



CPR Arbitration Committee

Friday, November 15, 2019
12:30 pm to 2:00 pm (ET)

*White & Case LLP
1221 Avenue of the Americas
New York, NY 10020*

<u>From the US:</u>	<u>International:</u>
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ATTENDEES

Jennifer Glasser – Co-Chair

White & Case LLP
In Person

Helena Erickson – Staff Liaison

CPR Institute
In Person

Gary Benton

Gary Benton Arbitration
Via Phone

John Buckley

Williams & Connolly LLP
Via Phone

Elizabeth Edmondson

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Gray Arbitration LLC
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United Technologies Corporation

In Person

Sven-Michael Volkmer

White & Case LLP

In Person

MINUTES

I. Welcome and introduction

The meeting was moderated by Jennifer Glasser, Vice-Chair of the Arbitration Committee of the International Institute for Conflict Prevention & Resolution (CPR)

Ms. Glasser welcomed the members of the Arbitration Committee and began the meeting by introducing Mr. Eric Schwartz, partner at King & Spalding, former Secretary General of the ICC, and a former partner with the Paris offices of Freshfields and S.G. Archibald. Ms. Glasser and Mr. Schwartz then proceeded to a dialogue regarding efficiency in arbitral proceedings. Mr. Schwartz opined on the need for procedural orders with flexibility, the advisability of using Terms of Reference, which he favors to give clarity to the proceedings and the use of the IBA Rules of Evidence, which he considers transformational in international arbitration. Mr. Schwartz also reported that he disfavors dispositive motions because the law – even as to issues such as SOL – is inevitably intertwined with the facts, making the motions a source of delay rather than efficiency. Finally, Mr. Schwartz opined that while “hot-tubbing” can be useful, it is important to give the parties some time to present their own experts such that the process does not get completely derailed.

II. Report from the India Task Force



Thomas Childs, both King & Spalding, reported on the latest updates on the *CPR Manual for Cross-Border Dispute Resolution in India* on behalf of the of the CPR India task force. The Supplement is in the proofreading stages and will be simultaneously launched at events in New York and India on December 9, 2019. Watch the CPR Datebook for further details.

III. CPR Announcements

Ms. Erickson announced the November 20, 2019 CPR Corporate Leadership Award Dinner honoring Bradley Gayton and Ford.

Ms. Erickson then gave a brief description of CPR's new [Employment Related Mass Claims Protocol](#) which will be applicable when at least 30 similar individual employment claims are filed against the same employer.

