

PROGRAM BROCHURE

All programs to be held at the Parco dei Principi Hotel

ABA Section of International Law

2016 Europe Forum

May 29 – 31, 2016

Parco dei Principi Grand Hotel • Rome, Italy

- International Ethics
- Mergers and Acquisitions
- Dispute Resolution Under TTIP
- Collective Actions in the U.S. and EU
- Cross-Border Estate Planning
- Privacy and Data Security
- Cross-Border Criminal Law
- The International Criminal Court
- International Trade Agreements in the 21st Century
- Corporate Counsel Roundtable



ABA Section of
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Your Gateway to International Practice

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MANDATORY CONTINUING LEGAL EDUCATION CREDIT (MCLE)

Accreditation has been requested for the 2016 Europe Forum programs by the ABA MCLE Division from most states with general mandatory continuing legal education requirements for all lawyers admitted in that state.

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, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, 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 transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, visit http://www.americanbar.org/cle/mandatory_cle.html.

Scholarship request must be sent by email to intlawmeetings@americanbar.org prior to the conference's commencement. Onsite Scholarships are not available.

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ORDINE DEGLI
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BUNDESRECHTSANWALTSKAMMER

Meeting Program

SUNDAY, MAY 29, 2016

7:00 PM-8:00 PM

DRINKS RECEPTION AT HOTEL – RUSPOLI & TORLONIA

MONDAY, MAY 30, 2016

8:00 AM – 9:00 AM

REGISTRATION & BREAKFAST – FOYER & FERNANDES

8:55 AM-9:00 AM

OPENING REMARKS

Avv. Lucio Del Paggio, Vice Presidente della Fondazione Italiana per l'Innovazione Forense, Coordinatore della Commissione Internazionale UE del Consiglio Nazionale Forense, Rome, Italy

9:00 AM – 10:30 AM

PLENARY SESSION

Legal Hopscotch: Professional Ethics in Transnational Practice

Room: Gonzaga & Pallavicini

As legal practice has globalized, lawyers are virtually present and often act in jurisdictions beyond their home territory. This may be as part of a global firm with offices in multiple jurisdictions or as the result of cross-border dispute resolution or transactions. Even the definition of lawyer varies from place to place. While some jurisdictions -- like the U.S. -- seem to focus more on issues relating to the unauthorized practice of law, such can affect "foreign" lawyers whose practices touch the U.S. Similarly, U.S. lawyers operating in Europe must contend with rules such as increased data privacy protection and different concepts of privilege that bear on their own professional obligations of competent representation. This program explores these issues from the practical and theoretical perspectives in addressing the choice of law issues applicable to lawyers and their profession rules of conduct in such cross border situations. The panelists will engage in a roundtable discussion with active audience participation. **(ETHICS CLE)**

Committee Sponsors: International Ethics Committee; International Law Practice Management Forum

Panel Chair:

Steven M. Richman, Clark Hill PLC, Princeton, NJ

Moderator:

Steven M. Richman, Clark Hill PLC, Princeton, NJ

Panelists:

Hermann J. Knott, Luther Law, Cologne, Germany

Guido Cravetto, Studio Toso, Torino, Italy

Fiorella Alvino, Ughi e Nunziante, Rome, Italy

Gabriella Covino, Gianni Origoni Grippa Cappelli, Rome, Italy

10:30 AM – 11:00 AM

NETWORKING BREAK - FERNANDES

11:00 AM – 12:30 PM

CONCURRENT SESSIONS

Key Legal Issues in U.S. Mergers and Acquisitions for European Lawyers

Room: Medici

Investing abroad has become more attractive than ever before. As capital becomes more mobile, differences between countries narrow. Every CEO is looking for opportunities and not just in their home country. The last ten years has seen an increase in European companies buying iconic American companies. There is nothing to suggest this trend will not continue and not just for icons. So, what are the pitfalls for European buyers in doing a deal in the US? This panel of seasoned European and US lawyers will contrast and compare the differing approaches in structuring a deal in the US looking at due diligence, antitrust, tax, employment and even national security concerns. Recent developments in the US will be discussed with members of the audience actively encouraged to share their experiences and "light bulb" moments.

Committee Sponsor: Europe

Panel Chairs:

Mattia Colonnelli de Gasperis, Colonnelli de Gasperis Studio Legale, Milan, Italy
Randall Hanson, Womble Carlyle, Greensboro, NC

Moderator:

Randall Hanson, Womble Carlyle, Greensboro, NC

Speakers:

Mattia Colonnelli de Gasperis, Colonnelli de Gasperis Studio Legale, Milan, Italy
Pamela A. Fuller, Gremminger Law Firm, Washington, DC
Sara P. Sandford, Garvey Schubert Barer, Seattle, WA
Albert Garrofé, Cuatrecasas, Gonçalves Pereira, Barcelona, Spain
Lisl Dunlop, Manatt, Phelps & Phillips, LLP, New York, NY

ISDS Under TTIP: What is all the Fuss About?

