



The 2015-16 Global Pound Conference Series

“Shaping the Future of Dispute Resolution & Improving Access to Appropriate Justice”

How can access to justice be improved?

What do users and disputants really need?

How can the supply side better address those needs?

What changes will improve the efficiency of dispute resolution?

Why?

The goal of the 2015-16 Global Pound Conference (“GPC”) Series is to improve access to justice around the world by generating actionable data from stakeholders in the dispute prevention and resolution fields to facilitate greater access to appropriate dispute resolution (“ADR”) processes worldwide. These include processes that are appropriate or proportionate in terms of costs, time, possible outcomes and their enforceability, as well as their impact on reputations, relationships, and other social or cultural issues. This will allow the dispute resolution market to consider whether there are reasons to adapt existing services to better suit users’ needs and means, and how to provide more effective processes in the future.

The seminal event that led to the birth of modern ADR was the Pound Conference in St Paul, MN, USA in April 1976. Named in honour of Roscoe Pound, the reforming Dean of Harvard Law School in the 1920s and 30s, the theme of the Pound Conference was: *Agenda for 2000AD - The Need for Systematic Anticipation*. Professor Frank E.A. Sander of Harvard Law School proposed that “alternative” forms of dispute resolution should be used to reduce reliance on conventional litigation, and overcome reluctance to use other dispute resolution options.

Forty years on, these “alternative” forms of dispute resolution are increasingly used worldwide and are becoming mainstream. But they are still perceived as something unusual, to be “opted into”. Meanwhile, the cost of access to justice is soaring in some countries and across borders, leading to outcomes that are often unreliable or that cannot be implemented. The stakeholders in the dispute resolution field are fragmented, resulting in a lack of sufficient, reliable and actionable data to enable the supply side of the dispute resolution market to fully meet users’ needs. This affects private persons, communities, small and medium-sized enterprises (SMEs), multinationals, governments, domestic and international entities and a wide range of global stakeholders.

On October 29, 2014, an interactive convention entitled [*Shaping the Future of International Dispute Resolution*](#) was organised by the International Mediation Institute (IMI) and other organisations in London. Over 150 delegates from many stakeholder groups and >20 countries used individual voting and interactive technology to express their views on a number of key issues. The [*data that this convention generated*](#) suggested that several gaps may exist between what disputants need and what various players involved in the supply side of the market are offering, such as advisors, provider bodies, mediators, arbitrators, adjudicators, educators and policy makers. It suggested that some users do not feel they have access to affordable or appropriate justice domestically or internationally, and that current dispute resolution systems could be better adapted to meet users’ budgets and priorities taking into account a broader range of needs (e.g., relational, cultural and social).

These possible gaps between what users believe they need or can afford and the advice, services and support they are receiving need to be verified and tested. If confirmed, they need to be better understood, and all ADR stakeholders would benefit from clear actionable data that will enable them to work together to bridge them both locally and globally. The data generated by the GPC Series should therefore be “actionable” in that it should help the supply side of the dispute resolution market to better align its products and services with what the demand side really wants and needs, thinking beyond what national courts or arbitral tribunals traditionally have to offer. It should boost new debate and creativity and generate new solutions and opportunities for improving access to justice that is appropriate for each situation. For these reasons the proposed title of this GPC Series is: *Shaping the Future of Dispute Resolution & Improving Access to Appropriate Justice*.

What?

The GPC Series is being organized by IMI with the active support of many international groups involved in ADR. It will be a series of meetings, focus groups and conferences using a global information technology platform that will be available via the Internet, which will enable all stakeholders involved in dispute resolution to express themselves on the future of dispute resolution and how ADR processes can be more accessible and better used in all cases. Users will be empowered to provide clear, strong and unambiguous presentations of their needs, wants and interests, which currently appear to be unexpressed or unclear. The GPC Series will generate reliable electronic data from thousands of users, providers, advisors and other stakeholders worldwide that can be compared and acted upon. It will allow the global ADR community to better understand what obstacles may exist to accessing appropriate justice, and how to facilitate greater access to all forms of ADR in accordance with what is needed in each case. The results will further stimulate research, knowledge, creativity, innovation and growth in the use of ADR in the 21st Century both domestically, regionally and internationally.

How?

