

WENGER PLATTNER



Settle for less...?

Or for more! Tips on timing, confidentiality and strategy in (multi-jurisdictional) settlement arrangements

Working Session 5:

Maïte Ottes (Antitrust), Alexander Saucken (Commercial Fraud), Karin Graf (Litigation)



Content of Workshop

- 09.00 – 09.15 Welcome by Karin Graf «What makes a skillful negotiator»
- 09.15 – 10.00 Panel Discussions Litigation
1. Timing and Strategy in Settlement Discussions
 2. Confidentiality
 3. Ethics and Style
- 10.00 – 10.05 Introduction by Maïte Ottes: settlement with competition authorities
- 10.05 – 10.25 Speech by Mr. M. Petr, vice-president of the Czech Competition Authority
- 10.25 – 11.00 Coffee break
- 11.00 – 11.30 The practical insight: Radovan Kubac, Grégoire Ryelandt
- 11.30 – 12.00 Panel led by Alexander Saucken «Deals and settlements – the criminal law perspective»



What makes a skillful negotiator?

- Character
- Intellectual skills and know your case
- Seniority
- No self-reference
- The right to say «no»

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Character: Communicative skills



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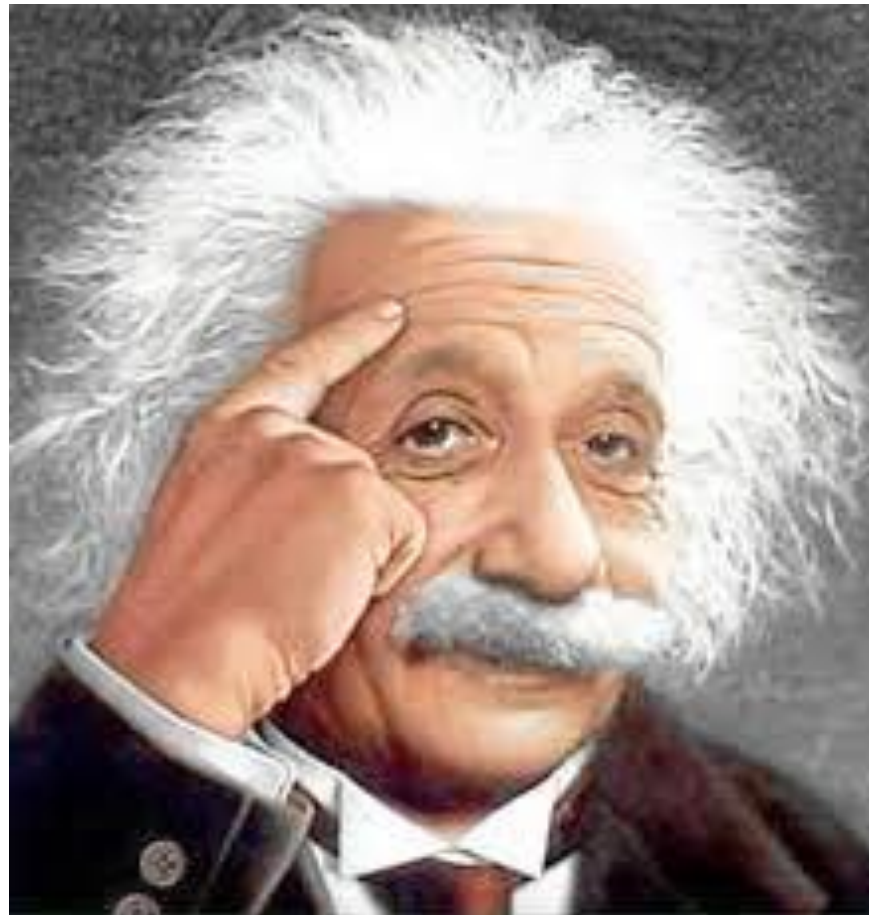
Character: Winning personality
who can laugh



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Intellectual skills and know your case



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Intellectual skills: Know your file
and your adversary



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Seniority: Richard vs. Mr Gere



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Seniority: Richard vs. Mr. Gere



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Seniority: Angela vs. Federal Chancellor



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Seniority: Angela vs. Federal Chancellor



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Seniority: Greenhorn becomes personality



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No self-reference



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The right to say «no»



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Agree or do not agree?

I am fond of settlements in civil litigation.



Agree or do not agree?

I address the issue of settlement options in the first client meeting.



Agree or do not agree?

In my experience, it is the client who brings up the issue of settlement.



Agree or do not agree?

Settlements make clients
happy.



Agree or do not agree?

A very aggressive litigation strategy hinders settlement discussions.



Agree or do not agree?

There is a «right moment» for settlement discussions.



Agree or do not agree?

Settlement discussions become more difficult the more the parties know about a case.



Agree or do not agree?

I favour private settlement discussions as opposed to settlement negotiations in court.



Agree or do not agree?

I do generally not like to take initiative in settlement discussions but prefer to await the counterparty approaching me.



Agree or do not agree?

In my view, judges are putting too much pressure on the parties to settle a case.



Panel 1: Timing and Strategy

- Jean-Rodolphe Fiechter, Kellerhals Attorneys at Law, Switzerland
- Colin Delaney, Smith Gambrell & Russell, USA
- Benjamin Leventhal, Gideon Fisher & Co, Israel



Panel 2: Confidentiality

- Fiona Gillet, Stewarts Law LLP, England
- Ricardo Gama, Veirano Advogados, Brazil
- Michael Pauli, Heuking Kühn Lüer Wojtek, Germany



Panel 3: Ethics and Style

- Janne Nyman, Susiluoto Attorneys at Law, Finland
- Marcus Fruchter, Schopf & Weiss LLP, USA