

BUSINESS UNUSUAL

RULES, TOOLS, & STRATEGIES TO DISRUPT DISPUTES



2019 ANNUAL REVIEW



INTERNATIONAL INSTITUTE FOR
CONFLICT PREVENTION & RESOLUTION

CONTENTS

- 01 President's Letter
- 02 CPR Board Letter
- 03 Membership
- 04 An "Epic" Year for Arbitration
- 08 CPR Institute
- 12 CPR Dispute Resolution
- 16 Driving a Global Dispute Resolution Culture
- 22 Meetings & Events
- 30 Marketing & Communications
- 34 Financial Report
- 35 Thank You Donors
- 36 Leadership
- 39 Members and Panelist Members
- 40 Heroes



A LETTER FROM CPR'S PRESIDENT AND CEO

In May of 1952, in Oxford England, a 25-year old medical student named Roger Bannister became the first human ever to run a sub four-minute mile. That once inconceivable barrier has since been broken by now well past 1,500 athletes and has become a standard that professional runners strive to attain.

Such is often the path of progress – one punctuated by fits and starts, or stalled by long plateaus during which it seems no further advancement could ever be possible. As I mentioned at our 2018 Corporate Leadership Award Dinner honoring Michael Ullmann and Johnson & Johnson, even the most sophisticated among us can buy into these assumptions and fall into habitual behavior. These habits can take the form of old contract clauses or rules, or simply long-standing ways of approaching disputes that leave something to be desired in terms of cost and effectiveness.

What then inspires and accounts for breakthroughs to the next, elite level? It certainly is not mere circumstance or luck, but, rather, practice, top-tier advice or coaching, and cutting-edge techniques and approaches. The theme of this Annual Review and CPR's 2019 Annual Meeting in Washington, D.C. is a nod to exactly that: "Business Unusual: Rules, Tools & Strategies to Disrupt Disputes." That's what CPR offers, through both its think tank, the CPR Institute, and its services division,

CPR Dispute Resolution – ways to do business differently by disrupting the disputes that can so thoroughly derail it.

Just like world-class athletes striving to be stronger, better and faster, companies and their counsel need actual and actionable rules, tools and strategies, and an insightful and experienced team to "coach" and guide them through the process. While we at CPR will never stop striving to reach new heights in terms of innovation and thought leadership, we understand that in order to get you from here to there the resources that result from such efforts must ultimately be practical and easy to access and apply.

So what is your unsurmountable barrier? With our business solutions, tailored consulting services, customized training, and "rules, tools and strategies," we want to help you break it. Let CPR assess your programs, train and educate your teams, save you time and money and meet your business development goals, while cheering you on the entire way. In 2019, I am confident

the business and legal communities can work together, with CPR, to drive a greater awareness of the benefits of a culture where dispute prevention and resolution is part of their DNA and is viewed not only as a legal, but also a business, imperative.



Noah J. Hanft
President & CEO

In 2019, I am confident the business and legal communities can work together, with CPR, to drive a greater awareness of the benefits of a culture where dispute prevention and resolution is part of their DNA and not only viewed as a legal, but a business imperative.

Noah Hanft
President & CEO
CPR

A LETTER FROM THE CPR BOARD CHAIR AND VICE CHAIR

In 2017, we reported what had then been the most successful fundraising effort in CPR's history, with the organization raising more than \$1.5 million from its generous donors to the Corporate Leadership Award honoring AT&T and General Counsel David McAtee II – money that each year plays a critical role in funding CPR's efforts and fulfilling its mission to change the way the world resolves conflict. With a nod toward the theme of seemingly unsurmountable barriers CPR President Noah Hanft mentioned in his letter, this year we not only broke that record but shattered it – a testament to our honorees, Michael Ullmann and Johnson & Johnson, to be sure, but also the result of a group of dedicated individuals (including prior honorees, David McAtee of AT&T and Craig Glidden of General Motors) working strategically and collaboratively together to achieve an important goal. That is what CPR is all about, and that is what CPR can offer you.

2018 was an important year for arbitration, with the U.S. Supreme Court weighing in on the issue of class action waivers in the employment context. CPR's response to these developments was typically swift and apt, taking the form of topical conferences, new content and actionable advice for employers moving forward.

We've seen some meaningful changes in the organization this year, with enhanced branding aimed at further delineating the many different ways that CPR fulfills its mission of changing the way the world resolves conflict. Both CPR's think tank and dispute resolution services arms are sporting new logos and new names, "CPR Institute" and "CPR Dispute Resolution," respectively.

CPR Dispute Resolution continues to expand, both in terms of services and a la carte options available, as well as companies including our rules in their contracts. The CPR Institute had a very strong year as well, driven by reenergized committees (many under new leadership) and producing a continuous flow of rich events and content, some of which are described herein.

Finally, we were thrilled this year to see our Board of Directors grow even deeper and more diverse, through the addition of such talented individuals as Cornell Boggs, Barker Gilmore; Taj Clayton, Winston & Strawn; Renato Stephan Grion, Pinheiro Neto Advogados; Chan Lee, Sanofi; Jana Litsey, Huntington National Bank; Carey Roberts, Assurant; Laura Robertson, ConocoPhillips; Sandra Phillips Rogers, Toyota; and Fernando Serec, TozziniFreire Advogados.

On behalf of the entire CPR Board, we are honored to lead this organization for another year as it continues to move ever-onward and upward, elevating the

debate about arbitration and crafting exciting new rules, tools and other practical ways to prevent or avoid disputes.



Carlos M. Hernandez

Carlos M. Hernandez
Chair
CPR Board of Directors



Thomas J. Sabatino

Thomas J. Sabatino
Vice Chair
CPR Board of Directors

MEMBERSHIP



Whether you are a corporation, law firm, neutral, or an academic or government entity, CPR membership offers you the opportunity to prevent and resolve business conflicts more effectively, while driving your business objectives, by taking advantage of CPR's cutting-edge resources and services. Our all-in-one approach provides the most innovative and affordable methods for anticipating and addressing your dispute prevention, mitigation and resolution needs.

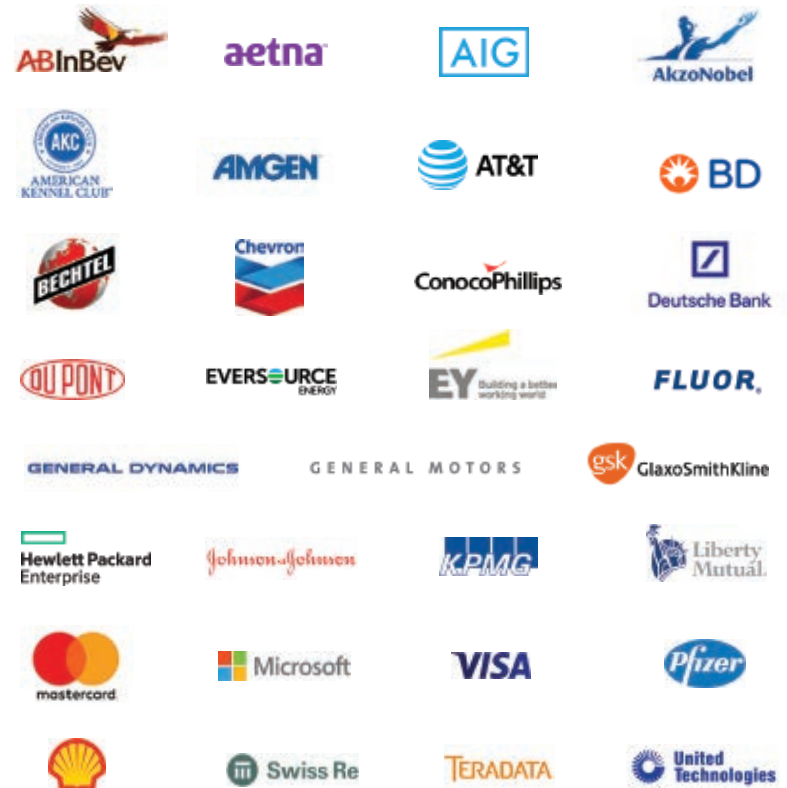
If you are not already
a CPR member

**WHAT ARE YOU
WAITING FOR?**

CPR membership offers numerous discounts, and 24/7 website access to CPR's proprietary Panels of Neutrals – approximately 550 of the most highly qualified mediators and arbitrators around the world, with proven experience in more than 30 different practice areas and industries.

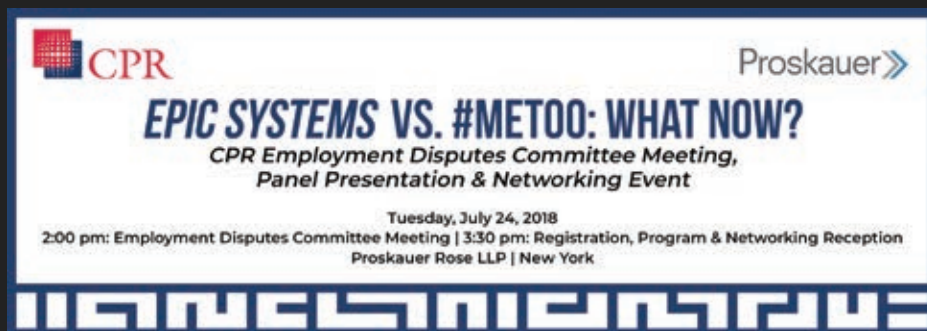
Perhaps most important, CPR membership also gives you entrée into a community of ADR's greatest minds, fellow thought leaders networking and collaborating through CPR's subject and industry-specific, members-only advisory boards and committees, and at regular events. These efforts not only reap direct benefits and create tools and best practices for members' own businesses and clients, but support the broader mission of building a more thoughtful dispute resolution culture worldwide.

