



You are cordially invited to
The CPR Institute for Dispute Resolution

European Business Mediation Congress



Thursday and Friday
October 21-22, 2004

Kurhaus Hotel
Peace Palace
The Hague, Netherlands

In association with the
European Company Lawyers Association



This Invitation was produced with generous support from

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In the tradition of
CPR membership meetings
BY INVITATION ONLY

From the President

The CPR Institute for Dispute Resolution



It is my pleasure to invite you to **The CPR Institute European Business Mediation Congress**, CPR's inaugural *global* assembly, to be held at the breathtakingly beautiful Kurhaus Hotel, The Hague, Netherlands, with meetings in the legendary Peace Palace.

Prevention and consensual resolution of corporate conflicts is inevitable and prudent, and is being adopted and embraced by leading businesses and counsel worldwide. The European Commission has promulgated a draft directive on mediation, various courts and legislatures are requiring mediation and leading global corporations are expecting their commercial counterparties to engage in mediation.

We at The CPR Institute for Dispute Resolution have never been more aware of the urgent need for innovative and appropriate ways to resolve disputes. Most of us must manage complex businesses, often across international borders. It is fitting that CPR will convene its very first European Congress at the Peace Palace, the seat of international law as well as the Permanent Court of Arbitration, the world's oldest institution for dispute settlement.

Thursday and Friday, 21-22 October promise to be an exciting and meaningful experience. The proceedings are built upon a tradition of knowledge. For the past two decades, CPR has called together a leading assemblage of corporate and outside counsel, judges and scholars within the United States consisting of CPR Members and their invited guests. These meetings have offered opportunities to learn from global leaders, discuss real-world cases with practical analyses, connect and re-connect with senior attorneys, and enjoy social events. This year, for the first time ever, we are proud to welcome some of the leading European practitioners to our august group, some of whom may be attending a CPR meeting for the first time.

At the end of two days of intensive sessions all those in attendance will substantially increase their ADR knowledge, and leave with fresh, innovative strategies and practical ideas, as well as new and renewed relationships that will help to manage litigation dockets.

Please join us at The Hague with some of Europe's foremost legal and business colleagues.

A handwritten signature in blue ink that reads "Thomas J. Stipanowich". The signature is fluid and cursive, written in a professional style.

Thomas J. Stipanowich

President and CEO
The CPR Institute for Dispute Resolution

Faculty will include...

Bruno Cova

Lead Counsel to the Commissioner of Parmalat Group
Parma, Italy,
Former General Counsel, Fiat S.p.A.

Giuseppe De Palo

ADR Center
Rome, Italy

Christian Duve

Freshfields Bruckhaus Deringer
Frankfurt, Germany

A. Jan Eijsbouts

General Counsel, Akzo Nobel N.V.
Arnhem, Netherlands

Donatella Favalli

Fiat S.p.A.
Turin, Italy

Hans Peter Frick

General Counsel, Nestlé, S.A.
Vevey, Switzerland

Judge Pieter Kooijmans

International Court of Justice
The Hague, Netherlands

Michael Leathes

British American Tobacco
London, England

Michael McIlwrath

GE Oil & Gas
Florence, Italy

Karl J. Mackie

Chief Executive, CEDR
London, England

Marcello Marinari

Court of Appeal
Milan, Italy

Jean-Claude Najjar

GE Oil and Gas
Florence, Italy

Myriana Nestic

Hammonds
London, England

Jean Neslin

Gide Loyrette Nouel, Former
General Counsel for Eurotunnel
Brussels, Belgium

Christopher Newmark

Baker & McKenzie
London, England

James P. Percival

British Nuclear Fuels
Warrington, England

Paul Smith

EVERSHEDS
London, England

Thomas J. Stipanowich

President, CPR Institute
New York, USA

Mario Tenreiro

Cooperation Giudiciare Civile,
European Commission
Brussels, Belgium

A. H. van Delden

Chairman, Council for the Judiciary
The Hague, Netherlands

Theodore B. Van Itallie, Jr.

