

**AMERICAN COLLEGE OF COMMERCIAL FINANCE LAWYERS, INC.  
COLLEGE OF COMMERCIAL ARBITRATORS**

**CALL FOR PAPERS**

For

**Colloquium On Alternative Dispute Resolution Techniques  
For Use in Commercial Finance Transactions**

**OVERVIEW OF PROCEDURE:**

The American College of Commercial Finance Lawyers, Inc. (“ACCFL”) and the College of Commercial Arbitrators invite the submission of papers for presentation and publication by the Colleges on the topic of the use of alternative dispute resolution techniques in disputes relating to commercial finance transactions. This Call for Papers is being sent by the above colleges to their membership, as well as to all law schools in the United States of America and is being published in American Bar Association (“ABA”) publications and in trade and academic publications.

Individuals or organizations desiring to submit papers are requested to submit a short (300 word) abstract of the proposed paper on or before **December 15, 2007** to the following designated reporter:

Thomas J. Welsh, Regent  
American College of Commercial Finance Attorneys, Inc.  
c/o Brown & Welsh, P.C.  
530 Preston Avenue, 2<sup>nd</sup> Floor  
Meriden, Connecticut 06450  
United State of America  
**Telephone No.:** (203) 235-1651  
**Telefax No.:** (203) 235-9600  
**E-Mail:** [TJWelsh@BrownWelsh.com](mailto:TJWelsh@BrownWelsh.com)

The proposal submissions will be reviewed by representatives of the Colleges and parties will be notified of the selection of papers on or before **January 15, 2008**. Parties being invited to complete and submit papers are requested to have all papers, publication clearances and ancillary materials to the above reporter on or before **March 15, 2008**. Parties invited to submit papers will also receive copies of the abstracts of all other papers selected for participation.

Parties invited to submit papers may also be requested to be available to speak at colloquium presentations to be held at the Spring meetings of the ABA Dispute Resolution Section to be held in Seattle, Washington on April 3 through April 5, 2008 and the ABA Business Law Section, to be held in Dallas, Texas on April 10 through April 13, 2008. Parties may also be asked to attend and speak at a similar presentation at the ABA 2008 Annual Meeting and at an ABA Business

Law Section sponsored meeting to be held in Europe, depending upon availability and interest in the topics. Parties selected to speak at the ABA Section Spring Meetings must have speaking materials to the above reporter on or before **February 15, 2008**.

Selected papers will be organized and published by ACCFL in a book of colloquium papers by the American Bar Association or by another other publisher selected by the Colleges. Additional papers may be solicited and additional materials added to the publication in the discretion of the editors. All copyrights for such publication and reprints, and extracts therefrom and later editions thereof, shall be the property of ACCFL. ACCFL intends that the publication shall, to the greatest extent possible, be sold at the lowest possible cost to academics and practitioners; however any surplus or other remuneration from such publication, after reimbursing colloquium expenses, shall be shared, retained and used by the Colleges for their academic and charitable purposes.

### **OVERVIEW OF TOPIC:**

The use of alternative dispute resolution techniques in financing transactions has been of significant interest to the commercial finance bar. Anecdotal evidence suggests, however, that the attitude of the majority of the members of the commercial finance bar and of many major financial institutions is that such techniques do not work in commercial finance transactions—usually citing a variety of reasons including significant costs, delays and inconsistent results. Providers of alternative dispute resolution services are aware of these attitudes and have largely written-off promoting alternative dispute resolution techniques for such transactions. The alternative dispute resolution bar appears to be largely unaware of these attitudes and the potential need for new techniques and review of current practices to increase acceptance of alternative dispute resolution in financing transactions.