A REPRESENTATIVE SAMPLING OF OUR CORPORATE MEMBERS



For more information about membership or to join CPR, contact us at
membership@cpradr.org

AN “EPIC” YEAR FOR ARBITRATION



2018 was a notable year for ADR, with the U.S. Supreme Court in the *Epic Systems* case sustaining the use of employer-imposed bars on class-action processes. CPR has always been available to employers who may wish to revisit, re-think and/or revitalize their employment practices, and has consulted with corporations to help craft individualized programs and procedures for their companies. But, after the *Epic Systems* case, many employers were wondering what comes next, particularly in the context of the #MeToo movement. CPR President & CEO, Noah Hanft offered one perspective, in the form of an article originally published by *Corporate Counsel*, which is reproduced on the next page.

CPR's Employment Disputes Committee has been intensely examining

this issue as well. In its July meeting, Anil Chaddah, Lead Counsel, Labor, Employment and Benefits at General Motors provided an exclusive interview. And following the Supreme Court decision, the committee presented “*Epic Systems v. #MeToo: What Now?*” a mini symposium and networking event that drew more than 100 in-house employment counsel from Fortune 500 companies, corporate defense attorneys, counsel from the plaintiff's bar, noted academics and neutrals. Leading employment counsel discussed the burgeoning federal and state laws taking aim at mandatory arbitration, the plaintiff's bar's anticipated responses to *Epic Systems*, the pros and cons of mandatory arbitration for employment disputes and best practices for workplace disputes program design.

CPR's Noah Hanft was interviewed by **Society for Human Resource Management** about the decision's implications for employers.



Finally, CPR carefully covered the issue editorially, with a four-part series that appeared in our blog, *CPR Speaks*. As reported by CPR's *Alternatives* editor, Russ Bleemer, the U.S. Supreme Court affirmed the ability of companies to use mandatory arbitration clauses in employment agreements that are accompanied by waivers of class processes in litigation and arbitration. Russ broke down his coverage of this complicated decision into four parts:

1

“Supreme Court Backs Federal Arbitration Act's Power to Require Mandatory Individual Arbitration”

A SUMMARY OF THE MAJORITY DECISION

2

“Future Challenges Nixed? Thomas Writes That Public Policy is Not FAA Illegality”

A SUMMARY OF THE CONCURRENCE

3

“The Dissent, and the Majority's Push Back”

A SUMMARY OF THE DISSENT

4

“Supreme Court Backs Federal Arbitration Act's Power to Require Mandatory Individual Arbitration”

A CATCH-ALL POST, DISCUSSING THE IMPACT OF *EPIC SYSTEMS* MOVING FORWARD

WHAT'S NEXT FOR EMPLOYERS POST *EPIC SYSTEMS*?

Originally published in *Corporate Counsel*

By Noah J. Hanft

On May 21, 2018, the U.S. Supreme Court in the *Epic Systems* case affirmed the ability of companies to use mandatory arbitration clauses in employment agreements that are accompanied by waivers of class processes in litigation and arbitration. So what's next, both for dispute resolution and employers (particularly in the context of the #MeToo movement)?

"REDEFINING WINNING"

This is one of the important messages that my organization, the CPR Institute, imparts to the business community. Dealing with conflict is not a zero sum game and often the best solutions that preserve relationships are achieved mediating disputes and using other alternative dispute resolution approaches, rather than litigating in court. I suggest that this way of thinking is even more apt to conflicts in the employment context.

The Supreme Court's opinion in *Epic Systems* was quite clear: Employers who are using mandatory arbitration clauses in their employment agreements may continue along their course and are in no way required to change processes or programs when it comes to dispute resolution in the workplace. They "won"... for now.

But there may be a way for them to win differently, in a bigger and more sustainable way. Let's face it, arbitration is generally viewed today as standing against the #MeToo movement. This certainly does not need to be the case. The Supreme Court decision provides both a practical and valuable employee

engagement (and public relations) opportunity for thoughtful employers to revisit, re-think and revitalize their employment practices. In the absence of legislative certainty, and facing suspicion from the #MeToo movement and the “court of public opinion,” this is a unique opportunity for companies to consider utilizing flexible and creative approaches to address these issues in a way that favorably resonates with their stakeholders. This article will suggest some possible paths.

MOVING STEP BY STEP... TO SUCCESS

Whether an employer ultimately arrives at an arbitration approach for workplace disputes, there are a multitude of other issues to address well before the adjudication step becomes an issue. A strong workplace disputes program that is designed to allow employees the ability to address workplace issues fairly, efficiently and informally can garner extensive good will, especially if it provides choices for employees. As described in greater detail in **Cutting Edge Advances in Resolving Workplace Disputes**, some options to be considered and/or combined when creating an integrated and multi-option conflict management system include:

- Online collaboration tools – online platforms can help solves challenges arising from time, place and cost
- Open door policies – these can include consultation and counseling
- Ombuds offices or outside mediators – an ombudsman is an individual whose dedicated role within an organization is to interact with and support the conflict management system of all stakeholders
- Coaching or training programs – employers should aim to develop a team of people who can prevent, spot, diffuse and resolve conflict within their organizations
- Internal facilitation programs
- Peer or managerial, non-binding mediation
- External mediation or other voluntary approaches
- A stepped mediation-arbitration combination
- And, finally, arbitration

The key to the success of any approach is for the employee to feel heard and protected. Protected from retaliation, of course, but also protected by a program that provides due process (a truly impartial neutral), privacy and gives them a reasonable degree of control over the situation.

THE OPTION OF OPTING OUT

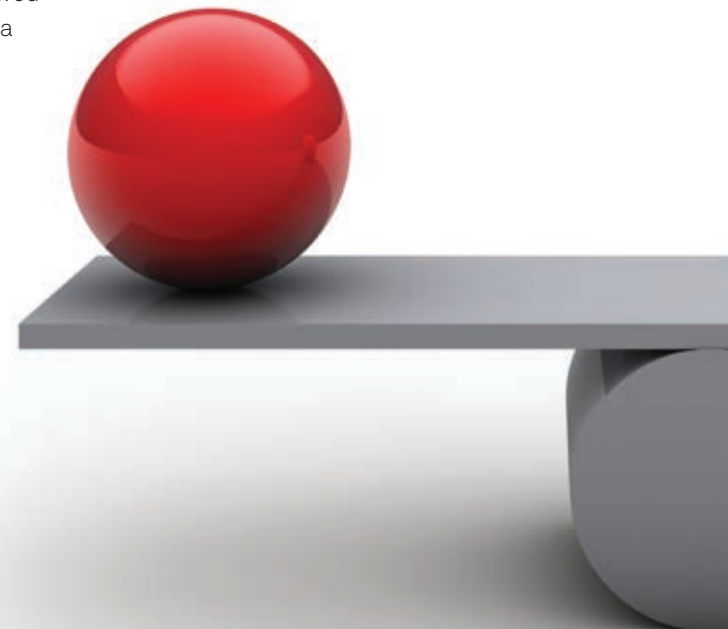
Litigation can be difficult, costly, time consuming and a drain on everyone involved. Not having to sue to be made whole is a significant employee benefit, part of the company’s broader benefits package, which employers can offer to employees through the implementation of such an integrated conflict management program.

Today, some employers make their programs mandatory for all employees. No exceptions. On the other side, some commentators argue that employees should be able to derive all the benefits of these programs, but should then be free to choose how they want to adjudicate unresolved disputes. I would offer a middle ground that allows employers to plan and run programs with a degree of certainty...but also give employees choice.

Employers can provide for employees the ability to “opt out” at the start of the program, when introducing it. And for a new employee, she or he could have the

opportunity to participate or not. Key to this, of course, would be to provide an impeccably fair opportunity to consider the workplace disputes program in its entirety and provide sufficient notice and information to the employees to allow them to make an informed decision. And, of course, employees who choose not to participate should not in any way be adversely impacted.

As discussed, although it would not be reasonable to provide an employee the ability to hop in and/or out of the program at will, an employer should provide employees with an opportunity to participate or opt-out if the terms of the conflict management program



were to change materially after first implemented.

CARVING OUT CERTAIN CLAIMS?

Companies might also consider whether certain types of claims, e.g., the types of sexual harassment claims the #MeToo movement is shining a spotlight on, should be treated differently than others. For example, to highlight a company's sensitivity to these sorts of claims, companies may consider fashioning an individual opt-out that provides for employees to participate in the program in all respects other

than sexual harassment claims. Stated differently, when an employer introduces a conflict management program (or a new employee is presented with this as an option), the employee is informed that sexual harassment claims will not be covered by the conflict management program unless the employee wants them to be, which they can indicate – again, during the initial “enrollment” period only – by this time “opting in.”

The beauty of alternative dispute resolution is that, unlike litigation, there is an almost infinite universe of “interest based” approaches and combinations that can be implemented, as opposed to merely following a more rigid litigation process with fixed results and remedies.

MANAGING AND MARKETING YOUR PROGRAM

There is plenty of guidance out there for creating and managing such an integrated conflict management system. An employer's existing HR department and legal department resources can play key roles.

Also key to the creation of a successful integrated conflict management system is clear and targeted communication to stakeholders. Employee satisfaction and morale matter and can be just as powerful as public perception in affecting your bottom line. Therefore, employers should also think about how to best communicate their policies for handling workplace disputes to their employees or even prospective employees, who may be confused or concerned about what this recent Supreme Court ruling, and resulting media coverage and commentary around arbitration, mean for them.

A thoughtful, fair and balanced workplace dispute program can be a positive indicator that employers value their employees – something that can benefit a company's reputation publicly, well beyond its employee and prospective employee pool. So, through internal communications, brown bag lunches, town halls or webinars, any employer creating such an integrated system will want to market it, making sure everyone understands the options, their purpose, the protections they provide and the process for taking advantage of them. Think about who your employees are, where and how they access such information, and make sure you are reaching them there.

