



CPR

International Institute for
Conflict Prevention & Resolution

2008/2009 Annual Report
LEADING THE WAY



How the CPR Institute Leads the Way

For more than 30 years, CPR has been the definitive resource for strategy and insight in commercial conflict resolution. CPR accomplishes its mission by:

- harnessing and disseminating the collective expertise of leading minds and scholars in ADR;
- benchmarking business best practices that achieve consensual dispute resolution;
- uniting and mobilizing expert ADR practitioners from business, law, government, and academia;
- spearheading innovation as the primary source for non-administered ADR tools, training, procedures, and protocols for multi-party disputes;
- assembling the most sophisticated and experienced mediators and arbitrators, specializing in more than 20 commercial practice areas;
- proselytizing for the adoption of consensual and collaborative dispute resolution processes by businesses around the world; and
- provoking and exploiting independent thinking to bridge the gap between ADR theory and practical application.

About the CPR Institute

Formed in 1979, the CPR Institute (CPR) is an independent, educational, not-for-profit organization that promotes excellence and innovation in commercial dispute resolution, serving as an objective multinational resource for the avoidance, management and resolution of business-related disputes. CPR is the leading global organization for lawyers seeking outstanding arbitrators and mediators, superior intellectual property, the latest ADR case decisions and practice guidelines, business tools, CLE training, publications, and conferences. For more information, visit www.cpradr.org.

A Letter from the President and Chief Executive Officer



Recent economic challenges and rising litigation have confirmed that now, more than ever, businesses need expert resources for managing complex disputes and containing costs. These practices are no longer alternatives to consider. They have become essential legal tools. So, as general counsel rejected the billable hour model and organizations called for fresh ideas to provide legal value, CPR invigorated and expanded its own activities, focusing on new ways to reduce the total cost of conflict with prevention as the cornerstone.

CPR's conferences, trainings, Web-based initiatives, and innovative programs continue to garner accolades and have expanded the community of ADR users and advocates. Recently, remarkable progress has been made to improve arbitration. CPR's new Protocol on Disclosure of Documents and Presentation of Witnesses in Commercial Arbitration is one of the most pioneering responses to the arbitration discovery issue in decades. In addition, CPR's new Early Case Assessment Protocol highlights the creative thinking of the CPR community by providing resources for evaluating cases in a systemic way, and at an early stage, before costs mount and resolution becomes more difficult.

From its inception, CPR has been an advocate for corporate systems and procedures focused on preventing and mitigating conflict. From crafting early case assessment tools to drafting industry-specific ADR procedures to providing highly efficient neutrals, CPR has been a leader in helping companies and law firms employ better ways to prevent, reduce, and resolve disputes in ways that preserve relationships and enhance business results. The past 18 months have validated the real, sustainable value of this work and confirmed CPR's decades-long leadership role providing the most sophisticated and practical solutions to corporations and their counsel.

After my first year as President and CEO, I described CPR as "bridging the gap" between theory and practice. Today, I am proud to say that the organization is "leading the way" by transforming the practice of law and making lasting contributions to the way businesses resolve conflict.

Sincerely,

A handwritten signature in black ink that reads "Kathleen Bryan" with a horizontal line extending to the right.

Kathleen A. Bryan

LEADING THE WAY
through
Engagement



Lawrence W. Newman
Baker & McKenzie LLP

“CPR demonstrates that it is the most useful organization of its kind by seriously addressing the subject of dispute

resolution on both a theoretical and practical level.”

“Through its committees, CPR has enlarged its reputation as an innovative thought leader by developing rules and protocols that break new ground in the field of arbitration. CPR’s Committees provide an exceptional platform for exchanging views with leading minds in the field. This interaction among corporate users of arbitration, the lawyers who present cases in arbitration, the arbitrators who hear those disputes, and those who teach and write about arbitration permits the committee’s projects to be carried out on the basis of both practical experience and theoretical soundness. I have chaired the Arbitration Committee for the past two years. My own committee involvement has been rewarding, both from the point of view of working with leading lawyers and of developing innovative rules and guidelines that can and will have an influence on the ways in which arbitrations are conducted in the future.”

CPR's Committees

CPR believes that the field of ADR can be advanced only by exploring and analyzing the latest developments in commercial conflict management and dispute avoidance processes within various business contexts. We invite our members, academics, and neutrals to join industry- and practice-specific committees to study current challenges, make recommendations for best practices, and publish materials on issues at the forefront of legal debate. These Committees meet regularly to draft rules, books, studies, statements of best practices, and propose industry protocols for use by attorneys and business executives around the world. By engaging practitioners in meaningful collaboration, CPR leads the way in establishing ADR best practices across industries.



Arbitration Committee

CPR's largest Committee and its subcommittees met more than 20 times during 2008/09. The Subcommittee on Information Exchange delivered the *CPR Protocol on Disclosure of Documents and Presentation of Witnesses in Commercial Arbitration*. The Protocol gives parties options for the use of document discovery in arbitration and recommends the adoption of procedures that achieve a balance between the realities of modern electronic document retention policies and the goals of efficiency and cost containment in arbitration. The Subcommittee on Expedited Arbitration Rules drafted a set of global accelerated rules aimed at complex commercial disputes, which were delivered in late July 2009. The Subcommittee on International Neutrals continues its work on enhancing CPR's International Panel. The Chair of this Committee is Lawrence Newman of Baker & McKenzie LLP.

CPR is a resource for corporate counsel, lawyers, academics, and practitioners seeking rigorous and sophisticated thought leadership on alternative dispute resolution.

Banking and Financial Services Committee

The Banking and Financial Services Committee has met periodically since 2007 to consider the possibilities for using alternative dispute resolution methods to resolve anticipated disputes among financial institutions. This Committee has been less active in the past year, in light of recent industry challenges.

A PHOTOGRAPHIC SCRAPBOOK OF CPR'S 2008/2009 ACTIVITIES AND THOSE WHO HELPED US LEAD THE WAY



MICHAEL LEWIS (ADR ASSOCIATES) & AMY GLASS (MICHIGAN MEDIATION AND ARBITRATION SERVICES)



DAVID MCLEAN (LATHAM & WATKINS LLP), KATHY BRYAN, AND JOHN BICKERMAN (BICKERMAN DISPUTE RESOLUTION, PLLC)



KENNETH ROTH (HUMAN RIGHTS WATCH)

CPR's Committees, Commissions, and Task Forces are formed to study particular challenges within a specific industry or practice area.

China Advisory Committee

This group of attorneys and business people located in the United States and China has met periodically to explore CPR's growing activities in connection with its relationship with the China Counsel on Promotion of International Trade and its joint project, the U.S.-China Business Mediation Center. In addition, the Committee assists CPR in developing initiatives of interest to CPR members doing business in China. Currently, CPR is exploring the expansion of this Committee to include ADR efforts throughout Asia. The Chair of this Committee is James Zimmerman of Squire, Sanders & Dempsey L.L.P.

Committee on Energy, Oil and Gas

The Committee on Energy, Oil and Gas was formed in 2000 to study current challenges to these related industries. It has assembled a blue-ribbon international panel of energy neutrals in sub-specialties ranging from alternative energy sources to nuclear specialties. In November 2008, Fulbright & Jaworski, L.L.P. hosted the Committee and other CPR members for a presentation on various arbitration bills pending in Congress and to discuss CPR's non-administered arbitration process. The Energy Committee also used the opportunity to review the applications of several candidates for CPR's Panels of Neutrals. The Chair of this Committee is Duncan MacKay of Northeast Utilities.

Construction Advisory Committee

This Committee, established in 2004, is assisting in broadening and enhancing CPR's Panel of Construction Neutrals and plans to create other tools of immediate practical use to the Construction Bar. Recently, its sub-committees produced three briefings: "Partnering: A Management Best Practice;" "Realistic Allocation of Risks: The First Step in Dispute Prevention;" and "Dispute Review Boards (DRB's): A Management Best Practice." It is expected that these briefings will be published in the coming year.

Corporate Insurance Coverage Initiative

The mission of this Committee, formed in early 2005, is to devise protocols for the early and just resolution of coverage disputes between insurers and corporate policyholders. The Committee crafted and disseminated its *Mediation Principles for Insurer-Insured Disputes* in 2006. In 2008, Committee members assisted CPR in drafting articles for industry publications and reviewed the applications of neutrals to the CPR Insurer/Policyholder roster of neutrals.



