

# IADC

*International Association  
of Defense Counsel*



# INTERNATIONAL CORPORATE COUNSEL COLLEGE 6 - 7 OCTOBER 2011 PARIS, FRANCE

Civil Law vs. Common Law: How to Navigate through Legal Issues in a  
Globalized Economy with Different Legal Systems

## ***International Association of Defense Counsel*** **2011 International Corporate Counsel College**

The International Corporate Counsel College brings together in-house counsel and their law firm counterparts for two days of education and discussion on the latest legal issues affecting global companies. The event is modelled on the highly successful IADC Corporate Counsel College which is held each year in the United States. This distinctive meeting format creates an intimate environment, providing the opportunity for in-house counsel and their advisors to gain knowledge together and spend time with others who face similar issue. The IADC is pleased to invite you to the fourth annual International Corporate Counsel College in Paris, France on 6 -7 October 2011.

### **Who may attend?**

The event is primarily designed for in-house counsel of corporations. Outside counsel also are welcome, provided they come with one or more in-house counsel clients.

### **SEE WHAT PAST ATTENDEES HAVE SAID ABOUT THE COLLEGE...**

*“Very top level, stimulating sessions and an enjoyable event.”*

*“I find this program to be an invaluable insight into the issues faced by in-house counsel involved in litigation in Continental Europe.”*

*“An ideal balance of in-house counsel experience and external counsel specific advice.”*

*“Every American in-house counsel with a company doing business abroad should attend the ICCC to hear the concerns and issues of their colleagues abroad.”*

*“Excellent international networking opportunity with prominent lawyers and in-house counsel.”*



The International Association of Defense Counsel (IADC) has been serving a distinguished membership of corporate and insurance defense lawyers since 1920.

Its activities benefit the approximately 2,400 invitation-only, peer-reviewed members from around the world and their clients as well as the civil justice system and the legal profession. In addition, the IADC takes a leadership role in many areas of legal reform and professional development.

**International Corporate Counsel College  
Advisory Board**

**Thomas Rouhette, Director**  
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**Emmanuel Vuillard**  
*ALSTOM, France*



## THURSDAY, 6 OCTOBER

12.00 - 1.15 p.m.

**WELCOME LUNCHEON**

**OPENING COMMENTS:**

**Thomas Rouhette**, *International Corporate Counsel College Director, Hogan Lovells LLP, Paris, France*

**INTRODUCTION TO THE IADC:**

**Bill Perry**, *IADC President, Carter Perry Bailey LLP, London, England*

1.15 - 1.45 p.m.

**NO PRIVILEGE, NO CONFIDENTIALITY.**

**WHY AREN'T FRENCH IN-HOUSE LAWYERS TREATED LIKE LAWYERS?**

Guest Speaker: **Carol Xueref**, *General Counsel of Essilor, Member of the French Competition Authority, former Chair of the Cercle Montesquieu (French Association of In-house Counsel)*



The recent Akzo Nobel decision of the European Court of Justice has drawn attention to the status of European in-house counsel in terms of privilege and confidentiality. French in-house counsel are in a particular position as they do not benefit from any of the protection generally granted to lawyers. How can they properly do their job and serve the corporations that employ them if they are treated as standard employees? In a global environment, how can they interact with their international colleagues? Is a change of status required and is this going to happen any time soon?

Carol Xueref, General Counsel of a leading French company doing business around the world and former Chair of the French leading association of in-house counsel, will provide precious insight into this topic.

1.45 - 2.00 p.m.

**REFRESHMENT BREAK**

2.00 - 3.20 p.m.

**DISCOVERY OR NO DISCOVERY? WHAT IS THE BEST LITIGATION SYSTEM FOR CORPORATIONS?**

One of the crucial differences between civil law and common law litigations is the process of discovery. While civil law systems believe that discovery is an intrusive, far too costly and time-consuming tool considering its results, common law systems answer that it is the only way to ensure that Courts have all relevant information at hand. Efficiency vs. justice? Be prepared for an intense debate between senior in-house litigation counsel who are used to handling disputes with or without discovery.

Moderator

**Creighton Magid**, *Partner, Dorsey & Whitney, LLP, Washington, District of Columbia USA*

## Panellists

**Arndt Berger**, *Director of EU Litigation, eBay, Dreilinden, Germany*

**James M. Campbell**, *Partner, Campbell, Campbell, Edwards & Conroy PC, Boston, Massachusetts USA*

**Philip T. Scourfield**, *Assistant General Counsel, Head of Litigation, British American Tobacco, London, England*

**Sophie Waldberg-Billhouet**, *Global Head of Dispute Resolution, Credit Agricole Corporate and Investment Bank, Paris, France*

3.20 - 3.35 p.m.

