



2018 CPR EUROPEAN CONGRESS ON BUSINESS DISPUTE MANAGEMENT

In Collaboration with:



Thursday, May 31, 2018

Swiss Re

30 St Mary Axe (The Gherkin) | London, UK

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Congress Chairs

Elena Jelmini Cellerini, Swiss Re; Mark McNeill, Shearman & Sterling LLP &

Daniel Schimmel, Foley Hoag LLP

CPR would like to thank all CPR European Advisory Board Members, as well as Vanessa Alarcon Duvanel of White & Case LLP, Secretary to CPR European Advisory Board, and CEDR for their generous assistance in organizing this event.

Agenda

8:30 – 09:00	Registration & Breakfast
09:00 – 09:15	Opening Remarks <ul style="list-style-type: none">• Maurice J.H. Kuitens – Vice President & Managing General Counsel, FLUOR Corporation & Chair of CPR European Advisory Board• Elena Jelmini Cellerini – Claims Director, Swiss Re Corporate Solutions and Congress Co-chair• Nicola Parton – Head Property and Casualty Business Management, Swiss Reinsurance Company Ltd
09:15 – 10:45	Make ADR great again! The in-house counsel’s perspective <p>This panel composed of senior in-house counsel handling dispute resolution will share its views on ADR (arbitration, mediation and other dispute resolution processes) and how it can be made more efficient. A portion of the discussion will also focus on the in-house counsel’s own contribution to the process and potential for improvement. In-house counsel will first share on the internal constraints impacting their dispute resolution strategy, before moving on to how they can add value to the process and increase efficiency. This will include insights on several topics, including digitalization, online dispute resolution and the impact of artificial intelligence on ADR, transparency in international arbitration, as well as their views on critics of international arbitration and what can be done to make the entire ADR process great (again).</p> <p><u>Moderator:</u> Kenneth B. Reisenfeld – Partner, BakerHostetler</p> <p><u>Speakers:</u></p> <ul style="list-style-type: none">• James Cowan – Associate General Counsel, Global Litigation – International, Shell International Limited• Noah J. Hanft – President & CEO, International Institute for Conflict Prevention & Resolution (CPR) & former General Counsel of MasterCard Worldwide• Isabelle Robinet-Muguet – Vice President, General Counsel, International Legal Affairs & Mediation, Orange & Vice Chair of CPR European Advisory Board• Gill Mansfield – Director, Media Law Services
10:45 – 11:15	Coffee Break

11:15 – 12:30

The progress and impact of the European Directive on mediation: Where do we stand and what's next?

How is the European Directive on mediation implemented by Member States? Has mediation become mandatory? Is the directive enforced? What about the enforcement of settlement agreements? What role can it play with respect to Brexit? Has the EU directive impacted the development of mediation in non-member European states, such as Russia?

Moderator: Alexander Oddy – Partner, Herbert Smith Freehills

Speakers:

- **Vanja Bilić, PhD** – Head of Department for Civil Procedure Regulation, Ministry of Justice of the Republic of Croatia
- **Martin Brink, PhD** – Attorney, Van Benthem & Keulen
- **Professor Pablo Cortés** – Chair in Civil Justice, Leicester Law School, University of Leicester
- **Ivana Gabrić** – Corporate Lawyer, Končar – Electrical Industry, Inc.
- **Tsisana Shamlikashvili** – President, National organization of Mediators, Founder of the Center for Mediation and Law, Head of Federal Institute of Mediation

12:30 – 14:00

Lunch

Keynote Address by Javier Perez – President, MasterCard Europe

Introduced by Noah J. Hanft – President & CEO, CPR

14:00– 15:15

Climate change and ADR

This panel will explore how ADR procedures have been and can be used to resolve disputes related to climate change and the role ADR may play in this field going forward. This includes the use of international arbitration and ADR in enforcing contractual environmental obligations; the role of ADR in enforcing treaty environmental obligations and the potential role of third parties in such matters; and the exploration into new frontiers of ADR in enforcing corporate social responsibility obligations. Drawing from the public and private sector, this panel is topical in the wake of, among other things, lawsuits initiated by individuals, local governments and States, or interest groups against companies seeking to hold them accountable for the consequences of climate change, or corporate CSR policies that include environmental commitments.

Moderator: Daniel Schimmel – Partner, Foley Hoag

Speakers:

- **Kate Cook** – Barrister, Matrix Chambers
- **Dr. Karl Mackie CBE** – Senior Mediator and Founder President, CEDR
- **Nicola Peart** – Barrister, Three Crowns LLP
- **Peter Stewart** – Chief Energy Analyst, Interfax Global Energy

15:15 – 15:45

Coffee Break

15:45 – 17:00

Complex financing of dispute resolution

The practice of financing and insuring dispute resolution is rapidly evolving, with litigants seeking increasingly complex arrangements from a diversity of sources including specialist third-party funders, banks, private funds and insurance companies to secure loans, debt or equity instruments or to access risk-avoidance instruments such as BTE or ATE insurance. It is also increasingly common for claimants to recover a portion of a judgement or arbitral award by selling or assigning it to a third party rather than assuming the risks and burdens of enforcing it against a non-paying party. This panel brings together funders, parties and their attorneys to share their views and experiences in this developing, multi-faceted area.

Moderator: Mark McNeill – Partner, Shearman & Sterling

Speakers:

- **Matthew Bate** – Partner, Winston & Strawn
- **Leor Cohen** – Vice President, Burford Capital
- **Albert Hilber** – Senior Vice President, Property & Casualty Business Management, Swiss Re
- **Robert Wheal** – Partner, White & Case
- **Wieger Wielinga** – Managing Partner, Omni Bridgeway

17:00 – 17:30

Closing remarks

- **Olivier P. André** – Vice President, International & Dispute Resolution Services, International Institute for Conflict Prevention & Resolution (CPR)
- **James South** – Managing Director, CEDR

17:30 – 19:00

Networking Reception

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Supporting Entities



Continuing Professional Development (CPD) = 6 hours

This event is covered by CEDR (Centre for Effective Dispute Resolution) a recognised provider of CPD for a number of professional bodies (including self-certifying schemes). This includes Law Society (E&W), Bar Standards Board, Civil Mediation Council and Chartered Institute of Arbitrators (please ask if you wish to know if your profession is covered).

New York CLE = 5 CLE credits

This program has been approved for 5 skills New York CLE Credits. This course is for both newly admitted and experienced attorneys. The CPR Institute has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York [Reaccreditation Pending]. CPR is a non-profit organization. Under financial hardship guidelines, at its discretion, CPR may waive the fee for attorneys who demonstrate that they are not currently employed (not retirees). CPR may also provide a special discounted price to attorneys, full-time judges and administrative law judges practicing in the non-profit and public sectors full time. E-mail info@cpradr.org for more information.

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Questions? <https://cpradr.org/eurocongress18>
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