



REDEFINING WINNING


INTERNATIONAL INSTITUTE FOR
CONFLICT PREVENTION & RESOLUTION
2015

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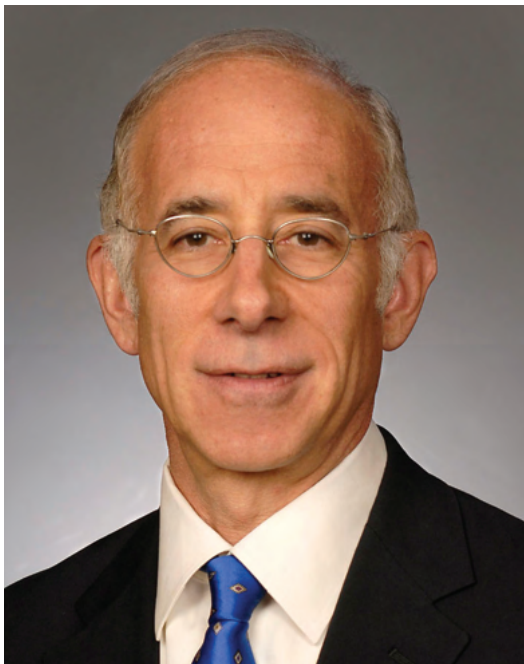
ABOUT CPR

CPR is the only independent nonprofit organization whose mission is to help global business and their lawyers resolve commercial disputes more cost effectively and efficiently. For over 30 years, the legal community has trusted CPR to deliver superior arbitrators and mediators and innovative solutions to business conflict.



“Our most fundamental challenge is to change the dynamic – to redefine winning. ‘Winning’ in 2015 has to be more than being the less-bloodied survivor.”

A LETTER FROM CPR'S PRESIDENT AND CHIEF EXECUTIVE OFFICER



Noah J. Hanft
President & CEO

Since joining CPR in May of 2014, I've come to appreciate the depth and breadth of CPR's work over almost four decades. At the same time, I've also developed an appreciation for how much more there is for us to do. The very successes that have been realized, in particular, the heightened recognition of the importance of a thoughtful approach to dispute resolution, confront us with a critical challenge. How do we – CPR and the business and legal communities – sustain the progress that we have made, move beyond incremental improvements, and truly advance the cause of preventing and resolving disputes?

To help answer this question, I have met with stakeholders from across the spectrum of the business and legal communities – CPR members, arbitrators, mediators, judges, academics, outside counsel and inside counsel – and engaged in frank discussions regarding what works, what doesn't and why. That feedback has been invaluable, as it sheds light on the challenges we face and helps to define the path forward.

The discussions confirm my belief that our mission to develop and help implement better ways to prevent and resolve disputes is even more critical than it was at our inception. Looking back at what CPR has accomplished, the progress made can only be viewed as extraordinary. We have opened the door to broader and more effective use of mediation, arbitration and many related tools such as early case assessment, mini-trials, Dispute Resolution Boards and, more recently, the CPR Economical Litigation Agreement. Our thought leadership has, and will continue to, set us apart from all other

organizations, but future success will necessitate continuing to move beyond ideas – addressing new issues as they arise, and doing so in a way that provides solutions in a clear, user-friendly way.

Some companies have meaningfully changed their approach to dealing with disputes and have embraced both culture and process change to define “winning” broadly to include business objectives. They are not yet the norm. For most, a narrow focus on “winning” disputes remains an entrenched component of their business. One has to wonder why, in a commercial environment, where disputes are almost never resolved through trial by combat in a courtroom, so much of our effort in dispute resolution is focused on litigation discovery and tactics. Indeed, some cases must be tried, but far more common are cases where procedural and other motions are aggressively pursued at extraordinary cost, with an inevitable adverse impact on business relationships, only to be settled late in the game. A process that necessitates too much of everything: time, money, corporate and public resources, is more often a lose-lose than anything else.

Our most fundamental challenge is to change that dynamic – to redefine winning. “Winning” in 2015 has to be more than being the less-bloodied survivor. As a former general counsel, I've experienced the evolution of thinking on both the business and legal side. In-house lawyering is evaluated very differently today than even several years ago. Driving commerce, as opposed to counting wins and losses, will be the measure of success. That is why I feel so strongly that there is so much for us to

do. By providing the tools, resources and training to address inevitable business conflict, we can help companies to initiate programs that allow for a thoughtful process – one that surfaces disputes early on, provides for their efficient resolution, and minimizes the adverse impact on business relationships and the bottom line that is all too often viewed simply as “a cost of doing business.”

In my conversations, I’ve heard some assert that dispute resolution is already fully understood and used in the U.S. That is simply not the case. Arbitration is under attack, and in the United States, those attacks are not limited to consumer issues. In the commercial context, the desire for confidentiality has been recast as a lack of transparency and, in the investor-state context, a challenge to state sovereignty. Some condemn arbitration as too time-consuming, too costly, and too uncertain and they avoid it, particularly for domestic matters. They are not entirely wrong, but the remedy lies in understanding the cause of the problem. Arbitration is a creature of contract – a process of our own making – and ours to control. If properly implemented, it provides companies with an exceptional dispute resolution option with distinct advantages. That is why we created a framework for effective domestic and cross-border arbitrations through CPR’s Administered Rules and the Administered Rules for International Disputes.

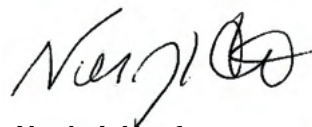
Mediation is not without its challenges as well. As the preferred method of dispute resolution for most corporate counsel, it continues to be underutilized. Court-annexed mediation programs are ubiquitous, but often are criticized for weak processes and

uneven quality. The limited time provided can give rise to the view that mediation is a “check the box” undertaking; thus, parties often just go through the motions so that they can return to business as usual – seeking to “win” their dispute. I believe that in-house counsel are in a position to truly make mediation the norm and to leverage it in a more fulsome way. To do so requires an understanding of the plethora of benefits mediation can bring. To that end, one of CPR’s ongoing initiatives will be mediation training programs using our world-class panel of mediators, as we did recently with Ken Feinberg at InBev’s offices.

To redefine winning, our efforts must go beyond classic definitions of ADR. Both our terminology and actions must encourage broad organizational adoption by embracing the full range of dispute resolution options – litigation, arbitration, mediation and beyond – and improving all so that counsel can make thoughtful decisions based on what is best, not what is least bad. This is not the work of an “ADR community,” but rather the work of the *business and legal communities* as a whole. That is why CPR’s innovations include the Economical Litigation Agreement. For those that prefer litigation to arbitration, why not have a litigation “pre-nup” that allows for parties to bring a degree of efficiency and control to the litigation process? Going forward, CPR will be developing processes and resources that have the potential to improve the management of the full range of disputes. Indeed, dispute resolution’s inherent flexibility will continue to enable new processes and approaches, and CPR will provide the forum for that innovation.

CPR will continue to retain its mantle of thought leadership enabled through its collaborative community of expert counsel, academics and neutrals. Based on feedback from our stakeholders, we will be reshaping our committee structure to better facilitate the dialogue necessary to innovation. The new CPR Advisory Council will include representation from law firms, academics and every corporate member, and will serve as an incubator for identification and initial development work tailored to the needs of the business community as it seeks to implement thoughtful approaches to dispute resolution.

It is my great pleasure to lead CPR as we embark on our quest to redefine winning and enhance dispute resolution processes. All of us at CPR appreciate your support and look forward to working alongside you as we continue that journey.



Noah J. Hanft
President & CEO

A LETTER FROM THE CPR BOARD CHAIR AND VICE-CHAIR



As our first year as Chair and Vice-Chair of the CPR Board has unfolded, we have been consistently impressed with the ability of this wonderful organization to remake itself. Many organizations with CPR's history of accomplishment would struggle to meet, much less exceed, past accomplishments. Instead, CPR is stepping up to new challenges, finding new ways to enhance global capacity for dispute resolution and to enhance the ability of its members to excel in resolving commercial disputes and advance business objectives at one and the same time.

The past 18 months have been a time of change for CPR. In 2013, Kathy Bryan retired after seven years of exemplary leadership. In February 2014, Judge William H. Webster stepped down as Chair of the CPR Board, and we stepped up to the roles of Chair and Vice-Chair. Most importantly, on May 1, 2014, Noah Hanft joined as CPR's new President and CEO. As is always the case with organizations under new leadership, since Noah's arrival, CPR has undergone a period of introspection, reviewing

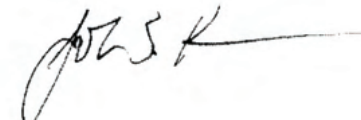
its priorities and approach to serving its members and driving a global culture supporting excellence in dispute resolution. Out of that review has come a new focus and new energy.

To be clear, the mission has not changed. CPR remains the only organization where in-house counsel, law firms, and leading academics and members of the judiciary join to lead innovation and excellence in commercial dispute resolution. What is changing is the scope of that mission. Going forward, CPR is defining the scope of dispute resolution more broadly than the areas traditionally encompassed by "ADR." To better enable excellence in dispute resolution, CPR is addressing the full range of dispute resolution options – litigation, arbitration, mediation and beyond – and focusing on improving all so that counsel have better options across the board for resolving commercial disputes. The vitality of this approach is reflected in the recent adoption by the Commercial Division of the New York courts of a new Rule 9 enabling accelerated adjudication procedures patterned on CPR's Economical Litigation Agreement.