### **REFRESHMENT BREAK**

3.35 - 4.55 p.m.

### **COMPLIANCE & INVESTIGATIONS: MORE EXPOSURE FOR BUSINESSES AND NEW ISSUES, FROM THE UK BRIBERY ACT TO HUMAN RIGHTS AND BEYOND.**

While corporations have recently been pointed at around the world for internal compliance issues which had a worldwide impact on the economy and/or the environment, businesses now have no other choice but to carry out compliance investigations internally and respond to outside investigations which have accordingly increased. This session will discuss the latest key developments in the world on compliance and investigations, and the steps to be taken to protect corporations' interests at best when the authorities come knocking on the door.

### Moderator

**Flavio Bertoli**, *Senior Compliance Counsel, Siemens AG, Munich, Germany*

## Panellists

**Joe Cyr**, *Partner, Hogan Lovells LLP, New York, New York USA*

**Richard Eveleigh**, *Specialty Division General Counsel (Europe), Chubb Insurance Company of Europe SE, London, England*

**Richard Lissack, QC**, *Outer Temple Chambers, London, England*

**Jonathan Peddie**, *Managing Director of Litigation and Investigations, Barclays Bank plc, London, England*

4.55 - 5.10 p.m.

### **REFRESHMENT BREAK**

5.10 - 6.30 p.m.

### **CONTRACTS DRAFTING: 10 OR 100 PAGES? WHICH OF THE COMMON LAW OR CIVIL LAW APPROACH IS THE MOST EFFICIENT AND DOES CHOICE OF LAW MATTER?**

Besides litigation, this panel will discuss another major difference between civil law and common law: what is the best way to draft contracts? This question is crucial as a fair share of the disputes that corporations are facing arise from unclear contract drafting. The panel will discuss the best format to follow, the key clauses to negotiate and the sensitive issue of the choice of law. It will focus on the cultural (and legal?) differences in the approach towards contracts drafting between civil law and common law practitioners.

Moderator

**GianBattista Origoni**, *Senior Partner, Gianni Origoni Grippo & Partners, Milan, Italy*

Panellists

**Pierre Cardin**, *Senior Vice President, Group Export Compliance Officer, EADS, Munich, Germany (formerly General Counsel and Corporate Secretary of EADS North America)*

**Jean Papias**, *Legal Affairs, Head of International Commercial Affairs, TOTAL Refining Marketing, Paris, France*

**Allan Richards**, *General Counsel EMEA - Life Safety & Security Products, Honeywell Control Systems Ltd, Bracknell, England*

**Mark Willis-Jones**, *Deputy General Counsel International, Armstrong World Industries Inc., Barcelona, Spain*

6.30 - 7.00 p.m.

**MODERN BUSINESS WORLD: HOW DOES THE CIVIL LAW SYSTEM FIT IN?**



Guest Speaker: **Guy Canivet**, *member of the French Constitutional Council, former Chief Justice of the Cour de Cassation (the French Supreme Court), former Presiding Judge of the Paris Court of Appeal*

In a global economy, is there still room for the coexistence of legal systems as different as civil law and common law? At a time when UK or New York law seem to have taken over as the governing law of many major international contracts and tend to dominate today's business world, Guy Canivet, the former Chief Justice of the French Cour de Cassation and a current member of the French Constitutional Council, will explain why civil law systems still have a future as an efficient and modern legal system.

7.00 p.m.

**COCKTAIL RECEPTION FOLLOWED BY DINNER**

**IN THE RING: THE TRIALS OF A WASHINGTON LAWYER**



Dinner Speaker: **Robert Bennett**, *Hogan Lovells LLP, Washington, District of Columbia USA*

From the Washingtonian litigation rings to the International Corporate Counsel College in Paris, Bob Bennett, who has represented Bill Clinton in the Paula Jones/Monica Lewinsky case as well as many other famous clients in almost every high-profile dispute related to the elite of US politics over the last decades, will tell us stories about his most memorable cases and the practice of the law.

## FRIDAY, 7 OCTOBER

8.00 – 8.30 a.m.

### BREAKFAST

8.30 - 9.50 a.m.