CLYDE LEA (CONOCOPHILLIPS)



ARLAN LEWIS (BRADLEY ARANT BOULT CUMMINGS LLP), JOSE RODRIGUEZ MARQUEZ (BUFETE RODRIGUEZ MARQUEZ) AND DANIEL MARGOLIS (LAW OFFICE OF DANIEL MARGOLIS)



CATHERINE AMIRFAR (DEBEVOISE & PLIMPTON LLP)

Corporate Protocol Commission

The Corporate Protocol Commission was formed in 2006 and is primarily composed of corporate in-house counsel. The Committee discusses innovations and trends in corporate conflict management, the future of the corporate legal function, and general counsels' ever-changing relationships with outside counsel. Its purpose is to create and disseminate corporate-oriented products that will promote greater use of early dispute assessment and resolution processes. In 2009, in conjunction with the Early Case Resolution Committee, the Commission helped draft CPR's Early Case Assessment Guidelines.

Early Case Resolution Committee

Formed in 2007, this group explores cutting-edge techniques being employed by collaborative and cooperative lawyers to resolve selected civil disputes. The Committee has begun work on products to transfer and translate these techniques for the commercial sector. In 2008, the ECR Committee met jointly with the Corporate Protocol Commission to draft CPR's Early Case Assessment Guidelines to help businesses decide how to manage disputes. Future projects include the recruitment of a special CPR Panel of experienced settlement counsel. The Chair of this Committee is Professor John Lande of the University of Missouri Law School.

eDiscovery Committee

This Committee studies and advocates effective merging of technology, procedures, and discovery expectations to devise informed and efficient exchange of information in litigation, arbitration, and other contexts. The Committee and its subcommittees met numerous times in 2008/09. It conducted a training workshop for neutrals on the basics of eDiscovery and compiled a new panel of neutrals, expert in eDiscovery, who are available to assist parties as special masters or in resolving eDiscovery disputes out of court. The Co-Chairs of this Committee are Charles Morgan of FTI Consulting and Thomas Allman, Esq.

CPR's Committees comprise the industry elite – attorneys handling the most sophisticated commercial matters as counsel or neutrals, leading scholars and corporate counsel commanding the highest litigation dollars.



KATHY BRYAN RECOGNIZES BOARD PRESIDENT CHARLES RENFREW FOR HIS MANY YEARS OF SERVICE TO CPR.



CARLA HERRON (SHELL GROUP)



JEFF KICHAVEN (APC/PROFESSIONAL MEDIATION), M. SCOTT DONAHEY (INDEPENDENT ARBITRATOR & MEDIATOR) AND CASSANDRA GEORGE (ABOVE AND BEYOND DISPUTE RESOLUTION)

In late 2008, CPR formed a new committee focused on Health Care and Life Sciences to study trends and draft best practices and ADR tools to address, manage, and resolve disputes in the industry.

Employment Disputes Committee

This Committee includes over 100 corporate representatives, arbitrators, management lawyers, employee representatives, former judges, human resources professionals, mediators, and professors. In 2008, the Committee reviewed recent developments in the field, including discussions of CPR's policy to decline to administer employment arbitrations, and a roundtable on the perspective of claimants' counsel on current practices in arbitration and mediation. A presentation was also made on the case pending before the U.S. Supreme Court regarding the effect of mandatory arbitration clauses in collective bargaining agreements with regard to statutory discrimination claims, as well as seeking to amend the Federal Arbitration Act to exclude the arbitration of statutory employment and consumer claims. In 2009, the Committee considered new initiatives, such as CPR's resumption of administering employment arbitrations, updating publications, and investigating how CPR's resources can assist corporate clients and their employees in this difficult economy. The Chair of this Committee is Jay Waks of Kaye Scholer LLP.

European Advisory Committee

This group comprises representatives of CPR's European membership and is a forum for discussion and analysis of ADR developments on the Continent and guides CPR's strategy outside of the U.S. The European Advisory Committee met twice in Zurich and once in Paris during this fiscal year. These meetings focused on the impact of CPR's recent efforts in Europe and the importance of continuing its unique contribution to the development of sophisticated dispute management practices in the area. The Chair of this Committee is Hans Peter Frick of Nestlé S.A.

European Insurance Committee

This Committee met at the headquarters of Swiss Re in Zurich in late 2008. At that meeting, Lord Charles Falconer, former Lord Chancellor of England, shared his view on the necessity of efficient business dispute management. The group, comprising representatives from 16 countries, shared ideas on how inter-insurer claims – both at the primary and excess level and in reinsurance treaties – can better be managed. The Chair of this Committee is Albert Hilber of Swiss Re.



TIMOTHY HART (HURON CONSULTING GROUP)



MICHELLE BROWDY (IBM CORPORATION) AND DANA MACGRATH (ALLEN & OVERY LLP)



ROBERT MNOOKIN (HARVARD LAW SCHOOL)

Franchise Mediation Program

CPR administers the Franchise Mediation Program, which is led by a steering committee of franchisors, franchisees, and other influential participants in the franchise community. The mission of the Program is to encourage the mediation or other non-judicial management of disputes arising between franchisors and franchisees. In 2008, the Committee refocused the Program's mission toward advocacy and education. Early in 2009, the Committee published *Managing Franchise Relationships Through Mediation*. This volume proposes and explains a fair, just, impartial, and expeditious way of resolving disputes within the franchise community. The Co-Chairs of the Program are William Hall, a Dairy Queen franchisee, and John Kujawa of McDonalds USA LLC.

Global Reinsurance Protocol Committee

In 2007, this Committee aggressively promoted the CPR *International Reinsurance Industry Dispute Resolution Protocol* through numerous speaking engagements, published articles, and marketing efforts. The Committee has been less active in the past year in response to recent industry challenges. The Chair of this Committee is Paul Moss of Montpelier Syndicate 5151.

CPR has a pivotal role in empowering a global community of problem-solvers dedicated to ADR scholarship and advocacy.

Health Care and Life Sciences Committee

In late 2008, with the health care and life sciences industries poised for reform, CPR responded by forming this Committee. It comprises leading practitioners, corporate counsel and academics with experience in the resolution of disputes among healthcare and life sciences corporations, institutions and parties involving issues specifically related to these entities and the complex regulatory framework in which they operate. In the coming year, the Committee will study current challenges and trends in the industry and draft best practices and ADR tools to address, manage, and resolve disputes. Recently, the Committee created an industry-specific panel of neutrals expert in health care- and life science-related disputes. The Chair of this Committee is Katherine Benesch of Duane Morris LLP.

Insurance Committee

This Committee includes representatives of property casualty insurance companies who monitor the activities of the Mass Claims Commission and other CPR initiatives that have implications for the insurance industry. Given the impact of recent industry challenges, the Committee has been less active in the past year. The Co-Chairs of this Committee are Deborah Masucci of Chartis Inc. and Harold Moskowitz of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP.



WILLIAM BAKER (ALSTON & BIRD)



KATHLEEN SCANLON (LAW OFFICES OF KATHLEEN M. SCANLON)



DONALD TREVARTHEN (TORO COMPANY), LARRY SCHANER (JENNER & BLOCK, LLP) AND LAURA KASTER (OFFICES OF LAURA KASTER)

CPR is the only organization which has created a means by which corporations and law firms can commit to trying ADR procedures before moving to litigation – the ADR Pledge®.

National Task Force on Diversity in ADR

The mission of this group is to devise practical strategies to increase the participation of women and minorities in mediation, arbitration, and other ADR processes. Task Force members coordinate broadly with other groups, as well as speak and write, to raise awareness of diversity issues. In 2007, the Task Force developed “The ADR Diversity Survey” as a model for corporations seeking to measure the current state of participation of professional women and minorities in arbitration, mediation, and dispute settlement. In 2008, the Task Force established an annual “Award for Outstanding Contribution to Diversity in ADR” to recognize commitment to diversity in the field. The Co-Chairs of this Task Force are Tom Sager of E.I. du Pont de Nemours and Company, Charles Morgan of FTI Consulting, and Carla Herron of Shell Group.

Product Liability Committee

Picking up the work of a similar CPR corporate-led group from a decade ago, this Committee comprises representatives of manufacturers, claimants, insurers, and others aiming to study product liability litigation with the goal of generating a guide to the efficient and just resolution of such claims. The Committee has formed subgroups to study various aspects of the topic, and will invite other interested parties, such as indemnitors’ and claimants’ attorneys, to join them in their work. The Committee is currently developing a Protocol for Early Case Resolution of Product Liability Cases. The Chair of this Committee is Dale Matschullat of Newell Rubbermaid.

Task Force on Patent Mediation

CPR is currently forming a new Task Force to explore the benefits and barriers to effective use of mediation in patent disputes. The Task Force will build upon the work of CPR’s previous International Commission on Patent Disputes and the Information Technology Conflict Management Committee, which published a Master Guide on Patent Mediation in 2006. In 2008, members of the Neutral Subcommittee of the Patent Commission met several times to evaluate the applications of candidates for the CPR’s Technology Panel of Neutrals. The Chair of this Task Force is Manny Schecter of IBM Corporation.



