In CPR’s 2014/2015 annual review, I described how CPR was calling on the business community to look at commercial disputes differently, to “redefine winning.” Implicit in that call to action was an understanding that this collective effort – on the part of CPR and its members and neutrals – would be a sustained one. It would require discipline and tenacity, not unlike like those of Olympic athletes seeking gold, increasingly building muscle and momentum. I explained CPR’s vision for winning as something more than being simply the “less bloodied survivor,” and I said I looked forward to working alongside our constituency as CPR continued that journey.

Last year, I pledged to develop processes and resources to improve the management of the full range of disputes; provide forums for innovation; and reshape CPR’s committee structure to better facilitate dialogue. In these pages, I will provide a progress report, measuring our accomplishments against these goals of growing and supporting dispute resolution.

So what can you expect from CPR going forward?

• We will continue to build on our reputation for thought leadership across the globe; for example, by elevating the debate about arbitration by ensuring a focus on its benefits while condemning its misuse.

• We will provide increasing value to the growing list of CPR members, through tools, training and other benefits, including those achieved from utilizing our distinguished mediators and arbitrators.

• We will continue to provide opportunities to enhance the effectiveness of in-house and outside counsel collaboration to drive effective dispute resolution.

• We will talk more about ourselves, something we haven’t historically done. It’s great to have the best rules, services and resources, but kind of helpful if people know about it. I no longer want CPR to be the world’s best kept secret.

But Part II of the story, and in CPR’s view the more important part, is the work of our members and other stakeholders. How did they fare in their efforts to rise to the challenges discussed in last year’s review, for example:

• Initiating more thoughtful dispute management and resolution processes and programs

• Expanding awareness of the plethora of benefits that dispute resolution can bring both to their business and industry

• And expanding the “classic” definitions of ADR to encompass a wider range of dispute prevention and resolution options

This is the story I am excited to share with you this year, as we continue to change the dispute resolution landscape – together.

Noah Hanft  
President & CEO
As CPR’s Board Chair and Vice-Chair, we have witnessed first-hand CPR’s ability to take new and exciting shape, while honoring its heritage and maintaining its essential character. Driving this ability is CPR’s unique focus on improving the processes for resolution of disputes, and the sophisticated interaction between in-house and outside counsel that informs and enhances its efforts.

2015 was a strong year, surpassing membership growth targets. In the 18 months since President & CEO Noah Hanft took the helm in May 2014, CPR has achieved a remarkable 51% rise in corporate membership. Law firm membership has also grown, with an increase during the same period of 15%. This impressive momentum is a direct result of CPR’s continuously expanding value proposition and profile.

CPR has continued this year to enhance and promote its Dispute Resolution Services programs and resources, including both longstanding and newly promulgated Rules, to drive greater usage of panels and services. CPR has also continued to strengthen its focus on international initiatives, which remains an important component of CPR’s future growth. CPR’s work in Brazil is a wonderful example, enhancing CPR’s profile in the global ADR community as a thought leader and bringing us new and engaged members. CPR’s European Advisory Board, meanwhile, has continued to expand its reach, and this year created and released a new *European Mediation & ADR Guide* for in-house counsel and the business community, which has met with enthusiastic reviews.

CPR has been committed since its inception to public policy initiatives, as well as to educating people about, and advocating for, ADR. This year CPR stepped up its efforts in these areas as well, particularly with its measured response (reproduced on page 15 of this document) to the *New York Times*’ 2015 series on arbitration. CPR has not only an opportunity, but a responsibility, to be a strong voice for dispute resolution, including arbitration, given the strength and integrity of our panels, our processes and our rules. We expect CPR’s public policy focus to increase in 2016, beginning with the creation of a new CPR Policy Committee.

We are delighted to announce that six new members joined our Board this year, to participate in guiding CPR’s important mission and work: John Blood, Vice President and General Counsel, North America Zone, Anheuser-Busch InBev; Gilberto Giusti, Partner, Pinheiro Neto – Avogados, Brazil; Prof. Eric D. Green, Founder, Resolutions, LLC; Jean-Claude Najar, Curtis, Mallet-Prevost, Colt & Mosle LLP; Scott Partridge, Vice-President, Global Strategy, Monsanto Company; and Kenneth S. Siegel, Chief Administrative Officer and General Counsel, Starwood Hotels & Resorts Worldwide, Inc. We also have continued to benefit from contributions of time and wisdom by the members of our Advisory Council and the members and chairs of our Committees.

We are honored to lead the CPR Board as this organization continues – thoughtfully, strategically and collaboratively – to pursue improvements in the ways the world resolves conflict.
In the past year alone, CPR has been pleased to add a number of new and exciting member benefits, including:

- Discounts for CPR dispute resolution services (for both member and counterparty):
  - CPR’s Flat Fee Mediation Program (Member rate: $2,500, Non-member rate: $3,500)
  - 15% membership discount on fees for arbitrations and mediations conducted by select CPR distinguished neutrals
  - CPR Regional Meetings focused on enhancing the inside-counsel/outside-counsel collaborative relationship

Additional CPR Member Benefits:

- The latest in dispute resolution techniques, best practices, tools and resources
- Access to CPR’s innovative model clauses, rules, protocols and guidelines
- Access (with Corporate or Firm Membership) to CPR’s full panel of distinguished neutrals
- Members-only CPR Advisory Council and committees to drive and formulate best practices
- Free workshops in negotiating skills and dispute prevention management and resolution strategies led by noted mediators
- CPR Training on Tailoring Early Dispute Resolution to Your Company
- Evaluation of member companies’ existing dispute prevention and resolution programs
- Customized arbitration training by CPR and the College of Commercial Arbitrators
- CPR’s award-winning newsletter Alternatives, via unlimited electronic access, new web app and print
- Research and drafting assistance by CPR staff
- Opportunities for speaking engagements, and to write articles in Alternatives and on CPR’s blog, CPR Speaks
- Discounts for CPR meetings; conferences and publications; select CLE training courses; and hearing and conference space at CPR partners’ locations

