

17 July 2017

Dear All,

Welcome to the newest ProActive ThinkTank email Update. This Update contains information on

- Stefania Passera's PhD Defence on August 18, 2017: Beyond the Wall of Contract Text
- UWA event on December 7-8, 2017: Comic Book Contracts and Other Contract Innovations
- IACCM event in San Diego, CA – Robert de Rooy wins the Innovation Award for Comic Contracts
- other recent and forthcoming events, presentations and publications

First of all, we wish to invite you to attend

### **Stefania Passera's PhD Defence on August 18, 2017: Beyond the Wall of Contract Text**

Stefania Passera, a pioneer of contract visualization and a long-term member of the Proactive Law Research Network, will defend her doctoral dissertation at **Aalto University** on **18 August 2017**. Her research is in the field of Organizational Behavior and Knowledge Management and the dissertation is entitled "**Beyond the wall of contract text. Visualizing contracts to foster understanding and collaboration within and across organizations**". The dissertation aims at providing empirical understanding of the emerging practice of contract visualization – by testing the propositions about its benefits, by exploring it as a practice in real life, and by identifying viable approaches for managers and legal counsel to engage with visualization. The supervising professor is Eila Järvenpää, Aalto University School of Science, and the Opponent will be Professor George Siedel, University of Michigan, Ross Business School. The dissertation is published as part of Aalto University Doctoral Dissertations Series at <http://urn.fi/URN:ISBN:978-952-60-7528-0>. For details on the defence, please contact Stefania Passera, [stefania.passera@aalto.fi](mailto:stefania.passera@aalto.fi) or go to [http://www.aalto.fi/en/current/events/vaitos\\_passera\\_stefania](http://www.aalto.fi/en/current/events/vaitos_passera_stefania).

### **University of Western Australia (UWA) event on December 7–8, 2017: Comic Book Contracts and Other Contract Innovations**

Professor Camilla Andersen is organizing a two-day event, "**Comic Book Contracts and Other Contract Innovations**" at **UWA Law School** in Crawley (near Perth) on **December 7–8, 2017**. The event is supported by the ProActive ThinkTank, the Nordic School of Proactive Law, and the International Association for Contract and Commercial Management (IACCM). For more information, please contact Camilla Andersen, [camilla.andersen@uwa.edu.au](mailto:camilla.andersen@uwa.edu.au).

### **IACCM Americas & Academic Forum 2016: Robert de Rooy wins the Innovation Award for Comic Contracts**

This Academic Forum was held in conjunction with the 2016 IACCM Americas Conference in San Diego, CA, USA on 24 October 2016. The Academic Forum was supported by the ProActive ThinkTank, the Nordic School of Proactive Law, and the Journal of Strategic Contracting and Negotiation (JSCAN). Like in previous years, the event brought together professionals and academics from a variety of disciplines and provided a platform for research collaboration and closer ties between professionals and scholarly academics. The Forum was chaired by Professor Thomas D. Barton of California Western School of Law, and many ProActive ThinkTank constituents attended and presented.

Robert de Rooy, a practicing commercial attorney based in Cape Town, South Africa, won the IACCM Innovation Award in the category of Visionary Change for his work in developing the idea of comic contracts. Robert is a Proactive Law pioneer who wants to do something about the vulnerability of people when they sign contracts, especially people that are poor and illiterate. From this the idea of using comics as contracts was born. Robert is developing, researching and advocating comic

contracts as a way for illiterate people to independently understand contracts, guide behaviour and improve the relationship between contracting parties. His work, along with proactive contracting, was presented by Kate Vitasek in Forbes in February 2017 – see “**Comic Contracts: A Novel Approach To Contract Clarity And Accessibility**”, <http://tinyurl.com/hcfdtna>.

## Other Recent and Forthcoming Events, Presentations and Publications

Since our last Update, ProActive ThinkTank constituents have further promoted the proactive approach through various courses, conferences, presentations and publications, including the following:

George Siedel, the co-author of Proactive Law for Managers (Gower 2011) and A Short Guide to Contract Risk (Gower 2013), currently teaches two free Massive Open Online Courses (MOOCs) available on-demand. His first MOOC, “**Successful Negotiation: Essential Strategies and Skills**”, currently available with subtitles in Ukrainian, Chinese (Simplified), Portuguese (Brazilian), Russian, and Spanish (see <https://www.coursera.org/learn/negotiation-skills>), ranked second on a list of the ten most popular business courses, and over 500,000 learners have joined the course. It was followed in 2016 with a popular MOOC on “**The Three Pillar Model for Business Decisions: Strategy, Law & Ethics**”, <https://www.coursera.org/learn/strategy-law-ethics>.

