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November 17-18, 2014
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Vancouver, BC, Canada

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The ABA Section of International Law has applied and received accreditation for continuing education credit in British Columbia, New Brunswick, Ontario, Saskatchewan, and Quebec. This program has been approved for 1.5 hours of Professionalism credit in Ontario and 1.5 hours of Ethics credit in Saskatchewan. This program qualifies for a total of up to 9.0 hours of credit in each province. Attorneys in other provinces may be eligible for CPD credits through self-reporting and should visit their provincial bar’s website for self-submission.

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This course is expected to qualify for 9.0 CLE credit hours (including 1.5 ethics hours) in 60-minute states, and 10.8 credit hours (including 1.8 ethics hours) in 50-minute states. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/cle/mandatory_cle.html.

Scholarships are available for this meeting. For more information on scholarships, please contact thomas.happell@americanbar.org.
Monday, November 17, 2014

8:00 – 9:00 AM
Registration & Breakfast
Oceanview Foyer

Sponsored By: GIBSON DUNN

8:45 – 9:00 AM
Opening Remarks
Oceanview Suites 5-6
Welcome remarks by Suzanne Anton QC, Attorney General and Minister of Justice for British Columbia

9:00 AM – 10:30 AM
OPENING PLENARY SESSION
Cross Border Ethics in the Digital Age
Oceanview Suites 5-6

Legal practice in North America cuts across national borders as well as provincial and state borders. Mexico, as a civil law system, contains its own set of assumptions and practices that may differ from the common law systems in the United States and Canada. Quebec as well provides another layer of complexity in evaluation cross-border rules relating to professional conduct. This program will cover various cross border ethical issues relating to transnational litigation as well as transactional topics, including choice of law and in-house counsel issues regarding attorney-client privilege, impact of surveillance, conflicts resolution and social media usage.

Panel Chair:
Steven Richman, Duane Morris LLP, New York, NY, USA

Speakers:
Nathan M. Crystal, Crystal & Giannoni-Crystal, LLC, Charleston, SC, USA
Shawn Harpen, Patrón Sprits International AG & Patrón Spirits Company, Schaffhausen, Switzerland
Kenneth N. Rashbaum, Barton LLP, New York, NY, USA
Ernesto Velarde-Danache, Ernesto Velarde-Danache, Inc., Brownsville, TX, USA

Ethics/Professionalism Credit Requested

10:30 AM – 11:00 AM
Networking Coffee Break
Oceanview Foyer

Track 1: Collaborating Globally
Oceanview Suite 1

11:00 AM - 12:30 PM
Global Litigation Moves North? Comparative Trends in Antitrust and Securities Class Actions and International Torts

Recent developments in Canadian securities and antitrust class action and international tort litigation are highlighting differences between US and Canadian approaches to global litigation. Increasingly, Canada’s appellate courts appear to be essentially lowering the bar to the bringing of such cases, just as the US appears to be seeing retrenchment. From indirect purchaser suits to securities class actions and international human rights based tort claims with minimal connections to Canada, come learn how Canada may be positioning itself to become a hub for international litigation and a plaintiff-friendly jurisdiction.

Panel Chair:
Katherine Kay, Stikeman Elliott, Toronto, ON, Canada

Speakers:
Scott Edelman, Gibson Dunn, Los Angeles, CA, USA
Scott Fairley, WeirFoulds LLP, Toronto, ON, Canada
David Kent, McMillan LLP, Toronto, ON, Canada
Melissa C. Pallett-Vasquez, Bilzin Sumberg, Miami, FL, USA

Track 2: Doing Business Within the Region
Oceanview Suite 2

11:00 AM - 12:30 PM
The Challenges of Defending Litigation in the Mexican, Canadian and U.S. Judicial Systems

The fundamentals and strategies involved in defending foreign litigation in the three different jurisdictions, the tests for assumption of jurisdiction in each system, application of the forum non conveniens test and what a foreign defendant or its insurance carrier can do to defend litigation in the jurisdictions foreign to it. This panel will include case law and statutory updates.

Panel Chair:
Susan Burns, Susan Burns LLC, Minneapolis, MN, USA

Speakers:
Timothy J. Law, Heifetz Crozier Law, Toronto, ON, Canada
Lisa Savitt, Crowell & Moring LLP, Washington, DC, USA
Ernesto Velarde-Danache, Ernesto Velarde-Danache, Inc., Brownsville, TX, USA
Welcome to the Club: CARICOM’s Competition Authority Joins its Neighbors from Canada, Mexico and the U.S. in Antitrust Enforcement

As the CARICOM authority begins to establish itself in the world of competition law, this panel will include regulators and practitioners from Canada, the U.S., Mexico and the Caribbean. Topics to be covered include the challenges of cross-border competition and cartel reviews; cooperation between antitrust agencies; and the thorny question as to whether every jurisdiction should actually have an antitrust authority.