**CLASS ACTIONS: FROM “INTERNATIONAL” CLASS ACTIONS IN AMERICA TO COLLECTIVE REDRESS MECHANISMS IN EUROPE. THE LATEST DEVELOPMENTS ON THE FRONT.**

European countries are, one after the other, introducing or at least thinking of introducing, class actions in their legal systems. Doubts and skepticism are however persistent shadows for these countries which want to avoid the down-sides of the North American class actions. The panel will discuss the pros and cons of class actions, the latest news from within the EU Commission, and developments in their respective jurisdictions. Is the expansion of collective redress mechanisms inevitable?

### Moderator

**Ianika Tzankova**, *Senior Associate, NautaDutilh, Amsterdam, Professor on comparative mass claim litigation, Tilburg University, The Netherlands*

### Panellists

**Christopher D’Angelo**, *Partner, Montgomery McCracken Walker & Rhoads LLP, Philadelphia, Pennsylvania USA*

**Steven Rosenhek**, *Partner, Fasken Martineau LLP, Toronto, Ontario Canada*

**Jacques-Antoine Robert**, *Partner, Simmons & Simmons LLP, Paris, France*

9.50 - 10.05 a.m.

### REFRESHMENT BREAK

10.05 - 11.25 a.m.

### HOW OUTSIDE COUNSEL CAN BETTER SERVE IN-HOUSE COUNSEL?

What do in-house counsel really think of the communication habits, questions, strategies, and fee practices of outside counsel? This is a unique opportunity for outside counsel to obtain answers to these questions, thanks to a panel of senior in-house counsel ready to answer the questions that outside counsel have never brought up but have always wanted to ask.

### Moderator

**Daniela Karollus-Bruner**, *Partner, CMS Reich-Rohrwig Hainz, Vienna, Austria*

### Panellists

**Olivier Caremans**, *Vice President and General Counsel EMEAI, Ingersoll Rand International, Brussels, Belgium*

**François Garnier**, *Chief Counsel European Legal Platform, Pfizer Europe, Paris, France*

**Robert Hunter**, *General Counsel, Altec Inc., Birmingham, Alabama USA*

**Nick Vidovich**, *Group Legal Director - Litigation, Vodafone, London, England*

11.25 - 11.40 a.m.

**REFRESHMENT BREAK**

11.40 a.m. - 1.00 p.m.

**HOW CAN IN-HOUSE COUNSEL HELP OUTSIDE COUNSEL SERVE THEM BETTER?**

And what about “the clients”? Are in-house counsel as efficient as they should be in their dealings with their outside counsel? This panel of senior outside counsel will discuss the best and worst practices of in-house counsel when working with them. After all, it is all about team-play. Be prepared for a frank and open discussion that will undoubtedly raise comments from the floor.

Moderator

**Pamela McGovern**, *General Counsel, Hydro-Québec, Montreal, Quebec Canada*

Panellists

**Bruce Campbell**, *Partner, Perkins Coie LLP, Seattle, Washington USA*

**Dennis Chemla**, *Partner, Herbert Smith LLP, Paris, France*

**John Evans**, *Fulbright & Jaworski International LLP, London, England*

**Dietmar Knopp**, *Partner, Freshfields Bruckhaus Deringer LLP, Frankfurt, Germany*

**Vi Ming Lok**, *Partner, Rodyk & Davidson, Singapore*

1.00 - 1.15 p.m.

**CLOSING REMARKS**

**Thomas Rouhette**, *College Director*

**Christopher D’Angelo and Adam Barker**, *2012 College Co-Directors*

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## EVENT FACTS

**LOCATION**

**InterContinental Paris-Le Grand**

2 rue Scribe

75009 Paris, France

Phone: +33-1-40073232

Fax: +33-1-42661251

[www.paris.intercontinental.com](http://www.paris.intercontinental.com)

A treasure in the centre of Paris, InterContinental Paris Le Grand is the essence of Paris, from its 9th arrondissement location to its Empire style borne of Napoleon’s love of grandeur. An historic monument amid the swirl of the shopping, theatre and banking districts, the hotel is close to famously French attractions such as the Opéra Garnier, Place Vendôme and the Louvre Museum. The hotel is a 50 – 60 minute drive from the main airports.

## **Reservations and Room Rates**

The room rate, which is inclusive of applicable international and local taxes, per room per night is: €355 for Single and €375 for Double Occupancy. Complimentary internet access in sleeping rooms and an American Buffet Breakfast for one person are included in the room rate. Breakfast is served at the hotel's restaurant, Café de La Paix. Additional hotel guests at breakfast in the Café will be charged €20/per day.

