

12 February 2014

Dear All,

Welcome to the 12th ProActive ThinkTank email Update.

We are delighted to announce our next event

Modern Contract Management: Integrating contract theory, law, and organization studies

which will be held in conjunction with the 2014 joint **Academic Forum** organized by Copenhagen Business School and the International Association for Contract and Commercial Management (IACCM) in Copenhagen, Denmark, on **16 June 2014**, during the **IACCM Europe Forum 2014** (see <http://www.iaccm.com/europe14>) on 16–18 June 2014. Please mark your calendar now!

As you may remember, we have held Proactive Law events every second year in Finland, Sweden, France, Denmark, and the United States. This year, we are exploring the opportunity of making this an annual event. In addition to the ProActive ThinkTank, the event is supported by Århus University, Southern Danish University, and the Nordic School of Proactive Law.

Like in previous years, the 2014 Academic Forum brings together contract and project management professionals and academics from a variety of legal and management disciplines. They will explore and share their insights and experience with contract design, organizational design, processes, skills, tools and techniques that help organizations to cooperate efficiently in a complex and uncertain business world. The Forum aims to provide a platform for the exchange of knowledge, open up possibilities for research collaboration and form closer ties between professionals and scholarly academics.

If you are interested in submitting a proposal for a presentation or a paper for the Academic Forum, the deadline is **10 April 2014**. This year's theme explores attempts to apply insights from three research areas: contract theory, law, and organization studies to contract management. Submissions may be theoretical and empirical. Essays, case studies, experiments, field studies and state of the art reviews are welcome. All submissions undergo a 'double blind' peer review by a committee of select academia and business experts. For submission guidelines and other details, please see the Call for Papers/Presenters at <http://www.iaccm.com/europe14/?p=Event+Details&s=Academic+Forum>.

Other Forthcoming Events of Interest

As those of you who have followed our work have noticed, we have found allies in information design, simplification and visualization helping us develop our ideas further so that they can be used more easily and widely in business as well as in research, development and training.

The Simplification Centre (<http://www.simplificationcentre.org.uk>), the Information Design Association (IDA; <http://www.infodesign.org.uk>) and Clarity (<http://www.clarity-international.net>) will arrange an event dedicated to **Clearer Legal Information** in London on 9 April 2014, <http://www.simplificationcentre.org.uk/2014/01/clearer-legal-information-9-april-2014>. This follows *Information Design Matters*, IDC 2014, the conference of the IDA on 7–8 April 2014, see <http://www.amiando.com/idc2014.html> or <http://lanyrd.com/2014/infodesignuk>.

Apart from the **IACCM Europe Forum 2014** that will be held in Copenhagen on 16–18 June 2014 mentioned above, the **IACCM Americas Forum 2014** that will be held in Chicago, Illinois, on 14–16 October 2014 (<http://www.iaccm.com/amer14>) is likely to offer a wealth of sessions interesting for our stakeholders involved in contracting.

Legal Design Jams

As announced in our Update last year, we have teamed up with legal information researchers and practitioners at various events, including **Legal Design Jams** held for example in Syros, Greece, Stanford, CA, San Francisco, CA, and Helsinki, Finland. The idea of Legal Design Jams – a concept coined by Stefania Passera of Aalto University – is borrowed from hackathons and service jams. A Legal Design Jam brings together people from different fields “to give an extreme user-centric makeover to a legal document. ... to rethink and innovate the very concept of what a legal document should be, look and feel.” (see <http://legaldesignjam.com/about>; see also

- Margaret Hagan: 5 Insights from a Legal Design Jam. The Whiteboard. A project of the Stanford d.school fellows. 25 October 2013. <http://dschool.stanford.edu/fellowships/2013/10/25/5-insights-from-a-legal-design-jam>
- Yana Welinder & Heather Walls: Designing a user-friendly trademark policy for some of the world’s most recognizable marks. Wikimedia blog. 29 October 2013. <https://blog.wikimedia.org/2013/10/29/designing-a-user-friendly-trademark-policy>

The Legal Design Jams in Stanford and San Francisco brought together professionals and students with law, design, computer science and policy backgrounds to work and learn together. The following Figure shows an excerpt from their work, a visualized summary of Wikimedia’s trademark policy draft, asking the core question “May I use the Wikimedia marks?” and grouping the answers under traffic light colors: green; “Yes, please!” (use does not require permission), yellow: “Yes, but first...” (permission must be sought), and red: “Sorry, no” (for uses that are prohibited).