DWIGHT GOLANN (SUFFOLK UNIVERSITY LAW SCHOOL) AND
BILL LEAHY (BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP)



PHILIP JOHNSON (JOHNSON & JOHNSON)



JONATHAN GRAHAM (DANAHER CORPORATION) AND EDWARD
DOLIDO (FULBRIGHT & JAWORSKI LLP)

LEADING THE WAY
through
Innovation



Dana C. MacGrath
Senior Counsel
Allen & Overy LLP

“CPR consistently challenges
and expands traditional ADR

practices

through

diverse

initiatives.”

“Through stimulating and thought-provoking programs, CPR addresses the current trends and best practices in dispute resolution. As Chair of its new Y-ADR group, I was pleased to partner with CPR to provide a unique platform to introduce young lawyers to seasoned in-house counsel who are experts in the field of international dispute resolution. At the inaugural Y-ADR program, panelists offered insights on what clients expect from law firm associates and what associates can do to distinguish themselves. It was one of the most candid and informative discussions that I have heard. I anticipate that future Y-ADR programs will be similarly rewarding for young lawyers. For my own practice, membership in CPR has allowed me to acquire innovative ADR strategies and gain valuable insight regarding current trends and practices in dispute resolution. It connects me to global litigation and ADR developments, and provides practical tools that benefit my clients and my firm.”



As our understanding of the benefits and limitations of different conflict management tools becomes more sophisticated, the search for effective problem-solving approaches continues to drive CPR's activities.

CPR's Special Projects

The culture and practice of how businesses settle disputes needs vast revision in order to untie the bonds of lengthy and expensive litigation. As a result, every opportunity to promote the appropriate use of mediation, arbitration, and other strategies must continue to be explored. We believe that CPR has a critical role in promulgating these changes. For more than 30 years, CPR has maintained a leadership role in providing objective education, research, tools, and services to improve conflict management efforts. We work tirelessly to help domestic and international policymakers install ADR soundly in the public sector, academia, and legal practice. By spearheading innovation, CPR connects practitioners to advancements in the field of ADR.

Website

In July 2008, CPR launched a new website, featuring innovative social networking technologies. The website, at www.cpradr.org, acts as a single source for best practices, tools, and research in the area of alternative dispute resolution by providing access to CPR's rich archives of industry-specific contract clauses, rules, protocols, and procedures for the avoidance, management, and resolution of commercial conflict. CPR's intent was to create an online platform where its members, law firms, corporations, government entities, and the larger ADR community could engage in research and collaborate. This was accomplished through a number of enhancements, including customized RSS feeds, commenting and survey tools, content tagging, and blogs, videos, and podcasts. To announce the site to members, CPR produced a promotional video which highlighted the new features of the site and provided a link to encourage web registration.

Since the launch, nearly 2,000 people have registered on the website, and the site has had more than 60,000 unique visitors, representing a significant increase over the previous site. In the coming year, CPR will leverage the work of our members and committees by harvesting and posting user-generated industry-specific content of interest to ADR practitioners.

Heritage Dinner

CPR is particularly grateful for the integral role that our long-time members have played in helping us define best practices and spearhead innovation in the field of alternative dispute resolution. In January 2009, CPR honored members who have supported the organization for 20 years or more at the inaugural CPR Heritage Dinner. The elegant cocktail reception and dinner honored 100 member organizations and individuals whose contributions and



JULIE BEDARD (SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP)



CURTIS FRASIER (SHELL GROUP)



KATHY BRYAN PRESENTS HERITAGE DINNER GIFTS TO CPR MEMBERS OF MORE THAN 20 YEARS.

support have helped CPR fulfill its educational mission for more than 30 years. Attendees included in-house counsel from Fortune 500 companies and senior attorneys representing law firms from around the world. In acknowledgement of their support, honorees were presented with personalized, signed, and numbered artwork by the 2007 Annual Report artist, Jon Berkley. CPR also acknowledged its Board Chairman, Hon. Charles Renfrew, and Vice-Chairman, Hon. William Webster, for their many years of service to the organization.

The Commission on Facilities for the Resolution of Mass Claims

Established in 2005, this group includes distinguished practitioners and experts with experience in resolution of mass claims, including judges, academics, and attorneys. It was convened to study the role of alternative dispute resolution methods in resolving mass claims and to promulgate best practices in the area. Recently, the Commission completed an outline of a book expected to debut in 2010. The book will review the use of ADR in various mass claims situations and recommend best practices for different types of mass claim situations, ranging from defective products causing property damage to September 11th-type tragedies.

Economical Litigation Agreements

In 2009, CPR assembled a group to explore Economical Litigation Agreements (ELA) as a means of reducing civil litigation costs. ELA is a hybrid of civil litigation and arbitration, where parties agree to model discovery procedures in lieu of conventional discovery. Currently in the testing phase, future model procedures may include concepts such as making the amount of discovery proportionate to the amount in controversy, phasing discovery to save time and reduce expenses in cases involving threshold motions, and creating cost-effective alternatives to conventional discovery. This group is chaired by Dan Winslow of Duane Morris LLP.

CPR is committed to communicating the best and most innovative dispute resolution ideas and theories from academic leadership to our membership of corporate counsel, attorneys, judges, and public sector leaders.

Other Projects

In addition to the projects and initiatives described above, CPR also participates in annual Mediation Settlement Day programs and provides educational and descriptive materials, at no charge, to universities, courts, and law associations, and to ADR organizations in less-developed countries. Fourteen law school and college interns worked at CPR during the fiscal year on a wide variety of important projects.



EDWARD T. REILLY (AMERICAN MANAGEMENT ASSOCIATION)



DAN WINSLOW (DUANE MORRIS LLP)
AND ALEXANDER WRIGHT, JR. (MILES &
STOCKBRIDGE)



TIM HARDY (CMS CAMERON MCKENNA), FRANCES GAUTHIER
(STRADLEY RONON STEVENS & YOUNG LLP) AND PHILLIP
ARMSTRONG (GEORGIA-PACIFIC CORPORATION)

LEADING THE WAY
through
Collaboration



William B. Leahy, Esq.
(Retired)
*Buckingham, Doolittle &
Burroughs, LLP*

“After 40 years as a trial lawyer and 11 years as a mediator, I can say without hesitation that CPR is the pre-eminent

ADR organization
in the country.”

“CPR meetings and training sessions offer cutting-edge information, presented in an intellectually stimulating format. For anyone committed to serve as an ADR neutral, CPR’s trainings are the ‘gold standard.’ They expand your skills and are led by seasoned experts who provide a practical application of ADR. For networking and professional development, CPR’s meetings are second to none. The attendees are successful, engaging professionals who are experts in their field. I will never forget my first CPR meeting nearly ten years ago. I entered as a stranger and emerged with numerous friends and colleagues whom I value to this day. The atmosphere is warm and inviting, and there is a palpable camaraderie among longtime members and newcomers which fosters lasting business and personal relationships. Those committed to the 21st century paradigm of ‘the attorney as problem solver’ would do well to avail themselves of the benefits which CPR has to offer.”

CPR's Meetings

CPR is committed to helping parties contain the cost of conflict. We believe in the value of exchanging best practices in the avoidance, management, and resolution of complex commercial disputes. As a result, CPR has devoted substantial resources to convening its member corporations, law firms, professors, judges, neutrals, agency representatives, and others to analyze and provide techniques, processes, and systems to improve conflict management efforts. CPR Meetings provide a unique venue for the presentation and critical examination of trends and processes to further innovation in the field. Through these activities, CPR unites thoughtful research with practical application.



CPR is renowned for providing executive-level networking, the highest quality analysis, and the most practical take-away learning in the field of ADR. The organization regularly brings together elite speakers and expert panels of top business leaders, law firms, and academics from around the world. Each offers their own real-world perspective on ADR and provides valuable best practices in a sophisticated business forum.

Between January 2008 and June 2009, more than 450 people attended CPR's meetings, as well as the trainings and workshops that took place in conjunction with them.

2008 CPR Annual Meeting

New York, New York

Theme: Integrated Conflict Management Systems

The 2008 Annual Meeting, held on January 17-18 at New York City's famed Waldorf-Astoria Hotel, welcomed more than 200 attendees and guests. The program was devoted to achieving long-term organizational change through integrated conflict management systems. Session highlights included a panel of corporate general counsel who discussed the challenges of enterprise-wide cultural change, a law firm panel who addressed how to help clients achieve efficiencies and economies in managing conflicts, and an analysis of system design and the corporate ethos. The Meeting featured keynote addresses by General Electric's Brackett B. Denniston III, Senior Vice President and General Counsel, and the Right Honourable Lord Woolf of Barnes, Former Lord Chief Justice of England and Wales.