In sum, the fundamental goal of alternative dispute resolution should always be to maximize its broad promise as a better and more effective path to dispute resolution. Employers and employees can mutually benefit from it, particularly if it is developed, implemented and communicated in a fair and thoughtful manner.

Noah Hanft is the President and CEO of The International Institute for Conflict Prevention & Resolution. He formerly served as General Counsel for Mastercard.

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CPR INSTITUTE

CPR's think tank arm, the newly-branded CPR Institute that is powered by CPR's members-only committee structure, was positively reenergized this year, with several new leaders taking their respective helms (see Committee Leadership Heroes section on page 41) and creating an absolute flurry of events and other activity. Here is just a small sampling of their accomplishments:



NEW COMMITTEE-CREATED RULES, TOOLS AND RESOURCES

CPR released revised versions of both CPR's domestic and international Non-Administered Arbitration Rules – created under the direction of CPR's esteemed **Non-Administered Arbitration Rules Revision Committee**, with notable efforts from Committee Chair, Dana C. MacGrath, Sidley Austin; Paul Bruno, Fluor; John Buckley, Williams & Connolly; Michael McIlwrath, Baker Hughes, a GE Company; and CPR SVP, Dispute Resolution Services, Helena Tavares Erickson.

(For more information about the new rules, see the Dispute Resolution section, page 12.)

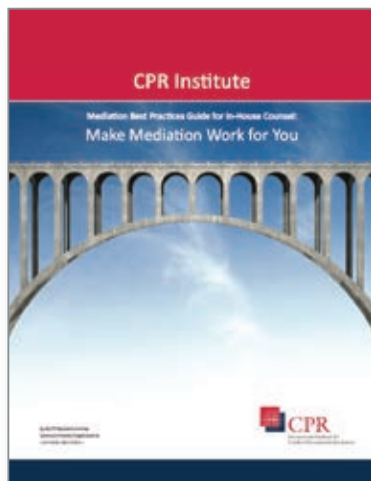


CPR also released a new **Mediation Best Practices Guide for In-House Counsel**. This important CPR members-only Guide was created by CPR's **Mediation Committee**, then chaired by Erin Gleason Alvarez of Gleason Alvarez ADR; along with current chairs

Rick Richardson of GlaxoSmithKline and Grace Speights of Morgan, Lewis & Bockius with most notable contributions from committee members John Bickerman of Bickerman Dispute Resolution; David Brodsky of Brodsky ADR; David Burt, Consultant to CPR; Steve Comen of Goodwin; Steve Gilbert of The Law Office of Stephen P. Gilbert; Duncan MacKay of Eversource Energy; Chris Mason of Nixon Peabody; Judith Meyer of J.P. Meyer Associates; Meef Moh of Chevron Corporation; and Mike Timmons of Johnson & Johnson.

featured a roundtable discussion of chief legal officers from numerous leading corporations discussing the powerful impact of ADR as it continues to evolve in this sector.

In April, the **Environmental Committee** and **Government & ADR Task Force** jointly hosted “Best Practices for Resolving Government Disputes” at BakerHostetler in Washington, DC featuring directors of the dispute resolution divisions of the **Federal Energy Regulatory Commission** and the **U.S. Department**



EVENTS

In addition to the timely *Epic Systems*-related **Employment Disputes Committee** event already mentioned (see page 4), the **Energy, Oil & Gas Committee** and their distinguished guests met for Cocktails and Conversation, hosted by BakerHostetler in Houston, just before the ITA Energy Conference in January. This high-level insider event

SOLUTIONS WITHOUT BORDERS:
TRANSNATIONAL MEDIATION AND ARBITRATION
09.20.2018
Washington, D.C.

of the Interior and senior jurists from the **U.S. Environmental Protection Agency's Environmental Appeals Board**, discussing best practices for resolving energy, environmental, natural resources, oil and gas and infrastructure disputes with, and appeals within, these agencies.

CPR's **Banking & Financial Services Committee** hosted a presentation on the arbitration of blockchain and cryptocurrencies. The committee also formed a subcommittee, led by Simon Maynard of Three Crowns, focused on increasing the use of arbitration in the banking and financial services sector. September offered "Solutions Without Borders: Transnational Mediation and Arbitration," a symposium co-sponsored by CPR's **Mediation Committee** and the Centre on Int'l Commercial Arbitration of the American University Washington College of Law. And in October, CPR's **Construction Committee** hosted a public panel presentation and networking event discussing some of the dispute resolution stories behind NYC's most innovative and iconic construction projects, such as the NYC High Line and the new World Trade Center complex, hosted by Fox Rothschild LLP in NY. Finally, CPR's **Arbitration Committee** continued its work on cybersecurity and dispute resolution in India.

PUBLIC POLICY

In addition to its numerous public policy efforts to increase diversity in the ADR field (see the Dispute Resolution section, pages 12-15), this year CPR hosted many international delegations in our NY office. We continued

to support academic and student engagement through our own robust legal internship program, our collaboration with law schools and various pro bono partnerships.

CPR'S YOUNG ATTORNEYS IN DISPUTE RESOLUTION



CPR's **Young Attorneys in Dispute Resolution (Y-ADR)** program promotes the full spectrum of dispute resolution mechanisms with the younger generation of lawyers – i.e. those who are 45 years old or younger or those with less than eight years of professional experience in international ADR practice. Through periodic seminars and other initiatives, Y-ADR participants gain an insider's look at the role of dispute resolution processes and practices in corporations and multinational organizations. More importantly, they have an opportunity to network with in-house counsel and experts in the field.

Y-ADR kicked off the year with a February event at Holland & Knight in Miami, co-organized by the International Centre for Dispute Resolution (ICDR Young & International) covering

"International Arbitration v. Litigation and Emerging Trends in Int'l Arbitration," inspired by globalization and the growth of cross-border investments. In April, Y-ADR hosted a program on "Settlement Opportunities Before, During and After Arbitration" at Hughes Hubbard & Reed in Paris.

May featured a Y-ADR Mock Procedural Hearing under the CPR Rules for Administered Arbitration of International

July, Y-ADR hosted an event focusing on diversity in international arbitration, held at Debevoise & Plimpton in New York.

Y-ADR ended the year in style, with its annual and always popular Year-in Review event. Co-organized with the New York International Arbitration Center, attendees were treated to a spirited discussion of the topics in dispute resolution in 2018.



Tom Miles, Shell International; Sunil Mawkin, Allen & Overy; and Tomas Vail, White & Case, at the Y-ADR Mock Procedural Hearing hosted by Allen & Overy in London.

Disputes, held at Allen & Overy in London, providing the attendees with a valuable sense of what often takes place at an initial procedural conference in an international arbitration, as well as opportunity to network and make long-lasting professional connections. And in



CPR Distinguished Neutrals Peter Thorp, Jennifer Kirby and Christopher Newmark; Vanessa Alarcon Duvanel, White & Case; and Tom Miles, Shell International, at the Y-ADR Mock Procedural Hearing hosted by Allen & Overy in London.



It's fine to contribute and make a donation and feel good and not feel like one is being a 'free rider' on CPR's ADR accomplishments. But it's even better to take

advantage of CPR's structure, which is basically one of sweat equity. CPR has accomplished much more than its small staff would suggest, because its members contribute to the work of the organization. There are committees, there's the CPR Council, there are numerous opportunities to participate – and that is one of the things that makes CPR different than a typical ADR organization.

Richard Ziegler
Partner
Jenner & Block



CPR COMMITTEES, ADVISORY BOARDS AND TASK FORCES



2018 Administered
Rules Revision
Committee



Employment
Disputes
Committee



Intellectual
Property Disputes
Committee



Arbitration
Committee



Energy, Oil &
Gas Committee



Mediation
Committee



Banking and
Financial
Services
Committee



Environmental
Committee



National Task
Force on Diversity
in ADR



Brazil Advisory
Board



European
Advisory Board



2017-2018
Non-Administered
Rules Revision
Committee



Canada
Advisory Board



Government &
ADR Task Force



Transactional
Dispute Prevention
and Solutions
Committee



Construction
Advisory
Committee



Healthcare and
Life Sciences
Committee



Y-ADR Steering
Committee



CPR Council



Insurance
Committee



CPR DISPUTE RESOLUTION

Parties seeking efficient, inexpensive and innovative dispute resolution solutions continue to rely upon CPR for answers and offerings that meet their specific business needs.



In 2018, through its newly branded service provider arm, CPR Dispute Resolution, CPR intensified its focus on driving greater usage of our rules, resources panels and services – which extend well beyond arbitration to include special arbitrators for interim measures, fundholding, deal facilitation, early neutral evaluation, mini-trials and dispute resolution boards, as well as a Flat Fee Mediation Program and a 15% Member Discount from Participating Neutrals.



NOW EVEN MORE AFFORDABLE

The fees for both administered and non-administered cases were recently changed to make CPR even more competitive for matters between \$2 and \$5 million. The fee for mediations was lowered as well. If you haven't explored CPR's **services** and **costs** recently, we encourage you to do so.

PERFECTING THE RULES

CPR never stops striving to improve and enhance its rules, which have been repeatedly recognized for their innovation. In 2018, we released revised versions of both the domestic and international Non-Administered Arbitration Rules. Key updates included a new "Young Lawyer" Rule; the inclusion of cyber issues in the required items for discussion at preliminary conference; and sections concerning multi-party proceedings, joinder and consolidation, and intervention when there is a disagreement over arbitrator compensation.