The Board of Directors fully supports this expansion of CPR's focus and the related initiatives, such as expansion of CPR's Advisory Council to include representatives from all corporate members; development of training sessions facilitated by CPR's leading mediators and Fellows of the College of Commercial Arbitrators; and moving beyond its traditional focus on self-administered arbitration to provide administered arbitration on a global basis.

The Board also has welcomed six new members who join us in our integral role in guiding CPR's mission and work. Those members – **Sabine Chalmers, Chief Legal and Corporate Affairs Officer of Anheuser-Busch InBev; Tara Lee, Global Chair of Cross Border Litigation of DLA Piper; Luke Mette, Deputy General Counsel, Global Litigation of AstraZeneca; John Schultz, Executive Vice President, General Counsel and Corporate Secretary of Hewlett-Packard Company; Kelly Tullier, EVP and Deputy General Counsel, Global Legal Operations of VISA, Inc.; and Stephen Younger, Partner of Patterson, Belknap, Webb & Tyler LLP** – are exceptionally experienced counsel who understand firsthand the challenges in achieving excellence in global dispute resolution and provide invaluable perspectives on advancing CPR's work.

As is evident from the remarkable expansion of CPR's membership in recent months, CPR's new focus has laid the foundation for significant growth. We are honored to lead the CPR Board as CPR continues to build on its legacy of excellence and innovation in dispute resolution.

A handwritten signature in black ink, appearing to read "John Kiernan".

John Kiernan

Chair, CPR Board of Directors

A handwritten signature in black ink, appearing to read "Barbara Daniele".

Barbara Daniele

Vice-Chair, CPR Board of Directors

CPR Membership: Excellence Through Innovation and Execution

For decades, CPR has been the only organization where in-house counsel, law firms and leading academic researchers join to spearhead innovation in commercial conflict management. That collaborative thought leadership has produced a deep understanding of the dispute resolution needs of commercial parties. At CPR, we are singularly focused on tailoring our tools, training and services to address those needs.



“CPR’s exceptional resources help global businesses and their lawyers resolve complex commercial disputes efficiently and effectively. My company looks to CPR for the latest in global litigation and ADR developments.”

John Schultz
Executive Vice President
Hewlett-Packard Company

By becoming a member of CPR, you are both supporting a mission that is critically important – driving a global culture of dispute resolution – and enhancing your ability to perform within that culture as you gain access to the extraordinary breadth of our work. The hallmark of CPR membership is the ability to participate in the process of developing the next generation of best-in-class approaches to dispute resolution and to realize the benefit of that collective effort. Our members are directly engaged in the initiatives that shape CPR's rules and best practices. Ultimately, this process enables a level of innovation and effectiveness that would otherwise be impossible.

The power of CPR's approach is demonstrated by the development of CPR's Administered Arbitration Rules. A major criticism of arbitration, both here and abroad, is that the process has become unduly long and costly. CPR's Administered Arbitration Rules, introduced in 2013, directly address those concerns. These improvements in arbitral process are enabled because CPR rules and contractual clauses are not created in a vacuum. Our rules are developed by experts in the field working with pragmatic in-house and outside counsel experienced with the issues. Building on the foundation of the 2013 rules, this year, we have extended the reach of these improvements through our introduction of the CPR Rules for the Administered Arbitration of International Disputes.

The benefits of CPR membership are dynamic; as issues arise, we develop new materials to assist our members. We are relentless in identifying best practices and developing the best tools and protocols for our members, to make certain they are the premier dispute resolvers. Exceptional training is another key component of CPR's services that leverages our extraordinary membership and deep relationships. For example, through its long-standing relationships with leading mediators – such as Kenneth Feinberg, Prof. Eric Green and Judge Layn Phillips – CPR now offers a Master Mediation Program series for CPR members. This free series began on December 8, 2014, with a program in New York City by Ken Feinberg on *Practical Negotiation and Mediation Training for Today's In-House Counsel*, and will continue in 2015 with programs in Boston (March 2015) and Los Angeles (May 2015) by Prof. Green and Judge Phillips. CPR has also teamed with the College of Commercial Arbitrators (CCA) to offer a training program that CPR's members can customize to meet their specific needs. The training is presented by Fellows of the CCA, along with CPR, and is included as a benefit of CPR membership. In addition, in 2015, CPR will begin a series of Regional Meetings focused on training to enhance the Inside-Counsel/Outside-Counsel relationship in achieving better outcomes through thoughtful dispute resolution.

Beyond process improvements and training, CPR membership – specifically, support of the CPR mission to enhance a global culture of dispute resolution – helps to create a worldwide environment in which commerce can be conducted in a more predictable, solution-oriented way. Companies can only engage in effective dispute resolution if there is

institutional support and sufficient understanding in the business community of the processes involved and benefits that can be achieved. CPR is currently working to enhance commercial mediation capacity in the Asia Pacific region and, with the ABA Dispute Resolution Section and UNCITRAL, co-organized a February 2015 Pan-Asia Mediation Summit. In Brazil, CPR has made substantial progress in developing a mediation culture. CPR's Third Brazilian Business Mediation Congress is scheduled in São Paulo, on April 24, 2015. In Europe, CPR's work includes developing tools tailored to European businesses' needs to better enable them to incorporate mediation into company processes and providing corporate feedback on the implementation of the European Union Mediation Directive to the EU Institutions. No individual company can drive this level of capacity building around the world. Through these and other initiatives, CPR and its members collectively play a leading role in developing sustainable global dispute resolution.

**Our rules are developed
by experts in the field
working with pragmatic
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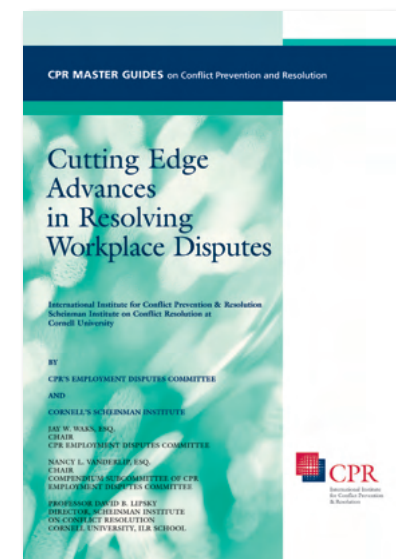
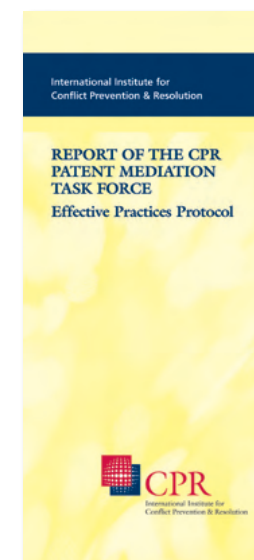
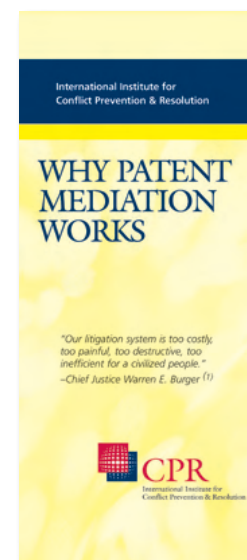
“I strongly recommend to everyone that is interested in gaining new skills in the legal profession to participate in the CPR Mediation Training Program. The methodology adopted at the course, with high quality and intense real life exercises, the experience of its professionals and the clarity of the materials presented during the sessions, are no doubt outstanding.”

Francisco Müssnich
Barbosa, Müssnich & Aragão Advogados

Recognizing the power of its membership, CPR is restructuring its committees in order to drive deeper involvement, as well as to enhance member opportunities to be engaged in driving change in corporate culture and to make a thoughtful approach to dispute resolution the norm, not an “alternative.” CPR’s Executive Advisory Committee, which included a small number of corporate members, in addition to law firms and academics, is now the CPR Advisory Council. Every CPR corporate member has been invited onto the Advisory Council, and most have already designated a representative. The Advisory Council will serve as an incubator for the identification and initial development of projects that best enable CPR’s mission to take commercial dispute resolution to the next level.

The work of CPR’s Advisory Council will intersect with the CPR standing committees that engage all business sectors – most notably, the Arbitration Committee, Mediation Committee, Employment Disputes Committee, IP Mediation Task Force, Y-ADR, and the National Task Force on Diversity in ADR – and work with those committees to enhance CPR’s ability to develop new programs and tools that address member needs. All CPR committees will continue to facilitate industry-specific and subject-matter input and expertise and will collaborate with the Advisory Council and other committees as needed to deliver the best value to CPR members. Shining examples of the committees’ work include:

- The 2014 publication of *Cutting Edge Advances in Resolving Workplace Disputes*, the most recent book in CPR’s Master Guide Series: Better Solutions for Business. The Employment Disputes Committee collaborated with the Scheinman Institute of Cornell University’s ILR School to create this volume addressing the most recent research regarding highly effective employment dispute resolution practices. The book provides in-depth analyses and discussions of key features, including online collaboration tools, employee hotlines, organizational ombuds, and coaching, and is written by highly accomplished practitioners representing all perspectives in employment dispute resolution.
- The 2013 publication of *Why Patent Mediation Works* and the related *Effective Practices Protocol*, resulted from the work of CPR’s Patent Mediation Task Force to identify barriers to mediation use in patent cases. They provide approaches that address issues unique to patent disputes and enable parties to plan for and engage in successful mediations.



