



transatlantic
legal
conference
#tlc20

March 6, 2020

TLC // Frankfurt // Institute for Law and Finance
+ Pre-Conference Young Professionals // European Central Bank
+ Culture Program (March 7, 2020)

See you in Frankfurt!

Join the Transatlantic Legal Conference 2020



Our Transatlantic Legal Conference is the revamped and more focused version of our traditional Working Group Day (Fachgruppentag). The Transatlantic Legal Conference is – alongside the Annual Conference – the flagship event of the DAJV and open to all interested persons. It is co-organized by the DAJV working groups, which are forums that foster an intellectual and practical exchange among lawyers from all professions. The working groups present and discuss current topics and cases of transatlantic relevance with recognized experts from the US and Germany. Our four working groups cover the following areas of law: 1) Arbitration/Litigation/Mediation, 2) Antitrust/Regulated Industries/Media, 3) Constitution/Legislation/Public Law and 4) Mergers & Acquisitions. Each DAJV member may become a member of one or more working groups. The event concludes with a festive dinner, along with a dinner speech by **Peter Beyer**, MP, Deutscher Bundestag, Coordinator of Transatlantic Cooperation, Auswärtiges Amt, Berlin.



Christian A. Krebs
Coordinator of DAJV Working Groups

Program

March 6, 2020 // Frankfurt // Institute for Law and Finance



Pre-Conference Young Professionals (10.00 a.m. -12.00 p.m.)

Big data analytics and artificial intelligence in central banking:
Legal challenges to face and overcome

Venue: European Central Bank

Transatlantic Legal Conference with panel sessions of DAJV Working Groups:

Session I (2.30 p.m. - 4.00 p.m.)

ALM (Arbitration, Litigation, Mediation)

Cyber-attacks in International Arbitration:
Are proceedings safe from prying eyes?

ARIM (Antitrust, Regulated Industries, Media)

Dominant digital platforms – Do we have the right tools
to control certain (undesirable) developments?

M&A (Mergers & Acquisitions)

This time the other way around? Is the US Business Roundtable
copying corporate governance principles from good old Europe?

Session II (5.00 p.m. - 6.30 p.m.)

ALM (Arbitration, Litigation, Mediation)

The draft EU Representative Actions Directive:
US-Style Class Actions in the Making?

CLPL (Constitution, Legislation, Public Law)

Constitutional democracy in the field of artificial intelligence (AI)

M&A (Mergers & Acquisitions)

The new normal of W&I and R&W insurance –
Panacea for Dealmakers or Risky Business?

Timeline

- 1.30 p.m. Check-In
- 2.15 p.m. Welcome Remarks
- 2.30 - 4.00 p.m. Session I
- 4.00 p.m. Coffee Break
- 5.00 - 6.30 p.m. Session II
- 6.30 p.m. (end 10.00 p.m.) Reception & Dinner

Pre-Conference (10.00 a.m. - 12.00 p.m.)

Big data analytics and artificial intelligence in central banking: Legal challenges to face and overcome

It is no longer a secret that big data analytics and artificial intelligence have become a driving force for innovation and decision making, affecting multiple facets of today's economic and financial activities. The information provided by the new techniques is more complete, immediate and granular than traditional macroeconomic indicators. An increasing number of central banks, such as the ECB and the US Federal Reserve, have launched specific big data and AI initiatives to explore these issues. The adoption of those emerging technologies, however, raises legal questions concerning data protection and privacy laws in particular with regards to transborder data flows between the US and the EU. We invite you to discuss these issues with legal and economic advisors at the European Central Bank!

ALM (Session I, 2.30 p.m. - 4.00 p.m.)

Cyber-attacks in International Arbitration: Are proceedings safe from prying eyes?

Is there any safe space from cyber-attacks? Anyone in Germany who was inclined to answer “yes”, most likely changed his viewpoint when the cities of Bad Homburg and Frankfurt were forced to shut down their IT network following an infection with the Emotet malware on December 19, 2019. In recent years there has been a dramatic increase in cyber-attacks on corporates, governments and international organizations. There is no reason to assume that information collected, shared and used in an arbitration is immune from the threat a targeted or opportunistic attack. Is the world of arbitration sufficiently prepared?

