CPR Explores “Perspectives on ADR” at 2018 Annual Meeting

Hon. Layn Phillips, Ambassador Andrew Young and Robert J. Grey Jr. presented keynotes addressing most divisive global issues of the day

New York, March 21, 2018 – The International Institute for Conflict Prevention and Resolution (CPR), a global non-profit organization that advances dispute prevention and resolution practices and provides high quality solutions, held its 2018 Annual Meeting on March 8-10 in Atlanta at the Whitley Hotel, convening more than 225 General Counsel, leading practitioners, noted academics and jurists and expert international arbitrators and mediators. The theme of this year’s meeting was “Perspective in ADR – Dispute Resolution in an Increasingly Fractured World.”

“We are living today in a very divisive time, so, more than ever, it is incumbent upon all of us, including corporations, to explore ways in which disputes can be resolved as thoughtfully and strategically as possible,” said Noah Hanft, President & CEO of CPR. “We are thrilled that our Annual Meeting was able to serve as the venue for such high-level discussions, with some of the world’s leaders in conflict prevention and resolution.”

Day One began with an opening keynote mock mediation session facilitated by renowned mediator and CPR board member, Hon. Layn Phillips. A former United States District Judge of the United States District Court for the Western District of Oklahoma, Judge Phillips presided over more than 140 federal trials in Oklahoma, New Mexico, and Texas during his tenure on the bench. Judge Phillips addressed the topic of Mediating Conflict Set in Stone – The Confederate Monuments Debate. This live keynote mock mediation session tackled the highly controversial and sensitive subject of the future of Confederate monuments, including Georgia’s own Stone Mountain and the Decatur Obelisk. It provided a rare opportunity to witness a virtuoso mediator in action, skillfully applying tools of ADR to a real-world dispute involving entrenched positions and deeply felt convictions.

Sheffield Hale, President and CEO of the Atlanta Historical Society played the role of Court-Appointed Special Master; party-speakers included: Derreck Kayongo, Center for Civil and Human Rights; Kevin Foster, Business Ethics Advisors; Icey Johnson, formerly of Atlanta Public Schools; Rodney Mims Cook, The National Monuments Foundation; Richard Whitner, Harry Norman Realtors; and William “Ware” Bush, Aspen Partners. The Mediation Advocates included: Hon. Timothy K. Lewis, Schnader Harrison Segal & Lewis; Amanda Saunders, Phillips ADR; and Denise Shaw, The Shaw Group.
Because actual mediation proceedings are confidential this “torn from the headlines” hypothetical focusing on conflicts mirroring real world disputes provided a rare glimpse into the inner workings of a complicated multi-party mediation. With both joint sessions and individual caucuses played out on stage, the audience experienced a unique 360° perspective resulting in an invaluable opportunity to better understand mediation proceedings.

The first panel, *Prevention is the New Resolution: Next-Generation Practices, Solutions and Tools*, explored how corporations, as they become increasingly sophisticated, look further upstream—not just at early detection and assessment, but at methodologies aimed to prevent disputes before they arise. From newfangled contractual dispute prevention language, to from-the-start techniques such as standing, hovering and on-call neutrals, this discussion focused on how companies and counsel are practicing preventative dispute management. The panel was moderated by Noah Hanft and featured Joan Stearns Johnsen, University of Florida Levin College of Law; Scott Partridge, Monsanto Company; Peter H. Rosenbaum, Jenner & Block; and James Masterson, Mastercard.

The first tracked session, *Resolutions in the Wake of Disaster: Fire, Flood, Famine*, addressed the rising impact of natural disaster and political upheaval, and how practitioners are using ADR to mitigate costs to help bring business stability in chaotic times. The session was moderated by John M. Sylvester, K&L Gates LLP; and Vijay Bondada, Duke Energy and featured Erin Gleason Alvarez, Gleason Alvarez ADR; Kenneth E. Ryan, Wiley Rein LLP; and Steven E. Antunes, AEGIS Insurance Services, Inc.