The GPC Series will take place in at least 15 locations worldwide between September 1, 2015 and December 31, 2016 to enable all stakeholders involved in dispute resolution to discuss and respond to a series of precise questions and propositions focusing on user needs and wants and access to affordable and suitable justice systems. Participation at each location will be in person and subsequently online, as a series of massive focus-group-type meetings. All registered delegates, both in person and online, will have individual voting capabilities and will be able to identify themselves as belonging to one of 4 stakeholder groups: (i) users; (ii) advisors; (iii) providers; and (iv) others. Each event will be organised by a Local Organising Committee (“LOC”) in accordance with an electronic voting process and GPC guidelines that will be provided by a Central Organising Group (“COG”), which has been set up to coordinate and manage the GPC Series worldwide. The electronic data will be presented instantly and analysed by a representative panel of stakeholders, including independent academics. Certain presentations and topics will be taped and streamed via the Internet after each event, with links to facilitate further voting online after they have been watched, so that data can continue to be captured after each event and shared at an international level.

The Central Organizing Group

The COG, appointed by the Board of IMI and a group of Global Sponsors, will lead, support and oversee the implementation of the GPC Series. The COG will be Chaired by Michael McIlwrath, Chief Global Litigation Counsel at GE Oil & Gas, and will include: (i) a fee-based ADR professional with extensive experience of delivering successful international conferences in dispute resolution (Jeremy Lack); (ii) a leading professional conference organiser skilled in using participative voting technologies (Kenes Group); (iii) Sponsor representatives; (iv) representatives from LOCs; and (v) leading international academics

involved in empirical research in the ADR field. The COG will also include designees from users and leading Global Sponsors, as well from IMI. For details on Michael McIlwrath, Jeremy Lack and Kenes Group, please see the Annex provided below. Herbert Smith Freehills has already agreed to act as a Global Platinum Sponsor (see below) and will be represented on the COG by one of its partners, Alexander Oddy.

The COG will prepare an operating manual that will be used by the LOCs for setting up national and regional GPC events to ensure that comparable and actionable data can be generated, stored and used in a harmonized way online to meet the overall goals of the GPC Series. In addition, each GPC event will have the flexibility to include regional issues and to adapt the program to account for cultural preferences regarding how to improve local and global access to justice systems. It is expected that 50% of the program will be pre-set and pre-determined by the COG, whereas the remaining 50% will be flexible and can be modified by each LOC in accordance with local needs and interests. For example, should there be an interest in discussing new legislative policies to enhance the uptake of ADR in certain cities or countries, these issues can be addressed alongside the data that the GPC Series will be generating, using the same voting technology. The COG will prepare 12-16 core questions and propositions to be used at all GPC events, design a framework format for voting on them, provide access to appropriate voting and data-generating software applications, and provide other support to key LOCs as may be needed, possibly including seed loan financing depending on how much money is raised from global sponsors. The COG will develop a franchise concept, including simple, robust, economical and reliable information technology systems, capable of capturing, analysing and providing real-time feedback to voting results, enabling votes and feedback provided by users, advisors, providers, and other stakeholders to be distinguished from one-another.

GPC Format

Subject to the details to be established by the COG once it is fully operational, the GPC Series will in principle be a one-day event in each place and will:

- take place in at least 15 locations -- in Australasia (1), Asia (3), the Sub-Continent (1), the Middle East (1), Europe (3), Africa (1), Latin America (2) and North America (3);
- aim for an attendance ratio of 1 user : 1 provider : 1 advisor : 1 other stakeholder;
- use interactive technology and software, enabling delegates who are present in person as well as subsequently online to vote on matters raised, with the results instantly available;
- adopt a common format of panel discussions on core issues, followed by questions and propositions that are common to all GPC events in order to generate consistent actionable data on access to justice worldwide and how it could be improved by using ADR; and
- allow each LOC to add issues of concern to local stakeholders.

It is proposed that each day-long event be comprised of four 1½ hour sessions. The currently-envisaged format of each session will entail:

- An introduction by a moderator
- Brief presentations by panellists on each core question to be voted upon
- Electronic voting on core questions and other possible propositions, and results analysis
- Panellist discussion and interactive comments among participants/panellists
- Moderator and/or panellist summary.