Associate General Counsel,
Johnson & Johnson
New Jersey, USA

Lord Woolf of Barnes

Lord Chief Justice of England
and Wales



"I've consistently found CPR's meetings to be extremely valuable. They are an excellent source of information and a terrific opportunity to exchange ideas with other lawyers."

Kathryn A. Oberly

Vice Chair and General Counsel
Ernst & Young LLP

Program Highlights

ADR as Public Policy

Bruno Cova, Christian Duve, Mario Tenreiro

Conflict Management and Leadership

Michael Leathes, Jean-Claude Najjar

CPR European Corporate Survey:

What is the State of the Art?

Giuseppe De Palo, Paul Smith

Legal, Commercial and Cultural Obstacles to Mediation Within Europe

Donatella Favalli, Myriana Nestic, Jean Neslin

What Comes Next?

Hans Peter Frick, Thomas J. Stipanowich

The Role of the Public Courts in the Resolution of Private Disputes

Lord Woolf of Barnes, Marcello Marinari,
Christopher Newmark, A. H. van Delden

Who Uses Mediation?

A. Jan Eijsbouts, Michael MacIlwrath,
Karl J. Mackie, James P. Percival,
Theodore B. Van Itallie, Jr.

Keynote Address

Lord Woolf of Barnes

Welcome to the Peace Palace

Judge Pieter Kooijmans

Advanced Mediator Training

An Early Bird Special

19, 20 October

CPR Institute will offer a special, intensive advanced course for mediators seeking to refine their skills and test them against complex and challenging fact patterns.

Renowned trainers Michael Lewis and Linda Singer will offer a 1½ day course specially designed for experienced mediators, on Tuesday-Wednesday, 19-20 October, preceding the Business Mediation Congress. The training will take place at the Kurhaus (the site of the Business Mediation Congress) and will concentrate on practical and ethical challenges that arise in complex business mediations, including cross-border disputes and those involving mixed languages or cultures. The course is recommended for those with experience or training in business mediation, and who seek advanced challenges, particularly in international disputes. The training and materials will be offered in English.

The cost of this Advanced Mediator Training course is **\$1,400/€1,120**. Mediators wishing to attend both the Advanced Course on 19-20 October and the Business Mediation Congress on 21-22 October will receive a 50% discount on the Registration Fee to the Congress, for a total cost of **\$1,775/€1,420** for both events. However, this discount will be available only to registrants who enroll and submit full payment prior to 15 July.

Continuing Education Credits (CLE)

This program has historically been approved in accordance with the requirements of the New York State Continuing Education Board. Application for accreditation of this course and program in New York is currently pending.



Congress Agenda

Thursday, 21 October

- 10:00 – 10:30 **Breakfast**
- 10:30 – 10:45 **Opening Remarks**
Thomas J. Stipanowich
President, CPR Institute for Dispute Resolution
- 10:45 – 12:00 **Conflict Management and Leadership**
Two internationally recognized proponents discuss how mediation works for business, why mediation is the preferred tool for international businesspeople, and why leadership is needed from the business community in order to reap the commercial benefits of the process.
- PRESENTERS**
Michael Leathes, *Head of Intellectual Property British American Tobacco, London, England*
Jean-Claude Najjar, *General Counsel GE Oil & Gas, Florence, Italy*
- 12:00 – 1:15 **Lunch**
Keynote Address
Lord Woolf of Barnes, *Lord Chief Justice of England and Wales, London, England*
- 1:15 – 1:45 **Coaches from Kurhaus to Peace Palace**
- 2:00 – 2:30 **Welcoming Remarks**
Judge Pieter Kooijmans, *International Court of Justice, The Hague, Netherlands*
- 2:30 – 3:45 **The Role of the Public Courts in the Resolution of Private Disputes**
An informal, interactive interview and discourse. Attendees are welcome to pose questions to, and engage in discussion with, some of Europe's leading jurists and proponents of commercial mediation.
- MODERATOR**
Christopher Newmark, *Baker & McKenzie London, England*
- SPEAKERS**
Lord Woolf of Barnes, *Lord Chief Justice of England and Wales, London, England*
Marcello Marinari, *Court of Appeal, Milan, Italy*
A. H. van Delden, *Chairman, Council for the Judiciary, The Hague, Netherlands*
- 3:45 – 4:15 **Afternoon Break**
- 4:15 – 5:30 **Roundtable: Who Uses Mediation?**
A discussion among participants in actual high-stakes mediations that have recently been conducted in Europe.

