



CPR Dispute Prevention Committee Meeting

Tuesday, October 19, 2021
12:00 pm to 1:00 pm (ET)
via Zoom

Attendees

Ellen Parker

Howard Carsman

Jim Groton

Kai Sass-Hauschildt

Harry Trueheart

Mylene Chan

Cristen Rose

Rafael Alves

Tamia Sutherland

Steven Bierman

Allen Waxman

Janice Sperow

Russ Bleemer

Deborah Hylton

Sadie Shourd

Judie Weintraub

Arthur Cohn

Deborah Mastin

Noah Hanft

Jeanine DeFreese



I. Welcome and Introductions

The meeting will be discussion based and provide a forum for individuals from the various dispute prevention pledge task force work streams and the dispute prevention committee to share what action items they have been working on.

II. Dispute Prevention Pledge Overview

- Earlier this year, CPR launched the dispute prevention pledge for business relationships at the annual meeting at the end of January.
- Current Signatories: three dozen endorsements including neutrals, firms, and businesses
- CPR is still looking for more buy in and signatories!
- Pledge is available on the [website](#) with a library of resources which should help make the shift easier for signatories.
- Came up with four mechanisms to implement
 - o Internal Mechanisms –
 - o Joint Best Practices – Allen, helps with culture shift
 - o Contractual Provisions – model provisions finished this year
 - o Neutral Relationship Facilitator – version of the model provisions, simulation done
- 4-6 people in each workstream – each workstream will discuss tools and progress
 - o Ex. Interviews, Programs, Templates, checklists, etc.

III. Workstream Updates

Goal: Workstreams will give reports to share and generate more interest in joining the workstream or signing the pledge.

1. Internal Mechanisms [*Updates by Rafael, Janice, & Cristen*]

- a. Organizational Training
 - i. Rafael is organizing a webinar for the first week of November



- ii. *Rafael*: “encouraged, our colleagues in Brazil to actually do the same start organizing webinars on prevention into to raise awareness in our region”
- iii. Clients are also asking him to prepare internal trainings and he is using the CPR toolkit and creating his own resources.
- iv. Looking for success stories because clients are asking for remarks and hands on experiences with good outcomes. Generally, people are skeptical about if this will work because parties looking at each other as adversaries trying to gain leverage.
- v. *Janice*:
 - 1. sneaking dispute prevention into substantive trainings such as anti-trust, presentations at the annual meeting can help bring more attention to it.
 - 2. giving an annual dispute prevention award for a company, person, or entity who has done the most in a given year can also raise interest.
- vi. *Cristen*: nominations for the award will lead to case studies Rafael is looking for.

2. Joint Best Practices [*Updates by Allen (no other members present)*]

- a. Deck Outlining Alliance Management Program in Pharma
 - i. Parties to a significant collaboration will identify somebody, Alliance Manager, who will be responsible for really looking after the relationship.
 - 1. not a lawyer or account manager,
 - 2. person tasked with ensuring the relationship remains healthy
 - ii. Deck will become available and may include case studies of the work with Alliance managers.
- b. Outline of Concepts to Consider: Best Practices in Relationship Set-Up
 - i. Including ways to communicate, potential risks, ways to mitigate, etc.
- c. Case Studies Around Joint Ventures



- i. Allen interviewed Jim Groton with a wonderful case study which will be in the library. The interview is regarding that the mere existence of a dispute prevention clause may have an interim effect on keeping fewer conflicts from arising in the first place.
- ii. Allen will be continuing to interview people and will be posting them in either audio or visual format.
- iii. Efforts not limited to this task force:
 1. Arthur Cohn: Managing Risk and Life Sciences Transactions Task Force – guidance on how to deal with particular issues up front to avoid disputes down the road, diligence on termination.

IV. Closing Remarks

- Call to action – join a workstream, sign the pledge, (only two law firms, looking for more)
- Recommendation by *Janice S*: global tie together (guidebook, or manual), global presentation or article, announce award a year in advanced.
- *Jim Groton*: transactional lawyer who does not get informed about dispute prevention, and who does not advise that lawyers clients about dispute prevention, when they're entering into a transaction is guilty of malpractice.
- *Ellen*: plans to pull together dispute prevention segments out of Y-ADR interviews