**In order to make your hotel reservation you must first register for the International Corporate Counsel College through the IADC.** Once registered, the IADC will send you a hotel reservation form that will allow you to secure a hotel room at our reduced rate. Reservations must be made prior to Friday, 16 September 2011. Unused rooms held for this meeting will be released on this date. Any reservation requests received after 16 September 2011 will be accepted only on a space available basis at the group rate. Please note that the room block may fill before that date, so we encourage you to register with the IADC so you can make your hotel reservation early. Cancellation of any guaranteed room reservation must be received by the hotel before Friday, 23 September 2011 to avoid the amount of the entire stay being charged to the credit card used to guarantee the reservation. Check-in time is 5:00 p.m. and check-out time is 12:00 p.m.

## **Ground Transportation**

There are two airports serving Paris - Charles de Gaulle and Orly. From both airports you can take a car - either a taxi or limousine service. A taxi from Charles de Gaulle or Orly airports will cost approximately €50 one-way. Limousine service can be arranged in advance by calling the hotel concierge. This cost is €180 (for a maximum of two passengers with luggage) and up according to the car type.

## **CLIMATE AND DRESS**

When packing for your trip, please note that average temperatures in Paris this time of year range from a high 18° C/64° F to a low of 9° C/48° F. Cloudy, rainy conditions are frequent in October. Business attire is appropriate for this meeting.

## **REGISTRATION FEES AND PROCEDURES**

**In-House Counsel:** The registration fee includes all meeting materials, educational programming, Thursday's luncheon, reception and dinner, and Friday's breakfast. Credit cards will be charged in US dollars based on the exchange rate the day it is processed, but in no event will exceed the USD rate quoted.

**Outside Counsel and In-House Counsel Package:** The registration fee includes all meeting materials, educational programming, Thursday's luncheon, reception and dinner, and Friday's breakfast for both the outside and in-house counsel. Credit cards will be charged in US dollars based on the exchange rate the day it is processed, but in no event will exceed the USD rate quoted.

## **Spouse/Guest:**

The spouse/guest registration fee includes Thursday's reception and dinner and Friday's breakfast. Credit cards will be charged in US dollars based on the exchange rate the day it is processed, but in no event will exceed the USD rate quoted.

## **CDP CREDIT (U.K. AND CANADA)**

The IADC is an Authorized Provider of CDP Credit with the Solicitors Regulation Authority of England and Wales. The IADC is also a Pre-Approved Provider of CDP Credit with the Law Society of British Columbia. The Quebec CDP Committee recognized courses approved by other Canadian bars as approved in Quebec. Nine CDP credits are available for attendance at the International Corporate Counsel College.

## **CLE CREDIT (UNITED STATES)**

Approximately 9 hours of general CLE credit in 60-minute states and 10.8 hours of general CLE credit in 50-minute states will be requested for accreditation from all mandatory continuing legal education jurisdictions.

## **CANCELLATION POLICIES**

**Registration Fee:** A CASH REFUND, less a \$150 processing fee, will be made if a written notice of cancellation is received by the IADC office more than thirty (30) days prior to the first day of the meeting. No reason for the cancellation need be provided for a timely notice of cancellation.

NO CASH REFUND will be made if notice of cancellation is received by the IADC office thirty (30) days or less prior to the first day of the meeting. However, if special circumstances arise before the meeting which prevent attendance, a member may request a future meeting credit. The request needs to be in writing and submitted to the IADC office. It should be directed to the Finance Committee's attention and note the special circumstances which caused cancellation. The credit request can only apply to meeting registration fees (not air, hotel, activity, tour, or special event fees) and, if approved, will be valid for use toward any IADC meeting for one (1) year from the date of the meeting for which credit is requested. A \$150 processing fee will be deducted from the total future meeting credit. All future meeting credit requests will be considered by the Finance Committee and the decision of that Committee will be final.

**Spouse/Guest Fee:** Notice of cancellation must be received by the IADC in writing no later than 19 September 2011 in order to receive a full refund. No refunds or credits will be issued for cancellation requests received after 19 September.

## **SPECIAL NEEDS**

If you will have special needs during the meeting (*i.e.*, diet or accessibility), please let the IADC office know in advance of the meeting by sending an e-mail to Rebecca Zurcher, Director of Meetings, at [rzurcher@iadclaw.org](mailto:rzurcher@iadclaw.org).