- Y-ADR events in the U.S. and abroad that enable young practitioners to learn from leading inside and outside counsel regarding important issues, including:

- *Developing an International Arbitration and Arbitrator Practice: Tips for Young Practitioners*, Y-ADR/New York International Arbitration Center joint seminar, New York, December 9, 2014. Panelists included: The Honorable Judith S. Kaye, Chair of the New York International Arbitration Center, Skadden, Arps, Slate, Meagher & Flom LLP, Member of CPR Board of Directors and former Chief Judge of the New York Court of Appeals; Noah Hanft, CPR President & CEO; E. Alexandra Dosman, Executive Director, New York International Arbitration Center; Hagit M. Elul, Hughes Hubbard & Reed LLP; Dana C. MacGrath, Sidley Austin LLP; Sojin Yoon, Kelley Drye & Warren LLP; Louis Epstein, Senior Vice President & General Counsel, Trammo, Inc.; Olivier P. André, CPR Special Counsel and Director of Dispute Resolution Services; Stephanie Cohen, Independent Arbitrator; Erin Gleason Alvarez, AIG, Assistant Vice President, Global Head of ADR Programs Legal Operations Center | Global Legal, Compliance, Regulatory and Government Affairs; Jean E. Kalicki, Arnold & Porter LLP; and Philip D. Robben, Kelley Drye & Warren LLP.
- *Managing Disputes in Emerging Markets: In House Counsel Perspectives*, Y-ADR Seminar hosted by Eversheds in London on October 30, 2014. Panelists included: Peter J. Rees QC, Thirty Nine Essex Street Chambers, former Legal Director at Shell and Member of CPR Board of Directors; Olivier P. André, CPR Special

Counsel and Director of Dispute Resolution Services; Andy Moody, Eversheds; Noah Hanft, CPR President & CEO; Abhijit Mukhopadhyay, Vice President & General Counsel, Hinduja Group; Isabelle Robinet-Muguet, Vice President, General Counsel, International Legal Affairs, Orange S.A.; and Gaurav Sharma, Senior Legal Counsel, Shell.

- *The Prologue to an Efficient ADR Proceeding: Key Aspects from the Corporate Perspective*, Y-ADR Seminar hosted by White & Case LLP in Washington, DC, on June 10, 2014. Panelists included: Charles B. Rosenberg, White & Case LLP; Frank Baltz, Senior Vice-President and Chief Legal Officer, Clark Construction; Mary Britton, Vice President and Chief Counsel, Litigation, Danaher Corporation; David H. Burt, Corporate Counsel, DuPont; Charles Corbin, Senior Vice-President and Assistant General Counsel–Dispute Resolution, Hilton Worldwide; Cynthia Raposo, Senior Vice-President, Legal, Under Armour Inc.; and Ank Santens, White & Case LLP.
- *War and Peace: Ways to Improve Conflict Resolution between Business Partners*, Y-ADR Seminar hosted by Hughes Hubbard & Reed LLP in Miami on April 3, 2014. Panelists included: Hagit M. Elul, Hughes Hubbard & Reed LLP; Olivier P. André, CPR Special Counsel & Director of Dispute Resolution Services; Jean-Claude Najar, International Counsel, Curtis Mallet-Prevost, Colte & Mosle LLP, Chair of CPR European Advisory Board; Dr. Jürgen Klowait, former General Counsel, E.ON Kernkraft GmbH, and co-founder of the ADR Roundtable of the

German Industry; and Mélanie Germain, Head of International Programs, Centre de Médiation et d'Arbitrage de Paris (CMAP).

CPR believes that our new approach will foster the development of pragmatic programs, tools and resources that best meet the needs of dispute resolution's most engaged community. We invite our members to join any of the committees that are most closely aligned with their interests.



“CPR is a special organization. It operates a highly professional nonprofit organization that is making meaningful inroads in changing the culture of corporate America and the way it handles commercial disputes.”

Charles Gill
Senior Vice President & General Counsel
United Technologies

Y-ADR/NYIAC EVENT – NEW YORK, DECEMBER 2014

1. Seminar and Networking Reception for Young Lawyers Panelists – New York City, December 2014
2. Attendees: New York International Arbitration Center, NY
3. Panel: Hon. Judith S. Kaye (CPR Board Member; Skadden, Arps, Slate, Meagher & Flom LLP (Former Chief Judge of NY Ct. of Appeals)), Noah Hanft (CPR), Sojin Yoon (Kelley Drye & Warren LLP), Hagit M. Elul (Hughes Hubbard & Reed LLP), Louis Epstein (Trammo, Inc.), Dana C. MacGrath (Sidley Austin LLP)
4. Panel: Jean E. Kalicki (Arnold & Porter LLP), Stephanie Cohen (Independent Arbitrator), Erin Gleason Alvarez (American International Group), Philip D. Robben (Kelley Drye & Warren LLP)

CLA 2013 DINNER

5. John F. Schultz, 2013 CLA Honoree (Executive Vice President, General Counsel and Corporate Secretary, Hewlett-Packard Company), Kathy Bryan (CPR) and Hon. William Webster (CPR Board Chair; Milbank, Tweed, Hadley & McCloy LLP, USA; Former Director, CIA and FBI, U.S. Court of Appeals and U.S. District Judge)
6. David Keyko, Jennifer McCall and Eric Fishman (Pillsbury Winthrop Shaw Pittman LLP)
7. William P. Perkins, J. Stephen Poor, Camille Olson, Darren G. Gardner, Richard B. Lapp, Marshall B. Babson (Seyfarth Shaw LLP)
8. Peter Atkins (Skadden, Arps, Slate, Meagher & Flom LLP) and Markus Green (Pfizer Inc.)
9. Bruce Jackson (Microsoft Corporation) and Guests
10. J. Stephen Poor and Camille Olson (Seyfarth Shaw LLP)



CPR'S COMMITTEES AND TASK FORCES



Arbitration Committee:

The Arbitration Committee is a resource for corporate counsel, lawyers, academics and practitioners seeking rigorous analysis of issues related to improving the quality of domestic and international arbitration.

Committee Co-Chairs are Ank Santens, of White & Case LLP and Felix Weinacht, Head of Industry Litigation at Siemens AG.



Banking and Financial Services Committee:

The Banking and Financial Services Committee meets periodically to consider innovative approaches to resolving disputes among financial institutions.

Committee Co-Chairs are Pamela Corrie of GE Capital, Americas and Andrew J. Olejnik of Jenner & Block LLP.



Construction Advisory Committee:

The Construction Advisory Committee consists of in-house counsel, attorneys, and leading neutrals who convene to analyze and establish benchmarks that address issues of critical importance to this business segment.

Committee Chair is Robert Rubin of McCarter & English LLP.



Directors' and Officers' (D&O) Liability Insurance Committee:

The D&O Liability Insurance Committee explores ways to incorporate the use of mediation, arbitration, and other dispute resolution processes into the resolution of D&O matters.

Committee Chair is Tim Burns of Perkins Coie LLP.



Employment Disputes Committee:

The Employment Disputes Committee includes corporate representatives, arbitrators, management lawyers, employee representatives, former judges, mediators and academics who are interested in improving the management and resolution of employment disputes.

Committee Chair is Jay Waks of Kaye Scholer LLP.



Energy, Oil & Gas Committee:

The Energy, Oil & Gas Committee analyzes, and disseminates information on issues that are critically important to business practices in the field. It has assembled a blue-ribbon international panel of energy neutrals in sub-specialties ranging from alternative energy sources to nuclear specialties.

Committee Chair is Duncan MacKay of Northeast Utilities.



Environmental Committee:

The Environmental Committee analyzes issues, reviews business practices, and establishes benchmarks relating to resolution of disputes among businesses, or government and business, concerning environmental matters.

Committee Co-Chairs are John Guttmann, of Beveridge & Diamond and John Bickerman of Bickerman Dispute Resolution, PLLC.



Healthcare and Life Sciences Committee:

The Healthcare and Life Sciences Committee creates dispute resolution seminars for the industry and has assembled an industry-specific panel of neutrals who are experts in healthcare and life science-related disputes.

Committee Chair is Katherine Benesch of Benesch and Associates, LLC.



IP Mediation Task Force:

The IP Mediation Task Force analyzes issues unique to patent, trademark and copyright cases and develops effective dispute resolution approaches to managing those issues.

The task force Chair is Manny Schecter of IBM Corporation.



Mediation Committee:

The Mediation Committee focuses on issues related to improving the quality of mediation practice worldwide.

Committee Co-Chairs are Erin Gleason Alvarez of AIG, Rick Richardson of GlaxoSmithKline and Stephen Rovak of Dentons.



Product Liability Committee:

The Product Liability Committee includes manufacturers, claimants, insurers and others who analyze issues in product liability litigation and develop dispute resolution tools to address their needs.

Committee Chair is Dale Matschullat of Schiff Hardin LLP (former General Counsel of Newell Rubbermaid).



The National Task Force on Diversity in ADR:

The National Task Force was established to devise practical strategies to increase the participation of women and minorities in mediation, arbitration, and other dispute resolution processes.

The task force Co-Chairs are Charles Morgan of the Morgan Group and Thomas Sager of Ballard Spahr LLP (former General Counsel of DuPont).

To join any of CPR's Committees or Task Forces, contact Terri Bartlett at tbartlett@cpradr.org or +1-646-753-8225.

Dispute Resolution Services – Meeting Business Needs with Rules Drafted by Users for Users

For more than 30 years, users have looked to CPR to provide a flexible approach to dispute resolution services that can be easily tailored to specific needs, without imposing administrative requirements beyond those that are essential to providing fair processes that meet the needs of parties.



“CPR’s administered rules are a natural evolution of the benefits that CPR is bringing to the arbitration world by doing administered arbitrations cheaply and efficiently. It’s a big win for the organization and for people using CPR rules.”