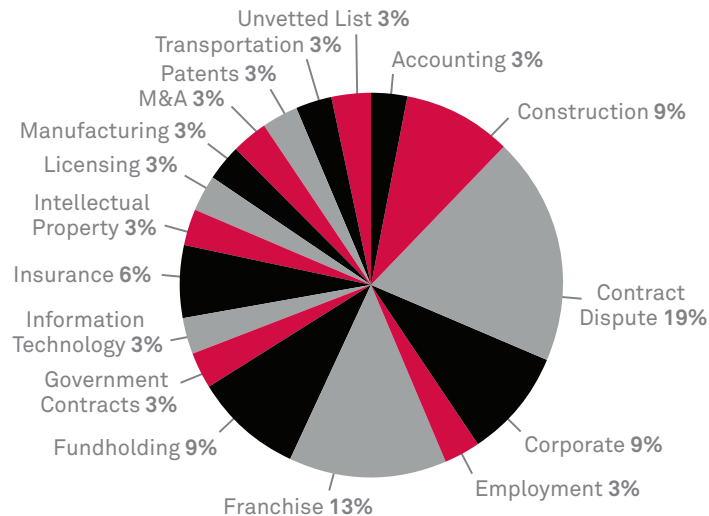
CPR'S MOST EXCLUSIVE CLUB PROMOTING OUR DISTINGUISHED PANEL

While CPR promotes its neutrals continuously, this year's efforts included a special project inspired by a generous grant from Victoria Pynchon, who asked that it be used specifically to promote CPR's female neutrals. As people tend to recommend those they know, this project aims to help readers get acquainted with this talented group of individuals. Well beyond mere bio bits, the female panelists in this book answer such questions as, "Were you ever the first to do something? What makes your style of conflict resolution unique? What is the biggest mistake you see advocates make in an arbitration/mediation? How can parties help to ensure progress when they reach an impasse? And what do you see as the 'next big thing' in global dispute prevention and resolution?" CPR also held an event in Cleveland in January, to advise attendees on how using a neutral with specific industry or subject matter experience can speed and qualitatively enhance the resolution of a dispute.



CPR DISPUTE RESOLUTION SERVICES

Cases by Subject Matter – 07/01/2017 to 06/30/2018



PANELS GROWTH

- In FY2018 we accepted 37 new panelists, including 9 women and 9 ethnically diverse panelists.
- In the first third of FY2019 (as of 10/31/18), we have accepted 17 new panelists, of which 4 are women and 3 ethnically diverse.
- Combined, this yielded 54 new panelists, of which 13 were women (24%) and 12 were ethnically diverse (22%).

GOING TO THE DOGS... AND WELL BEYOND

CPR joined forces with The American Kennel Club, this year, to create a new program showcased in AKC's *WorkingItOutsm* Guide. This is the latest of many examples of CPR working with diverse businesses, ranging from insurers to franchises, to custom design programs that suit their specific and subjective business needs. *How can CPR help your industry?*



548

DISTINGUISHED
NEUTRALS



29
COUNTRIES
REPRESENTED

150

CPR PANELISTS
LOCATED OUTSIDE
UNITED STATES



28
SPECIALTY
PANELS



28
LANGUAGES
SPOKEN

31%

PANELISTS
SELECTED FOR
CASES ARE DIVERSE*

17%

CPR PANELISTS
ARE WOMEN

13%

CPR PANELISTS
IDENTIFY AS
ETHNICALLY OR
RACIALLY DIVERSE

30%

CPR FEMALE
PANELISTS ARE
ETHNICALLY OR
RACIALLY DIVERSE

* Includes gender, racial and/or ethnic diversity

CPR – DRIVING DIVERSITY IN ADR

As part of its Public Policy Mission, CPR has long been committed to fostering diversity in dispute resolution in tangible ways, including putting diverse candidates on slates; reminding decision-makers of the benefits of diversity on the quality of the decision-making process; and, most importantly, actively encouraging the selection of those candidates.

This year, CPR took a number of additional strides towards this goal by adding a statement encouraging parties to consider the role their selection plays in furthering inclusion, in the nomination letter that is sent, by CPR's Dispute Resolution team, along with the slate of prospective neutrals for parties' consideration. This follows CPR being the first arbitral institution to announce a *Young Lawyer Rule* recently

added to the revised *Rules for Non-Administered Arbitration of Domestic and International Disputes*, aimed at increasing opportunities for junior lawyers to take a more active role in arbitration hearings – for example, by examining the witnesses they helped to prepare and presenting arguments on the papers they have drafted.

CPR presented **2018 Diversity Award** to international arbitrator **Lucy Greenwood** and **Mirèze Philippe**, Special Counsel, Secretariat of the International Court of Arbitration, International Chamber of Commerce (ICC), Paris, France, for their efforts with respect to Arbitral Women and more broadly to encourage opportunities in the profession, at a ceremony held at CPR's Annual Meeting, taking place March 8-10, 2018, in Atlanta.

In February, CPR supported (and Noah Hanft moderated) the Symposium on Diversity in Dispute Resolution hosted

by the Diversity Committee of the NYS Bar Ass'n for Conflict Prevention



Mirèze Philippe, 2018 Diversity Award Winner, pictured with CPR's Noah Hanft, left and Olivier André, right.

and Resolution. In June we co-hosted a one-day interactive workshop with The Alliance on Diversity and Inclusion in international dispute resolution, at Norton Rose Fulbright in NY. And in July we held an event along with Y-ADR, ArbitralWomen and Young Arbitral Women Practitioners (YAWP), hosted by Debevoise & Plimpton, on Diversity in International Arbitration.

Finally, CPR continues its diversity program in collaboration with the Leadership Council on Legal Diversity (LCLD) and the Financial Industry Regulatory Authority (FINRA) – an initiative that not only aims to train its diverse fellows to become mediators



July's Diversity in International Arbitration Event

and arbitrators, but also provides meaningful opportunities to position participants to ultimately become selected as neutrals, through formal training in ADR, practical observational experience, mentoring by skilled CPR neutrals and networking opportunities within CPR's ADR community.





DRIVING A GLOBAL DISPUTE RESOLUTION CULTURE

In 2018, CPR continued its advocacy and educational initiatives designed to increase understanding and implementation of thoughtful dispute resolution processes and programs throughout the world.



CYBERSECURITY IN INTERNATIONAL ARBITRATION

After joining forces with the International Council for Commercial Arbitration (ICCA) and the New York City Bar Association to form a Working Group on Cybersecurity in International Arbitration in late 2017, and releasing a Draft Cybersecurity Protocol for International Arbitration for public review in April 2018, CPR and other members of the Working Group hit the road to discuss this critical and truly global issue.

Chaired by Brandon Malone of the Scottish Arbitration Centre, the Working Group also includes: Olivier André (CPR), Paul Cohen (4-5 Gray's Inn Square Chambers), Stephanie Cohen (Independent arbitrator), Hagit Elul (Hughes Hubbard & Reed), Lea Haber Kuck

(Skadden, Arps, Slate, Meagher & Flom LLP), Micaela McMurrough (Covington & Burling), Mark Morril (Independent arbitrator), Kathleen Paisley (Ambos Law), and Eva Chan (Skadden, Arps, Slate, Meagher & Flom LLP), who serves as Secretary.

Along with Gide and the International Council for Commercial Arbitration, CPR hosted a conference, during Paris Arbitration Week, on Cybersecurity in International Arbitration. This theme was explored further at an event at Latham & Watkins in London; a public workshop on the ICCA-CPR-NYC Bar Ass'n Draft Protocol, also in London; a town-hall-style event at LALIVE in Geneva, Switzerland; a workshop hosted by Shearman & Sterling (organized by CPR, the Working Group and CPR's European Advisory Board (EAB), and supported by the International Council for Commercial Arbitration (ICCA), the Milan Chamber of Arbitration (CAM) and NetLeg - Network Legale and Confed- ilizia in Rome, a town-hall-style event discussing key aspects of cybersecurity in international arbitration and the draft cybersecurity protocol at Demarest Advogados in São Paulo, Brazil, and a final event on the topic held at BLG in Toronto.

During this whirlwind tour, CPR was also thrilled to accept the 2018 GAR Award for Best Development on behalf of the Working Group.



From a business development standpoint, CPR membership has mattered a great deal to our firm, and it's also allowed us to play a significant role in the growth of ADR throughout the world, which is perhaps even more rewarding.

Hon. Timothy Lewis
Schnader, Harrison, Segal & Lewis



CPR, SVP, International, Olivier André, accepting the GAR Award for Best Development during Paris Arbitration Week.

GROWING THE NEXT GENERATION OF GLOBAL MEDIATORS

CPR's second annual International Mediation Competition took place over two days on April 17 and 18, 2018 in São Paulo, Brazil and was hosted by CIESP/FIESP. The event featured teams from schools in Brazil, India and the United States and the awards ceremony was generously hosted by the law firm of L.O. Baptista Advogados. The results of the competition were as follows:

MEDIATION

- 1st Place National Law University, Delhi
- 2d Place Fundação Getúlio Vargas – Escola de Direito de São Paulo
- 3d Place Faculdades Milton Campos

NEGOTIATION

- 1st Place Harvard Law School
- 2d Place Fundação Getúlio Vargas – Escola de Direito de São Paulo
- 3d Place Christ University, School of Law

BEST COUNSEL

Juhi Gupta, Harvard Law School

BEST CLIENT

Jacob Omorodian, Harvard Law School

BEST TEAM WORK

American University, Washington

SOCIAL MEDIA

H C Prateek, Christ University, School of Law



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01 Judges seated at table, from left to right (bottom right corner): René Llapur, Consensum; Diego Faleck, Faleck & Associados; Pete Desrochers, The Negotiators, observing the Jindal Global Law School Team (Mediator Team); National Law University, Delhi (Negotiators Team) and Pontifícia Universidade Católica do Paraná (Negotiators Team)

02 Thomas P. Valenti, Valenti Law; Camilo A. Azcarate, World Bank; Patricia Freitas Fuoco, Pacheco Neto Sanden Teisseire Advogados; Andrea Maia, FindResolution; René Llapur, Consensum, at Pre-Competition Conference