Room: Gonzaga & Pallavicini

The Transatlantic Trade and Investment Partnership (TTIP) is a proposed free trade agreement between the United States and the European Union. A number of its provisions have evoked strong and sometimes emotional reactions on both sides of the Atlantic. One of the most controversial parts of the proposed agreement relates to "investor-state dispute settlement" (ISDS), which would allow an investor to bring a claim directly against the country hosting its investment, without requiring the intervention of the investor's home country.

The panelists will discuss the following questions, among others:

- (1) What does ISDS entail?
- (2) What do the opponents of ISDS find objectionable and why?
- (3) Are these objections well-founded?
- (4) What are viable alternatives to ISDS?
- (5) What will most likely happen?

Committee Sponsors: Europe; International Investment and Development; International Trade

Panel Chairs:

Holger Bielez, Wolf Theiss, Vienna, Austria
Bart Legum, Dentons, Paris, France

Moderator:

Bart Legum, Dentons, Paris, France

Speakers:

Kirstin Dodge, Homburger, Zurich, Switzerland
Luca G. Radicati di Brozolo, Catholic University of Milan, Milan, Italy
Maria-Chiara Malaguti, Catholic University of Rome, Rome, Italy
Jeremy Sharpe, Shearman & Sterling, London, United Kingdom

12:30 PM – 2:00 PM

NETWORKING LUNCHEON - FERNANDES

2:00 PM – 3:30 PM

CONCURRENT SESSIONS

Privacy v. Security: The Big Match in the Internet of Things World – A Legal and Practical Survey
Room: Medici

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Smart technologies like wearables, medical devices, biochips and connected cars – the Internet of Things – are more and more integrated into our lives. This not only impacts on how we live our lives but how we work. From now on anything that can be connected will be connected. The opportunities are endless. These unique identifiers result in the collection of massive volumes of data which inevitably will be commercially viable. As money speaks it will surely become harder to control how the information is used. This poses very significant privacy and security challenges causing problems which government and legislators are finding increasingly difficult to address. Cross jurisdictional challenges are raised particularly between the USA and Europe as the European data protection regime develops. This panel will highlight and analyze the challenges, how the legislators are trying to deal with this information explosion and where the opportunities are for business and lawyers alike.

Committee Sponsor: Privacy, E-Commerce and Data Security

Panel Chairs:

Alessandra Tarissi De Jacobis, Cocuzza & Associati, Milan, Italy
Manuela Cavallo, Portolano Cavallo, Rome, Italy

Moderator:

Alessandra Tarissi De Jacobis Cocuzza & Associati, Milan, Italy

Opening Remarks: Eric Rabe Chief Marketing & Communications Officer, HT S.r.l., Milan, Italy

Speakers:

Salli Swartz, Artus Wise, Paris, France
Laura Liguori, Portolano Cavallo, Rome, Italy
Malcolm McNeil, Arent Fox, Los Angeles, CA
Adam Pearlman, U.S. Department of Defense (appearing in his personal capacity), Arlington, VA

The New EU Regulation (Brussels IV): Understanding the Impact on Cross-Border Estate Planning and Administration

Room: Gonzaga & Pallavicini

Beginning on August 17, 2015, the "Brussels IV" regulations established a new legal framework governing the disposition of multinational estates in Europe. One of the most impactful parts of the new regime is the right to choose the governing law. International practitioners should be aware of the fundamental principles of these rules to properly advise their estate planning clients.

The panel will discuss the following questions, among others:

- (i) Will Brussels IV simplify the planning and administration of international estates?
- (ii) Will it establish certainty in governing law?
- (iii) Why allow individuals to opt in or out of certain succession rules?
- (iv) How does it affect forced heirship rules?
- (v) What issues remain unresolved?
- (vi) What issues will the practitioner encounter in the months and years ahead?

