

DAJV Annual Conference '13

Annual Conference on
German and American Law



July 5–6, 2013
Freiburg im Breisgau

WELCOME TO FREIBURG!



Photo: wikimedia / Armin Hornung



VENUES

Albert-Ludwigs-Universität Freiburg
www.uni-freiburg.de

Kollegiengebäude I – Aula
Platz der Universität 3
79098 Freiburg

Kollegiengebäude II – Hörsaal 2121
Platz der Alten Synagoge 1
79098 Freiburg

Casino im Haus „Zur Lieben Hand“
Löwenstraße 16 – 79098 Freiburg

Weinschlösschen
Wilhelmstraße 17A – 79098 Freiburg
www.weinschloesschen-freiburg.de

Greiffenegg–Schlössle
Schlossbergring 3 – 79098 Freiburg
www.greiffenegg.de

FRIDAY, JULY 5



FRIDAY, JULY 5

WELCOME ADDRESS

6:00 p.m. – Location: Universität Freiburg, Kollegiengebäude I – Aula

»» **Dr. Ludwig Leyendecker**, LL.M. (Georgetown)

Partner, Freshfields Bruckhaus Deringer LLP, Cologne
President of the German-American Lawyers' Association

»» **Professor Dr. Alexander Bruns**, LL.M. (Duke)

Dean of the Faculty of Law, University of Freiburg
Director of the Institute for German and Foreign Civil Procedural Law
DAJV board member

SPEECH: FINANCIAL MARKET REGULATION

6:30 p.m. – Location: Universität Freiburg, Kollegiengebäude I – Aula

presented by

»» **Professor Mark C. Christie**

Commissioner, Virginia State Corporation Commission
„Current Topics of banking regulation in the United States“

commented by

»» **Professor Dr. Dres. h.c. Rolf Stürner**

University of Freiburg, DAJV member
„The regulation of financial markets, a European perspective“

RECEPTION

8:00 p.m. – Location: Greiffenegg-Schlössle

SPEECH

Professor Mark C. Christie is a commissioner of the Virginia State Corporation Commission, which regulates the electricity, gas, telecommunications, banking, insurance and securities industries in Virginia, USA. He was elected by the state legislature of Virginia in 2004 to a six-year term and was re-elected to a second term in January 2010.

He teaches regulatory law at the University of Virginia Law School, and teaches constitutional law and public policy to doctoral candidates at Virginia Commonwealth University. He has taught at the universities of Luzern, Switzerland and Trento, Italy through the Fulbright program, and has lectured on U.S. energy markets at the Florence School of Regulation, European University Institute, in Florence, Italy. During summer 2013 he will teach a course on American constitutional law and history at the law faculty of the University of Heidelberg.

Christie graduated magna cum laude from Wake Forest University, where he was elected to the Phi Beta Kappa academic honor society. He majored in English literature and history, with a concentration in German history. He received his law degree from Georgetown University.

Professor Dr. Dres. h.c. Rolf Stürner habilitated at the Faculty of Law of the University of Tübingen (1976) and became a Professor of Law at the University of Konstanz in 1976. From 1992 to 2012 he was Director of the Institute for German and Comparative Civil Procedural Law, University of Freiburg. He was Visiting Professor at the University of Geneva (1986–1988), at Harvard Law School, (2001, 2003, 2005) and at New York University School of Law (2010) and judge of the State Court of Appeals in Stuttgart and Karlsruhe (1980–2008). He was President of the Association of German, Swiss and Austrian Proceduralists (1996–2004) and he is member of the American Law Institute, a corresponding member of UNIDROIT, Rome, a member of the Academy of Humanities and Sciences, Heidelberg and a member of the Council of the International Association of Procedural Law. He was co-reporter for the joint project “Principles and Rules of Transnational Civil Procedure” of the American Law Institute and UNIDROIT. In 2004 he published the book “German Civil Justice” together with Peter Murray, Harvard Law School.

SATURDAY, JULY 6



SATURDAY, JULY 6

REGISTRATION & COFFEE

9:00 a.m. – Location: Universität Freiburg, Kollegiengebäude II, Hörsaal 2121

PANEL SESSION I

Compliance, International Investigation

9:30 a.m.