03 Devdutta Mukhopadhyay, National Law University, Delhi (winner of Mediation Prize)

04 Audience during the Pre-Competition Conference

05 Olivier André, CPR; members from FGV Direito SP, 2nd Place Negotiation Prize team winners Fernanda Basaglia Teodoro, Bernardo Flecha de Lima da Cunha Pereira and Antonio Bloch Belizario; Amanda Federico Lopes Fernandes, L.O. Baptista Advogados; Giovana Martin Baptista, Fundação Getúlio Vargas – Escola de Direito de São Paulo Team Coach

06 Participants during the Award Ceremony

07 Lenora Hage, FIESP/CIESP and Olivier André, CPR with CIESP/FIESP staff

08 2018 CPR Int'l Mediation Competition Co-Chairs Olivier André, CPR, and Amanda Federico Lopes Fernandes, L.O. Baptista Advogados, with winners of 1st Place Negotiation Prize from Harvard Law School: Jacob Omorodian; Juhi Gupta; Malik Ladhani; Zeynep Ulku Kahveci

09 Team winners of the 3rd Place Negotiation Prize from Christ University, School of Law Team: Ranjitha N R; Olivier André, CPR; Shamanth Surendra and Rhea Singh; Amanda Federico Lopes Fernandes, L.O. Baptista Advogados; Varshini Ramesh; Prateek Halasinamara Chandramouli

10 Announcement of the Semi-Finalists



01 Noah Hanft, CPR

02 Congress reception

03 Congress reception

04 Name tags, networking

05 "Negotiating with Invisible Parties" panel – Daniel Arbix, Google; Michella Morcos, Justto; Olivier André, CPR; Fabiana Fagundes, Barbosa, Müssnich & Aragão Advogados; Ricardo Dalmaso Marques, Mercado Livre

06 Noah Hanft, Chris Silva, Helena Tavares Erickson, Olivier André, Lilian Marques, all from CPR; Regina Barone, Mediando Soluções, Mackenzie Presbyterian University

07 "Multi-Jurisdictional Perspectives" panel – Coralie Darrigade, Shearman & Sterling; Pedro Orrico Sandrin, Raizen; Jonathan Greenblatt, Shearman & Sterling; Fernando Eduardo Serec, TozziniFreire Advogados; Martin Gusy, K&L Gates

08 "Innovations in ADR" panel – Renato Grion, Pinheiro Neto Advogados; Fatima Bonassa Bucker, Bonassa Bucker Advogados; Alexandra Granado, Companhia do Metropolitano de São Paulo; Thomas Walsh, Sullivan & Cromwell

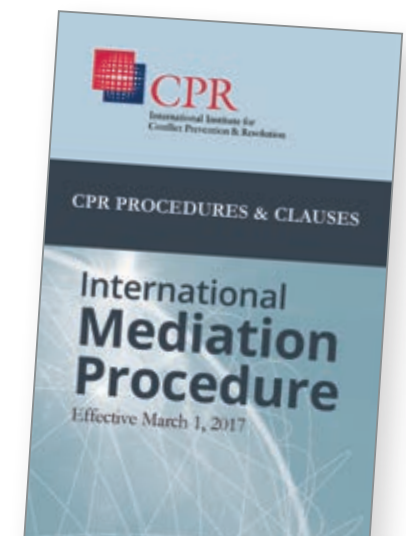
09 "Mediation Revolution" panel – Daniela Monteiro Gabbay, Mange & Gabbay; Carolina Prado de Azevedo, Ericsson Telecomunicações S/A; Flavia Foz Mange, Mange & Gabbay; Juliana Loss de Andrade, FGV Mediation

10 An attentive crowd

CPR'S BRAZIL CONGRESS CONTINUES

On April 23, 2018, CPR held its 6th Business Dispute Management Congress, "Reflections on Innovation," in São Paulo, Brazil, hosted by Mackenzie Presbyterian University. Attendees received a welcome address from Diego Faleck, Mediator and Partner, Faleck & Associates, and then heard presentations on multi-jurisdictional perspectives on arbitration, negotiating with "invisible" parties, employment arbitration and mediation procedures and practices, the "mediation revolution" and innovations in arbitration. They also participated in an interactive drafting workshop on stepped clauses.

Finally, in 2018 CPR released a Portuguese version of its International Mediation Procedure (2017).





EUROPE

CPR added many new members to its dynamic and highly engaged European Advisory Board (EAB), including David J. A. Cairns of B. Cremades y Asociados (Spain), Jeremy Hannah of GE Power (Switzerland), Susan Kennedy of Mastercard (UK), **Martim Della Valle**, formerly with Anheuser-Busch InBev (Belgium), Juan Antonio Ruiz Garcia of Cuatrecasas (Spain) and **Lars Kristian Wulff Myklebust** of Advokatfirmaet Hammervoll Pind AS (Norway).

In April, the EAB collaborated with the Arbitration Institute of the Stockholm Chamber of Commerce to host a forum on “Optimizing the Successful and Efficient Resolution of Commercial Disputes” at White & Case in Stockholm, Sweden. And in May, CPR’s European Advisory Board, in collaboration with the Centre for Effective Dispute

LONDON



01 The Gherkin Bldg, London

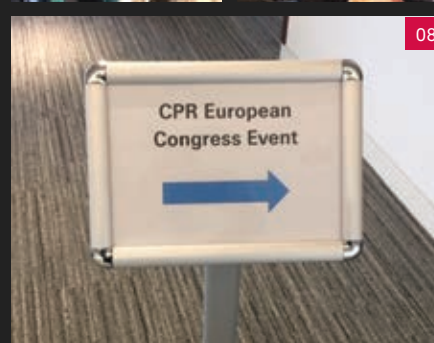
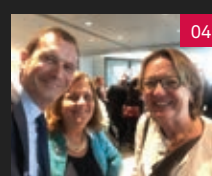
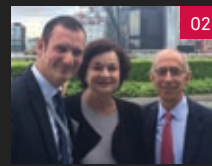
02 Olivier André; Teresa Giovannini, LALIVE; Noah Hanft, CPR

03 Vanessa Alarcon Duvanel, White & Case; Maurice Kuitens, Fluor; Teresa Giovannini, LALIVE

04 Olivier André, CPR; Kathleen Paisley, Ambos NBGO; Eileen Carroll, CEDR

05 Tsiana Shamlikashvili, Center for Mediation and Law

06 “Climate Change and ADR” panel – Nicola Peart, Three Crowns; Daniel Schimmel, Foley



Hoag; Karl Mackie, CEDR; Peter Stewart, Interfax Global Energy

07 “Complex Financing of Dispute Resolution” panel – Robert Wheal, White & Case; Mark McNeill, Shearman & Sterling; Matthew Bate, Winston & Strawn; Leeor Cohen, Burford Capital

08 All signs point to CPR

09 “European Mediation Directive” panel – Pablo Cortés, Univ. of Leicester; Vanja Bilić, Ministry of Justice of the Republic of Croatia; Tsiana Shamlikashvili, Center for Mediation and Law; Alexander Oddy, Herbert Smith Freehills; Ivana

Gabrić, Končar – Electrical Industry, Inc.; Martin Brink, Van Benthem & Keulen

10 Maurice Kuitens, Fluor, European Advisory Board Chair

11 Elena Jelmini Cellerini, Swiss Re

12 Nicola Parton, Swiss Re

13 Keynote speaker, Javier Perez, MasterCard Europe

14 “Make ADR Great Again” panel – Noah Hanft, CPR; Gill Mansfield, Media Law Services; Kenneth B. Reisenfeld, BakerHostetler; and James Cowan, International, Shell International

EAB In-Person Meeting and Workshop on the ICCA-CPR-NYC Bar Consultation Draft Protocol on Cybersecurity in International Arbitration – Rome



ROME



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01 Tim Hardy, CMS Cameron; Robert Wisner, McMillan

02 Hagit Elul, Hughes Hubbard & Reed

03 Maurice Kuitens, Fluor (EAB Chair)

04 Olivier André, CPR; Isabelle Robinet Muguet, Orange; Kathleen Fadden, Amgen (Europe)

05 Andy Rogers, CEDR; Ralf Lindbäck, Wärtsilä Corporation

06 Olivier André, CPR; Kathleen Paisley, Ambros Law; Jeremy Hannah, GE Power; Stephanie Cohen, FCI Arb; Mark Morril, Independent Arbitrator; Brandon Malone, Scottish Arbitration Centre

07 Noah Hanft, CPR; Lars Kristian Wulff Myklebust, Advokatfirmaet Hammervoll Pind

Resolution (CEDR), hosted another successful **European Congress on Business Dispute Management**. Featuring keynote speaker Javier Perez, President of Mastercard, Europe, the conference took place at the London office of Swiss Re and was followed by a high-level networking reception. Meeting panelists and participants included an outstanding group of in-house counsel, leading practitioners, academics and jurists, as well as international arbitrators and mediators.

This year, the EAB also began producing regular branded content, in the form of its new “The European View” feature, for our blog, *CPR Speaks*; expanded CPR’s European Panel of Distinguished Neutrals and worked on public policy issues, among other initiatives.

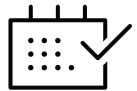
CANADA

This year, CPR expanded its Canada Advisory Board (CAB), organized a very well attended cybersecurity and data privacy seminar hosted by Borden Ladner Gervais in Toronto and signed an MOU with Arbitration Place, with our sign now installed in the reception area and our rules and materials available in both Arbitration Place’s Toronto and Ottawa offices.



MEETINGS & EVENTS

Nothing better demonstrates the power of the CPR approach to dispute resolution than the extraordinary in-person exchanges that take place at CPR 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.