Committee Sponsors: International Private Client; International Family Law; Real Property Trusts and Estate Section International Tax Planning

Panel Chairs:

Frederick K. Schoenbrodt, Bressler, Amery & Ross, Florham Park, NJ
James I. Dougherty, Withers Bergman LLP, New Haven, CT

Moderator:

James I. Dougherty, Withers Bergman LLP, New Haven, CT

Speakers:

Diane Le Grand de Bellerocche, Cabinet François Tripet, Paris France
Donald Carroll, Pirola Pennuto Zei & Associati, Rome, Italy
Roberta Gentili Purcell, Gentili Purcell International Law Firm, Arizona/ Begota, Italy

3:30 PM-4:00 PM

NETWORKING BREAK - FERNANDES

4:00 PM – 5:30 PM

CONCURRENT SESSIONS

Got Class? A Comparison of Collective Actions from the US to the EU

Room: Medici

The ability of consumers and other litigants to pursue antitrust and other damages by collective action is still evolving in Europe. As the deadline for E.U. member states to implement measures for collective redress looms, more recommendations are being proposed by the E.U. Commission. All the while, the idea of impending US-style class action litigation and its perceived abuses strikes fear into European legislators and judges. How to provide meaningful consumer redress while avoiding procedural quagmires is a critical question. This panel will contrast the various developing European collective action rights and procedures with those in the U.S. Are the European fears justified? Is there a way to get collective action benefits without the detriments? Will Europeans succumb to the allure of the collective action with its promises of gold at the end of the rainbow? This program is a must for European dispute lawyers trying to understand this evolving type of litigation, and for U.S. lawyers advising clients doing business in Europe.

Committee Sponsors: International Antitrust Law; International Litigation; Europe

Panel Chair:

Stacey Anne Mahoney, Morgan, Lewis & Bockius LLP, New York, NY

Moderator:

Stacey Anne Mahoney, Morgan, Lewis & Bockius LLP, New York, NY

Speakers:

Andrew Bartlett, Osborne Clarke LLP, London, United Kingdom
Carsten Krueger, Cartel Damage Claims, Brussels, Belgium
Christopher Rother, Hausfeld, Berlin, Germany
Gabiella Muscolo, Italian Competition Authority, Rome, Italy

Lawyers, In-House Counsel, Prosecutors, Corporations, Employees, Victims: Managing the Risks, Rights and Interests of All Involved in Cross-Border Criminal Matters

Room: Gonzaga & Pallavicini

Panelists will discuss the ethical challenges created by the changing world of cross border investigations, how to deal with multiple enforcement authorities and "criminal settlements" (NPAs, DPA, plea bargaining, etc.). Issues will include enforcement cooperation, carbon copy investigations, employee liability (Yates memo, Libor individual prosecutions and disbarment enforcement), and privilege rules and data protection. Panelists will suggest ways for in-house counsel and law firms to adapt and what to expect next. **(ETHICS CLE)**

Committee Sponsor: International Criminal Law

Committee Co-Sponsors: International Anti-corruption
International Anti-Money Laundering; Europe; International Litigation

Panel Chair:

Stéphane de Navacelle, Navacelle, Paris, France

Moderator:

Stéphane de Navacelle, Navacelle, Paris, France

Speakers:

Katrin Ivell, Homburger, Zurich, Switzerland
Alexander Vesselinovitch, Freeborn & Peters LLP, Chicago, IL
Karl Sidhu, Roxin, Munich, Germany
Francesco Isolabella, Studio Legale Isolabella, Milan, Italy

6:00 PM – 8:00 PM

RECEPTION AT CASINA VALADIER

Piazza Bucarest, 00187 Roma, Italy

TUESDAY, MAY 31, 2016

8:00 AM – 9:00 AM

REGISTRATION & BREAKFAST – FOYER & FERNANDES

9:00 AM – 10:30 AM

CONCURRENT SESSIONS

The Statutes or Statutes of Rome: Which Will Last Longer? The Successes and Failures of the Rome Statute After 14 Years

Room: Medici

The Rome Statute was ratified in 2002 by 121 countries. It created the International Criminal Court (ICC), which is designed to "bring justice to those responsible for the crimes of genocide, crimes against humanity and war crimes, with global jurisdictions as a court of last reports when national authorities cannot or will not, prosecute." Fourteen years after its creation, it is time to review the ICC's successes, failures and limitations. This panel will discuss the definition(s) of a criminal war of aggression, comment on the enforcement of the Rome Statute against heads of state and review ICC investigations of Iraq, Georgia, Ukraine and Darfur. The panel will also probe whether a focus on Africa is helpful to African nations or a reflection of prejudice. Finally, the speakers will give first-hand views of (i) the creation of a new constitution, (ii) the International Criminal Tribunal for the former Yugoslavia and its challenges of ensuring the Rule of Law with an internationally diverse judiciary and (iii) the enforcement of ethical norms and codes against international judges and prosecutors.

