



CPR Dispute Prevention Committee Meeting

Tuesday, March 9, 2021
12:00 pm to 1:00 pm (ET)
via Zoom

Attendees

Steven Bierman

Ralf Lindbäck

Art Cohn

Duncan Mackay

Sashe Dimitroff

Deborah Mastin

Vanessa Alarcon Duvanel

Ellen Parker

Jacob Feinberg

Donald Rose

Richard Gray

Janice Sperow

Jim Groton

Jay W. Waks

Noah Hanft

Allen Waxman

Carlos Hernandez

Conna Weiner

Anna Hershenberg

Judy Weintraub



I. Welcome and Introductions

After committee member introductions, Co-Chair of the Dispute Prevention Committee, Noah Hanft, welcomed and thanked all the members for attending and began with the agenda.

II. Recap of recent Dispute Prevention Panels with Simulation

Mr. Hanft started with the first agenda point, a recap of the recent Dispute Prevention simulations at CPR's Annual Meeting and at New York Law School's James F. Henry Speaker Series, which had close to 100 attendees. Mr. Hanft stated that the simulations were intended to show that dispute prevention can work and noted how interest in the topic has grown significantly over the past few years. CPR noted that someone signed the Dispute Prevention Pledge after the simulation at New York Law School. Committee members congratulated Mr. Hanft on his work on these simulations and underscored the importance of the simulations in garnering interest in dispute resolution and demonstrating the process's value. A committee member noted that other sectors, like the life sciences sector, practice dispute prevention, but they call it something different, so it is important to distinguish between these mechanisms and the added value of a standing neutral.

III. Dispute Prevention Pledge for Business Relationships

CPR's President & CEO Allen Waxman presented to the Committee on the CPR Dispute Prevention Pledge and Toolkit and introduced members of the Dispute Prevention Task Force who worked on the Toolkit. Mr. Waxman invited everyone on the Committee to sign the Dispute Prevention Pledge.

Mr. Waxman opened the floor for questions and for ideas to promote both the Pledge and dispute prevention techniques. The Committee discussed the following ideas: "socializing" the pledge among CPR member organizations, other CPR committees, and non-General Counsels at association meetings; by continuing to put on programs like the ones at New York Law School and the Annual Meeting; promoting dispute prevention by creating podcasts about the topic, interviewing advocates of the Pledge, and mobilizing social media.



The Committee then discussed ways to get traction for dispute prevention within an organization, including the importance of building relationships at multiple levels called “zipper relationships.” The Committee also discussed the importance of bringing business individuals, and not just lawyers, into the effort. A committee member suggested that it might be beneficial to introduce the concept of dispute prevention into a contractual relationship through a side letter.

The Committee also discussed the power of metrics (for example, to demonstrate how dispute prevention can lead to the cost savings) to convince decision makers to adopt new ideas. With respect to metrics, CPR mentioned that the task force looked into metrics while creating the Toolkit and could only find metrics for construction companies but asked the committee if they had any possible metrics. The committee suggested that there metrics in employment and labor in an outside meeting.

A committee member mentioned that the Big 4 accounting firms are focused on law firm optimization practices and suggested this might be something to add to their templates.

A committee member suggested that CPR could consider doing a presentation on how to draft dispute prevention clauses and pitch the dispute prevention as the new and latest ways to draft contracts.

The Committee also discussed uptake of dispute prevention abroad. A committee member pointed out that some countries overseas will not understand the Pledge as a concept. However, these companies make a similar statement in sustainability reports for stock listed companies overseas and that could be a good tool.

One committee member had to leave early but wrote in the chat “reaching out to organizations that CEO's join, such as the Conference Board, and offering a presentation; and dispute prevention goes well with total quality management and perhaps there would be a good opportunity to reach out to companies that have TQM programs (if we can find who they are -- possibly by finding out who has applied for a Malcolm Baldrige award).”

A link to the Pledge was made available on the chat for committee members.

IV. Closing Remarks

Mr. Waxman suggested that for next steps the Task Force should be broken out into work streams (i.e. metrics, targets, etc). Mr. Waxman concluded the meeting at 1:07 pm.