Jonathan P. Graham
Senior Vice President &
General Counsel
Danaher Corporation

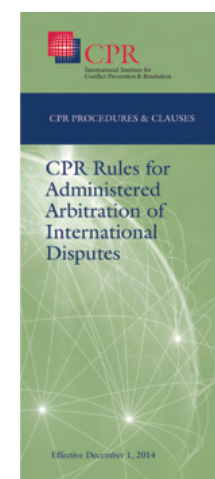
Consistent with that approach, CPR recently introduced innovative domestic and international rules for administered arbitration. These rules address growing criticisms that arbitration has become too complex, time-consuming and costly, and allows for arbitrators who may not be impartial and/or are not required to render decisions grounded in the law. For these reasons, CPR's administered rules incorporate provisions such as a screened selection process for party-appointed neutrals and reasoned awards based on applicable law. In addition, parties may incorporate an optional appeals procedure designed to enhance confidence in an unbiased and reliable procedure. All of this is achieved through a streamlined administrative process that is tailored to meet parties' needs from an administering organization and no more. Key distinguishing features of CPR's domestic and international administered rules include:

DESIGNED TO INCREASE QUALITY:

- *Innovative "Screened" Selection Process* - Parties may agree that the arbitrators can be appointed without knowing which party selected them.
- *International Arbitration Council* - an independent body of expert practitioners available to assist CPR as needed with respect to consolidation and issues of foreign law arising under the International Rules.
- *Expert Panels* - Parties have access to the experienced neutrals on CPR's regional, global and industry-specific panels, but are free to designate for appointment any arbitrators of their choosing.
- *Confidentiality* - The arbitrators, parties, and CPR are all subject to an express confidentiality requirement.
- *Multilingual Attorney Administrators* - Arbitration is administered by CPR's multilingual staff attorneys, who have extensive international arbitration experience, and who will perform a light review of draft awards.
- *Reasoned Awards Based on Applicable Law* - The Rules require the arbitrators to render a reasoned award and to base it on applicable law.
- *Optional Appellate Procedure* - Parties who are not comfortable without a right of appeal can draft their provisions to include recourse to the CPR Appellate Arbitration Process.

DESIGNED TO INCREASE EFFICIENCY AND LOWER COSTS:

- *Party Control* - The rules enable parties to control the process by providing only for those administrative functions needed.
- *Time to Award* - CPR appoints neutrals able to complete proceedings within one year, and must approve any schedule that will prolong the proceedings beyond one year.
- *Settlement Opportunities* - The arbitral tribunal is authorized to propose settlement and assist the parties in initiating mediation at any stage of the proceedings.
- *Fixed Fee Scale* - Flat fees based on amount in dispute are often lower and always more predictable.
- *Administrative Costs Capped* - CPR's sliding administrative fee schedule is capped at US \$34,000, absent special circumstances.



CPR ADMINISTERED ARBITRATION

A Better Alternative – Expert Perspectives



Ank Santens
Partner
White & Case



Charles A. Beach
Retired Coordinator
of Corporate
Litigation
Exxon Mobil Corp.

The CPR Institute has a long and proud history of developing rules, protocols and procedures for arbitration and mediation that incorporate best-in-class approaches to important issues in commercial dispute resolution.

Building upon that tradition of innovation and thought leadership, in 2013 CPR released the CPR Administered Arbitration Rules. In 2014, CPR released the CPR Rules for Administered Arbitration of International Disputes. Incorporated in both sets of rules are all of the administered services that CPR offers to parties in need of such services in proceedings under CPR's non-administered rules, and the various administered programs that CPR has run throughout its history.

But CPR did not stop there. The new rules also incorporate processes designed to address current concerns – especially among in-house counsel – that arbitration has lost its way, that the quality and neutrality of the arbitration proceedings are uncertain, and that even a “good” outcome is too time-consuming and costly.

To address those issues, both the domestic and international CPR administered arbitration rules are built on the foundation of CPR's comprehensive non-administered rules. Both sets of CPR administered arbitration rules were developed by expert in-house and law firm practitioners. The rules complement the wide variety of business conflict resolution resources in CPR's ADR resources toolbox. Both sets of administered arbitration rules reflect best practices and address hot-button issues such as arbitrator impartiality, time, costs, and administration:

- Parties may select a “screened” selection process so that arbitrators can be appointed without knowing which party selected them.
- The rules are designed to increase efficiency and lower costs via party control, providing only for administrative functions that are needed.
- CPR appoints neutrals able to complete proceedings within one year, and must approve any schedule that would prolong the proceedings.
- The tribunal is authorized to propose settlement and to refer the parties to CPR, which will assist in initiating mediation at any stage of the proceedings.
- The rules' flat-fee structure for administrative services often is lower than existing fee schedules, is always more predictable, and is capped at \$34,000, absent special circumstances.

The expertise that CPR brings to administrative processes is as important as the rules' themselves. CPR's administrative services are provided by multilingual staff attorneys who have extensive arbitration experience. In addition, CPR has established an International Arbitration Council, which is an independent body of expert practitioners available to assist CPR with the implementation of the rules.

In the following discussion of CPR's Rules for Administered Arbitration of International Disputes, two expert practitioners, Ank Santens, a partner in the international arbitration group of White & Case, based in the New York office, and Chair of CPR's Arbitration Committee, and Charles A. Beach, retired Coordinator of Corporate Litigation for Irving, Texas-based Exxon Mobil Corp. and a member the Arbitration Committee, address the role of international arbitration as a dispute resolution option; what is needed to improve arbitral practice; how the CPR-administered arbitration rules were developed by the Arbitration Committee to meet those needs; and their views regarding the rules' highlights.

Ank Santens: International arbitration is now firmly established as the method of choice for resolution of cross-border and international disputes. Not all international disputes will settle through negotiation or mediation; parties do not want to litigate in the courts of their counter-party; and foreign judgments are not always easily enforceable. Arbitration is the only method that will give the parties a final, binding result that is relatively easily enforceable in the more than 150 countries that have signed the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Since the parties participate in the choice of rules and selection of the arbitrator, they can ensure that the procedures will be fair and that the decision-makers will be neutral and have expertise relevant to the dispute before them. The parties also have some control over the privacy and confidentiality of the proceedings.

Charles Beach: The new rules were prompted by feedback from the global business community. Although corporations recognize arbitration as the surest way to obtain a neutral forum and a final, binding, enforceable resolution of transnational disputes, many users are not satisfied with arbitration as currently practiced. They complain that it has taken on the trappings of litigation and that, consequently, it takes too long and costs too much. The new CPR rules respond to many users' preference for administered arbitration and address many of the concerns that people have raised – including cost, time, complexity, and need for neutral arbitrators with relevant expertise. CPR's approach, which is consistent with CPR's historical user focus, provides a procedure that is flexible, non-intrusive, and as non-bureaucratic as possible.

Santens: The new rules promote speedier arbitration. For example, Rule 9.2 provides that "[t]he proceedings shall be conducted in an expeditious manner," and gives the Tribunal power to "impose reasonable time limits" including the time allotted to each party to present its case. The rules also require the Tribunal to render the final award "within 12 months of the constitution of the Tribunal," a time limit that can only be prolonged with CPR's approval. This time limit is ambitious but realistic, and therefore promotes predictability.

Beach: The new rules help make the administrative costs reasonable and predictable. Regardless of the amount in dispute, the claimant pays a nonrefundable \$1,750 filing fee when filing the Request for Arbitration. CPR's administration fees are on a sliding scale, capped at \$34,000. And Rule 10.5 guards against costs that sometimes

arise unexpectedly in international arbitration by providing that unless the parties have agreed otherwise, they "expressly waive and forgo any right to punitive, exemplary or similar damages unless a statute requires that compensatory damages be increased in a specific manner." The new rules are goal oriented. The end game is the result, not the process.

Santens: Simplicity is a hallmark of the new rules. To reduce complexity, they place control of the proceedings in the hands of the parties and the Tribunal. The new rules limit CPR's administrative duties to those that will prevent delay and reduce costs.

Beach: Once appointed the Tribunal has the authority to "conduct the arbitration in such manner as it shall deem appropriate." Promptly after appointment, the Tribunal holds an initial pre-hearing conference "for the planning and scheduling of the proceeding." At the conference the parties and the Tribunal discuss "all elements of the arbitration with a view to planning for its future conduct."

Santens: The new rules for the first time include specific provisions on arbitrations involving multiple parties or contracts. Prior to appointment of any arbitrator, Rule 3.12(a) permits CPR to join one or more third parties to the arbitration. Similarly, Rule 3.13(a) allows CPR to consolidate two or more arbitrations under appropriate circumstances. Both rules aim to avoid redundancies, wasteful parallel proceedings, and inconsistent decisions. The Tribunal can take such interim measures "as it deems necessary" and require security as a condition of ordering such measures.

While the parties and the Tribunal control the arbitration, CPR provides administrative assistance when helpful to prevent delay and reduce costs. For example, the new rules offer arbitrator selection procedures that strike the right balance between the parties' desire to select the arbitrators and the need to ensure an impartial and independent Tribunal. If the arbitrator selection method the parties have agreed upon does not result in the prompt designation of arbitrators, CPR will assist the parties by sending them lists of potential candidates with relevant expertise from CPR's panels of arbitrators along with the candidates' disclosure statements.

To meet users' growing concerns about decreasing confidentiality in arbitration, the new rules include an explicit confidentiality agreement binding the parties, the arbitrators, and CPR. This differentiates CPR's rules from those offered by other arbitral institutions that have recently moved away from confidentiality. CPR's rules honor feedback from users who continue to consider confidentiality an important feature of international commercial arbitration. Here, CPR has taken a different approach than other arbitral institutions, which have moved away from confidentiality in recent times. CPR's approach is the right one, based on both feedback from users who continue to consider confidentiality an important feature of arbitration and on the fact that many users mistakenly assume that arbitration is always confidential and have been unpleasantly surprised when they realize that confidentiality is not a given.

