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In A Global Context

C5's Forum on

Transatlantic Litigation

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17th and 18th June, 2014

Renaissance Amsterdam Hotel, Netherlands

Practical Tools & Cutting Edge Insights Into Complex Multi-Jurisdictional Litigation

Top Reasons to Attend:

- 1) Get to grips with concurrent proceedings in multiple jurisdictions and the latest tactics and strategies used in landmark cases
- 2) Benefit from insightful and interactive panel discussions on the most topical issues including in-house counsel's experiences of managing high value, cross border litigation
- 3) Enhance your knowledge of critical developments in Interim Measures, Class Actions, Litigation Funding and Data Privacy Laws in transatlantic disputes

Add further value to your conference experience by attending our **expert-led interactive workshop**: Monday, 16th June 2014

Part A: **Securing Victory in Transatlantic Litigation: Planning for Conflict in Times of Peace**

Part B: **Litigation Funding, Risk Transfer and the Impact on Your Litigation Strategies**

Join leading minds in the world of transatlantic litigation at our **Networking Drinks Reception** at the end of day 1

In-house counsel:

Clemens Heusch, Head of European Litigation, Nokia (Germany)
Juergen Dressel, Head of Patent Litigation, Novartis Pharma AG (Switzerland)
Ange-François Fantauzzi, General Counsel, Bouygues Batiment International

Practical Tips on Planning your Litigation Strategies from:

