

PEPPERDINE UNIVERSITY  
School of Law  
The Straus Institute for Dispute Resolution

# THE CONFLICT MANAGEMENT CULTURE

AND THE  
TECHNOLOGY-DRIVEN COMPANY

IMPROVING THE BOTTOM LINE THROUGH STRATEGIC DISPUTE RESOLUTION

A conference for corporate decision-makers responsible for advising technology companies about resolving disputes both inside and outside the company.

Thursday and Friday  
September 9-10, 2004

The Santa Clara Westin  
Santa Clara, California

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School of Law

Straus Institute for Dispute Resolution  
24255 Pacific Coast Highway  
Malibu, California 90263

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Co-sponsored by the American Electronics Association

# PROGRAM DESCRIPTION

Technology-driven companies, far more than most organizations, live at that razor’s edge of what has been called “creative destruction,” where arguably the most valuable personal and organizational skill is the ability to quickly and sensibly resolve conflict, in all its forms, both inside and outside the company.

Companies that create a culture that emphasizes the proven problem-solving strategies of modern dispute resolution gain a critical corporate advantage over those that engage in “business as usual.” And this advantage directly impacts the P&L.

At the conclusion of the program participants will be able to fully identify those opportunities in their companies where conflict management and dispute resolution strategies can help reduce or eliminate the gridlock that conflict too often creates; and implement a comprehensive policy that establishes these strategies as a corporate “bottom line” priority.

## PROGRAM SPONSORS

The Straus Institute for Dispute Resolution at Pepperdine University School of Law has long been considered one of the best, most comprehensive programs of its kind in the country. In 2003 the Straus Institute was ranked the Number 1 Dispute Resolution Program by U.S. News, in its annual survey of the nation’s best graduate school programs.

The American Electronics Association is the nation’s largest high tech trade association, and represents more than 3,000 companies with 1.8 million employees.

## PROGRAM FACULTY

Our distinguished faculty is drawn from the courts, technology companies, academia, and the law, and includes **Judge Jeremy Fogel** and **Chief Magistrate Judge Patricia V. Trumbull** of the U.S.D.C. for the Northern District of California; **James N. Casey**, Vice President & General Counsel, Philips Semiconductors, Inc.; **Barbara A. Caulfield**, Executive Vice President and General Counsel, Affymetrix, Inc., and former U.S.D.C. judge; **Diane Labrador**, Director of Risk Management, Intel Corporation; **Jack Skelton**, Litigation Solutions Law Group; **Kathryn K. Meier**, Hoge, Fenton, Jones & Appel, Inc.; Professors **Randy Lowry**, Director, **Peter Robinson**, Associate Director, **Roger Alford**, and **Jack Coe**, the Straus Institute for Dispute Resolution, Pepperdine University School of Law. Please see our complete faculty roster and bios at [law.pepperdine.edu/straus/conferences](http://law.pepperdine.edu/straus/conferences)

## FIRST DAY THURSDAY, SEPTEMBER 9, 2004

### 8:30 am–9:00 am

Welcome and Introductory Remarks: Dispute Resolution and the Successful Technology Company

### 9:00 am–10:15 am

**A CONVERSATION: *Creating the Conflict Management Culture at Intel***

A panel discussion of how Intel Corporation has harnessed the kinetic energy of conflict to propel innovation and timely problem-solving to create “bottom line” results. Learn about “constructive confrontation” as practiced at Intel, and its lessons for all technology businesses.

### 10:15 am–10:30 am

MORNING BREAK

### 10:30 am–12:30 pm

Attendees are encouraged to share their real-world dispute resolution experiences in the following sessions. *(pre-registration required)*

#### STRATEGIC NEGOTIATION: *Win As Much As You Can?*

Negotiation is the most basic dispute resolution skill, but all too often neglected. Strategies for successful companies that build long-term relationships while avoiding litigation landmines.

#### MEDIATION: *Winning Through Working It Out*

While not a panacea, mediation is clearly underutilized by technology companies in resolving disputes where impasse or drawn-out battles threaten important business plans and opportunities. Learn when mediation is appropriate, its benefits of speed, lower-cost, and confidentiality, when compared to traditional dispute resolution processes, and how to use it effectively.

#### ARBITRATION IN THE U.S.:

##### *Cost-Effective Arbitration Policies and Practices*

An examination of the use of domestic arbitration to resolve a variety of business disputes in a cost-effective manner; consumer disputes and drafting enforceable arbitration agreements; trends in court decisions on enforceability.

#### INTERNATIONAL COMMERCIAL ARBITRATION—PART I:

##### *Understanding and Avoiding the Pitfalls of Cross-border Transactions in a Global Economy*

An introduction to strategic drafting of trans-national agreements to arbitrate. How to select the best forum for a particular dispute among the alphabet soup of international arbitral societies and rules, and

others, while balancing the issues of speed versus cost versus quality of decision-making. Enforcement of awards through the New York Convention.

### 12:30 pm–2:00 pm

LUNCH

**FEATURED SPEAKER:** The Honorable Jeremy Fogel, Judge of the United States District Court for the Northern District of California: “How to Take Control of the Runaway Litigation Train: The Effective Use of ADR Not Only to Reduce Costs, But Produce Better Results.”

### 2:00 pm–4:00 pm

Attendees are encouraged to share their real-world dispute resolution experiences in the following sessions. *(pre-registration required)*

#### IP & ADR: *Arbitration and Mediation of Intellectual Property Disputes*

How to use DR to avoid and resolve costly and time-consuming patent, copyright, royalty and licensing disputes that threaten to result in a Pyrrhic legal victory, long after the time has passed to bring a new innovation to market.