MEMBERSHIP

The International Institute for Conflict Prevention & Resolution (CPR) is an independent nonprofit organization that, for more than 35 years, has helped global businesses prevent and resolve commercial disputes effectively and efficiently. Our membership consists of top corporations and law firms, academic and government institutions, and leading mediators and arbitrators around the world. CPR is unique as: (1) a thought leader, driving a global dispute resolution culture; (2) a developer of cutting-edge tools and resources, powered by the collective innovation of its membership; and (3) an ADR provider offering innovative, practical arbitration rules, mediation and other dispute resolution procedures, and neutrals worldwide.

CPR’s all-in-one approach provides a cost-effective method by which companies of all sizes and outside counsel can obtain up-to-date resources and tools necessary to excel in dispute prevention, mitigation and resolution. Last but certainly not least, CPR offers its members access to a vibrant and collaborative community that is constantly driving new materials, programs, best practices and other innovations that ensure our members are premier dispute resolvers.
Driving a Global Dispute Prevention & Resolution Culture

In 2015, CPR continued its advocacy and educational initiatives designed to increase understanding and implementation of thoughtful dispute resolution processes and programs.
EUROPE In addition to rules launch events in Paris, Geneva, London and Madrid, CPR’s European Advisory Board (EAB) made significant inroads with the legal and business communities, organizing seminars with several European organizations and producing a practical European Mediation & ADR Guide for corporates.

Available on CPR’s website, the Guide offers all of the resources needed by in-house counsel to organize a successful mediation and features a collection of case studies from corporations that have effectively utilized mediation to resolve their disputes.

BRAZIL At our 2015 Third Business Mediation Congress in São Paulo (in association with CAMARB and hosted by AMCHAM) CPR renewed a commitment made several years ago in Brazil, perhaps the most litigious country in the world. We welcomed more than 150 attendees, with significant participation from the in-house counsel community representing global companies including HP, Danaher, GE Aviation, Unilever, Pfizer, Google and large Brazilian firms including Cosan, Braskem and Usiminas. Throughout the day, CPR was recognized and credited for leading efforts to bring a mediation culture and capacity to Brazil.

The Congress was followed by a successful three-day International Business Mediation Workshop that attracted practitioners from as far away as Mexico, and enhanced the pool of mediators who can be relied on by companies in Brazil to resolve commercial disputes. We are happy to report that CPR gained four Brazilian members last year.
The Power of The Pledge

CPR’s Pledge agreements boost our signatories’ global competitive edge by significantly reducing the time and costs associated with litigation. In 2015, CPR expanded its global reach even further with the signing of two additional Pledge Mutual Recognition Agreements:

**Brazilian Center for Mediation and Arbitration (CBMA)** – In April 2015, CPR signed a mutual pledge recognition agreement with CBMA. Based in Rio de Janeiro, CBMA is a consolidated chamber, founded in 2002 by Commercial Association of Rio de Janeiro (ACRJ), National Federation of Private Insurance and Capitalization Companies (FENASEG) and Federation of Industries of the State of Rio de Janeiro (FIRJAN).

**Chamber of Conciliation, Mediation and Arbitration of the Center of Industries of the State of São Paulo/Federation of Industries of the State of São Paulo (CIESP/FIESP)** – In October 2015, CPR signed a pledge mutual recognition agreement with CIESP/FIESP. FIESP launched its Mediation Pledge (Pacto de Mediação) – which was inspired by the CPR Pledges – in November 2014; the Pacto de Mediação already has more than 100 signatories.

At an event to celebrate the signing, speakers included Professor Kazuo Watanabe, former Chief Judge of the Superior Court of Appeals of the State of São Paulo; Minister Sydney Sanches, former Chief Justice of the Supreme Court of Brazil; and Letícia Barbosa e Silva Abdalla, the Secretary General of the Chamber of Mediation, Conciliation and Arbitration of CIESP/FIESP (pictured).

These agreements join other international pacts CPR has reached with the Centre de Médiation et d’Arbitrage de Paris (CMAP) (2013), the Irish Commercial Mediation Association (ICMA) (2013), the Milan Chamber of Arbitration (CAM) (2013) and the Centre for Effective Dispute Resolution (CEDR) (2013).
2015 Brazil Congress

1. Noah Hanft (CPR) making introductory remarks at the 2015 CPR Brazil Business Mediation Congress in São Paulo

2. Crina Baltag (Secretary General of the AMCHAM Brazil Arbitration and Mediation Center) making the Welcoming Remarks

3. Celso Cintra Mori (Pinheiro Neto), keynote speaker

4. Corporate Conflict Management: Olivier André (CPR), moderator and Shirley Meschke (Pfizer)

5. Corporate Conflict Management: Carlos Eduardo Palinkas Neves (Hewlett-Packard); Rodrigo Exman (Johnson & Johnson), speaking; and Joaquim Muniz (Trench, Rossi and Watanabe/Baker & McKenzie)

6. ADR in the 21st Century: Flavia Foz Mange (Jabardo, Mange & Gabbay) moderator and Daniel Arbix (Google), speaking

7. ADR in the 21st Century: Daniel Arbix (Google); and André Gomma (Judge, Member of the Steering Committee of CNJ), speaking

8. Developing Mediation in Specific Sectors – Part I: Robert C. Randolph (Carr, Swanson and Randolph); Patricia Freitas Fuoco (Pacheco Neto; Sanden e Teisseire); Vivien Lys (Porto Ferreira & Fuso); and Gabriela Gabbay (Jabardo, Mange & Gabbay)

9. Dispute Innovation in Brazil – Part II: Jack Levin (Arbitrator/Mediator), Fernanda Levy (Bayer, Grosman & Levy) and Frank Carr (Carr, Swanson & Randolph)

10. Dispute Innovation in Brazil: Mariangela Sampaio (Unilever)
Dispute Innovation in Brazil – Part II: Monica Mendonça Costa (Tozzini Freire), moderator
Dispute Resolution Services

In 2015, DRS focused intently on driving greater usage of our panels and services. A growing number of corporations around the world are using CPR’s new administered arbitration rules, and our international cases and venues increased. And CPR is now not only assisting in arbitrations under its non-administered rules, but administering cases as well. This year, we also saw our first class action arbitration filing.

