



CPR

International Institute for
Conflict Prevention & Resolution

2009/2010 Annual Report
CHARTING THE FUTURE



Charting the Future of ADR

CPR is a pioneer in the field of commercial conflict resolution and was the first organization to bring together Corporate Counsel and their law firms to find ways of mitigating the extraordinary costs and delays of litigation.

For more than 30 years, CPR has proselytized for the adoption of consensual and collaborative dispute resolution processes by businesses around the world. That determination is still at the heart of its activities today.

With the support and guidance of its members, CPR has launched multi-branched initiatives to promote commercial dispute resolution in the U.S. and abroad. It has also harnessed the expertise of leading minds in the field to develop cutting-edge business tools to assist practitioners in lowering litigation risks and achieving better, more efficient results from using ADR methods.

After decades of innovation, CPR has become the definitive ADR resource of choice for the world's most influential corporations and their outside counsel. However, many opportunities remain untapped. It is these opportunities, and many more, that will be explored as CPR keeps its eye on the future and on the possibilities that lie ahead.

About the CPR Institute

The CPR Institute (CPR) serves as an independent, objective resource for the avoidance, management, and resolution of complex business-related disputes. No other organization has equal influence, range of intellectual property, or breadth of programs focused exclusively on commercial conflict management. CPR is also a leading destination for lawyers seeking superior arbitrators and mediators, as well as cutting-edge ADR tools and training. CPR's membership comprises an elite group of ADR trailblazers, including executives and legal counsel from the most successful companies in the world, partners from global law firms, government officials, retired judges, highly-experienced neutrals, and academic heavyweights.

A Letter from CPR's President and Chief Executive Officer



The recent recession was a wake up call for all of us. As a result, business leaders are measuring value and challenging underlying assumptions. The business-as-usual mindset has changed – creating an incredible opportunity for the legal profession. One thing is clear, the culture and practices in which businesses settle disputes has not changed to meet new business realities. With litigation costing companies billions of dollars each year, the effective management of conflict is essential to reduce costs, lower risks, and improve business relationships. Mediation, arbitration, and other consensual processes offer a low-cost and high-return option. But, many highly effective techniques remain underutilized.

For 30 years, CPR has led the way in these areas by connecting practitioners to the practical skills and resources needed to successfully navigate complex business disputes. We've learned that:

- ***Prevention Works:*** Conflict cannot be avoided or prevented. But, effective communication and response to disputes at their nascent stage saves more time and money than any other technique. Developing a dispute savvy culture, crafting agreements that de-escalate disputes, and using early case assessment processes have consistently proven their worth.
- ***Collaboration Works:*** Collaborative practices, such as use of settlement counsel and cooperative document exchange, have proven to resolve disputes at a fraction of the expense brought by e-discovery and motion practice.
- ***Mediation Works:*** While mediation has become widely accepted as an effective problem solving tool in the U.S., it remains underutilized around the world. With today's global economy, it is imperative that mediation's full potential be tapped to resolve cross-border business disputes.
- ***Arbitration Works:*** Arbitration can and should deliver on the promise of speedy and effective dispute resolution. For many, it has become "litigation-ized" instead of the pragmatic tool it was meant to be. Taking control of the process through self-administered and customized procedures – like CPR's new "litigation pre-nup" – offers maximum ability to create a resolution process that best suits the dispute.

At the end of the day, business leaders and their legal counsel must experiment, try new techniques, and then spread the word about their successes to their colleagues and peers.

In the meantime, CPR will continue to consistently "chart the future" of ADR by shining a bright light on innovations in commercial conflict prevention and resolution. We've been doing that for three decades and our mission remains paramount.

Sincerely,

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

Kathleen A. Bryan

CHARTING THE FUTURE
through
Engagement



Mary Beth Cantrell
*Vice President Law
Amgen Inc.*

“The expertise provided by my fellow committee members and the value that CPR’s neutrals bring to my practice is

unsurpassed by any other organization.”

“CPR provides an exceptional platform for exchanging views with leading minds in the field. I personally rely on CPR’s Health Care and Life Sciences Committee to keep me apprised of the distinctive area of the law in which my company operates. The committee is comprised of top practitioners who have vast experience in representing health care and life sciences companies, corporate counsel of these companies and neutrals with the specialized knowledge to handle the disputes faced by these companies. The committee explores trends in the law, reform efforts, and issues unique to the health care and life sciences industry. The committee also vets individuals for CPR’s Panels of Neutrals in order to select the most experienced mediators and arbitrators possessing significant knowledge of the complex regulatory framework in which health care companies operate. As a result, I am assured that CPR’s neutrals have the appropriate knowledge of the law and the right experience to handle our particular disputes.”

CPR's Committees, Task Forces and Commissions

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 and propose industry protocols for use by attorneys and business executives around the world. By engaging practitioners in meaningful collaboration, CPR provides a platform for the sophisticated analysis of ADR theory and the most practical take-away learning in the field.



Arbitration Committee

CPR's largest Committee and its Subcommittees met more than ten times in 2009/2010. The Subcommittee on Expedited Arbitration delivered a set of global accelerated rules in August 2009 aimed at complex commercial disputes. The Committee has also recently produced a Protocol on Damages, which is expected to be released in early 2011, and is currently exploring dispositive motions in arbitration. In addition, a Subcommittee on International Neutrals has been formed to service the anticipated reformulation of the International Panel into the Global Panel and the Cross Border Panel. The Chair of this Committee is Lawrence Newman of Baker and McKenzie LLP.

Asia Pacific Advisory Council

The Asia Pacific Advisory Council was formed in 2009 to address issues in the field of international dispute resolution in the Asia Pacific region. The first of two projects of the Council is a *Barriers to Entry Survey*, which will survey businesses in the region as to their use of ADR and those barriers, if any, which may prevent them from utilizing various ADR methods. The Council will then draft a white paper with recommendations for overcoming the barriers identified in the survey and, if necessary, will conduct training and other outreach to the business community. The second

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

A PHOTOGRAPHIC SCRAPBOOK OF CPR'S 2009/2010 ACTIVITIES



PROF. MARK ALAN KANTOR (GEORGETOWN LAW CENTER)



STEVEN W. GROO (FTI CONSULTING) AND JONATHAN P. GRAHAM (DANAHER CORPORATION)



MARYBETH WILKINSON (HOGAN LOVELLS LLP)

project of the Council is to develop a reliable panel of neutrals in the Asia Pacific region and offer any necessary ADR training. The Chair of the Asia Pacific Council is Professor David Sandborg of the University of Hong Kong.

Banking and Financial Services Committee

The Banking and Financial Services Committee has met periodically to consider possibilities for the use of alternative dispute resolution to resolve anticipated disputes among financial institutions. It has sponsored presentations on Bilateral Investment Treaties and the “mediation window,” as well as on the subprime market and the role of ADR in private party litigation involving hedge funds.

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

Committee on Energy, Oil & Gas

The Committee on Energy, Oil & Gas was formed in 2000 to study 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 June 2010, Vinson & Elkins hosted the Committee and CPR members for a presentation on the use of dispute review boards in settling disputes involving energy projects. The Committee has also continued 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, the Committee, through its sub-committees, produced three new briefings: *Partnering: A Management Best Practice*; *Realistic Allocation of Risks: The First Step in Dispute Prevention*; and *Dispute Review Boards (DRBs): A Management Best Practice*. The Chair of this Committee is Robert Rubin of McCarter & English, LLP.