The second session, *ADR in the Wake of the #MeToo Movement*, addressed the impact of the #MeToo movement on the arbitration and mediation of sexual harassment claims brought by employees and explored the creative ways companies use ADR to resolve these disputes without sacrificing the ability of victims to stand together, accountability and justice. Moderated by Jennifer S. Bullock, Morgan, Lewis & Bockius LLP, the panel featured Lisa J. Banks, Katz, Marshall & Banks, LLP; Noah Hanft (standing in for Diane F. Dann, Mastercard who was unable to attend due to weather-related travel difficulties); Clinton J. Smith, US Equal Employment Opportunity Commission (EEOC) Atlanta District Office; and Joseph B. Farrell, Latham & Watkins.

During lunch on Day One, John Kiernan, President of the New York City Bar Association and former Chairman of the Board of CPR, interviewed the Co-Chairs of the CPR Diversity Task Force – Judge Tim Lewis (Ret.) and Judge Shira Scheindlin (Ret.) on the current standing of minorities and women in ADR; how to achieve target goals for increasing their participation in ADR; implicit bias and what can be done to counteract and eliminate these biases; and the role and responsibility of clients and their counsel in selecting neutrals.

The afternoon began with the panel: *Regulatory Upheaval: NAFTA, Brexit & Renegotiations* and was moderated by Mark A. Cymrot, Baker & Hostetler LLP, and featured Ralf Lindbäck, Wärtsilä Corporation; Eloïse Obadia, International Investment Law Practitioner; Liz Snodgrass, Three Crowns and Robert Wisner, McMillan LLP (and Co-Chair of CPR’s Canada Advisory Board).
Next CPR addressed the question *Why Don’t Arbitrations Settle?* examining the phenomenon of why court proceedings are more likely to settle in advance of trial than arbitration and discussed whether there are ways to modify the arbitral process to enhance the likelihood of settlement. This panel was moderated by John J. Buckley Jr., Williams & Connolly LLP, and featured Chianni Bao, Skadden, Arps, Slate, Meagher & Flom LLP; Marcelo Roberto Ferro, Ferro, Castro Neves, Daltro & Gomide Advogados; Edna Sussman, SussmanADR LLC; and Maurice J.H. Kuitems, Fluor Corporation.

At the day’s final session: *Master Mediators: Virtuosos in Action*, attendees had the opportunity to learn the best mediation tactics as seasoned veterans plied their trade. The session was moderated by newly elected CPR Board Member Jana Litsey, The Huntington National Bank, and featured Eric D. Green, Resolutions, LLC; Hon. Layn R. Phillips, Phillips ADR; and Linda R. Singer, JAMs and CPR Neutral.

Day One concluded with our third annual Inspiring Innovation Award Dinner honoring ExxonMobile and Eugene J. Silva II, Counsel, International Disputes Group, for their innovative ADR thinking and excellence in execution. The award was accepted by Mr. Silva’s colleague, Tom Sikora, Counsel, International Disputes Group, ExxonMobil.

Day Two began with a keynote address by Ambassador Andrew Young, an American politician, diplomat and activist, who took a look back at ADR through the years, and where we find ourselves today—internationally, domestically and locally, in Atlanta, where he had served as Mayor. An archived recording of this keynote can be found [HERE](#).

During the morning of Day Two, CPR presented a Business Roundtable entitled General Counsels’ Perspectives on ADR in an Increasingly Fractured World, in which General Counsel from the world’s leading corporations discussed the future of dispute prevention and resolution. The session was moderated by Kenneth A. Gallo, Paul, Weiss, Rifkind, Wharton & Garrison LLP and featured Norman M. Brothers, UPS; Pilar Ramos, MasterCard; Teresa Wynn Roseborough, The Home Depot; and Thomas J. Sabatino Jr., Aetna, Inc.

The second session of the morning on Day Two focused on Cybersecurity and Dispute Resolution. As ADR is not immune to the menace of cyber threats, the panel explored how companies can stay ahead. Moderated by Micaela R.H. McMurrough, Covington & Burling LLP, the session featured Stephanie Cohen, Independent Arbitrator; Hagit Muriel Elul, Hughes Hubbard & Reed LLP; Robert E. Levy, Exxon Mobil Corporation; and Senator Saxby Chamblis, DLA Piper.