For both members and non-members, CPR’s Dispute Resolution Services (DRS) improve parties’ ability to resolve disputes more effectively and economically, with:

- Access to CPR’s innovative model clauses, rules, protocols and guidelines
- Administered or non-administered arbitration
- Assisted arbitration services
- Mediation for cases both large and small
- New Flat Fee Mediation Program

For more information about Rules or CPR’s Dispute Resolution Services, call 212-949-6490 or email CPRNeutrals@cpradr.org
2015: The Rules Hit The Road

In 2014, following the 2013 release of new domestic rules for administered arbitration, CPR released the Rules for Administered Arbitration of International Disputes for use in cross-border business transactions. These rules incorporate CPR innovators’ best practices, including the arbitration work of UNCITRAL, and perhaps most importantly provide solutions to critical issues – such as arbitrator impartiality, lengthy time frames to reach resolution, and burdensome and unpredictable administrative costs and requirements.

To celebrate the Rules’ release, and introduce their key features, in 2015 CPR organized 10 programs around the world – in New York, Miami, Washington DC, Chicago, Houston, Paris, Geneva, Madrid, London and São Paulo. All were well-attended and well-received.

With its new Rules for Administered International Arbitration, CPR responded to the needs of its global membership, bolstering its role in pioneering alternatives to handling commercial disputes far beyond the US. The rules’ “screened” selection process, whereby the parties may agree that the party-designated arbitrators be appointed without knowing which party selected them, effectively tackles the issue of arbitrator impartiality that is uniquely controversial internationally. There is a lot the new rules have to offer, which is why I believe it is important for all of us, especially CPR’s global members, collectively to spread the word about the new rules.”

Felix Weinacht
Member
CPR European Advisory Board
Head of Industry Litigation
Siemens
Vice Chair, CPR Arbitration Committee
Growing and Promoting Our Neutrals

CPR’s global Panel of Distinguished Neutrals gets broader and better every year, with users now able to rely on 600 panelists from 21 countries. As of the date of publication, CPR had added 31 new panelists, including seven women and four global neutrals (three from Brazil and one from France).

CPR also drove increases in both panel usage and Dispute Resolution Services by promoting our panels more prominently and providing incentives to our membership to utilize them and our services. For example, in our newly created blog, CPR Speaks, we launched a feature called “The Neutral’s Notepad,” providing members of our esteemed panel a platform to demonstrate their thought leadership on developments and best practices in dispute resolution. With its posts that CPR then promoted broadly, “The Neutral’s Notepad” proved to be the blog’s most popular feature in 2015.

CPR’s Global Panel of Distinguished Neutrals:

600 PANELISTS
31 NEW PANELISTS
21 COUNTRIES

To further promote our panels and their usage, CPR launched two new DRS programs in 2015:

- **CPR’s new Flat Fee Mediation Program** – An opportunity for early resolution of cases through mediation by mediators from CPR’s panel of distinguished neutrals for a predetermined flat fee ($3,500 non-member /$2,500 member) for cases below $250,000. The Flat Fee Mediation Program, effective July 1, did not replace any of CPR’s traditional mediation program offerings, but rather offered an additional option that may be particularly appealing for those seeking highly qualified mediators willing to commit to a maximum daily fee. To date, approximately 200 mediators from CPR’s carefully vetted panel are available under this program.

- **15% Member Discount from Participating Neutrals** – Effective October 1, 2015, CPR offered a new benefit in the form of a 15% rate reduction by select distinguished neutrals who had agreed to reduce their fees for CPR members filing cases with CPR. Neutrals who are part of the program are indicated on the candidate slates sent to the parties.

I created the dispute resolution function for Eversource Energy over 15 years ago and serve as our company’s representative on the CPR Advisory Council. Over the years, CPR helped shape how I and, in turn, the legal department and company, approached commercial disputes. We were very early adopters of the stepped dispute resolution process in our commercial agreements and based much of our ADR tools on CPR’s resources. We became signatories to the Corporate Pledge and were happy to be among the inaugural group of companies to sign the 21st Century Pledge. Each CPR Annual Meeting or substantive program in which I participate reinforces my belief that there are usually better ways to manage and even avoid disputes in the B2B context than traditional litigation. More important to me, though, was the quality and creativity of CPR’s ideas, discourse and membership, providing me with renewed energy and inspiration, prompting our incorporation of the CPR Corporate Policy Statement on Alternatives to Litigation and the CPR Law Firm Policy Statement on Alternatives to Litigation into our outside counsel guidelines, our adoption of a “mediation presumption” in our case management plans for new litigation matters, and our exploration of the standing neutral concept in commercial and project agreements. CPR has been an invaluable business partner providing us with creative, practical and actionable measures to transform how we approach and manage disputes.