NANCY L. VANDERLIP (ITT CORPORATION)



CHARLES W. DOUGLAS (SIDLEY AUSTIN LLP), BARBARA E. DANIELE (GE CAPITAL, AMERICAS) AND JEROLD S. SOLOVY (JENNER & BLOCK LLP)



ANK A. SANTENS (WHITE & CASE LLP) AND PROF. MARK ALAN KANTOR (GEORGETOWN LAW CENTER)

E-Discovery Committee

This committee studies and advocates the 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 several times in 2009/2010. The Subcommittee on neutrals has assembled a specialized panel of neutrals who are experts in e-discovery, while other Subcommittees are currently pursuing training, marketing, and court initiatives. The Co-Chairs of this Committee are Charles Morgan of FTI Consulting and Thomas Allman, Esq.

Employment Disputes Committee

This Committee includes corporate representatives, arbitrators, management lawyers, employee representatives, former judges, human resources professionals, mediators, and professors. In 2009/2010, the Committee discussed model principles for employment arbitrations and labor ADR in China, as well as developments in the field. The Committee also hosted a special presentation by Kenneth Feinberg on “Executive Compensation” and moderated presentations on the Arbitration Fairness Act. The Chair of this Committee is Jay Waks of Kaye Scholer LLP.

European Advisory Committee

This Committee is comprised of representatives of CPR’s membership who are located in Europe. The Committee held four meetings this year, meeting twice in Paris and twice in London. These meetings provided a forum for CPR and its members to discuss the most effective strategy for CPR in Europe and to suggest projects and collaborations that contribute to the continued development of sophisticated dispute practices in the region, as well as to assist CPR in the development of its Global Panel of Distinguished Neutrals. As a result of these discussions, CPR will collaborate with a number of internationally-based organizations, including the International Mediation Institute, IBC Legal, and the International Chamber of Commerce, in the coming year. The Chair of this Committee is Hans Peter Frick of Nestlé, SA.

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.



DOUGLAS S. EAKELEY (LOWENSTEIN SANDLER PC) AND STEPHEN F. GATES (MAYER BROWN LLP)



2010 ANNUAL MEETING KEYNOTE SPEAKER PROF. RICHARD SUSSKIND



HINTON J. LUCAS (E.I. DU PONT DE NEMOURS AND COMPANY), BENJAMIN TODD JEALOUS (NAACP) AND LIA EPPERSON JEALOUS (NAACP)

In 2010, CPR formed a new committee to study trends and establish best practices for mediation.

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 2009, the Committee published the book *Managing Franchise Relationships Through Mediation*. This volume proposes and explains a fair, just, impartial and expeditious way of resolving disputes in the franchise community. The Co-Chairs of this Committee are William Hall, a Dairy Queen franchisee, and John Kujawa of McDonalds USA LLP.

Insurance Committee

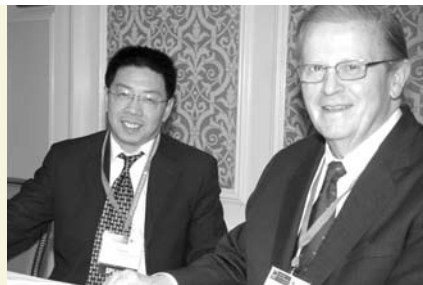
This Committee includes representatives of property casualty insurance companies who monitor the activities of the Mass Claims Commission and other CPR initiatives that have implications for the insurance industry. The Committee has been less active as a result of the recession, but will resume activity in the coming year. The Co-chairs of this Committee are Deborah Masucci of Chartis Inc. and Pat Hoey of Chubb & Son, Inc.

Healthcare and Life Sciences Committee

With the health care and life sciences industries poised for reform, CPR responded by forming this Committee in late 2008. 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 2010, the Committee presented to the Pharmaceutical Litigation Roundtable and created an industry-specific panel of neutrals expert in pharmaceutical, health care, and life science-related disputes. The Chair of this Committee is Katherine Benesch of Duane Morris LLP.



KEVIN MAHONEY ACCEPTS THE 2009 CPR STUDENT ARTICLE AWARD.



PROF. SONG LU (CHINA FOREIGN AFFAIRS UNIVERSITY) AND PROF. DAVID L. SANDBORG (UNIVERSITY OF HONG KONG)



BARRY LEON (PERLEY-ROBERTSON, HILL & MCDUGALL LLP/S.R.L.), LAUREL PYKE MALSON (CROWELL & MORING LLP), CARLA HERRON (SHELL GROUP) AND KATHLEEN M. SCANLON (LAW OFFICES OF KATHLEEN M. SCANLON, PLLC)

Mediation Committee

The newly-formed CPR Mediation Committee will focus on issues of interest in the field of ADR, both domestic and international. The Committee will consist of CPR members throughout the world, and will play a role in identifying mediators to serve on CPR's Panels of Distinguished Neutrals. The Co-chairs of this Committee are A. Stephens Clay of Kilpatrick Stockton LLP and David Burt of E.I. du Pont de Nemours and Company.

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. It also coordinates with minority bar associations on diversity initiatives around the country. The committee administers the annual CPR Award for Outstanding Contribution to Diversity in ADR, which recognizes a person who has contributed significantly to diversity in the alternative dispute resolution field. The Task Force is currently developing a corporate commitment to diversity, an ADR mentoring program, and an apprentice program designed to further diversity amongst neutrals chosen to mediate or arbitrate by large corporations. The Co-Chairs of this Committee are Laurel Pyke Malson of Crowell & Moring LLP, Charles Morgan of FTI Consulting, and Tom Sager of E.I. du Pont de Nemours and Company.

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

Patent Mediation Task Force

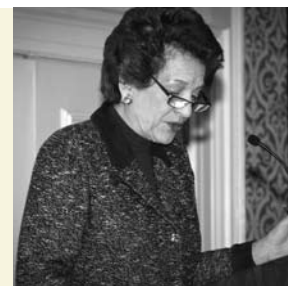
CPR has formed a new Task Force focused on improving patent mediation. The Task Force will explore the benefits and barriers to effective use of mediation in patent disputes and will build on the work of CPR's previous International Commission on Patent Disputes, which published a Master Guide on Patent Mediation in 2006. The Chair of this Committee is Manny Schecter of IBM Corporation.



MARK SMALLS (JAMS)



RALPH G. WELLINGTON (SCHNADER HARRISON SEGAL & LEWIS LLP) AND HON. WILLIAM T. COLEMAN, JR. (O'MELVENY & MYERS LLP)



HON. JUDITH S. KAYE (SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP)

Preventive Law Committee

This Committee meets periodically to consider the questions: “What about the commercial disputes that did not happen? How were they avoided? Can lessons be learned that are generally applicable to projects and commercial relationships?” The group has reviewed practices in construction and healthcare, which have a proven track record of preventive practices, and developed a series of recommendations to further the understanding of conflict avoidance. Committee members have also been actively engaged in speaking and writing on the topic. The Chair of this Committee is James P. Groton of Sutherland Asbill & Brennan LLP.

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®.

Product Liability Committee

This new Committee, which comprises a group of representatives of manufacturers, claimants, insurers, and others, is actively exploring the process of product liability litigation in the hopes of generating a guide to the efficient and just resolution of such claims. The Committee includes representatives of all interested parties, including indemnitors’ and claimants’ attorneys, and is currently developing a Protocol for Early Case Resolution of Product Liability Cases. The Chair of this Committee is Dale Matschullat of Schiff Hardin LLP (former General Counsel of Newell Rubbermaid).