The purpose of the Colloquium is to provide information and a dialogue between academics and practitioners in the ABA Business Law Section, with knowledge and expertise in financial transactions, including commercial, corporate and public finance transactions, and academics and practitioners in the ABA Dispute Resolution Section, with knowledge and expertise in the use of alternative dispute resolution techniques and with alternative dispute resolution service providers. This dialog is intended to investigate the advisability of and challenges to use of alternative dispute resolution techniques in such matters and to recommend and consider techniques, including, but not limited to, specialized rules and panels, to address issues raised. This Colloquium is intended as a first step in the process of investigating problems and issues and in developing agreed techniques and dispute resolution clauses for use in these transactions by business lawyers and to make dispute resolution practitioners, academics and service providers aware of the special needs and circumstances that must be addressed to make alternative dispute resolution a viable option in complex commercial finance transactions and disputes.

Although proposals for papers are generally welcome and all papers related to this theme will be evaluated for publication, the Colleges anticipate that papers will be particularly required in the following general areas:

- a. Overview and History of Alternative Dispute Resolution in Financial Transactions
- b. Perceived Problems and Issues in Alternative Dispute Resolution in Financial Transactions
- c. Special Needs In Financial Transactions to Fashion Alternative Dispute Resolution
- d. Models of Alternative Dispute Resolution Techniques and Lessons From Other Areas – *i.e.* Securities, Construction and Employment Disputes
- e. Overview of Alternative Dispute Resolution Techniques Applicable to Financial Transactions – Pros and Cons
- f. Service Providers’ Points of View and Recommended Revisions of Rules, Special Panels and Implementation of Techniques
- g. Recommended Specific Techniques and Specific Provisions to be Included in Documentation of Commercial Finance Transactions

We anticipate that the topic for this colloquium will be limited to issues arising from United States domestic, rather than international, financial transactions and arbitrations – although proposals for papers relating to such transactions in Canada and/or Mexico or between the United States and these countries will be welcome.

#### **COLLOQUIUM PRESENTATIONS:**

As noted in the Overview of Procedure section above, the Colleges will invite a number of the participants (currently anticipated not to exceed four (4) participants) to attend and to speak at colloquium sessions of approximately 1-2 hours in length to be held at the Spring Meetings of the ABA Business Law Section, to be held in Dallas, Texas on April 10 through April 13, 2008 and of the ABA Dispute Resolution Section to be held in Seattle, Washington on April 3 through April 5, 2008. Participation in both of these meetings by a majority of the presenters would be requested to maintain a level of consistency in the presentations and to allow questions and dialog at these meetings to influence the final papers and publication. Participants in these Spring meeting colloquium sessions may also be asked to attend and speak at a similar presentation at the ABA 2008 Annual Meeting and at an ABA Business Law Section sponsored meeting to be held in Europe, depending upon availability and interest in the topics. Financial support for meeting fees and for travel and hotel reservations for attendance by presenting participants at the ABA Spring and Annual Meetings may be available from the sponsoring organizations.

#### **PUBLICATION REQUIREMENTS AND TOPICS:**

All papers submitted for publication must be original works of authorship, which may be published by ACCFL without further clearance or approvals. Consequently any and all copyright approvals necessary or convenient for the publication of the papers and other materials by ACCFL must accompany the submission of the final papers on or before **March 15, 2008**, and for any materials for the Spring meetings. All authors will be identified and acknowledged in the publication of the papers or any extracts therefrom or reprints thereof by either of the

Colleges. All papers should be in written form and delivered both in printed and in electronic form. Electronic text files in current Microsoft WORD or WordPerfect format are preferred. The Colleges reserve the right to accept or to reject any and all submissions in their sole discretion and to include or not to include any submissions in the final publication. ACCFL may edit papers for format and length in publication but will not make substantive changes without the approval of the author. All parties submitting papers must also provide such written consents as may be required by the publisher of the publication.

**FURTHER INFORMATION:**

For further information or to answer any questions please contact the above reporter, Thomas J. Welsh, using the contact information set forth above. Further information will also be also available on the Colloquium website sponsored by the Commercial Finance Committee of the ABA Business Law Section at <http://www.abanet.org/dch/committee.cfm?com=CL190021>,