## **CORRESPONDENCE AND QUESTIONS**

For up to date meeting information, visit [www.iadclaw.org](http://www.iadclaw.org). For questions concerning logistics and accommodations, please contact Rebecca Zurcher, Director of Meetings, at [rzurcher@iadclaw.org](mailto:rzurcher@iadclaw.org). For all other questions, please contact Amy O'Maley, Director of Professional Development, [aomaley@iadclaw.org](mailto:aomaley@iadclaw.org).

# 2011 INTERNATIONAL CORPORATE COUNSEL COLLEGE REGISTRATION FORM

## IN-HOUSE COUNSEL

\$1,175/€799

\$/€ \_\_\_\_\_

|  |       |  |         |
|--|-------|--|---------|
| NAME   |       | NAME ON BADGE                                  |         |
| FIRM/COMPANY NAME                                    |       |  |         |
| BUSINESS ADDRESS                                     |       |  |         |
| CITY   | STATE | ZIP  | COUNTRY |
| BUSINESS PHONE                                       |       | BUSINESS FAX                                   |         |
| E-MAIL ADDRESS                                       |       |  |         |
| US STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED |       | UK SOLICITOR IDENTIFIER NUMBER (if applicable) |         |

## OUTSIDE COUNSEL AND IN-HOUSE COUNSEL PACKAGE

\$2,350/€1,598

\$/€ \_\_\_\_\_

*Outside counsel members are most welcome, but they must come with one or more in-house counsel. The registration fee is \$2,350/€1,598 (\$1,175/€799 for the outside counsel and \$1,175/€799 for the in-house counsel). If the outside counsel brings additional in-house counsel guests, there are fee reductions for subsequent guests. The registration fee for one additional in-house counsel is \$1,123/€764; second additional in-house counsel is \$1,072/€729; and any other in-house counsel is \$1,020/€694. Please use additional copies of this form to register multiple in-house counsel.*

### OUTSIDE COUNSEL INFORMATION

|  |       |  |         |
|--|-------|--|---------|
| NAME   |       | NAME ON BADGE                                  |         |
| FIRM/COMPANY NAME                                    |       |  |         |
| BUSINESS ADDRESS                                     |       |  |         |
| CITY   | STATE | ZIP  | COUNTRY |
| BUSINESS PHONE                                       |       | BUSINESS FAX                                   |         |
| E-MAIL ADDRESS                                       |       |  |         |
| US STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED |       | UK SOLICITOR IDENTIFIER NUMBER (if applicable) |         |

### IN-HOUSE COUNSEL INFORMATION

|  |       |  |         |
|--|-------|--|---------|
| NAME   |       | NAME ON BADGE                                  |         |
| FIRM/COMPANY NAME                                    |       |  |         |
| BUSINESS ADDRESS                                     |       |  |         |
| CITY   | STATE | ZIP  | COUNTRY |
| BUSINESS PHONE                                       |       | BUSINESS FAX                                   |         |
| E-MAIL ADDRESS                                       |       |  |         |
| US STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED |       | UK SOLICITOR IDENTIFIER NUMBER (if applicable) |         |

## SPOUSE/GUEST REGISTRATION FEE

\$255/€174

\$/€ \_\_\_\_\_

The spouse/guest registration fee includes Thursday's reception and dinner and Friday's breakfast only.

Name \_\_\_\_\_

TOTAL AMOUNT ENCLOSED

\$/€ \_\_\_\_\_

## PAYMENT

Complete and E-mail to rzurcher@iadclaw.org or mail to: IADC, 303 West Madison, Suite 925, Chicago, IL 60606 or fax to 312.368.1854.

AMEX    
  Visa    
  MasterCard    
  Check (Payable to the IADC in USD)

Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Name on Card: \_\_\_\_\_

Signature: \_\_\_\_\_

*Please fill out the form and E-mail, mail, or fax it to the IADC. For your convenience, all registration fees may be paid by credit card; wire transfer; or by check. Credit cards will be charged in USD based on the exchange rate the day it is processed but in no event will exceed the USD rate quoted.*

*If paying by wire transfer, please send information to JPMorgan Chase Bank, Chicago, Illinois, Routing # 071000013, Account # 644403099, Swift Code CHASUS33. If paying by check, it must be in US currency and mailed to the IADC.*



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