College of Commercial Arbitrators®

17th Annual Meeting

October 12-14, 2017

The Marquette Hotel
Minneapolis, MN
Thursday, October 12th

*All Thursday programs, except the Education Program and Evening Reception, are at the IDS Center adjacent to The Marquette Hotel.

7:30 a.m. – 8:00 a.m.
Registration and Breakfast for the CCA Education Program

8:00 a.m. – 1:45 p.m.
CCA Education Program – Effective Arbitration Advocacy
The CCA Education Committee, in cooperation with the American Arbitration Association, starts the day with a program on arbitration advocacy designed for Minnesota lawyers and arbitrators. The program is hosted by the law firm of Dorsey & Whitney LLP.
Education Committee Co-Chairs: Connie L. Peterson & Larry R. Leiby
Program Co-Chairs: Connie L. Peterson & John R. Holsinger

10:00 a.m. – 6:00 p.m.
Registration Desk Open at The Marquette Hotel

2:00 p.m. – 2:45 p.m.
CCA Board of Directors Meeting - Part 1
President John F. Byrne will preside over the final Board Meeting of his term. All Fellows welcome and encouraged to attend. Advance RSVP required during registration.

2:45 p.m. – 3:00 p.m.
Break

3:00 p.m. – 4:00 p.m.
CCA Board of Directors Meeting - Part 2
New CCA President Richard H. Silberberg will preside over the initial Board Meeting of his term, introduce the incoming Directors, and announce the new members of the Executive Committee and the Standing Committee Chairs and Co-Chairs. All Fellows welcome and encouraged to attend. Advance RSVP required during registration.

4:00 p.m. – 4:15 p.m.
Break

4:15 p.m. – 4:30 p.m.
Welcome to the CCA Annual Meeting
Richard H. Silberberg, CCA President, New York, NY

4:30 p.m. – 5:45 p.m.
Arbitration User Perspectives – Opening Plenary Session
Our opening plenary session will feature a panel discussion among institutional users of arbitration as a method of dispute resolution. You can look forward to a candid critique of the process and perceptions of needed improvements.
Peter J. Bado, Chief Legal Officer & Corporate Secretary, Thrivent, Minneapolis, MN
Howard M. Klausmeier, Vice President & Group Counsel-Litigation, Ameriprise Financial, Troy, MI
Karen E. Wilkinson, General Counsel & Secretary, Loram Maintenance of Way, Inc., Minneapolis, MN
Christopher Zaetta, Deputy General Counsel, UnitedHealth Group, Minnetonka, MN

5:45 p.m. – 6:15 p.m.
Fellows, Registered Spouses and Guests to assemble in the lobby of The Marquette Hotel for a short walk to Dorsey & Whitney LLP for the Welcome Cocktail Reception.

6:15 p.m. – 8:00 p.m.
Welcome Cocktail Reception at Dorsey & Whitney LLP
(50 South Sixth Street, Suite 1500, Minneapolis, MN 55402)
Fellows, Registered Spouses and Guests will have a great opportunity to reconnect with colleagues and friends in a relaxed, convivial atmosphere. We will kick off the Annual Meeting with soda (“pop” in Minnesota), beer, wine and cocktails, plus plenty of finger food.

7:00 p.m. – 7:15 p.m.
Welcome to Minnah–SOH–tah!
CCA Fellow and Minnesota native Paul B. Klaas will present a brief introduction to our host state, which will likely include a barrage of bragging about the State of 10,000 Lakes.

8:00 p.m.
Dinner and/or Entertainment On Your Own
(A list of area restaurants will be provided.)

Friday, October 13th

*All Friday programs, including the Friday evening Reception and Dinner, are at the IDS Center adjacent to The Marquette Hotel.

7:00 a.m. – 5:30 p.m.
Registration Desk Open at The Marquette Hotel

7:30 a.m. – 8:45 a.m.
Fellows’ Breakfast & Committee Meetings
All Fellows and their registered Spouse/Guest are invited to breakfast. Tables will be reserved for Committees that wish to meet over breakfast.

