

3 October 2012

Dear All,

Welcome to the tenth ProActive ThinkTank email Update.

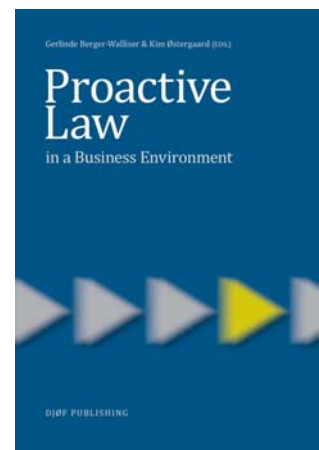
We are pleased to announce the publication of the book based on the papers presented at the Proactive Law Conference held at Copenhagen Business School on 1 and 2 December 2011,

"Proactive Law in a Business Environment"

The book has been edited by Gerlinde Berger-Walliser and Kim Østergaard and published by DJØF Publishing. It includes contributions by several ProActive ThinkTank core team members and constituents, including

- Camilla Baasch Andersen: *"Pre-Contractual Mediation in Negotiation – Transplanting Techniques from Mediation and Introducing a Neutral Contract Facilitator"*
- Thomas D. Barton: *"Collaborative Contracting as Preventive/Proactive Law"*
- Gerlinde Berger-Walliser: *"The Past and Future of Proactive Law: An Overview of the Development of the Proactive Law Movement"*
- Hugues Bouthinon-Dumas & Antoine Masson: *"The Usefulness of Legally Useless Clauses: A Proactive Law and Strategic Perspective"*
- Edward A. Dauer: *"'Primary' Legal Risk Management: Lessons from Claim and Litigation Studies"*
- Larry A. DiMatteo, George J. Siedel & Helena Haapio: *"Strategic Contracting: Examining the Business-Legal Interface"*
- René Franz Henschel: *"Iterative Contracts as Proactive Law Instruments"*
- John Jørgensen: *"Great Expectations (Part 1): Towards Relational Contract Modelling as a Strategic Competence in B2B Agreements"*
- Peter Arnt Nielsen: *"Exclusive Choice of Court Agreements and the Brussels I Regulation"*
- Kim Østergaard: *"Selective Distribution – a Proactive Perspective"*
- Soile Pohjonen & Katja Koskelainen: *"Empowering Contracting Parties – Proactive and Dialogic Contracting in Public Procurement"*
- Kaisa Sorsa: *"Proactive Management and Proactive Business Law (PAM PAL) Curriculum; Educating Professionals for the Future"*

For more information about the book, please go to
<http://www.djoef-forlag.dk/vare/8757427593#English>



Future Events

We are currently looking for a possible host organization for our 2013 Proactive Law conference. If you are interested, please let us know.

“Internationalisation of law in the digital information society”, the XXVII Nordic Conference of Law and IT, will take place in Stockholm on November 22–23, 2012, with a Doctoral Workshop on 21 November. Several representatives of the Nordic School of Proactive Law will participate as speakers. The topics covered will include Data protection in global networks; Evolving systems for solving conflict of laws on the Internet; and Visualisation of law. For the program, speakers, abstracts, and further information, go to <http://www.juridicum.su.se/iri/e12/>

ERASMUS Curriculum Development Project ProActive Management and ProActive Business Law (PAM PAL)

The ERASMUS Curriculum Development Project PAMPAL funded by the European Commission has been completed. The following Handbook and Teacher’s Guide, to which many core group members have contributed, are freely available on the Internet:

- Kaisa Sorsa (ed.): *Proactive Management and Proactive Business Law – A Handbook*. Turku University of Applied Sciences, 2011.
<http://julkaisut.turkuamk.fi/isbn9789522162458.pdf>
<http://julkaisumyynti.turkuamk.fi/PublishedService?file=page&pageID=9&itemcode=9789522162441>
- Kaisa Sorsa (ed.): *Proactive Management and Proactive Business Law – A Teacher’s Guide*. Turku University of Applied Sciences, 2011.
<http://julkaisut.turkuamk.fi/isbn9789522162434.pdf>
<http://julkaisumyynti.turkuamk.fi/PublishedService?file=page&pageID=9&itemcode=9789522162427>