The data generated in response to each core question will be added to the data gathered at other GPC events with a view to developing comparable data that can be acted upon. One idea is for key presentations and questions to also be available online in a “TED Talk” type of format so that additional votes may also be

obtained via the Internet following each conference. The specific content of each of the four sessions will be defined by each LOC in consultation with the COG. At least forty-five (45) minutes in each session be spent on presenting and voting on the core questions, which are currently envisaged to be presented in the form of the following themes:

- Session 1. Access to Justice & Dispute Resolution Systems: what do users need & want?**
Panellists: four representative users who pay for ADR services.
- Session 2. How is the market currently addressing these needs and wants?**
Panellists: one or more providers (e.g., mediator, arbitrator, ADR institution), one advisor, one user, and possibly one other stakeholder.
- Session 3. How can stakeholders develop ADR to improve access to appropriate justice?**
Panellists: one user, advisor, service provider, educator and/or legislator or judge.
- Session 4. What actions should be considered and by whom?**
Panellists: one user, advisor, provider, educator and/or legislator or judge.

Post-GPC follow-up and implementation

A full report consolidating and comparing the results of all GPC events will be prepared by the COG with the assistance of the LOCs and other supporting organisations based on the data collected during the series. This report will be available free of charge, and will focus on the key take-home messages generated regarding what actions could and should be taken to improve access to justice using ADR systems, both locally and internationally. All LOCs will be asked to prepare for local and regional follow-up based on the actionable data generated by each GPC. This may include dialogue with policy makers and regulators, judiciaries, educators, NGOs and other special interest groups.

How can you support and take part in the upcoming GPC Series? Join the GPC Series as a GLOBAL SPONSOR or PARTNER!

In order for the 2015-16 GPC Series to occur under optimal conditions, an operating budget of three hundred thousand Euros (€300,000) is being sought. IMI is seeking Global Sponsors wishing to support this project financially as well as other partner organisations who are willing to provide support in other ways.

Global Platinum Sponsors: €100,000¹

1. Online banner on the GPC website and all event programs for the entire duration of the GPC series (September 2015-December 2016).
2. Logo on all online/offline media, including webinars, webcasts and even manuals. The sponsor will be presented as a GPC Platinum Sponsor.
3. Two appropriate moderator or speaker opportunities at each GPC event.
4. Two E shots to all registered participants - one prior to the GPC and one after it ends.
5. On-site presence at each event via a networking pod.
6. Four free delegates at each event (subject to bringing four different users as well).
7. Nomination of a suitable person to join the COG.

(*Top level **local** platinum supporters at each event may have the same benefits locally.)

Global Gold Sponsors: €70,000

1. Online banner on the GPC website and all event program for a selected period of three months during the duration of the project (September 2015-December 2016).

¹ The law firm Herbert Smith Freehills, who also generously supported the Oct. 2014 London meeting, has agreed to act as one of the Global Platinum Sponsors for this GPC Series. It will have a place on the COG.

2. Logo on all online/offline media, including webinars, webcasts and even manuals. The sponsor will be presented as a gold sponsor of GPC.
 3. One appropriate moderator or speaker opportunity at each GPC event.
 4. One E shot to all registered participants.
 5. On-site presence at each event via a networking pod.
 6. Two free delegates at each event (subject to bringing two different users as well).
 7. Ability to appoint an observer to review the activities of the COG.
- (*Top level **local gold** supporters at each event may have the same benefits locally.)*

Global Silver Sponsors: €50,000

1. Logo on all online/offline media, including webinars and even manuals. The sponsor will be presented as a silver sponsor of the GPC Series.
 2. On-site presence at each event via a networking pod.
 3. One free delegates at each event (subject for bringing a user as well).
- (*Top level local **silver** supporters at each event may have the same benefits locally.)*

Additional categories of **Corporate Sponsors** and **Individual Sponsors** will also be available. A “business case” for Corporate Global Sponsors can be found at the end of this document. The amounts for these sponsorship categories will be decided by the COG. These donors will be listed on the GPC Series’ website, in the programs of all local events, and on any final reports.

Global Sponsors’ donations will finance the operations of the COG, including:

- fees for organisers and other overheads
- project and budget management and general administration
- preparation of the GPC Manual
- travel, communication and related expenses for key COG members
- marketing, including developing and maintaining a freely available GPC web portal
- insurance
- verification of reliable voting apps and other actionable data-generating means
- discretionary seed funding (loans) to enable some events to be established
- securing IP rights, including domain names, logos, etc. for the GPC Series.

Global Sponsors payment procedure:

The COG will determine the course of payments and draw-downs depending on the cash flow needs of the Series in order to operate the number of local events approved by it and possibly as seed capital to trigger local organising committee events or assist in retaining key venues. Sponsors needing to accrue their payments to 2016 for annual budgeting purposes will be able to do so. Leading international academic institutions providing high level expertise to the COG (e.g., data analysis services) may be classified as Global Sponsors by allocating academic personnel and students to help analyse the data or any other assistance that may help to achieve the stated goals of this project.

