

5th Annual Litigation Summit 2017

Waldorf Astoria, Berlin

2nd and 3rd March 2017

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 Michael Molitoris <i>Co. Head Litigation</i> Noerr LLP	 Sofie Vandervaeren <i>Group Counsel Litigation</i> Johnson Controls	 Dr. Robert Rom <i>Group Legal Counsel</i> Swiss Life Group	 Dr. Julia Schwalm <i>Head of Commercial Disputes</i> Morrison & Foerster LLP	 Michael Becker <i>Managing Director</i> Consilio
				 John C. Ertman <i>Partner</i> Ropes & Gray

Cross Border Disputes
 Litigation War Stories and Lessons
 Trends in International Dispute Resolution
 Court Litigation v. ADRs and Arbitration
 Update on Damages for Competition Issues
 Banking Litigation
 The Makings of a Modern M&A Dispute
 Costs, Funding, Disclosure
 The challenges – and practical guidance on meeting them –
 of electronic evidence in international arbitration
 Litigation PR
 International Commercial Arbitration
 Emerging Markets

Target audience are

- Chief Litigation Officer
- Head of Dispute Resolution
- Head of Corporate & Commercial Litigation
- General Counsel
- Syndikus / Corporate Counsel
- In-house Commercial Litigation Specialists
- Professional Support Lawyers

- 9:00 Opening and handout of the summit documents
 9:40 Opening speech of the chairman **Alexander Demuth** *Managing Director* **Alvarez & Marsal**

09:50 **Cross Border Disputes**

Michael Molitoris *Co. Head Litigation*
Noerr LLP

10:30 **Long-term contracts in dynamic energy markets**

- Long term energy contracts – commercial and legal characteristics
- Structural changes to the market environment and impacts
- Experience from contract disputes
- Lessons learned and outlook

Dr. Elmar Schweers *Deputy Head of Legal* **RWE Supply & Trading GmbH**
Dr. Uli Brunner *Director* **AlixPartners**

11:15 **Coffee break with networking possibilities**

11:35 **The New State of the Art: Are YOU Leveraging eDiscovery Analytics?**

- Technology Assisted Review: A.I.: No, not the Steven Spielberg film
- Document Review Teams: Changing the traditional paradigm

Michael B. Hixson *Senior Manager* **Deloitte**

12:10 **Court Litigation v. ADRs and Arbitration**

Dr. Ulrich Hagel *Head of Claim Governance, Litigation & Procurement Support*
Bombardier Transportation

12:40 **Collective networking Lunch**

13:30 **Commercial Litigation: International, complex and high-stakes disputes**

- To litigate or not to litigate?
- Managing small and large claims within budget
- Identifying strategic options and avoiding unnecessary mistakes

Dr. Julia Schwalm *Head of Commercial Disputes* **Morrison & Foerster LLP**

14:15 **Update on Damages for Competition Issues**

- The EU antitrust damages directive: scope of application, main changes and status of implementation
- What to expect next:
 - Increase in antitrust litigation
 - Likely impact on companies' life
 - Possible developments of the long-standing parental liability issue

Stefania Amoruso *Head of International Litigation* **Pirelli**

14:45 **Panel discussion**

Costs, Funding, Disclosure

Huma Blunt *Regional Legal Director Northern EU/ANZ* **Reckitt Benckiser plc**
Richard Spenner *General Counsel – Corporate Litigation and E-Discovery* **Willis Towers Watson**
Craig Arnott *Managing Director* **Burford Capital** (Moderator)

15:30 **Coffee break with networking possibilities**

16:00 **The Makings of a Modern M&A Dispute**

- The presentation discusses factors associated with recent M&A disputes. These include accounting, financial, technological and organisational behavior aspects of takeovers
- Disputes frequently arise over the completion mechanism including the net debt and net working capital adjustments. Beyond these purchase price adjustment disputes, we discuss why revenue recognition is a battleground of some of the biggest disputes as well as hidden debt. In this context we cover fraud and identify 'red flags' that can help identify fraud early. We also discuss why earn-outs make disputes more likely and cyber security issues and their effect on M&A

Heiko Ziehms *Managing Director* **Berkeley Research Group**

16:45 **Banking Litigation**

- Typical lines of argument why banks should be liable for damage compensation
- Strategies to defend the claims
- Idiosyncrasies of various jurisdictions: for example US versus Europe versus Asia
- What has and what has not worked

Daniel Kläy *Head Litigation* **Credit Suisse**
Jochen Benz *Managing Director* **Alvarez & Marsal**

8:30 Coffee reception
 9:00 Opening speech of the chairman **Alexander Demuth** *Managing Director* **Alvarez & Marsal**

9:05 **2016: Emergence of US-class action culture in Germany**

John C. Ertman *Partner* **Ropes & Gray**
Dr. Martin Beckmann *Partner* **lindenpartners**

9:50 **Government Litigation - challenging sales restricting regulatory decisions**

- Legal proceedings against official sales bans, product recall orders and public warnings
- Removal of RAPEX/RASFF notifications from official web sites
- Preliminary proceedings against government agencies and market surveillance authorities

Dr. Arun Kapoor *Associated Partner*
Noerr LLP

10:35 **Coffee break with networking possibilities**

11:05 **The Challenges – and Practical Guidance on Meeting them -
 of Electronic Evidence in International Arbitration**

Alma Forgó *Head of Commercial Litigation & Arbitration*
Airbus Group

Michael Becker *Managing Director*
Consilio

11:50

Panel discussion

International Commercial Arbitration 2017 – more international, more commercial, more arbitration?

Florian Cahn *General Counsel* **AREVA**
Filippo Corsi *General Counsel & Compliance* **Ansaldo STS a Hitachi Group Company**
Dr. Robert Rom *Group Legal Counsel* **Swiss Life Group**
Sofie Vandervaeren *Group Counsel Litigation* **Johnson Controls**
Kai Schumacher *Managing Director* **AlixPartners** (Moderator)

12:30 **Collective networking Lunch**

13:20 **Global Patent Litigation**

- Enforcing patent portfolios through multi-national litigation
- New opportunities by filing with the Unified \ddot{u} BePatent Court
- Setting license rates through FRAND arbitration

Dr. Clemens-August Heusch *European Head of Litigation*
Nokia GmbH

14:00 **Emerging Markets**

- "Characteristics" of Emerging Markets"
- "Risk Appetite" of the Management Vs. In-house Legal Counsel
- "Legal Sophistication" in the Emerging Markets

Selin Pattni *Corporate Counsel / Global Key Legal Responsible for General Industry & Marketing and Sales*
Henkel AG & Co. KGaA