Allen & Overy (France)	Noerr LLP (Germany)
Aramis (France)	Norton Rose Fulbright (UK)
Brick Court Chambers (UK)	Peters & Peters (UK)
Bristows (UK)	Piton Gillespie (France)
Clifford Chance (Netherlands)	Quinn Emanuel Urquhart & Sullivan LLP (USA)
CMS Hasche Sigle (Germany)	Redress Solutions LLP (UK)
Cravath, Swaine & Moore (USA)	Rittershaus (Germany)
Dentons (France)	Rospatt Osten Pross (Germany)
Freshfields Bruckhaus Deringer LLP (Germany)	Rutgers Posch Visée Endedijk N.V (Netherlands)
Gide Loyrette Nouel (France)	Schellenberg Wittmer (Switzerland)
Hanefeld Rechtsanwälte (Germany)	Sherrard & Roe PLC (USA)
Hengeler Mueller (Germany)	Sidley Austin LLP (UK)
Herbert Smith Freehills (UK)	Simmons & Simmons (Netherlands)
Houthoff Buruma (Netherlands)	Simpson Thacher & Bartlett LLP (UK)
Jones Day (France)	Sims Funk PLC (USA)
Kaplan Fox & Kilsheimer LLP (USA)	Skadden, Arps, Slate, Meagher & Flom LLP (France)
King & Spalding (USA)	Stewarts Law (UK)
Lalive (Switzerland)	White and Case (UK)
Linklaters (UK)	Wilmer Hale (UK)
Littler Mendelson (USA)	Wolf Theiss (Austria)
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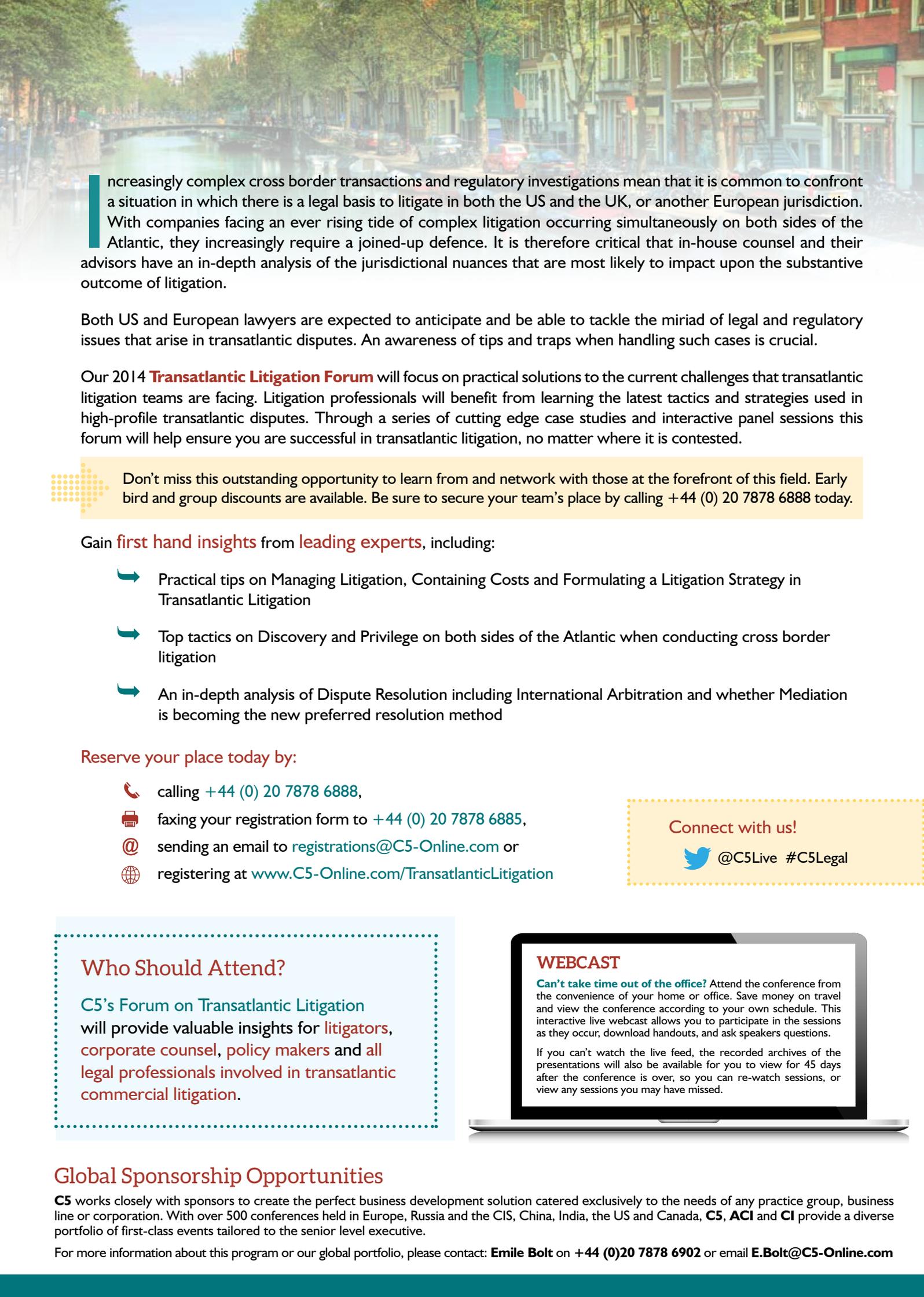
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Increasingly complex cross border transactions and regulatory investigations mean that it is common to confront a situation in which there is a legal basis to litigate in both the US and the UK, or another European jurisdiction. With companies facing an ever rising tide of complex litigation occurring simultaneously on both sides of the Atlantic, they increasingly require a joined-up defence. It is therefore critical that in-house counsel and their advisors have an in-depth analysis of the jurisdictional nuances that are most likely to impact upon the substantive outcome of litigation.

Both US and European lawyers are expected to anticipate and be able to tackle the myriad of legal and regulatory issues that arise in transatlantic disputes. An awareness of tips and traps when handling such cases is crucial.

Our 2014 **Transatlantic Litigation Forum** will focus on practical solutions to the current challenges that transatlantic litigation teams are facing. Litigation professionals will benefit from learning the latest tactics and strategies used in high-profile transatlantic disputes. Through a series of cutting edge case studies and interactive panel sessions this forum will help ensure you are successful in transatlantic litigation, no matter where it is contested.

Don't miss this outstanding opportunity to learn from and network with those at the forefront of this field. Early bird and group discounts are available. Be sure to secure your team's place by calling +44 (0) 20 7878 6888 today.

Gain **first hand insights** from **leading experts**, including:

- ➔ Practical tips on Managing Litigation, Containing Costs and Formulating a Litigation Strategy in Transatlantic Litigation
- ➔ Top tactics on Discovery and Privilege on both sides of the Atlantic when conducting cross border litigation
- ➔ An in-depth analysis of Dispute Resolution including International Arbitration and whether Mediation is becoming the new preferred resolution method

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Who Should Attend?