#### RESOLVING CONFLICTS WITH GOVERNMENTAL ENTITIES:

##### *Adventures with the “Big Dog”*

How to employ DR strategies to effectively resolve a wide variety of disputes with the entire spectrum of government, from Washington to Main Street.

#### EMPLOYMENT AND THE WORKPLACE: *Working it Out*

Resolving employment issues before they become disruptive or destructive, and salvaging talent without sacrificing principles when key employees do dumb things.

#### INTERNATIONAL COMMERCIAL ARBITRATION—PART II:

##### *Operational Experiences with Cross-border Transactions in a Global Economy*

A continuation of the morning session, in a workshop format, with experienced participants sharing their experiences, good and bad, with trans-national agreements to arbitrate, and the wide variety of available arbitral forums.

### 4:00 pm–5:15 pm

#### RECEPTION

Please join us and enjoy the opportunity to meet faculty and other participants in an informal setting to continue the conversation and exchange ideas.

## SECOND DAY FRIDAY, SEPTEMBER 10, 2004

### 8:30 am–10:30 am

#### PLENARY SESSION:

##### *The Dollar\$ and Sense of Dispute Resolution*

An examination of the significance of appropriate dispute resolution choices for the technology company; educating employees on the “bottom-line” impact; the gathering of empirical data to measure results; and an opportunity for attendees to share experiences and ask questions.

### 10:30 am–10:45 pm

MORNING BREAK

### 10:30 am–12:30 pm

Attendees are encouraged to share their real-world dispute resolution experiences in the following sessions. *(pre-registration required)*

#### CUSTOMER SERVICE:

##### *When the Customer Is Not Always Right*

Learn how innovative companies are resolving “B” to “B” customer disputes while building better relationships, and minimizing consumer complaints while building customer loyalty.

#### “THEN WHY ARE YOU HERE?”:

##### *Overcoming Decision Inertia*

A dispute may be ready for resolution, but setting the stage for decision is one thing, getting the actors to act is another. A discussion of how people manage risk and uncertainty; the decision theory work of

Nobel Prize winner Daniel Kahneman and Amos Tversky, and its practical implications in a risk-taking environment. Learn how to get to closure, using a ten-point formula to propel the reluctant to resolution, sooner rather than later.

#### THE COMPANY AT THE CROSSROADS:

##### *Using Conflict Management Strategies from the Board Room to the Factory Floor to Create New Directions for Your Business*

Critical moments can occur at anytime in a company’s life cycle: a start-up venture facing conflicts over management, money, and business plans; an established company confronting labor issues; or a mature product line company facing the “do-or-die” challenges when established ways of doing business meet the threats of tomorrow. This session will show how proven conflict management can not only help resolve the conflicts created, but harness them.

#### ADR AND CORPORATE POLICY:

##### *One Size Does Not Fit All*

How to design and implement cost-effective conflict resolution mechanisms for use inside and outside the company. Learn to resolve a variety of issues, including employment, IP, licensing, marketing, supply chain, and other matters through comprehensive yet flexible corporate dispute resolution policy, and sensible DR provisions in a variety of agreements.

#### M & A: *When Two Companies Become One*

The role of conflict resolution in merging disparate corporate cultures in a time of corporate consolidation and rapid change.

### 12:30 pm–2:00 pm

LUNCH AND WRAP-UP PLENARY SESSION:

##### *The Limits of Dispute Resolution*

Join us for a unique wrap-up session where we will conclude by discussing the limitations of contemporary dispute resolution; when various ADR processes may be most productive; avoiding the trap of selecting the “right” process for the wrong dispute; the virtues of walking away, but not closing the door, and disengaging without damaging future prospects for resolution; and recognizing those cases that may be fated to try.

### 2:00 pm

ADJOURNMENT

#### *Program Faculty*

For additional presenters and faculty bios, as well as further information about the conference, please visit:

[law.pepperdine.edu/straus/conferences](http://law.pepperdine.edu/straus/conferences)

## PROGRAM COST

Registration before August 1, 2004: **\$695.00**

Registration after August 1, 2004: **\$895.00**

Space is limited, and early registration is strongly encouraged.

*To register please call, fax or e-mail the Straus Institute:*

tel (310) 506-6342 fax (310) 506-4437

[strausinstitute@law.pepperdine.edu](mailto:strausinstitute@law.pepperdine.edu).

*Or call or e-mail:*

**JACK SKELTON**, Program Chairman (650) 556-2168 [jaskelton@slg.com](mailto:jaskelton@slg.com) OR

**LORI RUSHFORD**, Program Administrator (310) 506-6342

[lori.rushford@pepperdine.edu](mailto:lori.rushford@pepperdine.edu)

## REGISTRATION FORM

Last Name \_\_\_\_\_ First Name *(as you would like it to appear on name tag)* \_\_\_\_\_

Organization \_\_\_\_\_ Position \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Business Phone ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_ Email address \_\_\_\_\_

Hotel accommodation listings included in confirmation of registration packet. Include your registration fee with this form. *Checks should be made payable to: Pepperdine University.*

Enclosed is my check in the amount of \$ \_\_\_\_\_ OR Please charge my  VISA  MasterCard

Card number \_\_\_\_\_ Expiration Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Submit to: Straus Institute for Dispute Resolution, Pepperdine University School of Law, 24255 Pacific Coast Highway, Malibu, CA

*Registrations can also be submitted on-line at [law.pepperdine.edu/straus/conferences](http://law.pepperdine.edu/straus/conferences)*