Committee Sponsor: International Criminal Law

Committee Co-Sponsors: US Lawyers Abroad; International Corporate Counsel

Panel Chair:

Cara Lee Neville, Benchmark National ADR, Minneapolis, MN

Moderator:

Cara Lee Neville, Benchmark National ADR, Minneapolis, MN

Speakers:

John Hagan, American Bar Foundation, Chicago, IL
Linda Murnane, Fuutlaan #1, Leidschendam, Netherlands
Hon. John R. Tunheim, US District Court of Minnesota, Minneapolis, MN
Shamiso Mbizvo, International Criminal Court, The Hague, Netherlands

Transatlantic Trade and Investment Partnership: How Will It Change World Trade in the 21st Century?

Room: Gonzaga & Pallavicini

The Proposed Transatlantic Trade And Investment Partnership (TTIP) may be the most expansive and comprehensive bilateral trade agreement ever negotiated. Will this new agreement that covers 30% of world merchandise trade, 40% in world services trade and nearly half of world GDP, be the final death knell for the failed World Trade Organization, whose 15 year efforts to achieve a successful multilateral trade agreement in the now abandoned DOHA round has failed. Will the TTIP become the world's dominant trading regime? What will become of the aspirations of the less developed countries and BRIC countries?

Will a TTIP merger with the recently concluded Transpacific Trade Partnership (TPP) be desirable?

Committee Sponsor: Customs Law

Panel Chairs:

Les Glick, Porter Wright Morris & Arthur, Washington, DC
Greg Kanargelidis, Blake Cassels & Graydon LLP, Toronto, Canada

Moderator:

Greg Kanargelidis, Blake Cassels & Graydon LLP, Toronto, Canada

Speakers:

Marinella Loddo, Italian Trade Agency, Milan, Italy
Luigi Pavenello, Attorney, Verona, Italy
Les Glick, Porter Wright Morris & Arthur, Washington, DC
Giorgia Giovannetti, University of Florence, Florence, Italy

10:30 AM – 11:00 AM

NETWORKING BREAK - FERNANDES

11:00 AM – 12:30 PM **PLENARY SESSION**
Best Practices for In-House Practice Management in 2016
Room: Gonzaga & Pallavicini

In a changing world the main questions remain the same but the answers and solutions are different. The panel will address how the in-house practitioner can effectively and efficiently manage: risks, compliance requirements, in-house resources and costs, outside counsel, other resources and tools and related costs, relationships and communication with management and cross-functional projects. The panel will discuss which solutions can be common across industries and regions and which are industry/region specific. Panelists will be in-house counsel based in Europe and will focus mainly on answers from a European perspective.

Committee Sponsor: International Corporate Counsel

Panel Chair:
Emmy Klitsaki Fortis, Ingersoll Rand International Ltd., Brussels, Belgium

Moderator:
Emmy Klitsaki Fortis, Ingersoll Rand International Ltd., Brussels, Belgium

Speakers:
Georgia Magno, GE Oil & Gas, Florence, Italy
Stéphanie Fougou, Vallourec, Paris, France
Marco Sugarelli, Pfizer Italia S.r.l., Rome, Italy
Claudia Richietti, ANAS S.p.A, Rome, Italy
Anne-Celine Jean, Rexel, Paris, France

12:30 PM – 12:35 PM **CLOSING REMARKS**
Prof. Avv. Salvatore Sica, Consigliere Consiglio Nazionale Forense, Vice Presidente della Scuola Superiore dell'Avvocatura, Professore ordinario di diritto privato presso l'Università degli Studi di Salerno, Salerno, Italy

2:30 PM -5:00 PM **ROME WALKING TOUR (OPTIONAL)**

Tour includes English speaker guide with stops at Borghese park, Pincio terrace, Piazza del Popolo, Trinita' dei Monti, Piazza di Spagna, Trevi Fountain, Piazza Colonna, Piazza di Pietra, Piazza Sant'Ignazio, Pantheon, Palazzo della Sapienza, Piazza Navona **Tour participants should meet in the hotel lobby by 2:15 pm.**

8:00 PM **AMERICAN BAR FOUNDATION:
INTERNATIONAL FELLOWS DINNER**

This event is being planned by the American Bar Foundation Fellows Program and has a separate registration site:
<http://www.americanbarfoundation.org/fellows/events/567>

All conference participants are invited to attend.

The dinner will take place at the Hotel Majestic Roma which is located directly on Via Veneto, within walking distance from Villa Borghese, Trevi Fountain, Spanish Steps and the city's finest boutiques. Guests will be treated to a welcome aperitif on the private Terrazza before enjoying a delicious four-course meal (Cost US\$150).