JUDITH MILLER (BECHTEL GROUP, INC.)



CHRISTOS RAVANIDES (CPR ACADEMIC AWARD WINNER) AND CLAIRE GUTEKUNST (PROSKAUER ROSE LLP)



JOSEPH MCLAUGHLIN (BINGHAM MCCUTCHEN LLP)

Fourth Annual CPR European Congress

Vienna, Austria

Theme: Business Dispute Management

Held in May 2008, CPR's European Congress convened a consortium of international business leaders and legal executives to address the art and practice of commercial conflict resolution around the world. Keynote presenters included Nestlé's Hans Peter Frick, who discussed "Fitting the Product to Satisfy the Customer," and Eric Green, considered a founder of modern mediation, who spoke about the numerous complexities of international mediation. International panelists presented on a number of ADR topics, including corporate social responsibility, overcoming impasse in tough negotiations, pre-dispute ADR tools, and mediator accreditation.

CPR provides meeting attendees with ADR tools, techniques, and strategies to make their own conflict resolution practices more effective.

2009 CPR Annual Meeting

New York, New York

Theme: Innovations in Dispute Resolution: Lessons Learned and Predictions for the Future

The 2009 Annual Meeting was held in New York City on January 15-16 at the Barclay InterContinental Hotel. Marking CPR's 30th anniversary, the sold-out event welcomed more than 200 attendees and focused on the evolution of commercial conflict resolution over the past three decades. Keynote speakers were Professor Robert Mnookin, Chair of Harvard University's Program on Negotiation, who examined the evolution of commercial conflict resolution and explored what the future may hold for the field, and Kenneth Roth, Executive Director, Human Rights Watch, who stirred lively debate with his discussion of the synergies between human rights and dispute resolution, and the role that corporations play in ensuring that their overseas entities protect human rights. Panel sessions included an exploration of recent federal arbitration legislation, discussions related to mediator techniques and ethics, and a corporate scenario planning exercise. The meeting closed with predictions for the future of ADR, including the value of early case assessment and the increased role of technology.



COLIN RULE (EBAY, INC.)



STEVE GATES (MAYER BROWN LLP), WITH MICROSOFT CORPORATION'S BRAD SMITH AND STEVE AESCHBACHER.



ANN RYAN ROBERTSON (AJAMIE LLP)

LEADING THE WAY
through
Resolution

“CPR develops timely tools which enable neutrals to conduct efficient proceedings that are fair and responsive to the parties’ preferences.”



Edna Sussman, Esq.
Sussman ADR LLC
Arbitrator & Mediator

“As a CPR Panelist, it has been my privilege to serve as an arbitrator on complex commercial arbitrations with fellow CPR panel members who are among the most distinguished, thoughtful, and responsive members of the arbitral community. CPR, with its broad membership base of corporations and law firms, is positioned to understand the needs of ADR users, to recruit committees of experts to determine how those needs can best be served, and to broadly disseminate the knowledge and solutions developed. For example, as eDiscovery became a significant issue, CPR was one of the first to develop a training specifically geared to teaching neutrals about the technical aspects essential to an understanding of eDiscovery issues. More recently, CPR responded to concerns raised by users as to the unpredictability of the scope of discovery and of the manner of witness presentation in arbitration by developing a protocol that provides parties and neutrals with a road map for addressing these issues.”



Members accessed panelists' bios more than 13,500 times, with the Technology, Energy, Oil & Gas, and Banking & Financial Services Specialty Panels garnering the most visits.

CPR's Panels and Dispute Resolution Services

As an advocate for self-administered arbitration and mediation processes, CPR believes in empowering and equipping our constituents to effectively address and resolve complex business disputes. CPR's multi-faceted approach features a broad spectrum of ADR-related services, resources, and tools designed to streamline and elevate the practice of law. We devise ADR rules, procedures, protocols, and contract clauses for business agreements to ensure that practitioners have the resources they need to draft effective ADR clauses tailor-made for their business objectives. We also maintain Panels of Distinguished Neutrals comprising prominent attorneys, former judges, academics, and other neutrals uniquely qualified to resolve complex business disputes. Focusing in 23 specialized practice areas, CPR's arbitrators and mediators have provided resolutions in thousands of cases, with billions of dollars at issue, worldwide.

Recent economic challenges have confirmed the real value of CPR's non-administered processes. With disputes on the rise, consensual processes offer a low-risk, low-cost, and high-return option. As a result, CPR's services and resources have been increasingly sought after by CPR's Members and non-Members alike.

Panels of Distinguished Neutrals

CPR continues to provide exclusive Members Only access to information on our esteemed roster of neutrals on our website. Recently, the organization has devoted significant resources to updating and refining the Panels – enabling us to feature a comprehensive listing of nearly 600 of CPR's most active and experienced neutrals.

In light of increased constituent needs, CPR has enhanced its offerings to include two new industry-focused Panels of Distinguished Neutrals. CPR's Biotech Panel of neutrals is expert in biotechnology matters and includes neutrals with experience in intellectual property related to biotechnology and related fields. CPR's Health Care & Life Sciences Panel of neutrals is expert in matters involving health care entities, hospitals and hospital systems, physicians and other providers, collaborative arrangements, managed care and HMOs, and pharmaceutical and medical device manufacturers. The panel also includes neutrals with experience in intellectual property related to health care and the life sciences, clinical trials, R&D, and bioethics. Like all of CPR's expert panelists, these neutrals have undergone CPR's rigorous credentialing process and have been peer-reviewed and user-approved for excellence.



BOARD MEMBER ROBERT WEBER (IBM CORPORATION) AND KATHY BRYAN



DANNY ERTEL (VANTAGE PARTNERS) AND CLAIRE GUTEKUNST (PROSKAUER ROSE LLP)



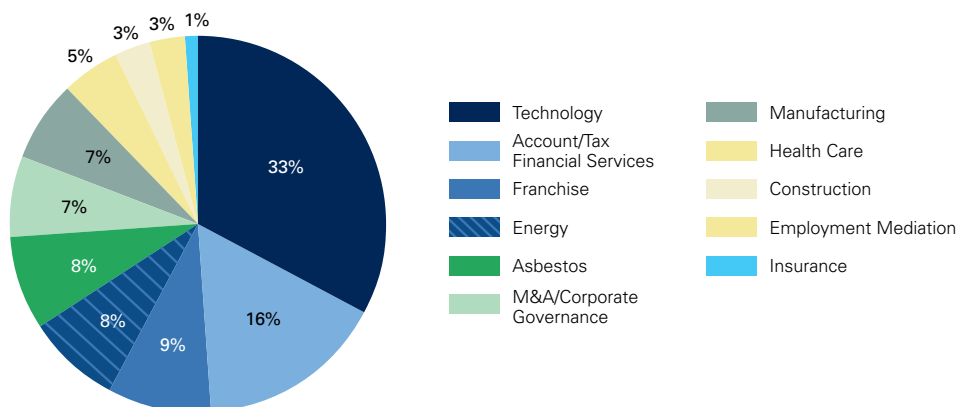
MICHAEL COYNE (JPMORGAN CHASE)

Dispute Resolution Services

Parties rely on CPR as a source of sophisticated advice concerning neutral selection for complex, high-end commercial disputes. As a result, the challenge of selecting the best neutral for a particular need has been made easier with CPR's streamlined and expanded selection services. As an independent organization, CPR is ideally positioned to act on behalf of all parties to select a neutral that is best suited to the case and one that is expertly qualified to resolve complex business disputes, multinational corporate disputes or issues of public sensitivity. For these matters, CPR offers senior-level skilled management who assist in establishing the proper selection criteria, compile a solid slate of candidates matched to parties' needs, and provide only those neutrals who have already been identified as conflict-free, available and willing to serve. These comprehensive services are unique in the industry and save all parties both time and money.

For the period 1/1/08 to 6/30/09, CPR assisted parties with the selection of neutrals in a wide variety of case matters as shown below:

Case Matters by Category



ROD HEARD (WILDMAN, HARROLD, ALLEN & DIXON LLP) AND STANLEY BLOCK (VEDDER PRICE P.C.)