»» **Dr. Marc Engelhart**

Max-Planck-Institute for Foreign and International Criminal Law, Freiburg
„Corporate Criminal Liability and European Developments“

»» **Dr. Markus Rübenstahl**

Attorney-at-law, Friedrich Graf von Westphalen & Partner, Cologne
DAJV member
„The long reach of the U.S. Foreign Corrupt Practices Act –
Extraterritorial effects on German companies“

Moderator:

»» **Dr. Markus Nauheim**, LL.M. (Duke Univ.),

Partner, Gibson, Dunn & Crutcher LLP, München
DAJV member

Speeches are held in German.

Coffeebreak

11:00–11:15 a.m.

PANEL SESSION I

Dr. Marc Engelhart is the head of section for business and economic criminal law at the Max-Planck-Institute for Foreign and International Criminal Law in Freiburg. His main area of research is business and economic criminal law, including the liability of groups and collective entities. He is also specialized in European and international as well as comparative criminal law and procedure.

Marc Engelhart was born in 1976. From 2003 to 2009, Marc Engelhart held a research position at the Max Planck Institute for Foreign and International Criminal Law, where he became responsible for the German section. Under the supervision of Prof. Dr. Dr. h.c. mult. Ulrich Sieber, he earned his doctorate on “Corporate Criminal Liability and Compliance”. His doctoral thesis received several honors. From 2009 to 2011, he worked at an international law firm in Stuttgart, where he specialized in questions of compliance and corporate responsibility. He returned to the Freiburg Max-Planck-Institute in 2012.

Dr. Markus Rübenstahl exerts the legal profession exclusively in the field of criminal law, with a particular focus on White Collar Crime, with a particular expertise regarding bribery offences and tax crimes. He provides compliance and preventive advice in order to avoid potential risk of criminal offense and liability in the corporate sector. Another focus of his practice is structuring and implementing compliance management systems (CMS) and their respective tools.

He is a Lecturer at the University of Freiburg for Criminal Law. He has published extensively on many aspects of White Collar Crime offences, procedural questions and Compliance & Investigation issues. He is co-editor and co-author of the comprehensive Handbook “Internal Investigations – Ermittlungen im Unternehmen” (2013). Markus Rübenstahl was born in 1973. Under the supervision of Prof. Dr. Walter Perron (University of Freiburg) he earned his doctorate on a comparison of the punishability of corruption offences of public officials in Italy and Germany.

SATURDAY, JULY 6

PANEL SESSION II

Essential New Developments in the Field of International Commercial Arbitration

11.15–12:45 a.m. – Location: Universität Freiburg, Kollegiengebäude II, Hörsaal 2121

»» **Dr. Anton Baier**

Founding Partner of Baier Attorneys at Law, Vienna, Austria

President of the International Arbitral Center of the Austrian

Federal Economic Chamber (VIAC), Vienna

„The Special Qualities of the Application of the New Vienna Rules in Effect as of 1st July 2013 with Regard to International Arbitration Proceedings of German and U.S. Companies“

»» **Martin Wiebecke**, LL.M. (Columbia)

Founding Partner of Wiebecke Attorneys at Law, Küsnacht/Zürich, Switzerland

DAJV member

„The Revision of the Swiss Rules as of 1st June 2012, the Establishment of the new Swiss Chambers' Arbitration Institution and of the new Arbitration Court and their significance for the international Arbitration Practitioner“

Moderator:

»» **Dr. Rolf M. Winkler**, LL.M. (Berkeley)

Partner, Haver & Mailänder, Stuttgart

DAJV member

Speeches are held in German.

PANEL SESSION II

Dr. Anton Baier is founding partner of BAIER Attorneys at Law (Vienna/Austria). He is and has been presiding and party-appointed arbitrator for more than 30 years in numerous international arbitrations under various rules, including ICC, UNCITRAL, VIAC, DIS, ad hoc and rules of arbitral institutions in the CEE and SEE regions. Anton Baier has been a member of the Board of the Vienna International Arbitral Centre (VIAC) of the Austrian Federal Economic Chamber for more than 15 years and is currently chairing this arbitral institution as President since 2011. During his term of Presidency the arbitration rules of VIAC (“Vienna Rules”) were significantly modernised following recent trends and discussions in relevant arbitral institutions worldwide in particular with regard to issues of consolidation of proceedings, multi-party proceedings, joinder of third parties, fast-track arbitration etc. His main areas of practice include, inter alia, construction (FIDIC Contract Law), industrial engineering, infrastructure projects, turnkey projects, investment and other disputes involving states, pharmaceuticals, distributorship and joint ventures.