Beach: Parties drafting cross-border contracts may adopt the CPR Rules for Administered Arbitration of International Disputes by inserting CPR's standard provision in their contracts. They can find the provision on CPR's website or in the rules pamphlet. The CPR Institute also has a standard provision for submitting an existing dispute to arbitration under the rules.

The new Rules for Administered International Arbitration were developed by a subcommittee of CPR's Arbitration Committee made up of corporate and outside counsel, as well as independent arbitrators from a number of US jurisdictions and a variety of foreign countries. These rules represent the most up-to-date rules for administered arbitration of international commercial disputes. They reflect the best current practices and offer well-conceived improvements based on the collective experience of CPR members, who are themselves leading practitioners of international arbitration. CPR's new Rules reflect the most advanced thinking in international arbitration.

Santens: CPR recommends careful dispute planning at the contract stage. Establishing the "rules of engagement" at the time of entering the transaction is easier than after the dispute arises. CPR's new international arbitration rules, together with CPR's protocols and guidelines, provide a clear roadmap for preparing for dispute resolution and designing efficient, fair procedures that ensure predictable, timely outcomes. CPR's Arbitration Committee is currently working on a drafting manual

aimed specifically at the corporate community. The Committee hopes to complete the manual later this year.

Visit CPR's website at www.cpradr.org for the full texts and latest news on CPR's administered rules.

CPR'S NEUTRALS

CPR's Panels of Distinguished Neutrals include former judges, prominent attorneys and academics, who are uniquely qualified to resolve worldwide business disputes in more than 20 specialized practice areas. CPR provides access to a highly credentialed roster of neutrals. Neutrals are vetted by CPR, and, where appropriate, by review committees, in order to ensure that they possess superior qualifications in their fields. These panelists include retired general counsels, former federal judges and pioneers in the field of mediation. These neutrals not only have extensive experience in resolving thousands of commercial cases, but have lifetimes of commercial experience that they can call upon to help parties fashion dispute resolution processes and resolutions that survive the test of the real world.



"I'm very excited about the new administered arbitration rules, both domestic and international. CPR put a lot of thought behind them, and has succeeded in offering users of arbitration two state-of-the-art new sets of administered arbitration rules."

Robert H. Smit
Simpson Thacher & Bartlett LLP



CORPORATE LEADERSHIP AWARD 2013 DINNER

1. Kimberly R. Phillips, Lauren Woodard, Kristi and Brad C. Nielson and Jeanne Walker (Royal Dutch Shell plc)
2. Barbara E. Daniele (CPR Board Member; GE Capital, Americas), Mary Beth Cantrell (CPR Board Member; Amgen Inc.) and Patricia O'Prey (GE Capital)
3. Paul Hagen (Beveridge & Diamond), Kimberly R. Phillips (Royal Dutch Shell plc), Victoria McGhee (Shell) and Benjamin F. Wilson (Beveridge & Diamond)
4. Robert S. Frank (Choate, Hall & Stewart LLP), Charlene Morrow (Fenwick & West LLP) and James A. Altieri (Drinker Biddle & Reath LLP)
5. Charles R. Morgan (CPR Board Member; The Morgan Group), Lucinda Stamm and John F. Schultz (Hewlett-Packard Company)



Enhancing Understanding and Capacity for Dispute Resolution Worldwide

Even the most advanced companies seeking to implement sustainable dispute resolution programs are limited in their reach when counter-parties lack understanding of the benefits of dispute resolution or are in regions without capacity to support effective dispute resolution. Throughout its history, CPR's mission has been to enable parties to resolve commercial disputes more effectively – both directly, by enhancing their capabilities, and indirectly, by improving dispute resolution capacity worldwide.



“Multinational companies like GE Capital, Americas look to CPR to enhance a global culture of dispute resolution – which enables companies to engage in worldwide commerce. As CPR Vice-Chair and former Chair of CPR’s International Committee, I strongly support CPR’s mission to promote negotiation, mediation, and arbitration across borders and cultures.”

Barbara Daniele
Senior Executive Counsel,
Strategic Initiatives
GE Capital, Americas
Vice-Chair, CPR Board

To maximize the impact of its international work, which includes advocacy and educational activities designed to increase understanding and thoughtful use of dispute resolution techniques, CPR both works independently and collaborates with other like-minded organizations to drive key initiatives and enable it to serve its members and the dispute resolution communities in the Asia-Pacific region, Brazil and Europe in extraordinary ways.



ASIA-PACIFIC

CPR'S WORK IN THE ASIA-PACIFIC REGION INCLUDES:

- Collaborating with the ABA DR Section and the UNCITRAL Regional Centre Asia-Pacific (RCAP) to convene the Asia-Pacific International Mediation Summit to be held in New Delhi, India February 12-15, 2015. The Summit will engage a range of experienced dispute resolution practitioners, academics, judges, attorneys, mediators, and users such as international corporate representatives and government entities on topics including: building sustainable mediation programs; best practices in court-connected and community mediation programs; commercial mediation; cross-border international mediation; the enforceability of international mediation agreements; and the future of mediation in Asia. Dignitaries, including senior members of the judiciary and senior government officials, attending the Summit include: Renaud Sorieul, Secretary of UNCITRAL and Director of the International Trade Law Division of the Office of Legal Affairs of the United Nations; Chief Justice Sundaresh Menon – Supreme Court of Singapore; Rimsky Yuen – Secretary for Justice of Hong Kong; James Silkenat, Immediate Past President, American Bar



Association, United States; Justice Jagdish Singh Khehar – Supreme Court of India; Mukul Rohatgi – Attorney General of India; Justice Arjan Kumar Sikri – Supreme Court of India; Justice Sanjay Kishan Kaul – Chief Justice Madras High Court of India; Justice Dhananjaya Y. Chandrachud – Chief Justice of Allahabad High Court of India; Justice Madan Lokur – Supreme Court of India; Ajit Prakash Shah – Former Chief Justice of Delhi High Court and now Chairman of the 20th Law Commission of India; and Justice T. S. Thakur – Supreme Court of India.

- High-level meetings in South Korea, Singapore, Hong Kong, Vietnam and Thailand with governmental representatives and NGOs, and representatives of organizations in Cambodia, India, Indonesia, Malaysia, Mongolia, Philippines and Sri Lanka. (Fall 2013)
- Initial scoping work regarding development mediation capacity in Vietnam under recent mediation law, with the goal of adaptation and replication for other regional emerging economies. (Fall 2013-Spring 2014)



“As an outside counsel focused on international disputes, I see the high value-add that CPR is bringing to the discussion.

Through its several initiatives, such as its 21st Century Corporate ADR Pledge and online dispute resolution work, it is driving change and making people think about how to continually improve their dispute processes.”

José I. Astigarraga
Astigarraga Davis

BRAZIL

CPR'S WORK IN BRAZIL INCLUDES:

- Collaborating with CAMARB (the Brazilian Business Arbitration and Mediation Chamber), CPR will convene its Third Business Mediation Congress and Second International Business Mediation Workshop in São Paulo in April 2015. The Congress, which will be held at the American Chamber of Commerce in Brazil (AMCHAM), will address topics relating to the various draft mediation laws pending in Brazil, give an overview of successful mediation and/or ADR programs, and provide an opportunity for interactive discourse.
- In association with CAMARB and Pro-Acordo, a dispute resolution company, and co-sponsored by several arbitration and mediation chambers, CPR developed and conducted Brazil's first Business Mediation Congress in Rio de Janeiro in 2013. The sold-out event featured speakers from the corporate, law firm, academic and mediator communities and set the stage for commercial mediation in Brazil. CPR and CAMARB gained further momentum in 2014 with our second Business Mediation Congress in Belo Horizonte. The Congresses were sponsored by numerous Brazilian and multi-national companies, including Royal Dutch Shell, Fluor, Danaher, Swiss Re and AmBev. Law firms such as Baker & McKenzie, Chadbourne & Parke and Pinheiro Neto also supported the Congress and contributed speakers.

- In March 2014, at the request of the National Council of Justice, then CPR Board Member, PD Villarreal of GSK, and then CPR President and CEO Kathy Bryan, participated in a conference on the Peaceful Resolution of Business Disputes. Organized by SEBRAE, the Brazilian trade association for small and medium enterprises and micro entities, the conference drew top executives from leading companies, and highlighted the benefits of using alternative dispute resolution mechanisms, and especially mediation, to resolve disputes and impact the company's bottom line.
- CPR has constituted a Brazil Advisory Board under the leadership of Jonathan Graham of Danaher and comprising attorneys from multi-national corporations such as MasterCard, Shell, Amgen and Google, as well as from leading law firms such as Pinheiro Neto, Tozzini Freire, Sergio Bermudes, Koury Lopes and Campos Fialho. A representative of CAMARB, academic advisors and a leading jurist are also part of the Board. The Board is advising CPR with respect to its advocacy and training roles in Brazil.
- In November 2013, CPR conducted its First International Business Mediation workshop in São Paulo, training over 20 mediator candidates. Robert Randolph and Frank Carr, who have trained mediators in all corners of the globe for USAID, took the attendees (practitioners from the leading cities of Brazil) through the basics of business mediation theory and practice.

