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Non-Trial Resolutions: Paving the Path to Justice

A Conference sponsored by the International Bar Association with the support of the Zurich Bar Association

13 December 2023

Kunsthhaus Zurich





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WORKING PROGRAMME

The International Bar Association with the support of the Zurich Bar Association will be hosting a conference in Zurich on the topic of the growing use for Non-Trial Resolutions (“NTRs”) in Europe. This conference is part of IBA’s Project Roll Out, which is intended to encourage broader implementation of NTRs, in line with the November 2021 OECD Recommendation for Further Combating Bribery of Foreign Public Officials in International Business Transactions.

This conference will gather thought leaders on this topic from across Europe, including representatives of the private bar and government officials, to discuss current and prospective implementation and use of NTRs in Switzerland and European countries, as well as any impediments to more widespread use of NTRs in the region.

Conference Co-Chairs:

Kara Brockmeyer, Debevoise & Plimpton, Washington DC
Tom Best, Paul Hastings, Washington DC
Matthias Gstoehl, LALIVE, Zurich

8.15 – 9.00am	Welcome Coffee
9.00 – 9.15am	Opening Remarks / Welcome Address by President of the Zurich Bar
Speaker	Matthias Gstoehl, Partner, LALIVE / Lukas Wyss, President of the Zurich Bar Association
9.15 – 10.15am	Session 1: How do NTRs work?
	<ul style="list-style-type: none">▪ NTRs manifest in different ways in different jurisdictions, but the OECD recommends they have some core features, primarily to establish clarity of expectations for both sides▪ Relevant expectations and stakes for government regulators/prosecutors?▪ Relevant expectations and stakes for corporate citizens?▪ Because these expectations will vary somewhat from jurisdiction to jurisdictions, processes can be flexible while still achieving goals of certainty and resolution.
Moderator	Simone Nadelhofer, Partner, LALIVE
Speakers	<ul style="list-style-type: none">▪ Drago Kos, Former Chair Working Group on Bribery in International Business Transactions, OECD▪ Martin Hilti, Managing Director, Transparency International Switzerland▪ Peter Burckhardt, Partner, Schellenberg Wittmer
10.15 – 11.15am	Session 2: The Status Quo in selected jurisdictions
	<ul style="list-style-type: none">▪ Overview of how NTRs work in selected jurisdictions▪ Chances and limitations in the respective jurisdictions▪ Comparison of the respective legal framework
Moderator	Fabio Cagnola, Partner, Cagnola & Associati
Speakers	<ul style="list-style-type: none">▪ Barbara Levi, Group General Counsel & Member of the Group Executive Board, UBS▪ Elisabeth Danon, Legal Analyst, OECD▪ Matthias Portmann, Federal Attorney, Office of the Attorney General▪ Bogdan Bibicu, Partner, Wolf Theiss
11.15 – 11.45am	Coffee Break



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11.45 – 12.30pm

Session 3: NTRs in Practice – the investigation phase

- Lifecycle of an investigation from government/private perspectives
- How to prepare for cooperation in an NTR from a private perspective
- Balancing government/private interests

Moderator

Tom Best, Partner, Paul Hastings

Speakers

- Sara Chouraqui, Joint Head of Bribery, Fraud and Corruption, UK Serious Fraud Office
- David Fuhr, Chief of the FCPA Unit, DOJ
- Juerg Wernli, Partner, Wernli Rechtsanwälte
- Daniel S. Weber, Counsel, Wenger Vieli

12.30 – 1.45pm

Lunch

1.45 – 2.30pm

Session 4: NTRs in Practice – Expectations for Corporate Compliance Programs

- International standards for corporate compliance programs
- How NTRs promote better corporate behavior

Moderator

Kara Brockmeyer, Partner, Debevoise

Speakers

- Satnam Lehal, Chief Compliance Officer, Danske Bank
- Daniel Bühr, Partner, LALIVE
- Natalia Shehadeh, General Counsel and Company Secretary, ABB
- Eike Bicker, Partner, Gleiss Lutz

2.30 – 3.15pm

Session 5: NTRs in Practice – the negotiation phase

- From reporting misconduct to executing an NTR
- Overview of the relevant framework
- Practical considerations

Moderator

Benjamin Borsodi, Partner, Schellenberg Wittmer

Speakers

- Sophie Scemla, Partner, Gide Loyrette Nouel,
- Maria Schnebli, Chief Federal Attorney, Office of the Attorney General
- Philippe Jaeglé, Deputy Public Prosecutor, Parquet national financier
- Karl Hennessee, Head of Litigation, Investigations and Regulatory Affairs, Airbus

3.15 – 3.45pm

Coffee Break

3.45 – 4.30pm

Session 6: NTRs in Practice – execution and monitoring phase

- How to efficiently monitor NTRs
- Public perception of successful NTRs

Moderator

Jürg Bloch, Partner, Niederer Kraft Frey

Speakers

- Eric Stupp, Partner, Bär & Karrer
- Laurent Tanugi-Cohen, Partner, Laurent Cohen-Tanugi Avocats
- Déborah Carlson-Burkart, Board member RUAG International, Alstom Network, N26 Bank
- Adrien Cadieu, General Counsel & Chief Compliance Officer, Idemia

4.30 – 4.45pm

Closing Remarks

Speaker

Matthias Gstoehl, Partner, LALIVE

4.45 – 6.45pm

Reception

Participation is free of charge.

Please register by email: xiemmello@lalive.law no later than 25 November 2023.

Places are limited and will be considered on a first come, first serve basis.

Venue Details

The Kunsthaus is in the heart of Zurich's old town close to the main railway station and the lake.

Kunsthaus Zürich
Heimplatz 1
8001 Zurich

Public Transport

Tram 3 / 5 / 9 and bus 31 to the 'Kunsthaus' stop

ZVV timetable information

Note: Zürich Card holders can travel free to the Kunsthaus on all forms of public transportation.

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