Global Partners

Global Partners are leading organisations involved in ADR who wish to support the GPC Series, but cannot do so financially. They are expected to assist the GOC and LOCs in finding appropriate speakers and participants in accordance with the attendance ratios required, and assisting in ensuring that users and key leaders who use and pay for ADR services are invited to speak and/or attend. Global Partners will be expected to send targeted mailings to their members to attend local events and to encourage participation

and support by other local and regional stakeholders, whether in person or online. Global Partners will be listed on the GPC Series' website, in mailings, and in the programs of all local events, as well as on all final reports. Discussions are currently in place with all of the partners who supported the October 2014 London event as well as new supporters. The list includes:

- ACB Foundation Conflict Management Research Center
- American Arbitration Association/International Centre for Dispute Resolution (AAA/ ICDR)
- American Bar Association, Section of Dispute Resolution (ABA)
- Association of Corporate Counsel (ACC)
- Centre for Effective Dispute Resolution (CEDR)
- Chartered Institute of Arbitrators (CIArb)
- China International Economic and Trade Arbitration Commission (CIETAC)
- Commercial Mediation Group UK
- Corporate Counsel International Arbitration Group (CCIAG)
- Fédération Nationale des Centres de médiation (FNCM)
- Institut Français de Certification des Médiateurs (IFCM)
- Institution Quraysh
- International Bar Association (IBA)
- International Chamber of Commerce (ICC)
- International Institute for Conflict Prevention and Resolution (CPR Institute)
- JAMS
- LEADR & IAMA
- Round Table Mediation und Konfliktmanagement der deutschen Wirtschaft (RTMKM)
- Swiss Chamber of Commercial Mediation (SKWM/CSMC/SCCM)
- Vereniging Zakelijke Mediation (ZAM)

For additional details, please contact: Jeremy Lack: jlack@lawtech.ch (Tel: +41 79 247 1519)

Annex



Michael McIlrath is Global Chief Litigation Counsel, Litigation, for the GE Oil & Gas division in Florence, Italy. His experience in international arbitration includes representing the company in disputes under the rules of various international and regional arbitration institutions and under ad hoc procedures around the world, and in coordinating the activities of outside counsel in domestic court and arbitral proceedings. He has published numerous articles in the fields of international arbitration, mediation, and negotiation. He also hosts International Dispute Negotiation, a podcast made available by CPR (<http://www.cpradr.org>) with interviews from leading professionals around the world about ways of accepting, mitigating, and managing risks in international contracts. He is a graduate of the University of California, Berkeley (AB) and Cornell Law School (JD). He was

Chair of the International Mediation Institute (IMI), in 2009 and continues to serve on its Board of Directors. In addition, he was the co-vice chair with mediator Judith Meyer (and chair, Singapore ambassador at large Tommy Koh) of the IMI independent Standards Committee. He is also a member of the board of directors of the National Center for Science Education, in Oakland, California. Michael is a member of the European Advisory Committee of CPR, and acted as an industry representative to the European Commission (Justice) in the creation of a European ADR Code of Conduct. For his IMI director profile, see: <https://imimediation.org/michael-mcilrath-biography>.



Jeremy Lack was the lead organiser of the congress on *Shaping the Future of International Dispute Resolution* in October 2014, having organised many previous international conferences. He is an independent lawyer and IMI-certified ADR neutral specialized in designing and implementing international dispute prevention and resolution processes. He is a Vice-Chair of IMI's Independent Standards Commission, the Co-Chair of the Swiss Chamber of Commercial Mediation (Section Romande), and a panellist with AAA/ICDR, CMAP, CPR, IBMS, ICC, INTA, IMI, JAMS, SKWM/CSMC/SCCM, SIMC and WIPO. Jeremy qualified as an English barrister in 1989, as a US Attorney-at-Law (NY State & USPTO) in 1990-91 and is admitted to the Geneva Bar since 2003. He served as in-house counsel for Becton Dickinson and several

