

DAJV Deutsch-Amerikanische
Juristen-Vereinigung e.V.

Annual Conference 2016

October 12–15, 2016 // Boston & Cambridge, Harvard Law School



dajv.de

JOIN US FOR THE 4th ANNUAL CONFERENCE IN THE U.S.

Dr. Olaf Christiansen, LL.M., President DAJV

Dear Members and Friends of DAJV,

We are delighted to invite you to the 4th conference DAJV is organizing in the U.S. This year we will come together in the Boston area and hold our annual meeting in Cambridge on the beautiful campus of Harvard Law School.

In such a renowned and historic surrounding we want to discuss up-to-date topics that reflect our common interest in transatlantic relations. In addition we hope to spend time with you in Boston for networking and cultural inspiration.

On substance, we will have a panel on the prospective impact the Brexit decision might have on the U.S. – European relations and will discuss the domestic and global perspectives of the U.S. Presidential Election. Moreover, we want to get insight into recent trends of shareholder activism in the U.S. and in Germany as well as into the different legal concepts of consumer protection on both sides of the Atlantic.

As Pre-Conference Program, we are very happy to offer an interactive workshop on “cross examination” – together with our colleagues and friends from ABOTA. The goal is to practically demonstrate how American trial lawyers present complex expert testimony to a jury.

We hope our plans will find your interest and look forward to welcoming you in Boston and Cambridge.



October 12-15, 2016
Boston & Cambridge

OVERVIEW LOCATIONS & PROGRAM

Venues & Events in Boston

Annual Conference

**Milstein Conference Center
at Harvard Law School**

WCC 2036 Milstein East B and C

Welcome Reception

Jones Day

100 High Street, 21st Floor

Gala Dinner

Liquid Art House

100 Arlington Street

Boston Symphony Orchestra

Symphony Hall

301 Massachusetts Avenue

Program

Wednesday, October 12, 2016

Workshop Cross Examination of experts
DAJV in cooperation with ABOTA

Thursday, October 13, 2016

Panel Sessions

Evening: Welcome Reception

Friday, October 14, 2016

Panel Sessions

Evening: Gala Dinner

Saturday, October 15, 2016

Panel Session

Discover Boston!

Evening: Boston Symphony Orchestra

PROGRAM WEDNESDAY, OCTOBER 12

Venue **John Joseph Moakley U.S. Courthouse,**
1 Courthouse Way, Suite 2300, Boston, MA 02210

8:00 a.m. **Registration**

Important Security Information

8:15 a.m. **Breakfast**

Please note that the U.S. Marshals will require that you show a valid form of photo identification in order to enter the building.

9:00 a.m. **Welcome**

Dr. Olaf Christiansen, LL.M., Senior Vice President Corporate Legal Department Bertelsmann SE & Co. KGaA, Gütersloh, President DAJV

Introductory Remarks:

Handling of Experts in German Courts

Dr. Stephan Wilske, LL.M., Attorney at Law (New York), Partner, Gleiss Lutz, Stuttgart, Board Member DAJV

9:15 a.m. DAJV & ABOTA

Workshop Cross Examination

Handling technical experts in the American jury system

This interactive workshop will offer a firsthand and exciting look at how American trial lawyers present complex expert testimony to a jury in a way that makes it compelling and admissible. They will also demonstrate how to attack the credibility of such experts during cross-examination. Seasoned trial lawyers will demonstrate these techniques using live expert witnesses presenting testimony for a patent infringement case – a type of case where success regularly depends on an expert’s credibility. Come and join us for an opportunity rarely available for German lawyers!