Duncan Ross MacKay, Esq.
Deputy General Counsel & Chief Compliance Officer
Eversource Energy
Commmittees and Task Forces: Spearheading Innovation

One of CPR’s greatest strengths is the work produced by its industry committees, councils and task forces that are organized around practice areas.

While transactional lawyers hold the pen that generally determines the ADR provision utilized in contracts, they may mistakenly see CPR and the ADR space as belonging to the litigation departments of their corporations or firms because arbitration is a corollary of litigation and mediation is often viewed as a litigation-related exercise. That’s why we created the ‘Transactional Dispute Prevention & Solutions’ committee, a new and vibrant committee of transactional lawyers including both in-house commercial lawyers and outside transactional attorneys to help address the oft-heard complaint that dispute resolution clauses tend to be thrown in late during negotiation with insufficient forethought and limited collaboration between litigators and transactional lawyers. Equally important, and we think a compelling way to engage the transactional lawyers within companies, is to focus efforts on how dispute resolution can be utilized as part of “preventative lawyering.”

Noah Hanft
CPR President & CEO
CPR’S Advisory Council

For decades, CPR has been the only organization where in-house counsel, law firms, academics and neutrals come together to drive cutting-edge innovation in commercial conflict management. With the 2015 formation of its new CPR Advisory Council, CPR kicked this up a notch further.

The CPR Advisory Council includes representatives from virtually every CPR member-company, as well as leading law firms, academic institutions, and arbitrators and mediators. Its mission is to serve as an incubator for the identification and initial development of work tailored to addressing issues faced by companies seeking to enhance their ability to implement a more thoughtful approach to all forms of dispute resolution. Potential work spans all levels, from general support for first-time implementation of dispute resolution solutions, to targeted subject matter and industry-specific projects designed to address more advanced and/or specialized needs.

The Advisory Council began its first year of work with a focus on identifying issues and regions of the world that are at the top of in-house counsel’s list for developing better understanding of and support for thoughtful dispute resolution. Building on this understanding, at its November 2015 meeting, the Advisory Council took up a topic that recent survey results revealed to be extremely important to CPR members – Early Dispute Resolution (EDR). Debra Clements of Milliken & Company, Brennan Terregrossa of GlaxoSmithKline, David McClean from Latham & Watkins, Kurt Hanson from Paul Hastings and CPR’s Beth Trent presented – and Council members discussed – what led GE, GSK and other leading companies to think about implementing EDR, its key drivers and challenges, as well as practical advice on implementing this effective approach within different corporate cultures.

As an integral part of its work, 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, Intellectual Property Disputes Committee, Y-ADR and the National Task Force on Diversity in ADR – and will work with those committees to enhance CPR’s ability to develop valuable new programs and tools. The current Co-Chairs of the CPR Advisory Council are Debra Clements, Vice President, Senior General Counsel and Corporate Secretary, Milliken & Company, and David McLean, Partner, Latham & Watkins.

A complete list of CPR Advisory Council members appears on page 36.

REPRESENTATIVE COMPANIES INCLUDE:
- Akzo Nobel Inc.
- Amgen Inc.
- DuPont
- GlaxoSmithKline
- Hewlett-Packard Company
- Liberty Mutual Group
- MasterCard Worldwide
- Microsoft Corporation Worldwide
- Milliken & Company
- Monsanto Company
- Pfizer Inc.
- Raytheon Company
- Siemens AG
- United Technologies Corporation
- Visa Inc.
- Walgreen Company
CPR’s Committees

CPR’s subject matter and industry-specific committees analyze dispute resolution challenges, recommend global best practices and publish materials on issues at the forefront of legal debate. These committees’ balanced interests provide a unique platform for analyzing the latest developments, both legal and practical, in all manner of dispute resolution. Committees meet regularly to draft rules and propose industry protocols used around the world. Most recently, CPR announced the formation of a new committee, the “Transactional Dispute Prevention and Solutions” Committee, created with a view toward expanding effective utilization of dispute resolution amongst organizations.

Following are just two examples of CPR’s exciting and interactive Committee 2015 programming:

1. The CPR Banking & Financial Services Committee presented “Municipal Bankruptcies: Lessons Learned,” featuring Chief Judge Gerald Rosen, United States District Court for the Eastern District of Michigan; Judge Victoria Roberts, United States District Court for the Eastern District of Michigan; and Eugene Driker, Baris, Scott, Denn, Driker PLLC. Judge Rosen was the chief mediator in the Detroit Bankruptcy aided by, among others, Judge Roberts and Mr. Driker.

2. While CPR has organized many webinars in the past, co-hosted by generous law firm sponsors, this year CPR produced its first successful in-house webinar, from CPR’s offices in New York, the CPR Construction Committee’s “How to Deal with the Insurer in the Arbitration and Mediation Process.”

Committees and Task Forces

Advisory Council
Arbitration Committee
Banking and Financial Services Committee
Brazil Advisory Board
Construction Advisory Committee
European Advisory Board
Employment Disputes Committee
Energy, Oil & Gas Committee
Environmental Committee
Healthcare and Life Sciences Committee
Intellectual Property Disputes Committee
Liability Insurance Committee
Mediation Committee
National Task Force on Diversity in ADR
NEW Transactional Dispute Prevention and Solutions Committee
Y-ADR Steering Committee

CPR attracts the best and the brightest in the ADR world – so my membership in CPR’s Advisory Council and CPR’s Arbitration Committee has exposed me to cutting-edge thinking about ADR-related issues that I would not otherwise have learned about.”