9:00 a.m. – 10:15 a.m.
2017: The Cases You Should Know – Plenary Session
Join our panel for an interactive discussion of the latest arbitration case law impacting our arbitration practices.
Elizabeth Kramer, Stinson Leonard Street, Minneapolis, MN
David C. Singer, New York, NY
Gilda R. Turitz, San Francisco, CA

10:15 a.m. – 10:30 a.m.
Break

10:30 a.m. – 11:45 a.m.  BREAKOUT SESSIONS I & II

1. Law Enforcement Behavior and Community Tensions
New reports of allegedly abusive police behavior – sometimes resulting in death or injury to a civilian and ensuing tensions between the police force and the community it serves – have become increasingly frequent.
This panel will discuss the role of facilitative consensus-building and dispute resolution methods in preventing and ameliorating such tensions, as well as the role of arbitration in disciplining police officers where appropriate (in lieu of or following criminal proceedings). The panel will also focus on broader policy issues associated with the use of such facilitative and adjudicative dispute resolution tools in this context, including the relationship between preventive methods and post-incident adjudications of discipline, and the various practice challenges and issues arising in both realms.

Moderator: Michael D. Young, New York, NY
Stephen Befort, Adjunct Professor of Law, University of Minnesota Law School, Minneapolis, MN
Grande Lum, Executive Director of the Divided Community Project, The Ohio State University, Columbus, OH
Hon. Dan A. Polster, U.S. District Judge, Northern District of Ohio, Cleveland, OH

II. Privilege and International Arbitration – Cross-Border Clarity or Confusion in Law and Practice?
Join this panel of prominent voices in the international arbitration community to discuss the practical and legal questions arising out of differing approaches to the attorney-client privilege and other commonly asserted privileges in various national and international legal systems (unitary and federal), and the common-law and civil-law worlds, from the perspectives of arbitrator, counsel and expert. The panel will also consider how privilege issues are dealt with in international arbitration rules, national and international law, conflicts of law, and real-world practice.

Moderator: Mark A. Kantor, Washington, D.C.
George A. Bermann, Jean Monnet Professor of EU Law, Walter Gellhorn Professor of Law and Director, Center for International Commercial and Investment Arbitration, Columbia Law School, New York, NY
Susan D. Franck, Professor of Law, American University Washington College of Law, Washington, D.C.
Jean E. Kalicki, New York, NY

11:45 a.m. – 1:15 p.m.
Luncheon For Fellows
Guest Speaker: Hon. Alan C. Page (Ret.), Associate Justice of the Minnesota Supreme Court and member of the Pro Football Hall of Fame

1:15 p.m. – 2:30 p.m.
Sports and Arbitration – Ultimate Umpires – Plenary Session
This distinguished panel will discuss the development of specialized arbitration procedures for the resolution of sports-related disputes and current practices of arbitrating such disputes.

Moderator: James H. Carter, New York, NY
Walter G. Gans, New York, NY
Jeffrey A. Mishkin, Skadden, Arps, Slate, Meagher & Flom LLP, Former Chief Legal Officer of the National Basketball Association, New York, NY
Rosemary A. Townley, Independent Arbitrator-Mediator, Former Grievance Arbitrator for the National Football League and the Players Association, Larchmont, NY

2:30 p.m. – 2:45 p.m.
Break

2:45 p.m. – 4:00 p.m.
When Justice Delayed Would be Justice Denied: Emergency Arbitrators and Interim Measures in Arbitration – Plenary Session

Emergency Arbitrators are the “first responders” of our profession. In fulfilling their charge to assess the immediate need for interim and conservatory measures, and to ensure the efficacy of the arbitration process pending the constitution of the arbitral tribunal, emergency arbitrators often find themselves under intense pressures imposed by allegations of impending crisis and irreparable loss. Four seasoned CCA Fellows will present their views regarding the many issues that confront Emergency Arbitrators in both U.S.-based and international arbitrations.

Moderator: Edna R. Sussman, Scarsdale, NY
Hon. William G. Bassler (Ret.), Red Bank, NJ
James M. Gaitis, Whitefish, MT
Michael S. Wilk, Houston, TX

4:00 p.m. – 4:15 p.m.
Break

4:15 p.m. – 5:30 p.m. BREAKOUT SESSIONS III & IV

III. The Corruption Conundrum – What Should Arbitrators Do When Allegations or Suspicions of Corruption Arise in an International Arbitration?