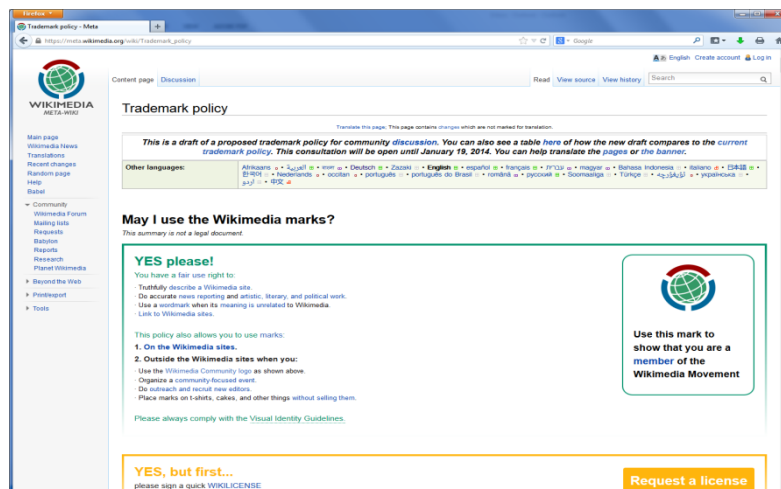


Figure. Excerpt from Wikimedia Trademark Policy Draft for Community Discussion: a visualized summary (https://meta.wikimedia.org/wiki/Trademark_policy, available under Creative Commons Attribution/Share-Alike License)

At the Legal Design Jam in Syros, Greece, organized in connection with the **Course on Information Design** in September/October 2013 by the Simplification Centre and the University of the Aegean, the participants explored various ways to make the CISG (United Nations Convention on Contracts for the International Sale of Goods) more accessible. To see glimpses of the results of this and other previous Legal Design Jams, you can go to <http://legaldesignjam.com/about/past-jams>. For upcoming Jams, please go to <http://legaldesignjam.com/about/upcoming-jams>.

Recent Publications and Presentations

Since our last Update, ProActive ThinkTank Core Team member Helena Haapio, the co-author of **Proactive Law for Managers** (Gower 2011) and **A Short Guide to Contract Risk** (Gower 2013) has successfully defended her doctoral dissertation **Next Generation Contracts: A Paradigm Shift** (Lexpert 2013) at the University of Vaasa. The dissertation identifies ways to think differently and depart from the traditional path by using perspectives, principles and tools of Proactive Law and design science as signposts. For more information, please go to http://www.lexpert.com/en/documents/Haapio-Next_Generation_Contracts.pdf. Helena’s article **Using the CISG Proactively** is about to be published by Cambridge University Press as a chapter in a book called *International Sales Law: A Global Challenge*, a collection of the conference papers presented at the *Global Challenges of International Sales Law* conference held at the University of Florida in 2011.

Several panels and presentations at the IACCM Europe Forum 2013 held in Berlin on 23–25 April 2013, as well as at the IACCM Americas Forum 2013 and the IACCM Academic Forum held in Phoenix, Arizona, on 8–10 October 2013 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. Professors Thomas Barton and Gerlinde Berger-Walliser chaired the Academic Forum in Phoenix, and other ProActive ThinkTank constituents acted as speakers and breakfast roundtable discussion leaders at these events. Academic Forum papers, including Thomas D. Barton: *Improving Contracts through Expanding Perspectives of Understanding*; Stefania Passera, Helena Haapio & Thomas D. Barton: *Innovating Contract Practices: Merging Contract Design with Information Design*; Stefania Passera, Soile Pohjonen, Katja Koskelainen & Suvi Anttila: *User-friendly Contracting Tools – A Visual Guide to Facilitate Public Procurement Contracting*; and Helena Haapio: *Good Contracts – Bringing Design Thinking into Contract Design* have been published in Jane Chittenden (Ed.): *Proceedings of the 2013 IACCM Academic Forum for Integrating Law and Contract Management* and are available for IACCM full members at <https://www.iaccm.com/members/library/?id=4958>. Members can find the presentations by browsing or searching the IACCM Library Presentations Category, with the subcategory of *2013 EMEA Conference* or *2013 Americas Forum*, respectively, or by going to <https://www.iaccm.com/members/library/search/>.

