

11 November 2011

Dear All,

Welcome to the ninth ProActive ThinkTank email Update.

The preliminary program of the **Proactive Law Conference** to be held at Copenhagen Business School on 1 and 2 December 2011,

"Proactive Law in a Global Business Perspective"

is now available, along with registration details, at
<http://www.cbs.dk/en/Research/Konferencer/2nd-European-Proactive-Law-Conference-2011>

The Conference is organized by Copenhagen Business School (CBS) in partnership with ICN Business School Nancy-Metz and CEREFIGE (Centre Européen de Recherche en Economie, Finance et Gestion), International Association for Contract and Commercial Management (IACCM), and the ProActive ThinkTank.

During Day One, the Conference introduces the proactive approach and looks at it through the prism of three topics: international commercial litigation; new media and IT services; and contracts as proactive law instruments. On Day Two, the discussion on Proactive Law and Proactive/Strategic Contracting continues with examples from both the private and the public sector. Contract visualization is presented as a possible means to promote the proactive approach and enable knowledge transfer, innovation and co-creation across boundaries – whether between countries, cultures, organizations, or professions.

The speakers and topics on the preliminary program include

- Thomas Barton, Professor, California Western School of Law: *"Collaborative Contracting as Preventive/Proactive Law"*
- Gerlinde Berger-Walliser, Associate Professor, ICN Business School: *"Past and Future of Proactive Law: An Overview of the Development of the Proactive Law Movement"*
- Edward A. Dauer, Professor Emeritus: *"Dispute Prevention and Conflict Management: Lessons from Claim and Litigation Studies"*
- Larry A. DiMatteo, Professor, Warrington College of Business Administration, University of Florida: *"Strategic Contracting: Examining the Business-Legal Interface"*
- Helena Haapio, International Contract Counsel, Lexpert Ltd: *"Proactive Contracting and Visualization: Enhancing Managerial-Legal Decision Making"*
- René Franz Henschel, Associate Professor, Aarhus University: *"Agile and Iterative Contracts as Proactive Law Instruments"*
- Henrik Lando, Professor, CBS: *"Risk Allocation and Likelihood of Conflict"*
- Cecilia Magnusson Sjöberg, Professor, Stockholm University: *"Legal Implications of Cloud Computing"*
- Antoine Masson & Hugues Bouthinon-Dumas, ESSEC Business School: *"The Utility of Useless Clauses: A Proactive Law Perspective"*
- Peter Arnt Nielsen, Professor, CBS: *"Brussels I and Arbitration"*
- Kim Østergaard, Associate Professor, CBS: *"Selective Distribution and Proactive Law"*

- Soile Pohjonen & Katja Koskelainen, Aalto University SimLab: *“Empowering Contracting Parties to Take Back Their Contracts – Proactive and Dialogic Contracting in Public Procurement”*
- Kaisa Sorsa, Principal Lecturer, Turku University of Applied Sciences: *“Proactive Management and Proactive Business Law”*
- Jan Trzaskowski, Associate Professor, CBS: *“Social Media Marketing and Legal Risk Management”*

Venue: Copenhagen Business School, Kilen Campus, Kilevej 14, DK - 2000 Frederiksberg. For a map, go to <http://www.cbs.dk/en/About-CBS-Campus/Find-CBS/Map/Menu/Kilevej-14-A-B>

Academy of Legal Studies in Business Conference (August 2011)

At the annual meeting of U.S. business law professors, the Academy of Legal Studies in Business (ALSB) Annual Conference in New Orleans, 9-13 August 2011, Gerlinde Berger-Walliser chaired a panel discussion on Proactive Law and Strategy. The other panellists were Constance Bagley, Yale University, Robert Bird, University of Connecticut, David Orozco, Florida State University, and Kim Østergaard, CBS.

IACCM Academic Forum and Global Forum (October 2011)

Several presentations at the IACCM Academic Forum and Global Forum held in Tempe, AZ, on 26–28 October 2011 addressed aspects of Proactive Law and Proactive Contracting. One of them, “User-Centered Contract Design: New Directions in the Quest for Simpler Contracting” by Stefania Passera, Aalto University, and Helena Haapio, won the Best Paper Award at the Academic Forum. To see the presentation, go to <http://goo.gl/2CZzH>. The IACCM Global & Academic Forum presentation materials are now also available at the IACCM member library <https://www.iaccm.com/members/library>. You can find the presentations by browsing or searching the Presentations Category, with the subcategory of 2011 Global Forum, or going to <https://www.iaccm.com/members/library/search/?keywordsearch=&titlesearch=&authorsearch=&categorysearch=2&subcategorysearch=105&interestsearch=&order=relevance&searchtype=2&submit.x=43&submit.y=9#results>

IACCM Contract and Commercial Management – The Operational Guide

The IACCM Contract and Commercial Management Operational Guide, to which many of our ThinkTank constituents have contributed as authors or reviewers, was launched at the IACCM Global Forum in Tempe. The Operational Guide can be ordered either in printed or pdf form through the IACCM Store at <https://www.iaccm.com/store/?vp=10> or Van Haren Publisher, <http://www.theopengroupbookshop.com/contractandcommercialmanagementtheoperationalguide-p977.html>.

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

The ERASMUS Curriculum Development Project PAMPAL funded by the European Commission continues until the end of December 2011. The project partners currently continue piloting PAMPAL courses at their institutions. The project will be presented and the handbook written by the working group will be launched at the Proactive Law Conference in Copenhagen on 1 and 2 December 2011.

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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 in Copenhagen in December 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.