Panel Chair:
Mark Katz, Davies Ward Phillips and Vineberg LLP, Toronto, ON, Canada

Speakers:
Michelle Cohen, Comisión Nacional de Defensa de la Competencia, República Dominicana
Raymundo Enriquez, Baker & McKenzie S.C., Mexico City, Mexico
Kusha Haraksingh, CARICOM Competition Commission, Paramaribo, Suriname
David R. Wingfield, Cassels, Brock & Blackwell LLP, Toronto, ON, Canada (Former Head of the Competition Law Section of the Canadian Department of Justice, 2011-2014)

Pre-Judgment Asset Freezing: The Lay of the Land Fifteen Years After Grupo Mexicano

Fifteen years ago, the United States Supreme Court tackled a question of great significance to litigants looking to United States-based assets to satisfy an eventual judgment in their favor. The case was Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc., et al., and the specific question before the Court was whether, in an action for money damages, a United States District Court has the power to issue a preliminary injunction preventing the defendant from transferring assets in which no lien or equitable interest is claimed? The Court answered the question in the negative. In the fifteen years since that decision, courts and litigants in cross-border disputes have wrestled with application of this precedent and independent precedent dealing with comity-based recognition and enforcement of foreign orders and decrees freezing assets pre-judgment. Join an expert panel of international practitioners as they canvas the North American legal landscape fifteen years after Grupo Mexicano and as they discuss practical tips learned in high profile cross-border cases including in cases with links to Mexico and Canada. The panelists will also discuss the status of the Uniform Law Commission’s recent Uniform Asset Freezing Orders Act.

Panel Chair:
Arnoldo B. Lacayo, Astigarraga Davis, Miami, FL, USA

Speakers:
Todd J. Burke, Gowling WLG, Toronto, ON, Canada
Stephen Cook, Brown Rudnick LLP, New York, NY, USA
Sarah K. McEachern, Borden Ladner Gervais, Vancouver, BC, Canada
Steven Richman, Duane Morris, LLP, New York, NY, USA

Networking Coffee Break
Oceanview Foyer

Transcending Sovereignty: Enforcement of Annulled International Arbitration Awards

The panel will discuss the competing views concerning the enforceability of international arbitration awards that have been annulled by a court at the seat of arbitration. Are awards truly transnational instruments that may, under applicable conventions governing enforcement, be enforced abroad even where they have been set aside by a court with prescriptive authority? Or are awards subject to the sovereignty of those supervisory courts? Different countries take different views, and the panelists will exchange and explain those views with an eye toward determining which approach better facilitates international dispute resolution.

Panel Chair:
James E. Berger, King & Spalding, New York, NY, USA

Moderator:
Marc J. Goldstein, Marc J. Goldstein Litigation and Arbitration Chambers, New York, NY, USA

Speakers:
Francisco Aninat, Bofill Escobar Abogados, Santiago, Chile
Vanessa Benichou, King & Spalding, Paris, France
Kei-Jin Chew, Tan Rajah & Cheah, Singapore
Patrick Goudreau, DS Welch Bussières, Montréal, QC, Canada
Rahim Moloo, Gibson Dunn & Crutcher LLP, New York, NY, USA
6:00 PM – 8:00 PM
Reception at Five Sails Restaurant

Enjoy stunning views of Vancouver’s Coastal Mountains, Coal Harbour and the Lions Gate Bridge while connecting with other attendees at a reception hosted by the American Bar Association and Canadian Bar Association International Law Sections, along with the U.S. Consulate General in Vancouver and the American Chamber of Commerce – Pacific! This event will be the perfect start to your first evening in Vancouver! Drinks & light hors d’oeuvres will be served. Five Sails is located on the R level of the Pan Pacific Hotel.

Sponsored by: Deloitte

This reception included in the registration fee.

Tuesday, November 18, 2014

8:00 AM – 9:00 AM
Networking Breakfast
Oceanview Foyer

Sponsored By: GIBSON DUNN

- Track 1: Collaborating Globally
  Oceanview Suite 1
  9:00 AM – 10:30 AM
  The Developing Energy Trade Between North America and Asia
  Asia continues to increase its importance in the global energy business. Recent years have seen a significant increase in oil and gas reserves and production in North America due largely to technological innovation and oil sands development. This increasing production, coupled with energy conservation and the continued development of renewable energy, has resulted in the decline of imports of petroleum products into North America. At the same time, the rapid development of Asian economies has resulted in the creation of Asian energy giants which have investments throughout the world, including North America, and key markets for petroleum products, including oil and LNG. This panel will discuss the current legal environment and challenges, and anticipated future trends, in the developing energy trade with Asia.
  