Martin Wiebecke practices commercial and corporate law with an emphasis on commercial litigation and arbitration. He is admitted as lawyer in Switzerland, Germany and New York.

He has acted as counsel, sole arbitrator, party-appointed arbitrator or chairman in more than 130 international commercial arbitrations under the rules of the ICC, LCIA, Swiss Chambers, DIS, VIAC, Stockholm Institute, SIAC, AAA, CAS, MKAS (Moscow), German-Swiss CC, and other institutions, and in UNCITRAL and ad hoc arbitrations. He also has an arbitration-related court practice (annulment & execution proceedings) and mediation experience.

His arbitration experience includes disputes about mergers and acquisitions, shareholders’ agreements, joint ventures, privatisations, foreign investments, construction, infrastructure/development projects, natural resources, oil and gas, pharmaceuticals, life sciences, biotechnology, insurance/reinsurance, telecommunications, technology transfer, licence agreements, banking/finance, tax, defence contracts, agency, distribution, and sale and purchase agreements.

SATURDAY, JULY 6

LUNCH

1:00 p.m. – Location: Casino im Haus „Zur Lieben Hand“

SPEECH:

THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS – GUN CONTROL IN THE U.S.

3:00 p.m. – Location: Universität Freiburg, Kollegiengebäude II, Hörsaal 2121

»» **Professor Dr. Mathias Reimann**, LL.M. (Michigan)

Hessel E. Yntema Professor of Law, University of Michigan

DAJV honorary member

BBQ

7:00 p.m. – Location: Weinschlösschen

SPEECH

Professor Dr. Mathias Reimann studied law and political science at the University of Freiburg, took the first and second state examinations in law (1978/1981) and wrote his dissertation in legal history (Dr. iur. utr. 1982). He is also a graduate of the University of Michigan Law School (LL.M. 1983).

Since 1985, he has served on the faculty of the University of Michigan Law School. From 1996 through 1999, he was also professor of private law, comparative law, and legal history at the University of Trier. He is the editor-in-chief of the American Journal of Comparative Law and a titular member of the International Academy of Comparative Law. He has taught and published in many countries around the world, including at the University of Freiburg where he has regularly given short courses on U.S.-American law for the last couple of years.

INFORMATION



REGISTRATION

FEES

DAJV and GALA member 90 Euro
for full conference

Non-member working at a DAJV member firm 90 Euro
for full conference

Government/Academia 80 Euro
for full conference

Spouse or accompanying person of a member 45 Euro
participating only Friday speech & reception, dinner on Saturday

Students, Graduate Students, Doktoranden 45 Euro
for full conference

Non-member 100 Euro
for full conference

Standard participant fee per day
Friday speech & reception 25 Euro
Saturday program 70 Euro

Pre-conference DAJV Student Division

Workshop I for DAJV members free

Workshop I for non-members 15 Euro

Workshop II free

REGISTRATION

PAYMENT

Prior payment is required to attend the conference.

Please indicate on the registration form the preferred method of payment.

Deutsch-Amerikanische Juristen-Vereinigung e.V.

Bank Deutsche Bank AG Bonn

BLZ 380 700 24

Account No 0253930

BIC DEUTDEDB380

IBAN DE 32 3807 0024 0025 3930 00

Please note that you may also pay by PayPal account or credit card.

CANCELLATIONS

Any cancellations must be received in writing

before June 21, 2013 and sent to:

DAJV Deutsch-Amerikanische Juristen-Vereinigung e.V.

P.O. Box 20 04 42

53134 Bonn/Germany

A fee of Euro 50,00 will be charged if cancellation notice is received on or before June 21, 2013. We regret that no refunds will be made for notices received after June 21, 2013. Registrations are transferrable.

ACCOMODATION

COLOMBI HOTEL *****

Rotteckring 16

Am Colombipark

79098 Freiburg

T +49 (0)761-210 60

www.colombi.de

info@colombi.de

single room de Luxe 240,00 EUR pP excl. breakfast 20,00 EUR pP

double room de Luxe 275,00 EUR pP excl. breakfast 20,00 EUR pP

Booking code: DAJV

CONTACT

DAJV Deutsch-Amerikanische Juristen-Vereinigung e.V.