Richard F. Ziegler
Partner,
Jenner & Block
& Former General Counsel,
3M Company

DEFENDING DISPUTE RESOLUTION FROM ATTACK

Defending mediation and arbitration – both so often misunderstood – from attack was one of the objectives we set forth in last year’s annual report. We believe CPR has a responsibility to be a strong advocate for thoughtful dispute resolution approaches. We also sit in the right position to do so, as our arbitration rules are designed to avoid many of the concerns and potential abuses that are frequently raised about arbitration. When the New York Times ran a series of articles on arbitration in October 2015 that we felt failed to tell the whole story, we responded immediately, penning the following response, which was published in Law360 (circ. 500,000).

A NEW SCARLET “A” FOR ARBITRATION?

Not so Fast!
By Noah Hanft, CPR

T

here is no doubt that mandatory arbitration procedures are sometimes used to stack the deck in favor of companies over individuals. But some recent news coverage has gone one step further, raising the question of whether there is something inherently wrong with arbitration that gives rise to an unfair result.

Extreme positions create the risk that very real benefits can be lost through overreactions to anecdotes. Who could fail to see the benefit, at least in certain matters, for an expert in a given field to evaluate cases quickly and efficiently in contrast to a judge swamped with a crowded and congested court calendar?

Arbitration is inherently no less fair or less favorable to individuals than trial. Let’s not forget that arbitration has a deep and respected heritage that is embedded in the fabric of American jurisprudence. George Washington included an arbitration provision in his will and Abraham Lincoln himself acted as an arbitrator. Those who denigrate arbitration outright and in all forms are missing both the boat and the opportunity to help the very people and issues they purport to care most about.

“Arbitration is inherently no less fair or less favorable to individuals than trial.”

Often lost, in examples of bad conduct and statistics that claim that consumers get the short end of the deal in arbitration, is the fact that many disputes that make it to arbitration have a long history behind them. As part of effective customer services approaches, many companies have incorporated alternative dispute resolution. So when faced with an issue with their credit card or cell or cable provider, many consumers call customer service and have their problem resolved.

Many companies also have Ombuds, hotlines or other internal dispute resolution mechanisms that resolve their disputes pre-arbitration. As a result, standalone mandatory pre-dispute arbitration programs are not at all common in the workplace environment. Employee dispute resolution programs generally have a stepped process where an employee goes to mediation before arbitration. Often claims are resolved in these processes before an arbitration is even filed. So where a comprehensive dispute resolution process is in place, it is not surprising that cases that are adjudicated are often those that have the least merit.

Since its inception more than 35 years ago, my organization, the International Institute for Conflict Prevention & Resolution (CPR), has been about providing alternatives to traditional litigation and choice to parties. CPR operates primarily in the business-to-business context; however, under CPR’s employment arbitration procedures CPR insists upon certain due process protections for employees, related to costs, fairness in the selection process and access to relevant information. We encourage all companies to adopt these procedures in their own employment ADR programs.

More broadly, our rules in all contexts address the possibility of conflict of interest, “repeat player” and other fairness issues described in the recent NYT series. CPR has always required under its rules that all arbitrators be independent and impartial, and that awards issued by them include a reasoned explanation. I mention CPR’s procedures not only to highlight
Despite the sometimes negative publicity that certain forms of dispute resolution have gotten lately, the promise of ADR remains – a faster, less expensive and less arbitrary way to settle disputes. And in my experience this has served all sides well. We need to continue to break through the noise and anecdotal nature of reporting to tell the story of ADR. Through its academic rigor and real world experience, CPR has always been able to demonstrate ways in which ADR can work, and as importantly when it won’t. As one of the oldest scholarly organizations solely dedicated to finding and advocating for alternatives to the court system, CPR needs to be that voice.”

Tom Sabatino
Hertz

So far, fair arbitration programs are available but to make it clear that arbitration itself can be a process that is fair to all sides and, if properly administered, can produce speedy and evenhanded results at far less expense to both sides.

In 2002, the CPR-Georgetown Commission on Ethics and Standards of Practice in ADR developed both “Principles for ADR Provider Organizations” and the “Model Rule for the Lawyer as Third Party Neutral,” which, taken together, serve as a powerful statement of both the obligations of provider organizations and a guide to ethical business conduct in arbitration. They remain as relevant today as they were then and, if rigorously applied, would ensure due process and justice in the spirit of the FAA and the nation’s recognition of the value and benefits of alternative dispute resolution.

CPR maintained its focus on both encouraging arbitration availability but also fairness. In 2009, we submitted comments to proposed amendments to the Federal Arbitration Act (FAA) under the Arbitration Fairness Act stressing that both individuals and businesses disfavor resolving disputes in heavily congested courts; that procedural due process protocols would fully address the concerns underlying the amendments; and that the proposed amendments would unreasonably interfere with court safeguards of the individuals’ rights to arbitrate. We concluded by saying that “If Congress is to play a constructive role in the protection of individual rights and society’s goal of a just, efficient and less expensive dispute resolution, it could focus on encompassing in a new Chapter 4 of the FAA provisions embodying a national procedural due process protocol which require fairness through procedural safeguards for individuals in arbitration, including adequate notice, an equal voice in the selection of neutral and impartial arbitrators, responsibility for limited and reasonable costs of the arbitration, an arbitral forum near the individual’s home town and reasonable pre-hearing disclosure of information supporting a claim or defense.”

We stand by these statements with regard to the current reintroductions of the Arbitration Fairness Act. “CPR’s rules address the possibility of conflict of interest, ‘repeat player’ and other fairness issues described in the recent New York Times series of articles on arbitration.”

“We call upon other ADR providers, the business community and consumer groups to join us in implementing the procedures and safeguards CPR has long advocated – and to be very clear in setting out best, and calling out unacceptable, practices – in order to allow arbitration to realize its full potential as a fair and thoughtful alternative to litigation.”

We also call upon other ADR providers, the business community and consumer groups to join us in implementing the procedures and safeguards CPR has long advocated – and to be very clear in setting out best, and calling out unacceptable, practices – in order to allow arbitration to realize its full potential as a fair and thoughtful alternative to litigation.

