



Business lawyers, litigation and human rights (role play)

Parallel session

29 November

08:15-09:45

Organized by Anti-Slavery International, DLA Piper, Doughty Street Chambers, Freshfields Bruckhaus Deringer LLP and Sancroft International

Short description: Two international law firms present a simulated mediation between a multinational corporation and individuals impacted by its operations, taking place against the backdrop of litigation in the English High Court. The role-play is set at the opening of a mediation convened in order to find a more effective and enduring resolution than the litigation can offer.

Speakers:¹

- Narrator/moderator - **Paul Bowden**, Partner, Freshfields Bruckhaus Deringer
- Mediator – **Elise Groulx Diggs**, Associate Tenant, Doughty Street Chambers; Convenor, Advisory Board of the Business and Human Rights Project, American Bar Association Center for Human Rights
- Claimant side:
 - Lawyer – **Deba Das**, Senior Associate, Freshfields Bruckhaus Deringer
 - Action Group expert representative - **Klara Skrivankova**, Anti-Slavery International
 - Action Group expert representative – **Isabella Stanbrook**, consultant, Sancroft International
- Defendant side:
 - Lawyer for True Travel plc - **Sarah Ellington**, Legal Director, DLA Piper
 - Lawyer for Cordobia Resorts JV - **Jess Hogan**, Senior Associate, DLA Piper

¹ Further information on speakers provided in Annex

Key session objectives and points for discussion

- Developing an appropriate mechanism for resolution of serious human rights impacts (i) within the corporate group, (ii) with respect to a JV, and (iii) with respect to suppliers.
- Forms of redress in different operating contexts: in particular, a company's responsibilities when national law is not fit for purpose.
- Responding to intense scrutiny from the media, investors, consumers and employees.
- The role of litigation in access to remedy, including emerging litigation risks around the world, and the legal bases for it (e.g. evolving duties of care, misrepresentation claims).
- Practical realities for companies facing litigation, e.g. (i) the importance of auditing human rights policies and public statements in light of emerging risk; and (ii) balancing oversight of subsidiaries/suppliers against risks associated with such close involvement.
- Issues for those seeking to bring litigation, both in-country against a subsidiary and overseas against the parent company of a multinational group (evidential, legal and financial barriers).
- The important facilitative role of human rights NGOs.

ANNEX. SPEAKERS SHORT BIOS.

Paul Bowden

Partner, Freshfields Bruckhaus Deringer

Paul is a partner in the disputes practice at Freshfields and is the Head of the firm's Global Business and Human Rights Group; Chair of UK National Justice Museum; past Chair of The Nottingham Law School and a leader in public legal education

Deba Das

Senior Associate, Freshfields Bruckhaus Deringer

Deba is a senior associate in our London office and a leading member of Freshfields' Global Business and Human Rights practice. He regularly advises multinational companies on strategies for developing human rights policies and procedures that are in line with the UN Guiding Principles on Business and Human Rights and UK Modern Slavery Act-compliant. His practice additionally focuses on competition and commercial litigation and commercial public law. Deba has represented public and private sector clients before both UK courts and tribunals and the European Courts.

Elise Groulx Diggs

Associate Tenant, Doughty Street Chambers

Elise Groulx Diggs advises corporations, governments and international organizations on the human rights and legal issues associated with their investment projects and global supply chains. She has expertise in assessing the legal risks of business operations in fragile states and conflict affected areas. She also assists and advises clients with mediation services and advice on remediation processes. Elise serves as the Convenor of the Advisory Board of the Business & Human Rights Project, American Bar Association (ABA) Center for Human Rights. She is an Officer of the CSR Committee of the International Bar Association (IBA).

Sarah Ellington

Legal Director, DLA Piper

Sarah has over 10 years' experience resolving disputes using both formal and informal mechanisms. She also advises on the risks and opportunities for business and other stakeholders presented by the developing business and human rights agenda. Sarah works with clients and colleagues across the globe, in particular Africa and the Middle East. Working closely with DLA Piper's Pro Bono practice, Sarah has advised a number of pro bono clients, including UNAIDS. She also leads the UK activities of DLA Piper's award winning Leadership Alliance for Women.

Jess Hogan***Senior Associate, DLA Piper***

Jess is a Senior Associate in the corporate team of DLA Piper in Amsterdam. She has a broad range of experience in cross-border M&A, international private equity, joint ventures and corporate restructurings. She has advised international, UK and New Zealand clients on transactions but also on continuing obligations such as corporate governance (being both England & Wales qualified and New Zealand qualified). She is an avid supporter of and contributor to the DLA Piper pro bono practice – and has supported clients such as UNICEF, WWF and Habitat for Humanity and also the IBA on its recent Business and Human Rights Projects.

Isabella Stanbrook***Sustainability Consultant, Sancroft International***

Isabella works for London-based sustainability consultancy Sancroft, where she specialises in business and human rights, responsible investment and sustainability strategy. Isabella joined Sancroft in 2015 from Tony Blair's Africa Governance Initiative, a charity that works to support effective government in Africa. Prior to this, Isabella worked with an agricultural enterprise in Malawi and with the UN's Office of the High Commissioner for Human Rights in Ethiopia. Isabella has an MSc in Human Rights from the LSE where her research focused on business and human rights, specifically looking at the challenges of ethically and sustainably sourcing tobacco and cotton from Malawi.