P.O. Box 20 04 42

53134 Bonn/Germany

Phone +49-228-361376

Fax +49-228-357972

mail@dajv.de · www.dajv.de

Registration: June 21, 2013

»» Registration

ANNUAL CONFERENCE

ON GERMAN AND AMERICAN LAW 2013

July 05–06, 2013 Freiburg im Breisgau

DAJV

Deutsch-Amerikanische Juristen-Vereinigung e.V.

P.O.Box 200442

53134 Bonn/Germany

Fax +49-228-357972 mail@dajv.de

My personal data

First name _____

Surname _____

Current position _____

Law firm/corporation _____

Work address corresponds mailing address

Street _____

Postal code, Town _____

eMail _____

Tel. No. _____

Spouse or accompanying person

First name _____

Surname _____

Fees

Pre-conference DAJV Student Division:

Workshop I for DAJV members free

Workshop I for non-members 15 EUR

Full conference (starting at 6:00 p.m.):

DAJV and GALA member 90 EUR

Non-member working at a DAJV member firm 90 EUR

Government/Academia 80 EUR

Students, Graduate Students, Doktoranden 45 EUR

Non-member 100 EUR

Spouse or accompanying person of a member 45 EUR

participating only Friday speech & reception, dinner on Saturday

Standard participant fee per day:

Friday speech & reception 25 EUR

Saturday program 70 EUR

Payment

Prior payment is a condition for participation. With the registration, you agree to pay the fee, regardless whether you actually attend. If you are unable to attend the Annual Meeting yourself, you may register a colleague or a friend in your place.

Please indicate method of payment you have chosen:

Bank Transfer

The participant or their administration will transfer the fee of EUR to the banking account of the Deutsch-Amerikanische Juristen-Vereinigung e.V.

Bank: Deutsche Bank AG Bonn

BLZ: 380 700 24 Account No.: 0253930

BIC: DEUTDEDB380 IBAN: DE32 3807 0024 0025 3930 00

PayPal account or credit card

The payment option is available at www.dajv.de

Receipt/confirmation

I would like to receive a receipt after the payment of the registration fee has been transferred to the DAJV.

Invoice address (if different from the address mentioned above):

Place, Date _____

Signature _____

I WILL ATTEND THE DAJV STUDENT DIVISION

PRE-CONFERENCE PROGRAM



»» Freitag, 5. Juli

- 12:00 Uhr Gemeinsames Mittagessen im Café Extrablatt
- 14:00 Uhr Workshop I: Gewerkschaftspluralität und Tarifkonkurrenz im Betrieb
- 16:00 Uhr Workshop I: Gewerkschaftspluralität und Tarifkonkurrenz im Betrieb (Fortsetzung)
- 16:00 Uhr Workshop II: Aktuelle Probleme und Herausforderungen des internationalen Schiedsverfahrensrechts – Erfahrungen, Tipps und Fallstricke

»» Samstag, 6. Juli

- 09:00 Uhr Workshop I: Gewerkschaftspluralität und Tarifkonkurrenz im Betrieb (Fortsetzung)
- 12:30 Uhr Mittagessen
- 13:30 Uhr Workshop I: Gewerkschaftspluralität und Tarifkonkurrenz im Betrieb (Fortsetzung)

I WILL ATTEND THE

ANNUAL CONFERENCE PROGRAM



»» Friday, July 5

- 6:00 p.m. Welcome Address
- 6:30 p.m. Speech
- 8:00 p.m. Reception
└─ *with spouse or accompanying person*

»» Saturday, July 6

- 9:30 a.m. Panel Session I: Compliance, International Investigation
- 11:15 a.m. Panel Session II: Essential New Developments in the Field of International Commercial Arbitration
- 1:00 p.m. Lunch
- 3:00 p.m. Speech: The Right of the People to Keep and Bear Arms – Gun Control in the U.S.
- 7:00 p.m. BBQ
└─ *with spouse or accompanying person*

The above program is subject to change without further notice. For updates please visit www.dajv.de
Changes to the program's topics and speakers may occur at the discretion of the conference organizers.