C5's Forum on Transatlantic Litigation will provide valuable insights for **litigators, corporate counsel, policy makers and all legal professionals involved in transatlantic commercial litigation.**

WEBCAST

Can't take time out of the office? Attend the conference from the convenience of your home or office. Save money on travel and view the conference according to your own schedule. This interactive live webcast allows you to participate in the sessions as they occur, download handouts, and ask speakers questions.

If you can't watch the live feed, the recorded archives of the presentations will also be available for you to view for 45 days after the conference is over, so you can re-watch sessions, or view any sessions you may have missed.

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For more information about this program or our global portfolio, please contact: **Emile Bolt** on +44 (0)20 7878 6902 or email E.Bolt@C5-Online.com

PRE-CONFERENCE WORKSHOP

Monday, 16 June 2014

Part A 1:30 – 4:30pm

Securing Victory in Transatlantic Litigation: Planning for Conflict in Times of Peace

Brendan E. Berne
Partner, **Piton Gillespie** (France)

Samuel P. Funk
Partner, **Sims|Funk PLC** (USA)

Lucie Gerhardt
Rechtsanwältin, **Noerr LLP** (Germany)

The transatlantic region constitutes the largest economic zone in the world due in part to the sophisticated and robust legal systems of the respective countries. Corporate counsel often may be accustomed to handling transactions in different jurisdictions of the region.

Nevertheless, without careful planning and sufficient expertise in the various court systems, routine disputes, even when governed by well-established legal principles, can still lead to unpredictable outcomes and even catastrophic losses for the parties involved.

In this workshop, some of the region's most experienced and successful litigators will highlight the risks and offer important strategies to ensure the best outcomes in various jurisdictions. Additionally, having an understanding of the various dispute resolution processes will provide valuable guidance to corporate counsel when structuring transactions and related agreements.

4.30 – 5.00

Afternoon Coffee

Part B 5.00 – 6.00pm

Litigation Funding, Risk Transfer and the Impact on Your Litigation Strategies

Marius Nasta
Chief Executive, **Redress Solutions LLP** (UK)

Chirs Warren Smith
Partner, **Norton Rose Fulbright** (UK)

- Overview of the latest litigation funding trends
- What does it mean for a defendant to face a funded claim?
- What makes a good fundable claim
- How important are risk sharing and risk transfer in litigation funding?
- Risk Control and Risk Management



IN-HOUSE LEGAL TRAINING

C5 is focused on providing the most relevant training experience for Law Firms across the world. Our world class executive learning & development programmes cover the latest regulatory and compliance challenges being faced in business today.

However, we recognise that your needs may require a bespoke programme written just for you that is a best fit for your Firm.

With this in mind **C5** introduces In-house training to our portfolio of events which will allow you and your Firm to tailor your training needs.

Contact **Nathan Denham** with your training needs
N.Denham@C5-Online.com

MAIN CONFERENCE DAY 1

Tuesday, 17 June 2014

8.00 Registration

9.00 **Chairman's Opening Remarks**

Richard T. Marooney
Partner, **King & Spalding** (USA)

9.05 **Conducting Cross-Border Investigations:
Disclosure, Privilege, and Related Issues:
Overcoming Challenges and the Latest
Developments**

Philip Berkowitz
Partner, **Littler Mendelson** (USA)

Jillian Naylor
Partner, **Linklaters** (UK)

Dirk Jan Rutgers
Partner, **Rutgers Posch Visée Endedijk N.V**
(Netherlands)

Francois Vergne
Partner, **Gide Loyrette Nouel** (France)

Gerlind Wisskirchen
Partner, **CMS Hasche Sigle** (Germany)

- Cultural and legal differences in conducting investigations and gathering discovery
- Identifying and working with local counsel
- Questioning witnesses: ethical, cultural, and legal differences
- The respective roles of inside and outside counsel
- The scope of the attorney-client privilege with respect to witness interviews
- E-discovery: how to manage this new nightmare
- Potential criminal law issues

10.45 Morning Coffee

11.00 **Concurrent Proceedings in Multiple
Jurisdictions: Practical Tips to Adequately
Co-ordinate the Teams and their Strategy
in Different Jurisdictions**

Moderator:

Laetitia Benard
Partner, **Allen & Overy** (France)

Panellists:

Myles Jelf
Partner, **Bristows** (UK)

Henrik Timmann
Partner, **Rospatt Osten Pross** (Germany)

Paul Zeineddin
Founder/ Principal, **Zeineddin PLLC** (USA)

Bas Berghuis van Woortman
Partner, **Simmons & Simmons** (Netherlands)

Thomas D. Pease
Partner, **Quinn Emanuel Urquhart & Sullivan LLP**
(USA) *subject to confirmation

This session will highlight the most important strategic tools and methods to co-ordinate the various legal teams in different jurisdictions. The panel will discuss the advantages and challenges of having legal professionals from both civil and common law systems working together.