PROGRAM WEDNESDAY, OCTOBER 12

- 9:15 a.m. **Welcome and Introductions**
Gerald F. Richman, Esq.
Christopher A. Duggan, Esq.
- 9:20 a.m. **Role of Experts and Goals for Expert Testimony in the United States**
Michael T. “Mick” Callahan, Esq.
- 9:25 a.m. **Introduction of the Case Study: Swim Time versus Water Fun**
Frank Lamothe, Esq.
- 9:30 a.m. **Direct and Cross-Examination of Plaintiff’s Expert Witness**
Plaintiff: Lish Whitson, Esq.
Defense: Lisa Marchese, Esq.
Redirect: Frank Lamothe, Esq.
- 10:10 a.m. **Break**
- 10:45 a.m. **Direct and Cross-Examination of Defense Expert**
Defense: Christopher A. Duggan, Esq.
Plaintiff: William Clayton, Esq.
Redirect: Gerald F. Richman, Esq.
- 11:25 a.m. **Questions and Discussion**
Moderator: Gerald F. Richman, Esq.
- 11:45 a.m. **Jury Deliberations**
- 12:00 p.m. **Adjourn**
- 12:30 p.m. **The Honorable Douglas P. Woodlock,**
Senior Judge, U.S. District Court, District of Massachusetts, Boston
- 1:00 p.m. – **Lunch, Get Together**
3:00 p.m. Networking between members of ABOTA and DAJV

PROGRAM THURSDAY, OCTOBER 13

Venue **Harvard Art Museums**, 32 Quincy Street , Cambridge, MA 02138

10:00 a.m. – **Cultural Program:**

12:00 p.m. **Guided tour Busch-Reisinger Museum**

The Busch-Reisinger Museum was founded in 1901 as the Germanic Museum. Unique among North American museums, the Busch-Reisinger is dedicated to the study of all modes and periods of art from central and northern Europe, with an emphasis on German-speaking countries. The Busch-Reisinger Museum's holdings include significant works of Austrian Secession Art, German expressionism, 1920s abstraction, and materials related to the Bauhaus. Other strengths include late-medieval sculpture and eighteenth-century art. The museum also holds noteworthy postwar and contemporary art from German-speaking Europe.



Photos: Nic Lehoux, Peter Vanderwarker



PROGRAM THURSDAY, OCTOBER 13

Venue **Milstein Conference Center** at Harvard Law School, WCC 2036 Milstein East C

12:00 p.m. **Registration**

1:00 p.m. **Official Conference Opening**

Dr. Olaf Christiansen, LL.M., Senior Vice President Corporate Legal Department, Bertelsmann SE & Co. KGaA, Gütersloh, President DAJV

Dr. Ralf Horlemann, Consul General of the Federal Republic of Germany, Boston

1:30 p.m. **Times of Fundamental Change?**

BREXIT and its Prospective Impact on U.S. – European Relations

In April 2016, U.S. President Barack Obama called the BREXIT referendum “a matter of deep interest to the United States because it affects our prospects as well.” Now that the UK intends to exit the EU, an imminent question – to be discussed in this panel – is what impact this will have on transatlantic political, business and legal relations.

Chair:

Dr. Stephan Wilske, LL.M., Attorney at Law (New York),
Partner, Gleiss Lutz, Stuttgart, Board Member DAJV

Panelists » next page

PROGRAM THURSDAY, OCTOBER 13

Panelists:

Dr. Ralf Horlemann, Consul General of the Federal Republic of Germany, Boston; with Germany's Federal Foreign Office since 1992 (having previously served in Hong Kong, Washington D.C. and Moscow)

Alan P. Larson, Senior International Policy Advisor, Covington & Burling LLP, Washington D.C. (2005–present); Department of State: Under Secretary of State for Economics (1999–2005) and Assistant Secretary of State for Economics and Business (1996–1999); Ambassador to the OECD (1990–1993)

Laurence Shore, J.D., M.A., Ph.D., Partner, Herbert Smith Freehills, New York, Solicitor (Supreme Court of England and Wales), Attorney-at-Law (New York), former Chair of the New York City Bar's International Law Committee

Prof. Dr. Stefan Vogenauer, Director of the Max Planck Institute for European Legal History, Frankfurt/Main; statutory Chair in Comparative Law at the University of Oxford (2003 to 2015); visiting Professor at New York University (fall 2016)

3:00 p.m.

Coffee Break

PROGRAM THURSDAY, OCTOBER 13

Venue **Milstein Conference Center** at Harvard Law School, WCC 2036 Milstein East C

3:30 p.m. – **Consumer Protection in Europe and the U.S.–**

5:00 p.m. **Different Approaches, Same Goals?**

Legal cultures and approaches sometimes differ. The closer jurisdictions cooperate the more obvious divergences of view become. The different understandings of consumer protection on both sides of the Atlantic and its practical implications shall be the subject of the panel.