Who should take the lead in preventing cyber intrusions?

Parties, counsel, arbitrators or arbitral institutions?

The International Council for Commercial Arbitration (“ICCA”), the New York City Bar Association (“NYC Bar”) and the International Institute for Conflict Prevention and Resolution (“CPR”) have introduced best practice suggestions for cyber security in international arbitration on November 21, 2019, the 2020 Cyber-security Protocol for International Arbitration. How does the arbitral community evaluate this Protocol? These are just some of the issues we intend to discuss on March 6, 2020.

moderators

Dr. Alexandra Diehl, LL.M. (Suffolk),

Local Partner, White & Case, Frankfurt am Main

Dr. Anke Meier, LL.M. (Pepperdine),

Partner, Noerr LLP, Frankfurt am Main

speakers

Kristin Campbell-Wilson,

Deputy Secretary General, Arbitration Institute of the Stockholm Chamber of Commerce, Stockholm

Erik Schäfer,

Partner, Cohausz & Florack Patent- und Rechtsanwälte, Düsseldorf

Sasha Borovik,

General Counsel, DataGuard, Munich

ARIM (Session I, 2.30 p.m. - 4.00 p.m.)

Dominant digital platforms – Do we have the right tools to control certain (undesirable) developments?

Dominant digital platforms are not dreams of the future; they are today's reality. However, do we have the right tools to control certain (undesirable) developments?

We want to examine this overarching question from an antitrust and data protection law point of view. How do the German, European and U.S. legal systems deal with platform operators?

How are different national views on antitrust issues affecting platform operators? Is there a reliable damage theory? Is antitrust law the better data protection/privacy law?

moderator

Dr. Roland Schwensfeier, LL.M. (London)
Senior case handler, 8th Decision Division,
Bundeskartellamt, Bonn

speakers

Dr. Irene Sewczyk,
Rapporteur, 6th Decision Division,
Bundeskartellamt, Bonn

Prof. Dr. Alexander Peukert,
Professor for Civil and Commercial Law with a
focus on Intellectual Property Law, Johann Wolf-
gang Goethe-University Frankfurt, Frankfurt am
Main

Sebastian Louven,
Attorney-at-Law , Researcher, Oldenburg Univer-
sity, Oldenburg

M&A (Session I, 2.30 p.m. - 4.00 p.m.)

This time the other way around? Is the US Business Roundtable copying corporate governance principles from good old Europe?

In its recent corporate governance proposal the Business Roundtable called for a commitment to long-term sustainable economic value creation. This has prompted a vigorous debate on the optimal corporate governance model. While some are insisting that changes in corporate governance are constrained by an imperative to maximize shareholder value, others believe that effective reform requires prescriptive regulation. There are also alternative solutions being proposed, reimagining corporate governance as a cooperative exercise among the corporate stakeholders.

Join our working group session to discuss the state of play of this exciting debate and its impact on cross-border dealmaking.

moderators

Dr. Markus Nauheim, LL.M. (Duke),

Partner, Gibson, Dunn & Crutcher LLP, Munich

Dr. Michael R. Fischer,

Partner, Jones Day, Frankfurt am Main

speakers

Dr. Gabriele Apfelbacher,

Senior Counsel, Cleary Gottlieb, Frankfurt am Main

Prof. Dr. Hans Christoph Grigoleit,

Chair for Private Law, Commercial and Corporate Law, Private Law Theory, Ludwig-Maximilians-University Munich, Munich

Mark Strauch,

Partner, Freshfields Bruckhaus Deringer LLP, New York/Frankfurt am Main

ALM (Session II, 5.00 p.m. - 6.30 p.m.)

The draft EU Representative Actions Directive: US-Style Class Actions in the Making?

