best member driven legal association that does not compromise its identity or integrity.

Our organization has been tested this year as we all worked extremely hard and with superior diligence to help our membership, as well as Congress, IRS and SEC, to navigate turbulent and in many cases unchartered waters of the financial markets in what at this time last year was near collapse and is now entering into recovery. Whether we have this time a w, v, l or saw tooth recovery, you in your states will be guiding and advising the decision-makers in what is now a 2.7 trillion dollar market as of June 30 of this year. I can say genuinely that with NABL's analysis of laws and regulations – whether tax, securities or state law matters – the integrity and transparency of the municipal market is greatly enhanced by having NABL being a major player in the discussions.

So tonight with much work by Bernie Friel, Brenda Horn, Chuck Shimer and Susan Zelner, we will celebrate our past 30 years of success and confidently know that NABL, with its strong identity and confidence in its mission and unwavering commitment to integrity of the municipal markets, will be going forward, an essential partner with you in ensuring you have the legal resources to solve your clients' financial needs. Our country still has many serious problems to resolve – credit is still very tight in most areas, unemployment rates remain stubbornly high, state and local budgets remain stressed bringing challenges and crisis daily and

long-term. Your guidance and counsel is sought and valued. With your continued dedication and renewed commitment to mentor the next generation of NABL leaders, our next 30 years will be even brighter and the legacy of your hard work will be treasured as NABL celebrates its 60<sup>th</sup> anniversary on February 5, 2039.