Thomas D. Barton, Gerlinde Berger-Walliser and Helena Haapio have co-guest-edited the Journal of Strategic Contracting and Negotiation (JSCAN), Vol. 2, Issue 1, Special Issue: “**Contracting for Innovation and Innovating Contracts**”. Their overview and introduction to the Special Issue is available at <http://journals.sagepub.com/doi/full/10.1177/2055563616677162>. The issue contains several articles relevant to our field, including

- “**Cooperation through clarity: designing simplified contracts**” by Robert Waller, Jenny Waller, Helena Haapio, Gary Crag, and Sandi Morrisseau. Gary Crag from Nexen (Canada) won the IACCM Contracting Excellence Award 2017 in the Social Benefit category for his work in transforming the bidding and contracting process and document design for work by his employer, Nexen, with the Canadian native tribes. The judges applauded this initiative in social inclusion; see <http://journal.iaccm.com/contracting-excellence-journal/contract-excellence-awards-demonstrate-outstanding-contributions>.
- “**Integrative deal-design – Cascading from goal-hierarchies to negotiations and contracting**” by Daniela Alina Plewe and Robert de Rooy
- “**Changing roles of legal – On the impact of innovations on the role of legal professionals and legal departments in contracting practice**” by Ivar Timmer
- “**Exploring contract visualization – Clarification and framing strategies to shape collaborative business relationships**” by Stefania Passera, Anssi Smedlund and Marja Liinasuo
- “**Meet the Flexperts! How to bring in expert contributions around the contract in support of commercial interests**” by Rory Unsworth
- **Book Review of Victor P. Goldberg’s Rethinking Contract Law and Contract Design** by David Orozco

Vol. 2, Issue 2 of JSCAN further contains the article “**Proactive contracting – Emerging changes in attitudes toward project contracts and lawyers’ contribution**” by Jouko Nuottila, Osmo Kauppila, and Soili Nystén-Haarala.

Gerlinde Berger-Walliser, Thomas D. Barton, and Helena Haapio have co-authored “**From Visualization to Legal Design: A Collaborative and Creative Process**”. American Business Law Journal, Vol. 54, No. 2, 2017, p. 347–392. <https://ssrn.com/abstract=2841030>.

Helena Haapio and Thomas D. Barton have co-authored a chapter “**Business-Friendly Contracting: How Simplification and Visualization Can Help Bring It to Practice**”, in Kai Jacob, Dierk Schindler & Roger Strathausen (Eds.), Liquid Legal – Transforming Legal into a Business Savvy, Information Enabled and Performance Driven Industry. Springer International Publishing 2017, pp. 371–396.

Rob Waller, Helena Haapio, and Stefania Passera have co-authored "**Contract simplification: the why and the how**" for IACCM's Contracting Excellence Journal, available at <http://journal.iaccm.com/contracting-excellence-journal>.

Helena Haapio, George J. Siedel, and Mariana Bendal Fandino have co-authored an article in Spanish, "**Aplicación del derecho proactivo como una ventaja competitiva**", Revista de Derecho Privado, Nº. 31, 2016.

Samson Esayas, Tobias Mahler, and Kevin McGillivray have co-authored "**Is a Picture Worth a Thousand Terms? Visualising Contract Terms and Data Protection Requirements for Cloud Computing Users**", in: Casteleyn S., Dolog P., Pautasso C. (Eds.): Current Trends in Web Engineering. ICWE 2016. Lecture Notes in Computer Science, Springer.

Stefania Passera, Anne Kankaanranta, and Leena Louhiala-Salminen have co-authored "**Diagrams in Contracts: Fostering Understanding in Global Business Communication**". IEEE Transactions of Professional Communication, Vol. 60, Issue 2, pp. 118-146. <http://ieeexplore.ieee.org/document/7874197/>

Eric van de Luitgaarden, Zuyd University AS, has published a book in Dutch called "**Preventive Law**". This PhD thesis, written under the supervision of Prof. Harry Kunneman, Pieter Ippel, and Thomas D. Barton, contains an English summary and is available at [http://repository.uvh.nl/uvh/bitstream/handle/11439/2755/Luitgaarden\\_%20PREVENTIVE%20LAW.pdf?sequence=1](http://repository.uvh.nl/uvh/bitstream/handle/11439/2755/Luitgaarden_%20PREVENTIVE%20LAW.pdf?sequence=1).

Lucas Liverse, Eric van de Luitgaarden, and Martijn de Ruijter have co-authored a paper for the IALMH Prague 2017 conference called "**The Conflict, a Description of - and Lessons Learned from - an Educational Experiment in the Training and Education of Preventive Law Practitioners**". This is an example of the cases at Zuyd University, where the research group of Eric van de Luytgaarden is working on founding the first preventive law school.

Helena Haapio has co-authored the following conference papers presented at the IRIS 2017 event held at the University of Salzburg, Austria: 1) "**Wise Contracts: Smart Contracts that Work for People and Machines**" (co-authored with Jim Hazard). LexisNexis Best Paper Award; 2) "**FAIR Design Jam: A Case Study on Co-Creating Communication about FAIR Data Principles**" (co-authored with Pirjo-Leena Forsström and Stefania Passera); 3) "**Contract Continuum: From Text to Images, Comics, and Code**" (co-authored with Daniela Alina Plewe and Robert de Rooy); 4) "**Robo-advisors and Investors: Enhancing Human-Robot Interaction through Information Design**" (co-authored with Marika Salo); 5) "**Modeling and Visualization in Law: Past, Present and Future**" (co-authored with Thorsten Schoormann and Ralf Knackstedt).

Pre-print versions of many of the articles, book chapters and conference papers are available through SSRN's eLibrary, <http://ssrn.com>.

Please let us know about your news, publications, events, and plans so we can spread the word in our next Update. We look forward to receiving your thoughts, ideas and comments.

On behalf of the Core Team of the ProActive ThinkTank

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PS. 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.

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Watch out for more information. For our Mission Statement and earlier Updates, please go to <http://www.proactivethinktank.com> or <https://www.iaccm.com/gp/proactive>