BEN HEINEMAN, JR. (WILMERHALE)



KATHERINE BENESCH (DUANE MORRIS LLP) AND MITCH LATHROP (MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, PC)

LEADING THE WAY
through
Expertise



Beth Trent
Legal Director
Schering-Plough Corporation

“CPR provides me with an unparalleled opportunity to discover and develop effective ADR strategies and better understand evolving trends and practices

“One key to CPR’s leading role in the evolution of ADR is the mix of perspectives it brings to bear on the subject. Within the context of its meetings and key initiatives, CPR brings together a unique combination of business leaders, law firms, academics, and high-profile ADR practitioners to address a broad range of disputes, involving not only commercial issues but also complex inter-governmental and regulatory issues. CPR supports the ability of my company to apply this learning in the real world by providing first-rate resources, such as best-practice guidelines and other tools and ADR frameworks, which can be adapted to the user’s needs. Thus, from a practical perspective, CPR’s value proposition is simple: it combines thought-leadership and real world practicality to provide tools and techniques that, in fact, make my company’s conflict resolution practices more effective by enabling us to end disputes faster and at a lower overall cost.”

in dispute
resolution.”

CPR's Publications and ADR Resource Materials

CPR is committed to assisting practitioners in becoming better problem solvers, lowering litigation costs, and gaining better, more efficient results from using ADR methods. We regularly draft and publish executive-level ADR resources, books, and business tools for the corporate, academic, and legal worlds. CPR brings together leading industry experts to craft detailed ADR clauses, rules, codes, and procedures for business agreements and practices. In addition, members have exclusive access to CPR's research and drafting assistance, including help with matters involving ADR law, advocacy, and ADR application in specific practice areas. Through access to its wealth of intellectual property and published material, CPR connects practitioners to valuable expertise in conflict management.



Alternatives

CPR's award-winning newsletter, *Alternatives*, continues to uncover the newest and most important trends in the commercial conflict resolution field. During the fiscal year, *Alternatives* concluded coverage of the seminal U.S. Supreme Court *Hall Street Associates v. Mattel* case, and followed it with extensive coverage of three additional ADR-related cases heard and decided by the Court during 2008-2009. International- and mediation-focused articles, highlighting both news and practice, appeared monthly. They included a quantitative analysis of successful mediators' techniques, a guide to drafting international arbitration contract clauses, and a fiery multi-article debate on worldwide mediator accreditation trends. *Alternatives* also featured a comprehensive examination of state court systems' quick move to mediation in handling the mortgage foreclosure crisis. In spring 2008, *Alternatives* was recognized by the Specialized Information Publishers Association for its interpretation and analysis in its reporting of a Florida federal court mediation case involving Joe Francis, owner of the company that produces *Girls Gone Wild* videos and publications. Francis was jailed because of his mediation conduct.

Alternatives received a 2009 Excel Silver Award, for newsletter news writing, from the Society of National Association Publications, which cited three articles from the December 2008 issue.

Early Case Assessment

CPR assembled a Commission of corporate members and others to collaborate and produce Early Case Assessment Guidelines that can be used across a broad spectrum of disputes. These guidelines, released in May 2009, set forth a process designed to help businesses decide early on how to manage disputes, including identifying key business concerns, assessing risks and costs, and making an informed choice on handling the dispute. They also focus on evaluating the dispute so that an appropriate handling strategy can be formulated, whether



PROF. LELA LOVE (BENJAMIN N. CARDOZO SCHOOL OF LAW)



PETER MICHAELSON (MICHAELSON & ASSOCIATES), ROBERT COPPLE (COPPLE & ASSOCIATES, PC) AND RON WALKER (FASKEN, MARTINEAU, DUMOULIN, LLP)



PROF. THOMAS STIPANOWICH (PEPPERDINE UNIVERSITY SCHOOL OF LAW)

via settlement, litigation, or conflict resolution processes, with an eye toward reducing or eliminating disputes as quickly and as inexpensively as practicable. The Guidelines' tools consist of the ECA Executive Summary, Detailed Analysis, and Flow Chart.

New Publications

In January 2009, the Info Exchange Subcommittee of CPR's Arbitration Committee released *The CPR Protocol on Disclosure of Documents and Presentation of Witnesses in Commercial Arbitration*. The CPR Protocol addresses concerns often expressed by arbitration users by providing guidance in the form of recommendations that arbitrators may follow in administering proceedings before them, including matters conducted under the CPR Rules or under other ad hoc or institutional rules. The recommended practices deal with ways in which reasonable limitations may be placed on disclosure and efficiencies gained in the presentation of witness testimony in arbitration hearings. Recognizing that there may be different interests and expectations on the part of arbitration users and their counsel, the Protocol offers various "modes" of disclosure and presentation of witnesses, ranging from minimal to extensive, so that the parties to an agreement to arbitrate may choose, at the time of entering into their agreement or thereafter, the general way in which their arbitration proceedings will be conducted in the important areas of document disclosure and witness presentation.

Also in January, CPR published the *Drafting Dispute Resolution Clauses – 2008 Supplement*. Since the release of CPR's *Drafting Dispute Resolution Clauses* in 2006, numerous significant developments have occurred that are relevant to the drafting of dispute resolution clauses. The 2008 Supplement provides a readily accessible listing of the most recent important developments, new case law and helpful references in the field. The Supplement is keyed to the nomenclature and numbering of the 2006 publication.

In February 2009, CPR's Franchise Committee released *Managing Franchise Relationships Through Mediation*. This book is the next volume of the CPR Master Guide series and is a contribution by CPR and the Franchise Mediation Program toward assisting in creating a fair, just, impartial, and expeditious way of resolving disputes in the franchise community. In addition to providing franchise mediation procedures, the publication comprises case-study narratives from eight leading franchisees and franchisors. Each outlines how the process of mediation has been an effective tool for their business and the role that mediation has played in creating opportunities for successful dealings with stakeholders.

CPR brings ADR to the forefront by making an argument for its universal applicability, and then demonstrating how to put it into "real life" practice.



WILLIAM BAKER (ALSTON & BIRD), HARRIE SAMARAS (ADR & LAW OFFICE OF HARRIE SAMARAS) AND ALBERT APPEL (STROOCK & STROOCK & LAVAN LLP)



HON. TIMOTHY LEWIS (SCHNADER HARRISON SEGAL & LEWIS LLP) AND LAUREL PYKE MAISON (CROWELL & MORING LLP)



BENNO KIMMELMAN (ALLEN & OVERY LLP)

LEADING THE WAY
through
Education



Robert H. Mnookin
*Samuel Williston Professor of Law
Chair, Program on Negotiation
at Harvard Law School
Director, Harvard Negotiation
Research Project*

“CPR has done wonderful work by
encouraging scholarship relating
to negotiation
and conflict
resolution.”

“I support CPR because it has enormously increased the awareness within Corporate America and the Bar of the opportunities for dispute resolution in ways that don’t simply involve conventional litigation. My professional life is devoted to dispute resolution, both as an academic and a practicing neutral, and I am deeply committed to the notion that good theory can inform practice, and vice-versa. My relationship with CPR has substantially benefitted me along both dimensions. Over the years, CPR has offered the perfect platform for me and my Stanford and Harvard colleagues to share and test our ideas related to conflict resolution, and to learn from leading practitioners. My experiences as a neutral in a number of complex cases, referred by CPR, have benefitted me intellectually, as well as financially, and have contributed greatly to my own understanding of the processes of dispute resolution.”



In addition to scheduled trainings held throughout the year, CPR also offers customized training to meet participants' unique requirements.

CPR's Educational and Training Programs

CPR believes that, in an increasingly litigious society, every effort to promote the use of mediation, arbitration, and other strategies must continue to be explored and shared. CPR's educational and training programs are designed to elevate and improve the ADR and legal skills of professional practitioners. They are led by acknowledged subject-matter experts who share valuable information, tools, and techniques – providing a practical understanding and application of ADR tactics to foster problem solving. CPR's educational programs connect practitioners to the skills needed to navigate the field of conflict management and achieve more satisfying and lasting results.

International Dispute Negotiation Podcast Series

Demonstrating how professionals from different countries and backgrounds approach commercial dispute resolution on a global stage, the *International Dispute Negotiation* (IDN) podcasts are one of CPR's most popular offerings. Since the series' launch in late 2007, host and producer Michael McIlwraith of GE Oil & Gas has presented more than 70 episodes. These podcasts highlight a wide variety of transnational alternative dispute resolution practices and provide insight on issues of interest to the international business community. In 2008, the IDN podcast series won the Innovations Award from CEDR for "providing thought-provoking content on important issues for the ADR community." New episodes are posted regularly on CPR's website, are broadcast via feeds from iTunes and RSS, and are found widely at podcasting and ADR websites. IDN also previews its topics on both Twitter and Facebook.

Y-ADR

Y-ADR received an enthusiastic launch and reception in spring 2009. The purpose of the group is to engage practicing lawyers, 45 years old and younger, in the international ADR practice area. Through periodic seminars and networking events, participants gain an insider's look at the role of ADR systems in corporations and multi-national organizations. More importantly, they have an opportunity to meet and collaborate with in-house counsel and experts in the ADR field in order to analyze and hone commercial conflict resolution techniques, processes, and systems.



