

# **“Victory or Defeat: Predictability vs. Confidentiality” - A Research Project of the German Arbitration Institute (DIS) - 3 March 2022, 12 to 2 pm (Bonn time)**

Arbitral proceedings are confidential, and this confidentiality is one of the biggest assets of arbitration. Arbitral awards usually must not be published without prior consent of the parties. However, as we all know, this confidentiality makes it difficult for parties to predict outcomes in a concrete case and the public is kept from learning about lines of case law and from innovative developments in the practice of arbitral tribunals. This problem is particularly relevant in relation to M&A disputes that hardly ever occur in state court litigation. This is the reason why a working group of the German Arbitration Institute (DIS) analysed more than 100 awards from DIS arbitrations, and these awards of course often relate to international disputes. The question is anyway a fundamental one of transnational commercial law and dispute resolution in general. The results are presented by a distinguished panel.

## **Programme:**

Dr Reinmar Wolff, member of the board of the DIS and University of Marburg:  
Welcome and Introduction

## **Part I**

Karl Pörnbacher, Hogan Lovells International LLP, Munich: Violation of pre-contractual information duties

Professor Dr Siegfried Elsing, LL.M., Orrick Herrington & Sutcliffe LLP, Düsseldorf: Disputes in connection with price adaptation / earn out

Dr Günter Pickrahn, LL.M., Baker McKenzie Rechtsanwalts-gesellschaft mbH, Frankfurt, Calculation of damages after violation of balance sheet warranties

Discussion

Johanna Wirth, LL.M., Hengeler Mueller Partnerschaft von Rechtsanwälten mbB,  
Berlin: Moderation

## **Part II**

Prof Dr Gerhard Wagner, LL.M., Humboldt University Berlin: Predictability v.  
Confidentiality: What is the right balance?

Dr Elmar Schweers, RWE Power AG, Essen: Response

Discussion

Johanna Wirth, LL.M., Hengeler Mueller Partnerschaft von Rechtsanwälten mbB,  
Berlin: Moderation

**The language of the online event is German.**

For more information see here:  
<https://255310.seu2.cleverreach.com/c/68157384/58a830d933b-r7cad2>.

Please register by 1 March 2022 here (or via the link in the Programme):  
<https://255310.seu2.cleverreach.com/c/68157385/58a830d933b-r7cad2>.

You have questions? Email to: [events@disarb.org](mailto:events@disarb.org).