CPR'S EXECUTIVE COMMITTEE CHAIR STEPHEN P. YOUNGER (PATTERSON BELKNAP WEBB & TYLER LLP) GREETES GUESTS AT CPR'S CORPORATE LEADERSHIP AWARD DINNER.



MICHAEL MCILWRATH (GE OIL & GAS)



PAUL LIPPE (LEGAL ONRAMP), SUSAN HACKETT (ASSOCIATION OF CORPORATE COUNSEL) AND DR. MATHEW BURROWS (NATIONAL INTELLIGENCE COUNCIL)

CHARTING THE FUTURE
through
Innovation



Daniel B. Winslow
Senior Counsel
Proskauer Rose LLP

“Thought leadership is rarely quantifiable as an attribute of an organization except in the case of CPR.”

“Thanks to CPR, corporations now have an additional tool to reduce the costs and delays of litigation and to increase profit: the Economical Litigation Agreement (ELA). When I first approached CPR with this new idea, I was delighted to learn that CPR is an organization that embraces innovation, collaboration and results. CPR offers a rare forum in which law firms, in-house counsel, judges, and neutrals can work collaboratively to improve dispute resolution methods. Through CPR, we convened a focus group of neutrals and lawyers from various law firms and major companies to draft the model ELA. Each participant brought a unique perspective and the final product benefited from intensive review and comment from these diverse entities. CPR’s model ELA is now available for corporations wishing to include these provisions in their commercial agreements.

By any measure, CPR’s efforts to develop and promulgate the ELA will save companies millions of dollars. I call that measurable value and quantifiable thought leadership.”



As the field matures, the search for effective and sophisticated ADR 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.

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 early 2011. 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 April, CPR announced the rollout of a pilot program for CPR's first model Economical Litigation Agreement (ELA). Under the leadership of committee chair Daniel Winslow of Proskauer Rose LLP, the model agreement was fine-tuned over the past year by an informal focus group of in-house attorneys, law firms, arbitrators, and law professors. A means of containing civil litigation costs, an ELA is a hybrid of civil litigation and arbitration, where parties agree to use finite, defined and proportional discovery procedures in lieu of conventional discovery. Companies can incorporate the model agreement by reference into contracts with partners, suppliers, and other B2B



HON. ELIZABETH S. STONG (U.S. BANKRUPTCY COURT, EDNY)



CPR'S FOUNDER JAMES F. HENRY, STEPHEN F. GATES (MAYER BROWN LLP) AND HON. JUDITH S. KAYE (SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP)



2010 ANNUAL MEETING KEYNOTE SPEAKER KENNETH R. FEINBERG (FEINBERG ROZEN, LLP)

customers at the start of a business relationship. The model agreement, colloquially known as a “litigation pre-nup,” includes a mandatory pre-litigation dispute resolution section, as well as fee-shifting in discovery disputes decided by an ELA arbitrator.

Social Networking

CPR has long emphasized interactive, participatory online offerings as a key component of its public service mission. This year, CPR launched a variety of social networking options to help members and the world public connect with the organization, its staff, and ADR practitioners around the world. Today, CPR maintains organizational Facebook, Twitter and LinkedIn pages that offer frequent updates regarding breaking ADR news, information about new tools and resources, and access to CPR’s events, products and services, and exclusive online content. CPR’s social networking participation has driven thousands of people to the website, and heightened awareness of CPR’s work throughout the national and international legal and business communities. Notably, it has provided a unique vehicle to connect with and educate technologically-savvy students and younger practitioners.

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. Thirteen law school and college interns worked at CPR during the fiscal year on a wide variety of important projects.

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.



CPR BOARD MEMBER BARBARA E. DANIELE (GE CAPITAL, AMERICAS)



DAVID J. MCLEAN (LATHAM & WATKINS LLP)



A. STEPHENS CLAY (KILPATRICK STOCKTON LLP)

CHARTING THE FUTURE through Collaboration



Duncan R. MacKay
Deputy General Counsel
Northeast Utilities

“CPR offers businesses a truly practical approach for incorporating the latest

advances in
dispute prevention
and resolution.”

“Throughout my 10-year involvement with CPR, I have obtained valuable techniques and made useful business contacts that have served me well in my career. CPR has helped me develop and refine Northeast Utilities’ (NU) approach to conflict resolution and made our practices more effective and efficient. As part of our Outside Counsel Guidelines, I incorporated CPR’s Corporate Pledge® and established the expectation that our outside law firms will sign or otherwise agree to abide by the principles espoused by the CPR Law Firm Pledge®. In addition, NU’s standard commercial ADR provision incorporates CPR’s Mediation Procedure and Rules for Non-administered Arbitration. Through designing and implementing our own conflict management system developed in large part from years of interaction with CPR and its senior level members NU has steadily reduced the overall costs of, and time to close out, our litigation matters. That’s a value proposition for CPR that we at NU can get energized about!”

CPR's Meetings and Seminars

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 and law firms, professors, judges, neutrals, agency representatives, and others to analyze and refine conflict resolution techniques, procedures and systems. CPR is renowned for providing executive-level networking, the highest quality analysis, and the most practical take-away learning in the field of ADR. CPR's meetings and seminars provide a unique venue for the presentation and critical examination of trends and processes to help advance innovation in the field. Through these activities, CPR unites thoughtful research with practical application.



2010 CPR Annual Meeting

Theme: Global ADR: The New Reality

The 2010 Annual Meeting was held in New York on January 14-15 at the Barclay InterContinental Hotel. Day One Keynote Speaker Kenneth R. Feinberg, the Obama Administration's "Compensation Czar," opened the meeting with a frank discussion regarding his oversight of the Fed's executive compensation program and the nature of negotiations with corporate officials. In Day Two's keynote address, U.K. author and legal technology consultant Prof. Richard E. Susskind offered his views on the continually evolving nature of the legal profession. The meeting's eight panels examined the evolution of commercial conflict resolution and offered expertise on an array of relevant topics, including recent Supreme Court decisions, ADR use in Asia, the role of ADR in bankruptcy, conflict prevention techniques, ethics, and the future of ADR. Speakers included leading General Counsel, international arbitration and mediation experts, and top academics from around the globe.

Between July 2009 and June 2010, more than 400 General Counsel, attorneys, and ADR practitioners attended CPR's meetings and seminars.

Y-ADR

CPR's Y-ADR Group engages 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 multinational organizations. More importantly, they have an opportunity to meet with in-house counsel and experts in the ADR field in order to analyze and hone commercial conflict resolution techniques, processes, and systems.



MARK GARY (FIDELITY INVESTMENTS/
FMR LLC)



FTI CONSULTING'S NEAL HOCHBERG AND CHARLES R. MORGAN
CHAT WITH DALE M. MATSCHULLAT (SCHIFF HARDIN LLP) AT
CPR'S CORPORATE LEADERSHIP AWARD DINNER



CPR BOARD MEMBER HANS PETER FRICK (NESTLÉ)

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

Recent events included:

December 10 – New York, NY

Everything You Ever Wanted to Know From In-House Counsel But Were Afraid to Ask

This interactive program, hosted by Hughes, Hubbard & Reed LLP, included an in-house counsel panel discussion in response to pre-submitted questions from attendees. Moderated by John Fellas, the event featured the following corporate panelists:

- Britt Guerrina, Deputy Global General Counsel for Litigation and Regulatory Affairs, PricewaterhouseCoopers International, Inc.
- Eve Konstan, Senior Vice President & Deputy General Counsel, Home Box Office, Inc.
- Karen Stoffan, Senior Litigation Attorney, Merck & Co., Inc.