The unfortunate reality is that any system can be adversely impacted by the wrong motivation. Arbitration is susceptible to misuse and abuse and some of the examples are troubling and inexcusable. But when it comes to being prone to abuse, litigation (and certainly class action litigation) takes no back seat to arbitration. And those that condemn arbitration often are driven by incentives that are adverse to the individual consumer. Anyone who has received pennies from a class action settlement where legal fee awards are in the many millions of dollars can attest to these examples.

Arbitration was conceived to create a level playing field, and nothing about it precludes that from being the case so long as it is utilized properly. We can not only save the baby here, but cleanse the bath water as well.
The Message Gains Momentum

Last year, we spoke of our collective challenge to spread the message and educate about the plethora of benefits dispute prevention and resolution can bring, as well as to promote CPR’s neutrals, unique resources and other offerings. In this document, we will briefly recap some of CPR’s 2015 efforts and successes in this regard, before turning to what we view as most important: the shared successes of some of our members.

“...One thing that we at General Dynamics have done that has improved our internal approach significantly is to take a critical look at all of our ADR clauses and develop a system of customizing them for the specific issue at hand. Taking a purely default, ‘form’ approach, and pulling in any old ADR clause from some other contract at the last minute, can have the unintended consequences of making people wonder if ADR is such a great idea when the clause doesn’t really fit. We believe in taking a more careful and analytical approach to drafting, and are not only doing so internally, but are also working with outside and deal counsel to make sure they follow suit. We’ve already seen this approach paying off, and have been quite pleased with the results.”

Greg Gallopoulos
General Counsel
General Dynamics
Successful New CPR Communications Strategies

News & Events

In 2015, CPR launched a new weekly newsletter, THE CPR DATEBOOK, with the aim of sending fewer emails that were simultaneously more targeted and had greater impact, keeping members up to date on not only all upcoming events, but also new CPR news and initiatives to help them. If you are not currently on CPR’s mailing list, but would like to get a sense of what the DateBook is all about, please contact marketing@cpradr.org.

Social Media

We embarked upon a SOCIAL MEDIA initiative to promote our new CPR (DRS) products, classic CPR resources, our panel of neutrals, our pledges and Alternatives. If you are not already doing so, please follow us on Facebook, Twitter (@CPR_Institute) and LinkedIn.

Blog

CPR’s new blog, CPR SPEAKS, presents updates on ADR trends and developments, and also offers such features as “The Neutral’s Notepad” and “ADR Around the World,” which this year gave readers an overview of ADR issues in developing locales such as Colombia, Mexico and Turkey. If you have not already done so, we invite you to explore this new CPR resource at http://blog.cpradr.org.

Public & Media Relations Efforts

In 2015, CPR made significant inroads with a number of new audiences and outlets, such as Covington’s new ADR app, and Thomson Reuters Practical Law (which published CPR-authored guides to the Rules). We also launched a formal CPR Webinar Series, kicking things off with a talk, co-hosted by Jenner & Block, on Business Mediation Challenges and Multiparty Techniques, part of ABA Mediation Week 2015.

“CPR Presents”

In 2015, President & CEO Noah Hanft spoke at a number of high-level conferences, and at other events, around the world, including:

- 2015 Association of Corporate Counsel Europe Annual Conference, Munich
- Fourteenth International Online Dispute Resolution Forum at PACE Law School, White Plains, NY (Keynote opening address)
- “To Litigate or Not to Litigate” (Thomson Reuters West LegalEdcenter webinar)
- 19th Annual Anderson Kill Policyholder Advisory Conference, NY
- Managing Conflict 4.0: A New Wave of Opportunities for Businesses Around the Globe, Pepperdine University, Malibu, CA

“CPR in the News”

This year, CPR significantly expanded its presence in the media – an important part of highlighting our thought leadership. Several new international media outlets, such as Iberian Lawyer, covered our rules and pledge-signing events. CPR also published a six-article series on dispute resolution topics in InsideCounsel. A sampling of some of our 2015 coverage is below (and is linked/accessible online, if you access this annual review on CPR’s website, www.cpradr.org).
Meetings and Events – Dispute Resolution’s Most Engaged and Collaborative 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.
CPR’s Annual Meeting

CPR’s 2015 Annual Meeting, “Forging the Future: Redefining Winning and Adapting to Change,” which took place Feb. 19-21 at The Lodge at Torrey Pines, La Jolla, California, was a rousing success. The event was attended by 200 practitioners and thought leaders, including an elite group of corporate executives, top law firm counsel, leading neutrals, and esteemed judges and academics.

We kicked off the proceedings with a moving (and simultaneously entertaining) keynote address by Senator George Mitchell (pictured below). The recipient of such honors as the Presidential Medal of Freedom & Liberty Medal, the Truman Institute Peace Prize and the UN (UNESCO) Peace Prize for his work, Senator Mitchell addressed the state of current conflicts around the world, underlying issues that drive global conflict and potential pathways to resolution.

Day 2 began with a keynote address by Lord Peter Goldsmith, former UK Attorney General and London co-managing Partner, and Chair of European and Asian Litigation at Debevoise & Plimpton LLP, who discussed the importance of the rule of law in government and society, as well as challenges that arise when dealing with global conflict.

This is just a quick “thank you” note for the terrific work you did to make the 2015 CPR Annual Meeting in San Diego a tremendous success. From my perspective as an attendee, the programs were terrific (as usual), and all of the logistics (meetings, meals, accommodations, etc.) functioned very smoothly indeed. Every detail was anticipated and addressed, and the entire conference was thoroughly enjoyable. Thanks to each of you for all the effort you made to make this another memorable CPR event.”