A panel with wide-ranging experience as international arbitrators, arbitration counsel and corporate counsel will discuss the ongoing debate about the proper role, if any, of international arbitrators in policing corruption. The panel will offer some examples of how corruption can manifest itself in arbitration proceedings, and will describe the substantive and procedural implications of illegality or corruption allegations. The discussion will include issues such as identifying the laws applicable to determining illegality and its consequences, adapting document production procedures to allow illegality and corruption allegations to be explored, whether and how to impose special confidentiality regimes, and addressing concerns about witness self-incrimination and other related matters.

Moderator: Gerald W. Ghikas, QC, Vancouver, British Columbia
Sally A. Harpole, San Francisco, CA
Tim Martin, International Arbitrator, Calgary, Alberta
Klaus Reichert SC, London, England

IV. Resolving Rapidly Expanding Disputes in the Health Care Industry Without Litigation

Dynamics at play in the health care industry contribute to disputes, and the unique features and interests in that industry render these disputes well suited for arbitration. This panel of experienced arbitrators of health care disputes will explain the significant types of disputes that arise in the health care industry, relevant considerations impacting the arbitration of such disputes, and how to effectively handle these arbitrations.

John R. Phillips, Kansas City, MO
Barbara Reeves, Los Angeles, CA
R. Wayne Thorpe, Atlanta, GA
6:30 p.m. – 7:30 p.m.
Networking Cocktail Reception
All Fellows and their registered Spouse/Guest are welcome to attend.

7:30 p.m. – 10:00 p.m.
Dinner Atop The City
Fellows, Registered Spouses and Guests will enjoy fellowship with panoramic views of the Twin Cities of Minneapolis and St. Paul on the 52nd floor of the landmark IDS Center, heralded by *The New York Times* as “one of the finest skyscrapers” in America.

**Introduction and Induction of New CCA Fellows**
**Presenters:** John F. Byrne, Immediate Past President, and other CCA Past Presidents

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**SATURDAY, OCTOBER 14TH**

*All Saturday programs, except the Evening Reception and Dinner, are at the IDS Center adjacent to The Marquette Hotel.*

7:30 a.m. – 12:30 p.m.
Registration Desk Open at The Marquette Hotel

7:30 a.m. – 8:45 a.m.
**Fellows’ Breakfast**
All Fellows and their registered Spouse/Guest are invited to breakfast.

8:45 a.m. – 10:00 a.m.
**Changing the Paradigm – Why Diversity in ADR Matters – Plenary Session**
Research shows that decision-making is improved when judgments are reached by diverse groups. In many cases, arbitration is the privatization of a public function and diversity is demanded and achieved in that public arena to a greater extent than it has been in the ADR community. Corporations that use ADR have acknowledged and accepted the benefits of diversity. Yet, despite serious efforts for over a decade, the achievement of real diversity in ADR has lagged behind expectations – how can we overcome the impediments to making diversity in ADR a reality?  
**Moderator:** Laura A. Kaster, Princeton, NJ  
*Sasha Carbone,* Associate General Counsel, American Arbitration Association, New York, NY  
*Theo Cheng,* Member of the Council of the American Arbitration Association, New York, NY  
*Hon. Shira A. Scheindlin* (Ret.), United States District Judge, Southern District of New York, New York, NY

10:00 a.m. – 10:15 a.m.
**Break**

10:15 a.m. – 11:45 a.m.
**Arbitration Practicum – Closing Plenary Session (1 hour ethics)**
We conclude the educational programming with this perennial favorite. Small groups of Fellows will consider sophisticated ethical and practical problems arising in the context of arbitration proceedings.
**Moderator:** Eugene I. Farber, White Plains, NY

11:45 a.m. – 12:45 p.m.
**Lunch**
Box lunches are available for Fellows and registered Spouse/Guests as you make your way to the afternoon activities.