CPR'S ANNUAL MEETING

CPR hosted its 2018 Annual Meeting, “*Perspectives on ADR – Dispute Resolution in an Increasingly Fractured World*,” at the Whitley Hotel in Atlanta. The event was attended by approximately 200 practitioners and thought leaders, including an elite group of corporate executives, top law firm counsel, leading neutrals and esteemed judges and academics.

Hot and timely topics addressed included Prevention as the New Resolution; ADR in the Wake of the #MeToo Movement; Regulatory Upheaval; Cybersecurity in ADR; Ethics & ADR; and ADR Clause Drafting Do's and Don'ts, in addition to our always popular Master Mediators and General Counsel Roundtable sessions. This year's meeting also included a new agenda item, a Saturday morning brunch featuring **Janet Langford Carrig** of ConocoPhillips and **Craig Glidden** of General Motors.

DAY 1

We began with a unique keynote performance on **Day 1**, through which **Hon. Layn Phillips**, founder of Phillips ADR Enterprises and current CPR Board Member, led a live mediation session tackling the highly controversial and sensitive subject of Confederate monuments, including Georgia's own Stone Mountain. Risky and rewarding, the simulation allowed conference attendees to witness the tools of ADR

as they were skillfully applied to a real-world dispute involving entrenched positions and deeply-felt convictions.



Hon. Andrew Young

DAY 2

Our **Day 2** Keynote was delivered by the inspiring **Hon. Andrew Young**, Chairman of Andrew J. Young Foundation, former U.S. Ambassador to the United Nations and former Mayor of Atlanta, Georgia, who reflected upon ADR over the years, as well as where we find ourselves today – internationally, domestically and locally, in Atlanta.

DAY 3

Day 3 featured the final keynote address, by **Robert Grey, Jr.**, President, Leadership Council on Legal Diversity, Senior Counsel [Retired], Hunton & Williams LLP, who addressed important issues of diversity in ADR, including what progress has been made and what still needs to happen in order for the practice of ADR to optimally move forward.



Robert Grey, Jr.



2018 ANNUAL MEETING



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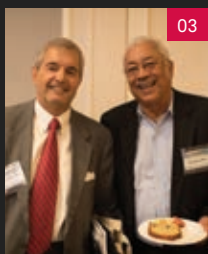
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01 John Buckley, Williams & Connolly; Chiann Bao, Skadden, Arps, Slate, Meagher & Flom; Edna Sussman, Sussman ADR

02 Joan Stearns Johnsen, Univ. of Florida

03 Phillip Armstrong, Office of Phillip M. Armstrong; Michael Lewis, ADR Associates/JAMS

04 Ken Reisenfeld, BakerHostetler

05 Adwoa Gharthey-Tagoe, Seymour Cox Enterprises; Natalie Reid, Debevoise & Plimpton

06 Dana MacGrath, Sidley Austin; Vanessa Alarcon Duvanel, White & Case; Alberto Ravell, ConocoPhillips

07 Noah Hanft, CPR

08 Helena Tavares Erickson, CPR; Betsy Hellmann, Skadden, Arps, Slate, Meagher & Flom; Bennett Picker, Stradley Ronon Stevens & Young

09 Hon. Shira Scheindlin, Stroock & Stroock & Lavan; Mirèze Philippe, ICC Int'l Court of Arbitration; Hon. Timothy Lewis, Schnader Harrison Segal & Lewis

10 Alberto Ravell, ConocoPhillips; Peter C. Buckley, Fox Rothschild; Alexander Levanthal, Quinn Emanuel Urquhart & Sullivan; Jared Hubbard, Fitch Law Partners Vanessa Alarcon Duvanel, White & Case; Hagit Muriel Elul, Hughes Hubbard & Reed; Dana MacGrath, Sidley Austin; Katie Gray, Bechtel Oil, Gas & Chemicals; Derek A. Soller, Baker McKenzie; Natalie Reid, Debevoise; Olivier André, CPR

11 Rick Richardson, GlaxoSmithKline; Erin Gleason Alvarez, Gleason Alvarez ADR; David Burt, CPR

12 Denise Shaw, The Shaw Group; Kaleema Al-Nur, Davis Bozeman Law Firm; Lisa Love, Love and Long

13 William "Ware" Bush, Aspen Partners; Sheffield Hale, Atlanta Historical Society; Hon. Layn Phillips, Phillips ADR; Hon. Timothy Lewis, Schnader Harrison Segal & Lewis; Rodney Mims Cook, The National Monuments Foundation; Kevin Foster, Business Ethics Advisors; Icey Johnson, Atlanta Public Schools; Derreck Kayongo, Center for Civil and Human Rights

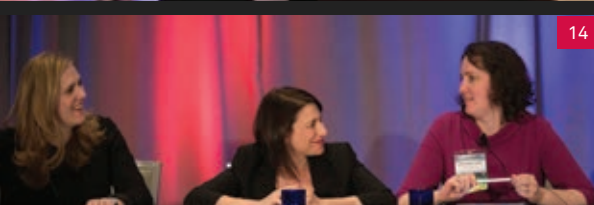
AWARDS



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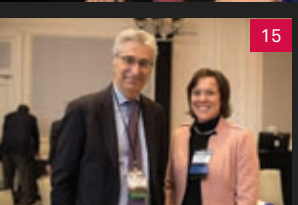
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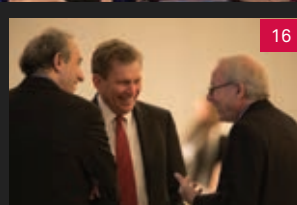
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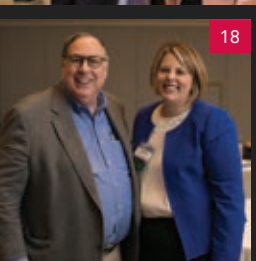
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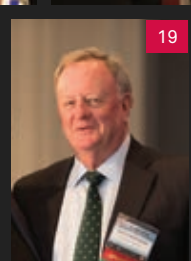
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14 Micaela McMurrough, Covington & Burling; Hagit Muriel Elul, Hughes Hubbard & Reed; Stephanie Cohen, Cohen Arbitration

15 Robert Wisner, McMillan; Ank Santens, White & Case

16 Russ Bleemer, CPR; Carlos Hernandez, Fluor; Richard Zeigler, Jenner & Block

17 Chuck Fox, Engineering Systems Inc.; Din Duggan, The Partners Group

18 Unknown; Annalisa Bloodworth, Oglethorpe Power Corporation

19 Scott Partridge, Bayer

20 Kenneth Gallo, Paul, Weiss, Rifkin, Wharton & Garrison; Pilar Ramos, Mastercard; Norman Brothers, UPS; Thomas Sabatino

On the evening of **Day 1**, the Inspiring Innovation Award was presented to **ExxonMobil** and **Eugene Silva**, Counsel, International Disputes Group, in recognition of ExxonMobil's innovative use of international arbitration to solve the unique legal challenges the company faces, given the global nature of its operations. This award recognizes a corporation and/or individuals whose work in the field of ADR demonstrates a combination of innovative thinking and excellence in execution. Nominations for this award are received from the community of corporations, law firms and other organizations or individuals who are involved in ADR. The award was previously given to ConocoPhillips (2017) and Monsanto (2016).



On **Day 2**, CPR held its Awards Ceremony Luncheon, honoring the recipients of its 35th Annual Academic and Y-ADR Writing Awards.

OUTSTANDING PROFESSIONAL ARTICLES

Awards for **Outstanding Professional Article** were granted to **Stephanie Cohen & Mark Morril** for "A Call to Cyberarms: The International Arbitrator's Duty to Avoid Digital Intrusion," from *Fordham International Law Journal*.

Art Hinshaw for "Regulating Mediators" from *Harvard Negotiation Law Review*.



For Short Article, **Lynn B. Cohn**, for "A Model for the Use of ADR to Efficiently Distribute a Significant Settlement Fund in Mass Claims Litigation Without Sacrificing an Individualized Assessment of Claims" from *Cardozo Journal of Conflict Resolution*.

JOSEPH T. MCLAUGHLIN ORIGINAL STUDENT ARTICLE AWARD

The **Joseph T. McLaughlin Original Student Article Award** went to **George Khoukaz** for "ADR That is Out of This World: A Regime for the Resolution of Outer-Space Disputes," from *Journal of Dispute Resolution*.



JAMES F. HENRY AWARD

The **James F. Henry Award** went to Arbitrator & Mediator, **Gerald Aksent**, for his leadership, innovation and sustaining commitment to the field of ADR.



Y-ADR ANNUAL WRITING AWARD

The **Y-ADR Annual Writing Award Efficient & Effective Collaboration Between Corporate Counsel and Outside Counsel** went to **Alexander G. Leventhal** Associate, Quinn Emanuel Urquhart & Sullivan, LLP, for "Corporate Counsel are from Mars, Outside Counsel Are from Venus: Building a Successful Attorney-Client Relationship through Communication."



REGIONAL MEETINGS

In addition to its annual meeting (and often organized by, and/or in conjunction with committee activity), this year CPR hosted several well-received regional meetings in **Cleveland** (“Leveraging Your Neutral’s Expertise,” at Taft Stettinius & Hollister LLP); **Houston** (focusing on the powerful impact of ADR in the energy industry, at BakerHostetler); and **Philadelphia** (“Effective Mediation Advocacy: The Roles of Client and Counsel” at Stradley Ronon).



CPR President & CEO, Noah J. Hanft in Philadelphia



Bennett G. Picker, Stradley Ronon Stevens & Young; Hon. Timothy Lewis, Schnader Harrison Segal & Lewis



CPR CELEBRATES 60 YEARS OF THE NEW YORK CONVENTION

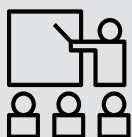
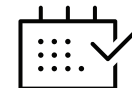


CPR joined other New York-based arbitral institutions on June 28th at the United Nations in New York, to support and celebrate the 60th anniversary of the **New York Convention**. Opening speakers included Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, **Miguel de Serpa Soares**; Secretary of UNCITRAL and Director of the International Trade Law Division, Office of Legal Affairs, United Nations, **Anna Joubin-Bret**; and representatives of states having acceded or being in the process of acceding to the New York Convention in 2018.