ZELA CLAIBORNE (JAMS INC.)



CPR ACADEMIC AWARD WINNERS MAX BAZERMAN (HARVARD BUSINESS SCHOOL) AND DEEPAK MALHOTRA (CPR ACADEMIC AWARD WINNER)



ERIC GREEN (RESOLUTIONS, LLC)

The first networking Y-ADR event was held in June 2009 at the New York offices of Allen & Overy LLP. The event, “Tips from the Trenches in a Tough Economy,” featured insights from leading in-house counsel and drew nearly 80 attendees. Panelists included corporate counsel from IBM Corporation, Northeast Utilities, and Schering-Plough Corporation. Future Y-ADR events are scheduled in the United States and in the United Kingdom in the coming year.

WestLegalEdcenter.com

CPR has been a content provider for Thomson Reuters’ WestLegalEdcenter.com, a Web provider of live and on-demand continuing legal education training, since spring 2008. Since that time, more than 1,700 people have accessed CPR’s online content through West. CPR’s current library includes 27 on-demand continuing legal education courses, including nine recorded sessions taken directly from CPR’s 2009 Annual Meeting and the recent Y-ADR inaugural event. In addition, 15 CPR courses, including archives of live events and previous CPR meeting sessions, were recently made available in podcast form for CLE on-the-go. Individuals at member organizations automatically receive a 25% discount when they register to take the courses on the WestLegalEdCenter website.

ADR Training Programs

CPR continued its commitment to providing expert training to its constituents and the general public by hosting numerous educational programs in 2008/2009. Combined, these programs drew more than 100 participants. Most notably, CPR:

- successfully reprised its eDiscovery 101 training for a West Coast audience;
- conducted a court mediator training in New York in June 2008;
- coordinated a highly successful Advanced Mediator Training, which was held in conjunction with the January 2009 Annual Meeting;
- organized two custom programs for our members and court systems; and
- hosted a Basic Mediator Training program in New York City in June 2009.

In some cases, CPR partners with other ADR organizations to enable CPR to offer best-in-class education in emerging areas of interest and in expanded geographic locations around the world.



WILLIAM ZUCKER (MCCARTER & ENGLISH, LLP)



JEFF KICHAVEN (PROFESSIONAL MEDIATION) WITH HAROLD MOSKOWITZ AND JAMES DEEVER (BOTH OF WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER)



W. LAURENCE CRAIG (ORRICK)

LEADING THE WAY
through
Recognition



Steve Aeschbacher
*Associate General Counsel
Microsoft Corporation*

“CPR’s broad view enables companies to solve conflicts creatively, constructively,

economically,
efficiently, and
fairly.”

“CPR is a valuable partner to Microsoft. This has been particularly true in recent years as we have focused on resolving disputes, where possible, and seeking mutually beneficial ways to move through and past disputes with competitors, business partners, and governments. CPR excels at helping companies, like ours, find and use the right tools to avoid or resolve disputes in a proactive, strategic way. Its programs, publications, tool kits, sharing of best practices, and advisory services have been helpful in equipping Microsoft attorneys with the resources needed throughout the lifecycle of relationships – forming a contract, resolving issues that arise in the course of an agreement, addressing legal claims that get asserted, and finding potential resolutions that look beyond today’s arguments to leverage opportunities to work together. Microsoft was honored to be recognized at the 2008 CPR Corporate Leadership Award Dinner. It was a great milestone for us, and one we attribute to the strong working relationship we have with this important organization.”

CPR's Awards Program

As ADR continues to grow and become more sophisticated, the search for effective dispute resolution approaches and best practices helps move CPR's mission forward. Many times, it is the work of our colleagues, peers, and members which inspires our own activities and motivates us to spearhead innovation and promote excellence. We believe in celebrating these advancements and contributions to the field of conflict management. Each year, CPR recognizes corporations, law firms, academic entities, and individuals for leadership in the field of ADR and for their commitment to conflict management and resolution. By recognizing best practices in the field, CPR establishes a benchmark against which excellence can be measured.



Corporate Leadership Award

Through the annual Corporate Leadership Award, CPR honors a company that has demonstrated leadership and commitment to the principles of conflict management and resolution and has institutionalized these principles into its corporate culture. Past honorees have included Johnson & Johnson, General Electric, Ernst & Young, and ConocoPhillips.

The 2008 honorees were **Microsoft and its Senior Vice President, General Counsel and Corporate Secretary Brad Smith**. Microsoft is a pioneer in the corporate legal community's commitment to conflict resolution practices and principles. Under Brad Smith's leadership, the company has used alternative dispute resolution in a variety of litigation matters, in addition to using preventive measures. It has also been a strong advocate for ADR in technology disputes among CPR members and in industry circles. The event's keynote address was presented by John Ruggie, a professor at Harvard University's Kennedy School of Government and Law and the UN Special Representative for Business and Human Rights.

Drawing more than 400 attendees, the 2008 Corporate Leadership Award Dinner provided significant contributions in support of CPR's educational and research programs.

Law Firm Award for Excellence in ADR

In 2008, CPR presented its second annual Law Firm Award for Excellence in Alternative Dispute Resolution to London-based international law firm Herbert Smith LLP. The award recognizes a law firm that has demonstrated leadership and firm-wide commitment to the principles of conflict management and resolution. The award review committee comprised corporate counsel from General Electric, DuPont, Abbott Labs, Northrop Grumman, Johnson & Johnson, and Microsoft, as well as faculty from the University of Missouri Law School and Pepperdine University's School of Law.



BRAD SMITH (MICROSOFT CORPORATION) ACCEPTS THE 2008 CORPORATE LEADERSHIP AWARD.



ERIN GLEASON ALVAREZ RECEIVES THE STUDENT ARTICLE AWARD FROM PETER HOFFMAN.



KEVIN CASEY AND LEE ROSENGARD (BOTH OF STRADLEY RONON STEVENS & YOUNG LLP) JOIN KATHY BRYAN IN PRESENTING THE LAW FIRM AWARD TO ALEXANDER ODDY (HERBERT SMITH)

CPR award criteria focus on commitment, processes, techniques, and systems addressing the resolution, prevention, or creative management of major disputes.

The review committee acknowledged Herbert Smith for having demonstrated firm-wide commitment to using ADR principles and techniques; educating the legal market about mediation and ADR; and setting the benchmark for addressing the resolution, prevention, and creative management of disputes through their development of an innovative ADR Toolkit shaped by the firm's in-house research into corporate ADR use.

Honorable Mention was awarded to international law firm Eversheds for its continued commitment to ADR education and for the evolution of the firm's RAPID Resolution program.

Award for Outstanding Contribution to Diversity in ADR

At its 2009 Annual Meeting, CPR presented the organization's inaugural "Award for Outstanding Contribution to Diversity in Alternative Dispute Resolution" to Marvin E. Johnson. CPR's National Task Force on Diversity created the award to recognize a person who has contributed significantly to diversity in the field of ADR by providing access to or creating opportunities for people who have historically been excluded from active and meaningful participation including, but not limited to, women, minorities and/or people of color.

Paramount among his many achievements is Johnson's founding of the Center for Alternative Dispute Resolution. Focusing primarily on practical application of ADR principles, the Center aims to promote and provide education and comprehensive approaches to dispute resolution that constructively serve the needs of a culturally diverse society.

James F. Henry Award

CPR awarded its 2008 James F. Henry Award to the Right Honourable Lord Woolf of Barnes, the former Lord Chief Justice of England and Wales. Named for CPR's founder, the award recognizes individuals for their commitment to the principles of ADR and for outstanding achievement and contributions to the field of commercial conflict resolution. Previous winners of the Award include Senator George J. Mitchell and Hon. Janet Reno.

Lord Woolf is one of the most well known and respected English judges of our time. Amongst his most notable achievements, he conducted an extensive inquiry into the Civil Justice system in England and Wales between 1994 and 1996. This inquiry led to the most significant reform of the British Civil Justice system during the past 50 years.



CHARLES MORGAN (FTI CONSULTING), CARLA HERRON (SHELL GROUP) AND KATHY BRYAN PRESENT THE DIVERSITY AWARD TO MARVIN JOHNSON (JAMS, INC.)



DAVID HOFFMAN (BOSTON LAW COLLABORATIVE, LLC) AND CLAIRE GUTEKUNST (PROSKAUER ROSE LLP)



THE HONOURABLE LORD WOOLF OF BARNES ACCEPTS CPR'S 2008 JAMES F. HENRY AWARD.

CPR Annual Awards Program

Each year, CPR promotes excellence in scholarship and practical achievement through its Awards Program.