Raymond G. Bender
Arbitrator and Mediator

Panels at the annual meeting included:

- A panel highlighting the shift towards Stage III Mediation
- “Leveraging Diversity to Enhance Dispute Resolution”
- CPR’s Business Roundtable
- CPR’s Ethics Panel
- Everything You Wanted to Know from Corporate Counsel but were Afraid to Ask”
- “News from the Front” – Two panels discussing dispute resolution issues in the context of recent survey results from the 2013 College of Commercial Arbitrators – Strauss Institute Survey on Arbitration Practice
- “ODR – The Reality”
- “Fundamentals of Arbitration for In-house Counsel”
Annual Meeting

1. John Armijo, University of California, San Diego; Johnston Barkat, United Nations; and Tom Kosakowski, UCLA Office of Ombuds Service, Los Angeles

2. Vanessa Alarcon Duvanel, White & Case LLP; Dana C. MacGrath, Sidley Austin LLP; and David H. Burt, CPR

3. John Kiernan, Debevoise & Plimpton LLP; Hon. Charles Renfrew; and Hon. William Webster

4. Kathryn Richter, Schnader Harrison Segal & Lewis LLP, and William McFarlene


6. Barbara E. Daniele, CPR Board; and Prof. Thomas J. Stipanowich, Straus Institute for Dispute Resolution, Pepperdine University School of Law

7. Zela "Zee" G. Claiborne, JAMS; Natalie Reid, Debevoise & Plimpton LLP; Lord Peter Goldsmith, Debevoise & Plimpton LLP (keynote); and Lady Goldsmith

8. Jayne Risk, DLA Piper; Todd C. Toral, DLA Piper; and David Bernstein, Debevoise & Plimpton


10. Noah Hanft, CPR
Annual Meeting

1. Eugene Farber, Farber, Pappalardo & Carbonari
2. Mary Beth Cantrell, Amgen Inc.; and José A. Lau, Sempra Energy
3. John Pinney, Graydon, Head & Ritchey; Lyn Marsteller; and Peter Strotz, King & Spalding
4. Noah Hanft, CPR; Scott Partridge, Monsanto Co.; Peter J. Rees QC, Thirty Nine Essex Street Chambers
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8. Prof. Thomas J. Stipanowich, Straus Institute for Dispute Resolution, Pepperdine University School of Law; and Noah Hanft, CPR
9. Evans Garage, San Diego
10. Lilian Stenfeldt, Sedgwick LLP; and Steven J. Antunes, AEGIS Insurance Services, Inc.
OUTSTANDING SCHOLARSHIP IN ADR

At the 2015 Annual Meeting, CPR presented its 32nd Annual Awards for Outstanding Scholarship in ADR, recognizing stellar scholarship in this field. Award criteria focuses on processes, techniques, systems, commitment and scholarship, which address the resolution, prevention or creative management of major disputes. This year, four individuals were awarded CPR Academic Awards for their outstanding work.

Outstanding Professional Articles

The Award for Outstanding Professional Article recognizes articles published by academics and other professionals that advance understanding in the field of ADR. This year, the award was granted to:

- **Michael Polkinghorne** and **Charles B. Rosenberg**, The Role of the Tribunal Secretary in International Arbitration: A Call for a Uniform Standard, 8 Dispute Resolution International 2 (2014)

Joseph T. McLaughlin Original Student Article Award

The Joseph T. McLaughlin Student Article Award, endowed through the year 2021 in honor of Joseph T. McLaughlin – a former CPR Board member, long-time CPR supporter, and prolific advocate for effective conflict resolution practices as a practitioner, academic, writer and speaker – recognizes an article or paper written by a student that was focused on events or issues in the field of ADR. This year’s award was presented to:

- **Caley Turner**, “Old White Male”: Increasing Gender Diversity in Arbitration Panels, Student paper from Pepperdine Law School (2014)

REGIONAL MEETINGS

CPR launched a program of regional events designed to enlarge opportunities to experience first-hand the exceptional nature of CPR meetings, which combine dynamic and engaging panels with an unmatched opportunity for exchanging knowledge and experiences with counsel, neutrals and others at the forefront of advancing dispute resolution issues. The inaugural CPR Regional Meeting was hosted by Anheuser-Busch InBev in St. Louis. Attendees included virtually all CPR member companies and law firms in the city.

TRAININGS

Throughout the year, CPR offers a number of trainings at the CPR Institute or in conjunction with other events or organizations. They are led by acknowledged subject-matter experts, employ an interactive format, and provide practical understanding and application of ADR tactics.

2015 was a particularly strong training year for CPR, beginning with a three-day mediation in São Paulo, Brazil in April, through which we trained 21 mediators, including two from Mexico.

In May, CPR held trainings on master negotiation and mediation with **Layn Phillips** in Los Angeles and **Prof. Eric Green** in Boston.

Finally, CPR developed and presented custom training designed to address specific business needs to multiple corporate members.
Y-ADR

Through Y-ADR (for young attorneys in international dispute resolution), CPR is committed to the development of younger or less experienced ADR lawyers, in order to help grow the ranks of dispute resolution practitioners.

In 2015 the Y-ADR Steering Committee, the leadership group of Y-ADR, worked on a number of projects and organized seminars in Washington, DC, New York, London and Chicago.

2015 CORPORATE LEADERSHIP AWARD DINNER

Each year, CPR honors a corporation that has demonstrated leadership in the field of conflict management and has institutionalized ADR, embedding it into their corporate culture. The Award is presented at a black tie event that draws approximately 500 attendees representing the general counsel from Fortune 200 corporations, partners from leading law firms, and industry experts and scholars who come together to demonstrate the importance of ADR. Since inception, the event has raised more than $8 million for CPR’s public policy research and programs as well as our initiatives internationally. Past honorees have included United Technologies, 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.