Chair:

Dr. Olaf Christiansen, LL.M., Senior Vice President Corporate Legal Department Bertelsmann SE & Co. KGaA, Gütersloh, President DAJV

Prof. Oren Bar-Gill, LL.M., S.J.D., William J. Friedman and Alicia Townsend Friedman Professor of Law and Economics , Harvard Law School, Cambridge MA

Dr. Jennifer Bryant, Senior Associate, Noerr LLP, Düsseldorf

Mark S. Cheffo, J.D., Partner, Quinn Emanuel, New York

The Honorable Jon S. Tigar, Judge, U.S. District Court for the Northern District of California, San Francisco

Venue **Jones Day**, 100 High Street, 21st Floor, Boston, MA 02110-1781

7:00 p.m. – **Welcome Reception**

8:30 p.m. Sponsored by Jones Day

Dr. Johannes Zöttl, Partner, Jones Day, Düsseldorf



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PROGRAM FRIDAY, OCTOBER 14

Venue **Milstein Conference Center** at Harvard Law School, WCC 2036 Milstein East C

9:00 a.m. – **Mock Class**

10:30 a.m. **Prof. Holger Spamann**, Ph.D., S.J.D., Harvard Law School, Cambridge, MA

We offer our students, law clerks and doctoral candidates attending the DAJV conference the unique opportunity to attend a Mock Class at Harvard Law School, giving an example of the famous Socratic Method of teaching, which was invented at Harvard Law School in the 19th century and has long been considered the defining element of American legal education.

The case *Meinhard v. Salmon*, 164 N.E. 545 (N.Y. 1928), as found in pretty much every American casebook dealing with partnership law, is probably one of the most famous and significant cases on joint ventures.

10:30 a.m. **Coffee Break**



PROGRAM FRIDAY, OCTOBER 14

Venue **Milstein Conference Center** at Harvard Law School, WCC 2036 East C

10:30 a.m. **Registration**

11:00 a.m. – **The Future of Shareholder Activism in Germany:**

12:30 p.m. **Is American-style Activism on the Horizon?**

Shareholder Activism by hedge funds has grown tremendously and transformed corporate governance in the United States. Can we expect similar developments in Germany? How does the legal framework on both sides of the Atlantic foster or impede activism? A discussion between academics, legal and financial practitioners promises insights into the different activist strategies used in Germany and the U.S.

Introduction:

Christian Krebs, LL.M., Jones Day, Frankfurt, Board Member DAJV

Chair:

Prof. Holger Spamann, Ph.D., S.J.D., Harvard Law School, Cambridge MA

Shane Goodwin, PhD, Director of Research, Mergers and Acquisitions and Fellow, Program on Corporate Governance, Harvard Law School, Cambridge MA

Dr. Kai Haakon E. Liekefett, LL.M., Vinson & Elkins, New York

Dr. Markus Nauheim, LL.M., Partner, Gibson Dunn, München, Board Member DAJV

PROGRAM FRIDAY, OCTOBER 14

Venue **Milstein Conference Center** at Harvard Law School, WCC 2036 East C

12:30 p.m. **Welcoming remarks**

Dean Martha Minow, Morgan and Helen Chu Dean and Professor of Law, Harvard Law School, Cambridge MA

12:45 p.m. **Lunch** at Harvard Law School, WCC 2036 East B

1:45 p.m. **Harvard Law School: Its Significance for German Lawyers' Careers**

German LL.M. alumni discuss the merits of their studies at Harvard Law School

Chair:

Prof. Dr. Gerhard Wegen, LL.M. (Harvard), Partner, Gleiss Lutz, Attorney-at-Law (New York), President, Harvard Law School Association of Germany e.V.

Dr. Andreas Hoger, LL.M. (Harvard), Partner, Hengeler Mueller, Frankfurt/Main

Christian Krebs, LL.M. (Harvard), Jones Day, Frankfurt/Main, Board Member DAJV

Prof. Dr. Peter O. Mülbart, Professor of Law, Faculty of Law and Economics, Fellow, Gutenberg Research College, and Director of the Center for German and International Law of Financial Services, University of Mainz, Visiting Professor, Harvard Law School

Prof. Dr. Tobias Tröger, LL.M. (Harvard), Professor of Law, Chair of Private Law, Trade and Business Law, Jurisprudence at the Goethe University of Frankfurt/Main

PROGRAM FRIDAY, OCTOBER 14

Venue **Milstein Conference Center** at Harvard Law School, WCC 2036 East C

3:00 p.m. **Coffee Break**

3:30 p.m. – **U.S. Presidential Election – Domestic and Global Perspectives**

6:00 p.m. Presidential elections are on discussion in this October 2016. So our annual meeting will meet this topic, but we are eager to win panelists who can argue on a neutral basis. Our panelists therefore are attorneys, independent journalists, professors and political analysts.