Pictured, left to right: Anna Hershenberg, CPR; Steven Reisberg, Chaffetz Lindsay; Erin Gleason Alvarez, Gleason Alvarez ADR; Mike Lampert, LampertADR; Niki Borofsky, CPR

TRAINING



CPR kicked off its training schedule with an **Advanced Mediation Skills Training**, co-hosted by CEDR and leading to that organization's international accreditation, in February, at Holland &

Knight in Miami. This four-day course, which CPR and CEDR offer regularly, helps counsel to better understand the mediation process, and helps mediators to better market themselves to handle international disputes.

In conjunction with our annual meeting in Atlanta, GA, CPR hosted a full **two-day mediation training** with renowned trainers **Michael Lewis** and **Linda Singer** in March. The fellows from the 2018 class of the CPR/LCLD/

FINRA diversity program participated, enhancing their skills, learning best mediation practices and networking with leading ADR peers.



We sponsored and participated in the 11th Annual Arbitration Training Institute in Miami, hosted by Akerman in May.

Finally, in December CPR offered a **Commercial Arbitration Skills Training** in NYC, hosted by Baker McKenzie, designed to address advanced issues in arbitration from the perspectives of arbitrators and counsel, including litigators and in-house counsel.

CORPORATE LEADERSHIP AWARD DINNER

Each year, CPR honors a corporation and a general counsel that have demonstrated leadership in the field of conflict management. The Award is presented at a black-tie event that draws approximately 800 attendees representing the general counsel from Fortune 100 corporations, partners from leading law firms and industry experts who come together to demonstrate the importance of ADR. The event raises critical funds for CPR's public policy research and programs, as well as our initiatives internationally. Past honorees have included *AT&T, Amgen, ConocoPhillips, DuPont, Ernst & Young, FMC Technologies, GlaxoSmithKline, General Electric, General Motors, Hewlett-Packard, Microsoft, Pfizer, Royal Dutch Shell, United Technologies* and *3M*.

At the **2018 Corporate Leadership Award** in New York, CPR and its distinguished guests honored *Johnson & Johnson* and **Michael Ullmann**, the company's General Counsel. *Johnson & Johnson*, a long-standing member of CPR, is among the founding signatories of the CPR Pledge. As General Counsel, Ullmann has continued to embody and apply these principles, guiding the organization and setting a high standard for others to emulate – with employees, business partners, vendors and the community as a whole.



**CPR COMMERCIAL
ARBITRATION SKILLS
TRAINING**

12.03.18 | 9:00 AM - 6:00 PM
Baker McKenzie | NYC



2018 CLA DINNER



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01 Seth Linnick, Tucker Ellis; Amy Fischer, Foliart Huff; John Lewis, Tucker Ellis; Mollie Benedict, Tucker Ellis; Larry Ottaway, Foliart Huff

02 Michael Valo, Glaholt; Charles Powell, Glaholt

03 Mark Clouatre, Nelson Mullins; Matthew Bradford, Nelson Mullins; Jasmine Burns, Nelson Mullins; Darin Lang, Nelson Mullins; Jim Rogers, Nelson Mullins

04 Bill Connolly, Drinker Biddle; Melissa Merk, Drinker Biddle

05 The Fluor team at the 2018 Corporate Leadership Award Dinner

06 Matthew McLaughlin, Venable; John Murnane, Fitzpatrick Cella; Mary Beth Cantrell, Amgen; Tara Byrne, Reckitt Benckiser; Erin Austin, Fitzpatrick Cella

07 Milstein Hall of Ocean Life at the American Museum of Natural History

08 Michael Ullmann, Johnson & Johnson; George Frazza, Patterson Belknap; Lisa Clark, Johnson & Johnson; Russell Deyo, Johnson & Johnson (Ret.); Roger Fine, Windham Venture Partners

09 David Sumner, EisnerAmper; Adam Karasick, EisnerAmper; Kevin Passerini, Blank Rome; Dana Trexler, EisnerAmper

10 Savaria Harris, Johnson & Johnson; Craig Thompson, Venable; Loren Brown, DLA

11 David Runnels, King & Spalding; Penny Glidden; Craig Glidden, General Motors

12 Michael Maya, Covington; Ashley Bass, Covington; Ethan Posner, Covington

13 John Cheng, Weil Gotshal; Laura Wilkinson, Weil Gotshal

14 Mike Zogby, Drinker Biddle; Tom Campion, Drinker Biddle; Andrew White, Johnson & Johnson; Deirdre Kole, Johnson & Johnson; Tracey Van Dillen, Johnson & Johnson; Susan Sharko, Drinker Biddle

15 Veera Rastogi, Johnson & Johnson; Shon Simon, Johnson & Johnson; Raquel Mair, Johnson & Johnson; Liz Forminard, Johnson & Johnson

DINNER COMMITTEE



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16 Guests from SmithPachter, The Kenrich Group, Skanska USA, and Peckar & Abramson at the 2018 CLA Dinner

17 The Orrick Team enjoy the 2018 Corporate Leadership Award Dinner

18 Charles Morgan, The Morgan Group; Michael Ullmann, Johnson & Johnson; Noah Hanft, CPR Institute; Carlos Hernandez, Fluor Corporation

19 Kelly Tullier, VISA; Steve Newborn, Weil Gotshal

20 Dirk Brinckman, Johnson & Johnson; Winston Khoo, Johnson & Johnson; Liz Forminard, Johnson & Johnson; Angela Nwaneri, Johnson & Johnson; Michael Ullmann, Johnson & Johnson; Robert DeBerardine, Johnson & Johnson; Valeria Cnossen, Johnson & Johnson; Rob Fletcher, Johnson & Johnson; Joseph Braunreuther, Johnson & Johnson

Charles R. Morgan - Chair

*President & CEO
The Morgan Group*

John H. Beisner

*Skadden, Arps, Slate, Meagher
& Flom*

Joseph Braunreuther

*Deputy General Counsel
Johnson & Johnson*

Kristopher D. Brown

Goodwin

Mary Beth Cantrell

*Senior Associate General Counsel
Amgen*

Janet Langford Carrig

*Former Senior Vice President Legal, General
Counsel and Corporate Secretary
ConocoPhillips*

William F. Cavanaugh, Jr.

Patterson Belknap Webb & Tyler

Kelly S. Crawford

Riker, Danzig, Scherer, Hyland & Perretti

Eric A. Dubelier

Reed Smith

Dianne B. Elderkin

Akin, Gump, Strauss, Hauer & Feld

Ivan K. Fong

*Senior Vice President, Legal Affairs and
General Counsel
3M*

William M. Gage

Butler Snow

Gregory S. Gallopoulos

*SVP, General Counsel, and Corporate
Secretary
General Dynamics*

Craig B. Glidden

*Executive Vice President and General Counsel
General Motors*

Anthony B. Haller

Blank Rome

Carlos M. Hernandez

*Chief Legal Officer and Secretary
Fluor*

Michael Holston

*Senior Vice President and General Counsel
General Electric*

John Q. Lewis

Tucker Ellis

Joseph Lucci

BakerHostetler

David R. McAtee, II

*Senior Executive Vice President and
General Counsel
AT&T*

James F. Mordica

Barnes & Thornburg

Steven A. Newborn

Weil, Gotshal & Manges

Robert Particelli

*Vice President, Deputy General
Counsel, Litigation
Hewlett Packard Enterprise*

Ethan M. Posner

Covington & Burling

David T. Pritikin

Sidley Austin

William A. Ryan

*Senior Vice President and Assistant
General Counsel
AT&T*

Thomas J. Sabatino, Jr.

*Former Executive Vice President and
General Counsel
Aetna*

Susan M. Sharko

Drinker Biddle & Reath

Robert I. Townsend, III

Cravath, Swaine & Moore

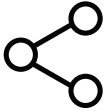
Michael H. Ullmann

*Executive Vice President and General
Counsel*



MARKETING & COMMUNICATIONS

CPR promotes its cutting-edge rules, panels, dispute resolution services, membership benefits and programs to a wide range of stakeholders through a wide range of platforms.



CPR SPEAKS... AND PUBLISHES

CPR's blog, *CPR Speaks*, continues to serve as a significant resource for coverage of breaking ADR news developments, as well as thoughtful insights and analysis of ADR issues. In addition to content written by senior staff and LLM/Student legal interns, this year CPR published a wealth of original content by well-known and prestigious authors, pulled from its distinguished membership and neutrals panel. In-depth coverage of Supreme Court arbitration issues joined a new feature, "The European View" (written by our EAB members), as well as pieces on diversity in ADR, Justice Kavanaugh's previous decisions on mediation and arbitration, UNCITRAL Convention and Model Law drafts, dispute system design, mediation and ethics, among numerous other hot topics.