In 2008, CPR Awards were presented to:

- **Professional Articles**
Prof. John Lande, “Principles for Policymaking about Collaborative Law and Other ADR Processes”
- **Student Articles**
Erin Gleason Alvarez, “International Arbitral Appeals: What are We Afraid Of?”
- **Books**
Danny Ertel and Mark Gordon, *The Point of the Deal: How to Negotiate When YES is Not Enough*

In 2009, CPR Awards were presented to:

- **Professional Articles**
Christos Ravanides, “Arbitration Clauses in Public Company Charters: An Expansion of the ADR Elysian Fields or a Descent into Hades”
- **Student Articles**
Katherine Dirks, “Note: Ethical Rules of Conduct in the Settlement of Mass Torts: A Proposal to Revise Rule 1.8 (G)”
- **Books**
Deepak Malhotra and Max H. Bazerman, *Negotiation Genius: How to Overcome Obstacles and Achieve Brilliant Results at the Bargaining Table and Beyond*

Gary Friedman and Jack Himmelstein, *Challenging Conflict: Mediation Through Understanding*
- **Short Articles (& Blog)**
David Hoffman, “Microsoft and Yahoo: Where were the Mediators? They Help Countries and Couples. Why Not Businesses?”

Honorable Mention to: Geoff Sharp, “Mediator blah...blah...,” Mediation weblog (2008)



KATHY BRYAN, BRAD SMITH (MICROSOFT CORPORATION) & JOHN RUGGIE (HARVARD UNIVERSITY)



PROF. JOHN LANDE (UNIVERSITY OF MISSOURI SCHOOL OF LAW) AND CLAIRE GUTEKUNST (PROSKAUER ROSE LLP)



JACK HIMMELSTEIN (CENTER FOR MEDIATION IN LAW) AND CLAIRE GUTEKUNST (PROSKAUER ROSE LLP)

LEADING THE WAY
through
Globalization



Michael McIlwrath
*Senior Counsel for
Litigation
GE Oil & Gas*

“CPR provides an exceptional platform for
the collective wisdom of mediation and

arbitration
practitioners
around the
world.”

“As international disputes counsel, I realized that some of the most useful learning came not from books or treatises, but from discussions with the experienced professionals around the world whose paths I crossed daily: colleagues, arbitrators, mediators, and adversaries. With the *International Dispute Resolution (IDN)* podcast series, we captured and distilled this information by recording these conversations and making them available at the click of a mouse. While differences in cultures and legal systems are easily observable, *IDN* reveals the surprising commonalities and emerging trends in how disputes are resolved. Identifying and even creating these trends has long been part of CPR’s commitment to thought leadership across borders and cultures. It is one of the reasons GE is proud of our association with CPR, which continues to provide us with innovative tools to keep us current and proactive in managing our disputes around the globe.”

CPR Around the World

CPR's core constituents are becoming increasingly global in their operations. In response, the organization has dedicated significant resources to extending its reach across industries and geographic areas to become an international leader in promoting innovation in commercial dispute resolution. With the assistance, support, and guidance of its leading global members, CPR has undertaken a multi-branched initiative to promote commercial mediation and other methods of consensual conflict management in regions outside the U.S. As globalization becomes an integral component of business decision making, CPR remains focused on instilling an enduring commitment to dispute prevention, management, and resolution among businesses, institutions, and citizens around the world. CPR leads the way by providing expertise and insight to expand ADR use across borders and cultures.



Focus on Europe

The past decade has been an exciting period for ADR in Europe. As the field has matured, CPR has expanded its activities to better address the use and application of ADR processes outside of the U.S. This year, through committee convening efforts, numerous international speaking engagements, and CPR's European Congress, CPR has devoted significant resources to promote the art and practice of commercial conflict resolution around the globe. However, more work is needed to define and establish a European platform and direction for CPR's future initiatives. In the coming year, CPR will assemble focus groups of corporate users to identify where it can most add value in Europe. It will also explore alliances with other international organizations to assist CPR in expanding its impact throughout the region.

In partnership with its international members, CPR continues to explore and develop resources for managing cross-border, cross-cultural conflict.

Asia Initiative

In 2009, CPR made visits to various arbitral institutions in China, as well as CPR member law firms in both China and Vietnam. Visits included the Arbitration Center and CCPIT in Beijing and the American Chamber of Commerce in Shanghai to discuss various ways in which these institutions and CPR might work together to facilitate knowledge and training in the ADR field. While in Hanoi and Ho Chi Minh City, CPR met with law firm representatives, as well as members of the judiciary, to exchange information and to explore how CPR might play a role in Vietnam with respect to the promulgation of information about ADR and potential training programs.



KARL MACKIE (CEDR)



ROBERT RUYAK (HOWREY LLP)



ALEXANDRE DE GRAMONT (CROWELL & MORING LLP)

On The Podium

CPR's staff continued to actively spread the word about commercial ADR through speaking engagements, workshops, and trainings around the world. Among the forums in which CPR participated this fiscal year are:

- ALI/ABA Annual Conference on International Business Transactions – Toronto, Canada
- ADR Section of the ABA Meeting – New York, NY
- Second Generation Issues in Dispute System Designs – University of Ohio
- Summit on Philanthropy – New York, NY
- Straus Institute Council of Distinguished Advisors – Malibu, California
- Franchise Mediation Program – Scottsdale, Arizona
- ABA Business Law Section – Dallas, Texas
- ABA Dispute Resolution Section – Seattle, Washington
- ACRGNY Meeting – New York, NY
- ABA International Mediation Summit – The Hague
- Second International Med/Mid Seminar – Valencia, Spain
- The Enforcement of Foreign Arbitral Awards/Taglaw International – New York, NY
- International Bar Association – Buenos Aires
- “Key Issues in the Field of ADR” at the offices of Stradley, Ronon in Philadelphia, PA
- UIA World Mediation Forum – Milan, Italy
- ALI/ABA Doing Business in Times of Crisis Conference – Philadelphia, PA
- ICC Mediation Moot – Paris, France
- Midwest Chapter of the Chartered Institute of Arbitrators – Chicago, IL
- ALI Restatement of U.S. International Arbitration Law – New York, NY
- Global Outlook 2009 – New York, NY
- New York State Bar Association Dispute Resolution Section – New York, NY
- Engineering Society of Detroit Institute Symposium on establishing a Michigan Green Enterprise Zone – Detroit, MI
- Cardozo Mediation Moot – New York, NY
- IBC Legal Conferences – In-House Counsel 2009 – London, UK
- Practising Law Institute – International Arbitration 2009 – New York, NY
- Willem Vis International Arbitration Moot – Vienna, Austria
- 4th Annual Fordham Conference on International Arbitration – New York, NY

As a leading voice in the field, CPR continues to raise public awareness of the most significant issues in ADR.



PHILLIP HOWELL-RICHARDSON (SJ BERWIN & CO.)



ANK SANTENS (WHITE & CASE LLP)



MICHAEL MCILWRATH (GE OIL & GAS), ROLAND SCHROEDER (GENERAL ELECTRIC COMPANY) AND CHRISTOPHER NEWMARK (SPENSER UNDERHILL NEWMARK LLP)

CPR in the News

This year, CPR's staff authored feature articles and served as subject matter experts for several international, business, and legal publications, as well as numerous online resources. In some instances, articles were co-written with CPR members. Our media coverage included:

- *American Lawyer*
- *Business Insurance*
- *Canadian Law Times*
- *Canadian Lawyer*
- *Claims Magazine*
- *Commercial & Business Litigation (ABA)*
- *Dispute Resolution Magazine (ABA)*
- *Focus Europe*
- *Global Arbitration Review*
- *Hotel Interactive*
- *Inside Counsel*
- *IPADR Patent Blog*
- *Journal of Dispute Resolution*
- *Law Times - Canada*
- *Law.com*
- *Lawyers USA*
- *Lawyers Weekly*
- *Legal Times*
- *Legal Week*
- *Mealey's LN*
- *Metropolitan Corporate Counsel*
- *National Law Journal*
- *New England In-House*
- *New York Law Journal*
- *The Practical Lawyer*

Through international convening efforts and CPR's committee activities, CPR provides numerous platforms for the exchange of ideas and best practices.

Recognition for CPR

CPR and its work continue to be recognized by the legal and ADR community. Recently, CPR received the following awards:

2008 Institutional Award of Excellence by the American College of Civil Trial Mediators

2009 DRS Corporate ADR Award from the Los Angeles County Bar Association's Dispute Resolution Services

2009 ADR Achievement Award from the Association for Conflict Resolution – Greater New York



ANTONY WILLIS (OFFICE OF ANTONY WILLIS)



TOM FALZARANO (THE BOXWOOD GROUP LLC), BILL SELLAY (ROBINSON & COLE LLP) AND JOHN HEAPS (EVERSHEDS)



HON. WILLIAM WEBSTER (MILBANK, TWEED, HADLEY & MCCLOY LLP) IS RECOGNIZED FOR HIS MANY YEARS OF SERVICE ON CPR'S BOARD OF DIRECTORS.