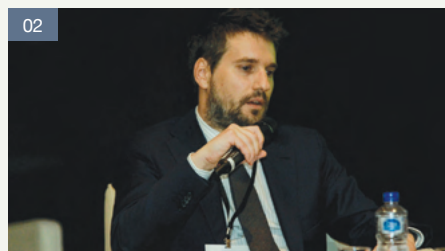


2014 BRAZIL CONGRESS

1. Prof. Kazuo Watanabe (University of São Paulo)
2. Suzana F.R. Oliveira (Arcelor Mittal), David Sondheimer (Sondheimer Law Office) and Leonardo Canabrava (Campos, Fialho, Canabrava, Borja, Andrade, Salles Advogados)
3. Alexandre da Costa (Capgemini, Brazil)
4. David Sondheimer (David Sondheimer Law Office)
5. Flavia Mange (Hewlett-Packard Company)
6. Hon. Andre de Azevedo Gomma (Brazilian National Council of Justice)
7. Flavia Mange (Hewlett-Packard Company); Alexandre da Costa (Capgemini), and Sergio Souza Fernandes Jr, (Itau Unibanco)
8. Mariana Veras Lopes (Brazilian National Intellectual Property Institute) and Wilson Pimentel (Sergio Bermudes Advogados)
9. Andrea Maia (Find Resolution)
10. Thierry Thamasi (Betto Seraglini), Irving E. Ritcher (Chairman & CEP, Hill International) and Prof. Leandro Renno (Pontifical Catholic University-Minas Gerais)

2014 BRAZIL CONGRESS

1. Nathalia Mazzonetto (Müller & Mazzonetto) and Claudia Frankel (Bayer, Grosman & Levy)
2. Thierry Thomasi (Betto Seraglini)
3. Mayte Ximenes (Groupon)
4. Laura Fragomeni (Walmart)
5. Panel on Special Uses of ADR
6. Daniel Arbix (Google)
7. Bernardo Portugal (Portugal Murad), Monica Mendonça Costa (TozziniFreire Advogados) and Fernanda Levy (CONIMA)
8. Renato Diniz (General Electric)
9. CPR/CAMARB 2014 Business Mediation Congress
10. Nicolas Lozada-Pimiento (Ministry of Trade of Colombia)



Photos by Rodney Costa

EUROPE

CPR'S WORK IN EUROPE INCLUDES:

- Creation of a European Advisory Board to enable CPR to serve as a leading independent resource in Europe helping businesses and their in-house and external counsel to resolve commercial disputes more creatively and efficiently, thus reducing costs and preserving commercial relationships. The EAB is composed of senior in-house counsel and leading dispute resolution practitioners based throughout Europe. The EAB Chair is Jean-Claude Najar of Curtis, Mallet-Prevost, Colt & Mosle LLP, and the Vice-Chair is Maurice J. H. Kuitens of Fluor Corporation. Within the EAB, representatives from leading European law firms work collaboratively with senior representatives from companies including: DuPont, Royal Dutch Shell, GE Oil & Gas, Fluor, Orange, Capgemini, Siemens, Akzo Nobel, HP, Koncar, GDF Suez, ENI, Boart Longyear, Hinduja Group, Nokia, and MasterCard. Ongoing EAB projects include:
 - Providing the users' perspective on dispute prevention and resolution to various organizations and institutions, including the European Union.
 - Promoting efficient and cost-effective conflict prevention and resolution by participating in and organizing events, and creating a dispute resolution toolkit for in-house counsel and business people.
 - Expanding CPR's Global Panel of Distinguished Neutrals by identifying high-quality arbitrators and mediators throughout Europe.
- CPR has signed ADR Pledge Mutual Recognition Agreements with the Centre de Médiation et d'Arbitrage de Paris (CMAP) in France and the Irish Commercial Mediation Association (ICMA) in the Republic of Ireland. It has also signed agreements for the joint promotion of the CPR 21st Century Corporate ADR Pledge® in Italy, with the Milan Chamber of Arbitration (CAM), and the UK, with the Centre for Effective Dispute Resolution (CEDR). These agreements facilitate and encourage the use of mediation and other dispute resolution processes for companies around the world.
- CPR has organized a series of Young Attorneys in Dispute Resolution (Y-ADR) Seminars in Paris, London, and Geneva. CPR's Y-ADR program provides attorneys in the early stages of developing a career in dispute resolution with expert in-house counsel perspectives on the full spectrum of dispute resolution issues.



“Driving alternative dispute resolution in Europe is a key CPR objective. We are excited about our ever-growing

presence in Europe with the constitution of the European Advisory Board. The Executive Council of the EAB, comprised of two thirds of representatives from major corporations and one third of law firm representatives, was formed two years ago to promote the increased use of ADR across Europe. This is just the beginning. CPR, with the support of its European members, the strong voice of companies, and in collaboration with its global leadership, will be an increasingly present advocate for ADR in the years ahead.”

Jean-Claude Najar
International Counsel
Curtis, Mallet-Prevost, Colt & Mosle LLP
Chair, European Advisory Board



Meetings and Events – Dispute Resolution’s Most Engaged Community

Nothing better demonstrates the power of the CPR approach to dispute resolution than the extraordinary in-person exchanges that take place at CPR’s events. At its annual meetings, specialized trainings with leading neutrals and Y-ADR events, CPR convenes skilled and experienced counsel from leading companies and law firms, neutrals, academics and judges to address changes and challenges in dispute resolution, and exchange perspectives and best practices. Presentations and discussions are always interesting, often challenging and highly interactive.



“The CPR Annual Meeting is indeed exceptional. Substantively, it provides the most dynamic and engaging panels I have encountered at similar meetings. Further, it provides an unmatched opportunity to exchange knowledge and experiences with counsel, neutrals and others at the forefront of advancing dispute resolution issues.”

Mary Beth Cantrell
Sr. Associate General Counsel
Amgen Inc.

2014 CPR ANNUAL MEETING



Once again, CPR took the annual meeting on the road. The 2014 meeting took place in Charleston, South Carolina on February 20-22, 2014, and attracted 200 dispute resolution practitioners and thought leaders from top corporations, law firms and academic institutions. The theme was *“Through the Looking Glass: Divergence in Global ADR Practice,”* and virtually every panel was designed to reflect divergences in law and perspective that impact approaches to core elements in dispute resolution processes around the world.

After welcoming comments by Catherine Amirfar of Debevoise & Plimpton and Mark Califano, Senior Vice President and Managing Counsel at American Express, retired U. S. Supreme Court Justice Sandra Day O'Connor opened the annual meeting with a keynote address stressing the continued importance of the work done by CPR to promote alternative means of resolving commercial disputes, and the need to train young attorneys in these important skills. The keynote on second day of the meeting was given by Prof. Eric D. Green, one of the pioneers in dispute resolution and a 2010 recipient of CPR's James F. Henry Award for outstanding contributions to the field of dispute resolution. Prof. Green addressed the evolution of dispute resolution

as a form of combat toward a “Third Stage” in which a more generous and thoughtful approach produces measurably better outcomes. Additional highlights of the meeting included:

- Three panels addressing jurisdictional differences in key dispute resolution issues and focusing on: (1) practices and processes, (2) mass claims and collective redress and (3) industry perspectives;
- A panel on the role of “Big Data” in shaping effective global dispute resolution strategies;
- A panel on the development of dispute resolution in Brazil, one of the most dynamic and rapidly developing economies in the world;
- A panel addressing the next generation in the evolution of managing and resolving workplace conflict;
- A panel addressing varying approaches to IP dispute resolution and the impact of recent U.S. Supreme Court decisions on IP dispute resolution both here and abroad; and
- A panel debating the thesis that the emergence of modern discovery and pretrial procedure under the Federal Rules of Civil Procedure has made trials “obsolete,” and its implications for dispute resolution.

Once again, the meeting concluded with two CPR perennials. First, CPR convened its Business Roundtable, during which leading general counsel addressed the impact that divergence in law and ethical perspectives around the world have on development of effective strategies for dispute resolution. The Roundtable was moderated by Tara M. Lee, Managing Partner, Northern Virginia Office of DLA Piper, and included Debra Clements, VP,

Senior General Counsel & Corporate Secretary of Milliken & Company; Don S. De Amicis, Vice President and General Counsel of Overseas Private Investment Corp. (OPIC); Noah J. Hanft, General Counsel and Chief Franchise Officer of MasterCard Worldwide; and Thomas J. Sabatino, Jr. Executive Vice President and Corporate Secretary of Walgreen Company.

Next, CPR returned to its interactive format, including audience response, for the Ethics panel moderated by Prof. Eric Green and Eugene Farber, Past President of the College of Commercial Arbitrators and Chair of the ABA Arbitration Committee. The panel addressed arbitration and mediation issues that can arise under varying legal and ethical frameworks regarding privilege, disclosure and the role of in-house counsel.

Throughout the meeting, in both formal and informal settings, attendees engaged in the dynamic and interactive discussion and debate that are the hallmark of CPR functions. Thank you to all who attended for your contributions to the success of this wonderful event.