  Panel Chair:
  David Lefebvre, Gowling, Calgary, AB, Canada
  
  Speakers:
  Paul Deemer, Vinson & Elkins, Beijing, China & London, United Kingdom
  Guiying Guo, King & Wood Mallesons, Beijing, China
  Clark Roberts, International Business Development, Government of British Columbia, Victoria, BC, Canada
  Katherine Xilinas, Couzin Taylor LLP, Vancouver, BC, Canada

- Track 2: Doing Business Within the Region
  Oceanview Suite 2
  9:00 AM – 10:30 AM
  Causes and Effects: Data Compliance Challenges in the Wake of Edward Snowden, the US National Security Agency, Google’s Privacy Litigation and Mexico’s Privacy Notice Guidelines
  In 2014, Bob Dylan’s observation that “the times they are a changin’” became advice every senior executive, compliance officer and law firm took to heart. Significant new restrictions on management of personal data of European Union citizens in the revision of the European Union Privacy Directives will result in paradigm shifts in the way multinational corporations secure and transfer vital information. The EU and Mexico started down the path of greater data protection even before Edward Snowden released information about the data collection activities of the U.S. National Security Agency. Canada, a country the E.U. has long considered a nation with commensurate privacy protection, has shown increased concern about hosting of Canadians’ personal data in the U.S. Will these recent revelations about private and governmental surveillance lead Canada to increase its security and privacy protections as well? This interactive panel will explore the challenges for multinational corporations in the wake of revelations of governmental surveillance as well as private surveillance by companies such as Google and Microsoft, who have stated publicly that they or their algorithms read a significant amount of email on their systems. The implications for business information flows in the era of global e-commerce will be analyzed and risk management trends and practical suggestions for information security and stewardship will be discussed.
  
  Panel Chair & Moderator:
  Kenneth N. Rashbaum, Barton LLP, New York, NY, USA
  
  Speakers:
  Susan Burns, Susan Burns LLC, Minneapolis, MN, USA
  Demetrios Eleftheriou, EMC Corporation, Hopkinton, MA, USA
  Ashley Dymond, Hastings School of Law, San Francisco, CA, USA
  Michael Whitt Q.C., Bennett Jones LLP, Calgary, AB, Canada

10:30 AM – 11:00 AM
Networking Coffee Break
Oceanview Foyer
From credit card information to buying habits and loyalty programs, North American retailers have become a repository of vast and valuable stores of data and personal information. Recently, the vulnerability of these retailers’ IT systems has been put into question, as hackers have managed to unlawfully abscond with scores of customers’ personal data. This panel will help you advise clients as to how to avoid such breaches of privacy, and how to deal with the legal, political, and public relations fallout in the case of a breach.

**Panel Chair:**
David Spratley, Davis LLP, Vancouver, BC, Canada

**Speakers:**
Ryan Berger, Bull, Housser & Tupper LLP, Vancouver, BC, Canada
Stacey Anne Mahoney, Bingham McCutchen LLP, New York, NY, USA
Teresa Reguly, Torys LLP, Toronto, ON, Canada

Any company conducting business abroad is exposed to the potential application of anti-corruption legislation. Surveys of business executives reveal that a majority of them have encountered some form of actual or attempted corruption. As more jurisdictions adopt and enforce prohibitions on corrupt practices, cross-border due diligence needs to be tailored so that it will minimize the corruption risk in foreign jurisdictions. Companies engaged in cross-border M&A should understand – and appreciate – the different impact foreign anti-corruption laws can have on M&A transactions. By using a hypothetical, we will specifically address what impact anti-bribery laws have on due diligence and post-closing activities in relation to cross-border M&A transactions.

The panel will also discuss the business practices that a diligent company can practically adopt to protect itself against violation of anti-corruption laws in day-to-day operations. With the focus on significant investment in countries with weak governance, particularly in energy and natural resources and infrastructure, the panel will examine the regimes of Canada, one of the world's leaders in energy and mining expertise, as well as the United States and the United Kingdom, both key financing capitals underwriting global transactions.

**Co-Sponsored by:** International Energy and Resources Committee

**Panel Chairs:**
Jeffery A. Barnes, Borden Ladner Gervais, Toronto, ON, Canada
Alexander A. Jeglic, PPP Canada, Ottawa, ON, Canada

**Speakers:**
Melissa C. Pallett-Vasquez, Bilzin Sumberg, Miami, FL, USA
Clifford Sosnow, Fasken Martineau, Ottawa, ON, Canada
Carlos Velázquez de León, Basham, Ringe y Correa, S.C., Bosques de Las Lomas, Mexico