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12:30 p.m. – 6:30 p.m.
**Pick Your Pleasure - Afternoon Activities for All**
Since promoting Fellowship is a priority of the College, we have planned a variety of group leisure activities for this afternoon. *Availability is limited. Register soon to reserve your spot!*

In addition to the below activities, we will also feature a series of discussion groups led by Fellows for those who wish to share their recent experiences and discuss issues that have arisen in their arbitration practices.

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**SATURDAY, OCTOBER 14 – 12:30 p.m. – 4:00 p.m.**
**Matinée Performance of Watch on the Rhine – Guthrie Theater**
This is your opportunity to see a live performance in the Guthrie Theater. Set in 1940, *Watch on the Rhine* tells the story of Fanny Farrelly, who is expecting the arrival of her daughter Sara, Sara's German husband Kurt, and their children who have fled Europe due to Kurt’s role in the anti-Nazi resistance movement. When a Romanian houseguest and Nazi supporter discovers Kurt’s identity, he threatens to expose him. Published in 1941 by Lillian Hellman, an activist ahead of her time, *Watch on the Rhine* is a timely examination of moral obligation, sacrifice and what it means to be American. You will enjoy this relevant political thriller with the company of other CCA Fellows by taking advantage of the special block of seats we have arranged for the 1:00 p.m. show.  
**Cost is $75 per person and includes transportation. Please make your ticket purchase using the enclosed registration form.**

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**SATURDAY, OCTOBER 14 – 1:00 p.m. – 5:00 p.m.**
**Guided Bike Tour with The Fit Tourist**
Find out why Minneapolis is known as one of the best bicycling cities in the U.S.! Your group will choose between a downtown tour and a route that circles two of Minneapolis’s Chain of Lakes. The Fit Tourist will supply a guide, a Trek bicycle and helmet for each rider, as well as water and a snack.  
**Cost is $50 per person. Transportation to and from the tour location is on your own. Please make your ticket purchase using the enclosed registration form.**

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**SATURDAY, OCTOBER 14 – 1:00 p.m. – 3:30 p.m. (Varies)**
**Ivy Spa Club and Salon**
AAAAAAH! Pamper yourself with an afternoon at the spa. “Simply Beyond” is the attitude that assures you a luxurious realm of relaxation beyond your expectations and the extra attention paid to every detail of your salon experience. Located in The Hotel Ivy in downtown Minneapolis, Ivy Spa Club offers a retreat in a convenient location within upscale surroundings within walking distance from The Marquette Hotel. Choose from one of the following “Ivy Signature Service” options: Massage, Facial, or Mani-Pedi.  
**Cost is $110 per person for ONE service option. Transportation is on your own. Please make your ticket purchase and indicate your service selection using the enclosed registration form.**

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6:30 p.m. – 7:00 p.m.
**Bus Transportation to Saturday Dinner**
Fellows and Registered Spouse/Guests will board buses at The Marquette Hotel for a short ride to the dinner venue, the Minneapolis Institute of Art.
Friday Activities for Spouses/Guests

Spouses and guests may register for optional activities on Friday. Transportation to and from this excursion is provided.

Friday, October 13 – 9:15 a.m. – 3:00 p.m.

Mill City Museum / Guthrie Theater Combination Tour

Enjoy a combined tour of two of Minneapolis’s most exciting and informative tourist attractions! Your day will begin with a 9:15 a.m. departure from The Marquette Hotel lobby. You will travel as a group to the Mill City Museum. Located on the banks of the Mississippi Riverfront and built into the ruins of what was once the world’s largest flour mill, the Mill City Museum provides visitors a look at the intertwined history of the flour industry, the river, and the city of Minneapolis. You will then walk to the nearby Guthrie Theater for lunch and an extended backstage tour of this amazing facility.

Founded in 1963, the Guthrie is dedicated to producing the great works of dramatic literature, developing the work of contemporary playwrights and cultivating the next generation of theater artists. The Guthrie continues to set a national standard for excellence in theatrical production and performance.

Cost is $60 per person and includes lunch and transportation to and from the hotel. Please make your ticket purchase using the enclosed registration form.