June 16 – Houston, TX

The Changing Nature of Legal Services: What In-House Counsel Want You To Know

The first Y-ADR program held outside of New York, this event was moderated and hosted by Martin D. Beirne of Beirne, Maynard & Parsons, L.L.P. Corporate oil and gas industry panelists included:

- Ron Denton, Manager of Legal Business Services, ConocoPhillips
- Susan Brownlee Miller, Senior Counsel, Marathon Oil Corporation
- Timothy Hill, Senior Vice President, Legal and Public Affairs, General Counsel & Corporate Secretary, Chevron Phillips Chemical Company, LLC.

Co-Sponsorships

In April, CPR co-sponsored the “American Justice at a Crossroads: A Public and Private Crisis” conference, in conjunction with the Straus Institute for Dispute Resolution at Pepperdine University School of Law. The event, drawing legal experts from around the country, examined the current state and future of the American justice system and featured panel discussions on litigation and commercial arbitration reform.



MAURO RUBINO-SAMMARTANO (BIANCHI RUBINO-SAMMARTANO E ASSOCIATI)



JAMES L. MICHALOWICZ (ACT LITIGATION SERVICES),
JEFFREY W. CARR (FMC TECHNOLOGIES, INC.) AND DAVID
H. BURT (E.I. DU PONT DE NEMOURS AND COMPANY)



RICHARD W. NAIMARK (AMERICAN ARBITRATION ASSOCIATION)
AND WAYNE N. OUTTEN (OUTTEN & GOLDEN LLP)

CHARTING THE FUTURE
through
Resolution



Deborah Masucci
*Vice President, Office of
Dispute Resolution,
Litigation Management
Chartis Inc.*

“CPR’s Panel of Distinguished
Neutrals is one of the most
respected and
useful listings
in the field.”

“Participating on CPR’s Task Forces and Committees is not only intellectually provoking, but has also introduced me to thought leaders in the field. I have the unique opportunity to collaborate with experts in both domestic and international dispute resolution, which has been especially important in my role at an international company whose core operations are based in the United States. I am also active on several CPR committees responsible for vetting mediators and arbitrators for admission to CPR’s Panel of Neutrals. Participating in this effort has played a pivotal role in my success at Chartis where I am constantly searching for highly-skilled and effective neutrals. The discussions about candidates’ qualifications have increased my understanding of what others look for and broadened my exposure to talented ADR professionals. It also provided me with a platform to petition for enhanced feedback on neutral performance. As a result, CPR has joined with Positively Neutral to provide evaluative information on its neutrals.”



CPR's members accessed panelists' bios more than 17,000 times this year, with the Energy, Oil & Gas, Insurance, and Banking & Financial Services Specialty Panels garnering the most visits.

CPR's Neutrals and Dispute Resolution Services

With disputes on the rise, consensual processes offer a low-risk, low-cost, and high-return option. 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 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.

Panels of Distinguished Neutrals

Reaching resolution is most likely to be achieved if the parties and their attorneys select highly-skilled neutrals that strike an appropriate balance between achieving efficiency and fairness, while actively managing a complex process. As a result, CPR continues to provide exclusive Members Only access to information on our esteemed roster of neutrals through our website. Recently, the organization has devoted significant resources to updating and refining the Panels – enabling an enhanced listing of nearly 600 of the most respected and experienced neutrals in the field.

This year, CPR continued to identify specialty panels of neutrals in response to specific member requests, and a subcommittee of the Executive Advisory Committee is currently reviewing applications to CPR's highly-respected National Panel. As part of ongoing efforts to provide exclusive benefits to its members, CPR has also partnered with Positively Neutral to make neutral evaluative information available to corporate and law firm users on CPR's website. Program enrollment is open to all CPR neutrals and evaluative content will be available to members in 2011.

Dispute Resolution Services

CPR's self-administered processes allow parties to conduct an arbitration or mediation without the help of an administering body. However, given the varying nature of complex commercial disputes, CPR now provides additional services, including



R. BRUCE WHITNEY (RET. AIR PRODUCTS AND CHEMICALS)



EACH YEAR, CPR'S CORPORATE LEADERSHIP AWARD DINNER ATTRACTS NEARLY 500 LEGAL AND CORPORATE LEADERS.



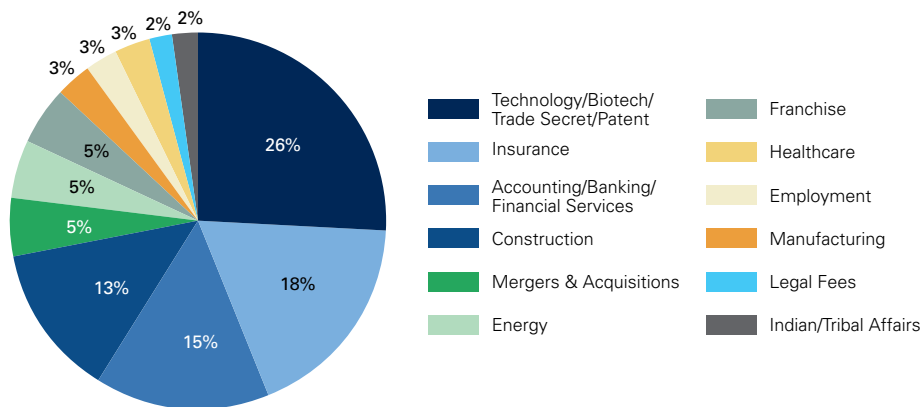
SUMEET KACHWAHA (KACHWAHA & PARTNERS)

serving non-respondents, acting as fund-holder, award review, and conference room rental, to assist parties should limited administrative help be needed. With these assisted dispute resolution services, parties can customize their processes by choosing the type and amount of assistance that is needed for each proceeding.

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 skilled attorneys who can 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 parties both time and money.

For the period 7/1/09 to 6/30/10, CPR assisted parties with the selection of neutrals in a wide variety of case matters as shown below:

CPR Dispute Resolution Services Cases by Category



PROF. TAI-HENG CHENG (NEW YORK LAW SCHOOL)



PROF. GEORGE A. BERMANN (COLUMBIA UNIVERSITY SCHOOL OF LAW)



JONATHAN SUTCLIFFE (FULBRIGHT & JAWORSKI LLP)

CHARTING THE FUTURE through Expertise



Jordana H. Feldman
Dickstein Shapiro LLP

“With its reputation as an innovative ADR leader, CPR fills the void by providing

real-world tools
and solutions for
cutting-edge legal
issues.”

“A few years ago, CPR approached my firm with an exciting proposal: to establish a blue-ribbon commission to address complex, post-settlement issues in the context of mass torts. Recognizing the void in ADR literature regarding the design, implementation and administration of settlement facilities, CPR assembled a group of distinguished practitioners and academics to draft a comprehensive, practical resource to address these issues.

For me, the process of drafting this handbook has been incredibly rewarding. It has allowed me to engage in spirited dialogue with fellow Commission members, who offer a diverse range of perspectives, practical experiences and creative solutions to ensure the efficient and fair resolution of mass tort claims. It has allowed me to integrate various aspects of my own practice, incorporating lessons learned from my experience with the 9/11 Victim Compensation Fund and as counsel to corporate clients on matters of settlement distribution design and implementation. When produced, the handbook will provide a practical tool to assist the legal and business communities in navigating the complex post-settlement landscape.”