At the XXVII Nordic Conference of Law and IT *Internationalisation of law in the digital information society* held in Stockholm, Sweden, on 22–23 November 2012, several representatives of the Nordic School of Proactive Law participated as speakers. For the program, speakers, and abstracts, go to <http://www.juridicum.su.se/iri/e12/>. The proceedings have been published in Dan Jerker B. Svantesson & Stanley Greenstein (Eds.): *Internationalisation of Law in the Digital Information Society. Nordic Yearbook of Law and Informatics 2010–2012*. Ex Tuto Publishing, Copenhagen 2013. The book includes several Chapters related to the visualization of law, including *A Graphical User-Interface for Legal Texts?* by Tobias Mahler, *Visualising Contracts for Better Business* by Helena Haapio, and *Law Is Not or Must Not Be Just Verbal and Visual in the 21st Century: Toward Multisensory Law* by Colette R. Brunschwig (for the latter Chapter, go to <http://www.rwi.uzh.ch/oe/zrf/abtrv/brunschwig/publications/CRBrunschwigLawisnotormustnotbejustverbalorvisual.pdf>).

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

Gerlinde Berger-Walliser, School of Business, University of Connecticut, has presented on Business, Sustainability and Proactive Law at various conferences including the Academy of Legal Studies in Business Annual Conference, Boston, 7–11 August, 2013; a conference on the Impact of Law and Regulation on Transitioning to Business Sustainability held at Smeal College of Business, PennState, 4–5 October 2013, and the Big Ten and Friends Business Law Research Seminar at the University of Indiana, 15–16 November, 2013.

Eric van de Luytgaarden gave his inaugural lecture at Zuyd University of Applied Sciences on 30 January 2013 on *Verenigd in diversiteit, a study on European citizenship and proactive lawyering* (<http://www.zuyd.nl/onderzoek/lectoraten/recht-in-europa/inauguralerede>). He has since delivered keynote speeches and lectures on proactive lawyering at several Dutch and international conferences. He is currently conducting a research project on applied law studies and how to change the paradigm into proactive legal thinking. He has also teamed up with colleagues at Leuven University of Applied Sciences in Belgium and Aachen Fachhochschule in Germany to develop further Proactivia, the Game.

Kaisa Sorsa and Tarja-Salmi-Tolonen have continued to arrange courses at the University of Turku Faculty of Law: *ProActive Law and the Prevention and Resolution of Disputes* and *ProActive Contracting and Risk Management*, attracting more international students each year. For information on courses provided within Turku Law School during the academic year 2013–2014, go to http://www.utu.fi/en/units/law/studying/turku-law-school/Documents/TLS_opas_1314.pdf.

Linda Baines, currently a doctoral researcher at the School of Management, University of Southampton, is exploring the interaction between knowledge exchange, social responsibility and ethics, stemming from Proactive Law's questioning of conventional approaches to law and the assumptions that underlay them. In collaboration with colleagues, she organized a doctoral research day on university-industry collaborations at the University of Huddersfield, England, on

4 June 2013. She presented on ethics and knowledge exchange at a conference held at the Institute of Knowledge Transfer at the University of Sheffield, England, on 6 November 2013.

We have grown!

Our ThinkTank was founded on 16 June 2007, when a breakout group of 12 delegates got together after our third Proactive Law Conference in Turku, Finland. During the first year, our group grew from a Dozen to more than two Hundred participants. Today, we are more than two Thousand, actually 2751, and counting. This clearly demonstrates the importance of our mission and vision. We continue to be a unique group: cross-industry, global, and representing both private and public organizations, researchers and practitioners, and buy-side and sell-side perspectives.

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 seeing you in Copenhagen in June, if not earlier, and 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.

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.

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>