LEADING THE WAY
through
Influence



Charles A. Beach
*Coordinator,
Corporate Litigation
Exxon Mobil Corporation*

“Of all the experiences I have had working
in the ADR field, none surpasses the

satisfaction of
working with
CPR.”

“More than any other dispute resolution organization, CPR has assumed the mantle of thought leader by devising new ways to resolve disputes, analyzing how and why the various methods work, and encouraging ADR scholarship and education. In quantifying the value of CPR, one should consider its value to corporate users of CPR rules and procedures, its contribution to legal education, and its impact on civil justice in the United States and, to a growing degree, on civil justice around the world. Corporate users benefit each time a CPR-devised method of dispute resolution saves a company time and money, or preserves a business relationship. Legal education benefits each time a professor, encouraged by CPR to explore ADR, broadens future lawyers’ understanding of how to prevent and resolve conflict. Civil justice in the U.S. and abroad benefits each time a CPR inspired, court annexed ADR program resolves a dispute early and each time parties choose ADR to avoid litigation.”

A Letter from the Board President



Throughout its history, CPR's Board has helped guide the organization through myriad economic cycles. Recently, in the face of a turbulent downturn, our leadership was called upon once again. The Board stepped forward, marshaled resources and rededicated ourselves to finding ways to advance CPR's programs and services to ensure long-term sustainability and growth during this challenging time.

In 2008-09, CPR welcomed five additions to our Board. Our newest Board members – Anastasia Kelly, Robert Ruyak, Thomas L. Sager, Robert C. Weber, and James M. Zimmerman – are highly-successful leaders in the corporate and legal communities, and staunch supporters of CPR, its programs and activities. They have brought exciting new ideas and enthusiasm to the Board and will continue to add value to the organization for many years to come.

The Board also expanded its involvement to include membership, development, and sponsorship. We examined CPR's funding allocation with respect to member participation and perceived value of CPR's offerings. In determining risks and opportunities, we also explored ways in which CPR can better serve current members and grow membership over the coming years. As a result, the Board will be personally reaching out to many of our members and constituent groups to encourage continued and enhanced participation.

The past 18 months have presented challenge, opportunity, and recommitment for all of us. The Board is honored to play an integral role helping CPR navigate these challenging economic times and emerge a more streamlined and fortified organization. However, there are many opportunities that remain untapped. It is these opportunities, and many more, that we will explore in the coming year as CPR continues to fulfill the ADR promise.

Sincerely,

A handwritten signature in cursive script that reads "Charles B. Renfrew". The signature is written in black ink and is positioned below the word "Sincerely,".

Hon. Charles B. Renfrew

CPR Board of Directors (As of June 30, 2009)



Hon. Charles B. Renfrew (Chairman)
Former U.S. District Court Judge, Deputy Attorney General of the United States, and Corporate Legal Officer, Chevron Corporation
Law Offices of Charles B. Renfrew, USA



Hon. William H. Webster (Vice Chair)
Former Director, CIA and FBI, and U.S. Court of Appeals and U.S. District Judge
Milbank, Tweed, Hadley & McCloy LLP, USA



Kathleen A. Bryan
President and Chief Executive Officer
International Institute for Conflict Prevention & Resolution



Alex Dimitrief
Vice President and Senior Counsel, Litigation and Legal Policy
General Electric Company, USA



Hans Peter Frick
Senior Vice President and Group General Counsel
Nestlé S.A., Switzerland



Stephen F. Gates
Former Senior Vice President and General Counsel, ConocoPhillips Company
Special Counsel, Mayer Brown LLP, USA



Jonathan P. Graham
Senior Vice President and General Counsel
Danaher Corporation, USA



Anastasia Kelly
Vice Chairman, Legal, HR, Corporate Communications and Corporate Affairs
American International Group Inc., USA



John S. Kiernan
Debevoise & Plimpton LLP, USA



Janet S. Kloenhamer
President, Allianz of America Resolution Services
Fireman's Fund Insurance Company, USA



Hon. Timothy K. Lewis
Former U.S. Court of Appeals Judge
Schnader Harrison Segal & Lewis LLP, USA



Dale L. Matschullat
Senior Vice President, General Counsel and Corporate Secretary
Newell Rubbermaid Inc., USA



Joseph T. McLaughlin
Bingham McCutchen LLP, USA



Charles R. Morgan
Former General Counsel, BellSouth
Managing Director and Special Counsel
FTI Consulting, USA



Christopher Newmark
Spenser Underhill Newmark LLP,
United Kingdom



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CPR brings together a sophisticated, executive-level community of business leaders, general counsel, senior lawyers, and ADR practitioners from around the globe – all of whom are dedicated to advancing ADR in their particular industries. Membership is institutional, giving all employees equal access to CPR member benefits. As a result, CPR's membership represents thousands of individual supporters worldwide.

During FY09, CPR conducted a detailed analysis of member participation in CPR programs and services over a 24-month period. The analysis confirmed that its members place a high value on the networking and collegial opportunities provided by CPR's educational seminars, conferences, committees, and website. Of note:

- All of CPR's member organizations have at least one representative participating on a CPR industry-specific committee.
- Two-thirds of CPR's members attended the Annual Meeting.
- Member organizations are regularly using the website to find panelists.
- CPR's Distinguished Panels of Neutrals were accessed an average of 10+ times per member organization.
- Half of CPR's member organizations have accessed individual biographies an average of 22 times.

As a result of this analysis, CPR remains focused on its core educational mission. In the coming year, it will explore additional ways to engage members by creating more customized membership offerings and by expanding programs to provide increased value for their investment of time and financial support.

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CPR is particularly grateful to the generous donors whose financial support of its programs, services, and events has enabled CPR to continue its mission. Below please find a list of our supporters:

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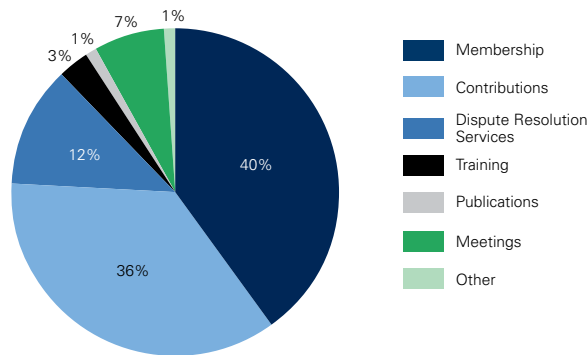
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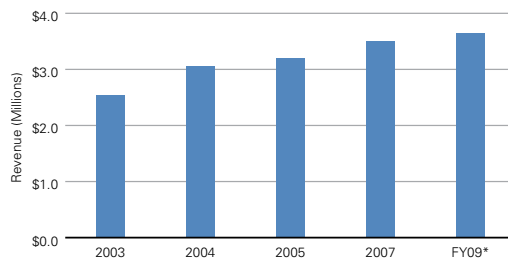
In these turbulent economic times, fundraising has been challenging for all nonprofit organizations. As a result, CPR has focused on ways to diversify its revenue sources and creatively safeguard operations. These proactive efforts have preserved its ability to deliver on its mission with more than 70% of CPR's expenses directly supporting programs and services.

In FY09, CPR's balance sheet was strengthened with more than \$200K in net assets. Specifically, contributions and grants increased from 5% in 2007 to 17% in 2009. The most significant contributors to this increase are major gifts from CPR's Platinum Sponsors, General Electric Company and Howrey LLP, and a significant in-kind donation from Huron Consulting. CPR's 2008 Corporate Leadership Award Dinner represented a significant source of contributions at 19% of total revenue. Other program activities, such as Dispute Resolution Services, Training, Meetings, and Publications, accounted for 24% of total revenues in FY09.

CPR Institute FY2009 Gross Revenue Sources



CPR Five Year Gross Revenue



*CPR changed to a July - June fiscal year as of 7/1/08. The financial data for the six-month period 1/1/08 - 6/30/08 is not included.

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The CPR staff is in a unique position to witness the many unsung, yet crucial, acts of support that our members and supporters display on a continuing basis. These are special individuals who donated their time to new projects; who provided extraordinary fund raising and financial support; who contributed their talents to our committees and, then, went above and beyond what was expected; and, finally, our members and colleagues who offered help, advice, encouragement, and support at just the time it was needed most.

We cannot issue this reporting of CPR's 2008-09 accomplishments without acknowledging the critical role that these individuals have played in making it happen.

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