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 also 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. By providing access to this 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. This year, *Alternatives* concluded coverage of three major U.S. Supreme Court arbitration cases both in print and online. It previewed a new arbitration case accepted in the spring for the new fall term. International- and mediation-focused articles, highlighting both news and practice, appeared monthly. They included a feature on "value billing," challenging corporate law departments to provide incentives to their outside counsel that get their matters resolved faster, better, and with lower overall costs. The monthly "Worldly Perspectives" column began the year focused on Northern Africa, and moved on to its present locale, nations in Eastern Europe. Analysis of the conflict resolution issues in national cases, like AIG's recovery and the BP cleanup, were provided, along with details on an insurance industry disaster mediation facility. Mediation preparation and readiness skills were also featured.

In 2010, *Alternatives* was recognized – for the third time – with an Apex Business Communications Award of Excellence.

New Publications

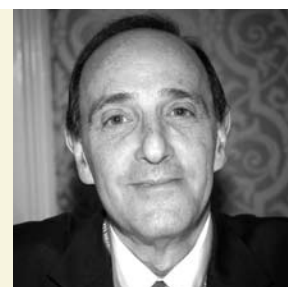
In late 2009, CPR released its **Global Rules for Accelerated Commercial Arbitration** (effective August 20, 2009). These Rules establish a procedure for resolving commercial disputes in an expeditious manner and address problems encountered when using truncated provisions for expedited arbitration. Used in administered or self-administered arbitrations, they permit the Arbitral Tribunal to set the proceeding on its own track to resolve a dispute as quickly as the parties



YUKUKAZU HANAMIZU (YUASA & HANDI)



CPR BOARD MEMBER PD VILLARREAL (GLAXOSMITHKLINE) AND COLLEAGUE ENJOY CPR'S CORPORATE LEADERSHIP AWARD DINNER.



PROF. ALAN N. RESNICK (FRIED, FRANK, HARRIS, SHRIVER & JACOBSON)

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.

desire, but not longer than six months, except as permitted by the agreement of the parties or by the Rules. The Rules can be applied to any subject matter and can function in different jurisdictions and legal cultures around the globe to produce a fair, economical, and speedy resolution.

CPR’s **Early Case Assessment Toolkit** has been refreshed and updated with a new layout and design. Originally published in 2009, these guidelines set forth a simple conflict management process designed to facilitate more informed and expedited decision-making at the early stages of a dispute, including identifying key business concerns and assessing risks and costs. The new version is available for download from CPR’s website.

The Construction Advisory Committee has produced three new monographs for managing disputes within the construction industry:

- **Partnering: Aligning Interests, Collaboration, and Achieving Common Goals** – This guide presents partnering concepts to companies and their advisors considering its use in construction projects. These systems emphasize conflict control devices that encourage party-controlled solutions when disputes erupt via use of traditional mediation, arbitration, or litigation.
- **Realistic Risk Allocation: Allocating Each Risk to the Party Best Able to Handle the Risk** – This publication presents risk allocation concepts to companies and their advisors who draft risk allocation provisions for construction contracts.
- **Dispute Review Boards and Other Standing Neutrals: Achieving “Real Time” Resolution and Prevention of Disputes** – This publication offers information about the use of Dispute Review Boards and other Standing Neutrals. Companies outside the construction arena, who are involved in long-term contractual arrangements prone to conflict or any other “relational” type of contract, may also find this Briefing useful.



C. MARK BAKER (FULBRIGHT & JAWORSKI LLP)



ROGER N. PARKER (MEMORIAL SLOAN KETTERING CANCER CENTER)



CAROL ANN PETREN (CIGNA CORPORATION)

CHARTING THE FUTURE
through
Education



Prof. Jacqueline Nolan-Haley
*Fordham University
School of Law*

“My involvement with CPR over the last twenty years has enriched my professional life significantly.”

“CPR’s dedicated focus on the theory-to-practice continuum, its rich resources and its creative initiatives – particularly CPR’s leadership in developing ethical standards – has been immensely beneficial to me in my role as a dispute resolution scholar and practitioner. My students have also benefited from the plethora of practical material, from sample clauses to timely reports of case law developments, available on CPR’s website. CPR’s awards program is nothing less than visionary! It encourages scholarship not only by ADR professionals, but also by law students who are sure to become future leaders in the field. For this reason, I encourage my students to become involved with CPR’s activities following graduation so they can continue to access the tools and techniques that will make their legal practices effective and innovative. Finally, I, personally, have benefited immensely from the outstanding arbitration training offered by CPR, and would recommend it to all dispute resolution professionals seeking to sharpen their skills.”



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 *IDN* series' launch in late 2007, host and producer Michael McIlwath of GE Infrastructure – Oil & Gas has presented more than 90 episodes. These award-winning podcasts highlight a wide variety of transnational ADR practices and provide insight on issues of interest to the international business community.

During 2009-2010, the program made the case for choosing single-arbitrator tribunals; analyzed the globalization of the ADR profession; helped perfect practitioners' mediation caucus skills; and kept listeners abreast of changes in the law firm world that will alter dispute resolution practices. It also took listeners inside courts and behind the doors at major companies – including the host's own. New episodes are posted regularly on CPR's website and free broadcast feeds are available from iTunes and via RSS. *IDN* also previews its topics on both Twitter and Facebook.

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, thousands of people worldwide have accessed CPR's online content through the site, with courses accredited in jurisdictions nationwide. CPR's current self-produced library includes 35 on-demand continuing legal education courses, including



MITCHELL L. LATHROP (MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO, P.C.), BIRGIT KURTZ (CROWELL & MORING LLP) AND JACK THOMAS (CROWELL & MORING LLP)



KATHERINE BENESCH (DUANE MORRIS LLP)



CPR'S ANNUAL MEETING OFFERS VALUABLE NETWORKING AND BUSINESS DEVELOPMENT OPPORTUNITIES.

six sessions recorded at CPR's 2010 Annual Meeting, as well as the spring 2010 Houston Y-ADR event. Currently, six of the courses provide Ethics CLE credit. In addition, 25 CPR courses are available in podcast form for CLE on-the-go. Individuals at member organizations receive a 25% discount when they register to take the courses on the WestLegalEdcenter website.

ADR Training and CLE Programs

In February, CPR provided a customized dispute prevention training program for 20 key leaders in the Iraqi Ministry of Oil who will be responsible for managing the production and technical services contracts for rehabilitating the Iraq oil and gas fields. This program was organized by the U.S. Departments of State and Commerce, and was hosted by Columbia University's Law School. Topics included the structuring of long-term contracts so as to prevent disputes from escalating; governance and management under relational contracts; and generally "keeping the peace" in the 20-year contractual relationships between the Ministry of Oil and various international oil consortiums.

This year, CPR also staged two successful CLE events: 1) "Hot Topics in Employment Law" for employment lawyers and 2) "Advantages of ADR" for CPR member firm Dewey & LeBoeuf LLP.

CPR also continued its commitment to providing expert training to its constituents and the broad legal community by hosting numerous educational programs in 2009/2010. Combined, these programs drew more than 60 participants. Most notably, CPR:

- successfully reprised its Advanced Arbitrator Training program, entitled "How to Conduct Efficient Hearings and Avoid Common Pitfalls," in October 2009;
- conducted a basic mediator training in New York in January 2010;
- coordinated a highly successful joint Arbitrator Training program with the Chartered Institute of Arbitrators, which was held in May 2010; and
- organized a custom mediation advocacy program for a CPR member organization.