General Information

Hotel: For the convenience of meeting registrants, a block of rooms has been reserved at our host hotel, The Marquette Hotel by Hilton, 710 Marquette Ave., Minneapolis, MN 55402. To make your reservation, please call (612) 333-4545 and request the ‘College of Commercial Arbitrators’ group rate of $179 per night single/double, or visit http://tinyurl.com/CCA2017Hotel. Reservations should be made as soon as possible by September 20, 2017. After this date or when the room block is exhausted – whichever comes first – the hotel will fill reservation requests on a rate and space available basis only.

Airport & Transportation: The Marquette Hotel is approximately 12 miles (20 minutes/ $40 cab fare) from the Minneapolis-St. Paul International Airport (MSP). Rental cars and executive cars are also available at this airport.

Light Rail to/from MSP International Airport: The train station is on 5th Street and Marquette Avenue. The hotel is located only two blocks away on 7th Street and Marquette Avenue. Fares are $2.25 during rush hours and $1.75 at all other times. Ticket machines are located at all rail stations.

Parking: The Marquette Hotel offers self/garage-parking at $22.00 per day and valet parking at $43.00 per day with in/out privileges.

Activities: For information on activities or attractions available in and around Minneapolis visit http://www.minneapolis.org./

MCLE Credit: This program has been approved for 10.25 hours MCLE credit (1 hour ethics) in the State of Texas. Applications have been filed and are pending in California, Illinois & Pennsylvania. Full MCLE information will be available at registration.

Post-Conference Sunday Excursion Option for All

Sunday, October 15 – 11:00 a.m. – 1:00 p.m.

Mississippi River Brunch Cruise

This relaxing brunch cruise will take you along the southern trails of the Grand Rounds Scenic Byway and Heritage Trail, along the University of Minnesota Campus riverfront, under the stunning 35W Bridge, showcasing views of the St. Anthony Falls, the historic Stone Arch Bridge, and amazing river bluffs with views of the downtown Minneapolis skyline. Enjoy a delicious brunch as you see the best Mississippi River has to offer! (Cash bar available on board.) Note: There is a minimum capacity of 20 passengers for each scheduled cruise to depart. All cruises go rain or shine. No refunds, cancellations or exchanges allowed. Cost is $45 per person. Transportation to and from the loading location at the Bohemian Flats is on your own. Please make your ticket purchase using the enclosed registration form.

Special Thanks to our 2017 Conference Sponsors:
Established in 2001, the College of Commercial Arbitrators is a national organization of commercial arbitrators providing a meaningful contribution to the profession, the public and to the businesses and lawyers who depend on commercial arbitration as a primary means of dispute resolution.

CCA promotes the highest standards of conduct, professionalism and ethical practice, develops “best practices,” and provides peer training and professional development.

The College provides interaction and communication in the profession, and offers an easy means to identify those individuals whose professional training and experience qualify them to undertake the most complex and difficult arbitration assignments.

**2017 Officers**

President: John F. Byrne  
President-Elect: Richard H. Silberberg  
Vice-President: Herbert “Hal” Gray, III  
Secretary/Treasurer: Susan H. Nycum

**Board of Directors**

Joanne Barak (2019)  
Trey Bergman (2019)  
John T. Blankenship (2017)  
Louis Coffey (2018)  
Roy L. De Barbieri (2019)  
Paul J. Dubow (2017)  
Neal M. Eiseman (2019)  
Mark J. Heley (2017)  
John R. Holsinger (2018)  
Judith B. Ittig (2018)  
James R. Madison (2018)  
Mitchell L. Marinello (2019)  
Connie L. Peterson (2018)  
Barbara Reeves Neal (2019)  
Harrie Samaras (2018)  
Vivien B. Shelanski (2017)  
John A. Sherrill (2019)  
Allison J. Snyder (2018)  
Stephen S. Strick (2017)  
Edna R. Sussman (Immediate Past President)  
R. Wayne Thorpe (2018)  
Michael D. Young (2019)