Chair:

Apl. Prof. Dr. Jutta Stender-Vorwachs, LL.M., Leibniz University Hannover, Institute of International Law, Board Member DAJV

Moderator:

Irene Braam, Executive Director Bertelsmann Foundation, Washington D.C.

Martin Apfel, Independent Consultant, Former Automotive Executive, Detroit

Martin Bialecki, Bureau Chief North America, dpa regional desk, Washington, D.C.

Cathryn Cluever, Executive Director, The Future of Diplomacy Project, Belfer Center for Science and International Affairs, John F. Kennedy School of Government, Harvard University

Kerstin Kohlenberg, U.S. Correspondent die ZEIT, New York

Prof. Russell Miller, Professor at Washington & Lee University School of Law, Lexington, Virginia

Marc Redlich, Esq., Law Offices of Marc Redlich, Boston, Director of the Boston Warburg Chapter of the American Council of Germany

PROGRAM FRIDAY, OCTOBER 14

Venue **Liquid Art House**, 100 Arlington St, Boston, MA 02116



7:30 p.m. **Reception**

8:30 p.m. – **Gala Dinner**

11:00 p.m.

PROGRAM SATURDAY, OCTOBER 15

Venue **Milstein Conference Center** at Harvard Law School, WCC 2036 East C

10:30 a.m. – **Panel**

12:30 p.m. **Young Academic Forum**

This panel covers a broad variety of topics from international business law and international dispute resolution. Short presentations by the panelists will be followed by discussions with the audience.

Chair:

Prof. Dr. Dr. h.c. Thomas Pfeiffer, Heidelberg University, Director of the Institute for Comparative Law, Conflict of Laws and International Business Law, Heidelberg, Board Member DAJV

Lukas Beck, Junior Researcher, University of Würzburg

Where Do Lawyers incorporate -

Comparing the LLP to the German PartGmbH

Amit Datta, Postdoctoral Researcher, Humboldt-University Berlin

Remuneration in the Film Industry -

A Structural Analysis of the German and U.S. Market

Marc Dietrich, Junior Researcher, University of Jena

For They Know Not What They Do -

Consumer Protection in Choice of Law in the US and in the EU

Urs Albrecht Klein, Junior Researcher, Humboldt-University Berlin

Free Apps: Contractual Structures and Liability

Josef Wittmann, Junior Researcher, Heidelberg University

The Application of Foreign Law in US Courts -

Call for International Judicial Cooperation

PROGRAM SATURDAY, OCTOBER 15

Venue **Boston Symphony Hall** 301 Massachusetts Avenue, Boston, MA 02115

Cultural Program:

6:00 p.m. **Guided tour Boston Symphony Hall**

7:00 p.m. **Reception** Sponsored by Gleiss Lutz

Prof. Dr. Gerhard Wegen, LL.M. (Harvard), Partner,
Gleiss Lutz, Attorney-at-Law (New York),
President, Harvard Law School Association of Germany e.V.

Mark Volpe, Managing Director of the Boston Symphony Orchestra

8:00 p.m. **Boston Symphony Orchestra**

SMETANA Šárka BARTÓK Violin Concerto No. 2
MUSSORGSKY Night on Bald Mountain
JANÁČEK Taras Bulba, Rhapsody for Orchestra

The Czech conductor Jakub Hrůša, making his BSO debut, is joined by acclaimed German violinist Frank Peter Zimmermann for Béla Bartók's rhapsodic Violin Concerto No. 2, a 1938 work strongly influenced by Central European folk music. The other three works on the program are based on Slavic myth and legend. Smetana's Šárka is named for a legendary Czech maiden warrior and illustrates an episode from her life. Mussorgsky's famously scary Night on Bald Mountain (depicted in Disney's Fantasia) seems to have originated in plans for an unrealized opera on the subject of a witches' sabbath. Janáček's 1918 orchestral rhapsody Taras Bulba is one of his most familiar works – but has never been performed by the BSO.