At a luncheon ceremony, CPR announced the winners of its 35th Annual Academic Awards focused on processes, techniques, systems, commitment and scholarship, addressing the resolution, prevention or creative management of major disputes. CPR also awarded its second annual Y-ADR Annual Writing Award for Efficient & Effective Collaboration Between Corporate Counsel and Outside Counsel.

At lunch on Day Two, CPR also launched its new Mediation Best Practices Guide for In-House Counsel: Make Mediation Work for You, a comprehensive practice guide for
the in-house attorney. The Guide addresses when to contemplate mediation and guides the in-house reader through every step in the process: from convening the process and making negotiations plans before the in-person session to creative solutions for overcoming impasse and structuring a settlement agreement.

The afternoon session began with two tracked sessions. The first, *Innovative Construction Projects*, focused on four innovative projects located in the Atlanta region and how these projects have dealt with risks, disputes and challenges. Moderated by Jennifer Wheatley Fletcher, the session featured Kent W. Collier, Greyling Insurance Brokerage and Risk Consulting, Inc.; Annalisa Bloodworth, Oglethorpe Power Corporation; and Bharath Parthasarathy, Georgia State University. The second session focused on *Utilizing Arbitration to Resolve Audit-Related Disputes Around the World*. This panel was moderated by Javier Rubenstein Kirkland & Ellis LLP, and featured Abby C. Fiorella, Mastercard; Jason Klingensmith, General Motors; Richard A. Martin, Deloitte Touche Tohmatsu Limited; and Steve Young, Ernst & Young.

The ever-dynamic and interactive Ethics Panel addressed *Ethics & ADR: Telling Tales Out of School: What Can You Say and What Really Happens?* This session explored the precise contours of the duties of confidentiality. Moderated by Joseph E. Neuhaus, Sullivan & Cromwell LLP, the panel featured C. Mark Baker, Norton Rose Fulbright; Richard F. Ziegler, Jenner & Block; and Frances E. Bivens, Davis Polk & Wardwell LLP.

The final session of Day Two: *Effective Dispute Resolution Clauses: Perspectives on Drafting Do’s & Don’ts*, addressed the important choices that must be made when drafting an effective dispute resolution clause. Moderated by Dana C. MacGrath, Sidley Austin LLP and Natalie L. Reid, Debevoise & Plimpton LLP, the session featured Vanessa Alarcori Duvanel, White & Case LLP; Adwoa Ghartey-Tagoe Seymour, Cox Enterprises; and Alberto Ravell, ConocoPhillips.

CPR’s keynote speaker on *Day 3, Robert J. Grey Jr.*, addressed the important issue of diversity in ADR, examining what progress has been made and what still needs to happen in order for the practice of ADR to optimally move forward. Mr. Grey, who formerly served as president of the American Bar Association and was a partner with Hunton & Williams, is executive director of the Leadership Council on Legal Diversity, an organization created in 2009 to advance diversity in the legal profession. An archived version of this keynote speech can be found [HERE](#).

And finally, in a relaxed intimate setting, *Brunch and Conversation: Perspectives on Improving Dispute Resolution*, CPR facilitated a frank discussion of how we can all work to improve dispute resolution. Brunch attendees had the opportunity to submit written questions that were curated and posed to Janet Langford Carrig, Senior Vice President, Legal, General Counsel and Corporate Secretary, ConocoPhillips; and Craig Glidden, Executive Vice President and General Counsel, General Motors Co. by R. William Ide, Dentons.

**About CPR:**
CPR is an independent nonprofit organization that, for more than 35 years, has helped global businesses prevent and resolve commercial disputes effectively and efficiently. Our membership consists of top corporations and law firms, academic and government institutions, and leading mediators and arbitrators around the world. CPR is unique as: (1) a thought leader, driving a global dispute resolution culture; (2) a developer of cutting-edge tools and resources, powered by the collective innovation of its membership; and (3) an ADR provider offering innovative, practical arbitration rules, mediation and other dispute resolution procedures, and neutrals worldwide. For more information, please visit www.cpradr.org.

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