At the 2015 Corporate Leadership Award Dinner in New York, CPR and distinguished guests comprising general counsel from Fortune 200 corporations, partners from leading law firms, industry experts and scholars honored 3M and Ivan K. Fong, the company’s SVP, Legal Affairs & General Counsel.

2015 CORPORATE LEADERSHIP AWARD DINNER COMMITTEE

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The Milstein Hall of Ocean Life.

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The Theodore Roosevelt Memorial Hall Rotunda
Alternatives

Alternatives to the High Cost of Litigation, co-published by the CPR Institute with John Wiley & Sons, kept its 2015 focus on the most important issues in commercial mediation and arbitration throughout the year, analyzing the top news stories and providing Alternatives’ traditional cutting-edge view of how practice needs to adjust.
This past year, and inspired by CPR’s newly formed Transactional Dispute Prevention and Solutions Committee, I have been re-enforcing with my business colleagues the importance of appropriate dispute resolution approaches in our contracts. We, as knowledgeable in-house counsel, have an obligation to educate our colleagues on the benefit of being thoughtful about dispute resolution provisions instead of defaulting to the routine clauses they have been utilizing for years out of habit. As a result, we can gain more control over the alternative dispute resolution process.

My colleagues routinely seek input from me, and my litigation colleagues, with regard to our preference on provisions dealing with jurisdiction, choice of law and ADR in our contracts. We always seek to include an ADR provision designating “CPR.” Whether for an acquisition agreement, licensing arrangement or other business partnership, I convey to my transactional colleagues the benefits of CPR, including having a choice of administered or non-administered rules, control over discovery which can greatly reduce costs and generally having more control and involvement in the alternative dispute resolution process. Additionally, access to the CPR panels is worth the cost of membership as CPR has some of the highest quality neutrals who are vetted through a very thoughtful process analyzing the panelist’s background, experience and knowledge depending on the specialization of the panel.

Alternatives’ excellence has not gone unnoticed, as the newsletter was recognized with two first-place awards during the 38th Annual Specialized Information Publishers Association Annual Conference in Washington, D.C. on June 4. The “SIPAwards” competition honors excellence in business editorial and marketing.

Alternatives won Best Legal/Regulatory/Energy/Environment Newsletter or Ezine (non-daily). In addition, M. Scott Donahey, a Palo Alto, Calif., arbitrator and mediator who has been a regular contributor to Alternatives, won first prize for the category of Best Interpretative or Analytical Reporting in the same newsletter category for his article, “Get Back – Return Arbitration to Its ADR Roots.” It is the third time the SIPAwards has recognized Alternatives for excellence in writing and reporting.
I’m pleased to report that fiscal year 2015 (7/1/14-6/30/15) was an extraordinary year for CPR, culminating in with strong financial results with an increase in CPR’s net assets of over 19% from the same period last year. These financial results have allowed CPR to have an even greater impact in the legal community. International activities have surpassed any prior time in its history, and dispute resolution services have been expanded to include administered arbitration. With efforts focused on the value proposition for members, development of products and services and building brand recognition, CPR realized a 6% growth in membership revenues and welcomed 43 new members. The Committee is gratified that grants and contributions beyond membership or special events increased 63% this year.

At the mid-point of the current fiscal year, CPR is on track to continue the momentum in membership as we welcome even more corporations and law firms to our community. The Corporate Leadership Award Dinner honoring 3M Company and its General Counsel, Ivan Fong raised significant funds to support CPR’s programs and attracted nearly 400 people to the American Museum of Natural History in New York. The Annual Meeting in New Orleans promises to be one of the best yet financially and will include the inaugural presentation of the Inspiring Innovation Award to Monsanto Corporation and Vice President, Global Strategy, Scott Partridge. The Brazil Initiative continues in its fourth year and almost doubled its program budget with a new grant from Assurant, Inc. to complement the work being supported by GlaxoSmithKline and the Sondheimer Family Charitable Foundation. Other international efforts in Europe are also realizing great results with an active European Advisory Board and many new European members.

CPR will be investing in capital improvements in 2016 as it moves to new offices in New York City and improves its systems and website. These investments will enable the organization to continue to provide cutting-edge tools and relevant and meaningful resources to its members and to the ever-evolving and always interesting legal and business community.

The Committee greatly appreciates the financial contributions, leadership and service of CPR’s donors. With the donors continued support, the Committee looks forward to sustained growth and even greater impact in the future.

Sincerely,

Dale L. Matschullat
Chair
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IN MEMORIAM

“CPR mourns the loss of Judge Kaye. Judge Kaye dedicated her life to improving the administration of justice. An active member of CPR’s Board of Directors, she was an ardent supporter of our mission: to find better ways to resolve disputes. A consummate problem solver, Judge Kaye thoroughly deserved the national reputation she earned for both her groundbreaking decisions and her innovative reforms of the New York court system. We at CPR also knew her to be extremely warm, kind and approachable. She has left an indelible mark, and will be missed.”

Noah J. Hanft
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Teradata is a signatory to the CPR 21st Century Pledge and Diversity Commitment. We deem these pledges and public acknowledgements of them in our 2015 Corporate Social Responsibility Report to reflect innovation and thought-leadership by Teradata and CPR. Another leading practice that Noah shared from a fellow CPR Advisory Committee member is to include a similar commitment and expectation of outside counsel in corporate engagement letter terms. Teradata began implementing that practice in 2015 as well.”

Todd Carver
VP, Deputy General Counsel & Chief Ethics, Compliance & Privacy Officer, Teradata Member, CPR Advisory Council
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NOAH HANFT