start-up companies, and has also advised venture capital funds. Jeremy is a Door Tenant with QUADRANT CHAMBERS in London, counsel to SCHONEWILLE & SCHONEWILLE LEGAL MEDIATION in Amsterdam, and is an advisor to CHARLES RUSSELL SPEECHLYS LLP in Geneva and London. He has a MA (Oxon) degree in Physiological Sciences and Jurisprudence from Lincoln College, Oxford University and is an adjunct faculty member at the Federal Polytechnic School of Lausanne (EPFL) in Switzerland. He is a past Co-President of the International Section of the American Bar Association's Dispute Resolution Section, a past Chair of the Chartered Institute of Arbitrators' Mediation Subcommittee and a past-member of its Practices and Standards Committee, and a co-founder of www.neuroawareness.com. He handles international negotiations, mediations, conciliations, arbitrations, litigations and mixed ADR hybrid processes and lives with his wife and two daughters in Geneva, Switzerland. For his IMI profile, see: <http://imimediation.org/jeremy-lack>.

Kenes in Numbers

3080 conferences organised in

110 cities **50** countries

50 years of experience organising medical and scientific conferences

115,000 conference attendees per year

119 long term clients

27 medical and scientific organisations with **33,000+** members receive association management services from Kenes

300+ multinational and multicultural staff members work for Kenes around the world

As of January 2015

Kenes Group is a Professional Congress Organiser established in 1965. It organizes on behalf of a large number of international associations an average of over forty international congresses around the world per year, with attendance ranging between 1,000 – 10,000 delegates per congress. Kenes Group operates international offices in Geneva, Tel Aviv and Amsterdam, has Regional Offices in Asia and Latin America, and national offices in Spain, Germany and Turkey. Its ongoing working relationships with multinationals include Allergan, Astellas, AstraZeneca, Braun, Beckman Coulter Euroimmun, GE Healthcare, GSK, Lundbeck, Medtronic, Merck, Mundipharma, Nestlé, Novartis, Pfizer, Roche, Sanofi and Siemens. Kenes' core activities include:

- Association management services
- Strategic planning & budgeting
- Environmental standards
- Global purchasing power
- Destination analysis
- Media services
- Technical capabilities
- Exhibition services
- Registration management
- Abstract processing & publishing
- Comprehensive Industry relations
- Compliance & CME accreditation

For more information, see <http://kenes-group.com/>.

Global Pound Conference Series 2015-16 (GPC)

The Business Rationale for Corporate Global Sponsorship

The GPC Series will take place in multiple countries and will involve thousands of informed stakeholders participating in person and online. The Series has the capacity to stimulate real, positive change in how disputes are handled, favourably affecting how a sponsoring company is perceived by its own and opposing counsel and other stakeholders including NGOs, governments and regulatory agencies around the world. The GPC Series is an effective branding opportunity in global and domestic litigation circles for pragmatic risk managers using data-driven policies. Four of the main benefits that will accrue to GPC corporate Global Sponsors are:

1. Enhanced public reputation

Among the themes to be included in the GPC are major legal and CSR issues (including the OECD Guidelines for Multinational Enterprises) that are frequently at stake, especially in emerging markets. The GPC will give corporate Global Sponsors a highly visible platform for positively influencing these issues in the eyes of both the public and the key regulators in the different markets where the conference will be held.

2. Positive perceptions of customers, vendors, and other stakeholders

Sponsoring the GPC series will convey a strong public message that the sponsoring entities have a global policy of appropriate case management and dispute resolution process design, which is pragmatic and case-specific. Corporate Global Sponsors will, via their visibility and participation, also communicate a clear expectation to the legal services market that cost containment is wired into their ethos, and expect their legal counsel to energetically devise strategies to end disputes on acceptable terms as quickly and cost-effectively as possible.

3. Reduced legal spend from litigation

Published data indicates that companies known to be "dispute-wise"² (i.e. known to be systemic and thoughtful in their approaches to dispute resolution) tend to have higher P/E ratios than those that litigate to the end regardless. Corporate Global Sponsors will be able to leverage their GPC participation to review best practices and to ensure that cutting-edge cost-saving processes are implemented in their own international structures.

4. Rule of Law development

As the GPC series will also take place in a number of emerging markets, it will provide Corporate Global Sponsors an opportunity to help shape vital changes in places where operations are currently challenged by an absence of adequate rule of law. Access to justice is a key role for ADR to play in the modern world, be it in sophisticated but expensive legal jurisdictions, or in the developing world. The GPC will serve as a platform to explore and develop together with all stakeholders how ADR can best fulfil this role and how the role itself can be encouraged.

² https://www.adr.org/aaa/ShowPDF?doc=ADRSTG_004327