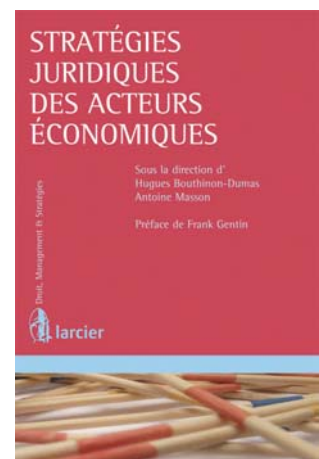
The project partners have continued piloting PAMPAL courses at their institutions. Gerlinde Berger-Walliser has taught two classes at the ICN relating to Proactive law: “Proactive Contract Management” in their Master program and “Proactive Management and Business Law” in their Bachelor program. Eric van de Luytgaarden is in the process of developing a minor on proactive law for law and business students at Zuyd University. René Franz Henschel is offering proactive law as part of the bachelor course “Proactive Management and Proactive Law” at the University of Aarhus, and proactive law has also been introduced to the MBA Course in Contract Management at Aarhus University Executive Education. In order to hear about their experiences, please contact them directly (see contact details below).

Legal Strategies: Proactive Law and Proactive Contracting in French

Hugues Bouthinon-Dumas & Antoine Masson (Eds.) have a new book out, *Stratégies juridiques des acteurs économiques*. The book includes contributions by ProActive ThinkTank constituents, including

- George J. Siedel & Helena Haapio: “*L’approche proactive de la pratique du contrat en vue d’atteindre un avantage concurrentiel*”
- Gerlinde Berger-Walliser, Robert Bird & Helena Haapio: “*Favoriser le succès des affaires par la visualisation des contrats*”

The book is published by Larcier. For more information about the book, go to http://editions.larcier.com/titres?id=127149_2



Further Publications

Kaisa Sorsa's Doctor of Laws dissertation on the regulation of global value chains examines corporate social responsibility and proactive law. The article-based dissertation is available as: Kaisa Sorsa: *Kansainvälisen kaupan arvoketjujen sääntely. Yhteiskuntavastuun ja ennakoivan oikeuden tarkastelua [Regulation of Global Value Chains: Examining Corporate Social Responsibility and Proactive Law]*, Annales Universitatis Turkuensis, C 320, University of Turku, 2011, <http://www.doria.fi/bitstream/handle/10024/72411/diss2011Sorsa.pdf?sequence=1>

A Short Guide to Contract Risk from the authors of *Proactive Law for Managers* (Gower 2011), Helena Haapio and George J. Siedel, will be published by Gower soon. Based on the proactive approach and what the authors call Contract Literacy, the book introduces lean contracting, visualization and a number of tools that enable managers and lawyers to better understand each others' viewpoints and manage contract risks and opportunities. For additional information, go to <http://www.gowerpublishing.com/isbn/9781409448860>

Several panels and presentations at the International Association for Contract and Commercial Management (IACCM) EMEA event held in London on 24-26 April 2012 addressed aspects of Proactive Law and Proactive Contracting and ways to improve the usability of commercial contracts so they can work as proactive management tools. Presentation materials, including Stefania Passera & Helena Haapio: *User-centred Contract Design: New Directions in the Quest for Simpler Contracting*, are available at <https://www.iaccm.com/members/library>. You can find the presentations by browsing or searching the Presentations Category, with the subcategory of 2012 EMEA Conference, or going to <https://www.iaccm.com/members/library/search/>

In addition to the above, we have promoted the proactive approach through various articles, conference papers and presentations, including the following:

- Gerlinde Berger-Walliser & Björn Walliser: *A Visual Perspective on Proactive Inter-Firm Contracting*. Pacific South West Academy of Legal Studies in Business, Palm Springs, CA, February 16–18, 2012.
- Helena Haapio, Gerlinde Berger-Walliser, Björn Walliser and Katri Rekola: *Time for a Visual Turn in Contracting?* *Journal of Contract Management*, Summer 2012, Vol. 10. Winner of Honorable mention in NCMA's (National Contract Management Association) W. Gregor Macfarlan Excellence in Contract Management Research and Writing Program, <http://www.ncmahq.org/NewsPublications/PrDetail.cfm?itemnumber=12245>
- Helena Haapio: *Making Contracts Work for Clients: towards Greater Clarity and Usability*. International Legal Informatics Symposium – Internationales Rechtsinformatik Symposium IRIS 2012, 23–25 February 2012, Salzburg, Austria. The paper is available in the conference proceedings and in Jusletter IT, 24 February 2012 (en), http://jusletter.eu.weblaw.ch/en/issues/2012/IRIS/jusletterarticle_1071.html (subscription required). LexisNexis Best Paper Award – read more: Press Release (in German): http://www.ots.at/presseaussendung/OTS_20120306_OTS0068/lexisnexis-best-paper-award-praemiert-beste-arbeit-der-iris-2012-bild and IACCM News, https://www.iaccm.com/contracting-news/IACCM_Proactive_Law_Group%27s_Helena_Haapio_recognized_at_leading_European_conference
- Helena Haapio: *Using the CISG Proactively*. Global Challenges of International Sales Law, 11–12 November 2011, Gainesville, FL. An article based on this conference paper will be published in *Global Challenges of International Sales Law*, a book edited by Larry DiMatteo (Cambridge University Press). The paper has also been published in Spanish as "La CNUCCIM al alcance de todos sus usuarios" in *Foro de Derecho Mercantil - Revista Internacional*, Jul.-Sep. 2012, No. 36, pp. 67–101. For conference videos, go to <http://www.youtube.com/watch?v=kP4zK4dNKxc>
- Kaisa Sorsa: Sustainability Issues Incorporated in Business and Legal Studies - Teaching Proactive Management and Proactive Business Law in Higher Education, in *Applied Research and Professional Education. Proceedings from the first CARPE networking conference in Utrecht on 2-4 November 2011*. Research reports from Turku University of Applied Sciences 36, Turku 2012, pp. 16-25. Available at <http://www.carpenetwork.org/~media/HU-PORTAL/Docs/Carpe/Downloads/isbn9789522162519.ashx>

We have grown!

Our ThinkTank was founded five years ago, when a break-out group of 12 delegates got together on 16 June 2007, right after our third Proactive Law Conference in Turku. During the first year, our group grew from a Dozen to more than two Hundred participants. Today, we are more than a Thousand, actually 1495, and counting. This clearly demonstrates the importance of our mission and vision. We are a unique group: cross-industry, global, and representing both private and public organizations, researchers and practitioners, and buy-side and sell-side perspectives.

We hope that before too long we can get together and meet in person. If you know of meetings, projects, or research topics that would be of interest to our participants, please let us know. Meanwhile, we will be working on the basis of email Updates.

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If you have a book idea or are about to update a current book you have authored, please consider adding a proactive emphasis to it. The ProActive ThinkTank Core Team would like to hear from you – maybe we can work together to develop the idea further.

Further, we continue to seek possible sources for financial support to our initiatives that would enable the ProActive ThinkTank to bring together many of the concepts, theories and practical tools that we have been developing and are exploring. If you are interested in this, please contact us for more information or to discuss (see contact details below).

Watch out for more information. For earlier Updates, please go to <http://www.proactivethinktank.com>.

We look forward to seeing you at future events and to receiving your thoughts, ideas and comments.

On behalf of the ProActive ThinkTank Core Team

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PS. If you are interested in our work and have not yet notified us of your interest, please contact one of us, and we will add your email address to our mailing list. If you need to update your contact information or no longer wish to receive updates from us, please let us know.