On November 28, 2019, the Council of the EU reached agreement on a draft directive on representative actions for the protection of the collective interests of consumers. The proposed legislation is highly controversial. Business groups have expressed concern that the directive could lead to a spate of litigation and ‘forum shopping’, as groups and their lawyers bring cases in different EU countries to maximize their chances of winning their cases and getting compensation. Are these fears justified? Is the draft close to final or does it need a complete revision? There are many open questions, but there seems to be agreement on the following: If the draft is implemented, it is expected to lead to an increase in the number of enforcement and court cases seeking collective redress. As a collateral effect, liability insurance premiums and costs for legal expenses insurance will rise, if they are offered at all. Discuss all of these issues with us and our renowned panelists!

moderators

Dr. Alexandra Diehl, LL.M. (Suffolk),
Local Partner, White & Case, Frankfurt am Main

Dr. Anke Meier, LL.M. (Pepperdine),
Partner, Noerr LLP, Frankfurt am Main

speakers

Denis Förster,
Director Litigation/Investigations,
Fresenius Medical Care, Bad Homburg v. d. H.

Kim Havlin,
Partner, White & Case, New York

Prof. Dr. Heribert Hirte,
Member of Parliament, Deutscher Bundestag, Berlin

Christian Steinberger,
Head of Legal, VDMA, Frankfurt am Main

CLPL (Session II, 5.00 p.m. - 6.30 p.m.)

Constitutional democracy in the field of artificial intelligence (AI)

Artificial Intelligence (AI) no longer merely plays a role in industry 4.0, but it also influences our everyday lives, our society as a whole and our political systems. The working group Constitution, Legislation, Public Law will look at how AI challenges our constitutional democracy. The panel will address the question of how this new technology must be devised to support the maintenance of and strengthen our constitutional democracy. How can ethical rules for AI safeguard democracy and to what extent are enforceable laws and regulations necessary to protect our constitutional systems? Is there a need to incorporate democratic principles, i.e. the rule of law and human rights to govern the technology of Artificial Intelligence?

moderator

Patrick Jäger,

Legal Trainee, Berlin Court of Appeal(Kammergericht), Summer Associate at White & Case LLP, Legislative and Research Assistant at the German Bundestag for Prof Dr Günter Krings, LL.M. MP and Parliamentary State Secretary to the Federal Minister of the Interior, Building and Community German Bundestag, Berlin

speakers

Susanne Dehmel,

Lawyer, Member of the Executive Board „Law & Security“, Member of the Study Commission “Artificial Intelligence – Social Responsibility and Economic, Social and Ecological Potential” of the German Bundestag, Bitkom, Berlin

Dr. Sebastian J. Golla,

Research assistant in public law (Prof. Dr. Matthias Bäcker, Endowed Chair for Public Law and Information Law, especially Data Protection Law), Johannes Gutenberg-Universität Mainz, Mainz

Jan Kuhlen M.A.,

Partner, Kuhlen Partnerschaft von Rechtsanwälten mbB, Member of the Study Commission “Artificial Intelligence – Social Responsibility and Economic, Social and Ecological Potential” of the German Bundestag, Berlin

M&A (Session II, 5.00 p.m. - 6.30 p.m.)

The new normal of W&I and R&W insurance – Panacea for Dealmakers or Risky Business?

In the last decade, the use of W&I insurance in M&A transactions has become a well-known and often used instrument in the toolbox of M&A practitioners in Europe. The US market has caught up in recent years and meanwhile also regularly uses R&W insurance – as it is usually referred to there – as a means to facilitate M&A deals. We will introduce key concepts and differences between the European and US M&A insurance markets and new trends and innovations to look out for. The panel will also discuss how insurances handle claims in practice and how this compares to traditional claims made against the seller. Finally, we will explore the question whether the pricing of M&A insurers is viable in the long term and whether the replacement of seller liability by insurance liability really awards the buyer the same standard of protection.

moderators

Christian A. Krebs, LL.M. (Harvard),
Partner, Jones Day, Frankfurt am Main

Dr. Markus Nauheim, LL.M. (Duke),
Partner, Gibson, Dunn & Crutcher LLP, Munich

speakers

Dr. Markus P. Bolsinger, LL.M. (University of Chicago)
Partner, Dechert LLP, New York/Munich

Bernd Dreier, LL.M. (Columbia),
Head of M&A DACH, AIG, Munich

Gennadiy Kharif,
Executive Director, Howden M&A, Frankfurt am Main

Culture Program, March 7, 11.00 a.m.

Guided Tour Kunsthalle Schirn



Exhibition

FANTASTISCHE FRAUEN

More information

www.schirn.de

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