CONTACT

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Marcia Rusch
Student Division, Cologne



Sina aus der Wischen
Student Division, Bochum

FEES

DAJV-Member	350,00 €	390,00 \$
DAJV-Member: Full time	250,00 €	280,00 \$
Gov./Academics/ NGO		
Non-Member	390,00 €	435,00 \$
Full-time Law Student	160,00 €	175,00 \$
Spouse for Gala Dinner only	80,00 €	90,00 \$
Pre-Conference only: ABOTA/DAJV workshop, October 12, 2016, Boston	50,00 €	40,00 \$

The conference fee does not include the tickets for the cultural program.

Guided tour at Harvard Art Museum within a group of 15 participants
ticket price per person \$ 14.

Boston Symphony Orchestra
tickets are available for \$ 46, 68 and 93.

Please send an email to mail@dajv.de to sign up for the Museum tour and/or the concert.

REFUND POLICY

Prior payment of conference fees is a precondition for participation. When a completed registration form and payment have been submitted through the online Xing Event registration system, your registration is considered to be a firm commitment and you will be expected to pay the conference fees.

The following cancellation policies will be strictly enforced. All cancellations must be received in writing, and refund, if any, depends on the day the cancellation is received in writing by the **DAJV, Deutsch-Amerikanische Juristen-Vereinigung e.V., Alte Bahnhofstraße 10, 53173 Bonn/Germany, mail@dajv.de.**

If a registered person cancels, refund of conference fees will occur as follows:

1. The fee charged by Xing Event to handle the registration that is included in the conference fee, is nonrefundable (5,9 % of conference fee + 0,99 € / 0,99 \$).
2. If a written cancellation is received by DAJV on or before September 13, 2016 the conference fees will be refunded in total except for the Xing Event fee.
3. If a written cancellation is received after September 13, 2016 fifty per cent of the conference fee (except for the Xing Event fee) will be refunded.
4. No refund of conference fee will occur if cancellation is received after September 30th, 2016.

REGISTRATION

Online registration

Register online at

<http://www.dajv.de/veranstaltungen-reader/events/annual-meeting.html> (German)

<http://www.dajv.de/event-reader/events/dajv-annual-meeting.html> (English)

or at

https://www.xing-events.com/dajv_jahreskonferenz_2016 (German)

https://www.xing-events.com/dajv_annual_conference_2016 (English)

and please send the completed registration form to mail@dajv.de

REGISTRATION FORM

Please send your registration to:

mail@dajv.de

Registration deadline: September 30, 2016

I will attend the annual conference program

Wednesday, October 12

- 8:30 a.m. – 1:00 p.m. Workshop Cross Examination
- 1:30 p.m. – 3:00 p.m. Lunch I would like to have a vegetarian meal.

Thursday, October 13

- 10:00 a.m. Cultural Program: Guided tour Busch-Reisinger Museum (Tickets are not included in conference fees)
- 1:30 p.m. Times of Fundamental Change? BREXIT and its Prospective Impact on U.S. – European Relations
- 3:30 p.m. Consumer Protection in Europe and the U.S.– Different Approaches, Same Goals?
- 7:00 p.m. Welcome Reception

Friday, October 14

- 9:00 a.m. Mock Class
- 11:00 a.m. The Future of Shareholder Activism in Germany: Is American-style Activism on the Horizon?
- 12:45 p.m. Lunch I would like to have a vegetarian meal.
- 1:45 p.m. Harvard Law School: Its Significance for German Lawyers' Careers
- 3:30 p.m. U.S. Presidential Election – Domestic and Global Perspectives
- 7:30 p.m. Reception & Gala Dinner with persons I would like to have vegetarian meals.

Saturday, October 15

- 10:30 a.m. Panel Young Academic Forum
- 8:00 p.m. Cultural Program: Boston Symphony Orchestra (Tickets are not included in conference fees)

»»

REGISTRATION FORM

Please send your registration to:

mail@dajv.de

Registration deadline: September 30, 2016

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.....

Certificate

I would like to receive a Certificate after the conference.

Address (if different from the address mentioned above):

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Place, Date.....

Signature.....

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