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.



JUDITH KORCHIN (HOLLAND & KNIGHT LLP) AND DALE M. MATSCHULLAT (SCHIFF HARDIN LLP) CHAT WITH A FELLOW ANNUAL MEETING ATTENDEE.



BY DRAWING TOP ATTORNEYS AND LEADING CORPORATE COUNSEL, CPR'S NETWORKING EVENTS ARE UNPARALLELED IN THE FIELD.



LINDA R. SINGER AND MICHAEL K. LEWIS (ADR ASSOCIATES/JAMS)

CHARTING THE FUTURE
through
Recognition



C. Mark Baker
Co-head, International Department
Co-head, Arbitration and ADR
Practice Group
Fulbright & Jaworski L.L.P.

“By consistently promoting high-level thought leadership and the sharing of best practices, CPR continues

to advance the ADR field.”

“CPR’s Awards Program provides far-reaching benefits by encouraging others to follow the examples of those recognized each year for their strong commitment to ADR and their ability to find innovative ways of preventing, managing and resolving major disputes. These awards are really an extension of what CPR has done over the last three decades in bringing together practitioners from around the world to refine processes and strategies needed to address today’s increasingly complex commercial disputes. Drawing on this knowledge and diversity of experience, CPR offers a truly practical approach for incorporating the latest advances in dispute resolution techniques and applications. During my involvement with CPR over the past 20 years, I have personally benefitted from exchanging ideas and experiences with my CPR’s colleagues, and so has my firm’s international arbitration practice. With the changing ADR landscape and growing globalization of disputes, the role of CPR has never been more vital to the continuing evolution of conflict prevention and resolution.”

CPR's Awards Program

As ADR becomes 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 we believe in celebrating these advancements and contributions to the field. Therefore, 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 an enduring 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, ConocoPhillips, and Microsoft.

For the first time in its history, CPR honored two corporate leaders at the 2009 Corporate Leadership Award Dinner. **Thomas L. Sager, Senior Vice President & General Counsel of E.I. du Pont de Nemours & Co.**, and **Amy W. Schulman, Senior Vice President & General Counsel of Pfizer, Inc.**, were recognized, along with their companies, for their dedication to the field of ADR.

As two of the founding members of CPR, DuPont and Pfizer have been pioneers in the corporate legal community's commitment to conflict resolution practices and principles. They have used alternative dispute resolution on a variety of litigation matters, as well as using preventive measures, and have been strong advocates for ADR use within their respective industries.

DuPont joined CPR in 1980 and was a leader in the use of the CPR Chemical Industry Dispute Resolution Commitment to consider ADR in intra-industry disputes. Notably, the DuPont Legal Model incorporates early case assessment and mediation as core strategies. Mr. Sager currently serves as co-chair of CPR's National Task Force on Diversity in ADR.

Drawing more than 400 attendees, the 2009 Corporate Leadership Award Dinner provided significant contributions in support of CPR's educational and research programs.



2009 CORPORATE LEADERSHIP AWARD HONOREE AMY W. SCHULMAN FROM PFIZER INC.



SI STRONG AND PROF. JOHN LANDE ACCEPT THE PROBLEM SOLVING IN THE LAW SCHOOL AWARD ON BEHALF OF THE CENTER FOR THE STUDY OF DISPUTE RESOLUTION, MISSOURI UNIVERSITY SCHOOL OF LAW.



2009 CORPORATE LEADERSHIP AWARD HONOREE THOMAS L. SAGER FROM E.I. DU PONT DE NEMOURS AND COMPANY

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

A member of CPR since 1984, Pfizer has been a national ADR leader, spearheading initiatives resolving class actions with innovative settlements in the 1990's and, more recently, providing a forum for the National Task Force on Diversity in ADR to meet, develop, and advance its essential mission. A longstanding champion of alternative dispute resolution, Ms. Schulman continues Pfizer's dedication to the principles of ADR through her leadership.

Law Firm Award for Excellence in ADR

The 3rd Annual Law Firm Award for Excellence in Alternative Dispute Resolution was presented to **Boston Law Collaborative, LLC** for its pioneering work in the field of collaborative law. Focusing on criteria including processes, techniques, systems, commitment, and scholarship which address the resolution, prevention or creative management of major disputes, the committee acknowledged the Boston Law Collaborative for: demonstrating firm-wide commitment to conflict resolution; educating legal professionals and clients about ADR and the collaborative law process; and employing a unique multi-disciplinary approach to its legal representation and its dispute resolution work.

Award for Outstanding Contribution to Diversity in ADR

CPR presented the organization's second annual Award for Outstanding Contribution to Diversity in Alternative Dispute Resolution to **Laurel Pyke Malson**. Ms. Malson has been a long-time advocate of diversity in the legal profession generally, and within the alternative dispute resolution field in particular. She currently serves with distinction on CPR's National Task Force on Diversity in ADR. A partner in the Washington, D.C. office of Crowell & Moring LLP, Ms. Malson is currently Co-Chair of the firm's Diversity Business Development Initiative, a program focused on enhancing business development opportunities for diverse counsel and partner-level attorneys at the firm.



BERNARD MAYER (CDR ASSOCIATES) ACCEPTS THE 2009 CPR BOOK AWARD FROM AWARDS JUDGE BENNETT G. PICKER (STRADLEY RONON STEVENS & YOUNG, LLP).



LAUREL PYKE MALSON (CROWELL & MORING LLP) ACCEPTS THE CPR AWARD FOR OUTSTANDING CONTRIBUTION TO DIVERSITY IN ADR.



DAVID A. HOFFMAN ACCEPTS THE 2009 LAW FIRM AWARD FOR EXCELLENCE IN ADR ON BEHALF OF BOSTON LAW COLLABORATIVE, LLC.

James F. Henry Award

CPR awarded its 2009 James F. Henry Award to **Kenneth R. Feinberg** for his work as a staunch advocate for utilizing ADR methods to solve this country's most complex disputes. Enjoying an illustrious career working on some of the most significant issues in recent history, Mr. Feinberg is considered a leader in mediation with major high stakes ADR experience. He is, perhaps, best known for serving as the Special Master of the September 11th Victim Compensation Fund and for his current role as the Special Master of Executive Compensation for companies receiving exceptional assistance from the government.

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 honorees include Senator George J. Mitchell, Hon. Janet Reno, and the Right Honourable Lord Woolf of Barnes.

CPR Annual Awards Program

Each year, CPR promotes excellence in scholarship and practical achievement through its Awards Program. In 2010, CPR Awards were presented to:

- **Professional Articles**

Thomas J. Stipanowich, "Arbitration: The 'New Litigation'" and S.I. Strong, "The Sounds of Silence: Are U.S. Arbitrators Creating Internationally Enforceable Awards When Ordering Class Arbitration in Cases of Contractual Silence or Ambiguity?"

- **Student Article**

Kevin Mahoney, "Learning from the Mistakes of Others"

- **Book**

Bernard Mayer, *Staying With Conflict: A Strategic Approach to Ongoing Disputes*

- **Problem Solving in the Law School Curriculum**

The Center for the Study of Dispute Resolution, University of Missouri School of Law



THOMAS L. SAGER (E.I. DU PONT DE NEMOURS AND COMPANY) AND AMY W. SCHULMAN (PFIZER INC.)