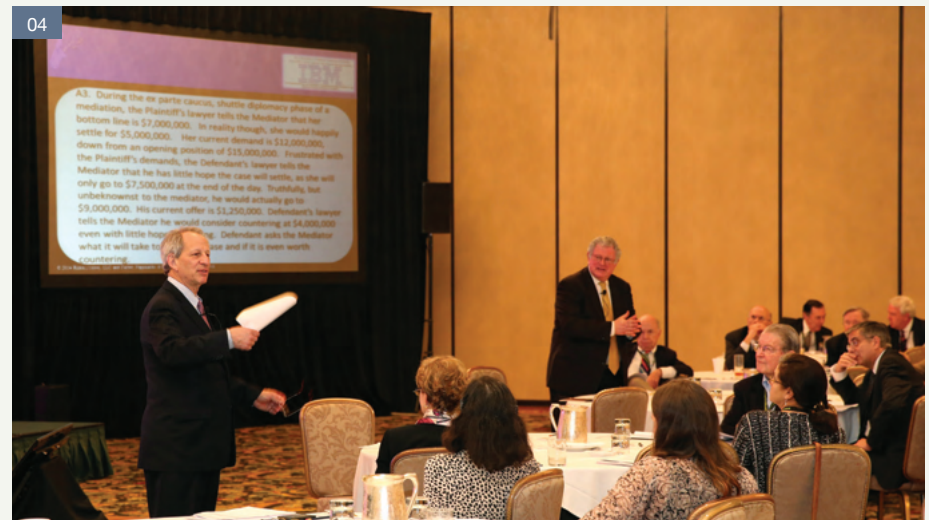


“CPR excels at helping companies like ours find and use the right tools to avoid or resolve disputes in a proactive, strategic way.”

Steve Aeschbacher
Associate General Counsel
Microsoft Corporation

2014 ANNUAL MEETING

1. Kathy Bryan (CPR), Justice Sandra Day O'Connor (ret.) (U.S. Supreme Court; 2014 Annual Meeting Keynote Speaker), Mary Beth Cantrell (CPR Board Member; Amgen Inc.) and Hon. William Webster (CPR Board Emeritus; Milbank, Tweed, Hadley & McCloy LLP, USA; Former Director, CIA and FBI, U.S. Court of Appeals and U.S. District Judge)
2. Justice Sandra Day O'Connor, (ret.) and Noah J. Hanft (General Counsel and Chief Franchise Officer, MasterCard Worldwide; incoming CPR President & CEO)
3. Prof. Eric D. Green, (2014 Annual Meeting Keynote Speaker; Resolutions, LLC)
4. Prof. Eric D. Green (Resolutions, LLC) and Eugene Farber (Farber, Pappalardo & Carbonari)
5. Richard F. Ziegler (Jenner & Block LLP), Dr. Gillian A. Dada (GlaxoSmithKline), Isabelle Robinet Muguet (Orange SA) and Laurent Nahmias (Dentons)
6. PD Villarreal (GlaxoSmithKline)
7. Tara Lee (CPR Board Member; DLA Piper) and Debra Clements (Milliken & Company)
8. 2014 Annual Meeting Attendees
9. Charles Moxley (Moxley ADR LLC), Hon. Nancy Holtz (ret.) (JAMS) and John Kiernan (CPR Board Chair; Debevoise & Plimpton LLP)





2014 ANNUAL MEETING

1. Melinda Jayson (Melinda P. Jayson P.C.) Carlos M. Hernandez (CPR Board Member; Fluor Corporation) and Wendy Venoit (McElroy, Deutsch, Mulvaney & Carpenter, LLP)
2. Karina Müller (Müller & Mazzonetto) and Jack Levin (Levin ADR)
3. Kathy Bryan (CPR), James F. Henry (CPR Founder) and Noah J. Hanft (MasterCard; incoming CPR)
4. Nancy Vanderlip, Malini Moorthy (Pfizer Inc.)
5. Mark Haddad (Sidley Austin LLP) and Hon. Abraham D. Sofaer, (ret.) (Hoover Institution, Stanford University; Former Legal Advisor to US Department of State and U.S. District Judge)
6. CPR's 2014 Annual Meeting at Charleston Place in Charleston, SC
7. John Kiernan (CPR Board Chair; Debevoise & Plimpton LLP)
8. Jay W. Waks (Kaye Scholer LLP) and Kathy Bryan (CPR)
9. Kathy Bryan (CPR) and Eugene Farber (Farber, Pappalardo & Carbonari)



The CPR annual meetings are both productive and inspiring. Both Carlos Hernandez (Fluor's Chief Legal Officer) and I are active members in CPR (Carlos on the Board of Directors, me on the CPR's Advisory Council), and we have found that the exchange of ideas and views on dispute resolution have been rewarding. The opportunity to meet with many other corporate counsel and officers has been equally rewarding in the creation of relationships throughout the business world – US and International."

Paul Bruno
Managing General Counsel
Fluor Corporation

2014 CORPORATE LEADERSHIP AWARD DINNER

Every year, CPR honors a corporation that has demonstrated leadership and commitment to the principles of conflict management and resolution and has institutionalized these principles into its corporate and industry culture. The award is presented at a black-tie event that draws more than 500 attendees representing top corporations, law firms, scholars and public institutions. Since its inception, the event has raised more than \$9 million in support of CPR's educational, research and public policy programs. Past honorees have included Johnson & Johnson, General Electric, Ernst & Young, ConocoPhillips, Microsoft, DuPont, Pfizer Inc., Amgen Inc., FMC Technologies Inc., GlaxoSmithKline, Royal Dutch Shell plc and Hewlett-Packard Company.

In November 2014, CPR and approximately 500 distinguished guests comprising general counsel from Fortune 200 corporations, partners from leading law firms, industry experts and scholars, honored United Technologies Corp. and Charles D. Gill, the company's Senior Vice President & General Counsel, at CPR's 2014 Corporate Leadership Award Dinner in New York.

2014 ANNUAL AWARDS PROGRAM

Each year, CPR promotes excellence in scholarship and practical achievement through its Annual Awards program, which recognizes exceptional scholarship in the field of dispute resolution. CPR's 31st Annual Awards were presented for the following:

JAMES F. HENRY AWARD

The James F. Henry Award was presented to Nancy Hardin Rogers, the Michael E. Moritz Chair in Alternative Dispute Resolution emeritus at Ohio State University Moritz College of Law, for her lifelong leadership, innovation and sustaining commitment to the field of dispute resolution, and in particular, her work on the development of the Uniform Mediation Act.

OUTSTANDING ORIGINAL PROFESSIONAL ARTICLE

The awards for the Outstanding Original Professional Articles were made in memory of one of CPR's awards judges, H. Roderic Heard, a respected Chicago attorney and CPR supporter who passed away on March 4, 2013. The Award for Outstanding Professional Article recognizes an article published by academics and other professionals that advances understanding in the field of dispute resolution. In 2014, the award was granted to James H. Stark & Douglas N. Frenkel for their article, *Changing Minds: The Work Of Mediators And Empirical Studies Of Persuasion*, 28 Ohio St. J. on Disp. Resol. 263-352 (2013).



CORPORATE LEADERSHIP AWARD 2014 DINNER

1. CPR's Corporate Leadership Award Dinner Guests, Cocktail Reception - New York City, November 2014
2. Barbara E. Daniele (CPR Board Vice-Chair; GE Capital, Americas), Alex Dimitrief (GE Capital) and Linda Addison (CPR Board Member; Norton Rose Fulbright LLP)
3. Charles D. Gill, 2014 CLA Honoree (Senior Vice President & General Counsel, United Technologies Corporation) and George David (Former Chairman and Chief Executive Officer, UTC)
4. Steven M. Greenspan, Charles D. Gill (United Technologies Corporation), Noah J. Hanft (CPR) and Charles R. Morgan (CPR Board Member; The Morgan Group)
5. Noah J. Hanft (CPR), Beth Trent (CPR), C. Michael Moore (Dentons) and Luke Mette (CPR Board Member; AstraZeneca)
6. Alfred Wang, Timothy Goodell, Gabriella (Rigg) Herzog, Paula Luff, and Indrani M. Franchini (Hess Corporation) and guests
7. William M. McGlone and David McLean (Latham & Watkins LLP)
8. Hon. Charles B. Renfrew (ret.) (CPR Board Emeritus; Law Offices of Charles Renfrew) and Martin Lipton (Wachtell, Lipton, Rosen & Katz)
9. Hon. E. Norman Veasey (ret.) (Gordon, Fournaris & Mammarella, P.A.) and Hon. William Webster (ret.) (CPR Board Emeritus; Milbank, Tweed, Hadley & McCloy LLP, USA; Former Director, CIA and FBI, U.S. Court of Appeals and U.S. District Judge)
10. Shawn Miles (MasterCard Worldwide) Matthew Freimuth, Wes Powell (Willkie Farr & Gallagher LLP) and James P. Masterson (MasterCard)

OUTSTANDING ORIGINAL SHORT ARTICLE

This award recognizes a short article that advances understanding in the field of dispute resolution. In 2014, the award was presented to Paul M. Lurie for *Guided Choice: Early Mediated Settlements and/or Customized Arbitrations*, 7 J. of the ACCL 167 (2013).

JOSEPH T. MCLAUGHLIN ORIGINAL STUDENT ARTICLE OR PAPER

CPR is honored to announce that this Award is dedicated to former CPR Board member and long-time supporter, Joseph T. McLaughlin, who was a prolific advocate for effective conflict resolution practices as a practitioner, academic, writer and speaker. The Joseph T. McLaughlin Student Article Award, which is funded through 2021, recognizes an article or paper written by a student that was focused on events or issues in the field of dispute resolution. This year, the award was presented to Jennifer A. Trusz for her note, *Full Disclosure? Conflicts of Interest Arising from Third-Party Funding in International Commercial Arbitration*, 101 Geo. L.J. 2649 (2013).

CPR AWARD FOR OUTSTANDING CONTRIBUTION TO DIVERSITY IN ADR

CPR's Outstanding Contribution to Diversity in ADR award recognizes a person or organization who has contributed significantly to diversity in the alternative dispute resolution field. The 2014 recipient of this award, Barry Leon, of Perley-Robertson, Hill & McDougal LLP, has been a staunch advocate and innovator for diversity in the field of dispute resolution.