**17th Annual Meeting Chair:** Richard H. Silberberg, President-Elect  

**Program Vice-Chairs:** John R. Holsinger, Neal M. Eiseman, Harrie Samaras and Dana Welch

**CCA Staff Liaisons:** Donna J. Passons (Executive Director), Bill Seward (Assistant Director)

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**Minneapolis, Minnesota**

The Marquette Hotel is surrounded by top attractions, starting just steps away with upscale shopping at Crystal Court, connected to the hotel. Discover the restaurants and shops around Nicollet Mall or use the climate-controlled Minneapolis Skyway to reach retailers, office buildings, theatres and other downtown destinations. It’s a quick walk to Target Field, US Bank Stadium and the Target Center to watch pro sports or the Hennepin Theatre District to see a concert. Head for the Mississippi Riverfront for an afternoon on the hiking trails, or hop the Light Rail and spend a day at the Mall of America. It’s all within your reach during CCA’s 2017 Annual Meeting!
College of Commercial Arbitrators 17th Annual Meeting  
October 12-14, 2017 • Minneapolis, MN

MEETING REGISTRATION

Please submit your meeting registration and payment by September 15, 2017. Please see below for the cancellation policy. Hotel reservation information can be found in the brochure under “General Information.”

Register online at www.CCAarbitration.org or by sending the completed registration form & payment to:

CCA 17th Annual Meeting  
Phone: (512) 372-8350  
P.O. Box 4646  
Fax: (512) 451-2911  
Austin, TX 78765  
Email: info@CCAarbitration.org

☐ Fellows Regular Registration (received by September 15, 2017) .........................................................$850.00
☐ Fellows Late Registration (received after September 15, 2017 and by October 6, 2017) .........................$900.00
☐ Fellows Door Registration (received after October 6, 2017) .................................................................$950.00

Conference Materials: Materials on USB drive are included with your conference registration. You may purchase the printed binder of conference materials for an additional $50.00 .................$_________

☐ Spouse/Guest Registration*: Print Name: ___________________________________________ $425.00
  (*Includes Thursday Reception, Friday Reception, Saturday Lunch, Reception & Dinner, and Friday and Saturday Breakfasts.)

RSVPs and Optional Events must be reserved in advance and may be subject to group minimums and/or maximums.

---RSVPs---
☐ Fellow RSVP for Saturday Night Dinner
☐ Spouse/Guest RSVP for Saturday Night Dinner
☐ THUR: Byrne Board Meeting: Advance RSVP Required
☐ THUR: Silberberg Board Meeting: Advance RSVP Required

---Select One Breakout per AM/PM Session---
☐ FRI AM: Breakout #1 or ☐ FRI AM: Breakout #2
☐ FRI PM: Breakout #3 or ☐ FRI PM: Breakout #4

---Optional Events---
☐ FRI: Mill City/Theater Tour $60 x ___ = $________
☐ SAT: Matinée Play @ Guthrie $75 x ___ = $________
☐ SAT: Guided Bike Tour $50 x ___ = $________
☐ SAT: Ivy Spa Service $110 x ___ = $________
☐ FRI: Massage ☐ Facial ☐ Mani-Pedi
☐ SAT: Ivy Spa Service $110 x ___ = $________

☐ I cannot attend the annual meeting. I would like to purchase the following:
Written Meeting Materials at $50. Select One: ☐ Binder ☐ USB Drive ..................$ 50.00

Total Enclosed .......................................................................................................... $_________

Name: _________________________________________________________________________________________
Company/Firm: __________________________________________________________________________________
Address: ________________________________________________________________________________________
City:______________________________State:__________________Zip/Postal Code:  ________________________
Phone:___________________Fax:___________________E-mail: _______________________________

Please List Any Special Needs/Dietary Requests:
__________________________________________________________________________________________

PAYMENT INFORMATION: Please make your check payable to College of Commercial Arbitrators
Please charge my: ☐ Visa ☐ MasterCard ☐ American Express

Credit Card # ________________________________ Exp. Date ________________________________
Signature ________________________________________________ Security Code ____________________
Name on Card _____________________________________________________________
Billing Address (incl. zip code) ________________________________________________

Refunds less a $50 processing fee will be granted to registrants who cancel on or before 30 days prior to the first day of the meeting. If notice is received after that time and before 7 days prior to the first day of the meeting, refunds will be granted less a $150 processing fee. No refunds will be granted thereafter.