KENNETH R. FEINBERG RECEIVES THE CPR JAMES F. HENRY AWARD IN RECOGNITION OF HIS COMMITMENT AND DISTINGUISHED CONTRIBUTIONS TO THE FIELD.



SI STRONG (UNIVERSITY OF MISSOURI SCHOOL OF LAW) AND THOMAS J. STIPANOWICH (STRAUS INSTITUTE, PEPPERDINE SCHOOL OF LAW) ACCEPT THEIR CPR PROFESSIONAL ARTICLE AWARDS.

CHARTING THE FUTURE through Globalization



Professor Giuseppe De Palo
Director
JAMS International

“CPR is integral to the creation of a
worldwide ADR expert network and to

“CPR consistently brings together top business leaders, law firms, and academics from around the world, each representing the highest-level experts, speakers, and thinkers in the area of ADR. Drawing upon this knowledge and diversity of experience, CPR offers a practical approach for incorporating the latest advances in dispute resolution. Thanks to CPR’s international focus, my colleagues and I have been able to disseminate these ADR tactics in various parts of the developing world, including all of the countries in the Southern Mediterranean, Western Africa and the Caribbean, where we are called in by international donor organizations to create or strengthen local mediation capacity within the legal and business communities. My new “Worldly Perspectives” column in CPR’s monthly *Alternatives* newsletter allows me to discuss and broadcast global ADR developments, share best practices from throughout Europe and to promote effective mediation advocacy across borders.”

the conversion
of the latest
theoretical ADR
developments
into practice.”

CPR Around the World

Most of CPR's core constituents boast global operations. Therefore, 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. By remaining focused on instilling an enduring commitment to dispute prevention, management, and resolution among businesses, institutions, and citizens, CPR leads the way in 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 continues to mature, 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 and numerous international speaking engagements, CPR has devoted resources to promote the art and practice of commercial conflict resolution around the globe.

In Europe, CPR continues to partner with other organizations focused on educating corporate counsel regarding ADR. CPR chaired a two-day conference, in conjunction with Marcus Evans, entitled "Corporate In-House Counsel Dispute Resolution Strategies Forum." Held in Amsterdam, the event explored all aspects of conflict resolution from the corporate counsel perspective. CPR also partnered with IBC Legal for the inaugural Cross Border Arbitration & Dispute Resolution Conference in London, acting as conference chair and presenting on numerous commercial ADR topics. Recent European initiatives also included planning for joint educational and networking events with several international organizations such as the International Mediation Institute and the International Chamber of Commerce.

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



SULLIVAN & CROMWELL LLP'S FRANK AQUILA AND KAREN L. BRAUN ARE JOINED BY SUSAN G. GALLAGHER (TRUE PARTNERS CONSULTING LLC).



CPR'S POPULAR Y-ADR SEMINARS PROVIDE AN INSIDER'S LOOK AT THE ROLE OF ADR SYSTEMS AND PRACTICES IN CORPORATIONS AND MULTINATIONAL ORGANIZATIONS.



ARIF HYDER ALI (CROWELL & MORING LLP)

Asia Initiative

In 2010, CPR visited various arbitral institutions and CPR member organizations in China to discuss ways in which those institutions and CPR might work together to facilitate knowledge and training in the ADR field. Visits included the Beijing Arbitration Center and CCPIT in Beijing, and the American Chamber of Commerce in Shanghai. At a dispute resolution program organized by the American Chamber of Commerce in Beijing, CPR joined a representative of CIETAC on a panel entitled “International Dispute Resolution In and Outside of China: Trends and Developments as Chinese Firms Expand Internationally.”

This year, CPR also established an Asia Pacific Advisory Council, chaired by Prof. David Sandborg from the City University of Hong Kong. The Council has already drafted a survey on the barriers to entry for ADR in the Asia Pacific region, and CPR is currently in the process of disseminating that survey to regional businesses, law firms and institutions. Once the data have been collected, a white paper will be produced with recommendations for the region, as well as a conference highlighting the results of the survey.

On the Podium

CPR’s staff continued to 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:

- PLI “Ethics in Arbitration” Conference – New York, NY
- Hispanic Bar Association – Albuquerque, NM
- Women in International Arbitration, ABA Section of International Law – New York, NY
- Mexican Corporate Counsel Association (ANADE) Annual Meeting – Queretaro, Mexico
- Labor and Employment Law and Dispute Resolution Sections of the New York State Bar Association – Bolton Landing, NY



CPR'S BOARD CHAIRMAN HON. CHARLES B. RENFREW (LAW OFFICES OF CHARLES B. RENFREW)



KAREN STOFFAN (MERCK & CO., INC.), EVE KONSTAN (HOME BOX OFFICE, INC.) AND BRITTON B. GUERRINA (PRICEWATERHOUSECOOPERS INTERNATIONAL, INC.)



ALEXANDER J. ODDY (HERBERT SMITH LLP)

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

- International Bar Association – Madrid, Spain
- 2009 Licensing Executives Society – San Francisco, CA
- Collaborative Law Program IACP 10th Anniversary Networking and Educational Forum – Minneapolis, MN
- Chartered Institute of Arbitrators 2nd Annual Mediation Symposium 2009 – London, UK
- “Trends and Challenges in International ADR/Mediation,” a presentation and reception in honor of Dale L. Matschullat, former General Counsel of Newell Rubbermaid – Shanghai, China
- Miami International Arbitration Society – Miami, FL
- 8th Annual Miami International Arbitration Conference – Miami, FL
- 2010 PLI International Arbitration Program – New York, NY
- 2010 CLM Annual Conference – Tallahassee, FL
- 2010 Asia Business Conference, sponsored by Harvard Business School – Cambridge, MA
- American Bar Association Section of Dispute Resolution Annual Conference – San Francisco, CA.
- ABA Spring Meeting of the Section of International Law – New York, NY
- Columbia Law School’s Arbitration Day – New York, NY
- General Electric’s Leading and Learning: Reset and Renewal Conference – Crotonville, NY
- Fifth Annual Fordham Law School Conference on International Arbitration and Mediation – New York, NY
- NAFTA 2022 Committee on Private Commercial Disputes – Houston, TX
- Institute for Transnational Arbitration Annual Meeting – Dallas, TX
- IBA/ICC Joint Conference on “Arbitration in the 21st Century: Making It Work” – New Delhi, India

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



CAROL B. LIEBMAN (COLUMBIA UNIVERSITY SCHOOL OF LAW)



EDNA SUSSMAN (SUSSMAN ADR LLC) AND JEFF KICHAVEN (MEDIATOR)



ATTRACTING GENERAL COUNSEL AND TOP LAWYERS FROM ACROSS THE GLOBE, CPR’S ANNUAL MEETING BRINGS TOGETHER THE INDUSTRY ELITE.