SPECIAL AWARD

CPR recognized outgoing Chairman of the Board, the Honorable William H. Webster, Senior Partner of Milbank, Tweed, Hadley & McCloy LLP for his sustained contributions to the field of dispute resolution and to CPR. Judge Webster is also a former Director of the CIA and FBI, a former judge of the U.S. Court of Appeals and the U.S. District Court. Judge Webster was Chair of CPR's Board from 2011 to 2014.

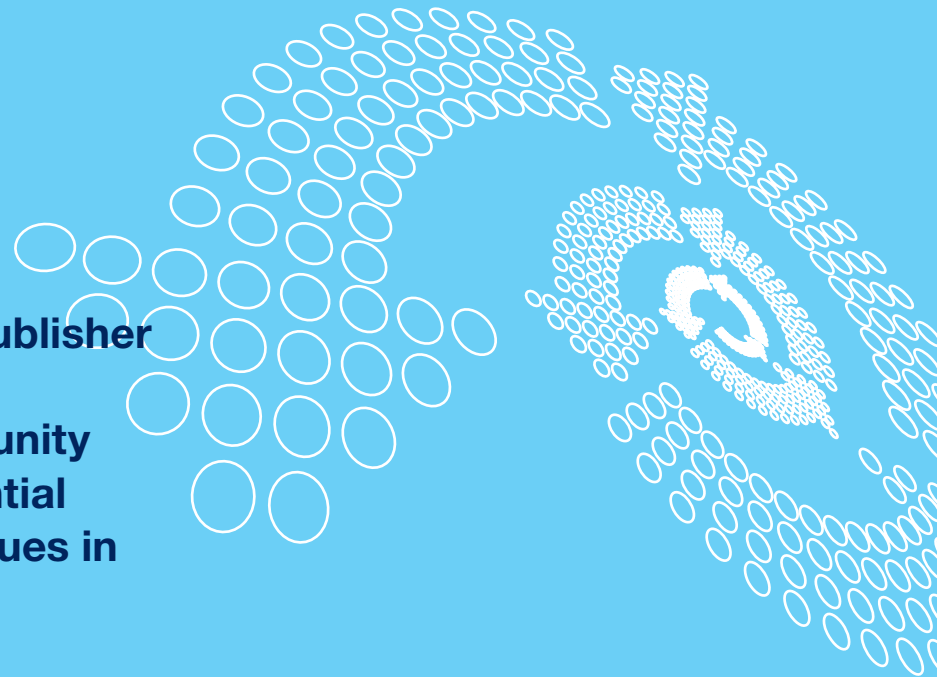


2014 ANNUAL AWARDS

1. Caitlin McLaughlin Presents the Joseph T. McLaughlin Original Student Article Award to Jennifer A. Trusz for her note, *Full Disclosure? – Conflicts of Interest Arising from Third-Party Funding in International Commercial Arbitration*, 101 Geo. L.J. 2649 (2013)
2. James F. Henry presents his eponymous James F. Henry Award to Nancy Rogers Hardin, the Michael E. Mortiz Chair in Alternative Dispute Resolution emeritus at Ohio State University Moritz College of Law, for her lifetime achievements and leadership in ADR
3. Charles Morgan presents the CPR Award for Outstanding Contribution to Diversity in ADR to Barry Leon (Perley-Robertson, Hill & McDougall LLP)

Alternatives

For more than three decades, *Alternatives*, a joint publication by the CPR Institute and international publisher John Wiley & Sons, has been the leading venue for discourse in the business conflict resolution community with timely, readable and in-depth analysis of essential topics, developments, techniques and emerging issues in commercial dispute resolution.



The history of modern business mediation and arbitration practice is reflected in *Alternatives'* pages. At the forefront of the newsletter's coverage have been the advances in corporate ADR systems design and development; strategies and techniques for increasing mediation use and decreasing knee-jerk reliance on litigation; and the expansion of arbitration across a wide spectrum of matters. *Alternatives* facilitated the debate over the utility of ADR facilities for dealing with mass claims; defined the ethical issues over mediators' evaluative roles, and established business operating models based on analysis of the latest law changes and court decisions.



Alternatives' impact on conflict resolution practice has been cited frequently in the ADR field and the business press. Over the past decade, the publication has won two American Society of Business Press Editors national business communications awards for publication excellence and newswriting; an Excel Silver Award for excellence in newsletter newswriting from the Society of National Association Publications; two Specialized Information Publishing Foundation Annual Newsletter Journalism Awards for best interpretive/analytical reporting; and has been awarded an Apex Business Communications Award of Excellence seven times for newsletter writing, including in each of the past five consecutive years.

As CPR evolves, *Alternatives* is evolving as well. Subscribers will see cover articles co-written by inside and outside counsel addressing how they partner to address important commercial dispute

resolution issues. Readers can expect to see more topics addressed in multiple issues to enable analysis from authors across the dispute resolution community. *Alternatives* plans to feature more roundtable discussions similar to the discussion of CPR's administered rules in this publication. An editorial feature will be introduced that will enable members to write more opinion pieces on topical issues.

CPR offers all of this with one ultimate objective in mind: To add to *Alternatives'* legacy as a venue in which leading thinkers share ideas and perspectives on topics of critical interest to all practitioners working to redefine winning and engage in more thoughtful approaches to dispute resolution.

A Letter From the Chair of CPR's Finance Budget & Audit Committee



CPR was founded by general counsel who believed that innovation and efficiency comes from working together to address common issues. Today, CPR continues to work with its members – inside and outside counsel – to develop the most effective methods for resolving 21st Century business disputes. The dedication to CPR's original mission is evident through the many organizations that contribute their time and financial resources to CPR. This support, along with the stewardship of our Board of Directors and management, is essential to CPR's continued growth and strong finances.

Fiscal Year 2015 (7/1/14-6/30/15) is showing strong mid-year financial results. CPR has increased its membership by a net of 22 organizations and year-end revenue is projected to increase by at least 7.5%. This is a reflection on CPR's recent emphasis on membership benefits, community-building and product development for corporations and their law firms. During the same time period, the annual Corporate Leadership Award Dinner attracted approximately 500 guests to honor United Technologies and its Senior Vice President & General Counsel, Charles D. Gill, resulting in an increase in the dinner's revenues of almost 8%. Other revenue from program fees including meetings, training and publications remain stable, as do fees from dispute resolution services. We expect revenue growth for dispute resolution services with the release of CPR's Administered Arbitration Rules, which have received very positive reviews in the press and are being adopted by many corporate law departments.

CPR's future looks bright as we continue our international work in Brazil, Europe and Asia and prepare for another successful Annual Meeting in La Jolla, CA. We also plan to actively promote our Panel of Neutrals and new Rules, both domestically and internationally, and have increased our customized training for law departments and outside counsel. Our investment in innovative tools, such as on-line dispute resolution, will provide opportunities for growth in an ever-changing legal environment where creative solutions are essential for success. We remain committed to continuing to offer our members cutting-edge, relevant and meaningful resources.

We greatly appreciate the financial contributions, leadership and service of our members and donors. With their continued support, we look forward to sustained growth in fiscal year 2015 and beyond.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Matschullat".

Dale L. Matschullat

Chair

CPR Finance Budget & Audit Committee

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We are extremely grateful to our donors and supporters who enable CPR to continue to take the lead in exploring innovative ways to resolve commercial disputes for global businesses. They are the reason CPR is changing the way the world resolves conflict. We are tremendously appreciative for their continued support and generosity. Here is a partial list of these supporters:

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IN MEMORY OF ANNE C. FERGUSON



It is with deep sadness that we inform the CPR community of the loss of a pillar of the organization, Anne C. Ferguson, our Awards Administrator, Special

Projects and Graphics Manager, who died suddenly on October 14, 2014.

Born and raised in Port Washington, NY, Anne earned her bachelor's degree in Art and Art History from Ohio University in Athens, Ohio.

Anne dedicated her unparalleled organizational and creative talents to CPR for over 25 years, and had the unique distinction of having worked with all four of CPR's presidents. In the words of Noah Hanft, CPR's President & CEO: "CPR from its inception has always been an organization focused on people and change – caring more and communicating better. No individual exemplified those qualities better than Anne. We all will miss her warmth and authenticity." For former CPR President, Kathy A. Bryan, "Anne Ferguson was the face – and heart – of CPR for most of its existence." Former CPR President Tom Stipanowich remembers Anne as "a human link with the early history of the organization and an integral part of its fabric and its spirit." Anne's vibrant and creative spirit will be sorely missed by her CPR colleagues, past and present.

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CPR PRINCIPLES

The CPR Institute brings a unique perspective to the field of global dispute resolution:

1. Most disputes are best resolved privately and by agreement.
2. Principals should play a key role in dispute resolution and should approach a dispute as a problem to be solved, not a contest to be won.
3. A skilled and respected neutral third party can play a critical role in bringing about agreement.
4. Efforts should first be made to reach agreement by unaided negotiation.
5. If such efforts are unsuccessful, resolution by a non-adjudicative procedure, such as mediation, should next be pursued. These procedures remain available even while litigation or arbitration is pending.
6. If adjudication by a neutral third party is required, a well-conducted arbitration proceeding is an important alternative to litigation.
7. During an arbitration proceeding the door to settlement should remain open. Arbitrators may suggest that the parties explore settlement, employing a mediator if appropriate.
8. Arbitration proceedings should be conducted in a timely, economical and efficient manner by the Arbitral Tribunal, and CPR administration should be limited to services needed by the parties.

All CPR rules, protocols and procedures for arbitration, mediation and other forms of dispute resolution reflect these principles.



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