MODERATOR

Karl J. Mackie, *Chief Executive, CEDR*
London, England

PANELISTS

A. Jan Eijsbouts, *General Counsel, Akzo Nobel N.V*
Arnhem, Netherlands

Michael McIlwrath, *GE Oil & Gas, Florence, Italy*

James P. Percival, *British Nuclear Fuels*
Warrington, England

Theodore B. Van Itallie, Jr., *Associate General*
Counsel, Johnson & Johnson
New Brunswick, New Jersey, USA

5:30 – 6:00 **Coaches from Peace Palace to Kurhaus**

6:45 – 8:00 **Reception**

8:00 – 9:30 **Dinner**

Friday, 22 October

7:30 – 8:45 **Breakfast**

8:45 – 9:30 **CPR European Corporate Survey:
What is the State of the Art?**

Participants present and discuss the results of the CPR Corporate Survey and the state of commercial mediation in Europe today.

PRESENTERS

Giuseppe De Palo, *ADR Center, Rome, Italy*

Nancy Nelson, *CPR Institute for Dispute Resolution,*
New York, New York, USA

Paul Smith, *EVERSHEDS, Leeds, England*

9:30 – 10:45 **Legal, Commercial and Cultural Obstacles
to Mediation Within Europe**

What are the obstacles to increased use of mediation, from the point of view of those who espouse it, practice it, and seek to use it? A group of the most illustrious counsel in Europe discusses the practice from their experience in the sectors of manufacturing, construction and finance.

MODERATOR

Myriana Nestic, *Hammonds, London, England*

PANELISTS

Donatella Favalli, *Fiat S.p.A., Turin, Italy*

Jean Neslin, *Gide Loyrette Nouel, Former General*
Counsel for Eurotunnel, Brussels, Belgium

10:45 – 11:15 **Morning Break**

11:15 – 12:15 **ADR as Public Policy**

Does the diffidence displayed by European companies to resolve disputes pursuant to interest-based negotiation and facilitative mediation pose a competitive obstacle to the European economy in the global markets?

And to the extent it does, what steps should legislative and regulatory bodies take to correct this disadvantage?

MODERATOR

Christian Duve, *Freshfields Bruckhaus Deringer,*
Frankfurt Main, Germany

PRESENTERS

Bruno Cova, *Lead Counsel to the Commissioner of*
Parmalat Group, Parma, Italy

Mario Tenreiro, *Cooperation Judiciaire Civile*
European Commission, Brussels, Belgium

12:15 – 1:00

What Comes Next?

What does the future hold? How will the new practice of mediation fit with the settled practice of commercial arbitration? How will private counsel react to the challenge of early and appropriate dispute resolution? When we re-gather next year, what will the Agenda be?

MODERATORS

Thomas J. Stipanowich, *CPR Institute for Dispute*
Resolution, New York, New York USA

Hans Peter Frick, *General Counsel, Nestlé, S.A.,*
Vevey, Switzerland

1:00

Final Remarks and Adjournment

1:15 – 2:00

Buffet Lunch

“The printed materials were exceptionally well thought-through and will be useful for reference for a long time. This was the best use of seminar time I’ve known.”

Bud G. Holman, Esq

Partner, Kelley Drye & Warren LLP