- What are the main procedural differences between civil and common law systems?
- Assessing the advantages and disadvantages of each jurisdiction, in terms of:
 - Timing
 - Availability of preliminary/permanent injunctions
 - Remedies available
 - Defences/counterclaims that can be raised by the defendants
- Gathering evidence:
 - How to gather evidence?
 - How to use evidence gathered abroad (and role of blocking statutes)?
 - How to protect the evidence until it reaches the court room?
- Strategic time management of the actions:
 - How to cross-fertilize proceedings?
 - Impact of decisions on the other jurisdictions

12.30 Networking Lunch

1.30 **Lifting the Lid on Interim Measures:
A Comparative Analysis**

Moderator:

Robert Hunter
Joint Head of Fraud Litigation and Head of Trust Litigation, **Herbert Smith Freehills** (UK)

Panellists:

Albert Knigge
Partner, **Houthoff Buruma** (Netherlands)

Sandrine Giroud
Counsel, **Lalive** (Switzerland)

Gregoire Bertrou
Counsel, **Skadden, Arps, Slate, Meagher & Flom LLP**
(France)

- Freezing and search orders
- Preventive strategy and tools in anticipation of *ex parte* application
- Injunctions
- Enforcement of interim measures abroad: the need for collaboration between lawyers
- How can lawyers effectively collaborate where there are concurrent claims in different jurisdictions?
- What measures are available in England and Europe in support of US claims and vice versa?
- Relevant considerations for courts to grant interim measures
- Securities: how to overcome a possible financial obstacle when applying for interim measures
- The impact of the EAPO

3.15 Afternoon Coffee

3.35 **A Contrasting View on Trial by Jury and Bench Trial: Do the Americans Know Better?**

Jasbir Dhillon QC
Brick Court Chambers (UK)

David Marriott
Partner, **Cravath, Swaine & Moore** (USA)

Paul Gully Hart
Partner, **Schellenberg Wittmer** (Switzerland)

This session will debate whether complex commercial litigation is best suited for trial by jury or a judge. The US system offers a choice of jury or bench trial which is currently unavailable in England and Europe. The panel will analyse the pros and cons of jury trial and bench trial and how the trial process differs between the US, England and continental Europe.

4.35 **Dealing with High Profile Cross Border Mediation: Best Strategies, Enforcement and Confidentiality Analysed**

- How to ensure the quality of the mediation process?
- Choosing the appropriate mediator
- How to avoid premature mediation
- Enforcement of mediation agreements
- What information is subject to confidentiality?
- Disclosure of information in subsequent litigation or enforcement proceedings
- The importance of mediation in the USA and Europe

5.35 Chair's Closing Remarks and End of Day One



5.45

Networking Drinks Reception

MAIN CONFERENCE DAY 2
Wednesday, 18 June 2014

8.30 Coffee

9.00 **Chairman's Opening Remarks**

Christian Duve
Partner, **Freshfields Bruckhaus Deringer LLP**
(Germany)

9.05 **An Analysis of Class Actions in the US, UK and Europe: Overcoming Challenges and Gaining Essential Information**

Robert Kaplan
Partner, **Kaplan Fox & Kilsheimer LLP** (USA)

Clive Zietman
Partner, **Stewarts Law** (UK)

Jeroen Ouwehand
Partner, **Clifford Chance** (Netherlands)

Carsten van de Sande
Partner, **Hengeler Mueller** (Germany)

Ozan Akyurek
Partner, **Jones Day** (France)

- Update on the latest trends in class actions in the US: US Supreme Court decisions such as Comcast, Italian Colors, Concepcion, and Amgen
- UK: Royal Bank of Scotland – is this the closest the UK will ever get to a class action?
- Class actions *à la française*: end of the roadblocks to bring legal actions for the consumers?
- Germany: Capital market model case proceedings and other means of collective action
- Netherlands: Class settlement centre of Europe?
- EU Recommendation and other EU jurisdictions