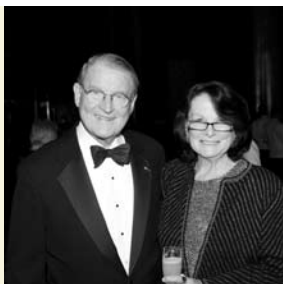
CPR in the News

This year, CPR's staff authored feature articles and served as subject matter experts for several international, business, and legal publications. In some instances, articles were co-written with CPR members. CPR also drafted a number of online articles on the *Stolt-Nielsen* ruling and numerous arbitration cases and rulings from the Supreme Court. Our print media coverage included:

- “Resolving Disputes Before They Ruin the Deal” – M&A Journal
- “International Arbitration Loses its Grip: Are U.S. Lawyers to Blame?” – ABA Journal
- “CPR’s ‘Litigation Prenup’ (ELA) to be Unveiled” – National Law Journal
- “Taming the Litigation Beast” – Business Week
- “Online Reviews on the Way” – Corporate Counsel and Law.com
- “CPR: A Holistic, User-Friendly Approach to Dispute Resolution” – Metropolitan Corporate Counsel
- “The Law on Overturning Arbitration Awards for Partiality is Confused” – Commercial & Business Litigation/ABA Section on Litigation
- “Rate-a-Neutral: Group to Offer Evaluations of Arbitrators, Mediators” – ABA Journal
- “Ad Hoc Arbitration Keeps Costs Down” – National Law Journal
- “Before the Honeymoon Ends” – The Deal
- “CPR’s ECA Toolkit-A Great Contribution to Controlling Litigation Costs” – Metropolitan Corporate Counsel
- “ECA: Perspectives of Members of CPR’s Corporate ECA Commission” – Metropolitan Corporate Counsel
- “ADR and ECA: Keys to Successful Dispute Resolution” – Metropolitan Corporate Counsel



PROF. LAWRENCE E. SUSSKIND (CONSENSUS BUILDING INSTITUTE INC.), SUSAN LEVY (JENNER & BLOCK LLP), JAMES P. GROTON (FORMERLY OF SUTHERLAND, ASBILL & BRENNAN LLP) AND JOSEPH T. MCLAUGHLIN (BINGHAM MCCUTCHEN LLP)



HON. WILLIAM WEBSTER (MILBANK, TWEED, HADLEY & MCCLOY LLP) AND HON. FERN SMITH (JAMS)



KARL STERN (VINSON & ELKINS L.L.P.) AND GARY MCGOWAN (MCGOWAN DISPUTE RESOLUTION)

A Letter From CPR's Board Chairman



I have been involved with CPR since 1983. During this time, I have watched the organization grow in influence and stature as its mission evolved from simply bringing ADR into the mainstream to initiating and advancing innovation in the field.

Today, CPR is a vibrant, program-and services-oriented think tank providing the latest ADR best practices to businesses around the globe. With the active involvement of its strong membership, CPR continues to deliver on the promise of finding efficient, cost-effective solutions for resolving business conflicts. CPR's members support its work because they want their clients, disputants, counterparties, and business partners to understand ADR's vital role in bringing enhanced value to their business operations and relationships.

To that end, the Board of Directors has focused its efforts on addressing CPR's role in the competitive ADR field, including adding a new Board-level committee focused on CPR's work outside of the United States. The Board also expanded its involvement to include membership, development, and sponsorship efforts. We are engaged, and we want our fellow CPR members to be just as excited about the organization as we are.

In 2009/10, we were pleased to welcome seven new additions to CPR's Board. Our new Board members – Linda Addison, Frank Aquila, Jeff Carr, Sven Dumoulin, Peter Harvey, Bob Mnookin, and Carol Ann Petren – are highly successful ADR leaders and staunch supporters of CPR and its programs. They will bring exciting ideas and enthusiasm to our Board and are sure to add value to the organization for years to come.

Throughout its history, the Board has played an integral role in guiding CPR's mission. This commitment will continue as the Board helps grow CPR's impact and influence around the world.

Sincerely,

A handwritten signature in cursive script that reads "Charles B. Renfrew". The ink is dark and the signature is fluid and legible.

Hon. Charles B. Renfrew

CPR Board of Directors (As of June 30, 2010)



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



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



Linda L. Addison
Fulbright & Jaworski LLP



Francis J. Aquila
Sullivan & Cromwell LLP



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



Jeffrey W. Carr
*Senior Vice President, General
Counsel & Secretary*
FMC Technologies Inc.



Barbara E. Daniele
Senior Vice President & General Counsel
GE Capital, Americas



Sven Dumoulin
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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 attorneys equal access to CPR member benefits. As a result, CPR's membership actually represents thousands of individual supporters worldwide.

Growing membership, both organically and through traditional outreach methods, directly benefits CPR's members by increasing access to global industry best practices and by expanding their network of business contacts.

During FY10, CPR established a goal of acquiring 50 new members between January 1, 2010 and June 30, 2011. As of June 30, 2010, CPR was more than a quarter of the way to reaching its goal. This positive trend is expected to continue in the coming year with the launch of various member acquisition initiatives, including CPR's first "Member-Get-A-Member" Campaign.

As part of its membership efforts, CPR has begun a "road show" campaign to visit current and prospective members in various regions worldwide in order to advocate the use of mediation, arbitration and other alternatives to litigating business disputes, and to provide the latest developments, techniques and best practices in commercial conflict resolution.

In addition, the Membership Committee of CPR's Board continues to identify new programs to address the informational, professional and business development needs of our members and prospective members.

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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 is a partial list of these supporters:

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*A Letter From the Chairman of
CPR's Finance, Budget & Audit Committee*



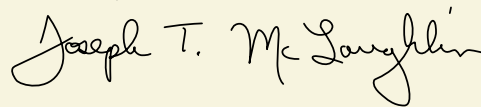
On behalf of CPR's Finance Committee, I am pleased to report that, despite the economic challenges encountered during this past fiscal year, CPR has maintained its programs and improved its financial stability. Its net assets in FY10 increased by 16% and CPR's total assets are now nearly double its total liabilities.

The support of its members, at 39%, continues to be CPR's largest source of revenue. However, the organization has diversified its revenues significantly with contributions, including special events and in-kind donations, accounting for 31% of revenue; program fees from meetings increasing from 7% to 10% of revenue; and revenues from dispute resolution services increasing from 12% to 14%.

Organizations in both the not-for-profit and for-profit sectors have had to monitor and, in some cases, reduce expenses this past year – and CPR was no exception. The organization cut total operating expenses by 9% from the prior fiscal period. However, with dedicated staffing, I am pleased to report that focus remained on CPR's mission. More than 70% of total revenue was allocated to program expenses, thereby supporting CPR's core initiatives to promote commercial dispute prevention and resolution around the globe.

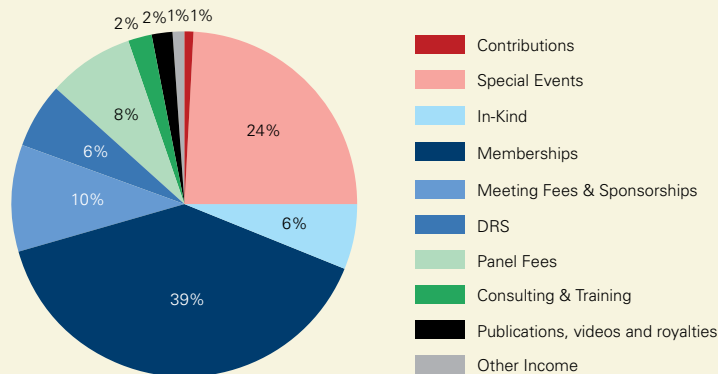
Moving forward, CPR remains committed to investing even more resources into its vital research and educational programs.

Sincerely,



Joseph T. McLaughlin

CPR Institute FY2010 Gross Revenue Sources



CPR's Heroes

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 2009/2010 accomplishments without acknowledging the critical role that these individuals have played in making it happen.

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