THE BLOG OF THE CPR INSTITUTE

6 Top Posts of 2018 From Our Blog *CPR Speaks*

**American Bar Association
Adopts Resolution 105 to
Promote Diversity in ADR**

SEPTEMBER 6, 2018 | CPR



**Kavanaugh on
Arbitration**

JULY 16, 2018 | CPR



**Supreme Court Backs
Federal Arbitration
Act's Power to Require
Mandatory Individual
Arbitration**

MAY 21, 2018 | CPR



BEST OF
CPR SPEAKS

**Opiate Crisis
Faces Two Tracks,
Settlement and
Litigation**

APRIL 30, 2018 | CPR



**International Commercial
Mediation Update:
UNCITRAL Finalizes
Convention and Model Law
Drafts on International
Settlement Agreements
Resulting from Mediation**

JULY 3, 2018 | CPR



**The Preliminary Ruling in the
Achmea (formerly *Eureko*) v.
Slovakia Case: the Uncertain
Future of Intra-EU BITs**

JULY 11, 2018 | CPR



ALTERNATIVES

35
YEARS
Alternatives

CPR's *Alternatives to the High Cost of Litigation* marked its 35th year of publication in 2018 with the newsletter's customary blend of news analysis and cutting-edge conflict resolution practice articles. Focusing on mediation techniques, and arbitration news analysis, *Alternatives* pointed practitioners to key ADR developments worldwide. The articles reflect perspectives from every element of the commercial dispute resolution community – expert users, zealous advocates and iconic neutrals.

Business communications groups have long recognized *Alternatives'* contribution to the field. In June, *Alternatives* won its eighth Apex Business Communications Award of Excellence for newsletter writing – its first since 2014 but its eighth since 2005. In addition, *Alternatives* has won six awards for its coverage from three other prominent national business journalism and

communications organizations over a seven-year period ending in 2015.

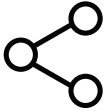
Readers in 2018 relied on *Alternatives'* pages for virtually all aspects of their ADR practice, from developing their business to staffing their matters. *Alternatives* also focused on strategy and issues in arbitration, from injunction carve outs and nonpaying parties to clause writing and the positioning of the case from both the neutrals' and advocates' perspectives.

The cornerstone of *Alternatives'* arbitration coverage has been its reporting on activity at the U.S. Supreme Court, including both case previews and decision analysis. The Supreme Court's work was teamed with analysis into employment arbitration trends in light of the #MeToo movement.

Mediation, the bedrock process focus since the first *Alternatives* was published in January 1983, was covered in every 2018 issue. It was led by Master Mediator columnist Robert Creo, who at year-end was concluding a two-year study on a long-ignored part of commercial mediation, emotions. He focused on how business negotiators exhibit positive and negative emotions, as well as those that can go either way depending on the situation. A three-part conclusion summarized the work, provided how-to lists for mediators and advocates, and extensive references.

International mediation and arbitration news and practices was featured throughout the year, highlighted by the return in June of the comprehensive,





point-by-point comparison of major ADR providers' cross-border arbitration rules, by veteran neutral Steven Certilman, updating his seminal *Alternatives* rules guides.

Two features that looked back to where ADR practice was and how far it has come – and the need and potential for better future processes – were our

in conflict resolution practice. Judge Lewis's reflections were complemented by veteran Philadelphia neutral Bennett G. Picker, senior counsel at Stradley Ronon Stevens & Young, and long active in professional diversity efforts, who discussed the evolution of conflict resolution skills and practice in the October issue.

The articles reflect perspectives from every element of the commercial dispute resolution community – expert users, zealous advocates and iconic neutrals.

most significant 2018 offerings. Both commentaries were intensely personal reflections by longtime CPR Institute members and ADR practitioners, mirroring and tracing the history of commercial conflict dispute resolution.

The articles viewed diversity in the changing ADR world. First, in June, former Third Circuit Judge, current Schnader Harrison Segal & Lewis counsel, and former CPR Institute board member, the Hon. Timothy K. Lewis, examined obstacles faced by an African American in the legal profession and

Alternatives is edited by Russ Bleemer and has been co-published by the CPR Institute with international publisher John Wiley over the past 15 years. The newsletter is provided on multiple platforms, including print; websites that include full text and individual articles by subscription as well as open access; academic, legal and commercial databases, including full text on Lexis and Westlaw; email, and via a Wiley web app for mobile access that is available for free to CPR Institute members and subscribers.

MEDIA RELATIONS HIGHLIGHTS

In addition to Noah Hanft's *Corporate Counsel* article, "What's Next for Employers, Post-*Epic*?", published just after the Supreme Court decision in *Epic Systems*:

- *Law360* interviewed Noah Hanft about "3 Misconceptions GCs Hold About Int'l Arbitration" and also the Working Group's Cybersecurity Draft Protocols
- *Global Arbitration Review* covered CPR's Young Lawyer Rule and Diversity Award
- *Practical Law* covered CPR's Non-Administered Arbitration Rules
- Olivier André authored an article on cybersecurity in international arbitration, along with Hughes Hubbard partner Hagit Elul and an associate, which was published in *Legal BlackBook*
- Noah Hanft, Helena Tavares Erickson, Olivier André and Anna Hershenberg were named ADR Champions by the *National Law Journal*

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If you are not already doing so, you can follow CPR on Facebook, Twitter (@CPR_Institute) and on its LinkedIn Company page. CPR also has a blog, at <http://blog.cpradr.org/>, and welcomes your contributions.



A LETTER FROM THE CHAIRMAN OF CPR'S FINANCE BUDGET & AUDIT COMMITTEE



This past year, CPR has developed new programs, expanded internationally and welcomed new members. At the same time, we have increased our investment in our Dispute Resolution Services and in our Panel of Distinguished Neutrals. These efforts are all designed to enhance our service offerings and expand opportunities for our members

to participate in CPR's unique and collaborative community.

Over the past five years, CPR's net assets have increased by 14% due to an increase in revenues and strong expense management. The fiscal year 2018 (7/1/17-6/30/18) had the highest revenues since 2009. The 2017 Corporate Leadership Award Dinner,

honoring AT&T and its General Counsel, David McAtee, impacted our financial performance significantly with an increase of 18% over the prior year's Dinner. The Annual Meeting continues to be one of our year's highlights and the program in Atlanta, GA did not disappoint with registration revenues nearly 30% higher than the prior year. This event offers members and friends excellent opportunities to network and learn while supporting CPR's mission. This increased support is also evidenced by the 23% increase in individual contributions.

CPR's international programs continue to grow and attract new members. CPR's European Advisory Board hosted its second Congress in London, with over 100 attendees. Our Canadian colleagues have also expanded their programs, with two successful conferences in Toronto. The 6th Brazil Mediation Congress received very positive reviews, and the second annual International Mediation Competition was a resounding success with 18 teams competing from around the world.

Finally, we are proud that our Dispute Resolution Services continues to thrive – a recognition of the efficient and effective solutions we offer parties to disputes. This past year we have introduced innovative rules and our Panel of Distinguished Neutrals has grown and become more diverse.

At the mid-point of the current fiscal year, I am pleased to report that we are well ahead of budgeted revenue goals thanks to a record-breaking Corporate Leadership Award Dinner, which recognized Johnson & Johnson and its GC, Michael Ullmann, for their leadership in the field of ADR. This event was held at the American Museum of Natural History in New York and attracted over 800 guests. With the Annual Meeting in Washington DC at the end of February, the 7th Brazilian Mediation Congress and 3rd International Mediation Competition taking place in April, and a European Congress planned for May, we expect to finish this year in a strong financial position.

We greatly appreciate the financial contributions, leadership and service of so many of you and our donors. With your continued support, we look forward to sustained growth and even greater impact in the future.

Sincerely,

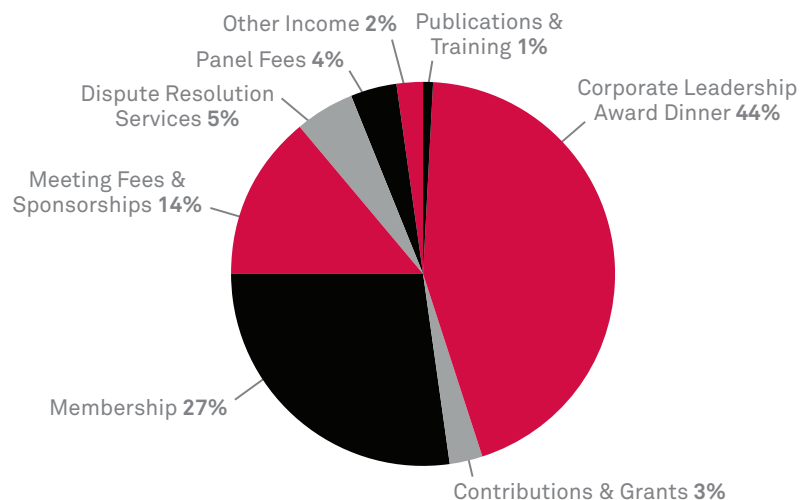
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From 7/1/17 - 6/30/18

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The CPR staff is in a unique position to witness the many acts of support that our members and supporters display on a continuing basis. We wish to thank each and every one of them for their invaluable contribution!

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COMMITTEE LEADERS AND HEROES

Deserving special mention, here are the dedicated professionals who chair and co-chair our Committees, and support CPR in numerous other ways:

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Gleason Alvarez ADR – Mediation Committee (Co-Chair (through 9/18))

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AEGIS Insurance Services – Environmental Committee (Co-Chair)

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Bickerman Disputes Resolution – Environmental Committee (Co-Chair)

Sarah Biser

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John Buckley*

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**Added in 2018*

All of our Board and CPR Council members are also heroes, but they are listed in their own separate categories herein

Established in 1977, CPR is an independent nonprofit organization that helps global businesses prevent and resolve commercial disputes effectively and efficiently.

- **CPR Dispute Resolution** is an ADR provider offering quality, efficiency and integrity via innovative and practical arbitration rules, mediation and other dispute resolution services and procedures – as well as arbitrators, mediators and other neutrals, worldwide.
- **The CPR Institute**, the world's leading ADR think tank, positions CPR uniquely as a thought leader, driving a global dispute resolution culture and utilizing its powerful committee structure to develop cutting-edge tools, training and resources. These efforts are powered by the collective innovation of CPR's membership – comprising top corporations and law firms, academic and public institutions, and leading mediators and arbitrators around the world.

Each element of this unique organization informs and enriches the whole, for the benefit of our members and users.



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