10.30 Morning Refreshments

10.45 **Comparing and Contrasting Data Privacy Laws: Considerations, Dilemmas, Suggestions and Best Routes Examined**

Moderator:

Jonathan Tickner
Partner, **Peters and Peters** (UK)

Panellists:

Benjamin May
Partner, **Aramis** (France)

Markus Bauer
Partner, **Rittershaus** (Germany)

- Federal Rules of Procedure vs. European Data Privacy Law
- Data Transfer between jurisdictions and Blocking Statutes
- Raising Data protection laws early in the procedure
- Applicability of Foreign law

11.45 **Insider Perspectives on Managing Litigation, Containing Costs and Formulating a Litigation Strategy in Transatlantic Litigation**

Clemens Heusch
Head of European Litigation, **Nokia** (Germany)

Juergen Dressel
Head of Patent Litigation (ex USA),
Novartis Pharma AG (Switzerland)

- What clients want to know before engaging counsel
- How outside and inside counsel can interact effectively
- Factoring how legal fees are being structured into law firm selection and evaluation
- Containing costs and managing litigation
- Proven dispute resolution strategies
- How do in-house counsel approach litigation?
- What innovative measures do counsel want their advisers to take in respect to case management?

12.45 Networking Lunch

2.00 **Commencing and Conducting Arbitration: Views from France, Germany, the US and the UK**

Moderator:

Steven Finizio
Partner, **Wilmer Hale** (UK)

Panellists:

Jan Heiner Nedden
Partner, **Hanefeld Rechtsanwälte** (Germany)

Jean-Christophe Honlet
Partner, **Dentons** (France)

Ange-François Fantauzzi
General Counsel, **Bouygues Batiment International**

Robert Wheal
Partner, **White and Case** (UK)

The panel will address in an interactive fashion such issues as the commencement of the arbitration, the choice of arbitrator, the rules of conduct applicable to counsel, the key principles applicable to the arbitral procedure, including document production, preparation of witnesses, the conduct of the hearing and a number of other practical questions that arise in the conduct of international arbitration. The panel will explore to what extent perspectives differ – or converge – between some of the key civil and common law jurisdictions on those questions.

3.00 **Enforcement of Arbitration Awards**

Moderator:

Tyler B. Robinson
Partner, **Simpson Thacher & Bartlett LLP** (UK)

Panellists:

Dorothy Cory-Wright
Partner, **Sidley Austin LLP** (UK)

Kristoffer Löf
Partner, **Mannheimer Swartling** (Sweden)

Holger Bielesz
Partner, **Wolf Theiss** (Austria)

The panel will aim to provide a practical guide to show how an arbitration award is converted into actual recovery under the law of different jurisdictions.

The session will identify relevant conventions and other mechanisms for enforcement, and addresses the procedure for enforcing an award, as well as defences to enforcement and other practical problems with enforcement.

4.00 Chairman's Remarks and End of Conference

Session Sponsor



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Date: 17 – 18 June 2014

Time: 9.00am – 5.35pm

Venue: Renaissance Amsterdam Hotel

Address: Kattengat 1, Amsterdam 1012 SZ, The Netherlands

Telephone: +31 (0)20 621 2223

To book your accommodation please call Venue Search on tel: +44 (0) 20 8541 5656 or e-mail beds@venuesearch.co.uk.

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The documentation provided at the event will be available on weblink only. If you are not able to attend, you can purchase an electronic copy of the presentations provided to delegates on the day of the event. Please send us this completed booking form together with payment of €595 per copy requested. For further information please call +44 (0) 207 878 6888 or email enquiries@C5-Online.com.

CONTINUING EDUCATION

12.30 hours (conference only) plus 4 hours for the workshop towards Continuing Professional Developments hours (Solicitors Regulation Authority). Please contact C5 for further information on claiming your CPD points.

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Payment is due in full upon your registration. Full payment must be received prior to the event otherwise entry will be denied. All discounts will be applied to the Main Conference Only fee (excluding add-ons), cannot be combined with any other offer, and must be paid in full at time of order. Group discounts available to individuals employed by the same organisation.

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